

CITY OF PORTSMOUTH, NEW HAMPSHIRE

ZONING ORDINANCE



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

As Amended Through: August 7, 2023

Section 10.1530 Terms of General Applicability

A

Accessory building or structure

A subordinate **building** located on the same **lot** with the principal **building**, occupied by or devoted to an **accessory use**. Where an **accessory building** is attached to the main **building** in a substantial manner, as by a wall or roof, such **accessory building** shall be considered part of the main **building**. For the purpose of this Ordinance, a **detached accessory dwelling unit** that is not created within an existing accessory building is not an **accessory building or structure**.

Accessory dwelling unit (ADU)

An attached or detached **dwelling unit** that is constructed on the same **lot** as a **single-family dwelling** and complies with the standards for **accessory dwelling units** set forth in this Ordinance.

Attached accessory dwelling unit (AADU)

An **accessory dwelling unit** that is constructed within or attached to a **single-family dwelling**. For the purpose of this definition, “attached” means:

- (a) located within the **dwelling** and separated from the **principal dwelling unit** either horizontally or vertically, or
- (b) sharing a common wall for at least 25 percent of the length of the side of the **single-family dwelling**.

“Attached” does not include connection to the **single-family dwelling** solely by an unenclosed **structure** (such as a breezeway) or by an enclosed but unconditioned space.

Detached accessory dwelling unit (DADU)

An **accessory dwelling unit** that is constructed within a detached **building** on a **lot** containing one **single-family dwelling**. A **detached accessory dwelling unit** may be connected to the **single-family dwelling** by an unenclosed **structure** (such as a breezeway) or by an unconditioned space.

Accessory use

A **use** that is incidental and subordinate to the **principal use** and located on the same **lot** with such **principal use or building**.

Accessway

A privately owned roadway, **sidewalk** or passageway, whether improved or unimproved, utilized as a principal or accessory means of ingress or egress in connection with any **use**. An **accessway** shall be classified in the same manner as the **use** it serves. If an **accessway** serves more than one **use**, the **accessway** shall be deemed to serve the more intensive **use** and shall be classified accordingly.

Active Use Area

The land area within 35 feet of a **dwelling unit**, or other **principal use**, on the sides closest to the highway where patios, children’s play areas, and outdoor activities are common.

Adjacent

Touching or sharing a common **lot line**, or separated from a **lot line** by a **street**, right-of-way, alley or easement.

Affordable

Housing with combined rental and utility costs or combined mortgage loan debt service, property taxes, and required insurance that do not exceed 30% of a household’s gross annual income.

Affordable unit

A **dwelling unit** that is restricted for sale, lease or rental to households within specific income ranges and available at prices **affordable** to households within such income ranges.

Age-restricted housing

A residential **development** consisting of independent **dwelling units** restricted to occupancy by **persons** at least 55 years old, which may contain limited social or recreational facilities or services for the residents but which do not include centralized dining and on-site medical services. (See also: **assisted living facility; congregate care facility; continuing care retirement community**.)

Airport

An airstrip/landing strip where aircraft can land and take off and which is usually equipped with hangers, facilities for refueling and repair, accommodations for passengers, freight, etc.

Alteration

Any change, addition or modification in construction, **use** or occupancy of an existing **structure**.

Amusement Park

A commercially operated enterprise that offers rides, games, and other forms of amusement. (See also: **water park, theme park**.)

Lawful nonconforming lot

A single **lot** of record which does not conform to a dimensional requirement set forth in this Ordinance and applicable to the district in which it is located (such as minimum **lot area** or **frontage**), but which conformed to all requirements of the Zoning Ordinance in effect at the time the **lot** was created; or a single **lot** of record created by legislative or judicial decision which does not conform to a dimensional requirement.

Lawful nonconforming building or structure

A **building** or **structure** which does not conform to a dimensional requirement set forth in this Ordinance and applicable to the district in which it is located (such as maximum **building height** or **building coverage**, or minimum **yards** or **open space**), but was legally existing at the time that such requirement took effect.

Lawful nonconforming use

A **use** of land, **building, structure** or parts thereof, which does not conform to the **use** requirements of this Ordinance or its amendments but was legally existing prior to the adoption of this Ordinance, or at the time a district was changed by amendment thereafter.

Nursing home

See **residential care facility**.

O

Occupant load

The total number of **persons** that may occupy a **building** or portion thereof (including outdoor decks) at any one time, calculated in accordance with the **Building Code**.

Office

A place of business where professional or clerical duties are performed.

General office

An **office** for the carrying on, conducting or managing of a business or for the practice of a profession, except for a **medical office** as defined in this Article.

Medical office

An **office** of a physician, dentist, psychologist, optometrist or other licensed health care provider, which does not include any hospital or ambulatory surgical care facilities.

Off-street parking

Parking that is totally located off the public right-of-way.

Person

An individual, proprietorship, partnership, corporation, association, or other legal entity.

Personal services

Establishments providing frequent or recurrent services related to personal needs, and including accessory **retail sales** of products related to the services offered. Examples include beauty and barber shops, nail salons, tanning salons, clothing rental, tailors, dry cleaning pick-up shops, garment and shoe repair shops, and similar businesses.

Place of assembly

A building used in whole or in part for the gathering together of **persons** for such purposes as deliberation, entertainment, amusement, or religious services, or for awaiting transportation. A **place of worship** is a **place of assembly**.

Place of worship

A church, synagogue, temple, mosque or other facility that is used primarily for conducting formal religious services on a regular basis.

Planned unit development (PUD)

A coordinated **development** of a large parcel that allows more flexibility than a conventional subdivision in the siting of **buildings, open space, streets** and infrastructure.

Open space planned unit development (OS-PUD)

A **PUD** in which residential **dwelling units** are clustered so as to preserve natural features and create usable **open space**.

Residential density incentive planned unit development (RDI-PUD)

A **PUD** in which the allowable residential **development** intensity is increased based on the provision of **dwelling units** that will be restricted for sale or rental at below-market prices.

Portico

A small porch composed of a roof supported by columns, often found in front of a doorway.

Principal building

The primary **building** on a **lot** which contains one or more **principle uses**.

Principal use

The primary **use** on a **lot**, which may have **accessory uses**.

Public Place

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