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CITY COUNCIL WORKSHOP

Munjoy Hill Conservation Overlay Amendment

June 13, 2022 at 5:00 PM in Council Chambers

REMOTE ACCESS INFORMATION:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall. The public may attend the meeting in person, however space in Council Chambers is limited. The public is therefore strongly encouraged to participate remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

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<https://portlandmaine-gov.zoom.us/j/89152992097?pwd=REhSMmxBRVF5ZU5FazlmVkRVa050Zz09>

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Webinar ID: 891 5299 2097

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AGENDA ITEMS:

Staff Presentation (Christine Grimando, Director of Planning & Urban Development)

Council Discussion and Q&A

ADJOURNMENT:

Map and Text Amendment
Munjoy Hill Neighborhood Conservation Overlay District
Amendment to Article 5 (Table 5-A), Article 7 (Table 7-A) and Article 8 (Sec. 8.7), Table of Contents

Submitted to: Mayor Snyder and members of the City Council Council 1 st /2 nd Reading Dates: June 6, 2022/June 22, 2022	Prepared by: Christine Grimando, Director Date: May 20, 2022
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I. INTRODUCTION

In 2020, during the course of their review of the Munjoy Hill Historic District, the Planning Board requested the Munjoy Hill Neighborhood Conservation Overlay District (Sec. 8.7 of the City's Land Use Code, referred to as the overlay below), be brought to the Board for re-evaluation, for potential repeal or amendment. The Planning Board held a workshop to review the overlay on January 25, 2022 and a public hearing on February 22, 2022, and made a unanimous recommendation to the City Council to amend the Land Use Code and zoning map to remove the overlay. Below is a summary of the overlay, its background and contents, comparison of overlay regulations with the base zone and the historic district, and a summary of the Planning Board's recommendation.

II. BACKGROUND

In 2017 a planning initiative began in response to residents' concerns about the scale and character of recent development as well as about demolitions, in the Munjoy Hill neighborhood. On December 4, 2017, to provide time to study and manage the issue, the City Council adopted a moratorium that placed a 180-day pause during which no demolition applications were accepted, and a 65-day period during which no development applications were to be accepted. In June 2018 Planning staff presented and the Council subsequently adopted the current overlay district through map and text amendments to the City's Land Use Code. These included dimensional, design, and performance standards related to new construction and demolitions applications. The boundary included all properties in the R-6 zoning district in an area east of Washington Avenue and Mountfort Street, north of Fore Street, and west of the Eastern Promenade (Figure 1).

The overlay exists within a portion of the R-6 zone. The purpose statement of the R-6 zone is: *To set aside areas on the peninsula for housing characterized primarily by multi-family dwellings at a high density providing a wide range of housing for differing types of households; to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses; and to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.*

At the time the overlay was adopted, exploration of a Historic District for a portion of the neighborhood was also suggested, with the understanding that the documentation and public process that a district would require would need more time before a proposal could be considered. Since that time, a new district has been adopted (April 12, 2021) for approximately half of the neighborhood.

During the historic district process, the Board questioned whether this one neighborhood would require so many regulatory layers once a district was adopted, and requested that staff bring the topic back for an evaluation as to whether it was still necessary in 2022.

III. SUMMARY OF OVERLAY ELEMENTS

Currently, the base R-6 zone, the overlay, and in some areas the historic district are concurrently in effect on Munjoy Hill, and were written to be able to work together without conflict. The overlay contains standards for building form and dimensional requirements for new construction, with specific standards for maximum building height, roof forms, setbacks, parking placement, rooftop appurtenances, and front façade standards that vary from the base R-6 requirements. A summary of the key elements of the overlay, and differences from the base R-6 zone standards, are below.



Figure 1, Munjoy Hill Conservation Overlay District Boundaries

Comparison of Overlay and Base R-6 Zone

In addition to the standards that are applicable to properties in the R-6 zone, all properties within the overlay district have to meet the standards of Section 8.7 of the Land Use Code. Where the overlay district imposes a standard that differs from the base R-6 zone, the overlay district standards control. The R-6 and overlay district dimensional standards are described in Table 7-A and Table 8-E of the Land Use Code respectively, and a comparison of the two zones is provided below.

Elaboration on several substantive elements of the overlay that were discussed over the course of the Planning Board's review follow the table.

Standard (min unless otherwise specified)	R-6	Munjoy Hill Neighborhood Conservation Overlay District
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Lot Area (residential)	2,000 SF	Same as base R-6 standards
Lot Area Per Dwelling Unit	725 SF	Same as base R-6 standards
Street Frontage	20 ft.	Same as base R-6 standards
Lot Width	20 ft.	Same as base R-6 standards
Height (max)	45 ft.	35 ft.; or 45 ft. for buildings with 3 or more units on lots over 2,000 SF that include at least one workforce housing unit.
Front Setback	5 ft.	5 feet or the minimum depth of immediately abutting street-facing yard, whichever is less.
Rear Yard Setback	10 ft.	Buildings up to 35 ft. in height: 10 ft.
		Buildings over 35 ft. in height: 15 ft.
		As measured from rear decks, porches, or similar unenclosed space: 7.5 ft.
		As measured from accessory structures with a ground coverage of 250 SF or less: 5 ft.
Side Yard Setback	5 ft.	Buildings up to 35 ft. in height: Per underlying zoning
		Buildings over 35 ft. in height: 10 ft. for all side yards, except that a side yard no less than 5 ft. is permitted when used to continue a documented built pattern of the surrounding streetscape, in which case a proportional increase in another side yard must be provided.
Side Setback On Side Street	none	5 ft. or the minimum depth of the immediately abutting street-facing yard, whichever is less.
		None when demonstrated that reduced setbacks are necessary to facilitate the provision of underground parking.
Stepbacks	Above 35 ft. when property line abuts a residential zone: 10 ft. from side property line and 15 ft. from rear property line.	none
Lot Coverage (max)	60%	Same as base R-6 standards
Landscaped Open Area	20%	Same as base R-6 standards
Width of garage opening on front façade (max)	9 ft. or 40% of the front façade, whichever is greater, and in no case more than 20 ft.	Lots smaller than 2,000 SF, shall be permitted one garage door on the front façade 9 ft. or no wider than 30% of the building width.

Height:

Under the base R-6 zoning regulations, the maximum building height is 45 feet, and in the case of lots where the property line abuts a residential zone, buildings above 35 feet are required to stepback 10 feet from side property lines and 15 feet from the rear property line. For buildings located in the overlay, the maximum

permitted building height is up to 35 feet, or 45 feet for buildings with three or more units on lots over 2,000 square feet that include at least one workforce housing unit on-site. Unlike the base R-6 requirements, buildings above 35 feet are not required to provide a setback. The two-tiered height standard in the overlay was implemented to encourage greater residential development in taller buildings, and also in recognition of historic development patterns, where buildings above 35 feet were most often associated with multi-family buildings, with single- and two-family buildings more often occurring in smaller buildings.

Rooftop Appurtenances:

Within the overlay rooftop appurtenances other than chimneys are restricted from exceeding permitted building heights, except that HVAC equipment is permitted up to five feet above maximum heights if adequately screened, set back from the building edge, and integrated into the building design, and not visible from the public right-of-way. Alternative energy equipment, such as that used for wind or solar energy generation, is also permitted as regulated elsewhere in the Land Use Code. The ramification of rooftop appurtenance limits was discussed from the perspective of ADA compliance, and housing creation, and limitations on potential renovation projects.

Roof Forms:

The overlay includes requirements for simple, traditional roof forms, as show in Figure 2, which illustrates roof forms permitted for buildings up to 35 feet in height. Flat roofs are also permitted for buildings above 35 feet in height. While the R-6 zone does not include requirements for simple, traditional roof forms in the zoning, the R-6 Design Standards require roofs to refer to the architectural forms found within a two-block radius of the site.

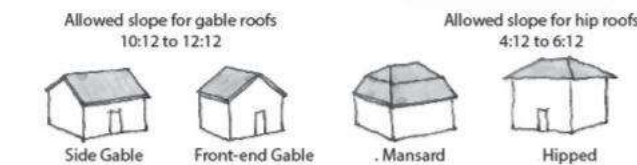


FIGURE 8-F: ROOF FORMS

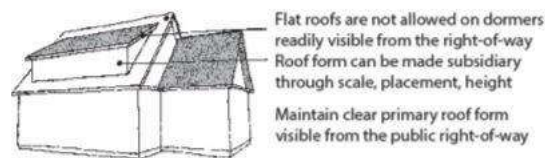


FIGURE 8-G: DORMERS AND SUBSIDIARY ROOFS

Figure 2: Overlay Roof Forms

Front Façade & Parking Placement:

Within the overlay front façade standards require the first floor to contain active living space, such as a living room or bedroom, with windows for at least 50 percent of the width of the front façade in total. The overlay standards require parking to be located on the side or the rear of a building and not within the front 10 feet of depth of the building. Tandem parking spaces are encouraged.

While the R-6 base zone standards are less prescriptive than the overlay regulations related to front façade and parking placement, the R-6 Design Standards include provisions related to composition of principal façades, relationship to street, garages, and fenestration that encourage building designs that will contribute to and be compatible with the predominant character-defining architectural features of the neighborhood.



FIGURE 8-H: FRONT FAÇADE - ACTIVE LIVING SPACE

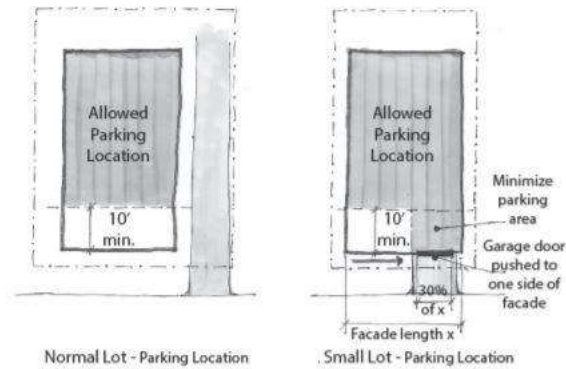


FIGURE 8-I: PARKING LOCATIONS

Figure 3: Overlay Front Façade & Parking Location Diagrams

Alternative Design Review:

For sites located within the R-6 zone a property owner may propose an alternative design by applying for an Alternative Review Design Certificate. The Alternative Design Review process is intended to allow for flexibility when a property owner desires a more contemporary design and does not meet the R-6 zone's design standards in the *City of Portland Design Manual*. In the case of the overlay the Historic Preservation Board is charged with conducting the Alternative Design review. Munjoy Hill is the only neighborhood in which the Alternative Design Review authority is under the jurisdiction of the Historic Preservation Board; this provision was added when the overlay district was originally adopted, which occurred prior to the historic district being established. With a historic district now in place, the Preservation has review authority for new construction, additions and alterations within the district; advisory review authority for sites within 100 feet of Historic District(s), designated landmarks, and landscapes, and alternative design review for all the extent of the overlay.

Demolition Review

A central component of the overlay includes demolition review standards for existing structures. Under the demolition provisions, applications to demolish existing structures determined by the Planning Authority to be "preferably preserved" are subject to a delay of up to 12 months in order to consider alternatives to demolition. A building will be considered Preferably Preserved provided: it was constructed prior to 1930; it is representative of a building type and/or architectural style that contributes to the identifiable historic visual character of Munjoy Hill; it retains sufficient integrity of design, materials, condition, and craftsmanship that adaptive reuse is a viable option.

The demolition review is a delay and not a prohibition on demolition, and the delay period can be reduced if the applicant elects to have their new construction proposal reviewed and approved by the Historic Preservation Board. In that case, the stay is lifted and the preferably preserved building can be demolished

and replaced before the end of the 12 month delay. Alternatively, the applicant can wait and move forward with demolition after the 12-month stay. The delay is only applicable to buildings not in a historic district or not designated a landmark.

V. RELATIONSHIP OF OVERLAY TO HISTORIC DISTRICT

As concern with the amount and effect of overlapping regulatory layers was one of the impetuses of the Board's review, below is a summary of how the overlay differs from and works in conjunction with the historic district requirements. The boundaries of the historic district encompass portions of Munjoy Hill that exhibited the strongest concentration of historic structures (Figure 4).

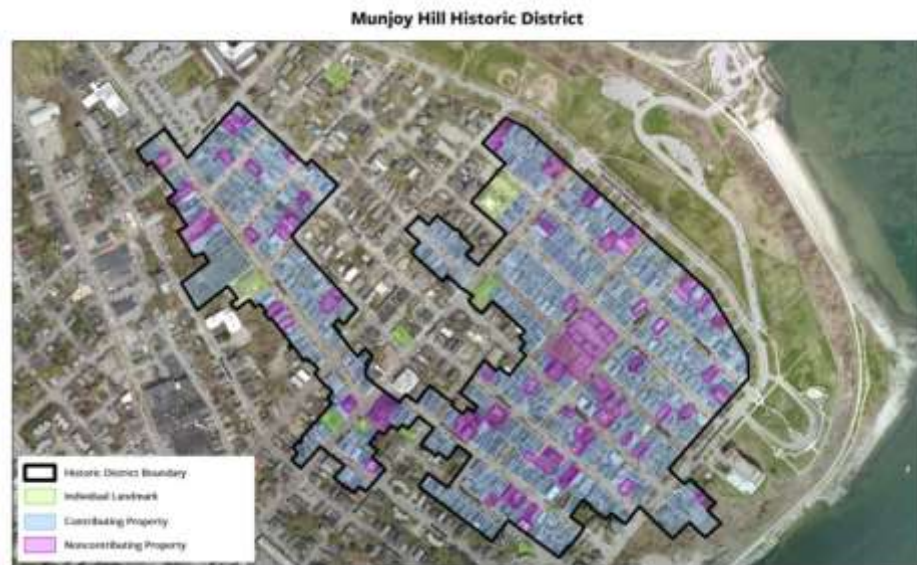


Figure 4: Munjoy Hill Historic District & Designated Landmarks

The Munjoy Hill Historic District is comprised of 427 parcels within the larger Munjoy Hill neighborhood, representing approximately 49% of Munjoy Hill's building stock. The majority of these properties are located within the R-6 residential zone and the overlay district. The remaining 51 percent of Munjoy Hill's building stock is outside the boundaries of the Historic District. There are 262 parcels that are within 100 feet of the Historic District(s), designated landmarks, and landscapes, which are subject to advisory design review of preservation staff or the Historic Preservation Board (Figure 6).

All of the standards of the overlay are applicable in the historic district, with the exception of the demolition delay provisions. The historic preservation ordinance governs demolition within districts. Districts themselves include properties that are considered contributing or noncontributing. Contributing structures may not be demolished, with rare exceptions. As the demolition delay provision of the overlay explicitly does not apply to historic districts, non-contributing structures in the Munjoy Hill Historic District are not subject to a demolition delay. Within the boundaries of a historic district, the merits and rationale for preservation of each property have already been determined at the time of designation, and so no further, duplicative process for consideration of "preferably preserved" is needed or appropriate. Therefore, non-contributing structures have the same ability to be demolished as any property in the city that is not either designated or subject to the demo delay provisions of the overlay.

In addition to the roof and building form standards of the overlay, the Historic Preservation Ordinance review standards for new construction are applied to new buildings as well as additions and alterations within the historic district. Historic designation does not alter the dimensional standards of the zone, and new construction, additions, inclusion of alternative energy features such as solar panels, and building alterations may all occur within the district. Designation puts in place a mechanism to review such changes to ensure that the overall historic character of the neighborhood is preserved and enhanced over time.



Figure 1: Boundary of Munjoy Hill Historic District within the Overlay



Figure 2: Parcels Within 100' of Historic District/Landscape/Landmark

IV. RECOMMENDED MAP & TEXT AMENDMENTS

Map Amendment

Current Zoning: R-6/Munjoy Hill Neighborhood Conservation Overlay District
 Proposed Zoning: R-6

The overlay is entirely within the R-6 zone, and removal of the overlay would result in the area still being in the R-6 zone – there is no change proposed to the current base zoning.

Text Amendments

Text referencing the overlay appears in Articles 5, 7, and 8 of the Land Use Code.

The following amendment is proposed to Article 5, Zones, Table 5-A, which lists the overlay among other zoning overlays:

Overlay Zones	Compact Urban Residential (R-7)
	Downtown Entertainment
	Overlay
	Fort Sumner Park Height Overlay
	Helistop Overlay
	Institutional Overlay (IOZ)
	Munjoy Hill Neighborhood
	Conservation
	Island Transfer Station Overlay
	Pedestrian Activities District
	Overlay
	Stream Protection Overlay
	University of Southern Maine
	Overlay
	Waynflete School Overlay

The following amendment is proposed to Article 7, Dimensional Standards, Table 7-A, which removes the overlay from a list of overlays in which height exceptions apply:

TABLE 7-A: RESIDENTIAL ZONE DIMENSIONAL STANDARDS

	R-1	R-2	R-3 ²	R-4	R-5 ^{2, 3}	R-5a ⁴	R-6 ^{6, 7}	R-6a ¹³
...								
Structure height (max.)	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	45 ft. ¹²	65 ft.
	Detached accessory	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	
	...	20%	20%	35%	30%	40%	30%	60%
...								

¹² Except as provided under the Fort Sumner Park Height Overlay, ~~the Munjoy Hill Conservation Overlay~~, and the Bayside Height Overlay.

...

The amendment proposes to repeal sec. 8.7 of Article 8, Overlay Zones, in its entirety. Sec. 8.7 includes:

- 8.7.1 Area of effect;
- 8.7.2 Effect of the district;
- 8.7.3 Dimensional standards;
- 8.7.4 Design review;
- 8.7.5 Demolition review;
- Figure 8-E: Munjoy Hill Neighborhood Conservation District Boundaries;
- Figure 8-F: Roof Forms;
- FigureE 8-G: Dormers and Subsidiary Roofs;
- Figure 8-H: Front Facade – Active Living Space;
- Figure 8-I: Parking Locations; and
- Table 8-E: Munjoy Hill Neighborhood Conservation District Dimensional Requirements.

The full amendments also include a non-substantive change to the Table of Contents. Full text of the amendments are included in Attachment 1.

VI. COMPREHENSIVE PLAN

[*Portland's Plan 2030*](#) has numerous goals and strategies applicable to the proposed text and map amendments, in multiple sections, including Housing, Economy, and Environment. The change would revert to the base zoning currently in effect, and there are many references in the comprehensive plan to the importance of walkability, density, transit proximity, and complete neighborhoods, as well as of allowing incremental change to occur in existing residential neighborhoods – all of which support the intent of the R-6 zone in peninsula neighborhoods. The overlay was originally found consistent with *Portland's Plan 2030*, and there's nothing generally inconsistent with the comprehensive plan with zoning overlays that seek to foster improved or different development outcomes where unusual circumstances apply; the premise of the original overlay was that there were acute, unusual circumstances that required a response distinct and above the regulations of the underlying zone. Both the base R-6, as well as the base R-6 plus the Munjoy Hill Historic District have been affirmed as meeting City goals, and each have had extensive public processes and findings.

For the purposes of this amendment, if the City Council concluded that the overlay is no longer needed, and/or is hindering other goals of the comprehensive plan, this would serve as a basis for a finding of consistency between the proposed amendments and *Portland's Plan 2030*.

Below are a selection of goals and strategies related to the benefits of land use patterns and policies that support dense, compact, walkable neighborhoods and the city's housing needs.

Environment

- As Maine's largest city, Portland embodies core tenets of sustainable urbanism in its compact form and function, enabling efficiencies in resource consumption, waste reduction, and resiliency. Portland's diversity of housing types and increased densities, strong neighborhoods, proximity of residences to employment, and viability for multimodal transportation offer a durable framework to build upon and enhance. (Introductory text to Environment Policy Guide)
- Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation.

- Coordinate future land use policy changes with long-range regional transportation planning, including planning for transit, pedestrian, and bicycle improvements, to reduce local and regional vehicle miles traveled.
- Continue to develop land use policies which support complete neighborhoods.

Housing

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.

Economy

- The city's exceptional urban form is integral to the health of its economy; its compact, walkable downtown and neighborhood centers, strong transit connections, and spectacular setting on Casco Bay all contribute to Portland's distinct advantages. (Introductory text to Economy Policy Guide)

VII. PLANNING BOARD DELIBERATION

For the Planning Board's review included consideration of leaving the overlay unchanged, repealing it, or amending it. Board deliberations focused on: the regulatory complexity the overlay adds in combination with the new historic district, the base zone standards and design manual standards, all of which concurrently regulate new development in the neighborhood; questions about the need to treat this neighborhood differently from others, and from the rest of the R-6 zone in particular; the lessened need for the overlay in light of the new historic district having surveyed and designated the properties most warranting preservation; the lessened need for the overlay in light of the new historic district and its attendant advisory review providing additional design review over greater than a majority of the neighborhood; and, the concern that the overlay requirements were deterring housing creation when there is a clear policy directive for increased housing creation city-wide, particularly in neighborhoods such as Munjoy Hill that are zoned for relatively dense multifamily housing due to their proximity to transit, walking distance to shops, services, and employment. There was also discussion about the challenges of the on-site workforce housing requirement in addition to the Inclusionary Zoning requirements, and the consequences of the rooftop appurtenance limits to housing creation and ADA access.

Board deliberation also touched on the overlay addressing certain conditions at the time of adoption, but considered that conditions had changed substantially enough to no longer warrant this as a permanent zoning layer, particularly in light of the controls on demolitions and design that the new historic district brings to so many of the properties in the neighborhood. Concerns about the equity and sustainability implications of regulating this neighborhood differently than others in the R-6 were also raised.

In addition to concerns about a recent and future reduction in housing approvals, questions were raised about how many of the approvals were built or under construction, and current demo numbers, as of the Planning Board's hearing:

PROJECT STATUS	PROJECT TYPE	TOTAL # OF RES UNITS	# OF IZ UNITS	# OF WORKFORCE UNITS PER HEIGHT >35 FT	YEAR APPROVED	UNDER CONSTRUCTION (Y/N) or YEAR COMPLETED
Approved						
47 Monument Street	Single-family	1	0	0	2019	2020
57 St. Lawrence	Multi-family	16	1.6	1	2019	NO
130 Morning Street	Multi-family	7	0	1	2019	YES
27 Merrill Street	Two-family	2	0	0	2019	NO
126/128 R North Street	Multi-family	12	1.2	1	2020	YES
19 Willis Street	Multi-family	12	1.2	1	2021	NO
30-32 Atlantic Street	Multi-family	4	0	0	2021	NO
48 Cumberland Street	Single-family	1	0	0	2021	NO
42 Lafayette St	DU Addition	1	0	0	2021	NO
	TOTAL	56	4	4		

	Demo Permits	Determined Preferably Preserved	HP Board Approval	Issue Date
TOTAL	7	2	2	
110 SHERIDAN ST				8/30/2018
47 MONUMENT ST				7/13/2018
128R NORTH ST				10/2/2019
37 MONTREAL ST		X	X	9/13/2019
165 SHERIDAN ST				10/16/2020
43 HOWARD ST		X	X	11/3/2020
48 CUMBERLAND AVE				3/25/2021

The Board acknowledged that some of the elements of the overlay, particularly in relation to dimensional standards and building form, might warrant consideration for inclusion in the R-6 zone, but since repeal of the overlay would put the area on an even regulatory plane with the rest of areas currently zoned R-6, the discussion landed on these particular elements being a suitable ReCode Phase II consideration of whether the zone could benefit from any modifications.

VIII. PUBLIC COMMENT

Written and spoken comment were provided to the Planning Board favor of retaining the overlay and in favor of modifying or repealing it. Comments in favor of retaining the overlay include a concern that removing the overlay would raise housing costs; that the overlay promotes neighborhood stability; that it stems gentrification; and the ongoing needs for protections against demolitions. Comments in favor of repeal or modification include a wish for zoning that encourages density and walkability; the challenges of the rooftop appurtenances prohibitions, particularly in regard to elevators; the challenges of the on-site inclusionary unit as a condition for 45 feet max. height allowed as the default elsewhere in the R-6.

IX. PLANNING BOARD RECOMMENDATION

The Planning Board considered the proposed zoning map and text amendments at a hearing on February 22, 2022. After deliberation, and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted unanimously (7-0) to recommend to the City Council that the zoning map amendment to repeal the Munjoy Hill Neighborhood Conservation Overlay District and to amend Land Use Code Articles 5, 7, 8, and Table of Contents to strike references to the Munjoy Hill Neighborhood Conservation Overlay District.

X. ATTACHMENTS

1. Proposed Land Use Code Text Amendments
2. Munjoy Hill Neighborhood Conservation Overlay Map

KATE SNYDER (MAYOR)
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ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
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ROBERTO RODRÍGUEZ (A/L)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 14 RE: REPEAL OF
MUNJOY HILL NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

*That Chapter 14, Table of Contents, Tables 5-A and 7-A, and
Section 8 are hereby amended to read as follows, on the
following pages:*



TABLE OF CONTENTS

....

Article 8. OVERLAY ZONES 8-1

- 8.1 Compact Urban Residential (R-7) Overlay
- 8.2 Downtown Entertainment Overlay
- 8.3 Fort Sumner Park Overlay
- 8.4 Helistop Overlay
- 8.5 Institutional Overlay
- 8.6 Island Transfer Station Overlay
- ~~8.7 Munjoy Hill Neighborhood Conservation Overlay District~~
- 8.8 Pedestrian Activities District (PAD) Overlay
- 8.9 Stream Protection Overlay
- 8.10 University of Southern Maine Overlay
- 8.11 Waynflete School Overlay

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5 ZONES

5.1 ESTABLISHMENT OF ZONES

In order to carry out the provisions of this Land Use Code, the City of Portland shall be divided into the zones in Table 5-A.

5.2 ZONING MAP

5.2.1 Zoning map adopted

The zones in Table 5-A are shown upon a map filed in the Department of Planning and Urban Development. Such zoning map, with amendments, is hereby adopted as the official zoning map of the City of Portland and as part of this Land Use Code.

5.2.2 Zone boundaries when uncertain

Where uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning map, the following rules shall apply:

- A. Unless otherwise indicated, zone boundary lines are the center lines of streets, alleys, parkways, waterways, or rights-of-way of public utilities and railroads or such lines extended.
- B. Unless otherwise shown, lines within blocks less than 200 feet wide are median lines between their sides, and lines within blocks 200 feet or more wide are 100 feet distant from the less restricted side of the block.
- C. The depictions of the Shoreland Zone and Stream Protection Zone on the zoning map are illustrative of the general location of such zones. The actual boundaries of these zones shall be determined by measurement of the distance indicated on the map and in this Land Use Code from the normal high-water line of the water body or the upland edge of wetlands. Where such measurement is not the same as the location of the boundary of the zoning

TABLE 5-A: ZONES

Residential	R-1, R-2, R-3, R-4, R-5, R-5a, R-6, R-6a
Island	IR-1, IR-2, IR-3 I-B Island Business
Mixed-Use	B-1, B-1b Neighborhood Business B-2, B-2b, and B-2c Community Business B-3, B-3b, and B-3c Downtown Business B-4 Commercial Corridor B-5 and B-5b Urban Commercial B-6 Eastern Waterfront B-7 Mixed Development
Office	O-P Office Park R-P Residence Professional
Industrial & Airport	I-L and I-Lb Low-Impact I-M, I-Ma, and I-Mb Moderate Impact I-H and I-Hb High Impact A-B Airport Business
Open Space	R-OS Recreation and Open Space
Waterfront	EWPZ Eastern Waterfront Port WCZ Waterfront Central WPDZ Waterfront Port Development
Overlay Zones	Compact Urban Residential (R-7) Downtown Entertainment Overlay Fort Sumner Park Height Overlay Helistop Overlay Institutional Overlay (IOZ) Munjoy Hill Neighborhood Conservation Island Transfer Station Overlay Pedestrian Activities District Overlay Stream Protection Overlay University of Southern Maine Overlay Waynflete School Overlay
Form-Based	IS-FBC India Street Form-Based Code
Other	Shoreland Floodplain Management RPZ Resource Protection

...

7 DIMENSIONAL STANDARDS

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7.1 DIMENSIONAL STANDARDS

Tables 7-A to 7-H shall establish the dimensional standards for each zone.

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DIMENSIONAL STANDARDS

TABLE 7-A: RESIDENTIAL ZONE DIMENSIONAL STANDARDS

		R-1	R-2	R-3 ²	R-4	R-5 ^{2, 3}	R-5a ⁴	R-6 ^{6, 7}	R-6a ¹³
Lot area (min.)	Governmental	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF			
	Hospital			10 ac.		5 ac.		2 ac.	
	Intermediate or long-term, extended care facility	3 ac.	3 ac.	2 ac.		2 ac.	1.5 ac.	1 ac. ⁸	
	Lodging house					9,000 SF		2,000 SF	
	Multiplex				9,000 SF	9,000 SF			
	Place of assembly	<10,000 SF	1 ac.	1 ac.	1 ac.	15,000 SF	.5 ac.	10,000 SF	
		>10,000 SF	2 ac.	2 ac.	2 ac.	30,000 SF	1 ac.	15,000 SF	
	Post-secondary school		2 ac.			2 ac.		2,000 SF	
	Elementary, middle, and secondary school	2 ac.	2 ac.	2 ac.	30,000 SF	30,000 SF		30,000 SF	
	Raising of animals	3 ac.							
	Residential	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF ³	6,000 SF / 2 ac. max ⁵	2,000 SF	4 ac.
	All other uses	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF		2,000 SF	
	Lot area per dwelling unit (min.)	15,000 SF	10,000 SF	6,500 SF	3,000 SF	3,000 SF	1,600 SF	725 SF	
Lot area per rooming unit (min.)						1,000 SF		250 SF ⁹	
Lot area per multiplex unit (min.)					3,000 SF for first 3, 6,000 SF thereafter	4,500 SF			
Lot area per SNIDU¹ (min.)					2,400 SF	3,600 SF			
Street frontage (min.)		75 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	20 ft.	
Lot width (min.)		100 ft.	80 ft.	65 ft.	60 ft.	60 ft. 90 ft. for multiplex	60 ft.	20 ft.	
Front setback (min.)		25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	25 ft.	5 ft.	
		Or average depth of adjacent front yards							
Rear setback (min.)		25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	25 ft.	10 ft.	
	Detached accessory (< 250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	
Side setback (min.)	<1.5 stories to 1.5 stories	12 ft.	12 ft.	8 ft.	10 ft.	8 ft.	10 ft.		<45 ft. in height: 10 ft.
	2 stories	14 ft.	14 ft.	14 ft.	14 ft.	12 ft.	14 ft.		
	2.5 stories	16 ft.	16 ft.	16 ft.	16 ft.	14 ft.	16 ft.	5 ft. ¹⁰	
	Detached accessory (< 250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.		>45 ft. in height: 15 ft.
	On side street (min.)	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	None	

Or depth of front yard directly abutting the lot.

TABLE 7-A (CONT.): RESIDENTIAL ZONE DIMENSIONAL STANDARDS

	R-1	R-2	R-3 ²	R-4	R-5 ^{2, 3}	R-5a ⁴	R-6 ^{6, 7}	R-6a ¹³
Stepbacks (above 35 ft. when property line abuts a residential zone)(min.)							10 ft. from side property line and 15 ft. from rear property line ¹¹	
Structure height (max.)	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	45 ft. ¹²	65 ft.
Detached accessory	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	
Lot coverage (max.)	20%	20%	35%	30%	40%	30%	60%	
Landscaped open space ratio (min.)							20%	
Width of garage opening on front façade (max.)							9 ft. or 40% of the front facade, whichever is greater, and in no case more than 20 ft.	

...

¹² Except as provided under the Fort Sumner Park Height Overlay, ~~the Munjoy Hill Conservation Overlay~~, and the Bayside Height Overlay.

...

8 OVERLAY ZONES

8.1 MUNJOY HILL NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

The residential neighborhoods on Munjoy Hill are experiencing specific development pressures related to its location and the nature of the existing building stock, further documented in work by the City's Planning & Urban Development Department in the winter of 2018. In order to address the negative impacts of these pressures and create a positive framework for investment in the area, there shall be a Munjoy Hill Neighborhood Conservation Overlay District (the "District").

FIGURE 8-E: MUNJOY HILL NEIGHBORHOOD CONSERVATION DISTRICT BOUNDARIES

8.7.1 Area of effect

This District will apply in the highlighted area depicted on the map in Figure 8-E and includes all properties in the R-6 zoning district in an area east of Washington Avenue and Mountfort Street, north of Fore Street, and west of the Eastern Promenade.

8.7.2 Effect of the district

In addition to the standards contained in this Land Use Code that are applicable to properties in the R-6 zone, all properties within this District shall meet the standards of Section 8.7. Where this section imposes a standard that differs from the standards contained in Articles 6, 7, 14, and 15 of this Land Use Code, the City of Portland *Design Manual* or City of Portland *Technical Manual*, the standards in this section shall control.

8.7.3 Dimensional standards

Within the District, the dimensional requirements in Table 8-E supersede those dimensional standards outlined elsewhere in this Land Use Code.

8.7.4 Design review

A. Design standards. In addition to the general R-6 design standards, the following design standards shall apply in the Munjoy Hill Neighborhood Conservation District and shall supersede any conflicting design standards:

1. All buildings shall use simple, traditional roof forms as illustrated in Figure 8-F, except that flat roofs are permitted in buildings of three or more units. This requirement may also be modified through Subsection 8.7.4(B) below. Dormers and cross-gables are allowed but where readily visible from the public right-of-way shall be

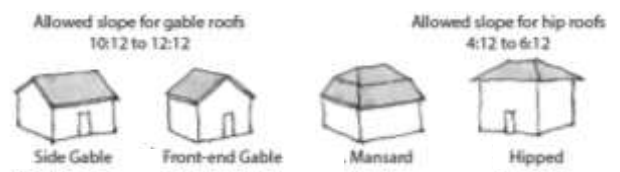


FIGURE 8-F: ROOF FORMS

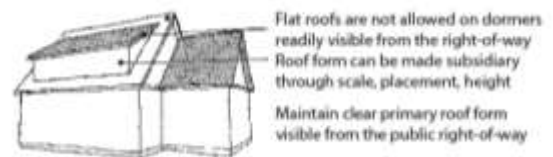


FIGURE 8-G: DORMERS AND SUBSIDIARY ROOFS

clearly subsidiary to the primary roof form.
(See Figure 8-G.)



- 2.—The first floor shall contain active living space, such as a living room or bedroom, with windows for at least 50% of the width of the front façade in total. (See Figure 8-H.) Active living space does not include space intended primarily for circulation or storage.

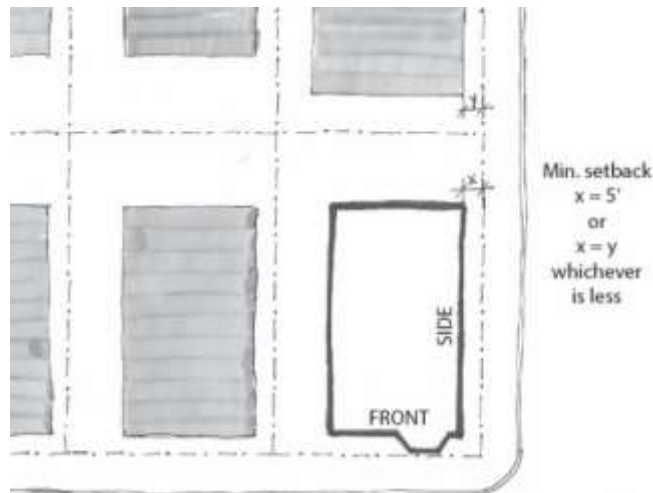
FIGURE 8-H: FRONT FACADE—ACTIVE LIVING SPACE

TABLE 8-E: MUNJOY HILL NEIGHBORHOOD CONSERVATION DISTRICT DIMENSIONAL REQUIREMENTS

Height (max.)¹	Height (max.)¹	35 ft.
		45 ft. for buildings with 3 or more units on lots over 2,000 SF that include at least one workforce housing unit. ²
Setbacks (min.)	Rear	Buildings up to 35 ft. in height: 10 ft.
		Buildings over 35 ft. in height: 15 ft.
		As measured from rear decks, porches, or similar unenclosed space: 7.5 ft.
		As measured from accessory structures with a ground coverage of 250 SF or less: 5 ft.
Setbacks (min.)	Side	Buildings up to 35 ft. in height: As per underlying zone.
		Buildings over 35 ft. in height: 10 ft. for all side yards, except that a side yard no less than 5 ft. is permitted when used to continue a documented built pattern of the surrounding streetscape, in which case a proportional increase in another side yard must be provided.

5 ft. or the minimum depth of the immediately abutting street-facing yard, whichever is less.
None when demonstrated that reduced setbacks are necessary to facilitate the provision of underground parking.

Side-yard
on-side
street



Stepbacks (min.) None

¹Rooftop appurtenances other than chimneys shall not exceed permitted heights, except that HVAC equipment is permitted for up to 5 ft. above these maximum heights if (a) out of view from public rights-of-way, screened adequately, and integrated with the building design and (b) set back at least 5 ft. from the building edge. In addition, height limits and placement of alternative energy equipment is permitted as specified in Articles 6 and 7.

²Unit can be for sale or rent, as defined in Article 3. Workforce units shall be no smaller than 50% of the average size of the other units in the development, must meet the definition for such units and only be sold or rented to a household at or below the applicable income levels. These requirements shall be deed restricted for affordability for the longest term possible under state and federal law.

- 3.—Use of tandem spaces to meet desired parking levels, consistent with the built pattern of the neighborhood, is strongly preferred. Parking shall be located on the side or in the rear of a building, and not within the front 10 feet of depth of the building. The only exception shall be for lots smaller than 2,000 square feet, which shall be permitted one garage door on the front façade no wider than 30% of the

building width, but no less than nine feet. In that case, the garage door shall:

- a.—Be of high quality design, consistent with the character and pattern of the rest of the façade, including windows as appropriate.
- b.—Be located on one side of the façade. (See Figure 8-1.)

B.—Alternative Design Review.—Within the District, developments are only eligible for the R-6 “Alternative Design Review” as outlined by the following process, which shall supersede the process in the *City of Portland Design Manual* in cases of conflict:

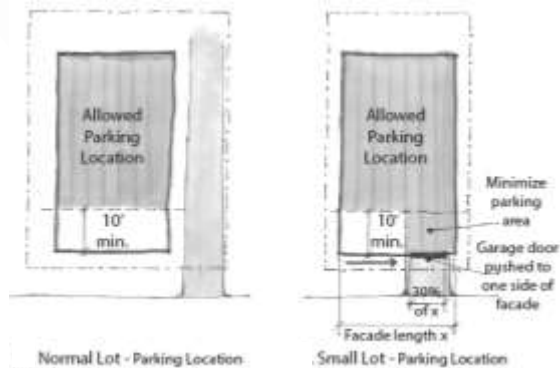


FIGURE 8-1: PARKING LOCATIONS

- 1.— Any use of Alternative Design Review must be approved by a majority of the Historic Preservation Board after a required public hearing.
- 2.— Alternative Design Review does not permit waivers of the additional design requirements in Subsection 8.7.4(A) above except as explicitly stated.
- 3.— Alternative Design Review is a privilege and is granted at the discretion of the Historic Preservation Board. The applicant has the burden of demonstrating that their proposal meets the criteria for Alternative Design Review Design Certificate.

8.7.5—Demolition review

A.— **Purpose.** The purpose of this subsection is to preserve and protect buildings within the District that contribute significantly to one's understanding and appreciation of the architectural, cultural, and/or social history and development pattern of Munjoy Hill and which are outside any designated historic district ("Preferably Preserved Buildings"), encouraging owners of such Preferably Preserved Buildings to explore alternatives to demolition. To achieve this purpose, the issuance of demolition permits for Preferably Preserved

Buildings is regulated and may be delayed as provided below.

B.— **Definitions.** For the purposes of this subsection, the following words and phrases shall have the meanings set forth below:

- 1.— **Demolition.** Removal of more than 10% of the front façade of any building, removal of the primary roof line, or removal of 50% or more of the building surface, determined cumulatively over a three-year period. In kind replacement or similar replacement (such as new windows or siding that may differ from the original) is not considered demolition.
- 2.— **Preferably Preserved Building.** Any building which is determined to be in the public interest to be preserved or rehabilitated rather than demolished based on findings that the building meets the following criteria:
 - a.— It was constructed prior to 1930.
 - b.— It is representative of a building type and/or architectural style that contributes to the identifiable historic visual character of Munjoy Hill.
 - c.— It retains sufficient integrity of design, materials, condition, and craftsmanship that adaptive reuse is a viable option.
- 3.— **Voluntarily demolished.** Any act(s) done by design or intention, which is proposed, intended, or not accidental, that result in demolition. Results of weather events or natural hazards are not considered voluntary demolition. For the purposes of this subsection, the destruction of a Preferably Preserved Building for failure to



OVERLAY ZONES

properly secure it or by neglect shall be considered voluntary demolition.

~~C.—Exclusions. This subsection shall not apply to:~~

- ~~1.—Any building either individually designated as a local landmark or located within the boundaries of any designated historic district.~~
- ~~2.—Accessory structures with a ground coverage of 250 square feet or less.~~
- ~~3.—Buildings that the Building Authority has determined are dangerous to life or property due to fire, accidental catastrophic damage, or a natural disaster.~~
- ~~4.—Buildings that have received a previous determination that they are not Preferably Preserved.~~

~~D.—Procedure. When the Building Authority receives a demolition permit application for a building within the District, the Building Authority shall, within three business days, notify the Planning Authority in writing that a demolition permit application has been received.~~

- ~~1.—Initial determination. The Planning Authority shall make an initial written determination as to whether the building that is the subject of the demolition permit application is a Preferably Preserved Building within 30 days of receiving a copy of the application. In making this determination, the Planning Authority may request additional information from the applicant, including photos of the existing building and the surrounding context or other data that may be relevant to making an initial determination. If the Planning Authority determines that the building is not Preferably Preserved, this~~

~~determination shall be transmitted to the Building Authority and the applicant of record. The applicant will not be required to take any further steps and the permit may be reviewed by the Building Authority under the standards in Chapter 6 of the City of Portland Code of Ordinances.~~

- ~~2.—If the Planning Authority makes an initial determination that the building is Preferably Preserved, it shall notify the Building Authority and the applicant.~~
- ~~3.—If the Planning Authority fails to act in accordance with this subsection or within the prescribed time periods, the Building Authority may grant the demolition permit, provided that the applicant has met all other required by Chapter 6 for a permit, and shall notify the Planning Authority that the permit has been granted.~~
- ~~4.—Right to appeal Planning Authority determination. After the Planning Authority's initial determination that a demolition permit application involves a Preferably Preserved Building, the applicant for a demolition permit may appeal the determination to the Historic Preservation Board with any background information regarding the structure and its context that may be deemed relevant to or appropriate for that review. Such material shall include plans for any replacement use of the parcel that may assist in making a determination. Such appeal must be filed with the Planning Authority within thirty days of the Planning Authority's decision.~~
- ~~5.—Public hearing. The Historic Preservation Board shall conduct a hearing on the appeal of the Planning Authority's decision~~

within 45 days of the Planning Authority's decision. The Board shall give the public notice of the hearing at least 14 days prior to the hearing. The Board shall also mail a notice of the public hearing to the applicant, the building owner, and all property owners within 100 feet of the subject property at least 10 days prior to the hearing.

6. ~~Final determination of Preferably Preserved Building:~~ Within 21 days following the conclusion of the public hearing, the Historic Preservation Board shall issue a final determination with the Building Authority. If the Board determines that the demolition of the building would be detrimental to the architectural, cultural, or social heritage of Munjoy Hill, it must uphold the initial determination of the Planning Authority of a Preferably Preserved Building. In a case where the initial decision of the Planning Authority is not timely appealed as outlined in Section 8.7.5(D)(4), that decision shall be considered a final decision with respect to the demolition permit, in which case the Planning Authority shall forward the final decision to the Building Authority.

E. ~~Upon the final determination of Preferably Preserved status, the Building Authority shall not issue a demolition permit for a period of up to 12 months except as specified in (2) below. During this period, the applicant and the owner should actively pursue alternatives to demolition of the Preferably Preserved Building. Should the Historic Preservation Board determine that the building is of sufficient historic and/or architectural~~

~~significance that it should be designated a landmark or otherwise gain historic designation, that process will proceed as it would for any other building.~~

1. ~~Upon a determination of Preferably Preserved status, the owner shall be responsible for properly securing the building.~~

2. ~~Notwithstanding the preceding, the Building Authority may issue a demolition permit for all or any portion of subject building at any time upon authorization from the Planning Authority in the event the Historic Preservation Board approves a development for the site as consistent with the Historic Resource Design Standards as applied to a new building prior to the conclusion of the 12-month delay period. Examples of such proposals may include but are not limited to:~~

a. ~~Demolition of a portion of the building while maintaining the principal structure and/or most architecturally significant portion of the building.~~

b. ~~Demolition of the Preferably Preserved Building but with a replacement proposal that is acceptably contextual in the surrounding neighborhood. In this case, the Board may condition demolition on construction of a project substantively consistent with the approved replacement proposal, and any substantive variation from that plan would be treated as a violation under (G) below.~~

c. ~~Notwithstanding the initial determination, demonstration by the~~

~~applicant, substantiated by the written opinion of a licensed engineer with experience in renovation, restoration or rehabilitation and confirmed by the Building Authority, that the structural condition of the building is so severe as to make it infeasible to rehabilitate.~~

~~F. Emergency demolition. Nothing in this subsection shall interfere with the ability of the Building Authority to permit demolition of buildings determined dangerous to life or property due to a condition that pre-dates the effective date of this subsection or is the result of fire, accidental catastrophic damage, or a natural disaster.~~

~~G. Enforcement~~

~~1. The Planning Authority and Building Authority are each specifically authorized to institute any and all actions and proceedings, in law or in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this subsection, or to prevent a threatened violation thereof.~~

~~2. No building permit shall issue for a new building on any premises where a significant building is voluntarily demolished in violation of this ordinance for a period of two years after the date of demolition.~~

~~H. Reporting. A demolition review shall be reported to the City Council annually as a communication.~~

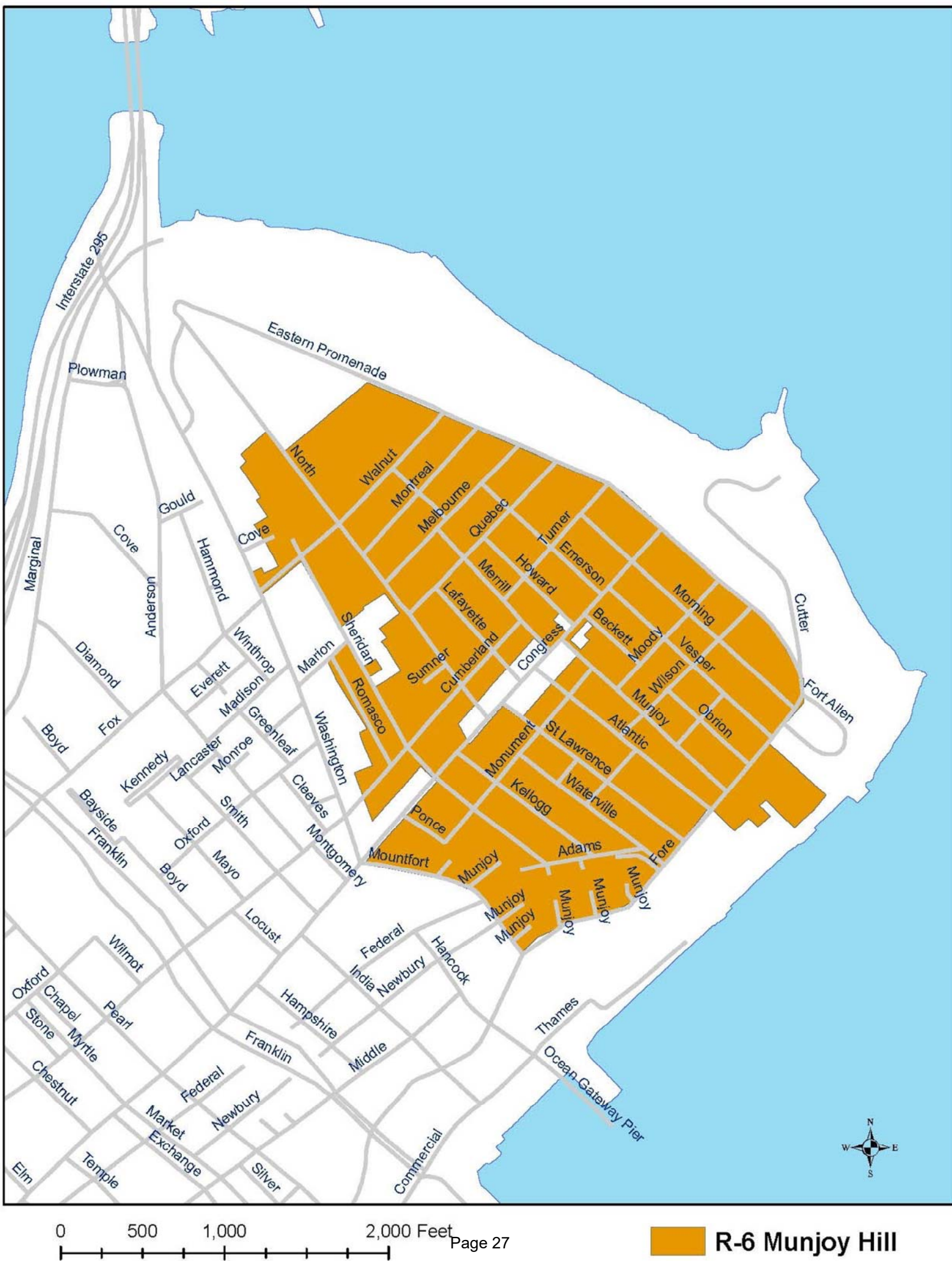




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8.5	Institutional Overlay	
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8.7	Munjoy Hill Neighborhood Conservation Overlay District	
8.8	Pedestrian Activities District (PAD) Overlay	
8.9	Stream Protection Overlay	
8.10	University of Southern Maine Overlay	
8.11	Waynflete School Overlay	

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ZONES

5 ZONES

5.1 ESTABLISHMENT OF ZONES

In order to carry out the provisions of this Land Use Code, the City of Portland shall be divided into the zones in Table 5-A.

5.2 ZONING MAP

5.2.1 Zoning map adopted

The zones in Table 5-A are shown upon a map filed in the Department of Planning and Urban Development. Such zoning map, with amendments, is hereby adopted as the official zoning map of the City of Portland and as part of this Land Use Code.

5.2.2 Zone boundaries when uncertain

Where uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning map, the following rules shall apply:

- A. Unless otherwise indicated, zone boundary lines are the center lines of streets, alleys, parkways, waterways, or rights-of-way of public utilities and railroads or such lines extended.
- B. Unless otherwise shown, lines within blocks less than 200 feet wide are median lines between their sides, and lines within blocks 200 feet or more wide are 100 feet distant from the less restricted side of the block.
- C. The depictions of the Shoreland Zone and Stream Protection Zone on the zoning map are illustrative of the general location of such zones. The actual boundaries of these zones shall be determined by measurement of the distance indicated on the map and in this Land Use Code from the normal high-water line of the water body or the upland edge of wetlands. Where such measurement is not the same as the location of the boundary of the zoning

TABLE 5-A: ZONES

Residential	R-1, R-2, R-3, R-4, R-5, R-5a, R-6, R-6a
Island	IR-1, IR-2, IR-3 I-B Island Business
Mixed-Use	B-1, B-1b Neighborhood Business B-2, B-2b, and B-2c Community Business B-3, B-3b, and B-3c Downtown Business B-4 Commercial Corridor B-5 and B-5b Urban Commercial B-6 Eastern Waterfront B-7 Mixed Development
Office	O-P Office Park R-P Residence Professional
Industrial & Airport	I-L and I-Lb Low-Impact I-M, I-Ma, and I-Mb Moderate Impact I-H and I-Hb High Impact A-B Airport Business
Open Space	R-OS Recreation and Open Space
Waterfront	EWPZ Eastern Waterfront Port WCZ Waterfront Central WPDZ Waterfront Port Development
Overlay Zones	Compact Urban Residential (R-7) Downtown Entertainment Overlay Fort Sumner Park Height Overlay Helistop Overlay Institutional Overlay (IOZ) Munjoy Hill Neighborhood Conservation Island Transfer Station Overlay Pedestrian Activities District Overlay Stream Protection Overlay University of Southern Maine Overlay Waynflete School Overlay
Form-Based	IS-FBC India Street Form-Based Code
Other	Shoreland Floodplain Management RPZ Resource Protection

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7 DIMENSIONAL STANDARDS

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7.1 DIMENSIONAL STANDARDS

Tables 7-A to 7-H shall establish the dimensional standards for each zone.

...

DIMENSIONAL STANDARDS

TABLE 7-A: RESIDENTIAL ZONE DIMENSIONAL STANDARDS

		R-1	R-2	R-3 ²	R-4	R-5 ^{2, 3}	R-5a ⁴	R-6 ^{6, 7}	R-6a ¹³
Lot area (min.)	Governmental	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF			
	Hospital			10 ac.		5 ac.		2 ac.	
	Intermediate or long-term, extended care facility	3 ac.	3 ac.	2 ac.		2 ac.	1.5 ac.	1 ac. ⁸	
	Lodging house					9,000 SF		2,000 SF	
	Multiplex				9,000 SF	9,000 SF			
	Place of assembly	<10,000 SF	1 ac.	1 ac.	1 ac.	15,000 SF	.5 ac.	10,000 SF	
		>10,000 SF	2 ac.	2 ac.	2 ac.	30,000 SF	1 ac.	15,000 SF	
	Post-secondary school		2 ac.			2 ac.		2,000 SF	
	Elementary, middle, and secondary school	2 ac.	2 ac.	2 ac.	30,000 SF	30,000 SF		30,000 SF	
	Raising of animals	3 ac.							
	Residential	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF ³	6,000 SF / 2 ac. max ⁵	2,000 SF	4 ac.
	All other uses	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF		2,000 SF	
	Lot area per dwelling unit (min.)	15,000 SF	10,000 SF	6,500 SF	3,000 SF	3,000 SF	1,600 SF	725 SF	
Lot area per rooming unit (min.)						1,000 SF		250 SF ⁹	
Lot area per multiplex unit (min.)					3,000 SF for first 3, 6,000 SF thereafter	4,500 SF			
Lot area per SNIDU¹ (min.)					2,400 SF	3,600 SF			
Street frontage (min.)		75 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	20 ft.	
Lot width (min.)		100 ft.	80 ft.	65 ft.	60 ft.	60 ft. 90 ft. for multiplex	60 ft.	20 ft.	
Front setback (min.)		25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	25 ft.	5 ft.	
		Or average depth of adjacent front yards							
Rear setback (min.)		25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	25 ft.	10 ft.	
	Detached accessory (< 250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	
Side setback (min.)	<1.5 stories to 1.5 stories	12 ft.	12 ft.	8 ft.	10 ft.	8 ft.	10 ft.		<45 ft. in height: 10 ft.
	2 stories	14 ft.	14 ft.	14 ft.	14 ft.	12 ft.	14 ft.		
	2.5 stories	16 ft.	16 ft.	16 ft.	16 ft.	14 ft.	16 ft.	5 ft. ¹⁰	
	Detached accessory (< 250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.		>45 ft. in height: 15 ft.
	On side street (min.)	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	None	

Or depth of front yard directly abutting the lot.

TABLE 7-A (CONT.): RESIDENTIAL ZONE DIMENSIONAL STANDARDS

	R-1	R-2	R-3 ²	R-4	R-5 ^{2, 3}	R-5a ⁴	R-6 ^{6, 7}	R-6a ¹³
Stepbacks (above 35 ft. when property line abuts a residential zone)(min.)							10 ft. from side property line and 15 ft. from rear property line ¹¹	
Structure height (max.)	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	45 ft. ¹²	65 ft.
Detached accessory	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	
Lot coverage (max.)	20%	20%	35%	30%	40%	30%	60%	
Landscaped open space ratio (min.)							20%	
Width of garage opening on front façade (max.)							9 ft. or 40% of the front facade, whichever is greater, and in no case more than 20 ft.	

...

¹² Except as provided under the Fort Sumner Park Height Overlay, ~~the Munjoy Hill Conservation Overlay~~, and the Bayside Height Overlay.

...

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The residential neighborhoods on Munjoy Hill are experiencing specific development pressures related to its location and the nature of the existing building stock, further documented in work by the City's Planning & Urban Development Department in the winter of 2018. In order to address the negative impacts of these pressures and create a positive framework for investment in the area, there shall be a Munjoy Hill Neighborhood Conservation Overlay District (the "District").

FIGURE 8-E: MUNJOY HILL NEIGHBORHOOD CONSERVATION DISTRICT BOUNDARIES

8.7.1 Area of effect

This District will apply in the highlighted area depicted on the map in Figure 8-E and includes all properties in the R-6 zoning district in an area east of Washington Avenue and Mountfort Street, north of Fore Street, and west of the Eastern Promenade.

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Within the District, the dimensional requirements in Table 8-E supersede those dimensional standards outlined elsewhere in this Land Use Code.

8.7.4 Design review

A. Design standards. In addition to the general R-6 design standards, the following design standards shall apply in the Munjoy Hill Neighborhood Conservation District and shall supersede any conflicting design standards:

1. All buildings shall use simple, traditional roof forms as illustrated in Figure 8-F, except that flat roofs are permitted in buildings of three or more units. This requirement may also be modified through Subsection 8.7.4(B) below. Dormers and cross-gables are allowed but where readily visible from the public right-of-way shall be

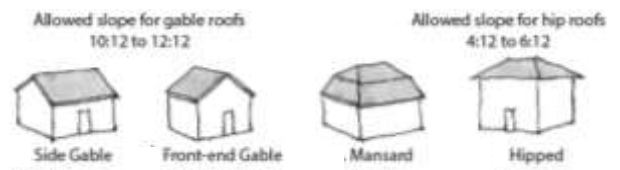


FIGURE 8-F: ROOF FORMS

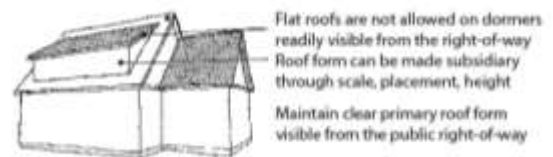


FIGURE 8-G: DORMERS AND SUBSIDIARY ROOFS

clearly subsidiary to the primary roof form.
(See Figure 8-G.)



- 2.—The first floor shall contain active living space, such as a living room or bedroom, with windows for at least 50% of the width of the front façade in total. (See Figure 8-H.) Active living space does not include space intended primarily for circulation or storage.

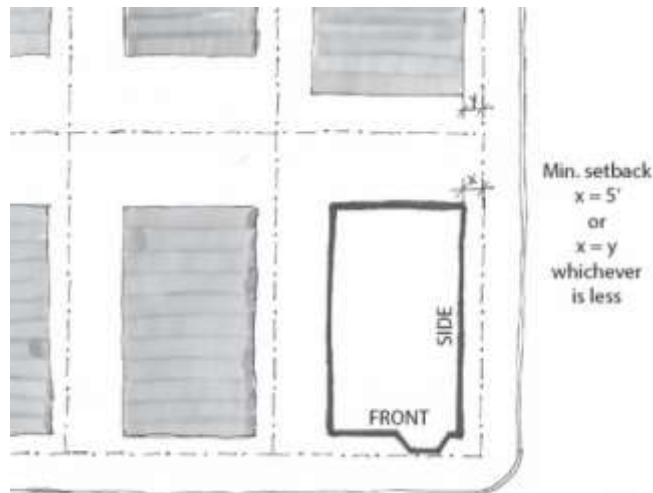
FIGURE 8-H: FRONT FACADE—ACTIVE LIVING SPACE

TABLE 8-E: MUNJOY HILL NEIGHBORHOOD CONSERVATION DISTRICT DIMENSIONAL REQUIREMENTS

Setbacks (min.)	Height (max.)¹	35 ft. 45 ft. for buildings with 3 or more units on lots over 2,000 SF that include at least one workforce housing unit. ²
	Rear	Buildings up to 35 ft. in height: 10 ft. Buildings over 35 ft. in height: 15 ft. As measured from rear decks, porches, or similar unenclosed space: 7.5 ft. As measured from accessory structures with a ground coverage of 250 SF or less: 5 ft.
	Side	Buildings up to 35 ft. in height: As per underlying zone. Buildings over 35 ft. in height: 10 ft. for all side yards, except that a side yard no less than 5 ft. is permitted when used to continue a documented built pattern of the surrounding streetscape, in which case a proportional increase in another side yard must be provided.

5 ft. or the minimum depth of the immediately abutting street-facing yard, whichever is less.
None when demonstrated that reduced setbacks are necessary to facilitate the provision of underground parking.

Side-yard
on-side
street



Stepbacks (min.) None

¹Rooftop appurtenances other than chimneys shall not exceed permitted heights, except that HVAC equipment is permitted for up to 5 ft. above these maximum heights if (a) out of view from public rights-of-way, screened adequately, and integrated with the building design and (b) set back at least 5 ft. from the building edge. In addition, height limits and placement of alternative energy equipment is permitted as specified in Articles 6 and 7.

²Unit can be for sale or rent, as defined in Article 3. Workforce units shall be no smaller than 50% of the average size of the other units in the development, must meet the definition for such units and only be sold or rented to a household at or below the applicable income levels. These requirements shall be deed restricted for affordability for the longest term possible under state and federal law.

- 3.—Use of tandem spaces to meet desired parking levels, consistent with the built pattern of the neighborhood, is strongly preferred. Parking shall be located on the side or in the rear of a building, and not within the front 10 feet of depth of the building. The only exception shall be for lots smaller than 2,000 square feet, which shall be permitted one garage door on the front façade no wider than 30% of the

building width, but no less than nine feet. In that case, the garage door shall:

- a.—Be of high quality design, consistent with the character and pattern of the rest of the façade, including windows as appropriate.
- b.—Be located on one side of the façade. (See Figure 8-1.)

B.—Alternative Design Review.—Within the District, developments are only eligible for the R-6 “Alternative Design Review” as outlined by the following process, which shall supersede the process in the *City of Portland Design Manual* in cases of conflict:

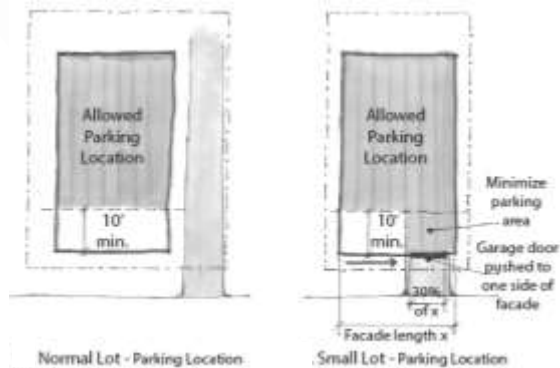


FIGURE 8-1: PARKING LOCATIONS

- 1.— Any use of Alternative Design Review must be approved by a majority of the Historic Preservation Board after a required public hearing.
- 2.— Alternative Design Review does not permit waivers of the additional design requirements in Subsection 8.7.4(A) above except as explicitly stated.
- 3.— Alternative Design Review is a privilege and is granted at the discretion of the Historic Preservation Board. The applicant has the burden of demonstrating that their proposal meets the criteria for Alternative Design Review Design Certificate.

8.7.5—Demolition review

A.— **Purpose.** The purpose of this subsection is to preserve and protect buildings within the District that contribute significantly to one's understanding and appreciation of the architectural, cultural, and/or social history and development pattern of Munjoy Hill and which are outside any designated historic district ("Preferably Preserved Buildings"), encouraging owners of such Preferably Preserved Buildings to explore alternatives to demolition. To achieve this purpose, the issuance of demolition permits for Preferably Preserved

Buildings is regulated and may be delayed as provided below.

B.— **Definitions.** For the purposes of this subsection, the following words and phrases shall have the meanings set forth below:

- 1.— **Demolition.** Removal of more than 10% of the front façade of any building, removal of the primary roof line, or removal of 50% or more of the building surface, determined cumulatively over a three-year period. In kind replacement or similar replacement (such as new windows or siding that may differ from the original) is not considered demolition.
- 2.— **Preferably Preserved Building.** Any building which is determined to be in the public interest to be preserved or rehabilitated rather than demolished based on findings that the building meets the following criteria:
 - a.— It was constructed prior to 1930.
 - b.— It is representative of a building type and/or architectural style that contributes to the identifiable historic visual character of Munjoy Hill.
 - c.— It retains sufficient integrity of design, materials, condition, and craftsmanship that adaptive reuse is a viable option.
- 3.— **Voluntarily demolished.** Any act(s) done by design or intention, which is proposed, intended, or not accidental, that result in demolition. Results of weather events or natural hazards are not considered voluntary demolition. For the purposes of this subsection, the destruction of a Preferably Preserved Building for failure to



OVERLAY ZONES

- properly secure it or by neglect shall be considered voluntary demolition.
- ~~C.—Exclusions. This subsection shall not apply to:~~
- ~~1.—Any building either individually designated as a local landmark or located within the boundaries of any designated historic district.~~
 - ~~2.—Accessory structures with a ground coverage of 250 square feet or less.~~
 - ~~3.—Buildings that the Building Authority has determined are dangerous to life or property due to fire, accidental catastrophic damage, or a natural disaster.~~
 - ~~4.—Buildings that have received a previous determination that they are not Preferably Preserved.~~
- ~~D.—Procedure. When the Building Authority receives a demolition permit application for a building within the District, the Building Authority shall, within three business days, notify the Planning Authority in writing that a demolition permit application has been received.~~
- ~~1.—Initial determination. The Planning Authority shall make an initial written determination as to whether the building that is the subject of the demolition permit application is a Preferably Preserved Building within 30 days of receiving a copy of the application. In making this determination, the Planning Authority may request additional information from the applicant, including photos of the existing building and the surrounding context or other data that may be relevant to making an initial determination. If the Planning Authority determines that the building is not Preferably Preserved, this~~
 - ~~determination shall be transmitted to the Building Authority and the applicant of record. The applicant will not be required to take any further steps and the permit may be reviewed by the Building Authority under the standards in Chapter 6 of the City of Portland Code of Ordinances.~~
 - ~~2.—If the Planning Authority makes an initial determination that the building is Preferably Preserved, it shall notify the Building Authority and the applicant.~~
 - ~~3.—If the Planning Authority fails to act in accordance with this subsection or within the prescribed time periods, the Building Authority may grant the demolition permit, provided that the applicant has met all other required by Chapter 6 for a permit, and shall notify the Planning Authority that the permit has been granted.~~
 - ~~4.—Right to appeal Planning Authority determination. After the Planning Authority's initial determination that a demolition permit application involves a Preferably Preserved Building, the applicant for a demolition permit may appeal the determination to the Historic Preservation Board with any background information regarding the structure and its context that may be deemed relevant to or appropriate for that review. Such material shall include plans for any replacement use of the parcel that may assist in making a determination. Such appeal must be filed with the Planning Authority within thirty days of the Planning Authority's decision.~~
 - ~~5.—Public hearing. The Historic Preservation Board shall conduct a hearing on the appeal of the Planning Authority's decision~~

within 45 days of the Planning Authority's decision. The Board shall give the public notice of the hearing at least 14 days prior to the hearing. The Board shall also mail a notice of the public hearing to the applicant, the building owner, and all property owners within 100 feet of the subject property at least 10 days prior to the hearing.

6. ~~Final determination of Preferably Preserved Building:~~ Within 21 days following the conclusion of the public hearing, the Historic Preservation Board shall issue a final determination with the Building Authority. If the Board determines that the demolition of the building would be detrimental to the architectural, cultural, or social heritage of Munjoy Hill, it must uphold the initial determination of the Planning Authority of a Preferably Preserved Building. In a case where the initial decision of the Planning Authority is not timely appealed as outlined in Section 8.7.5(D)(4), that decision shall be considered a final decision with respect to the demolition permit, in which case the Planning Authority shall forward the final decision to the Building Authority.

E. ~~Upon the final determination of Preferably Preserved status, the Building Authority shall not issue a demolition permit for a period of up to 12 months except as specified in (2) below. During this period, the applicant and the owner should actively pursue alternatives to demolition of the Preferably Preserved Building. Should the Historic Preservation Board determine that the building is of sufficient historic and/or architectural~~

~~significance that it should be designated a landmark or otherwise gain historic designation, that process will proceed as it would for any other building.~~

1. ~~Upon a determination of Preferably Preserved status, the owner shall be responsible for properly securing the building.~~

2. ~~Notwithstanding the preceding, the Building Authority may issue a demolition permit for all or any portion of subject building at any time upon authorization from the Planning Authority in the event the Historic Preservation Board approves a development for the site as consistent with the Historic Resource Design Standards as applied to a new building prior to the conclusion of the 12-month delay period. Examples of such proposals may include but are not limited to:~~

a. ~~Demolition of a portion of the building while maintaining the principal structure and/or most architecturally significant portion of the building.~~

b. ~~Demolition of the Preferably Preserved Building but with a replacement proposal that is acceptably contextual in the surrounding neighborhood. In this case, the Board may condition demolition on construction of a project substantively consistent with the approved replacement proposal, and any substantive variation from that plan would be treated as a violation under (G) below.~~

c. ~~Notwithstanding the initial determination, demonstration by the~~

~~applicant, substantiated by the written opinion of a licensed engineer with experience in renovation, restoration or rehabilitation and confirmed by the Building Authority, that the structural condition of the building is so severe as to make it infeasible to rehabilitate.~~

~~F. Emergency demolition. Nothing in this subsection shall interfere with the ability of the Building Authority to permit demolition of buildings determined dangerous to life or property due to a condition that pre-dates the effective date of this subsection or is the result of fire, accidental catastrophic damage, or a natural disaster.~~

~~G. Enforcement~~

~~1. The Planning Authority and Building Authority are each specifically authorized to institute any and all actions and proceedings, in law or in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this subsection, or to prevent a threatened violation thereof.~~

~~2. No building permit shall issue for a new building on any premises where a significant building is voluntarily demolished in violation of this ordinance for a period of two years after the date of demolition.~~

~~H. Reporting. A demolition review shall be reported to the City Council annually as a communication.~~