

UPTOWN D2 DISTRICT FORM-BASED CODE

PORTSMOUTH, VIRGINIA

FINAL

NOVEMBER 24, 2009

REVISED

DECEMBER 14, 2010

How to Use the Code

1. Determine if property in question is located within the Uptown D2 District.
2. Look at the adopted REGULATING PLAN. Find the property in question. Note the REQUIRED BUILDING LINE and the PARKING SETBACK LINE. Note the color of the fronting STREET-SPACE—this determines the applicable BUILDING ENVELOPE STANDARD (see the key located on the REGULATING PLAN).
3. Find the appropriate BUILDING ENVELOPE STANDARDS pages in Part 4. Building Envelope Standards. The BUILDING ENVELOPE STANDARDS will tell you the parameters for building on the site in terms of height, siting, elements, and use.
4. Additional information regarding streets and other public spaces surrounding the property are found in Part 5. Urban Space Standards, Part 6. Architectural Standards, and Part 7. Parking and Loading Standards. These sections establish the general parameters for the character of the STREET-SPACE including vehicular traffic lane widths, curb radii, sidewalk and tree planting area dimensions, and on-street parking configurations; basic parameters and palettes for architectural elements and building materials; and parking requirements.

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Part 1. General Provisions

101. Title

This Code is known as the Uptown D2 District Form-Based Code.

101. Purposes

- A. The *City of Portsmouth Comprehensive Plan Destination 2025* (adopted April 29, 2005) identifies High Street as a FOCUS (Fulfilling Our Comprehensive Urban Strategy) Revitalization Corridor between Effingham and Airline Boulevard. This Code is intended to meet the goals of the Comprehensive Plan by providing strong implementation tools for this area.
- B. The Code is designed to foster a setting for economic growth and development in a sustainable mixed-use pattern of diverse urban neighborhoods, integrating residential with employment and commercial uses (as well as recreational opportunities), within the Uptown D2 District.
- C. The Code shall be applied to new, infill development, and re-development in the designated locations both in order to achieve the vision set forth for the Uptown D2 District and to provide a mechanism for implementing the following specific goals, using both public and private sector investment:
 - 1. Capitalize on public investment in existing infrastructure
 - 2. Promote compact, mixed-use development at moderate to high densities
 - 3. Ensure transit-supportive and transit-serviceable development
 - 4. Require pedestrian-oriented and transit-oriented design
 - 5. Ensure compatibility with surrounding neighborhoods
- D. The creation of transit- and pedestrian-oriented development is dependent on three factors: density, diversity of uses, *and* design. The Code places greatest emphasis on the third element (design, or physical form) because it is of greatest importance when creating the places that attract jobs and economic vitality. Density and uses can be expected to change over time as the district grows and matures.

102. Other Applicable Regulations

- A. All development must comply with relevant Federal, State and City regulations. Whenever any provision of this Code imposes a greater requirement or a higher standard than is required in any State or Federal statute or other City ordinance or regulation, the provisions of this Code shall govern unless preempted by State or Federal law.
- B. Where apparent conflicts exist between the provisions of this Code and other existing ordinances, regulations, or permits, or by easements, covenants, or agreements the CODE ADMINISTRATOR shall determine, based on which promotes the intent of this Code and Masterplan, which provisions shall govern.

103. Minimum Requirements

In interpreting and applying the provisions of the Code, they are the minimum requirements for the promotion of the purposes of this Code.

104. Territorial Application

The Code is in effect for that part of the City of Portsmouth, Virginia, designated on the Zoning Map as the D2 District.

105. Severability

Should any provision of this Code be decided by the courts to be unconstitutional or invalid, that decision shall not affect the validity of the Code other than the part decided to be unconstitutional or invalid.

106. Components of the Code

This Code places a primary emphasis on physical form and placemaking, with a secondary focus on land uses. The principal regulatory sections of this Code are described below.

A. Administration

Administration covers applications for development plan approval.

B. The Regulating Plan

1. A REGULATING PLAN is the application key for the Code. It provides a public space master plan with specific information on development parameters for each parcel within the district. The REGULATING PLAN includes the specific details necessary to create the physical form and character of a mixed-use, pedestrian-oriented place and allow expedited development approvals.
2. The REGULATING PLAN shows how each lot relates to the STREET-SPACE (streets, SQUARES/CIVIC GREENS, PEDESTRIAN PATHWAYS, etc.) and the surrounding neighborhood. The REGULATING PLAN may identify additional regulations for lots in specific locations.

C. The Building Envelope Standards

1. The primary intent of the BUILDING ENVELOPE STANDARDS (BES) is to shape the street-space—its specific physical and functional character—through placement and form controls on buildings as they frame the STREET-SPACE or public realm. The secondary intent of the BUILDING ENVELOPE STANDARDS is to ensure that the buildings cooperate to form a functioning, sustainable, block structure. These BES aim for the minimum level of control necessary to meet those goals. Regulating by street frontage produces a coherent and integrated STREET-SPACE with less interference in the private activities within the lots.
2. The BUILDING ENVELOPE STANDARDS establish basic parameters governing building form, including the buildable envelope (in three dimensions) and certain permitted and/or required elements, such as storefronts, balconies, and STREET WALLS. The BUILDING ENVELOPE STANDARDS establish both the boundaries within which things may be done and specific things that must be done. The applicable standard for a building site is determined by the street frontage designated on the REGULATING PLAN.

D. The Street Type Specifications

The street type specifications illustrate typical configurations for streets within the district. They address vehicular traffic lane widths, curb radii, sidewalk and tree planting area dimensions, and on-street parking configurations.

E. The Urban-Space Standards

The purpose of the urban-space standards is to ensure coherent STREET-SPACE and to assist builders and owners with understanding the relationship between the public space of the district and their own building. These standards set the parameters for the placement of STREET-TREES and other amenities or furnishings (e.g., benches, signs, street lights, etc.) within the STREET-SPACE.

F. The Architectural Standards

The goal of the architectural standards is a coherent and quality building character that is complementary to the best traditions of Portsmouth. The architectural standards govern a building's exterior elements regardless of its BES and set the parameters for allowable materials, configurations, and techniques. Materials and products that are 'EQUIVALENT OR BETTER' than those specified are always encouraged and may be submitted for approval to the CODE ADMINISTRATOR.

G. Building Function Standards

The building function standards provide for the uses allowed on ground floors and in upper floors, correlated with each BUILDING ENVELOPE STANDARD. Because the Code emphasizes form more than use, it includes fewer, broader categories than those provided in the zoning ordinance. True CIVIC USES, in CIVIC USE BUILDINGS, are narrowly defined (see Part 9, Definitions, and exempt from many of the BES requirements.

H. Parking and Loading Standards

Parking and loading standards provide goals and requirements to promote a "park once" environment through shared parking and encourage a pedestrian-friendly district.

I. Definitions

Certain terms in the Code are used in very specific ways, often excluding some of the meanings of common usage. Wherever a word is in SMALL CAPITALS format, consult the definitions for its specific and limited meaning. Where there is an apparent contradiction between the definitions in this Code and those in the Zoning Ordinance, this Code definition shall prevail.

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Part 2. Administration

201. Applicability

This section, Part 2, Administration, sets forth the provisions for reviewing and approving development applications within the Downtown D2 District where a landowner or developer chooses to develop pursuant to this Code. This is to ensure that all development occurring under the Form-Based Code is consistent with the provisions of this Code. All four elements of the Form Based Code - the Regulating Plan, the Building Envelope Standards, the Urban Space Standards, and the Architectural Standards - will be applied during review.

There are two review processes for the Code option: Type I Development and Type II Development. The Type II Development process is dependent upon site size and/or the need for deviations from the Code. Projects approved through the Type II Development process shall nonetheless meet the intent of the Code.

202. Code Administrator

A. Authority

The CODE ADMINISTRATOR is responsible for planning staff working on the day-to-day administration and enforcement of this Code and is specifically authorized to review and approve applications for development plan approval, administrative adjustments, and D2 Certificates of Compliance (COC).

B. Delegation of Authority

The Planning Director may designate any Planning staff member to represent the CODE ADMINISTRATOR in any function assigned by this Code. The CODE ADMINISTRATOR remains responsible for any final action.

203. Application of Code

The Uptown D2 District Form-Based Code process is intended to provide an incentive to property owners and developers to develop in a particular form. This Code is applicable to the Uptown D2 District as shown on the official Zoning Map and the D2 District Regulating Plan.

204. Uptown D2 Development Plan Application

A. Pre-Application Conference

1. Prior to submitting a formal application for development plan review, an applicant must schedule a pre-application conference with the CODE ADMINISTRATOR to discuss the requirements of this Code.
2. A request must be accompanied by preliminary project plans and designs.
3. The CODE ADMINISTRATOR will inform the applicant of requirements as they apply to the proposed project, discuss issues of concern that may arise during formal application review, suggest possible modifications to the proposed application, and identify any technical studies that may be necessary for the review process when a formal application is submitted.
4. Any discussion held is not to be binding on either the applicant or the city.

B. Code Administrator Action

Upon submission of a completed application, the CODE ADMINISTRATOR will review the development plan for consistency with the requirements of this Code. The appropriate review process of a development plan is determined by the size of the proposed

development.

1. **Uptown D2 Type I Development Option:** Projects of building area less than or equal to 60,000 gross square feet (with or without Administrative Adjustments) shall be able to build as a matter of right when they meet all of the standards of the Code in accordance with Section 40-2.3 Standards and Requirements for Applications for Permits and Development Approvals, Subsection (C): Type I Development Plan and the requirements in this subsection. During the review of the application, the CODE ADMINISTRATOR will be responsible for reviewing Administrative Adjustments. A D2 Certificate of Compliance will be issued upon approval of the application by the CODE ADMINISTRATOR. Permits will not be issued for building activity until review is completed and a determination made that the proposal is consistent with the Code

(i) THE CODE ADMINISTRATOR will forward the application to appropriate city departments and agencies for review and recommendation.

(ii) Upon completion of the staff and agency review, the applicant may choose to meet with the CODE ADMINISTRATOR to discuss any required changes or conditions to the development plan.

(iii) Within 30 days after the application has been determined complete, the CODE ADMINISTRATOR must approve, approve with conditions, or disapprove the Uptown D2 Type I development plan, and state the reasons for such action. Upon approval of the application, a D2 Certificate of Compliance will be issued in accordance with Section 205.

2. **Uptown D2 Type II Development Option:** The Uptown D2 Type II Development process will be required for buildings over 60,000 gross square feet or with floorplates over 30,000 gross square feet and as defined by Section 40-2.3 Standards and Requirements for Applications for Permits and Development Approvals Subsection (D): Type II Development Plan. Such sites will be required to meet the intent of the Code and will be evaluated in terms of how well they conform to the Code and meet other objectives of the *High Street and London Boulevard Corridors Charrette Report*. The Type II Development process will give the opportunity for appropriate deviations from the Code that are consistent with the City's goals and plans to revitalize the Uptown D2 District. The justifications for these deviations may include problems related to topography or street grade, the location of alleys and streets, breaks and passages between buildings, signs, streetscape details, design issues related to the inclusion of existing buildings or mature trees as part of a development proposal. The Uptown D2 Type II Development process also provides the opportunity for community input as well as fine tuning of a development proposal to address issues that may not have been contemplated by the Code. The public hearing is to address the project's compliance with the Code and the extent of any minor deviations from the Code requirements – not to revisit or redesign aspects of the project that are within the parameters of the Code.

C. Approval Criteria

The CODE ADMINISTRATOR shall review the application in accordance with the following:

- (i) Compliance with this Code; and
- (ii) Compliance with the Uptown D2 District Regulating Plan.

D. D2 Certificate of Compliance Issuance

Upon approval of the application, the CODE ADMINISTRATOR shall issue a D2 Certificate of Compliance in accordance with the provisions Section 205 (below).

E. Modifications to Approved Uptown D2 Development Plans

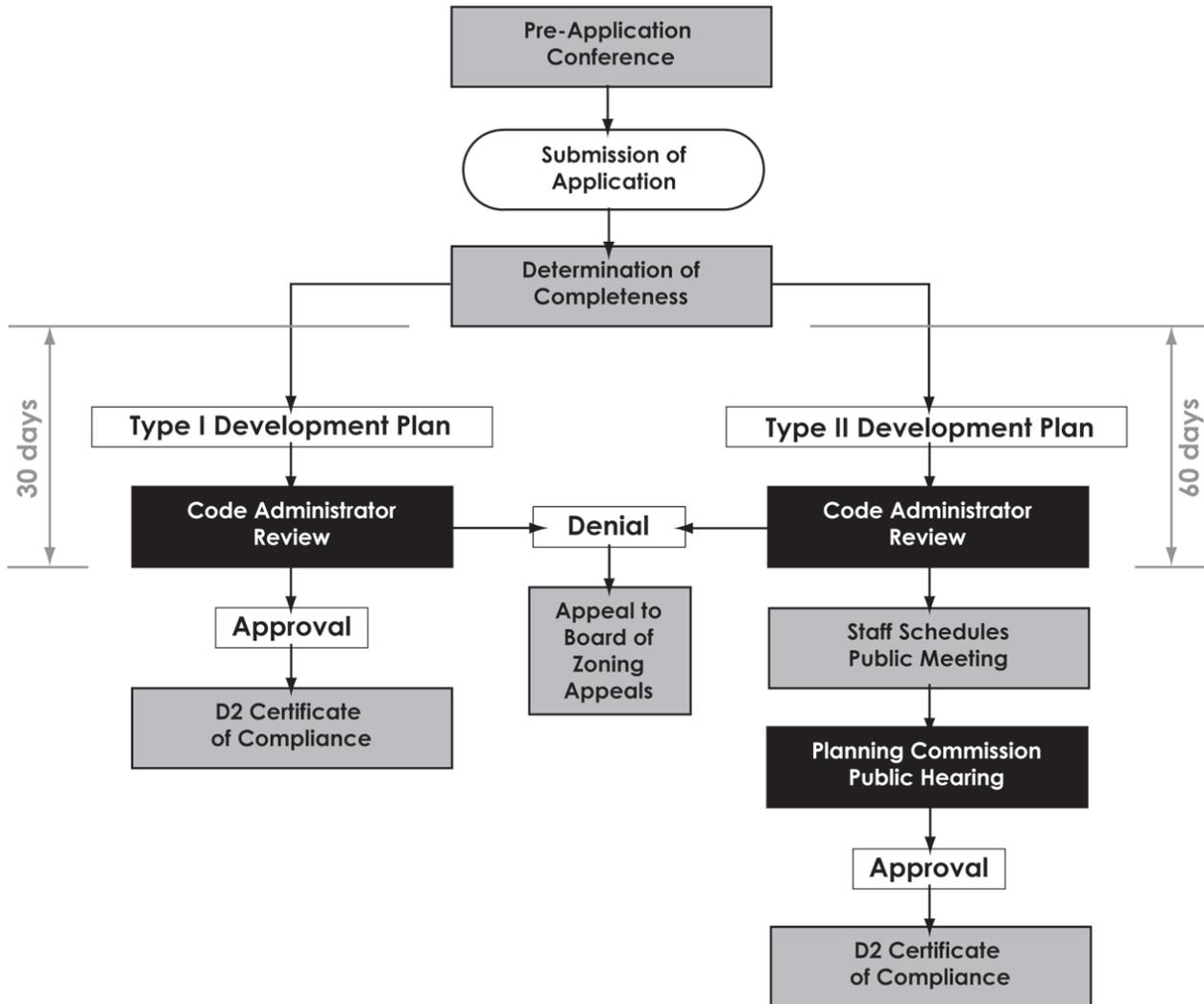
The CODE ADMINISTRATOR has the authority to grant modifications to Uptown D2 Development plans, approved under this Code, in accordance with the procedures and standards that governed its original approval.

F. Effect of Uptown D2 Development Plan Approval

Approval of an Uptown D2 Development plan and issuance of a D2 Certificate of Compliance by the CODE ADMINISTRATOR allows an applicant to apply for other permits and approvals including, but not limited to, those permits and approvals required by the building code.

G. Appeal

An appeal from the CODE ADMINISTRATOR's decision on an Uptown D2 Development Plan application shall be reviewed and decided by the BZA in accordance with Article 40-2: Administration, Section 40-2.3 Standards and Requirements for Applications for Permits and Development Approvals, Subsection (M): Appeal.



205. D2 Certificate of Compliance

A. Purpose and Intent

The purpose and intent of this section is to establish procedures and standards for D2 Certificates of Compliance (COC) for development under this Code.

B. Authority

The CODE ADMINISTRATOR shall approve all COCs upon compliance with the provisions of this Code.

C. Applicability

	BES - Height	BES - Siting	BES - Elements	BES - Uses	Architectural Standards, Dooryard & Private Open Space Plantings	Architectural Standards - Materials	Architectural Standards - Signs	Urban Standards - Street Trees
General, General Shopfront, Workshop, or Townhouse/Small Apartment Frontages								
New Construction	X	X	X	X	X	X	X	X
Change of Use, Expansion of Use in an existing structure				X				
<u>Expansion of Building Area</u>								
0%-25% expansion of building area and/or increase in building value or area	X		X	X				CA
26%-50% expansion of building area and/or increase in building value or area ¹	X	X	X	X	X	X	X	X
51% expansion of building area and/or increase in building value or area ²	X	X	X	X	X	X	X	X
<u>Expansion of Parking Area Only (not in conjunction with a use/building)</u>								
Up to 10 spaces		X			X	X		CA
11 or more additional spaces		X	X		X	X	X	X
Façade Changes (increase/decrease in fenestration, awnings)			CA					
Detached Frontages								
New Construction	X	X	X	X	X	X	X	X
Change of Use, Expansion of Use in an existing structure				X	X			
<u>Expansion of Building Area</u>								
0%-50% expansion of building area and/or increase in building value or area ¹		X	X	X	X			
> 50% expansion of building area and/or increase in building value or area ²	X	X	X	X	X	X	X	
Façade Changes (increase/decrease in fenestration, awnings)			CA					
Notes:								
CA CODE ADMINISTRATOR'S discretion								
¹ Expansions of Building Area at or below the 50% level shall, in themselves, comply with the Code (will not require the retrofitting of existing elements).								
² Expansions of Building Area above the 50% level shall require complete compliance with the Code (will require the retrofitting of any remaining existing elements).								

D. Administrative Adjustments

The purpose and intent of this section is to provide an administrative mechanism for allowing minor adjustments, to the requirements of this Code based on specific standards, with the intent of providing relief where the absolute application of a standard creates practical difficulties in allowing development to proceed. These adjustments are primarily intended to provide contingency relief for construction/survey errors – within strictly limited parameters. These adjustments are not intended for designed deviations from the Code. This process occurs only where the applicant requests an Administrative Adjustment to a standard as specified below in the Uptown D2 Development Type application process.

1. Basic Procedures

(i) Except as modified below in subsection ii, the procedures and requirements for the initiation, submission, completeness determination, review, and decision on applications for D2 Certificates of Compliance and Administrative Adjustments are as established in Section 40-2.2, Common Review Procedures.

(ii) No staff report, no public notification, and no public hearing is required for Administrative Adjustments in the Uptown D2 District.

2. Review and Action by the CODE ADMINISTRATOR

Upon receipt of a complete application, the CODE ADMINISTRATOR shall review the application in accordance with the Approval Criteria and the Administrative Adjustment Standards (below), and take one of the following actions:

- (i) Approval of the application as submitted; or
- (ii) Approval of the application with conditions (See Section 40-2.2(M), Conditions of Approval); or
- (iii) Denial of the application.

E. D2 Administrative Adjustment Standards

The CODE ADMINISTRATOR will review the request in light of the intent of the applicable requirements. The CODE ADMINISTRATOR is authorized to approve Administrative Adjustments for the following standards:

1. Height

- (i) Minimum and maximum storey heights - up to ten percent for any one storey, limit of five percent for any cumulative increase or decrease in building height.
- (ii) Street wall/fence requirements – up to ten percent.
- (iii) Finished floor elevation – up to five percent.

2. Siting

- (i) Required Building line – increase of up to 6 inches (from the specified 20 inches to 26 inches in width).
- (ii) Required building line minimum percentage built-to – reduction of up to five percent of required length.
- (iii) Mezzanine floor area – up to ten percent additional area.
- (iv) Street wall requirements – up to ten percent.
- (v) Entrances (maximum average spacing) – up to five percent increase in spacing.

3. Elements

- (i) Fenestration (minimum and maximum percent) – up to five percent.
- (ii) Elements (minimum and maximum projections) – up to five percent.

4. Architectural Standards

- (i) Primary and accent materials – up to ten percent.
- (ii) Window and pane dimensions – up to five percent.
- (iii) Shopfront entry geometry – up to ten percent.
- (iv) Materials – acceptable equivalent or better material.

5. Streets, Blocks and Alleys

- (i) Street center lines may be moved up to 50 feet in either direction, as long as:
 - the street connectivity is maintained (cul-de-sacs are not permitted); and
 - no street intersection occurs within 100 feet of another street intersection.

F. Relief from Unlisted Standards

Any request for relief from a required standard other than those listed above, will be reviewed as a Variance by the Zoning Administrator.

G. Effect

Issuance of a COC shall authorize only the particular Administrative Adjustment that is approved in accordance with this section. The Administrative Adjustments shall run with the land and not be affected by a change in ownership.

H. Expiration

1. Unless otherwise specified in the COC, an application for a building permit shall be applied for and approved within one year of the date of the approval; otherwise, the COC shall become null and void, and automatically expire. Permitted timeframes do not change with successive owners.
2. Upon written application submitted at least 30 days prior to the expiration of the COC by the applicant, and upon a showing of good cause, the CODE ADMINISTRATOR may grant one extension not to exceed six months. The approval shall be deemed

extended until the CODE ADMINISTRATOR has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall render the COC null and void, and the development approval shall automatically expire.

206. Text Amendment

Any written amendment or change to this Code will be a Text Amendment that must follow the procedure set forth in Article 40-2: Administration, Section 40-2.3 Standards and Requirements for Applications for Permits and Development Approvals, Subsection (A): Zoning Map Amendment (Rezoning) or Text Amendment.

207. Zoning Map Amendment

Any amendment or change to the Regulating Plan will be a Zoning Map Amendment of this Code that must follow the procedure set forth in Article 40-2: Administration, Section 40-2.3 Standards and Requirements for Applications for Permits and Development Approvals, Subsection (A): Zoning Map Amendment (Rezoning) or Text Amendment.

208. Subdivision

Where Subdivision of parcels is desired, without the submission of an Uptown D2 Development Plan Application, approval of the Subdivision by the Planning Director must occur in accordance with Article 40-2: Administration, Section 40-2.3 Standards and Requirements for Applications for Permits and Development Approvals, Subsection (E): Subdivision.

209. Variances

Any Variance from the requirements of this Code that cannot be accommodated by following the Uptown D2 Development Plan Application (section 204 above) must follow the procedure set forth in Article 40-2: Administration, Section 40-2.3 Standards and Requirements for Applications for Permits and Development Approvals, Subsection (I): Variance Permit.

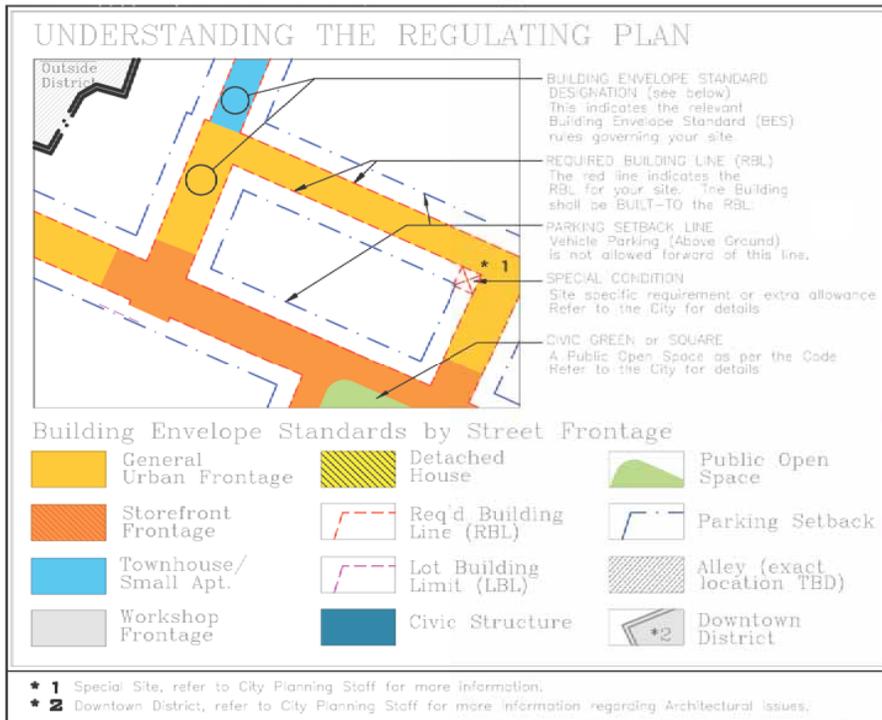
Part 3. Regulating Plans

301. Rules for REGULATING PLANS

A. Purpose and Intent

1. A REGULATING PLAN is the controlling document and principal tool for implementing this Code.
2. The REGULATING PLAN makes the development standards place-specific, by allocating the BUILDING ENVELOPE STANDARDS (BES) and delineating the public spaces. A REGULATING PLAN identifies: the boundaries for the district; new and existing streets; the REQUIRED BUILDING LINE and PARKING SETBACK LINE, and the street-type designation throughout the plan area.
3. A REGULATING PLAN may identify specific characteristics assigned to a lot or building site and may identify additional regulations (and opportunities) for lots in specific locations, as well as exceptions to the BES or other standards.

B. Regulating Plan/Key



C. Building Envelope Standards (BES)

1. General

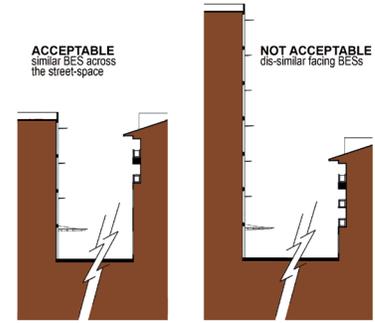
- a. BUILDING ENVELOPE STANDARDS are designated on the REGULATING PLAN by street frontage.
- b. In determining the allocation, and thereby the form and mixed-use character of the district, attention must be paid to both the physical context (what goes next to what) and diversity of allowed/required uses. When creating or amending a REGULATING PLAN, the following standards apply.

2. Consistency of Application

- a. Consistent BUILDING ENVELOPE STANDARDS (of a similar intensity) shall face across streets. Within the following hierarchy, BUILDING ENVELOPE STANDARDS in the same group are considered to be consistent and may face each other across streets:

Group 1	STOREFRONT GENERAL / GENERAL
Group 2	GENERAL / SMALL APARTMENT -TOWNHOUSE / WORKSHOP
Group 3	SMALL APARTMENT -TOWNHOUSE
Group 4	Townhouse / Detached
Exception	

- b. When separated by an ALLEY (or COMMON ACCESS EASEMENT), or when fronting different streets (i.e. a corner lot and its adjacent lot), BUILDING ENVELOPE STANDARDS from any group may sit adjacent to one another.
- c. When separated by a SQUARE, plaza, CIVIC GREEN, or park, consecutive BUILDING ENVELOPE STANDARDS (one group different) may front one another. For example, buildings from Group 1 may face buildings from Group 2 but not Group 3.
- d. BUILDING ENVELOPE STANDARDS from consecutive groups (one group number different) may share a COMMON LOT LINE and/or sit directly beside one another. For example, buildings from Group 1 may sit beside buildings from Group 2 but not Group 3. Such changes must be consistent on both sides of the street and must not occur more than once per 100 linear feet of the street length.
- e. CIVIC USE BUILDINGS (designated on the REGULATING PLAN) are not restricted by these standards.

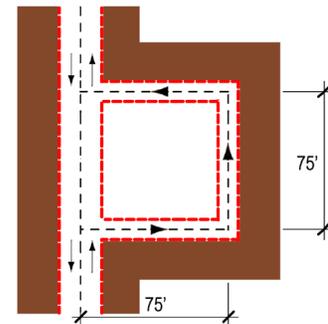


301.C.2.a illustrative intent

D. Streets, BLOCKS & ALLEYS

1. Streets

- a. New streets shall be designated and designed in accordance with street type specifications.
- b. New streets shall be public.
- c. No STREET-SPACE shall be gated.
- d. All lots shall share a frontage line with a STREET-SPACE.
- e. Connectivity of the street grid and intersection alignment throughout, is established and regulated by the REGULATING PLAN and street specifications and as specified in Part 2. Administration, Administrative Adjustments.
- f. Streets that do not connect to other streets, as part of an interconnected network, are not permitted except as below:
- Where streets are configured with a one-way loop around the perimeter of a central green area, having a maximum depth (perpendicular to the primary street centerline) of 75 feet and a minimum width (dimension parallel to the primary street) of 75 feet;
 - Where streets are less than 120 feet long (measured from the street intersection centerline) and configured as a stub-out designed for connection to future streets/development;

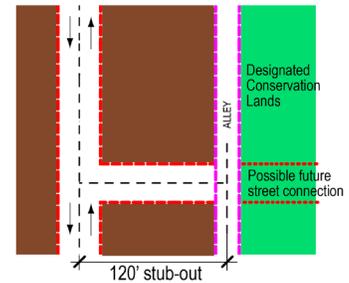


301.D.1.f(i)

- (iii) Where streets are less than 120 feet long (measured from the intersection centerlines) and connected to ALLEYS or common drives giving rear lot access, and ending at designated CONSERVATION LANDS
- g. Additional streets may be added to the REGULATING PLAN to create a smaller BLOCK pattern.

2. BLOCKS

- a. No BLOCK FACE shall have a length greater than 300 feet without an ALLEY, common drive or access easement, or PEDESTRIAN PATHWAY providing through-access to another STREET-SPACE, ALLEY or common access easement, or conservation restricted land. Individual lots with less than 100 feet of frontage are exempt from the requirement to interrupt the BLOCK FACE; those with over 200 feet of frontage shall meet the requirement within their lot, unless already satisfied within that BLOCK FACE.
- b. Unless otherwise specified on the REGULATING PLAN, no curb cuts are permitted within 75 feet of another curb cut, intersection, or driveway. Driveways into or from ALLEYS are not restricted by this measure.



301.D.1.f(ii, iii)

3. ALLEYS

- A. ALLEYS or common access easements must provide access to the rear of all lots, except where lots are on a perimeter common to non-developable or CONSERVATION LANDS or where a lot has streets on three sides and the absence of an ALLEY would not deprive an adjacent neighbor of rear lot access.
- b. New ALLEYS (or common access easements) may be public or private, but public access must be dedicated via an easement.
- c. Alleys may be incorporated into (rear) parking lots as standard drive aisles. Access to all properties adjacent to the alley shall be maintained. Access between parking lots across property lines is required.
- d. Where an alley does not exist and is not feasible to construct at the time of redevelopment of any property, the applicant is required to dedicate the alley right-of-way within the rear setback to the City and maintain the area within the rear setback by, at a minimum:
 - (i) Providing routine landscape maintenance to the area.
 - (ii) Keeping the area clear of debris, stored materials, and vehicles.

E. New Streets, Designated on REGULATING PLAN

1. Streets

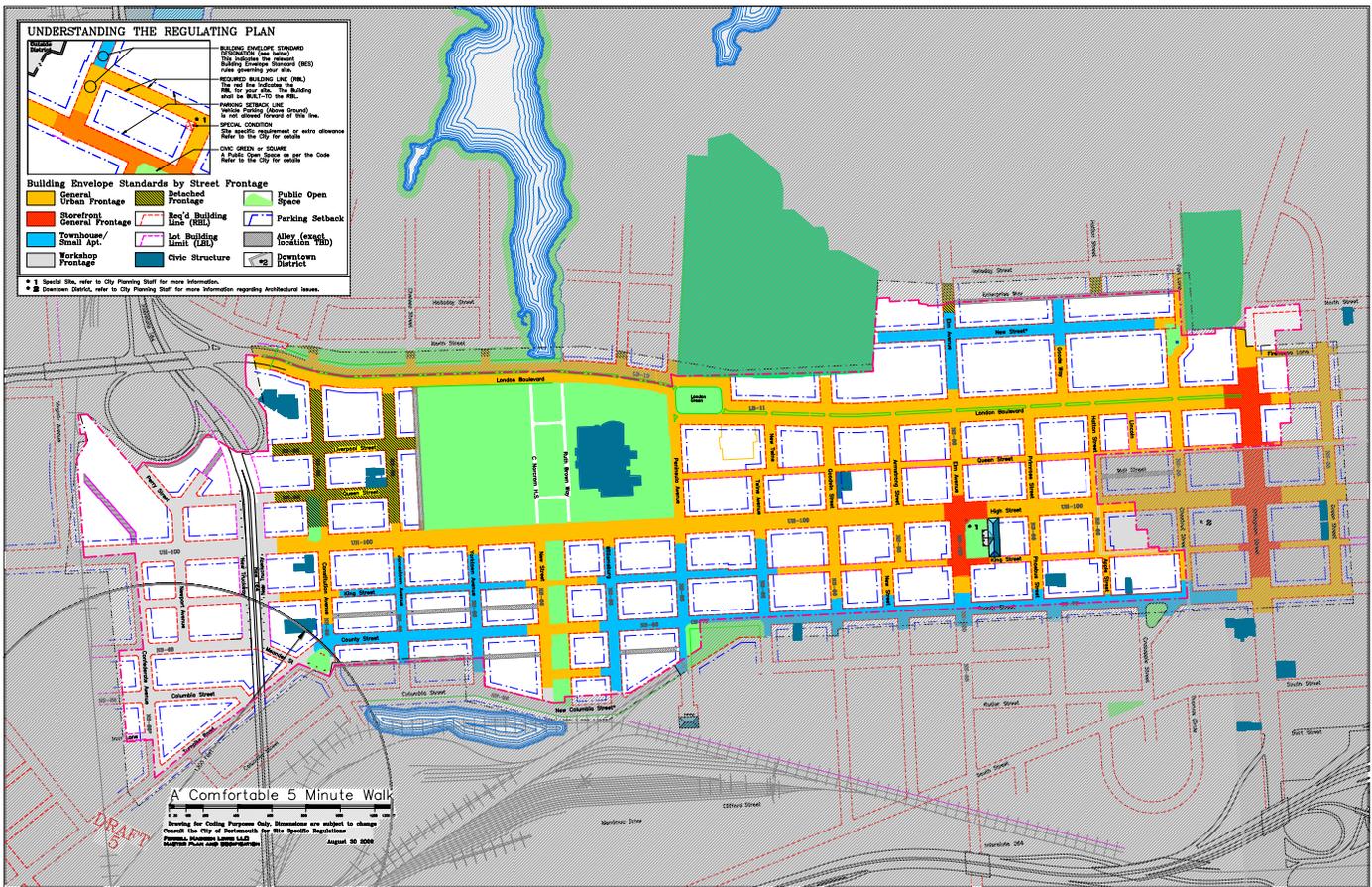
- a. Where new streets (not in existence as of 2009) are shown on the REGULATING PLAN with an asterisk(*), they shall be considered optional and at the discretion of the property owner(s).
- b. Where new streets are designated on the REGULATING PLAN without an asterisk, they are critical to the working of the larger community and shall be considered mandatory. While the street infrastructure may not be constructed until some point in the future, the RBL, and other regulations of the REGULATING PLAN shall be respected.

302. REGULATING PLAN AMENDMENT

Any amendment or change to the REGULATING PLAN, beyond those specified above, will be a zoning map amendment of this Code and must follow the procedure set forth in 40-2: Administration, Section 40-2.3 Standards and Requirements for Applications for Permits and Development Approvals, Subsection (A): Zoning Map Amendment (Rezoning) or Text Amendment.

303. REQUIRED BUILDING LINE ADJUSTMENT

In the event that a designated RBL is within an existing right-of-way, the CODE ADMINISTRATOR and the property owner shall make best efforts to resolve such conflict in order that the development may occur and meet the goals and objectives of the D2 Form-Based Code. Following such efforts, the CODE ADMINISTRATOR may designate the front property line, or other line, as the RBL.



For Illustrative Purposes Only, refer to the City for Regulating Plan Information.

Part 4. Building Envelope Standards

401. Intent

- A. The goal of the BUILDING ENVELOPE STANDARDS (BES) is the creation of a vital, and coherent public realm through the creation of good STREET-SPACE. The intent of these form standards is to shape the STREET-SPACE—the specific physical and functional character—of the District. The form and function controls on building frontages work together to frame the STREET-SPACE while allowing the buildings greater latitude behind their FACADES. The BUILDING ENVELOPE STANDARDS aim for the minimum level of control necessary to meet this intent.
- B. The BES set the basic parameters governing building construction, including the building envelope (in three dimensions) and certain required or permitted functional elements, such as FENESTRATION (windows and doors), stoops, balconies, FRONT PORCHES, and STREET WALLS.
- C. The BES establish the rules for development and redevelopment on private lots, unless otherwise indicated on the REGULATING PLAN.
- D. The REGULATING PLAN identifies the BUILDING ENVELOPE STANDARD for all private building sites within the Uptown District.

402. General Provisions

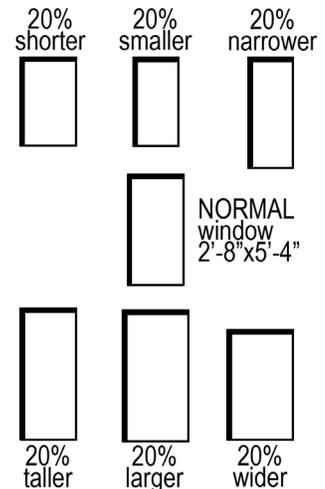
The following apply to all BES, unless expressly stated otherwise within an individual BES or otherwise designated on the REGULATING PLAN.

- A. **Transitions:** When the BES designation shown on the REGULATING PLAN changes along a property’s REQUIRED BUILDING LINE (RBL), that property owner has the option, for his property’s street frontage only, of applying either BES for a maximum additional distance of 50 feet in either direction along the RBL.
- B. **FAÇADE Composition:** For each BLOCK FACE, FACADES along the RBL shall present a COMPLETE AND DISCRETE VERTICAL FAÇADE COMPOSITION (i.e., integral architectural articulation to maintain and protect human-scale for the STREET-SPACE) at an average street frontage length of no greater than 60 feet for Storefront General frontage sites; 75 feet for General and Townhouse frontage sites; and 100 feet for Workshop and Detached frontages.

Each FAÇADE composition shall include a functioning street entry door. This requirement may be satisfied through the use of liner shops for large footprint buildings. Individual infill projects on lots with frontage of less than 100 feet are exempted from the overall FAÇADE composition requirement, but shall still include a functioning street entry.

“FAÇADE composition” is the arrangement and proportion of facade materials and elements (windows, doors, columns, pilasters, bays). “Complete and discrete” is much like a new façade for a new building. To achieve B, above, within a building frontage requires, at a minimum, item 1. below and two additional items:

1. Clearly different GROUND STOREY FAÇADE composition (both framing materials and FENESTRATION proportions).
2. Window proportions (minimum difference 20 percent in height or width or height:width ratio).
3. FAÇADE composition (clearly different ‘bay’ rhythm, e.g. ‘ABA’ – ‘ABBA’ – ‘BAAB’ – ‘ABCBA’).



402.B.3 Illustrative intent

4. Wall Material (clearly different external wall material – color changes do not suffice).
5. Change in FENESTRATION percentage (minimum difference 12 percent; ground floor FACADES are not included).

C. Building Size: Projects

The maximum footprint for a building is 60,000 gross square feet; beyond that limit the Type II Development Review option is required (see Part 2. Administration). This shall not limit parking structures built according to this Code.

D. Neighborhood Manners: For any BES frontage except Detached and Townhouse, the following rules apply:

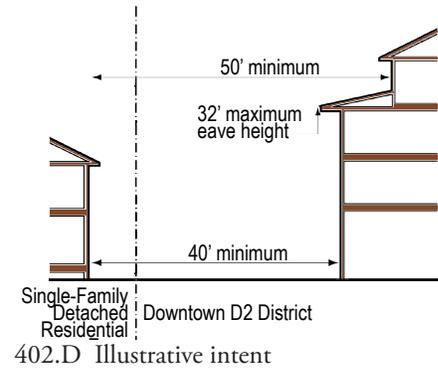
1. Where a site has a COMMON LOT LINE with a single-family detached residential structure, there shall be a 40 foot setback for any structures.
2. Where a site abuts a single-family residential property, a GARDEN WALL/STREET WALL, 4 to 6 feet in height, shall be constructed within one (1) foot of the COMMON LOT LINE OR ALLEY.
3. Where a site is located within 40 feet of an existing single-family detached residential lot, the maximum eave or parapet height for that portion of the site shall be 30 feet. This requirement supersedes the minimum STOREY height requirement.

E. Height

1. The height of all buildings is measured in STOREYS, with an ultimate limit in feet, measured from the eaves to the fronting sidewalk elevation, unless otherwise designated herein.
2. An ATTIC STOREY is not included in the height measurement.
3. If an individual STOREY exceeds the maximum floor-to-floor height, it shall be counted against another STOREY, and no individual building height may exceed the BES prescribed ultimate height.
4. Where a parking structure is within 30 feet of any building (constructed per this Code and after approval of the REGULATING PLAN) that portion of the structure shall not exceed the building’s primary ridge or parapet height.
5. Mezzanines that have a floor area greater than 1/3rd of the floor area of the STOREY in which they are located shall count as an additional full STOREY in the STOREY height measurement.
6. The prescribed minimum STOREY clear-height shall be met by at least 80 percent of the specified STOREY area.

F. Siting

1. The building FAÇADE shall be built-to the RBL within 30 feet of a BLOCK CORNER.
2. A STREET WALL shall be required along any RBL frontage that is not otherwise occupied by a building. The STREET WALL shall be located not more than 8 inches behind the RBL.
3. The RBL, designated on REGULATING PLAN as an absolute line, incorporates an offset area (or depth) of 20 inches beyond that line (into the BUILDABLE AREA) allowing for jogs, FACADE articulation, etc. unless otherwise designated herein.
4. Buildings may only occupy that portion of the lot specified as the BUILDABLE AREA—the area behind the RBL as designated by the BES.



5. No part of any building may be located outside of the BUILDABLE AREA except overhanging eaves, awnings, shopfronts, bay windows, steps, handicapped ramps approved by the CODE ADMINISTRATOR, or balconies.
6. No part of any building may be located outside of any designated LOT BUILDING LIMIT except steps, overhanging eaves, or awnings.
7. There is no required setback from ALLEYS except as otherwise indicated on the BES. On lots without ALLEY access, there shall be a minimum 25-foot setback from the rear lot line.
8. There are no side lot setbacks, except as specified in the Neighborhood Manners (above) or in the BES.
9. The PARKING SETBACK LINE is generally 30 feet behind the RBL and extends vertically as a plane unless otherwise indicated on the REGULATING PLAN or in the BES. Vehicle parking shall be located behind the PARKING SETBACK LINE, except where parking is provided below grade, on-street, or otherwise indicated on the REGULATING PLAN.
10. Corner lots and through lots shall satisfy the build-to requirements for their full/all frontages (RBL), unless otherwise specified in this Code.

G. Elements

1. FENESTRATION is measured as a percentage of the FAÇADE between floor levels.
2. No window may face or direct views toward a COMMON LOT LINE within 25 feet unless:
 - a. That view is contained within the lot (e.g. by a PRIVACY FENCE OR GARDEN WALL), or
 - b. The sill is at least 6 feet above its finished floor level.
3. Balconies and stoops shall not project within 5 feet of a COMMON LOT LINE.
4. No part of any building except overhanging eaves, awnings, balconies, BAY WINDOWS, stoops, and storefronts as specified by the code may project beyond the RBL. Additionally, steps are permitted within the DOORYARD area.
5. At least one functioning entry door shall be provided along each GROUND STOREY FAÇADE at intervals not greater than 75 feet.
6. PRIVACY FENCES may be constructed along that portion of a COMMON LOT LINE not otherwise occupied by a building.

H. CIVIC USE BUILDINGS: When designated on the REGULATING PLAN, CIVIC USE BUILDINGS are exempt from the BES standards, excepting any provisions that concern adjacent single-family detached districts.

I. STOREFRONT GENERAL Frontages: Where designated on the REGULATING PLAN, these frontages shall use the General Urban BES standard, excepting that the GROUND STOREY configuration shall be for COMMERCE - that of a STOREFRONT. (See 606.D.3 Storefront Windows for specific requirements.)

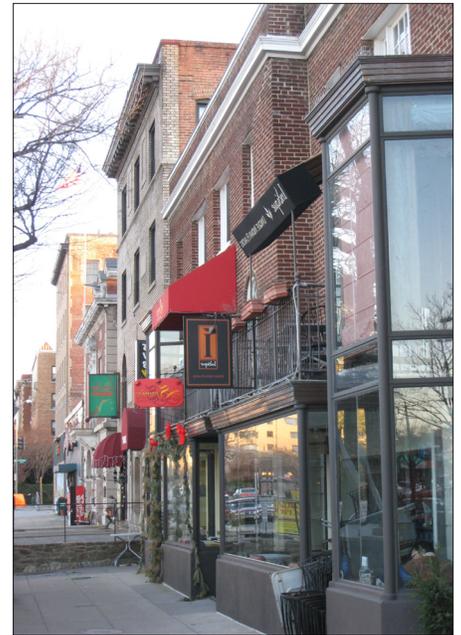
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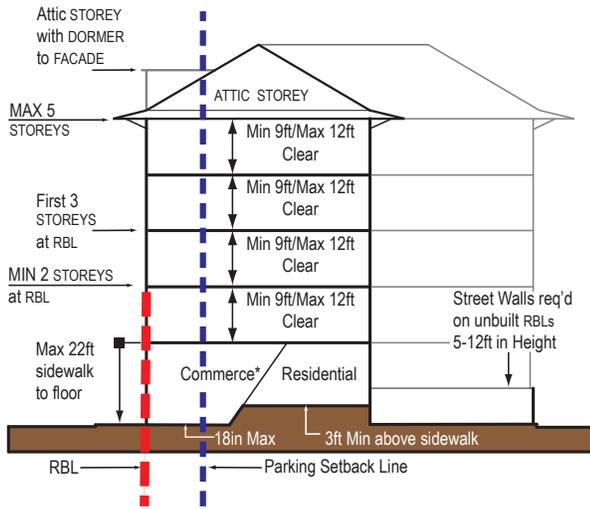
403. General Urban Frontage

ILLUSTRATIONS AND INTENT

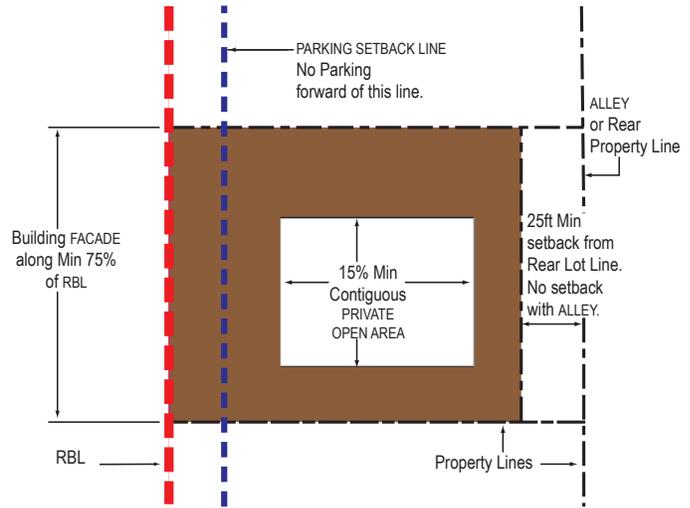
Note: These are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of the Building Envelope Standard.

The General BUILDING ENVELOPE STANDARD is the basic urban street frontage, once common across the United States. The uses are not specific, ranging from commercial to residential, retail to municipal— and combinations of all of the above. The primary form is that of a multi-story building placed directly at the sidewalk, with windows across the facade. There could be several buildings lined up shoulder to shoulder, filling out a block, or on smaller blocks, a single building might fill the frontage line. Where designated on the REGULATING PLAN, these frontages shall use the General Urban BES standard, excepting that the GROUND STOREY configuration shall be for COMMERCE - that of a storefront.





HEIGHT



SITING

Building Height

The building shall be at least 2 STOREYS in height, but no greater than 5 STOREYS and 79ft in height.

GROUND STOREY Height: COMMERCE Uses

1. The average GROUND STOREY finished floor elevation shall be equal to the exterior sidewalk elevation in front of the building, with a maximum finished floor elevation of 18 inches above the sidewalk.
2. The GROUND STOREY shall have at least 15 feet of clear interior height (floor to ceiling) contiguous to the REQUIRED BUILDING LINE (RBL) frontage for a minimum depth of 25 feet.
3. The maximum GROUND STOREY height is 22 feet, measured from the sidewalk to the second STOREY floor.

GROUND STOREY Height: Residential Units

1. The average finished floor elevation shall be no less than 3 feet above the exterior sidewalk elevation at the RBL.
2. The GROUND STOREY shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum sidewalk to second STOREY floor height of 22 feet.

Upper STOREY Height

1. The maximum clear height (floor to ceiling) for STOREYS other than the GROUND STOREY is 12 feet.
2. At least 80% of each upper STOREY shall have an interior clear height (floor to ceiling) of at least 9 feet.

STREET WALL Height

A STREET WALL not less than 5 feet in height or greater than 12 feet in height shall be required along any RBL frontage that is not otherwise occupied by a building on the lot.

FAÇADE

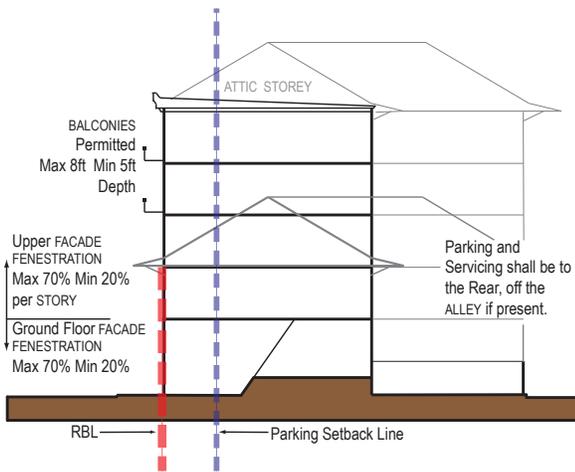
1. On each lot the building FAÇADE shall be built to the required building line for at least 75% of the RBL length.
2. Within 7 feet of the BLOCK CORNER, the GROUND STOREY FAÇADE may be chamfered to form a corner entry.

BUILDABLE AREA

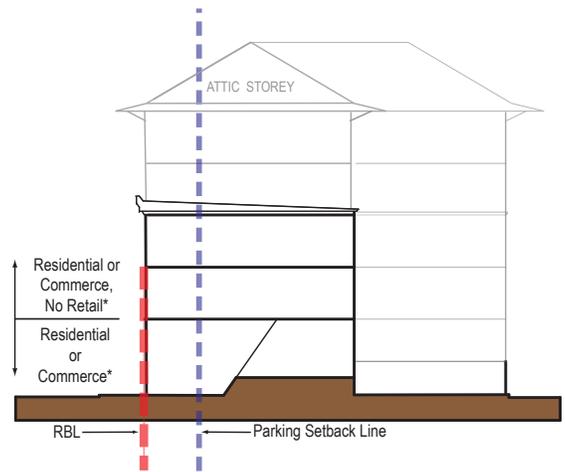
A contiguous PRIVATE OPEN AREA equal to at least 15% of the total BUILDABLE AREA shall be preserved on every lot. Such contiguous PRIVATE OPEN AREA may be located anywhere behind the PARKING SETBACK LINE, at or above grade.

Garage and Parking

1. Curb cuts or driveways shall be located at least 75 feet away from any BLOCK CORNER or another garage entry on the same BLOCK FACE. These requirements are not applicable along ALLEYS.
2. Openings in any RBL for parking garage entries shall have a maximum clear height no greater than 16 feet and a clear width no greater than 22 feet.



ELEMENTS



USE

FENESTRATION

1. Blank lengths of wall exceeding 20 linear feet are prohibited on all REQUIRED BUILDING LINES (RBL).
2. GROUND STOREY FENESTRATION shall comprise between 20% and 70% of the FACADE. Where designated as Storefront General the GROUND STOREY FENESTRATION shall comprise between 40% and 90% of the FACADE.
3. Upper STOREY FENESTRATION shall comprise between 20% and 70% of the FACADE area per STOREY.

Building Projections

1. Awnings shall project a minimum of 5 feet to a maximum of:
 - within 1 foot of back of curb where there are no STREET TREES, or
 - 1 foot into the TREE LAWN (where there are street trees).
2. Awnings that project over the sidewalk portion of a STREET-SPACE shall maintain a clear height of at least 10 feet.
3. Awnings may have supporting posts at their outer edge provided that they:
 - Have a minimum of 8 feet clear width between the FACADE and the support posts or columns of the awnings, and
 - Have between 18 and 24 inches between the support posts or columns of the awnings and the back of curb, and
 - Provide a continuous CLEAR WALKWAY at least 4 feet wide running adjacent and parallel to the awning columns/posts.

STREET WALLS

One access gate no wider than 22 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any required STREET WALL.

GROUND STOREY

The GROUND STOREY may only house commerce or residential uses. See height specifications above for specific requirements unique to each use.

Upper STOREYS

1. The upper STOREYS may only house residential or COMMERCE uses. No restaurant or retail sales uses shall be allowed in upper STOREYS unless they are second STOREY extensions equal to or less than the area of the GROUND STOREY use.
2. No COMMERCE use is permitted above a RESIDENTIAL use.
3. Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STOREY.

STOREFRONT General Frontages

Where designated on the REGULATING PLAN as STOREFRONT GENERAL these frontages shall use this General Urban BES standard, excepting that the GROUND STOREY configuration shall be for COMMERCE - that of a STOREFRONT. (See 606.D.3 Storefront Windows for specific requirements.)

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404. Townhouse/Small Apartment Frontage

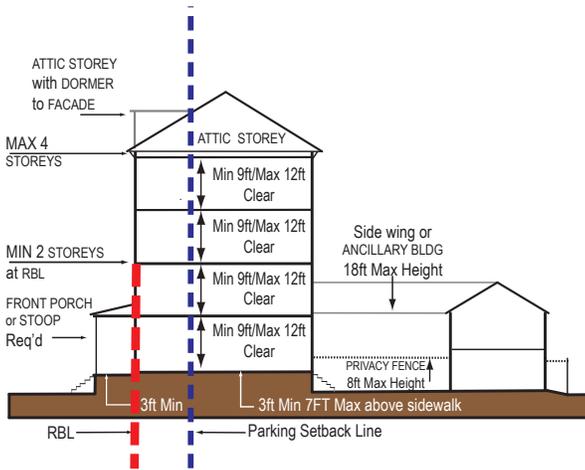
ILLUSTRATIONS AND INTENT

Note: These are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific prescription and restrictions of the Building Envelope Standard.

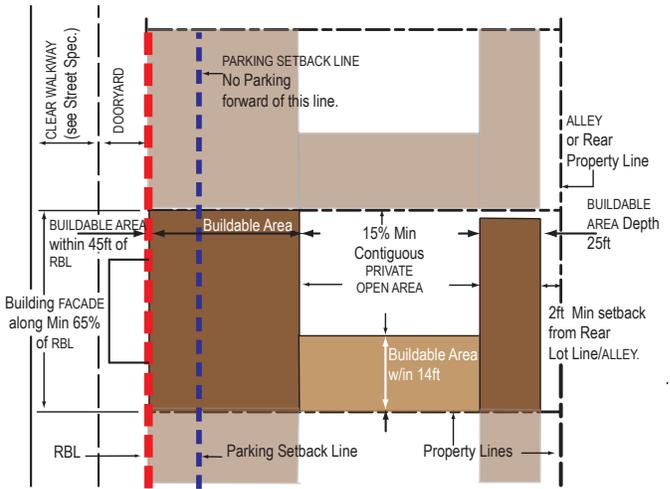
The townhouse/small apartment BUILDING ENVELOPE STANDARD is of moderate intensity, often created by a series of smaller attached structures, most commonly single-family residential, but potentially also stacked flats, service commercial, or live-work arrangements. This standard has regular entrances, as frequently as 18 feet. The character and intensity of this frontage varies (as designated on the regulating plan) with the siting/location of the required building line—the buildings may be placed at the rear of the sidewalk with stoops, or may be arranged with front porches and small dooryards. Similarly, the tree lawns may be found uncovered and continuous or partially covered in the street-space, depending on the street type.

Similar to the scale of the townhouse and row house, a small apartment can also be used to transition the urban form and intensity to abutting single-family neighborhoods.





HEIGHT



SITING

Building Height

1. Each building shall be at least 2 STOREYS in height, but no greater than 4 STOREYS and 58 feet in height.
2. A side wing or ancillary structure shall be no higher than 18 feet, measured to its eaves or parapet.

GROUND STOREY Height

1. The average finished floor elevation shall be no less than 3 feet and no more than 7 feet above the exterior sidewalk elevation at the REQUIRED BUILDING LINE (RBL).
2. At least 80% of the GROUND STOREY shall have an interior clear height (floor to ceiling) of at least 9 feet.
3. The maximum GROUND STOREY floor to ceiling story height is 12 feet.

Upper STOREY Height

1. The maximum clear height (floor to ceiling) for STOREYS other than the GROUND STOREY is 12 feet.
2. At least 80% of each upper STOREY shall have an interior clear height (floor to ceiling) of at least 9 feet.

STREET WALL Height

A STREET WALL not less than 4 feet in height or greater than 8 feet in height shall be required along any RBL frontage that is not otherwise occupied by a building on the lot.

FAÇADE

1. On each lot the building FAÇADE shall be built to the REQUIRED BUILDING LINE (RBL) for at least 65% of the RBL length.
2. For buildings with FRONT PORCHES the DOORYARD/CLEAR WALKWAY line shall serve as the RBL and the FRONT PORCH shall be built to the DOORYARD line. For this situation only, the FAÇADE will sit behind the RBL, as determined by the required FRONT PORCH depth.
3. The building FAÇADE (or FRONT PORCH as per #2 above) shall be built to the RBL within 20 feet of a BLOCK CORNER.

BUILDABLE AREA

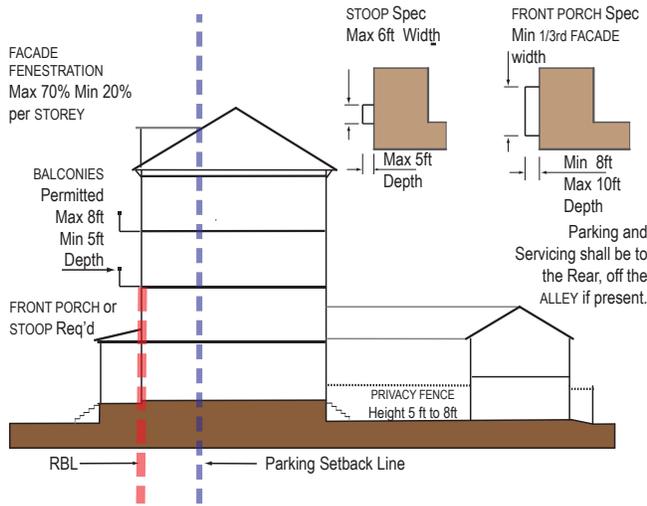
A CONTIGUOUS PRIVATE OPEN AREA equal to at least 15% of the total BUILDABLE AREA shall be preserved on every lot. This area may be located anywhere behind the parking setback, at grade.

Garage and Parking

1. Curb cuts or driveways shall be located at least 75 feet away from any BLOCK CORNER or another garage entry on the same BLOCK FACE. These requirements are not applicable along ALLEYS.
2. Garage doors/entries shall not be permitted on the RBL/FAÇADE.

Frontage Widths

1. The minimum lot width is 18 feet.
2. Although there are no individual side lot setbacks, no building/set of townhouses may exceed 120 feet of continuous attached building frontage. A gap of 10 feet to 20 feet is required between each such attached structure.



ELEMENTS

FENESTRATION

1. Blank lengths of wall exceeding 15 linear feet are prohibited on all REQUIRED BUILDING LINES (RBL).
2. FENESTRATION shall comprise between 20% and 70% of the FACADE.
4. No window may face or direct views toward a COMMON LOT LINE within 20 feet unless:
 - that view is contained within the lot (e.g. by a PRIVACY FENCE/ GARDEN WALL) or,
 - the sill is at least 6 feet above the finished floor level.

Building Projections

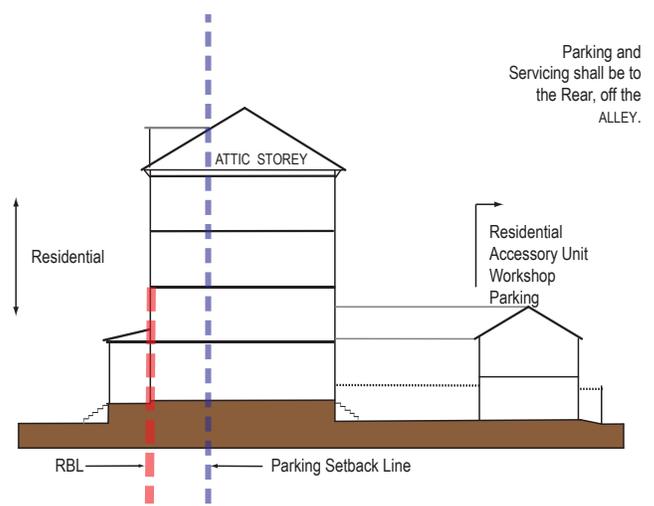
1. Each lot/GROUND STOREY unit shall include:
 - a STOOP of not more than 5 feet deep and 6 feet wide (not including steps), or
 - A FRONT PORCH, between 8 feet and 10 feet deep with a width not less than 1/3rd of the FACADE, at the DOORYARD/CLEAR WALKWAY line.

Doors/Entries

Each RBL/FACADE GROUND STOREY unit shall provide a functioning entry door with direct STREET-SPACE access.

Street Walls

One access gate no wider than 18 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any required STREET WALL.



USE

GROUND STOREY

The GROUND STOREY may only house RESIDENTIAL uses.

Upper STOREYS

1. The upper STOREYS may only house residential uses.
2. Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STOREY.

Accessory Unit

1. One ENGLISH BASEMENT UNIT of one accessory unit is permitted per lot.
2. Parking and ACCESSORY UNIT (maximum 650 square feet) uses are permitted in the BUILDABLE AREA at the rear of the lot.

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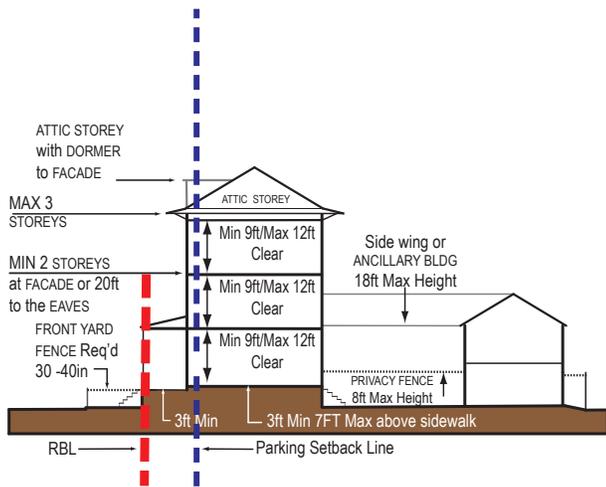
405. Detached Frontage

ILLUSTRATIONS AND INTENT

Note: These are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific prescription and restrictions of the Building Envelope Standard.

The small lot single-family detached frontage standard is represented by the traditional single family house with small front, side and rear yards along a tree-lined street. Structures are typically 2 to 3 storeys in height with pitched roofs and front porches.





HEIGHT

Building Height

1. Each building shall be at least 2 STOREYS in height, but no greater than 3 STOREYS and 43 feet in height, .
2. A SIDEWING or ancillary structure shall be no higher than 18 feet, measured to its eaves.

GROUND STOREY Height

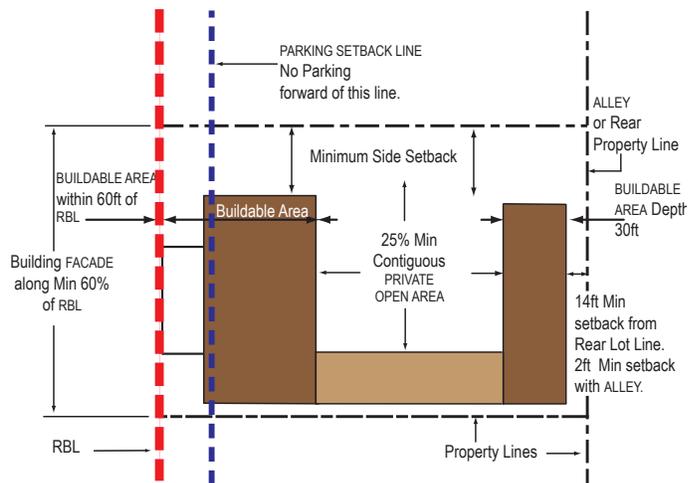
1. The average finished floor elevation shall be no less than 36 inches and no more than 60 inches above the exterior sidewalk elevation at the REQUIRED BUILDING LINE (RBL).
2. At least 80% of the first STOREY shall have an interior clear height (floor to ceiling) of at least 9 feet.
3. The maximum GROUND STOREY floor to floor height is 16 feet.

Upper STOREY Height

1. The maximum clear height (floor to ceiling) for STOREYS other than the GROUND STOREY is 12 feet.
2. At least 80% of each upper STOREY shall have an interior clear height (floor to ceiling) of at least 9 feet.

FRONT YARD FENCE

A FRONT YARD FENCE if installed shall have a minimum height of 30 inches and a maximum height of 40 inches.



SITING

FACADE

1. On each lot the FACADE shall be built parallel to the REQUIRED BUILDING LINE (RBL) for at least 60% of the building width. The FRONT PORCH shall be built to the RBL.
2. Within 20 feet of a BLOCK CORNER the building FACADE shall be 8 to 10 feet behind the RBL.

BUILDABLE AREA

A CONTIGUOUS PRIVATE OPEN AREA equal to at least 25% of the total BUILDABLE AREA shall be preserved on every lot. Such contiguous area may be located anywhere behind the parking setback, at grade.

Lot Size

1. Each lot has a minimum width at the RBL of 24 feet and a minimum depth of 85 feet.
2. Each lot has a maximum width of 75 feet. The maximum depth is 120 feet.

FRONT YARD

The FRONT YARD/DOORYARD shall not be paved.

Side Lot Setbacks

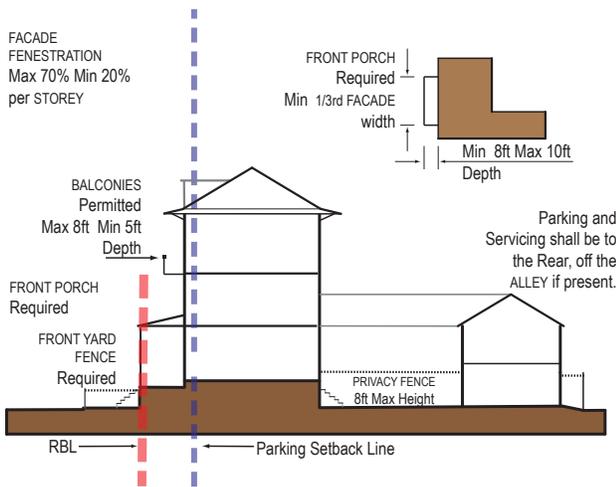
The minimum side lot setback is 5 feet or as otherwise designated on the REGULATING PLAN.

Garage and Parking

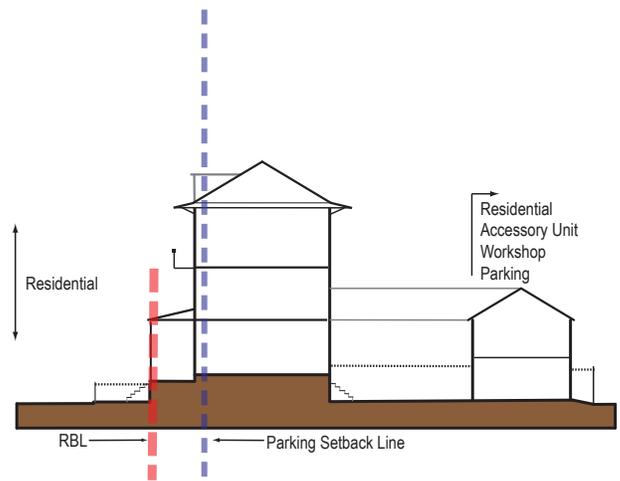
1. Curb cuts or driveways shall be located at least 75 feet away from any BLOCK CORNER or another garage entry on the same BLOCK FACE. These requirements are not applicable along ALLEYS.
2. Garage doors shall not be located on the RBL/FACADE.

Alleys

There is a 2 foot required setback from ALLEYS.



ELEMENTS



USE

FENESTRATION

1. Blank lengths of wall exceeding 15 linear feet are prohibited on all REQUIRED BUILDING LINES (RBL).
2. FENESTRATION shall comprise at least 25%, but not more than 70%, of all FACADES.
3. No window may face or direct views toward a COMMON LOT LINE within 20 feet unless:
 - that view is contained within the lot (e.g. by a PRIVACY FENCE/ GARDEN WALL), or
 - the sill is at least 6 feet above the finished floor level.

Building Projections

1. Each lot shall include a FRONT PORCH at the RBL, between 8 feet and 10 feet deep with a width not less than 1/3rd of the FACADE width.
2. No part of any building except the FRONT PORCH roof (overhanging eaves) and steps may encroach beyond the RBL into the DOORYARD.

Doors/Entries

At least one functioning entry door shall be provided along the GROUND STOREY FACADE of each building.

STREET WALLS and Fences

1. There is no STREET WALL requirement.
2. A FRONT YARD FENCE is required within one foot of the CLEAR WALKWAY/DOORYARD line parallel to the RBL.
3. A PRIVACY FENCE may be constructed along a COMMON LOT LINE behind the RBL.

GROUND STOREY

The GROUND STOREY and any accessory unit may only house RESIDENTIAL uses.

UPPER STOREYS

1. The upper STOREYS may only house residential uses.
2. Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STOREY.

Accessory Uses

Parking and ACCESSORY UNIT (maximum 650 square feet) uses are permitted in the BUILDABLE AREA at the rear of the lot.

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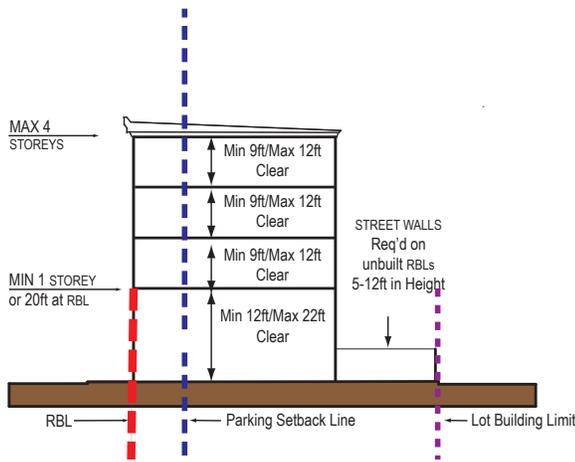
406. Workshop Frontage

ILLUSTRATIONS AND INTENT

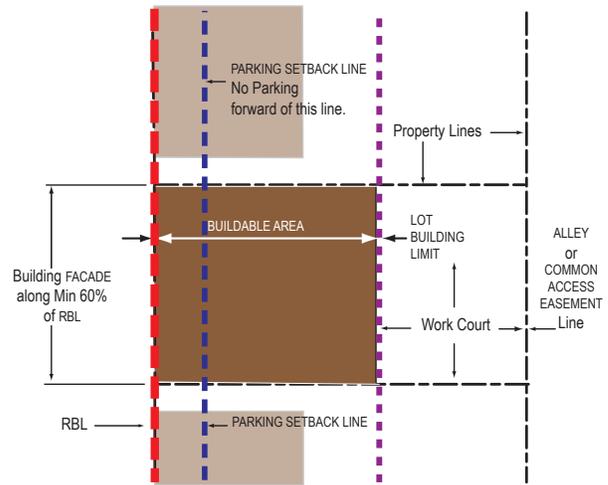
Note: These are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of the Building Envelope Standard.

The Workshop form standard accommodates small scale manufacturing and repair—including artisans—within the city. These structures are of limited height and are built to the fronting sidewalk. Exterior work areas are confined to work courts and/or at the center of the block.





HEIGHT



SITING

Building Height

The building shall be at least 20 feet to the eaves or parapet in height, but no greater than 4 storeys and 64 ft in height.

GROUND STOREY Height

1. The average GROUND STOREY finished floor elevation shall be equal to the exterior sidewalk elevation in front of the building to a maximum elevation of 18 inches above the sidewalk (excepting as may be required for flood plain requirements).
2. The GROUND STOREY shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the REQUIRED BUILDING LINE (RBL) frontage for a minimum depth of at least 25 feet.
3. The maximum STOREY height for the GROUND STOREY is 25 feet.

Upper STOREY Height

1. Upper STOREYS shall have an interior clear height (floor to ceiling) maximum height of 12 feet.
2. At least 80% of each upper storey shall have an interior clear height (floor to ceiling) of at least 9 feet.

STREET WALL Height

A STREET WALL not less than 5 feet in height or greater than 12 feet in height shall be required along any RBL frontage that is not otherwise occupied by a building on the lot.

FAÇADE

1. On each lot the building FAÇADE shall be built to the RBL for at least 60% of the RBL length.
2. The GROUND STOREY FAÇADE, within 7 feet of the BLOCK CORNER, may be chamfered to form a corner entry.

Buildable Area

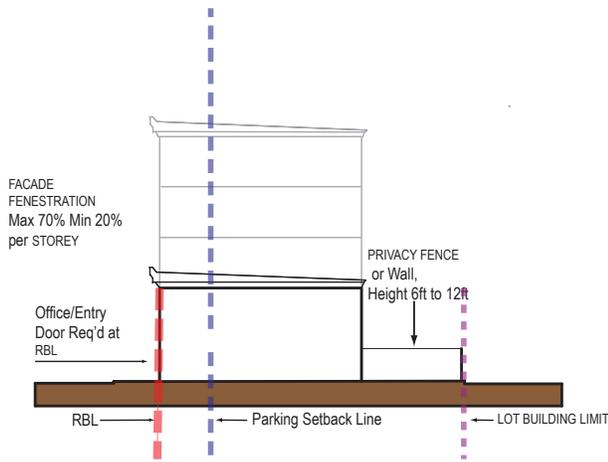
1. No part of any building, except overhanging eaves, or awnings shall occupy the area behind the LOT BUILDING LIMIT. The area may be used for loading, circulation and/or as a work yard.

Alleys

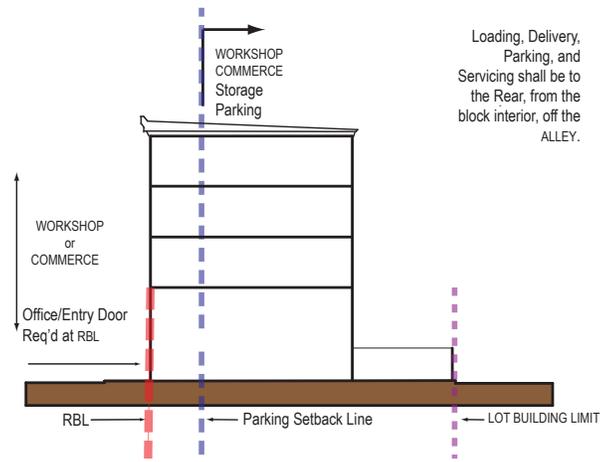
There is no required setback from ALLEYS, except as provided by the LOT BUILDING LIMIT.

Garage and Parking

1. Driveways shall be located at least 75 feet away from any BLOCK CORNER or another driveway or garage entry on the same BLOCK. This requirement does not apply along ALLEYS.



ELEMENTS



USE

FENESTRATION

1. Blank lengths of wall exceeding 35 linear feet are prohibited on all REQUIRED BUILDING LINES (RBL).
2. FENESTRATION shall comprise between 20% and 70% of the FACADE.

Building Projections

1. Awnings shall project a minimum of 5 feet and a maximum of:
 - Within 1 foot of back of curb where there are no STREET TREES, or
 - 1 foot into the TREE LAWN (where there are STREET TREES).
2. Awnings that project over the sidewalk portion of a STREET-SPACE shall maintain a clear height of at least 10 feet.

Doors/Entries

At least one functioning pedestrian entry door shall be provided along each GROUND STOREY FACADE at intervals not greater than 80 linear feet.

STREET WALLS

One access gate no wider than 25 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any required STREET WALL.

GROUND STOREY

The GROUND STOREY may only house WORKSHOP or COMMERCE uses.

Upper STOREYS

The upper STOREYS may only house WORKSHOP or COMMERCE uses. No residential, restaurant or retail uses shall be allowed in upper STOREYS.

407. Martin Luther King Highway Frontage

A. General Intent

1. This section provides for the unique circumstance of FACADES fronting the Martin Luther King Highway Extension where certain relaxations and exceptions to elements of this Code may be granted.
2. The exemptions allow building FACADES that face such Limited Access Highway Frontages to respond to the roadway at an appropriate scale. They provide more leeway for signage and allow non-‘street-wall’ buildings above the GROUND STOREY level (including curved and/or open courtyard/”alphabet” configurations).
3. Frontages on streets intersecting with the Limited Access Highway Frontage are subject to the full standards for those street frontages.

B. Building Envelope Standards

1. Height

The height limit may be increased by 33 percent.

2. Siting

The minimum build-to may be reduced to 50 percent (STREET WALL requirements still apply).

3. Elements

- a. The requirements for upper STOREY FENESTRATION do not apply.
- b. The ground STOREY minimum fenestration requirement may be reduced to 20 percent.

C. Blocks/ALLEYS

1. There are no requirements to provide through-access along BLOCK FACES via an ALLEY, access easement, or PEDESTRIAN PATHWAY.
2. There are no limits on curb cuts on the frontage road.

D. Architectural Standards

1. Windows and Doors

a. Materials

The requirements for upper STOREY window light transmission do not apply.

b. Configurations and Techniques

The requirements for upper STOREY windows do not apply.

2. Signage

For upper STOREYS:

- a. Wall signs are allowed anywhere above the second STOREY floor level.
- b. The maximum limits on lettering size, blade sign size are increased by a factor of three (3).
- c. There is no limit on the size and location of blade signs.
- d. Marquee signs are permitted.

Part 5. Urban Space Standards

501. Applicability

- A. The urban space standards apply to new development as well as the reconstruction of existing streets and other public (and publicly accessible) spaces.
- B. The urban space standards establish the rules and standards for the STREET-SPACE/ public realm (especially streets and sidewalks).

502. Intent

- A. Although commonly thought of as just SQUARES, greens, plazas or parks, the urban space (or public realm) is much more; it includes the complete STREET-SPACE—the public domain between the building FACADES: the travel lanes between the curbs as well as the sidewalks; the public plazas as well as urban parks and CIVIC GREENS.
- B. The urban space standards are directly related to that goal. Specifically:
 - 1. They establish an environment that encourages and facilitates pedestrian activity. “Walkable” streets that are comfortable, efficient, safe, and interesting.
 - 2. They ensure the coherence of the STREET-SPACE, serving to assist residents, building owners, and managers with understanding the relationship between the STREET-SPACE and their own lots.
 - 3. They contribute to ultimate sustainability. Native trees and plants contribute to privacy, the reduction of noise and air pollution, shade, maintenance of the natural habitat, conservation of water, and rainwater management.
- C. Property frontages and FACADES are part of the public realm, literally forming the walls of the public STREET-SPACE and are therefore subject to more regulation than the other portions of the private property.
- D. The private, interior portions of the lots (toward the ALLEY or rear lot lines) are much less controlled to allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private (semi-private for apartment and condominium dwellers) gardens and courtyards.

503. Street Type Specifications

The street type specifications illustrate typical configurations for STREET-SPACES within the Downtown D2 District. The plans and sections specify vehicular travel lane widths, curb radii, sidewalks, tree planting areas, and on-street parking configurations. They also provide a comparative pedestrian crossing time as a gauge of relative pedestrian crossing-comfort between the various street types.

A. Intent and Principles

1. General Intent

- a. Streets are a community's first and foremost public spaces and should be just as carefully designed and planned as any park or public building. The character of the STREET-SPACE—both its scale and its details—plays a critical role in determining the pedestrian quality of a given location.
- b. Streets must balance the needs of all forms of traffic—auto, transit, bicycle and pedestrian—to maximize mobility and convenience for all City residents and users. Their character will vary depending on their location: some streets will carry a large volume of traffic and provide a more active and intense urban pedestrian experience while others will provide a less active and more intimately scaled STREET-SPACE.
- c. These are streets—not highways, arterials, or collectors—and must be developed as such to create pedestrian-oriented places balancing all transportation modes. The neighborhood street type is designed primarily for walkability and pedestrian comfort, with automobile movement as a secondary focus. The other types balance pedestrian and auto movements.

2. Principles

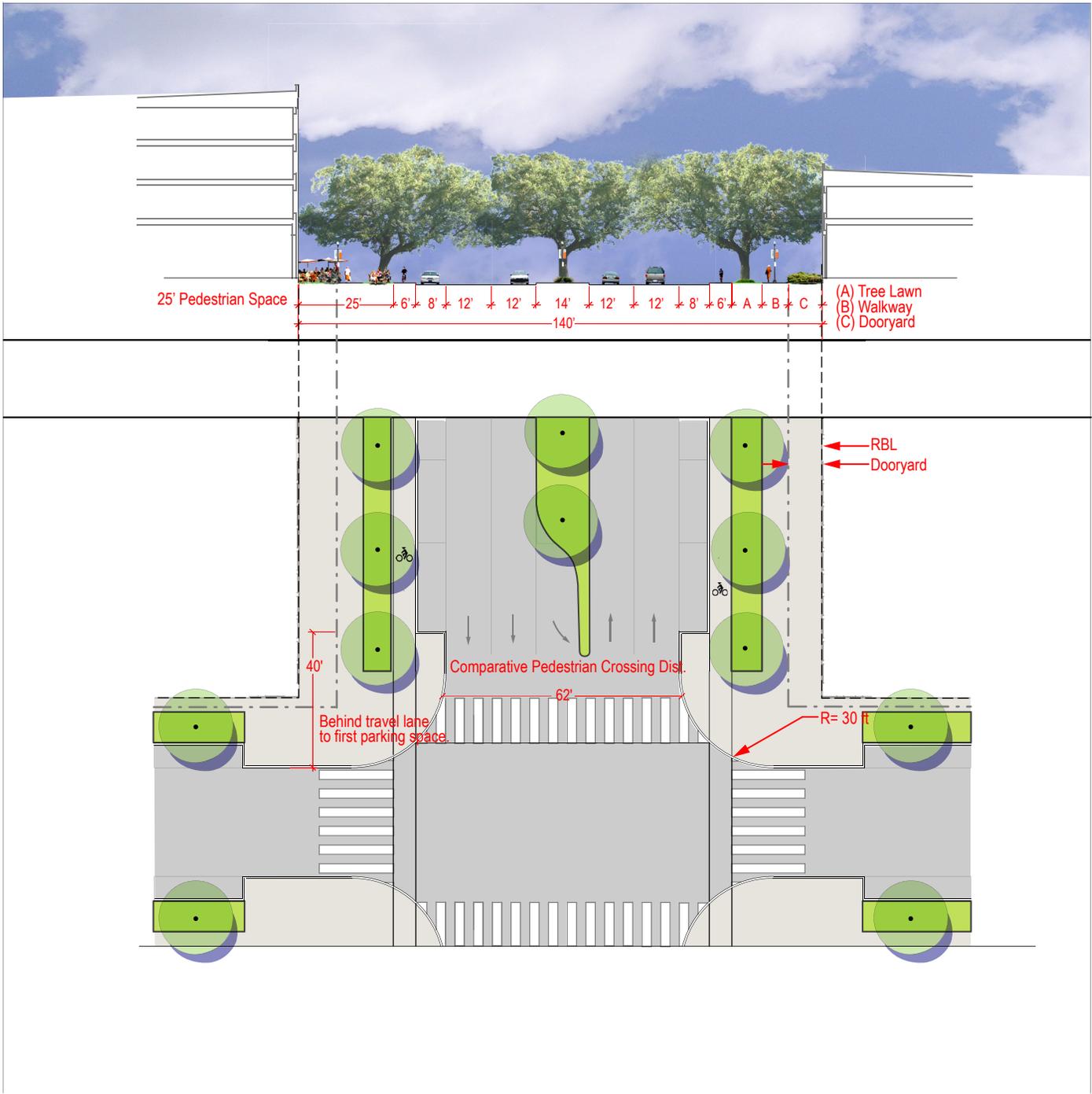
- a. The appropriate design of streets is one of the most important design elements for an urban neighborhood.
- b. To design for continuous free-flowing traffic creates situations where vehicles will travel at speeds greater than desirable for pedestrians.
- c. With appropriate design techniques, drivers will choose slower speeds and less aggressive behavior, a feat typically not achieved through basic speed limit signage/postings.
- d. Scale is a threshold design consideration for street design elements (from signage to crossing distances)—in a Neighborhood, Town or City it should be that of the pedestrian.
- e. An interconnected street network allows traffic capacity to be diffused and maintained across numerous streets.
- f. Emergency vehicle access must be maintained, but with an interconnected street network, there will always be at least two routes of access to any lot or parcel.
- g. Differences between “requirements” and “preferences” can be significant—increased lane width and the accompanying increased vehicle speed more often than not decrease the overall safety for pedestrians.
- h. On-street parking slows passing vehicular traffic and acts as a buffer between moving vehicles and pedestrians.
- i. Overall function, comfort, safety and aesthetics of a street are more important than efficiency alone.
- j. In a pedestrian-oriented area, non-vehicular traffic should be provided with every practical advantage so long as safety is not adversely affected.

- l. Street design should take into consideration what is reasonably foreseeable, not every situation that is conceivably possible.
- m. Designing a street to facilitate (rather than accommodate) infrequent users may actually be the wrong design for the frequent users of the space.
- n. When the street design creates a conflict between the vehicular and non-vehicular user, it should be resolved in favor of the non-vehicular user unless public safety will be truly jeopardized by the resolution.

B. Street Types

1. These are the permitted types and configurations are permitted within the district.
 - a. London Boulevard, LB-12
 - b. London Boulevard, LB-11
 - c. Uptown High Street UH-100
 - d. Neighborhood Street NS-66
 - e. Elm Street NS-100
 - f. King/Queen Street NS-40/50
 - g. Alley-24
 - h. Alley-30
2. Within neighborhoods, intersections configured as roundabouts are discouraged. They are encouraged at the edges of and between neighborhoods, where their ability to break up and distribute traffic flow is most appropriate and least disruptive to pedestrian comfort.
3. On the London Boulevard and Uptown High Street specifications, designated bike lanes are shown. The other street types are configured such that in-lane bicycle travel is encouraged and appropriate.
4. Both London Boulevard and Uptown High Street have the potential for transit-rail as an option. These are shared lane configurations and allow rail lines to be added in the future.

A. London Boulevard: LB-12



London Boulevard 12 : LB 12

STREETSPACE: 140 feet (per Regulating Plan). Sidewalk Area Elements: (A) Treelawn 8 ft, (B) Clear Walkway 7 ft, (C) Dooryard 10 ft.

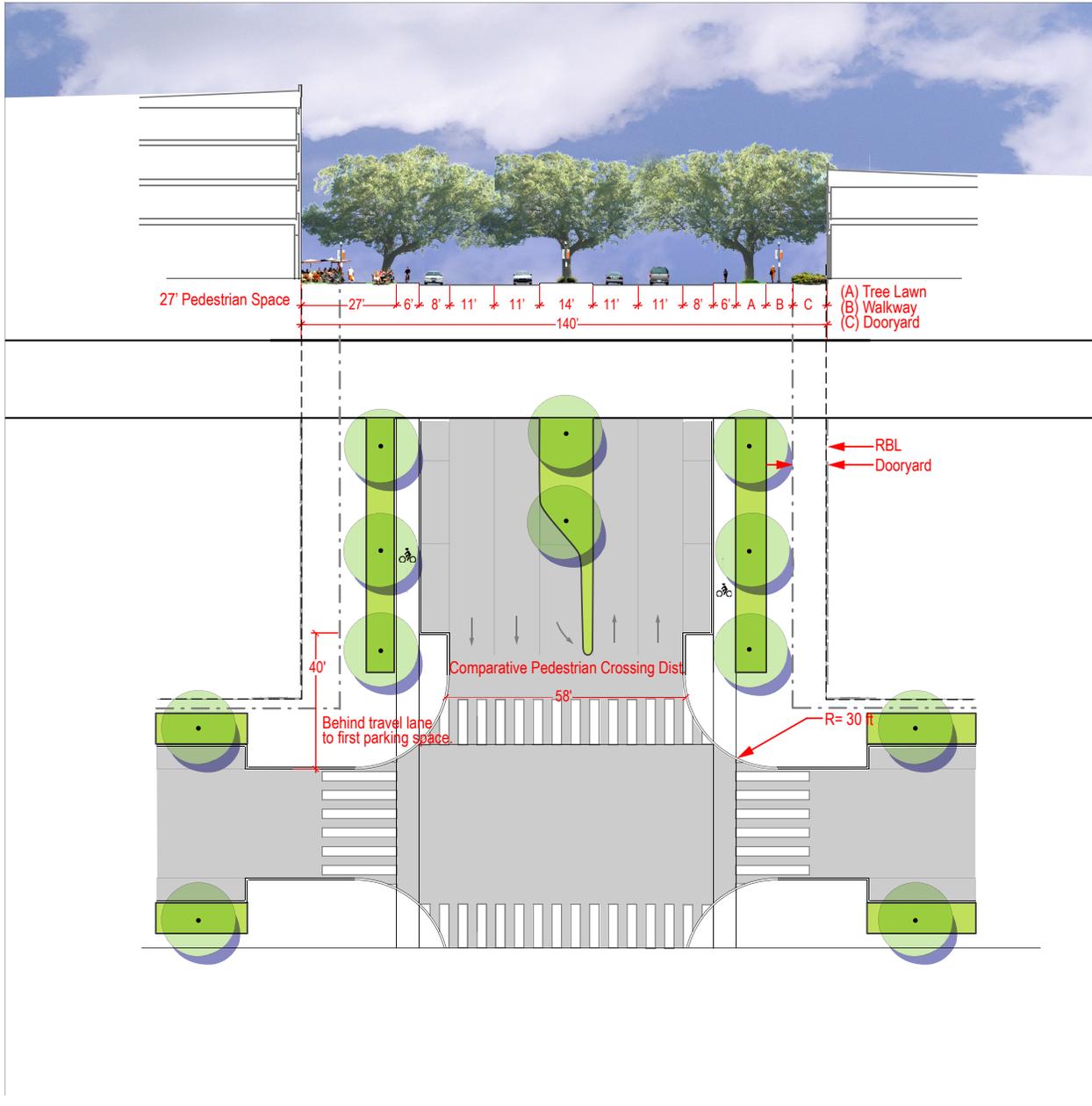
Total Pedestrian Area Width, 25 ft. Travel Lanes: 2 through @ 12 feet, Center Turn Lane: 11 feet (Median optional. This width may be increased, see URBAN-SPACE STANDARDS). Design Speed 25 to 30 mph.

Comparative Pedestrian Crossing Distance 62 feet, Time 17 seconds.

(All dimensions to face of curb.)

Note: These drawings are for Illustrative Purposes Only. Refer to the Regulating Plan for the Situation Specific to your Site.

B. London Boulevard: LB-11



London Boulevard 11 : LB 11

STREETSPACE: 140 feet (per Regulating Plan). Sidewalk Area Elements: (A) Treelawn 8 ft, (B) Clear Walkway 7 ft, (C) Dooryard 12 ft.

Total Pedestrian Area Width, 25 ft. Travel Lanes: 2 through @ 12 feet, Center Turn Lane: 11 feet (Median optional. This width may be increased, see

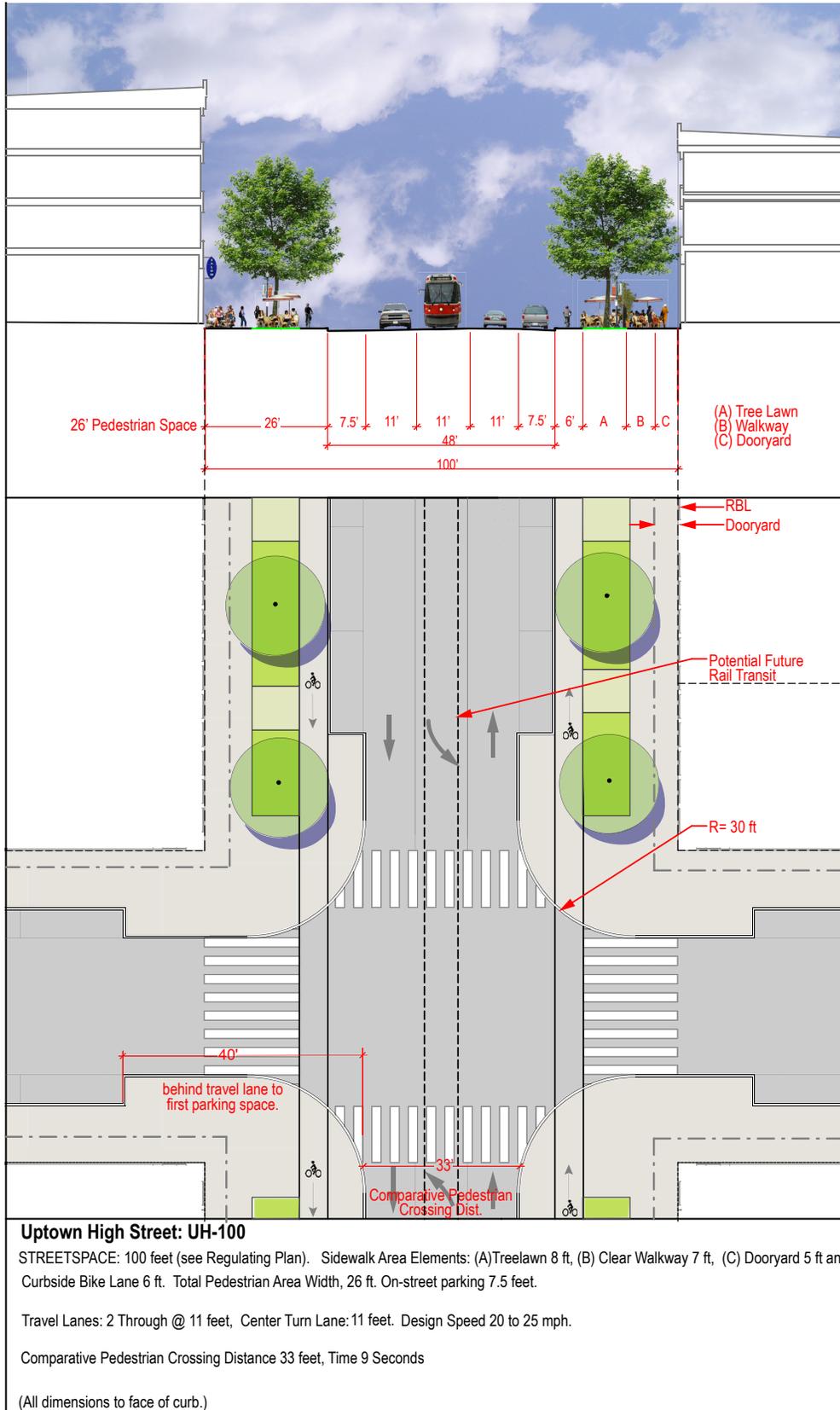
URBAN-SPACE STANDARDS). Design Speed 25 to 30 mph.

Comparative Pedestrian Crossing Distance 58 feet, Time 16 seconds.

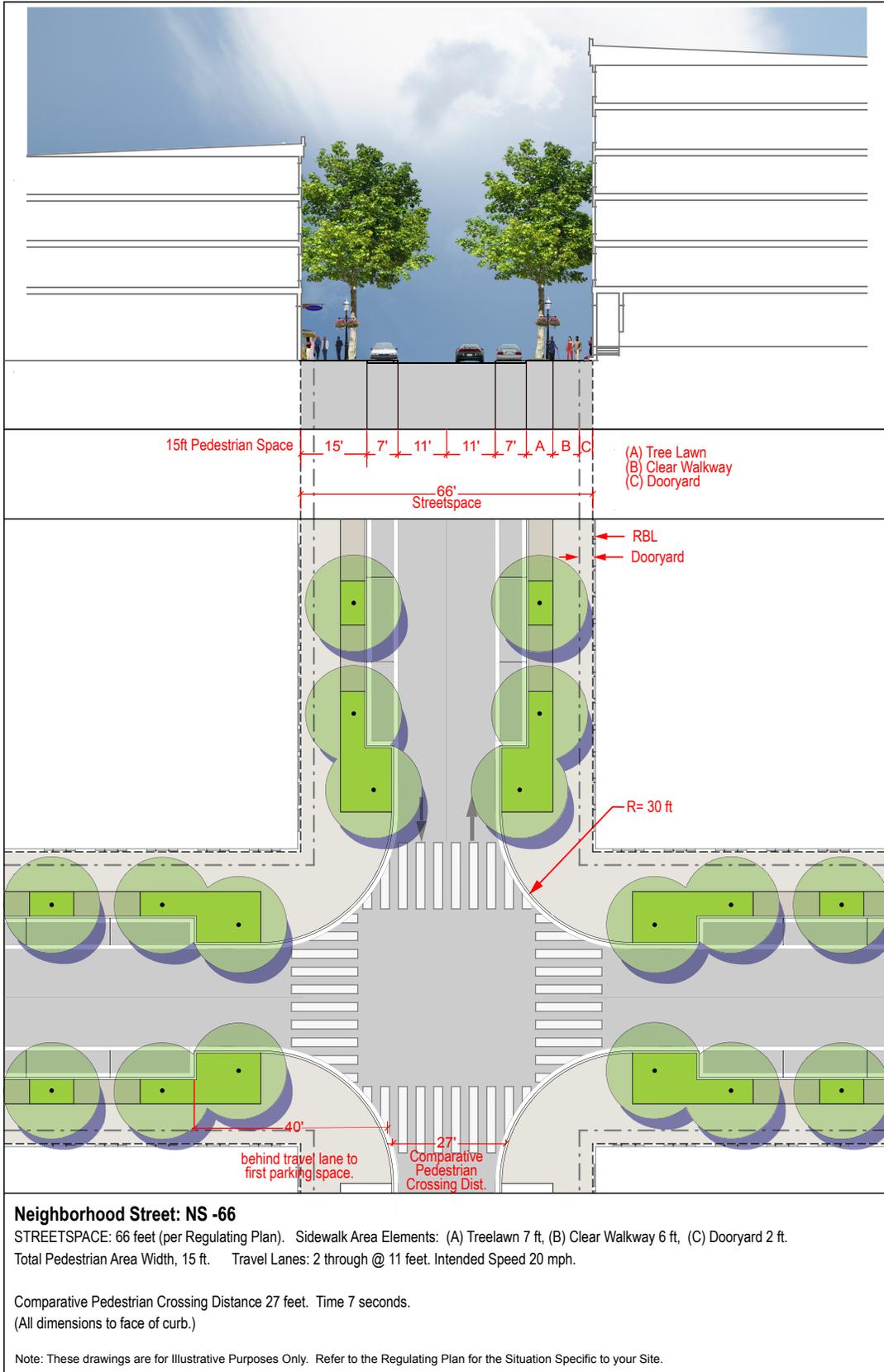
(All dimensions to face of curb.)

Note: These drawings are for Illustrative Purposes Only. Refer to the Regulating Plan for the Situation Specific to your Site.

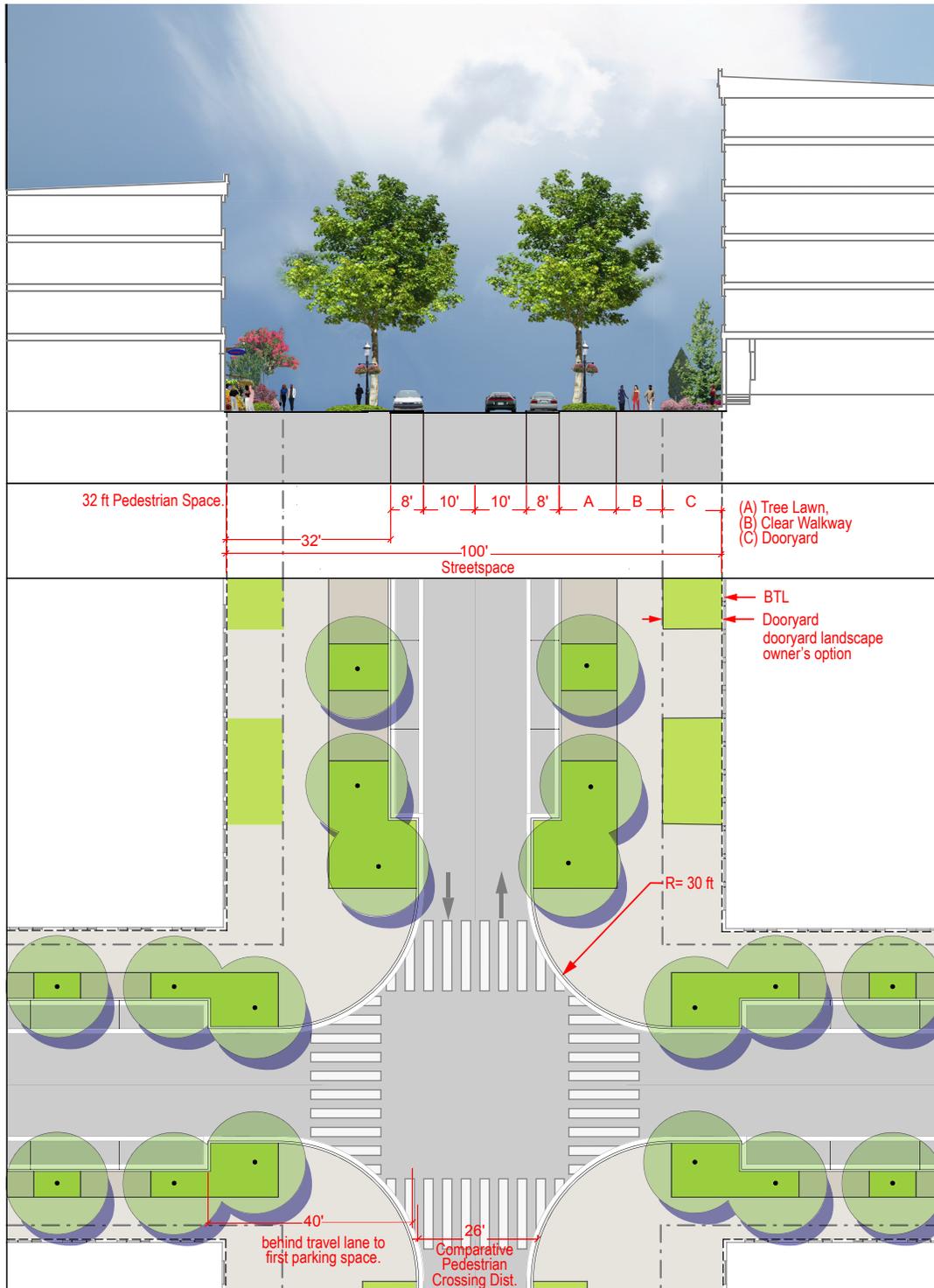
C. Uptown High Street: UH-100



D. Neighborhood Street: NS-66



E. Elm Street: NS-100



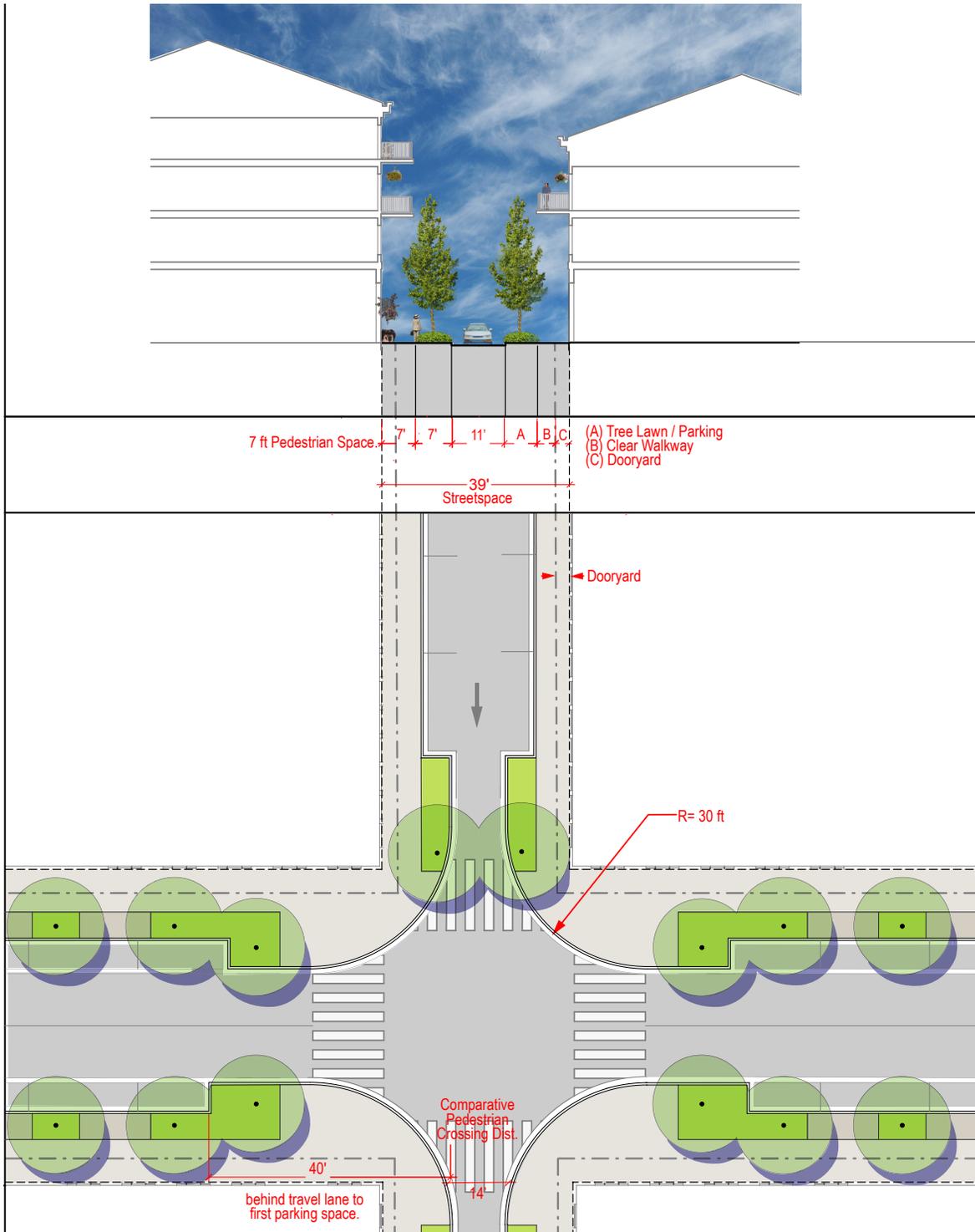
Elm Street: NS-100

STREETSPACE: 100 feet (per Regulating Plan). Sidewalk Area Elements: (A) Treelawn 12 ft, (B) Clear Walkway 8 ft, (C) Dooryard 12 ft. Total Pedestrian Area Width, 32 ft. Travel Lanes: 2 through @ 10 feet. Intended Speed 20 mph.

Comparative Pedestrian Crossing Distance 26 feet. Time 7 seconds.
(All dimensions to face of curb.)

Note: These drawings are for Illustrative Purposes Only. Refer to the Regulating Plan for the Situation Specific to your Site.

F. King/Queen Alley-Streets: NS-40/50

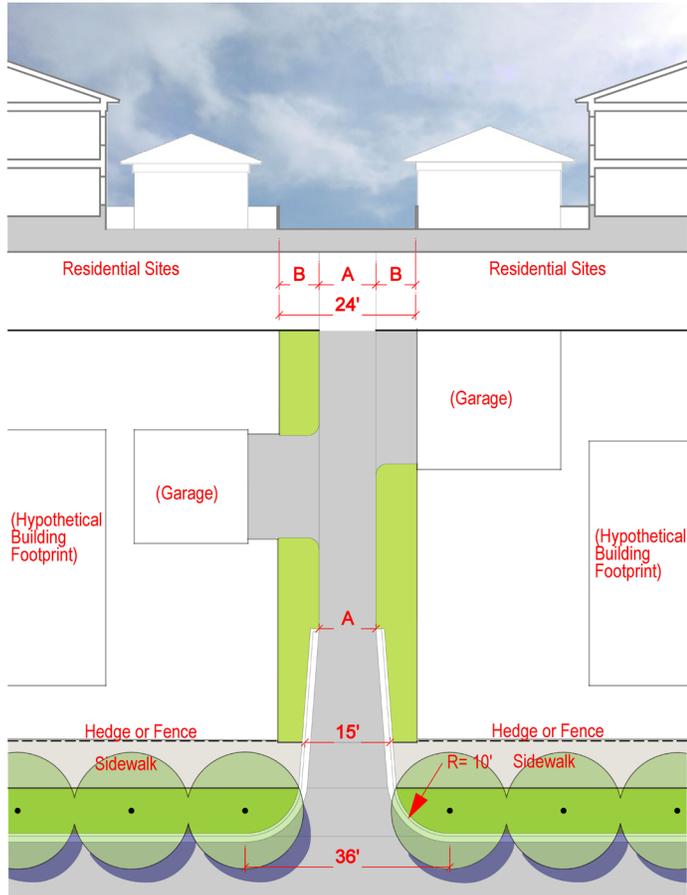


STREETSPACE: 39 - 50 feet (per Regulating Plan). Where greater than 39 feet the extra dimension shall go to the Dooryard or the Clear Walkway width, at the Planning Directors discretion. Sidewalk Area Elements: Tree lawn/Parking 7ft, (B) Clear Walkway 5 ft, (C) Dooryard 2 ft. Total Pedestrian Area Width, 7 ft. Design Speed 20 mph or less.

Travel Lanes: 1 through @ 11 feet. Comparative Pedestrian Crossing Distance 14 feet, Time 3 seconds.
(All dimensions to face of curb.)

Note: These drawings are for Illustrative Purposes Only. Refer to the Regulating Plan for the Situation Specific to your Site.

G. Alley 24



Alley: A-24

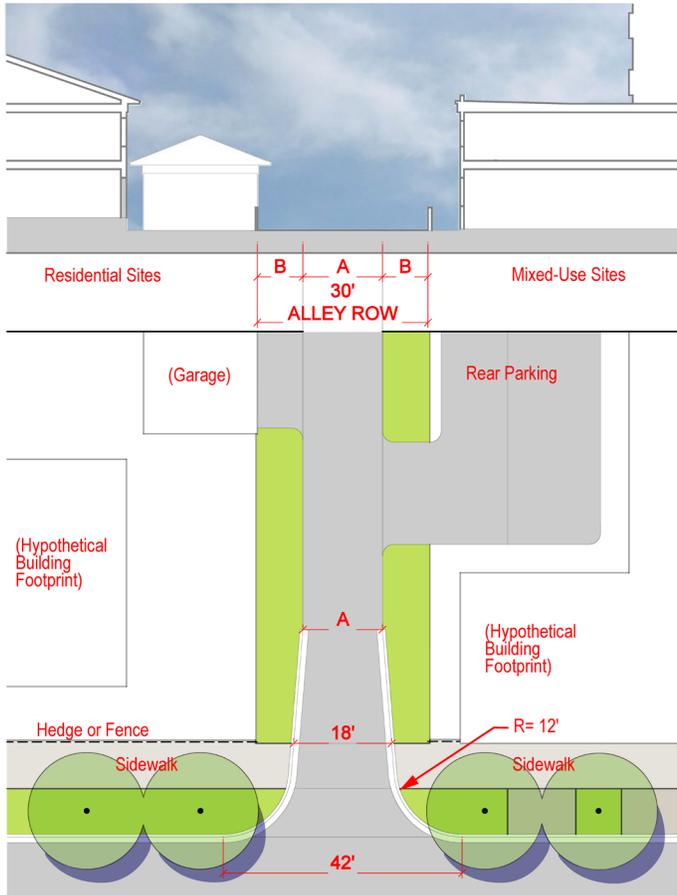
ROW: 24 feet. Paved Area: (A) 10-18 feet, Pervious Side Areas (B) 3-7 feet. Throat Width (at ROW) 15 feet, Curb Radius 10 feet. Curb extends 20 feet into Block to the (A) pavement width.

Comparative Pedestrian Crossing Distance 16 feet.

(All dimensions to face of curb.)

Note: These drawings are for Illustrative Purposes Only. Refer to the Regulating Plan for the Situation Specific to your Site.

H. Alley 30



Alley: A-30

ROW: 30 feet. Paved Area: (A) 14-22 feet, Pervious Side Areas (B) 4-8 feet (turf or pervious paving). Throat Width (at ROW) 18 feet, Curb Radius 12 feet. Curb extends 20 feet into Block to the (A) pavement width. Comparative Pedestrian Crossing Distance 18 feet. (All dimensions to face of curb.)

504. Streetscape Standards

A. General Provisions

1. All plant material (including trees) shall pass any inspections required under State regulations.
2. All turf grass shall be solidly sodded at installation—not seeded, sprigged, or plugged. Vegetative groundcovers may be used in place of turf grass.
3. In addition to the lot, the owner must maintain the following areas:
 - a. The portion of the STREET-SPACE between their lot line and the back of the curb.
 - b. The portion of the ALLEY between the lot line and the edge of the ALLEY pavement.
4. Mechanical and electrical equipment including, but not limited to, air compressors, pumps, exterior water heaters, water softeners, private garbage cans (not including public sidewalk waste bins), and storage tanks may not be stored or located within any STREET-SPACE. (Water pumps not visible are not included in this prohibition. Temporary placement of private garbage cans within the STREET-SPACE may be allowed to accommodate scheduled pick-up.)

B. Street Trees

1. Each STREET-SPACE must have STREET TREES planted along the STREET TREE ALIGNMENT LINE (generally 3 to 3½ feet from the back of the curb unless otherwise specified in the REGULATING PLAN or Street Type Specification) at an average spacing not greater than 30 feet on center (calculated per BLOCK FACE). Where necessary, spacing allowances may be made to accommodate curb cuts, fire hydrants and other infrastructure elements; however, at no location may STREET TREE spacing exceed 45 feet on center. Required STREET TREE planting area configurations are specified in the street type specifications and below.
2. Required tree planting area minimum specifications are as follows:
 - (i) Soil surface area shall not be less than 90 square feet per isolated tree or 60 square feet per tree for connected (TREE LAWN) situations.
 - (ii) No dimension of the soil surface area may be less than 5 1/2 feet.
 - (iii) These requirements may be met through the use of bridged slab, structural soil, or other techniques that clearly exceed these standards in the fostering of vital and long-lived STREET TREES.
- a. STREET TREE planting areas shall be at grade or not greater than six inches in height above or below the sidewalk
- b. At planting, STREET TREES shall be at least 2.5 inches in diameter (at DBH) and at least ten feet in overall height. Species must be selected from the street tree list (see Tree Lists). Consult with the Code Administrator for the designated tree species for a particular STREET-SPACE.
- c. Any unpaved ground area shall be planted with groundcover, flowering vegetation, or climbing vines, not to exceed 12 inches in height. STREET TREES must be “limbed up” as they gain appropriate maturity so as to not interfere with pedestrian or truck travel (minimum 7 feet clear over the sidewalk and 14 feet over the travel lanes of the street) and to maintain visibility.

3. Streetscape Elements

- a. Street lights shall be installed on both sides of streets, aligned with the STREET TREES, and unless otherwise designated on the REGULATING PLAN, at intervals of not more than 80 feet, measured parallel to the street.
- b. Street lights shall be between 9 and 16 feet above ground in height.
- c. At the time of development, the developer is required to install STREET LIGHTS and sidewalks, as illustrated in Street Type Specifications, on the side of the STREET-SPACE being developed.
- d. Sidewalks not otherwise designated in the REGULATING PLAN or Street Type Specifications shall be a minimum of six feet wide and be constructed to meet all City (and ADA) specifications.
- e. Street furniture is an element of the overall STREET-SPACE design—not an afterthought. Street furnishings should be simple, functional, and durable.

4. On-Street Parking

- a. On-street parking spaces shall count towards parking requirements. (See Part 7. Parking and Loading.)
- b. The parking space/tree planting pattern may be interrupted by existing or new driveways designated in the regulating plan, streets, ALLEYS, and transit stops or stations, but at no time may spacing exceed forty-five (45) feet on center.
- c. Parking spaces must be constructed in a manner that allows proper drainage (generally a “w” profile, having a gutter pan between the travel and parking lanes).
- d. On-street bicycle parking shall be provided forward of the DOORYARD area, the racks shall be located in alignment with the STREET TREES. (The “U” rack is recommended as the standard rack.)

505. SQUARES AND CIVIC GREENS

A. Intent

1. These standards apply to those spaces that are either publicly owned or publicly accessible, as designated on the REGULATING PLAN.
2. SQUARES, CIVIC GREENS and plazas should be situated at prominent locations within each urban neighborhood and should be dedicated to important events or citizens. The green plants and trees of SQUARES and CIVIC GREENS provide a landscape and civic architecture that complement the surrounding private building architecture.
3. SQUARES are active pedestrian centers. CIVIC GREENS are spaces intended for less intensive foot traffic. Surface treatment is regulated accordingly.
4. Pervious paving materials (to allow oxygen for tree roots and absorb stormwater run-off) are encouraged in both SQUARES and CIVIC GREENS, and the percentage of impervious paving material is limited. (see C. Materials and Configurations.)

B. Standards

SQUARES and CIVIC GREENS must be designed, planted and maintained according to the following requirements.

1. SQUARES and CIVIC GREENS shall have at least 60 percent of their perimeter fronting rights-of-way. Both types of spaces shall be surrounded by STREET TREES. Their dimensions shall be no narrower than a 1:5 ratio and no SQUARE or CIVIC GREEN width or breadth dimension shall be less than 25 feet.

2. Appropriate to their high (pedestrian) traffic level they must be designed with a higher percentage of paved surface area.
3. A clear view through the SQUARE or CIVIC GREEN (from two to eight feet in height) is required, both for safety and urban design purposes.
4. SQUARES and CIVIC GREENS may not include active recreation structures such as ball fields and courts.

C. Materials and Configurations

1. General

- a. STREET TREES shall be planted along the alignment shown in the street type specification, and in accordance with Sec. 504, B. Street Trees. They may be of a different species than the connecting street.
- b. The ground surface level elevation must be between 0 and 18 inches above the top of the adjacent curb.
- c. The maximum slope across any SQUARE or CIVIC GREEN may not exceed ten percent.
- d. Except for tree trunks, street lights, civic buildings, public art or monuments, there must be a clear view between two and eight feet above grade. The foliage of newly planted trees may intrude into this area until the tree has sufficient growth to allow such a clear trunk height.
- e. Trees within a SQUARE or CIVIC GREEN may also be selected from the public space tree lists (see Sec. 507. Tree Lists).
- f. Asphalt is prohibited within a SQUARE or CIVIC GREEN.

2. SQUARES

Appropriate to their high (pedestrian) traffic level, SQUARES shall incorporate a higher percentage of paved surface area. Surface treatment and materials (within the area back-of-curb to back-of-curb, excluding any CIVIC USE BUILDING, public art or monument footprint) shall be a minimum 20 percent and maximum 35 percent unpaved pervious surface (turf, groundcover, gravel, soil or mulch).

3. CIVIC GREENS

Appropriate to their less intensive character, CIVIC GREENS shall be designed with a lower percentage of paved surface area. Surface treatment and materials (within the area back-of-curb to back-of-curb excluding any CIVIC USE BUILDING, public art or monument footprint) shall be a minimum 50 percent unpaved pervious surface area (such as turf, groundcover, gravel, soil or mulch).

4. PEDESTRIAN PATHWAY

The area within a PEDESTRIAN PATHWAY shall be a public access easement or public right of way. The easement width for these pathways must not be less than 20 feet with a paved walkway not less than ten feet wide and must provide an unobstructed view straight through its entire length, except where otherwise specified on the REGULATING PLAN.

506. PRIVATE OPEN AREA

- A. At least 1 tree per 800 square feet of any at-grade required PRIVATE OPEN AREA shall be planted in the rear lot area and located no closer than five feet to any COMMON LOT LINE. Exceptions: General and Workshop frontages; and sites that are reusing existing structures with no ground level open area are exempt from this requirement.

- B. Trees must be at least two inches in diameter at DBH and eight feet in overall height (at time of planting). Species must be selected from these Tree Lists). Exceptions: General and Workshop frontages; and sites that are reusing existing structures with no ground level open area are exempt from this requirement.

507. Tree Lists

A. General

1. The following lists contain all approved tree species for use in an urban neighborhood. The lists include native and acceptable adapted species. Other species may be used for planting within a private lot.
2. Invasive exotic species may not be used anywhere on private lots or other areas.

B. STREET TREES

1. Species in the street tree list are for placement as shown in street type specifications, or as specified in the REGULATING PLAN for placement along the STREET TREE ALIGNMENT LINE. The use of alternate species may be permitted, but only if approved by CODE ADMINISTRATOR.
2. STREET TREES are part of an overall STREET-SPACE plan designed to provide both canopy and shade and to give special character and coherence to each STREET-SPACE. The desired aesthetic must be achieved through the use of native and/or proven hardy adapted species. Appropriate street tree list species may grow and change over time. Inclusion in this list must be based on the following criteria:
 - a. Structural – STREET TREES shape and subdivide the STREET-SPACE, increasing pedestrian comfort and adding (literal) value to the street/ community. “Canopy Shade Tree” species grow to heights in excess of 60 feet and have a broad canopy—enabling them to clear auto traffic and pedestrians, form a ceiling-like enclosure, and open a clear view of the STREET-SPACE and storefronts at eye-level.
 - b. Pragmatic – Life as a typically placed street tree is nasty, brutish, and typically short. Few species are tough enough to survive and grow. Appropriate species have special tolerance to salt and soil compaction. STREET TREE planting techniques and configurations provide a healthy environment in which the tree can thrive—this will ensure that the trees increase the community value as they grow.
 - c. Design – Species are planted consistently along a given street-space to provide a special form and character. This provide species diversity at the same time it provides a specific street character by planting different STREET-SPACES with different trees.

STREET TREE LIST
(Large Canopy Trees – mature height above 70 feet)

<i>Acer rubrum</i>	Red Maple
<i>Betula nigra</i>	River Birch
<i>Fraxinus americana</i> ‘Autumn Purple’	White Ash
<i>Fraxinus excelsior</i>	Blue Ash
<i>Fraxinus pennsylvanica</i> ‘Marshall’s Seedless’	Green Ash
<i>Ginkgo biloba</i>	Ginkgo (male only)
Japanese Zelkova	
<i>Quercus coccinea</i>	Scarlet Oak
<i>Quercus falcata</i>	Southern Red Oak
<i>Quercus muhlenbergii</i>	Chinquapin Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus rubra</i>	Red Oak
<i>Quercus velutina</i>	Black Oak
<i>Sophora japonica</i> ‘Regent’	Japanese Pagoda Tree
<i>Tilia Americana</i>	Basswood/American Linden
<i>Tilia cordata</i> ‘Greenspire’	Greenspire Littleleaf Linden
<i>Tilia euchlora</i>	Crimean Linden
<i>Tilia tomentosa</i>	Silver Linden
<i>Ulmus hollandica</i> ‘Groenveldt’	Groenveldt Elm
<i>Ulmus parvifolia</i>	Chinese/Lacebark/Drake Elm
Yoshino Cherry	
<i>Zelkova Serrata</i>	

3. Public Space Trees

In addition to the above trees, the following trees may be placed within DOORYARDS, SQUARES OR CIVIC GREENS.

<i>Acer palmatum</i> cultivars	Japanese Maple
<i>Cercis canadensis</i>	Redbud
<i>Cornus florida</i> cultivars	Dogwood
<i>Cornus kousa</i>	Kousa Dogwood
<i>Lagerstroemia indica</i>	Crepe Myrtle
<i>Magnolia</i> spp.	Magnolia
<i>Malus</i> spp. (improved varieties)	Crabapple
<i>Prunus</i> spp.	Flowering Cherry and Plum
<i>Taxodium distichum</i>	Bald Cypress
<i>Acer nigrum</i>	Black Maple
<i>Carya laciniosa</i>	Shellbark Hickory
<i>Carya ovata</i>	Shagbark Hickory
<i>Ilex vomitoria</i>	Yaupon Holly
<i>Liriodendron tulipifera</i>	Tulip Poplar
<i>Pistacia chinensis</i>	Chinese Pistache
<i>Taxodium ascendens</i>	Pond Cypress
<i>Zelkova serrata</i>	Japanese Zelkova

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Part 6. Architectural Standards

601. Intent

- A. These architectural standards establish basic parameters regarding functional building element configuration and palettes for building materials.
- B. The architectural standards serve to establish a coherent character and encourage a high caliber, lasting quality of development. Buildings shall be reviewed by the CODE ADMINISTRATOR to verify that they meet the architectural standards (as well as the balance of this Code). The CODE ADMINISTRATOR may also work with the developer or designer to show them how to work within these requirements.
- C. In order to establish and maintain a sense of place, these standards specify an architectural aesthetic of load-bearing walls and regional materials. Buildings should reflect and complement the traditional materials and techniques of the Virginia Tidewater Region. The standards also specify details, such as window proportions, roof or cornice configurations, storefronts, and overhangs.

602. General Principles

- A. All building materials to be used shall express their specific properties. For example, stronger and heavier materials (masonry) support lighter materials (wood).
- B. Equivalent or Better.
 - 1. While only materials, techniques, and product types prescribed here are allowed, equivalent or better practices and products are encouraged. They may be submitted to the CODE ADMINISTRATOR for review.
 - 2. Additional products may be added to the list through a text amendment (administration) to this Code or may be allowed on a case by case basis through a departure from a design standard approved in accordance with Part 2, Administration.
- C. WHERE CLEARLY VISIBLE FROM THE STREET-SPACE.
 - 1. Many of these standards apply only in conditions WHERE CLEARLY VISIBLE FROM THE STREET-SPACE. Note that the definition of STREET-SPACE includes parks, plazas, SQUARES, and CIVIC GREENS but not ALLEYS.
 - 2. These controls therefore concentrate on the public space/views from the public space and minimize interference in the private realm. For example, an architectural element that is visible only through an opening in a STREET WALL is NOT CLEARLY VISIBLE FROM THE STREET-SPACE. A building element that is more than 30 feet behind the REQUIRED BUILDING LINE does not meet the definition of WHERE CLEARLY VISIBLE FROM THE STREET-SPACE.



603. Building Walls

A. Applicability

WHERE CLEARLY VISIBLE FROM THE STREET-SPACE.

B. Intent

Building walls should define the public realm - the STREET-SPACE. All walls should express the construction techniques and structural constraints of traditional, long-lasting, building materials. Simple configurations and solid craftsmanship are favored over complexity and ostentation in building form and the articulation of details.

The illustrations and statements on this page are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.



C. Primary Materials

Only the following materials are permitted (for 75 to 100 percent of the building wall surface area - per FACADE):

1. Brick and tile masonry.
2. Native stone (or synthetic equivalent).
3. Wood – clapboard or shingles.
4. Hardie-Plank™ EQUIVALENT OR BETTER siding.
5. Stucco (cementitious finish).

D. Secondary Materials

Only the following materials are permitted (maximum ten percent or less of building wall surface area - per FACADE):

1. Pre-cast masonry (for trim and cornice elements only).
2. Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only).
3. Metal (for beams, lintels, trim elements and ornamentation only).
4. Urethane Fypon™ EQUIVALENT OR BETTER (for lintels, trim elements and ornamentation only).
5. Split-faced block (only for piers, foundation walls and chimneys).
6. Glass block (no closer than 30 inches to BUILDING CORNERS).

E. Configurations and Techniques

The following configurations and techniques are permitted.

1. Walls

- a. Wall openings: the horizontal dimension of the opening may not exceed the vertical dimension except where otherwise prescribed in this Code (*no more squat than square*).
- b. Wall openings may not span vertically more than one STOREY.
- c. Wall openings shall correspond to interior space and may not span across building structure such as floor structural and mechanical thickness.
- d. Material changes shall be made with appropriate construction details for each abutting material—as where an addition (of a different material) is built onto the original building.

2. Wood Siding and Wood Simulation Materials

- a. Siding shall be in a lap (horizontal) configuration.
- b. Siding shall be smooth or rough-sawn finish (no faux wood grain).

3. Brick, Block and Stone

All masonry shall be appropriately detailed and in load-bearing configurations commensurate with local building traditions.

4. Stucco (cementitious finish)

Finish coat shall be smooth or sand only, no roughly textured finish.

604. Roofs and Parapets

A. Applicability

WHERE CLEARLY VISIBLE FROM THE STREET-SPACE.

B. Intent

Roofs and parapets should demonstrate common-sense recognition of the climate by utilizing appropriate pitch, drainage, and materials in order to provide visual coherence to the district. Roof forms are not interchangeable. The roof type is integral to the design of the building and its architectural character.

The slope of a pitched roof is determined by local climatic conditions (such as the ability to shed snow loads) and physical properties of the roofing material. Roof types that have overhanging eaves, such as gabled or hipped roofs, should be of a dimension suitable for sun shade.

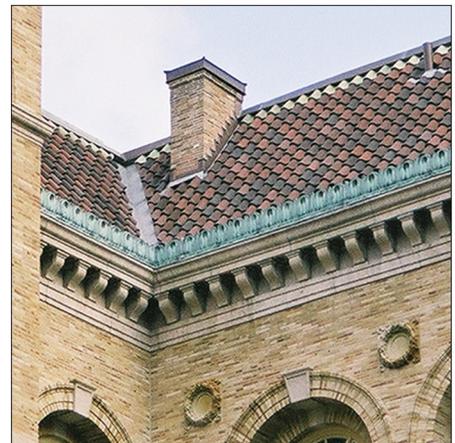
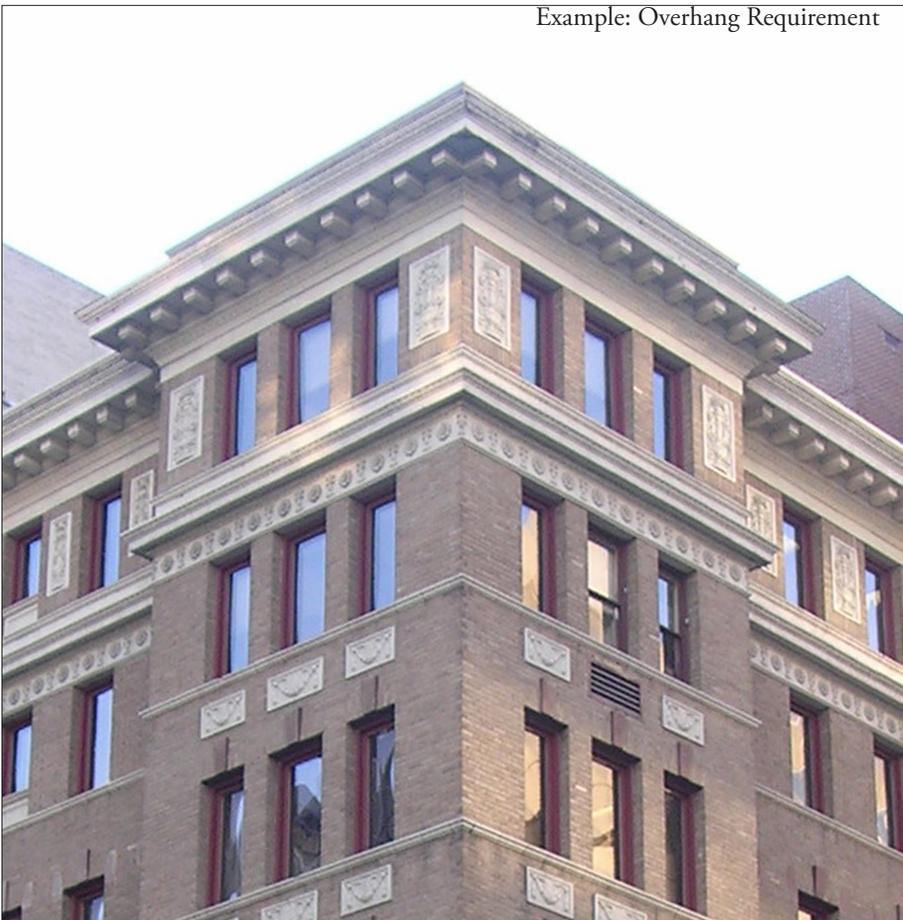
Parapets are low guarding walls at the edge of roofs (usually flat) and are formed by extensions of the building facades. This type is typically found on mixed use buildings and will likely be the prominent roof found in the downtown.

Cornices are crowning (trim) projections on a parapet wall. While the code requires certain horizontal dimensions, these elements should be designed to be appropriate for the style of the building and proportionate for the dimensions of the façade.

The illustrations and statements on this page are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.



Example: Overhang Requirement



C. Materials

Only the following materials are permitted:

1. Clay or concrete (faux clay).
2. Tile (beavertail or flat roman).
3. Slate (equivalent synthetic or better).
4. Metal (standing seam, equivalent or better).
5. Dimensional Asphalt shingles.
6. Cornices and soffits may be a combination of wood, vinyl, and/or metal.
7. Gutters and Downspouts may be PVC, vinyl, and/or metal.

D. Configurations and Techniques

The following configurations and techniques are permitted.

1. Parapet Roofs

Allowed for Storefront, General, Workshop, and Small Apartment/Townhouse frontage sites where the roof material is not visible from any adjacent STREET-SPACE.

2. Pitched Roofs

Pitch (exclusive of roofs behind parapet walls):

- a. Simple hip and gable roofs shall be symmetrically pitched between 5:12 and 10:12.
- b. Shed roofs, attached to the main structure, shall be pitched between 3:12 and 8:12.

3. Overhang Requirements

- a. Eaves shall overhang 18 to 30 inches on the primary structure for the initial four stories. For each additional story; four inches shall be added to the minimum and 12 inches shall be added to the maximum, up to a maximum projection of six feet.
- b. Eaves and rakes on accessory buildings, dormers, and other smaller structures shall overhang at least eight inches.
- c. Timber eaves and balcony brackets shall be a minimum of four inches by four inches in dimension.

4. Cornices and Other Features

- a. Buildings without visible roof surfaces and overhanging eaves may satisfy the overhang requirement with a cornice or similar form projecting from the top of the building wall horizontally between 6 and 12 inches beyond the building walls on the primary structure for the initial four STOREYS. For each additional STOREY, three inches shall be added to the minimum and 12 inches shall be added to the maximum, up to a maximum projection of five feet.
- b. Skylights and roof vents are permitted only on the roof plane opposite the STREET-SPACE (OR REQUIRED BUILDING LINE) or when shielded from STREET-SPACE view by the building's parapet wall.

605. STREET WALLS and GARDEN WALLS

A. Applicability

WHERE CLEARLY VISIBLE FROM THE STREET-SPACE.

B. Intent

Property lines are physically defined by buildings, walls, or fences. Land should be clearly public or private—in public view and under surveillance or private and protected.

STREET WALLS and GARDEN WALLS establish a clear edge to the STREET-SPACE where the buildings do not. These requirements include masonry walls or pedestrian scale fencing that define outdoor spaces and separate the STREET-SPACE from the private realm (e.g. parking lots, trash cans, gardens, and equipment). All STREET WALL and GARDEN WALL faces shall be as carefully designed as the building FAÇADE, with the finished side out (i.e. the “better” side facing the STREET-SPACE).

A STREET WALL is a masonry wall set back not more than eight inches from the REQUIRED BUILDING LINE or adjacent building FAÇADE and built to the height specified in the building envelope standards or a metal fence not to exceed 5 feet in height.

The illustrations and statements on this page are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.



C. Materials

Only the following materials are permitted:

1. Native/regional stone and equivalent imitation stone.
2. Metal (e.g., wrought iron and/or electro-statically plated black aluminum) - may be used for gates and fences.
3. Brick.
4. Stucco on concrete block or poured concrete (only when a brick or stone coping is provided).
5. A combination of materials (e.g. stone piers with brick infill panels).
6. Wood - may be used for gates only.

Exception: In the Detached Frontage District fences as required in the front yard fences may be wood picket style fences.

D. Configurations and Techniques

The following configurations and techniques are permitted.

1. STREET WALLS along any unbuilt REQUIRED BUILDING LINE shall be built to the height and length specified in the building envelope standard.
2. Metal work may additionally be treated to imitate a copper patina.
3. Copings shall project between one inch and four inches from the face of the STREET WALL.
4. STREET WALLS and GARDEN WALLS taller than 4 feet shall be subject to the FENESTRATION requirements of their BES.

606. Windows and Doors

A. Applicability

WHERE CLEARLY VISIBLE FROM THE STREET-SPACE.

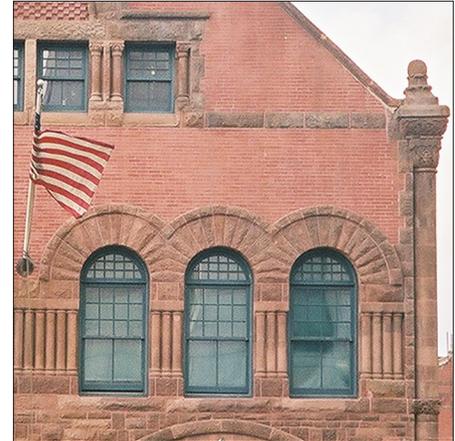
B. Intent

The placement, type, and size of windows and doors on the FACADE largely establishes the scale and vitality of the STREET-SPACE. For commercial buildings, they allow interplay between the shop interiors and the STREET-SPACE. Commercial uses (especially restaurants and retail establishments) benefit from exposure to the passers-by and the STREET-SPACE benefits from the visual activity.

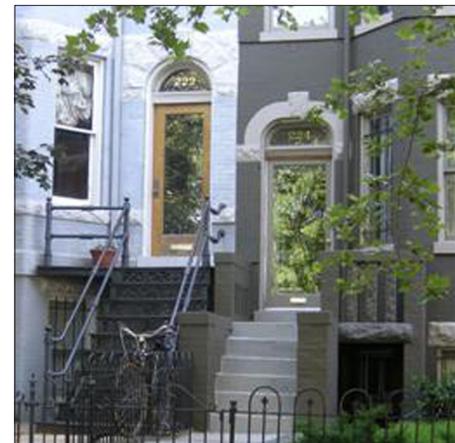
For residences, they form the “eyes on the street” surveillance which provides for the security and safety for the area.

Windows should be divided by multiple panes of glass. This helps the window hold the surface of the FACADE, rather than appearing like a “hole” in the wall (an effect produced by a large single sheet of glass).

The illustrations and statements on this page are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.



In commercial/retail frontages, the public space of the STREET-SPACE and the interior space of the shop intermingle. For residential frontages the interior space should not intermingle with the STREET-SPACE but rather overlook and provide surveillance for it.



C. Materials

Only the following materials are permitted:

1. Window frames shall be of anodized aluminum, wood, clad wood, vinyl, or steel.
2. Window glass shall be clear, with light transmission at the GROUND STOREY at least 90 percent and for the upper STOREYS 75 percent (modification as necessary to meet any applicable building and energy code requirements). Specialty windows (one per façade maximum) may utilize stained or opalescent glass, or glass block.
3. Window screens shall be black or gray.
4. Screen frames shall match the window frame material or be dark anodized.
5. Doors shall be of wood, clad wood, or steel and may include glass panes.
6. Shutter materials may be painted wood or clad wood.

D. Configurations and Techniques

The following configurations and techniques are permitted:

1. All Windows

The following requirements apply to all windows:

- a. The horizontal dimension of the opening may not exceed the vertical dimension except where otherwise prescribed in this Code (*no more squat than square*).
- b. Windows may be ganged horizontally if each grouping (maximum five per group) is separated by a mullion, column, pier or wall section that is at least seven inches wide.
- c. Windows (not doors) may be no closer than 30 inches to BUILDING CORNERS (excluding bay windows and storefronts).
- d. Exterior shutters, if applied, shall be sized and mounted appropriately for the window (one-half the width), even if inoperable.
- e. Window panes shall be recessed behind the wall surface a minimum of three inches, except for bay windows and storefronts.
- f. Snap-in mullions and muntins are permitted but not considered in any proportion calculation/measurement.

2. Upper-STOREY Windows

The following requirements apply to all upper-STOREY windows:

- a. Windows may be double-hung, single-hung, awning, or casement windows.
- b. Fixed windows are permitted in commercial buildings. In residential buildings fixed windows are permitted only as a component of a system including operable windows within a single wall opening.
 - (i) Residential buildings/floors: panes of glass no larger than 36" vertical by 30" horizontal.
 - (ii) The maximum pane size for office uses is 48" vertical by 42" horizontal.
 - (iii) Egress windows may be installed according to the appropriate building code.

3. Storefront Windows

The following apply to storefront (GROUND STOREY) windows and doors:

- a. Single panes of glass shall not be permitted larger than eight feet in height by four feet in width.
- b. GROUND STOREY windows may not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space). (See section 607. Signage.)
- c. A minimum of 80 percent of the window surface shall allow a view into the building for a depth of at least 15 feet.
- d. Storefronts may extend up to 24 inches beyond the façade or required building line into the street-space.

4. Doors

- a. Double-height entryways (those that span more than one story) shall not be permitted.
- b. A door may not be recessed more than three feet behind its facade or its shopfront and, in any case, shall have a clear view and path to a 45-degree angle past the perpendicular from each side of the door.

607. Signage

A. Applicability

WHERE CLEARLY VISIBLE FROM THE STREET-SPACE.

B. Intent

Signs along commercial frontages should be clear, informative to the public and durable.

Signs should be scaled and detailed for this mixed-use, pedestrian-oriented area and not for high speed automobile traffic.

Signage that is glaring or too large creates distraction, intrudes into or lessens the urban experience, and creates visual clutter.

The illustrations and statements on this page are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.



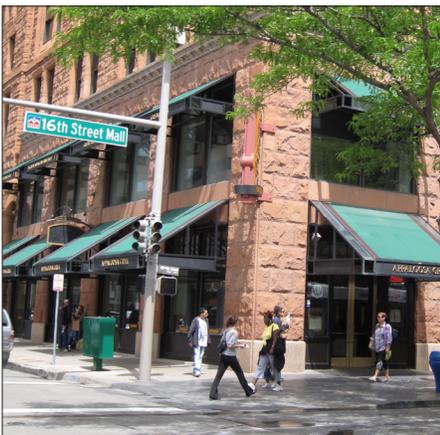
C. General Design and Materials

1. Wall signs are permitted within the area between the second STOREY floor line and the first floor ceiling, within a horizontal band not to exceed three feet in height. In no case may this band be higher than 24 feet or lower than 12 feet above the adjacent sidewalk.
2. Letters may not exceed 24 inches in height or width and 3 inches in relief. Signs may not come closer than two feet to an adjacent COMMON LOT LINE.
3. Company logos may be placed within the horizontal sign band or placed or painted within GROUND STOREY windows.
4. A single masonry or bronze plaque bearing an owner's or building's name may be placed in the building's cornice/parapet wall or under the eaves, and above the upper STOREY windows. Any such plaque shall be no larger than a rectangle of 18 square feet in size. Company logos or names in this position shall not be larger than a rectangle of eight square feet in size.
5. Blade signs (not more than two feet by three feet, vertical or horizontal with a minimum nine feet clear height above the sidewalk) may be hung within the permitted wall sign area, perpendicular to the REQUIRED BUILDING LINE or from a GROUND STOREY overhang or awning.
6. Prohibited Signs: Billboards, free-standing pole signs, marquees, any kind of animation, and roof signs are prohibited. No internally lit, flashing, traveling, animated, or intermittent lighting may be mounted on the exterior of any building whether such lighting is of temporary or long-term duration. Portable or wheeled signs and advertising devices located outside any building shall not be permitted, pursuant to City regulations (excepting as provided in this Code for the DOORYARD area). Signs painted on FACADES are prohibited (excepting those existing prior to July 2009) but are permitted, subject to approval by the CODE ADMINISTRATOR, on the other exterior walls (side, rear, and courtyard).
7. Martin Luther King Highway Frontages, are exempted from some of the standards above (see Sec. 407).
8. Monument signs shall be allowed as a replacement for existing freestanding signs along frontages only where the building or structures and sign existed on January 1, 2010, and where the building or structures are located fifty (50) feet or greater from the public right-of-way. Such monument signs shall be no greater than 8 feet in height and shall contain no more than 40 square feet, based upon the area allowed under Section 40.1-5.11 H. (1) (c). There shall be no visible space between the base and the sign contact of a monument sign. Should an addition(s) to the existing building be constructed closer than 50 feet to the right-of-way the monument sign must be completely removed.

D. Awnings/Sidewalk Overhangs

1. Any sidewalk overhangs shall have a minimum of ten feet clear height above the sidewalk and be minimum of five feet deep from the building façade (maximum depth is to back-of-curb or TREE LAWN, whichever is less).
2. Only the following materials are permitted: canvas or equivalent (no shiny or reflective materials), metal or glass.
3. Internal illumination through the awning/overhang are not permitted.
4. Lettering on awnings shall be limited to 6 inches in height on the vertical face of the curb side of the awning maximum.
5. One-quarter cylinder configurations are not permitted.

The illustrations below are advisory only.



FINAL November 24, 2009
REVISED December 14, 2010

608. Lighting & Mechanical Equipment

A. Applicability

District wide.

B. Intent

Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution. Every attempt should be made to preserve the ambiance of the night by applying the appropriate fixtures in the correct locations – street lights are pedestrian-scaled and should occur along all streets but “cobra-head” highway fixtures should only occur at intersections if absolutely necessary. All materials and equipment chosen for lighting fixtures should be durable to age well without demanding maintenance requirements.

Mechanical equipment is generally any Heating Ventilation and Air Conditioning (HVAC) or electrical machinery but also includes air compressors, hoods, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar elements. These elements should not be located in any public areas or be visible from the street. Mechanical equipment should not detract or interfere with the pedestrian space or block the sight triangle.

The illustrations and statements on this page are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.

The illustrations below are examples of mechanical equipment arrangements that are only acceptable away from and/or not visible from a STREET-SPACE (e.g. within an ALLEY or hidden from view).



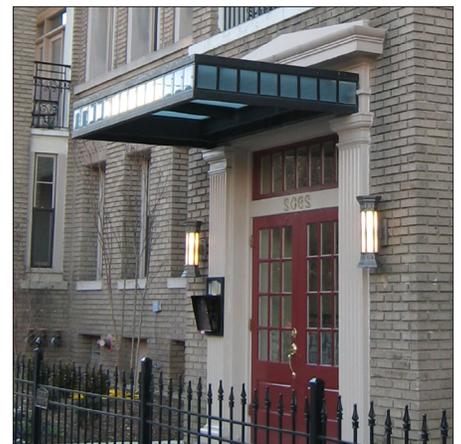
C. Lighting

1. Street lights shall be located between 9 feet and 16 feet above grade with a maximum average spacing (per BLOCK FACE) of 50 feet on center on Storefront General frontages and General frontages, and 75 feet on all other frontages along the STREET TREE ALIGNMENT LINE on each side of the STREET-SPACE and travel lanes (unless otherwise indicated on the REGULATING PLAN).
2. At the front of the building, exterior lights shall be mounted between 6 feet and 14 feet above the adjacent grade.
3. All lots with ALLEYS shall have lighting fixtures within five feet of the ALLEY. These fixtures shall illuminate the ALLEY, be between 9 and 16 feet in height, and not cause glare in adjacent lots.
4. Lighting elements shall be specified to proscribe those that cast a clearly/perceptively unnatural spectrum of light (such as low pressure sodium). LED, metal halide or halogen elements with a spectrum of light more perceptively natural are preferred. HID or fluorescent lights (excepting compact fluorescent bulbs that screw into standard sockets) shall not be used on the exterior of buildings. These standards may be updated by the CODE ADMINISTRATOR as technologies advance and produce additional EQUIVALENT OR BETTER elements.
5. Floodlights or directional lights (maximum 100-watt bulbs) may be used to illuminate ALLEYS, parking garages and working (maintenance) areas, but shall be shielded or aimed in such a way that they do not shine into other lots, the STREET-SPACE, or direct light out of the district.
6. Flood or uplighting may not be used to illuminate private building walls. Accent lighting may be permitted on CIVIC USE BUILDINGS, historic buildings, or monuments to highlight architectural features (such as church steeples or courthouse domes).
7. Site lighting shall be of a design and height and be located so as to illuminate only the lot. An exterior lighting plan shall be approved as consistent with these standards by the CODE ADMINISTRATOR.
8. Flashing, traveling, animated, or intermittent lighting shall not be mounted on the exterior of any building whether such lighting is of temporary or long-term duration.
9. Lighting for parking garages shall consider general Crime Prevention Through Environmental Design (CPTED) intent and guidelines.
10. Holiday Lighting is exempt.

D. Mechanical Equipment

1. The following shall be placed behind and away from any REQUIRED BUILDING LINE, may not be stored or located within any STREET-SPACE, and shall be screened from view from the STREET-SPACE: air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar equipment.
2. Roof mounted equipment shall be placed behind and away from any REQUIRED BUILDING LINE and be screened from view from the STREET-SPACE.

The illustrations below are advisory only.



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Part 7. Parking and Loading Standards

701. Intent

- A. Promote a “park once” environment that will enable people to conveniently park and access a variety of commercial and civic enterprises in pedestrian friendly environments by encouraging shared parking.
- B. Reduce fragmented, uncoordinated, inefficient, reserved single-purpose parking.
- C. Avoid adverse parking impacts on neighborhoods adjacent to redevelopment areas.
- D. Maximize on-street parking.
- E. Provide flexibility for redevelopment of small sites and for the preservation of historic buildings.
- F. Increase visibility and accessibility of parking.
- G. Promote early prototype projects using flexible and creative incentives.

702. Other Applicable Regulations

- A. The requirements of Chapter 32, Streets, Sidewalks and Local Improvements, apply to all parking and loading areas under this Code.
- B. Pervious surfaces approved by the City Engineer are encouraged for surface parking lots.

703. Scope of Regulations

- A. Sites under 8,000 square feet in commercial floor area have no minimum parking requirements.
- B. Sites over 8,000 square feet in land area (and all residential uses) have the following requirements.
 - 1. A minimum of 1 and 1/4 parking space per residential unit, of which a minimum of 1/4 parking space per residential unit shall be provided as shared parking. There are no maximum limits on shared parking.
 - 2. A minimum of one and 1/4 spaces per 1,000 square feet of non-residential Gross Floor Area (GFA) shall be provided as shared parking; there are no set maximum limits on shared parking. New on-street parking spaces created in conjunction with the development, which did not previously exist, may be counted toward the minimum requirement for shared parking. Any limitations on the shared parking (time limits or hours of the day) shall be subject to approval by the CODE ADMINISTRATOR which shall be given upon a finding that at least 12 hours of public parking are provided in any 24-hour period and that at least 8 of those hours are provided during either business or nighttime hours depending on whether the CODE ADMINISTRATOR determines that the primary public use will be for commercial or residential uses.
 - 3. Reserved parking above the maximum (see Section 704 below) may be provided upon payment to the City. Reserved parking includes all parking that is not shared parking. The CODE ADMINISTRATOR shall establish the amount of payment annually based on the approximate cost to build structured parking.
- C. Achieving parking requirements:

1. Parking requirements may be met either on-site or within an 800 foot walking distance of the development.
2. In lieu of minimum parking requirements, the City may accept a one-time payment per each space of shared parking. The CODE ADMINISTRATOR shall establish the amount of payment annually based on the approximate cost to build structured parking.
- D. Shared parking shall be designated by appropriate signage and markings as determined by the CODE ADMINISTRATOR
- E. Sites over 10,000 square feet in land area have the following requirements for bicycle parking:
 1. For COMMERCE development, the developer must provide 1 employee bicycle parking rack (2-bike capacity) per 5,000 square feet of GFA and 1 visitor/customer bicycle parking rack (2-bike capacity) per 18,000 square feet of GFA.
 2. For residential development, the developer must provide 1 tenant bicycle parking rack (2-bike capacity) per 10 units and 1 visitor bicycle parking rack (2-bike capacity) per 25units.
 3. Bicycle parking facilities are to be highly visible to intended users. The bicycle parking facilities shall not encroach on any area in the public right of way intended for use by pedestrians, nor shall they encroach on any required fire egress.
 4. On-street bicycle parking spaces may be counted toward the minimum customer/visitor bicycle parking requirement.
- E. *Existing parking and loading facilities.* Required off-street parking and loading facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served or located elsewhere shall not hereafter be reduced below or, if already less than, shall not be further reduced below, the requirements for a similar new building or use under the provisions of this ordinance.
- F. *Permissive parking and loading facilities.* Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, in accordance with all regulations herein governing the location, design, and operation of such facilities.
- G. *Submission of site plan.* Any application for a building permit, or for a business license where no building permit is required and there is a change in use, shall be accompanied by a site plan, drawn to scale and fully dimensioned, showing off-street parking or loading facilities to be provided in compliance with this ordinance. For parking facilities providing more than twenty (20) parking spaces or more than two loading spaces, the plans shall be prepared by a certified engineer licensed by the Commonwealth of Virginia.
- H. *Area Exempt from off-street parking requirements.* No off-street parking shall be required for development which occurs downtown and is located east of Effingham. Where parking or loading is provided, parking areas shall be designed in accordance with the requirements of Section 40.1-5 of this Ordinance. Parking in the T3 and T4 district shall as per the requirements as stated above and the number of spaces shall be as provided for in Table 40.1-5.1(E) (2). Single family residences are exempt from the 30 foot parking setback contained in this section. In addition to the general requirements applicable to all parking of the section, parking shall also comply with the regulations of Section 40.1-5 where they apply. The more restrictive regulations shall apply in cases of conflict.

704. Maximum Parking Spaces

A. Reserved Parking

1. Surface and structured parking spaces may be reserved for a specific tenant or unit, provided that the following standards are not exceeded:

Use	Reserved (non-shared) Spaces (maximum)
Residential	2.0 per single-family unit 1.0 per one-bedroom multifamily unit 1.0 per two-bedroom multifamily unit 2.0 per three-bedroom multifamily unit
Nonresidential	1.0 per 1,000 SF

B. Maximum Surface Parking

Surface parking may not exceed 110 percent of the required parking. Structured or underground parking may exceed the required quantity of parking without the imposition of maximum standards.

705. Special Parking Standards

1. Joint Parking

- a. Sites abutting one another shall physically connect their surface parking areas at the lot line to create connecting drive aisles where such surface parking areas lie within 50 feet of one another, provided a mutual access easement acceptable to the CODE ADMINISTRATOR has been executed. Uses existing pre-Code (2009) are exempt from this requirement.
- b. The agreement must ensure that maneuvering space for required parking spaces in both parking areas is preserved.

2. On-Street Parking

- a. A parking space located on a public street may be included in the calculation of parking requirements if it is adjacent to the building site (where more than 50% of the space is fronting).
- b. Each on-street parking space may only be counted for one use, except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed use project.

3. Off-Site Parking

- a. Off-site parking must be located within a walking distance of 800 feet from the site served by the off-site parking.
- b. The off-site parking shall be located within the Uptown D2 District.
- c. The off-site parking must be the subject of a long-term lease approved as to form by the City Attorney, or permanently dedicated for off-site parking use.

3. Tandem Parking

- a. Tandem parking is allowed for:
 - (i) Single-family projects; and

- (ii) Multifamily projects and the residential component of mixed-use projects.
- b. Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 34 feet in length.
- c. Up to 75 percent of the total off-street parking spaces provided for residential projects may incorporate tandem parking. For residential projects, both tandem spaces shall be assigned to the same dwelling unit. Tandem parking may not be used to provide guest parking.

706. Surface Parking Lot Plantings

1. New Development

- a. The edge of any surface parking lot adjacent to a single family (detached or attached) lot shall have be planted with canopy shade trees from the Tree List in Part 5, Urban Standards, planted at an average distance not to exceed 40 feet on center and aligned three to seven feet behind the COMMON LOT LINE.
- b. Edges along a COMMON LOT LINE shall have a STREET WALL, GARDEN WALL or PRIVACY FENCE.

707. Loading Facilities

- A. No loading facilities are required.
- B. Where loading facilities are provided, they shall be located to the rear and ALLEY side of buildings.

Part 8. Building Function

801. General Provisions

A. Permitted Uses

In order to regulate use, categories of uses have been established. Use categories provide a systematic basis for assigning land uses to appropriate category with other, similar uses. Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, site conditions and site conditions.

1. Principal Uses

Principal uses are grouped into categories of uses. Permitted principal uses by frontage are shown in Sec. 802. The use categories used in the use chart are listed in Sec. 804.

2. Accessory Uses

Accessory uses are allowed in conjunction with a permitted principal use as set forth in Sec. 805.

B. Use Determination

1. Administrator Responsibility

The CODE ADMINISTRATOR is responsible for categorizing all uses. If a proposed use is not listed in a use category, but is similar to a listed use, the CODE ADMINISTRATOR shall treat the proposed use as a use under that category. If a proposed use is not listed in a use category, and is not similar to any other listed use, the use shall be prohibited.

2. Uses Not Specifically Listed

When determining whether a proposed use is similar to a use listed in Sec. 804, the CODE ADMINISTRATOR shall consider the following criteria:

- a. The actual or projected characteristics of the proposed activity in relationship to the stated characteristics of each use.
- b. The relative amount of site area or floor space and equipment devoted to the activity.
- c. Relative amounts of sales from each activity.
- d. The customer type for each activity.
- e. The relative number of employees in each activity.
- f. Hours of operation.
- g. Building and site arrangement.
- h. Types of vehicles used and their parking requirements.
- i. The relative number of vehicle trips generated.
- j. Signs.
- k. How the use is advertised.
- l. The likely impact on surrounding properties.
- m. Whether the activity is likely to be found independent of the other activities on the site.

802. Use Table

The use table identifies the uses allowed in the respective frontages (BUILDING ENVELOPE STANDARDS).

USE TABLE
Form Based Code District

		P = Permitted Use; U = Allowed with a Use Permit; Blank Space = Prohibited					
USE CATEGORY	USE TYPE	General Urban Frontage	Storefront Frontage	Townhouse Small Apt Frontage	Workshop Frontage	Detached House	Conditions
RESIDENTIAL USE CLASSIFICATION							
Household Living	Dwelling, live/work	P*	P*	P	P		* Above Ground Floor
	Dwelling, multi-family			P			
	Dwelling, single-family attached			P		P	
	Dwelling, single-family detached			P		P	
	Dwelling, townhouse			P		P	
	Dwelling, two- to four-family			P		P	
Group Living	Dwelling, upper story	P	P	P			
	Dormitory						
	Family care home						
	Fraternity or sorority house						
	Group home	P		P		P	8 or less mentally Handicapped dependent persons
	Individual and Family Social Services	U		U	U		
	Rooming or boarding house						
Single room occupancy (SRO) facility							
PUBLIC AND INSTITUTIONAL USE CLASSIFICATION							
Community Services	Community center	P	P	P	P	P	
	Cultural facility	P	P	P	P	P	
	Library	P	P	P	P	P	
	Museum	P	P	P	P	P	
	Senior center	P	P	P	P	U	
	Youth club facility	P	P	P	P	P	
Day Care	Adult day care center	U	U				
	Child day care center	U	U				
	Family child day care home (6 to 12 children)			U		U	
	Home child day care for 5 or fewer children			P		P	
Educational Facilities	College or university	P	U	P	P		
	School, elementary	P	U	P	P	P	
	School, middle	P	U	P	P	P	
	School, high	P	U	P	P	P	
	Vocational or trade school	P	U	P	P		
	Government maintenance, storage, or distribution facility				P		
Government Facilities	Government offices	P	P*	P	P		* Above Ground Floor
	Other Government Facilities	P	P*		P		* Above Ground Floor
	Post office	P	P*	P	P		* Above Ground Floor
Health Care Facilities	Blood/tissue collection facility						
	Drug or alcohol treatment facility						
	Hospital	P	P		P		
	Medical or dental clinic	P	P		P		
	Medical or dental lab	P	P		P		
	Medical treatment facility	P	P		P		
Institutions	Outpatient facility	P	P		P		
	Assisted living facility			U			
	Auditorium	P	P				
	Convention center	P	P				
	Halfway house						
	Nursing home			U		U	
	Psychiatric treatment facility						
	Religious institution	P	P	P	P	P	
	Civic, social or fraternal clubs or lodges	P	P				
Shelter							
Parks and Open Areas	Arboretum or botanical garden						
	Cemetery, columbaria, mausoleum						
	Community garden			P		P	
	Equestrian facility						
	Golf course, public						
	Park, public	P	P	P		P	
	Park, private			P			
Public square or plaza	P	P	P		P		
Public Safety	Correctional facility						
	Fire or EMS facility	P	P	P	P	P	
	Fire or police substation	P	P	P	P		
	Police station	P	P	P	P		
Transportation	Airport						
	Helicopter landing facility	P			P		
	Water Transportation/Charters						

USE TABLE
Form Based Code District

P = Permitted Use; U = Allowed with a Use Permit; Blank Space = Prohibited							
USE CATEGORY	USE TYPE	General Urban Frontage	Storefront Frontage	Townhouse Small Apt Frontage	Workshop Frontage	Detached House	Conditions
	Passenger terminal, surface transportation	P			P		
Utilities	Telecommunications antenna, collocation on existing tower	P	P	P	P		
	Telecommunications antenna, placement on existing building	P	P	P	P		
	Telecommunications tower, freestanding						
	Utility, major	P			P		
	Utility, minor	P	P	P	P	P	
COMMERCIAL USE CLASSIFICATION OTHER THAN RETAIL SALES AND SERVICE							
Adult Uses	Adult bookstore						
	Adult Novelities						
	Adult entertainment establishment						
	Adult motion picture theater						
Animal Care	Animal grooming	P	P				
	Animal shelter						
	Kennel, indoor						
	Kennel, outdoor						
	Veterinary clinic	P	P		P		
Conference and Training Centers	Conference or training center	P	P		P		
Food Service	Dinner theater	P	P		P		
	Specialty Eating Establishments	P	P	P	P		
	Specialty Eating Establishments with drive-thru		U				
	Restaurant, with indoor or outdoor seating	P	P		P		
	Restaurant, with drive-through service	U	U				
	Restaurant, without drive-through service	P	P		P		
	Entertainment establishment	U	U		U		
Offices	Offices, business services	P	P		P		
	Offices, financial services	P	P		P		
	Offices, professional services	P	P		P		
	Offices, sales (including real estate)	P	P		P		
	Contractor Office only	P	P		P		Limited Interior display area allowed
	Radio and television broadcasting studio	P	P		P		
Parking, Commercial	Parking lot	P	P		P		
	Parking structure	P	P	P	P		
Recreation/Entertainment, Indoor	Fitness Facility	P	P	P	P		
	City Recreation Facility	P	P	P		P	
	Non profit Recreation Center			U			
	Bowling Alley	P	P				
	Pool Hall	P	P				
	Video Arcade	P	P				
	Commercial recreation, indoor theater	P	P				
Recreation/Entertainment/Outdoor	Public Arena, amphitheater, or stadium						
	Private Arena, amphitheater, or stadium						
	Commercial recreation, outdoor						
	Country club						
	Golf course, public						
	Golf driving range						
	Marina						
	Marina, pleasure boats only						
	Membership sports or recreation club (e.g., swimming pools, tennis courts)	P	P				
Retail Sales & Services							
	Gasoline sales	U	U				
	Crematory						
	Dry cleaning and laundry drop-off establishment	P	P				
	Financial institution, without drive-through service	P	P		P		
	Financial institution, with drive-through service	U	U				

USE TABLE
Form Based Code District

P = Permitted Use; U = Allowed with a Use Permit; Blank Space = Prohibited							
USE CATEGORY	USE TYPE	General Urban Frontage	Storefront Frontage	Townhouse Small Apt Frontage	Workshop Frontage	Detached House	Conditions
	Funeral home	P	P				
	Laundry, self-service		P				
	Convenience store, without gas sales	P	P		P		
	Convenience store, with gas sales	U	U				
	Drug store or pharmacy, without drive-through service	P	P		P		
	Drug store or pharmacy, with drive-through service	U	U				
	Any use not mentioned above that utilizes a drive thru	U	U				
	Flea market						
	Farmers Market	P			P		
	Second Hand Sales	P	P		P		
	Grocery store	P	P		P		
	Liquor store	U	U		U		
	Retail sales establishment, large	U	U		U		
	Small Retail/Eating Establishment	P	P		P		Gross square footage less than 2500 square feet
	Other retail sales establishments	P	P		P		
Personal Services	Massage parlor	P			P		
	Personal services establishment	P	P		P		
	Barber Shop	P	P		P		
	Beauty Salon	P	P		P		
	Special events house	P	P				
	Tattoo parlor/body piercing establishment				U		
	Repair establishment				P		
Self-Service Storage	Mini-warehouse				P		
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance				P		
	Automotive painting/body shop				P		
	Automotive wrecker service				P		
	Transmission shop				P		
	Boat and marine rental and sales				P		
	Truck stop						
Vehicle Sales and Services, Light	Automotive parts and installation				P		
	Automobile repair and servicing (without painting/bodywork)	P			P		
	Automobile sales or rentals	P			P		
	Automotive wrecker service				P		
	Car wash or auto detailing				P		
	Motorcycle sales	P			P		
	Recreational vehicle sales or rentals						
	Tire/muffler sales and mounting				P		
Visitor Accommodations	Bed and breakfast inn		P	P			
	Campground or recreational vehicle (RV) park						
	Hotel or motel	P	P				Full service only
	Tourist Home						
INDUSTRIAL USE CLASSIFICATION							
Industrial Services	Building, heating, plumbing, or electrical contractor				P		
	Electric motor repair				P		
	Fuel oil/bottled gas distributor				P		
	Fuel oil storage				P		
	General industrial service				P		
	Heavy equipment sales, rental, or storage				P		
	Heavy equipment servicing and repair				P		
	Laundry, dry cleaning, and carpet cleaning plants				P		
	Machine shop				P		
	Repair of scientific or professional instruments				P		
	Research and development				P		
	Tool repair				P		
Manufacturing and Production	Manufacturing, heavy						
	Manufacturing, light				P		
	Bulk fuel sales and storage						

USE TABLE
Form Based Code District

		P = Permitted Use; U = Allowed with a Use Permit; Blank Space = Prohibited					
USE CATEGORY	USE TYPE	General Urban Frontage	Storefront Frontage	Townhouse Small Apt Frontage	Workshop Frontage	Detached House	Conditions
Warehouse and Freight Movement	Cold storage plant						
	Outdoor storage (as a principal use)						
	Parcel services	P	P		P		
	Shipping container storage yard						
	Truck or freight terminal						
	Warehouse (distribution)						
Waste-Related Services	Warehouse (storage)						
	Energy recovery plant						
	Hazardous waste collection sites						
	Incinerator						
	Recycling and salvage center						
	Recycling drop-off center						
Wholesale sales	Salvage and junkyard						
	Tire disposal or recycling						
	Waste composting				P		
All uses							
ACCESSORY USE CLASSIFICATION							
	Accessory Dwelling Units single-family detached dwellings only		P	P	P	P	
	Amateur Radio/TV Antenna	P	P	P	P	P	
	Canopies						
	Clothes line					P	
	Community Garden					P	
	Fences or Walls						
	Garges			P		P	
	Greenhouses						
	Home Occupations	P	P	P	P	P	
	Outdoor Display/Sales						
	Rainwater Cisterns			P		P	not visible from the street
	Satellite Dish	P	P	P	P	P	not visible from the street
	Recycling Drop-off Stations						
	Solar Energy Equipment						not visible from the street
	Storage or Parking of Heavy Trucks, Trailers, Major Recreational Equipment, or Mobile Home				P		
	Swimming Pools	P	P	P		P	not visible from the street
	Spas, and Hot Tubs	P	P	P		P	not visible from the street
	Vending Machines	P	P	P	P		not visible from the street
TEMPORARY USE CLASSIFICATION							
	Outdoor Seasonal Sales	P	P				Such sales are limited to a maximum of 30 days per calendar year and no more than three occurrences per parcel per year.
	Garage and /or Yard Sales			P		P	Such sales are limited to a maximum of three occurrences per parcel per year, for a maximum duration of two days per occurrence, unless expressly stated otherwise in this Ordinance.
	Special Events	P	P	P	P		Such events are limited to 14 total days per calendar year, per parcel, unless expressly stated otherwise in this Ordinance.

803. Additional Regulations

A. General

No CIVIC, COMMERCE or WORKSHOP use is permitted above a RESIDENTIAL use.

B. Household Living

1. A lobby serving an UPPER STORE RESIDENTIAL use is permitted on the GROUND STOREY of a Storefront General site.
2. Household living is permitted on top floor or upper most floor only of a Workshop site and shall not exceed 25 percent of the gross floor area of the entire building.

C. Civic

Buildings that house CIVIC USES located on sites specifically designated on the REGULATING PLAN are not subject to Part 4, Building Envelope Standards.

D. Personal Service

Outdoor runs in association with an animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel, or doggy day care facility shall not be permitted.

E. Overnight Lodging

A lobby serving an upper STOREY overnight lodging use is permitted on the GROUND STOREY of any Storefront General site.

F. Restaurant/Bar, Retail Sales

1. A restaurant/bar or RETAIL use is permitted in the upper STOREY of a Storefront General or General site provided it is a second STOREY extension equal to or less than area of the same GROUND STOREY use.
2. Only merchandise or commodity manufactured on premise may be sold in the ground story of a Workshop site.

804. Accessory Uses

- A. Unless otherwise expressly stated, accessory uses are permitted in conjunction with allowed principal uses. Accessory uses shall be accessory and clearly incidental and subordinate to a permitted principal use.
- B. No accessory use may be established on a site prior to the establishment of a permitted principal use.
- C. The Code Administrator is authorized to determine when a structure or use meets the definition of an accessory use. In order to classify a structure or use as accessory, the Code Administrator shall determine that the use:
 1. Is subordinate to the principal use in terms of area, extent and purpose;
 2. Contributes to the comfort, convenience or necessity of occupants of the principal use served;
 3. Is located on the same lot as the principal structure or use, or on a contiguous lot in the same ownership;
 4. Does not involve operations not in keeping with the character of the principal use served; and
 5. Is not of a nature likely to attract visitors in larger numbers than would normally be expected.

Part 9. Definitions

901. Defined Terms

The following terms are defined for the purpose of this Code. Terms not defined here may be defined elsewhere in the City of Portsmouth Zoning Ordinance. In such case, the definition contained in the Zoning Ordinance shall be used. Certain terms in this Code are used in very specific ways, often excluding some of the meanings of common usage. Where there is an apparent conflict or contradiction, the definition herein shall prevail.

Accessory Unit. A building or addition for living purposes (maximum footprint of 650 square feet—or the footprint of the main structure for ENGLISH BASEMENT type accessory units) that is not the primary structure or principal dwelling unit on a lot, that can be used as additional residential or home occupation space.

Alley/Alley Access Easement. The public right-of-way or easement for vehicles and pedestrians within a BLOCK that provides access to the rear or side of properties, vehicle parking (e.g., garages), utility meters, recycling containers, and garbage bins.

Attic Storey. Habitable space situated within the structure of a pitched roof and above the uppermost STOREY. They are permitted for all BES sites and do not count against the maximum STOREY height or ultimate height limits of their BES. ATTIC STOREYS may have only DORMERS as windows on the RBL side of the roof-pitch.

Awning. A cantilevered, projected or suspended cover over the sidewalk portion of the street-space. Also a roof-like coverings, usually of canvas or metal, and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain.

Balcony. An exterior platform attached to the upper floors of the building FACADE (forward of the REQUIRED BUILDING LINE).

Bay Window. Generally, a U-shaped enclosure extending the interior space of the building outward of the exterior building wall/REQUIRED BUILDING LINE (along its street-space side). The minimum interior clear width at the main wall shall be four feet. BAY WINDOWS shall not project more than 36 inches beyond the REQUIRED BUILDING LINE; and walls and windows shall be between 90 degrees (perpendicular) and 0 degrees (parallel) relative to the primary building wall from which they project.

Block Corner. The outside corner of a BLOCK at the intersection of any two streets. Inside corners, where the resulting angle formed by the BLOCK face is less than 180 degrees (concave) are not considered BLOCK CORNERS for the purposes of this Code.

Building Lot Limit. A line delineating the outer edge of the BUILDABLE AREA, generally to the rear of a lot away from the REQUIRED BUILDING LINE. Where designated on the REGULATING PLAN, this shall supercede the building envelope standards minimum setbacks.

Building Corner. The outside corner of a building where the primary building mass is within an angle less than 180 degrees. Inside corners, where the exterior space of the building mass forms an angle of more than 180 degrees are not considered BUILDING CORNERS for the purposes of this Code.

Building Envelope Standards (BES). The part of this Code that establishes basic parameters regulating building form, including the envelope (in three dimensions), placement and certain permitted/required building elements, such as storefronts, balconies, and STREET WALLS. The BUILDING ENVELOPE STANDARDS establish both the boundaries within which things may be done and specific things that must be done. The applicable BUILDING ENVELOPE STANDARDS for a site is determined by its street frontage as per the REGULATING PLAN. This produces a coherent STREET-SPACE and allows the building owner greater latitude behind its FACADE.

Building Face. See FACADE.

Required Building Line (RBL). A line or plane indicated on the REGULATING PLAN, defining the street frontage which extends vertically and generally parallel to the street, at which the building shall be placed. The FAÇADE shall occur on the REQUIRED BUILDING LINE - this is a requirement, not a permissive minimum. The minimum length and height of frontage that is required at the RBL is shown on the appropriate BUILDING ENVELOPE STANDARD.

Civic Green or Square. A public open space designated on the REGULATING PLAN. The term SQUARE is generally used to describe spaces that have more paved surface area. The term CIVIC GREEN is generally used to describe a formally configured small public lawn or park that is primarily unpaved. CIVIC GREENS and SQUARES do not include active recreation structures such as ballfields and courts. See the urban space standards for the specific controls on SQUARES and CIVIC GREENS.

Civic Use Buildings. Those buildings that house strictly CIVIC USES located on sites designated on the REGULATING PLAN. CIVIC USE BUILDINGS and publicly-owned public art are not subject to the BUILDING ENVELOPE STANDARD prescriptions of this Code. See also Use, Civic.

Clear Walkway. An area within the sidewalk that must allow public passage and remain clear of obstructions. The CLEAR WALKWAY width is designated in the street type specifications.

Code Administrator. The Director of Planning or their designee shall serve as CODE ADMINISTRATOR. The CODE ADMINISTRATOR shall exercise the authority and perform the duties as set forth herein.

Common Lot Lines. Lot lines shared by adjacent private lots.

Comparative Pedestrian Crossing. The measured distance, shown on the street type specifications, that a pedestrian would be within an automobile travel lane (or turning movement) while crossing a street. A crossing time is calculated based on a pedestrian speed of 3.7 feet per second (a generally accepted average). This distance/time is calculated in order to provide a relative gauge of the pedestrian crossing comfort level.

Conservation Line. A line established to guarantee the preservation of designated areas. Land beyond the conservation line shall not be built upon paved, driven on, re-graded or otherwise disturbed, except as specified in an Master Plan.

COVERED SIDEWALK. A roofed or built structure attached to the FAÇADE and extending beyond the REQUIRED BUILDING LINE and over the sidewalk or SQUARE, open to the STREET-SPACE except for supporting columns, piers, or arches. COVERED SIDEWALKS shall have a minimum clear height of 13 feet (signage or lighting may encroach) and a minimum clear width (from FAÇADE frontage or REQUIRED BUILDING LINE) to inside column face of ten feet. The area within a COVERED SIDEWALK shall include a CLEAR WALKWAY. (See BUILDING ENVELOPE STANDARDS for complete specifications.)

Detached Frontage Building. Building form and functions resulting from/as determined by the BUILDING ENVELOPE STANDARD regulations indicated on the REGULATING PLAN.

DOORYARD. The area within the STREET-SPACE between the FAÇADE of the building (generally the REQUIRED BUILDING LINE) and the CLEAR WALKWAY area of the sidewalk. Stoops, BALCONIES, BAY WINDOWS and, for appropriate COMMERCE uses, temporary displays or café seating, and other encroachments as specified by the CODE ADMINISTRATOR may be placed within the DOORYARD area. The DOORYARD area is designated in the street type specifications.

Dormers. Roofed ancillary structures with windows providing light and air to habitable space within the roof. DORMERS are permitted and do not constitute a STOREY (for height measurement purposes) so long as: they do not break the primary eave line, are individually less than 15 feet wide, and are collectively not more than 60 percent of their REQUIRED BUILDING LINE FAÇADE length.

Eave Height. Eave height shall be measured at the bottom of the top layer of roofing material at its outermost point from the building wall.

English Basement Unit. A habitable floor level below the first floor that is partially above and below grade. The ceiling of an ENGLISH BASEMENT is at least 3 feet above sidewalk grade with windows and an entry with direct STREET-SPACE access. ENGLISH BASEMENT units do not count against the STOREY height limit but do count against the ultimate height measurement.

Equivalent or Better. A building material or construction technique that has been determined, by the CODE ADMINISTRATOR, to be at least equal to, in appearance, durability, etc., or surpassing those expressly permitted herein.

Fenestration. Openings in the building wall, including windows and doors, allowing light and views between interior (private realm) and exterior (public realm). FENESTRATION is measured as glass area (excluding mullions and similar window frame elements with a dimension greater than one inch) and/or as open area.

First Floor. See GROUND STOREY.

General Frontage Building. Building form and functions resulting from/as determined by the BUILDING ENVELOPE STANDARDS indicated on the REGULATING PLAN.

General Storefront Frontage Building. Building form and functions resulting from/ determined by the appropriate BUILDING ENVELOPE STANDARDS indicated on the REGULATING PLAN.

Front Porch. The ground floor platform attached to the front or REQUIRED BUILDING LINE side of the main building. Required FRONT PORCHES, where specified in the BUILDING ENVELOPE STANDARDS, must be roofed and enclosed by balustrades (railings) and posts that extend up to the roof and shall not be otherwise enclosed, above a height of 42 inches, except with insect screening. A FRONT PORCH may have a single ground floor platform or two to three platforms stacked at the ground and upper STOREY levels.

Front Yard. An open space required by certain BUILDING ENVELOPE STANDARDS types extending across the entire width of the lot between the FACADE and the sidewalk. Where double frontage or CORNER LOTS exist, any required FRONT YARD shall be provided on both streets. This area is contiguous with the street, and includes any FRONT PORCH.

Front Yard Fence. The wood (picket), wrought iron fence, or masonry wall, between 30 and 40 inches in height, located along and surrounding the FRONT YARD (generally 1 foot behind and parallel to the DOORYARD/sidewalk area of private lots and also along COMMON LOT LINES to a point at least ten feet back from the REQUIRED BUILDING LINE.

Garden Wall. A masonry wall defining a property line or delineating a private area. Shall be set back (or forward) not more than eight inches from the specified REQUIRED BUILDING LINE in the REGULATING PLAN or BUILDING ENVELOPE STANDARDS. (For height and gate specifications, see the BUILDING ENVELOPE STANDARDS.) A GARDEN WALL may serve as a FRONT YARD FENCE.

Ground Storey. The first habitable level of a building at or above grade. For COMMERCE uses, at least two-thirds of the finished floor elevation within 30 feet of the REQUIRED BUILDING LINE shall be within 18 inches of the adjacent fronting sidewalk level. When a residential use occupies the GROUND STOREY, the finished floor elevation shall be at least three feet above the fronting sidewalk elevation, unless otherwise specified in the BUILDING ENVELOPE STANDARDS. The next STOREY above the GROUND STOREY is the second floor or second STOREY.

Open Area See PRIVATE OPEN AREA.

Parapet Height. Where used to limit building height in this Code, PARAPET HEIGHT shall be measured at the top of the parapet, including any coping. An additional three feet in height by 12 feet in width or 15 percent of the FAÇADE, whichever is greater, is permitted for a section of the parapet to emphasize the building's primary street entry or a BLOCK CORNER.

Parking Setback Line. A line or plane indicated on the REGULATING PLAN which extends vertically (unless otherwise noted) and is generally parallel to the REQUIRED BUILDING LINE. The parking setback is typically 30 feet behind the REQUIRED BUILDING LINE unless otherwise designated on the REGULATING PLAN. All parking shall be set-back behind this line, excepting where it is below grade. The PARKING SETBACK LINE is a permissive minimum distance from the REQUIRED BUILDING LINE and parking may be placed anywhere within the lot behind this line, except where otherwise specified in this Code.

Pedestrian Pathway. An interconnecting paved way that providing pedestrian and bicycle passage through BLOCKS running from a STREET-SPACE to another STREET-SPACE, an ALLEY or an interior block parking area. The area within a PEDESTRIAN PATHWAY shall be a public access easement or public right-of-way. The easement width for these pathways shall not be less than 20 feet with a paved walkway not less than 10 feet wide, except where otherwise specified on the REGULATING PLAN, and shall provide an unobstructed view straight through their entire length.

Privacy Fence. An opaque fence made of wood or masonry (not chain link or any other type of rolled fence) along ALLEYS and COMMON LOT LINES (where more than ten feet behind the REQUIRED BUILDING LINE). See the building envelope standards for height specifications.

Private Open Area. An area within the BUILDABLE AREA and behind the PARKING SETBACK LINE, accessible only to occupants of the particular building or site, and (primarily) open to the sky. Additional specifications for the PRIVATE OPEN AREA may be included in each BUILDING ENVELOPE STANDARD. PRIVATE OPEN AREA shall not be built-upon, used to satisfy minimum stormwater BMP area, parked or driven upon (except for emergency access).

Regulating Plan. The implementing plans for the development of the district under this Code. REGULATING PLANS allocate the BUILDING ENVELOPE STANDARDS and street types and provide specific information for the disposition of each building site. The REGULATING PLAN also shows how each site relates to adjacent STREET-SPACES, the overall district, and the surrounding neighborhoods.

Sidewing. The portion of a building extending along a COMMON LOT LINE toward the ALLEY or rear of the lot.

Stoop. An entry platform on the FACADE of a building. STOOPS may be roofed, but they shall not be enclosed. (See the individual BUILDING ENVELOPE STANDARDS for specifications.)

Storefront (Shopfront). GROUND STOREY FACADE FENESTRATION for RETAIL and COMMERCE uses. For REGULATING PLAN designated GENERAL and STOREFRONT GENERAL frontages the STOREFRONT may encroach up to two (2) feet into the DOORYARD area. STOREFRONTS have a minimum 40 % FENESTRATION level.

Storey (Storey Height). That space within a building and above grade that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above. STOREY height parameters are as specified by the appropriate BUILDING ENVELOPE STANDARD.

Street Frontage. That portion of the lot or building that is coincident with the REQUIRED BUILDING LINE as required by this Code.

Street Light. A luminaire installed on both sides of the STREET-SPACE, along the STREET TREE ALIGNMENT LINE, unless otherwise designated on the REGULATING PLAN. STREET LIGHTS shall be between 9 and 16 feet above ground in height. Lighting standards for STREET-SPACES and ALLEYS should be developed to meet the minimum standards of the *Illumination Engineering Society of North America (IESNA)*, with the design criteria giving equal weight to the lighting of the pedestrian areas and the automobile areas.

Street-Space. All space between fronting REQUIRED BUILDING LINES (streets, SQUARES, plazas, PEDESTRIAN PATHWAYS, CIVIC GREENS, sidewalks, parks)—including any transit service operator passenger platform—but not garage entries or ALLEYS.

Street Tree. A tree required per this code and listed in the Street Tree List located in urban space standards that is of a proven hardy and drought tolerant species and large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

Street Tree Alignment Line. A line along which STREET TREES shall be planted and STREET LIGHTS and other such infrastructure are to be placed. It is generally parallel with the STREET-SPACE and, unless otherwise specified in the REGULATING PLAN, is:

- for TREE LAWNS of 7 feet or less, 3 feet from the back-of-curb.
- for TREE LAWNS greater than 7 feet, 4 feet from the back-of-curb or the TREE LAWN centerline, whichever is closer to the STREET-SPACE centerline.
- the STREET TREE ALIGNMENT LINE for center medians is their centerline.

Street Wall. A masonry wall set back not more than eight inches from the REQUIRED BUILDING LINE which assists in the definition of the STREET-SPACE in the absence of a building. See the BUILDING ENVELOPE STANDARD for height and gate specifications.

Townhouse/Small Apartment Frontage Building. Building form and functions resulting from/as determined by the BUILDING ENVELOPE STANDARDS indicated on the REGULATING PLAN.

Tree Lawn. A continuous strip of soil area—typically covered with grass, other vegetation, bridging pavement, or sometimes porous pavers—located between the back of curb and the sidewalk, and used for planting STREET TREES and configured to foster healthy STREET TREE root systems. TREE LAWN dimensions are specified in the street type specification.

Use, Civic. Community uses including: meeting halls; libraries; schools; police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; cultural, visual and performing art centers; transit centers; government functions open to the public; and, other similar uses.

Use, Retail. Includes the following:

Retail Service. Establishments providing services, as opposed to products, to the general public, including restaurants, hotels and motels, finance, real estate and insurance, travel agencies, health and educational services, and galleries; as well as personal services as defined in the City of Portsmouth Zoning.

Retail Sales. Establishments wherein the primary use is the sale of merchandise for use or consumption by the immediate purchaser.

Where Clearly Visible from the Street-Space. Many requirements of this Code apply only where the subject is “CLEARLY VISIBLE FROM THE STREET-SPACE.” (Note that the definition of STREET-SPACE includes SQUARES, CIVIC GREENS, parks, and all public space except ALLEYS and common drives.) A building element more than 40 feet from a REQUIRED BUILDING LINE or STREET-SPACE is by definition not CLEARLY VISIBLE FROM THE STREET-SPACE (such as elements facing a COMMON LOT LINE). Also, common or party walls are by definition *not* CLEARLY VISIBLE FROM THE STREET-SPACE. This does not exempt vehicle parking lots or parking structures from any BUILDING ENVELOPE STANDARD requirements.

Workshop Frontage Building. Building form and functions resulting from/as determined by the BUILDING ENVELOPE STANDARDS indicated on the REGULATING PLAN.