

Order 141-17/18

Passage as an emergency: 8-1 (Batson) on 2/5/2018

Effective 2/5/2018

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**CITY OF PORTLAND
IN THE CITY COUNCIL**

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**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14
Re: INTERIM PLANNING OVERLAY DISTRICT**

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

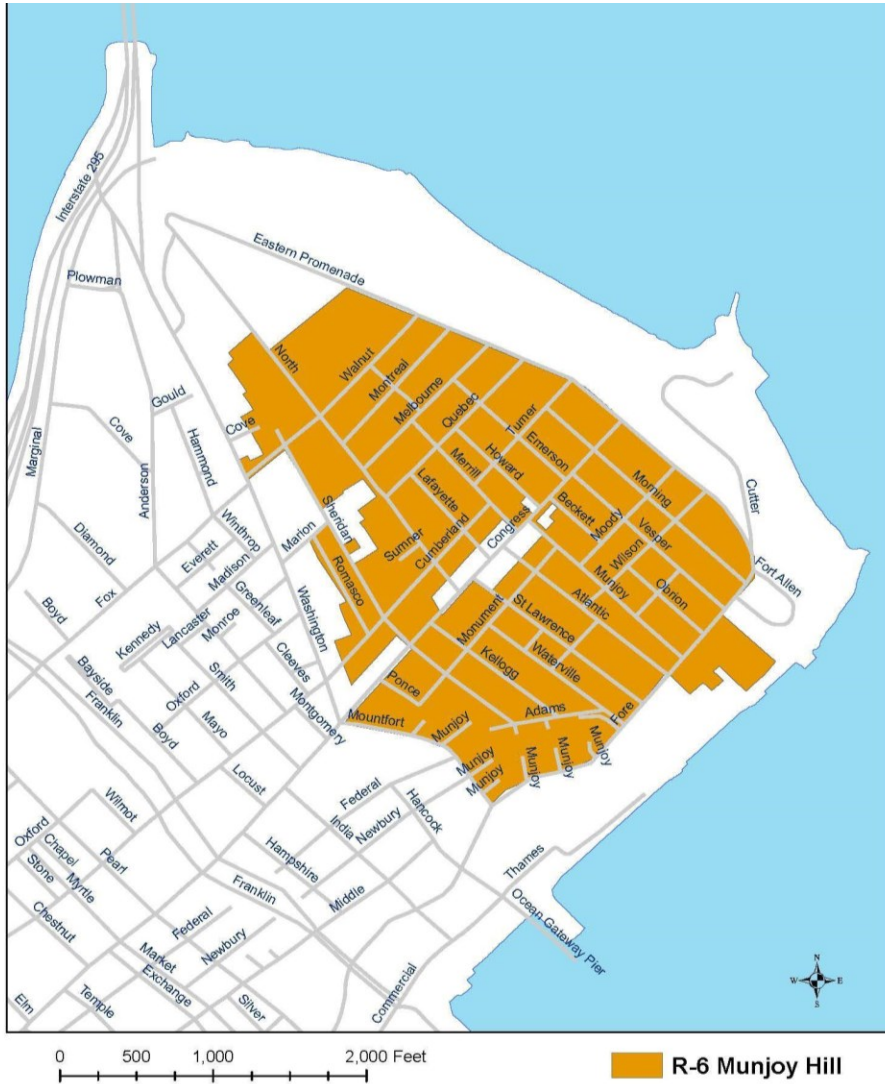
That Chapter 14, Sections 14-488 is hereby amended as follows:

Sec. 14-140.5. Munjoy Hill Interim Planning Overlay District (IPOD)

There shall be a Munjoy Hill Interim Planning Overlay District (the "District"). This District shall remain in effect until June 4, 2018, after which time it shall immediately expire on said date and this Section 14-140.5 shall be removed from the Code of Ordinances.

(a) **Area of Effect.** This District will apply in the highlighted area depicted on the map below and includes all

Diagram 14-140.5.a.: Munjoy Hill Interim Planning Overlay District Boundaries



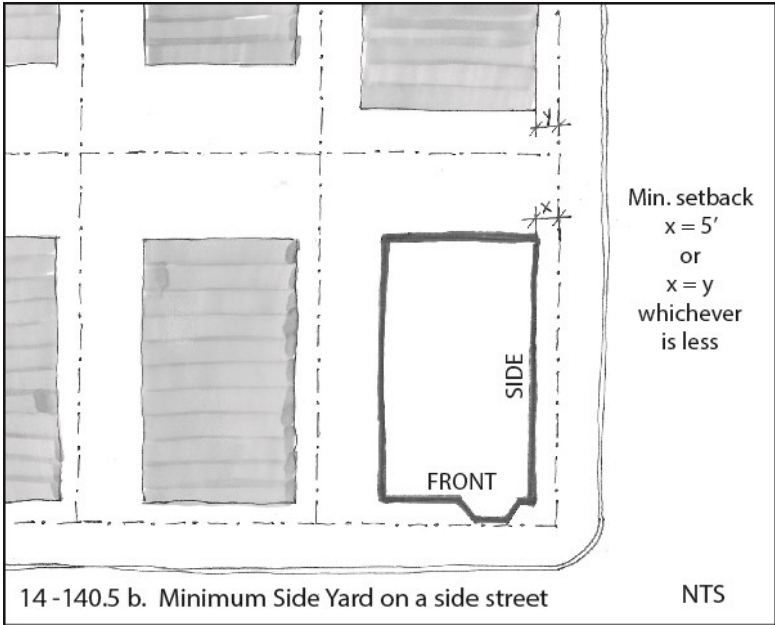
properties in the R-6 zoning district in an area east of Washington Avenue and Mounfort Street, north of Fore Street, and west of the Eastern Promenade.

(b) **Effect of the District.** In addition to the standards contained in Chapter 14, Division 7 of the Portland City Code that are applicable to properties in the R-6, zone all properties within this District shall meet the standards in this Section 14-140.5. In cases of conflict between this Section and other sections of Chapter 14 or the City of Portland Design Manual and

City of Portland Technical Manual, the standards in this Section shall control.

(c) Dimensional Standards. Within the District, the following dimensional requirements supersede those outlined elsewhere in Chapter 14:

<u>Maximum Height</u>	<u>35'; 45' for developments of 3 units or more on a lot over 2000 sf.</u> <u>Rooftop appurtenances other than chimneys shall not exceed permitted heights.</u>
<u>Minimum Side Yard Setback</u>	<u>Buildings of height up to 35': As per the underlying zoning</u> <u>Buildings of 35' or more: 10' except that one side may be reduced to 5' if the other sides in sum are increased by the same amount.</u>
<u>Stepbacks</u>	<u>Stepback requirements in the underlying zoning shall not apply to side yards.</u>
<u>Minimum Side Yard Setback on a side street</u>	<u>5'; or the depth of the immediately abutting street-facing yard (see Diagram 14-140.5.b.), whichever is less.</u>
<u>Minimum Rear Yard Setback</u>	<u>As measured from a building: 20% of the maximum depth of a lot but no less than 10'.</u> <u>As measured from rear decks, porches, or similar unenclosed appurtenances: 7.5'</u> <u>As measured from accessory structures with a ground coverage of 144 square feet or less: 5'</u>



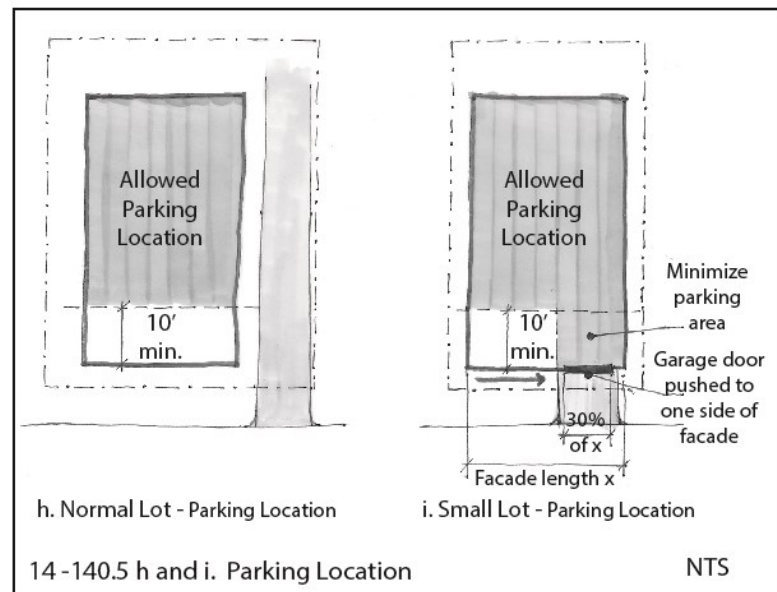
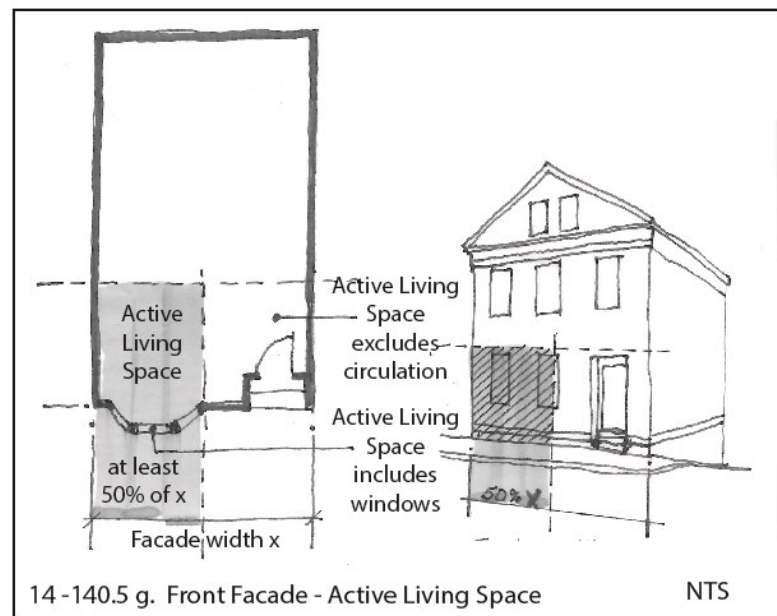
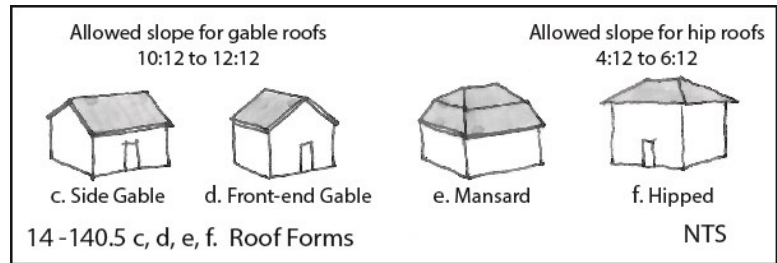
(d) Design Standards. Within the District, developments are not eligible for the "Alternative Design Review" process outlined in the *City of Portland Design Manual* for the R-6 zone. In addition, the following design standards shall supersede any conflicting standards:

1. All buildings shall use traditional roof forms as illustrated in Diagrams 14-140.5.c-f.

Flat roofs are only permitted in buildings of 3 or more units;

2. The first floor shall contain "active living space" with windows for at least 50% of the width of the front façade in total, as illustrated in Diagram 14-140.5.g. Active living space does not include circulation space;

3. Parking shall be located in the rear of a building, and in no case



within the front 10' depth of the building. The only exception shall be for lots smaller than 2,000 sf., which shall be permitted one garage door on the front façade no wider than 30% of the building width, but no less than 9 feet. In that case, the garage door shall (1) be of high quality design, consistent with the character and pattern of the rest of the façade, including windows as appropriate; and (2) be located on one side of the façade. See Diagrams 14-140.5.h-i.;

4. Rooftop appurtenances other than chimneys shall be integrated into the design or placed out of view from public rights-of-way;

5. Building materials shall be high quality and of a scale consistent with traditional residential materials.

(e) **Severability.** To the extent any provision of this Section 14-140.5 is deemed invalid by a court of competent jurisdiction, the balance of this Section that shall remain shall be considered valid.

BE IT FURTHER ORDERED, that this amendment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective on February 7, 2018, as required by Order 124-17/18. Moratorium Re: Development and Demolition of Structures in the R-6 Zone on Munjoy Hill.