Update Packet #151 (effective 09/02/11)

This Code update is the result of the Solar and Mechanical Equipment Project and is effective September 2, 2011.

Code Update Packet: 151

Effective Date: September 2, 2011

Contact: Jessica Richman (503-823-7847)

Amends Chapter: 33.218, 33.420, 33.445

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218	1-2 7-36	1-2 7-34	Amendments
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445	1-2 5-24	1-2 5-24	Amendments

Substantive Changes:

There are two components in this project. The first relates to <u>solar energy systems</u>: House Bill 3516 requires that solar panels be allowed without land use review on most structures, including non-landmarks in Conservation Districts and the Design Overlay Zone. These amendments to the Zoning Code will bring the code into conformance with the legislation.

The second extends an exemption from review for <u>rooftop mechanical equipment</u>. The Zoning Code currently exempts rooftop mechanical equipment in design overlay zones and conservation and historic districts from review if it is on a building at least 45 feet tall and if the equipment is set back from the roof perimeter. However, for buildings that are less than 45 feet tall, the installation of mechanical equipment still triggers a design/historic review. These amendments will allow the installation of rooftop mechanical equipment on buildings less than 45 feet tall if certain standards are met.

CHAPTER 33.218 COMMUNITY DESIGN STANDARDS

(Added by Ord. No. 171589, effective 11/1/97. Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 174325, effective 5/5/00; Ord. No. 175210, effective 1/26/01; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178452, effective 7/10/04; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 1/2/11; Ord. No. 184842, effective 9/2/11.)

Sections:	
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General

33.218.010 Purpose

Design review and historic design review ensure that development conserves and enhances the recognized special design values of a site or area, and promote the conservation, enhancement, and continued vitality of special areas of the City.

The Community Design Standards provide an alternative process to design review and historic design review for some proposals. Where a proposal is eligible to use this chapter, the applicant may choose to go through the discretionary design review process set out in Chapter 33.825, Design Review, and Chapter 33.846, Historic Reviews, or to meet the objective standards of this chapter. If the applicant chooses to meet the objective standards of this chapter, no discretionary review process is required.

The purpose of these standards is to:

- **A.** Ensure that new development enhances the character and livability of Portland's neighborhoods;
- **B.** Ensure that increased density in established neighborhoods makes a positive contribution to the area's character;
- **C.** Ensure the historic integrity of conservation landmarks and the compatibility of new development in conservation districts;
- **D.** Enhance the character and environment for pedestrians in areas designated as design zones;

E. Offer developers the opportunity to comply with specific objective standards as a more timely, cost effective, and more certain alternative to the design review and historic design review process.

33.218.015 Procedure

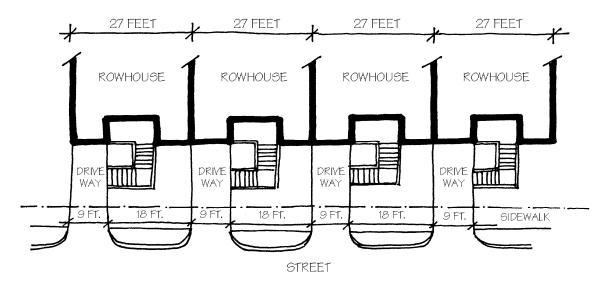
A. Generally. This chapter provides an alternative to the design review process or historic design review process for some proposals. Where a proposal is eligible to use this chapter, the applicant may choose to go through either the discretionary design review process set out in Chapter 33.825, Design Review, and Chapter 33.846, Historic Reviews, or to meet the objective standards of this chapter. If the proposal meets the standards of this chapter, no design review or historic design review is required. The standards determining which proposals are eligible to use this chapter are in Chapter 33.405, Alternative Design Density Overlay Zone; Chapter 33.420, Design Overlay Zone; Chapter 33.445, Historic Resources Protection Overlay Zone; and Chapter 33.505, Albina Community Plan District.

The standards of this chapter do not apply to proposals reviewed through the discretionary design review processes set out in Chapter 33.825, Design Review, and Chapter 33.846, Historic Reviews. Where a proposal is for an alteration or addition to existing development, the standards of this chapter apply only to the portion being altered or added.

- **B.** Adjustments. Adjustments to these standards are prohibited.
- **C. Neighborhood contact.** The following proposals are subject to the neighborhood contact requirement as specified in section 33.700.025, Neighborhood Contact. All of the steps in 33.700.025 must be completed before a building permit is requested.
 - Proposals that create more than three new dwelling units. Dwelling units are created:
 - a. As part of new development;
 - b. By adding net building area to existing development that increases the number of dwelling units;
 - c. By conversion of existing net building area from non-residential to residential uses; and
 - d. By increasing the number of units within existing net building area already in residential use, for example, by converting a duplex to a five-plex;
 - 2. Proposals that create more than 10,000 square feet of gross building area for uses in the Commercial or Industrial use categories; or
 - 3. Proposals in the IR zone where the site is not covered by an Impact Mitigation Plan or Conditional Use Master Plan.
- **D. Permit application requirements.** The following information must be submitted as part of an application for a building or development permit:
 - 1. Site plan and elevations. The site plan and elevations must include enough detail to document compliance with the standards of this chapter. The site plan and elevations must be drawn at a scale of 1/8 inch = 1 foot or larger.

- the outer edges of the grouping must be vertical; the center window or windows may be vertical, square, or horizontal; or
- b. There is a band of individual lites across the top of the horizontal window. These small lites must be vertical and cover at least 20 percent of the total height of the window.

Figure 218-2
Single Driveways for Attached Houses



- **K. Trim.** Trim must mark all building roof lines, porches, windows, and doors on all elevations. The trim must be at least 3-1/2 inches wide. Buildings with an exterior material of stucco or masonry are exempt from this standard.
- **L. Exterior stairs and fire escapes.** Exterior stairs, other than those leading to a main entrance, must be at least 40 feet from all streets. Fire escapes must be at least 40 feet from all streets.
- **M.** Roof eaves. Roof eaves must project from the building wall at least 12 inches on all elevations.

N. Rooftop solar energy systems.

- 1. Rooftop solar energy systems must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
- 2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.
- 3. Photovoltaic glazing may be integrated into windows or skylights.

- **O. Water cisterns.** Above-ground cisterns for rainwater or greywater collection meet the following:
 - 1. Cisterns with a capacity of more than 80 gallons, or racks of cisterns with a total capacity of more than 80 gallons, may not be attached to the front façade of the primary structure; and
 - 2. Cisterns must either:
 - a. Match the color of the adjacent building wall, the color of the trim, or the color of the rain gutter; or
 - b. Be screened by development, plantings, or fences so they are not visible from the street.
- **P. Additional standards for historic resources.** The following standards are additional requirements for conservation districts and conservation landmarks.
 - 1. Skylights. Skylights may not be on street-facing elevations. On all other elevations, the glass, plastic, or other transparent material must be parallel to the slope of the roof.
 - 2. Ornamental columns. Corners of the porch roof on street-facing elevations must be supported with ornamental columns that meet one of the following standards. Wrought iron style porch supports do not meet this standard:
 - a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches; or
 - b. Groupings of 2, 3, or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.
 - 3. Albina Community Plan area. The standards of this paragraph apply in the Albina Community Plan area, shown on Map 825-2:
 - a. Floor level delineation. Each primary residential structure must reflect, on its street-facing elevations, all floor levels in the building, including the attic. The different floor levels must be delineated through the use of porch roofs, changes in materials or texture of materials, location of pediment and roof lines, overhangs and setbacks.
 - b. Ground floor. The ground floor of a primary structure that is entirely above grade must be at least 2 feet above grade. Developments must meet the standards of Chapter 11, Accessibility, of the Oregon Structural Specialty Code.
 - 4. Vertical building proportions in Eliot. In the Eliot Conservation District, the front facade of each primary structure must have vertical proportions. New development must meet one of the following standards:
 - a. It must be higher than it is wide; or
 - b. Where the size of the building requires horizontal proportions, the streetfacing elevations must be divided into visually distinct areas with vertical proportions. This is accomplished through setbacks, use of vertical elements

such as columns or multi-story bay windows, changes in materials or other architectural devices.

- 5. Historic setback pattern in Piedmont. In the Piedmont Conservation District, the front facades of primary structures must be set back exactly 25 feet from the front property line. On corner lots, this standard can be met on either frontage.
- 6. Woodlawn street pattern. Buildings may not be in the vacated portions of the angled street pattern in the Woodlawn Conservation District.
- 7. Rooftop solar energy systems.
 - a. Rooftop solar energy systems must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
 - b.. Solar energy systems may not be installed on a conservation landmark.
- 8. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.
- 9. Cisterns. Cisterns for rainwater or greywater collection may not be located closer to the street than the primary street-facing building façade and they must be screened by development, plantings, or fences so they are not visible from the street.

33.218.110 Standards for Primary and Attached Accessory Structures in R3, R2, and R1 Zones

The standards of this section apply to development of new primary and attached accessory structures in the R3, R2, and R1 zones. The addition of an attached accessory structure to a primary structure, where all the uses on the site are residential, is subject to Section 33.218.130, Standards for Exterior Alteration of Residential Structures in Residential Zones.

- **A.** Landscaping. Landscaping must be provided between structures and the street, as follows:
 - 1. Foundation landscaping. All street-facing elevations must have landscaping along their foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:
 - a. The landscaped area must be at least 3 feet wide;
 - b. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and
 - c. Ground cover plants must fully cover the remainder of the landscaped area.
 - 2. Front yard trees. There must be at least one tree in front of each residential structure. On corner lots, there must be one tree for each 30 feet of frontage on the side street.
- **B.** Building setback. Primary buildings must not be set back from the front lot line more than 25 feet.

- **C. Residential buffer.** Where a site zoned RX, RH, or R1 abuts or is across a street from an RF through R2 zone, the following is required. Proposals in the Kenton plan district are exempt from this standard:
 - 1. On sites that abut an RF through R2 zone the following must be met:
 - a. In the portion of the site within 25 feet of the lower density residential zone, the building height limits are those of the adjacent residential zone; and
 - b. A 10 foot deep area landscaped to at least the L3 standard must be provided along any lot line that abuts the lower density residential zone.
 - 2. On sites across the street from an RF through R2 zone the following must be met:
 - a. On the portion of the site within 15 feet of the intervening street, the height limits are those of the lower density residential zone across the street; and
 - b. If the site is across a local service street from an RF through R2 zone, a 5foot deep area landscaped to at least the L2 standard must be provided
 along the property line across the local service street from the lower
 density residential zone. Vehicle access is not allowed through the
 landscaped area unless the site has frontage only on that local service
 street. Pedestrian and bicycle access is allowed, but may not be more
 than 6 feet wide.
- **D. Building height.** Except as provided in Subsection C, above, structures in the RH and RX zones may be up to 55 feet in height.
- **E.** Large building elevations divided into smaller areas. The front elevation of large structures must be divided into smaller areas or planes. When the front elevation of a structure is more than 750 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division can by done by:
 - 1. A porch, a dormer that is at least 4 feet wide, or a balcony that is at least 2 feet deep and is accessible from an interior room;
 - 2. A bay window that extends at least 2 feet; or
 - 3. Recessing a section of the facade by at least 2 feet; the recessed section must be at least 6 feet long.
- **F. Roofs.** Primary structures must have either:
 - 1. A sloped roof with a pitch that is no flatter than 6/12 and no steeper than 12/12; or
 - 2. A roof with a pitch of less than 6/12 if either:
 - a. The space on top of the roof is used as a deck or balcony that is no more than 150 square feet in area and is accessible from an interior room; or

- b. A cornice that meets the following:
 - (1) There must be two parts to the cornice. The top part of the cornice must project at least 6 inches from the face of the building and be at least 2 inches further from the face of the building than the bottom part of the cornice. See Figure 218-3; and
 - (2) The height of the cornice is based on the height of the building as follows:
 - Buildings 10 feet or less in height must have a cornice at least 12 inches high.
 - Buildings greater than 10 feet and less than 30 feet in height must have a cornice at least 18 inches high.
 - Buildings 30 feet or greater in height must have a cornice at least 24 inches high.

G. Main entrance.

- 1. Location of main entrance. The main entrance of each primary structure must face the street lot line. The following are exceptions to this standard:
 - a. On corner lots the main entrance may face either of the streets or be oriented to the corner.
 - b. For buildings that have more than one main entrance, only one entrance must meet this requirement.
 - c. Entrances that face a shared landscaped courtyard, landscaped to at least the L1 General Landscaping standard, are exempt from this requirement.
- 2. Front porch at main entrance. There must be a front porch at all main entrances that face the street. If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat. If the main entrance is to a single dwelling, the covered area provided by the porch must be at least 6 feet wide and 4 feet deep. If the main entrance is to more than one dwelling unit, the covered area provided by the porch must be at least 9 feet wide and 7 feet deep.
- 3. Covered balcony. Attached houses have the option of providing a covered balcony on the same facade as the main entrance instead of a front porch. The covered area provided by the balcony must be at least 48 square feet, a minimum of 8 feet wide and no more than 15 feet above grade. The covered balcony must be accessible from the interior living space of the house.
- 4. Ornamental columns. If the front porch or covered balcony at a main entrance provides columns as corner supports, the columns must be ornamental columns that meet one of the following standards. Wrought iron style porch supports do not meet this standard:
 - a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches; or

- b. Groupings of 2, 3, or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.
- 5. Openings between porch floor and ground. Opening of more than 1 foot between the porch floor and the ground must be covered with a solid material or lattice.

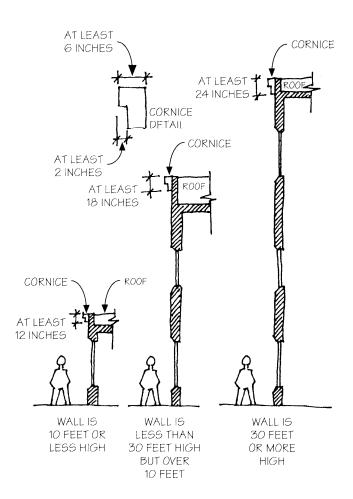
H. Vehicle areas

- 1. Alleys. If the site is served by an alley, access for motor vehicles must be from the alley, not from a street frontage.
- 2. Vehicle areas between the building and the street. There are no vehicle areas allowed between the building and the street. If a site has two street lot lines, this standard must be met on both frontages. If a site has more than two street lot lines, this standard must be met on two frontages.
 - An exception is allowed for single dwelling developments. Each dwelling unit in a single dwelling development is allowed one 9 foot wide driveway.
- 3. Parking areas in the front setback. Parking areas may not be located in the front setback.
- 4. Attached garages. When parking is provided in a garage attached to the primary structure and garage doors face a street the following standards must be met:
 - a. The garage must not be more than 40 percent of the length of the building frontage or 12 feet long, whichever is greater;
 - b. The front of the garage can be no closer to front lot line than the front facade of the house;
 - c. Garage doors that are part of the street-facing elevations of a primary structure may be no more than 75 square feet in area; and
 - d. There may be no more than one garage door per 16 feet of building frontage.
- 5. Driveways. Driveways for attached houses must meet the following See Figures 218-1 and 218-2 for examples of driveways that meet the standard.
 - a. Driveways may be paired so that there is a single curb-cut providing access to two attached houses. The maximum width allowed for the paired driveway is 18 feet; and
 - b. There must be at least 18 feet between single or paired driveways.

 Distance between driveways is measured along the front property line.
- **I. Foundation material.** Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.
- **J. Exterior finishes materials.** The standards of this subsection must be met on all building facades:
 - 1. Plain concrete block, plain concrete, corrugated metal, plywood and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than 10 percent of the surface area of each facade.

- Composite boards manufactured from wood or other products, such as hardboard or hard plank, may be used when the board product is less than 6 inches wide.
- 2. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.
- 3. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of 3 to 6 inches, or vinyl or aluminum siding which is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

Figure 218-3
Two-Part Cornice



- **K. Windows.** Street-facing windows must meet the following. Windows in rooms with a finished floor height 4 feet or more below grade are exempt from this standard:
 - 1. Each window must be square or vertical;
 - 2. A horizontal window opening may be created when:

- a. Two or more vertical windows are grouped together to provide a horizontal opening, and they are either all the same size, or no more than two sizes are used. Where two sizes of windows are used in a group, the smaller window size must be on the outer edges of the grouping. The windows on the outer edges of the grouping must be vertical; the center window or windows may be vertical, square, or horizontal; or
- b. There is a band of individual lutes across the top of the horizontal window. These small lutes must be vertical and cover at least 20 percent of the total height of the window.
- 3. St. Johns plan district. In the St. Johns plan district, at least 15 percent of the street facing façade must be windows. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more is exempt from this standard.
- **L. Trim.** Trim must mark all building roof lines, porches, windows and doors on all elevations. The trim must be at least 3-1/2 inches wide. Buildings with an exterior material of stucco or masonry are exempt from this standard.
- **M. Roof-mounted equipment.** All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar energy systems are subject to Subsection N below, and exempt from this standard:
 - 1. A parapet as tall as the tallest part of the equipment;
 - 2. A screen around the equipment that is as tall as the tallest part of the equipment;
 - 3. The equipment is set back from the street-facing perimeters of the building 4 feet for each foot of height of the equipment; or
 - 4. If the equipment is a satellite dish or other communication equipment, it is added to the façade of a penthouse that contains mechanical equipment, is no higher than the top of the penthouse, is flush mounted, and is painted to match the façade of the penthouse.

N. Rooftop solar energy systems.

- 1. Rooftop solar energy systems must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
- 2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.
- 3. Photovoltaic glazing may be integrated into windows or skylights.
- **O.** Exterior stairs and fire escapes. Exterior stairs, other than those leading to a main entrance, must be at least 40 feet from all streets. Fire escapes must be at least 40 feet from all streets.
- **P.** Roof eaves. Roof eaves must project from the building wall at least 12 inches on all elevations. Buildings that take advantage of the cornice option are exempt from this standard.

- **Q. Water cisterns.** Above-ground cisterns for rainwater or greywater collection must meet the following:
 - 1. Cisterns with a capacity of more than 80 gallons, or racks of cisterns with a total capacity of more than 80 gallons, may not be attached to the front façade of the primary structure; and
 - 2. Cisterns must either:
 - a. Match the color of the adjacent building wall, the color of the trim, or the color of the rain gutter; or
 - b. Be screened by development, plantings, or fences so they are not visible from the street.
- **R. Additional standards for historic resources.** The following standards are additional requirements for conservation districts and conservation landmarks.
 - 1. Skylights. Skylights may not be on street-facing elevations. On all other elevations, the glass, plastic, or other transparent material must be parallel to the slope of the roof.
 - 2. Ornamental columns. Corners of the porch roof on street-facing elevations must be supported with ornamental columns that meet one of the following standards. Wrought iron style porch supports do not meet this standard:
 - a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches; or
 - b. Groupings of 2, 3, or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.
 - 3. Roof dormers and gable areas in the Albina and Outer Southeast Community Plan areas. In the Albina and Outer Southeast Community Plan areas, shown on Maps 825-2 and 825-3, each residential structure must have one of the following for every 40 feet of length along the street-facing elevations. Buildings with flat roofs are exempt from this standard:
 - A street-facing roof dormer placed at least 3 feet from all side building walls;
 or
 - b. A gable end facing the front lot line with either of the following in the gable area above the eave line:
 - (1) A window; or
 - (2) A trimmed vent. The trim must match the trim on the windows and the vent must be at least 4 square feet in area.
 - 4. Albina Community Plan area. The standards of this paragraph apply in the Albina Community Plan area, shown on Map 825-2:
 - a. Floor level delineation. Each primary residential structure must reflect, on its street-facing elevations, all floor levels in the building, including the attic.

The different floor levels must be delineated through the use of porch roofs, changes in materials or texture of materials, location of pediment and roof lines, overhangs and setbacks.

- b. Ground floor. The ground floor of a primary structure that is entirely above grade must be at least 2 feet above grade. Developments must meet the standards of Chapter 11, Accessibility, of the Oregon Structural Specialty Code.
- 5. Stone or cast stone foundations in Kenton and Mississippi. In the Kenton and Mississippi Avenue Conservation Districts, stone or cast stone must be used as a foundation material on street-facing elevations. The stone, cast stone, or cast in place stone must be the material used between the finished building grade and the ground floor.
- 6. Vertical building proportions in Eliot. In the Eliot Conservation District, the front facade of each primary structure must have vertical proportions. New development must meet one of the following standards:
 - a. It must be higher than it is wide; or
 - b. Where the size of the building requires horizontal proportions, the street-facing elevations must be divided into visually distinct areas with vertical proportions. This is accomplished through setbacks, use of vertical elements such as columns or multi-story bay windows, changes in materials or other architectural devices.
- 7. Woodlawn street pattern. Buildings may not be in the vacated portions of the angled street pattern in the Woodlawn Conservation District.
- 8. Rooftop solar energy systems.
 - a. Rooftop solar energy systems must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
 - b. Solar energy systems may not be installed on a conservation landmark.
- 9. Cisterns. Cisterns for rainwater or greywater collection may not be located closer to the street than the primary street facing building façade and they must be screened by development, fences, or plantings so they are not visible from the street.
- 10. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

33.218.120 Standards for Detached Accessory Structures in Single-Dwelling, R3, R2, and R1 Zones.

The standards of this section are applicable to development of new detached accessory structures in single dwelling, R3, R2, and R1 zones.

A. Exterior finish materials. The standards of this subsection must be met on all building facades. Plain concrete block, plain concrete, corrugated metal, plywood and sheet pressboard may not be used as exterior finish materials. Sheet pressboard is pressboard that is more than 6 inches wide. Foundation material may be plain concrete or plain concrete block when the foundation material is not

revealed more than 3 feet above the finished grade level adjacent to the foundation wall.

Horizontal siding must be shiplap or clapboard siding composed of boards with a reveal of 3 to 6 inches, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

- **B.** Compatible exterior finish materials. Exterior material type, size and placement on detached accessory structures must be the same as or visually match that of the primary structure. However, if the exterior finishes and materials on the primary structure do not meet the standards above for exterior finish materials, any material that meets the above standards may be used. The siding material may not cover the window and door trim.
- **C. Roof pitch.** Where the accessory structure is more than 15 feet high, the roof pitch must be the same as the predominant roof slope of the primary structure.
- **D. Compatible trim.** Trim on the accessory structure must be the same in type, size, and location as the trim that is used in the primary structure.
- **E. Compatible windows.** Street-facing windows must meet the following. Windows in rooms with a finished floor height 4 feet or more below grade are exempt from this standard:
 - 1. Match those in the primary structure in proportion (relationship of width to height) and orientation (horizontal or vertical);
 - 2. Be square or vertical—at least as tall as they are wide; or
 - 3. A horizontal window opening may be created when:
 - a. Two or more vertical windows are grouped together to provide a horizontal opening, and they are either all the same size, or no more than two sizes are used. Where two sizes of windows are used in a group, the smaller window size must be on the outer edges of the grouping. The windows on the outer edges of the grouping must be vertical; the center window or windows may be vertical, square, or horizontal; or
 - b. There is a band of individual lites across the top of the horizontal window. These small lites must be vertical and cover at least 20 percent of the total height of the window.
- **F. Compatible roof eaves.** Eaves must project from the building walls the same distance as the eaves on the primary structure.
- G. Additional standards for large accessory structures.
 - 1. Where these standards apply. The standards of this subsection apply to detached, accessory structures that:
 - a. Are more than 10 feet in height and at least one foot wide;
 - b. Have a street-facing elevation more than 6 feet wide; or
 - c. Have a street-facing elevation with more than 100 square feet in total surface area.

- 2. Setback. Large accessory structures must be set back at least 60 feet from the front lot line; and
- 3. Height. Large accessory structures must be no more than 25 feet in height.

H. Solar energy systems.

- 1. Solar energy systems on detached accessory buildings are subject to the same standards as would apply to new primary and attached accessory structures. See applicable solar standards in Sections 33.218.100 and .110.
- 2. Ground or pole mounted solar panels systems are subject to the following standards:
 - a. The tallest part of the system may not exceed 8 feet in height;
 - b. The system may not be located closer to the street than the primary street-facing building façade.
- **I. Water cisterns.** Above-ground cisterns for rainwater or greywater collection must meet the following:
 - 1. Cisterns with a capacity of more than 80 gallons, or racks of cisterns with a total capacity of more than 80 gallons, may not be attached to the front façade of the primary structure; and
 - 2. Cisterns must either:
 - a. Match the color of the adjacent building wall, the color of the trim, or the color of the rain gutter; or
 - b. Be screened by development, plantings, or fences or they are not visible from the street.
- **J. Additional standards for historic resources.** The following standards are additional requirements for conservation districts and conservation landmarks.
 - 1. Roof dormers. Where the structure is more than 20 feet in height, it must have a roof dormer. The dormer must be placed a minimum of 3 feet from the side building walls.
 - 2. Columns and supporting pillars. Columns and supporting pillars on street-facing elevations must meet one of the following standards. Wrought iron style supports do not meet this standard:
 - a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches.
 - b. Groupings of 2, 3 or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.
 - 3. Woodlawn street pattern. No portion of a building may be located in the vacated portions of the angled street pattern in the Woodlawn Conservation District.

- 4. Cisterns. Cisterns for rainwater or greywater collection must be screened by development, fences, or plantings so they are not visible from the street.
- 5. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

33.218.130 Standards for Exterior Alteration of Residential Structures in Single-Dwelling, R3, R2, and R1 Zones

The standards of this section apply to exterior alterations of primary structures and both attached and detached accessory structures in residential zones. These standards apply to proposals where there will be only residential uses on the site.

- **A. Foundation material.** Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.
- **B.** Exterior finish materials. The standards of this subsection must be met on all building facades. Plain concrete block, plain concrete, corrugated metal, plywood and sheet pressboard are not allowed as exterior finish material. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than 6 inches wide.

Horizontal siding must be shiplap or clapboard siding composed of boards with a reveal of 3 to 6 inches, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

C. Compatible exterior finish materials.

- 1. If the existing exterior finish materials meet the standards above for exterior finish materials, they must be retained or visually matched on the portion being altered or added; or
- 2. If the existing exterior finish materials do not meet the standards above for exterior finish materials, they must be replaced on the portion being altered or added with horizontal boards, shingles, or brick that meet the above standards; and
- 3. The siding material may not cover the window and door trim.
- **D. Compatible trim.** Trim on edges of elements in the remodeled area must be the same in type, size, and location as the trim used on the rest of the structure.
- **E. Compatible windows.** Street-facing windows must meet one of the following standards. Windows in rooms with a finished floor height 4 feet or more below grade are exempt from these standards:
 - 1. Match those in the primary structure in proportion (relationship of width to height) and orientation (horizontal or vertical); or
 - 2. Be square or vertical—at least as tall as they are wide.
 - 3. A horizontal window opening may be created when:
 - a. Two or more vertical windows are grouped together to provide a horizontal opening, and they are either all the same size, or no more than two sizes are used. Where two sizes of windows are used in a group, the smaller

window size must be on the outer edges of the grouping. The windows on the outer edges of the grouping must be vertical; the center window or windows may be vertical, square, or horizontal; or

b. There is a band of individual lites across the top of the horizontal window. These small lites must be vertical and cover no more than one-third of the total height of the window.

F. Rooftop solar energy systems.

- 1. Rooftop solar energy systems must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
- Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.
- 3. Photovoltaic glazing may be integrated into windows or skylights.
- **G. Water cisterns.** Above-ground cisterns for rainwater or greywater collection meet the following:
 - 1. Cisterns with a capacity of more than 80 gallons, or racks of cisterns with a total capacity of more than 80 gallons, may not be attached to the front façade of the primary structure; and
 - 2. Cisterns must either:
 - a. Match the color of the adjacent building wall, the color of the trim, or the color of the rain gutter; or
 - b. Be screened by development, plantings, or fences so they are not visible from the street.
- **H. Additional standards for historic resources.** The following standards are additional requirements for conservation districts and conservation landmarks.
 - 1. Building features to be retained. The following building features on street-facing elevations must be retained. Building features that are not original to the building are exempt from this standard:
 - a. Doors;
 - b. Windows:
 - c. Porches;
 - d. Balconies;
 - e. Bay windows; and
 - f. Dormers.
 - 2. Porch enclosures. No portion of the front porch may be enclosed.

- 3. Columns and supporting pillars. Columns and supporting pillars on street-facing elevations must meet one of the following standards. Wrought iron style supports do not meet this standard:
 - a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches.
 - b. Groupings of 2, 3 or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.
- 4. Historic setback pattern in Piedmont. In the Piedmont Conservation District, the front facades of primary structures in single-dwelling zones must be set back exactly 25 feet from the front property line.
- 5. Woodlawn street pattern. No portion of a building may be located in the vacated portions of the angled street pattern in the Woodlawn Conservation District.
- Rooftop solar energy systems.
 - a. Rooftop solar energy systems in conservation districts must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
 - b. Solar energy systems may not be installed on a conservation landmark.
- 7. Cisterns. Cisterns for rainwater or greywater collection may not be located closer to the street than the primary street-facing building façade and they must be screened by development, plantings, or fences so they are not visible from the street.
- 8. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

33.218.140 Standards for All Structures in the RH, RX, C and E Zones

The standards of this section apply to development of all structures in RH, RX, C, and E zones. These standards also apply to exterior alterations in these zones.

For proposals where all uses on the site are residential, the standards for the R3, R2, and R1 zones may be met instead of the standards of this section. Where new structures are proposed, the standards of Section 33.218.110, Standards for R3, R2, and R1 Zones, may be met instead of the standards of this section. Where exterior alterations are proposed, the standards of Section 33.218.130, Standards for Exterior Alteration of Residential Structures in Residential Zones, may be met instead of the standards of this section.

A. Building placement and the street. Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and the street. All street-facing elevations must meet one of the following options.

Structures built to the street lot line are exempt from the requirements of this subsection. Where there is more than one street lot line, only those frontages where the structure is built to the street lot line are exempt from the requirements of this subsection.

- 1. Foundation landscaping option. All street-facing elevations must have landscaping along their foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:
 - a. The landscaped area must be at least 3 feet wide;
 - b. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and
 - c. Ground cover plants must fully cover the remainder of the landscaped area.
- 2. Arcade option. All street-facing elevations must have an arcade that meets the following requirements:
 - a. The arcade must be at least 6 feet deep between the front elevation and the parallel building wall;
 - b. The arcade must consist of openings that are at least 6 feet wide and that run the full length of the street facing elevation;
 - c. The arcade elevation facing a street must be at least 14 feet in height and at least 25 percent solid, but no more than 50 percent solid; and
 - d. The arcade must be open to the air on three sides; none of the arcade's street facing or end openings may be blocked with walls, glass, lattice, glass block or any other material.
- 3. Hard-surface sidewalk extension option. The area between the building and the street lot line must be hard-surfaced for use by pedestrians as an extension of the sidewalk:
 - a. The building walls may be set back no more than 10 feet from the street lot line; and
 - b. For each 100 square feet of hard-surface area between the building and the street lot line at least one of the following amenities must be provided. Structures built within 2 feet of the street lot line are exempt from the requirements of this subparagraph:
 - (1) A bench or other seating;
 - (2) A tree:
 - (3) A landscape planter;
 - (4) A drinking fountain; or
 - (5) A kiosk.
 - c. Bicycle parking may be located in the area between a building and a street lot line.

B. Improvements between buildings and pedestrian oriented streets.

- 1. Where the ground floor of a building is in commercial or residential uses, and the building has frontage on a transit street or City Walkway, or is in a Pedestrian District, the following standards must be met. Proposals required to meet this standard are exempt from the requirements of Subsection 33.218.140.A, Building Placement and the Street:
 - a. A building wall that faces a transit street or City Walkway, or is in a Pedestrian District may be set back no more than 10 feet from the street lot line. Where the site has two frontages that are on a transit street or City Walkway, or is in a Pedestrian District, this standard must be met on both frontages. Where there are more than two such frontages, this standard must be met on any two frontages;
 - b. The area between the building and an adjacent transit street, City Walkway, or street in a Pedestrian District must be hard-surfaced for use by pedestrians as an extension of the sidewalk. Where the ground floor is in residential use, the area adjacent to the dwelling unit may be landscaped to an L1 standard of Chapter 33.248, Landscaping and Screening; and
 - c. For each 100 square feet of hard-surface area between the building and the street lot line at least one of the following amenities must be provided. Structures built within 2 feet of the street lot line are exempt from the requirements of this subparagraph.
 - (1) A bench or other seating;
 - (2) A tree;
 - (3) A landscape planter;
 - (4) A drinking fountain; or
 - (5) A kiosk.
 - d. Bicycle parking may be located in the area between a building and a street lot line when the area is hard-surfaced.
- **C. Reinforce the corner.** On sites within a Pedestrian District or with at least two frontages on the corner where two City Walkways meet:
 - 1. The primary structures must be within 10 feet of both street lot lines. Where a site has more than one corner, this requirement must be met on only one corner;
 - 2. At least one of the street-facing walls must be at least 40 feet long;
 - 3. The highest point of the building's street-facing elevations must be within 25 feet of the corner;
 - 4. A main entrance must be on a street-facing wall and either at the corner, or within 25 feet of the corner; and
 - 5. There is no parking within 40 feet of the corner.

- **D. Residential Buffer.** Where a site zoned E, C, RX, or RH abuts or is across a street from an RF through R2 zone, the following is required. Proposals in the Hollywood and Kenton plan districts, the Main Street Corridor Overlay Zone, and the Main Street Node Overlay Zone are exempt from this standard:
 - 1. On sites that abut an RF through R2 zone the following must be met:
 - a. In the portion of the site within 25 feet of the lower density residential zone, the building height limits are those of the adjacent residential zone; and
 - b. A 10-foot deep area landscaped to at least the L3 standard must be provided along any lot line that abuts the lower density residential zone.
 - On sites across the street from an RF through R2 zone the following must be met:
 - a. On the portion of the site within 15 feet of the intervening street, the height limits are those of the lower density residential zone across the street; and
 - b. If the site is across a local service street from an RF through R2 zone, a 5foot deep area landscaped to at least the L2 standard must be provided
 along the property line across the local service street from the lower
 density residential zone. Vehicle access is not allowed through the
 landscaped area unless the site has frontage only on that local service
 street. Pedestrian and bicycle access is allowed, but may not be more
 than 6 feet wide.

E. Building height.

- 1. Maximum height in RH, RX, and E zones.
 - a. Generally. Structures in the RH, RX and E zones may be up to 55 feet in height;
 - b. Where a site zoned RX, RH or E abuts or is across a street from an RF through R2 zone, the height may be reduced as specified in Subsection D, above;
 - c. New and replacement antennas are exempt from this standard if the antennas are located on an existing monopole, and the antennas do not project above the height of the monopole.
- 2. Minimum height. In C and E zones, primary buildings must be at least 16 feet in height.
- **F. Signs.** The sign standards are stated in Title 32, Signs and Related Regulations.

G. Main entrance.

1. Location of main entrance. The main entrance of the primary structure must face the street lot line. Where there is more than one street lot line, the entrance may face either of them or the corner. For residential developments there are the following exceptions:

- a. For buildings that have more than one main entrance only one entrance must meet this requirement.
- b. Entrances that face a shared landscaped courtyard, landscaped to at least the L1 General Landscaping standard, are exempt from this requirement.
- 2. Front porch at main entrances to residential. There must be a front porch at the main entrance to residential portions of a development, if the main entrance faces a street. If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat. If the main entrance is to a single dwelling unit, the covered area provided by the porch must be at least 6 feet wide and 4 feet deep. If the main entrance is to more than one dwelling unit, the covered area provided by the porch must be at least 9 feet wide and 7 feet deep.

H. Vehicle areas.

- 1. Access to vehicle areas and adjacent residential zones. Access to vehicle areas must be at least 20 feet from any adjacent residential zone.
- 2. Parking lot coverage. No more than 50 percent of the site may be used for vehicle areas.
- 3. Vehicle area screening. Where vehicle areas are across a local service street from an R1, RH, or RX zone, there must be a 6 foot wide landscaped area along the street lot line that meets the L3 standard of Chapter 33.248, Landscaping and Screening. Vehicle areas across a local service street from an RF through R2 zone are subject to the standards of Subsection D., Residential Buffer, above.

I. Exterior finish materials.

- 1. The standards of this paragraph must be met on all building facades:
 - a. Exterior finish materials not allowed. Plain concrete block, plain concrete, corrugated metal, plywood and sheet pressboard may not be used as exterior finish materials except as secondary finishes if they cover no more than 10 percent of the surface area. Sheet pressboard is pressboard that is more than 6 inches wide. Foundation material may be plain concrete or plain concrete block when the foundation material is not revealed for more than 3 feet.
 - b. Exception for sites in the EX zone within the St. Johns plan district. Plain concrete block, plain concrete, and corrugated metal are permitted as exterior finish materials in the EX zone in the St. Johns plan district.
- 2. Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the exterior finishes and materials on the existing building do not meet the standards of Paragraph I.1, above, any material that meets the standards of Paragraph I.1 may be used.
- **J.** Roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar energy systems are subject to paragraph K below, and exempt from this standard:

- 1. A parapet as tall as the tallest part of the equipment;
- 2. A screen around the equipment that is as tall as the tallest part of the equipment;
- 3. The equipment is set back from the street-facing perimeters of the building 4 feet for each foot of height of the equipment; or
- 4. If the equipment is a satellite dish or other communication equipment, it is added to the façade of a penthouse that contains mechanical equipment, is no higher than the top of the penthouse, is flush mounted, and is painted to match the façade of the penthouse.

K. Rooftop solar energy systems.

- 1. Rooftop solar energy systems must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
- 2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.
- 3. Photovoltaic glazing may be integrated into windows or skylights.
- 4. Ground pole mounted solar energy systems are subject to the following additional standard: On sites that abut an RF through R2 zone, the system must be set back one foot for every one foot of height, from the lot line abutting the RF through R2 zone.
- **L. Water cisterns.** Above-ground cisterns for rainwater or greywater collection meet the following:
 - 1. Cisterns with a capacity of more than 80 gallons, or racks of cisterns with a total capacity of more than 80 gallons, may not be attached to the front façade of the primary structure; and
 - 2. Cisterns must either
 - a. Match the color of the adjacent building wall, the color of the trim, or the color of the rain gutter; or
 - b. Be screened by development, plantings, or fences so they are not visible from the street.
- **M. Ground floor windows.** Street-facing elevations must meet the Ground Floor Windows Standards of the CX zone. As an alternative to providing ground floor windows, proposals in E zones may provide public art if the following conditions are met:
 - 1. The area of the ground level wall that is covered by the art must be equal to the area of window that would have been required;
 - 2. The artist and the specific work or works of art must be approved by the Portland Regional Arts and Cultural Council; and

- 3. The art must be composed of permanent materials permanently affixed to the building. Acceptable permanent materials include metal, glass, stone and fired ceramics.
- **N. Distinct ground floor**. This standard applies to buildings that have any floor area in_non-residential uses. The ground level of the primary structure must be visually distinct from upper stories. This separation may be provided by:
 - 1. A cornice above the ground level;
 - 2. An arcade:
 - 3. Changes in material or texture; or
 - 4. A row of clerestory windows on the building's street facing elevation.
- **O.** Roofs. Buildings must have either:
 - 1. A sloped roof with a pitch no flatter than 6/12; or
 - 2. A roof with a pitch of less than 6/12 and a cornice that meets the following:
 - a. There must be two parts to the cornice. The top part of the cornice must project at least 6 inches from the face of the building and be at least 2 inches further from the face of the building than the bottom part of the cornice. See Figure 218-3; and
 - b. The height of the cornice is based on the height of the building as follows:
 - (1) Buildings 10 feet or less in height must have a cornice at least 12 inches high.
 - (2) Buildings greater than 10 feet and less than 30 feet in height must have a cornice at least 18 inches high.
 - (3) Buildings 30 feet or greater in height must have a cornice at least 24 inches high.
- **P. Base of buildings.** Buildings must have a base on all street-facing elevations. The base must be at least 2 feet above grade and be distinguished from the rest of the building by a different color or material.
- **Q. Additional standards for historic resources.** The following standards are additional requirements for conservation districts and conservation landmarks.
 - 1. Zero setbacks. For structures where none of the floor area is in residential use, no setback is permitted from the street lot line. Sites that have more than one street lot line must meet this standard along two street lot lines.
 - 2. Exterior siding.
 - a. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.
 - b. Where horizontal siding is used, it must be shiplap or clapboard siding composed of wooden boards with a reveal of 3 to 6 inches, or vinyl or

aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

- c. The siding material may not cover the window and door trim.
- 3. Building features to be retained. In RH zones the following building features on street-facing elevations must be retained. Building features that are not original to the building are exempt from this standard:
 - a. Entrances;
 - b. Front porches;
 - c. Balconies;
 - d. Bay windows; and
 - e. Dormers.
- 4. Ground level glass. All glass in ground level street-facing windows and doors must be clear or ornamental stained glass. Restrooms may have reflective or opaque glass.
- 5. Clerestory windows. There must be clerestory windows above all windows and doors on the ground floor of street-facing elevations of buildings or parts of buildings with commercial uses.
- 6. Parapets. Flat roofs must be surrounded by a parapet at least 18 inches in height.
- 7. Arched windows in Russell Street. In the Russell Street Conservation District, all top floor windows on street-facing elevations must have an arch at the top of their window framing.
- 8. Red brick in Russell Street. In the Russell Street Conservation District, street-facing elevations must be red brick or a combination of block (basalt or cast stone) and red brick. Up to 20 percent of the facade may be stone or precast concrete.
- 9. Cast stone in Kenton. In the Kenton Conservation District new buildings in commercial zones must have cast stone on their street facing elevations. At least 50 percent of the total exterior wall surface of these elevations must be cast stone.
- 10. Wood facades in Woodlawn. In the Woodlawn Conservation District, commercial buildings and commercial portions of mixed use buildings must have wood as their exterior finish material on their street facing elevations.
- 11. Facade height in Russell Street, Woodlawn, and Piedmont. In the Russell Street, Woodlawn and Piedmont Conservation Districts, the street-facing elevations of commercial and mixed use buildings must be at least 20 feet in height.
- 12. Woodlawn street pattern. Buildings may not be in the vacated portions of the angled street pattern in the Woodlawn Conservation District.

- 13. Rooftop solar energy systems.
 - a. Rooftop solar energy systems in conservation districts must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
 - b. Solar energy systems may not be installed on a conservation landmark.
- 14. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

33.218.150 Standards for I Zones

The standards of this section apply to development of all structures in the I zones. These standards also apply to exterior alterations in these zones.

A. Building placement and the street. Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and the street. All street-facing elevations must meet one of the following options.

Structures built to the street lot line are exempt from the requirements of this subsection. Where there is more than one street lot line, only those frontages where the structure is built to the street lot line are exempt from the requirements of this paragraph.

- 1. Foundation landscaping option. All street-facing elevations must have landscaping along their foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:
 - a. The landscaped area must be at least 3 feet wide;
 - b. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and
 - c. Ground cover plants must fully cover the remainder of the landscaped area.
- 2. Arcade option. All street-facing elevations must have an arcade that meets the following requirements:
 - a. The arcade must be at least 6 feet deep between the front elevation and the parallel building wall;
 - b. The arcade must consist of openings that are at least 6 feet wide and which run the full length of the street facing elevation;
 - c. The arcade elevation facing a street must be at least 14 feet in height and at least 25 percent solid, but no more than 50 percent solid; and
 - d. The arcade must be open to the air on three sides; none of the arcade's street facing or end openings may be blocked with walls, glass, lattice, glass block or any other material.

- 3. Hard-surface sidewalk extension option. The area between the building and the street lot line must be hard-surfaced for use by pedestrians as an extension of the sidewalk.
 - a. The building walls may be set back no more than 10 feet from the street lot line; and
 - b. For each 100 square feet of hard-surface area between the building and the street lot line at least one of the following amenities must be provided. Structures built within 2 feet of the street lot line are exempt from the requirements of this subparagraph.
 - (1) A bench or other seating;
 - (2) A tree;
 - (3) A landscape planter;
 - (4) A drinking fountain; or
 - (5) A kiosk.
- **B.** Landscape coverage. On sites outside conservation districts, at least 15 percent of the total site area must be landscaped. Other required landscaping may count toward this requirement.
- **C. Signs.** The sign standards are stated in Title 32, Signs and Related Regulations.
- **D. Reinforce the corner.** On sites within a Pedestrian District or with at least two frontages on the corner where two City Walkways meet:
 - 1. The primary structures must be within 10 feet of both street lot lines. Where a site has more than one corner, this requirement must be met on only one corner;
 - 2. At least one of the street-facing walls must be at least 40 feet long;
 - 3. The highest point of the building's street-facing elevations must be within 25 feet of the corner;
 - 4. A main entrance must be on a street-facing wall and either at the corner, or within 25 feet of the corner; and
 - 5. There is no parking within 40 feet of the corner.
- **E. Pedestrian standards.** Buildings that include any non-residential uses and are on a transit street or City Walkway, or within a Pedestrian District must meet the pedestrian standards of the Employment Zones.

F. Vehicle areas.

- 1. Parking between building and street. There may be only one double-loaded aisle of parking between the building and any street.
- 2. Parking lot coverage. No more than 50 percent of the site may be used for vehicle areas.

- **G.** Exterior finish materials. The standards of this subsection must be met on all building facades:
 - 1. Plain concrete block, plain concrete, corrugated metal, plywood and sheet pressboard may not be used as exterior finish materials except as secondary finishes if they cover no more than 10 percent of the surface area. Sheet pressboard is pressboard that is more than 6 inches wide. Foundation material may be plain concrete or plain concrete block when the foundation is not revealed for more than 3 feet.
 - 2. Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the exterior finishes and materials on the existing building do not meet the standards of Paragraph G.1, above, any material that meets the standards of Paragraph G.1 may be used.
- **H. Roof-mounted equipment.** All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar energy systems are subject to Subsection K below, and exempt from standard of this subsection:
 - 1. A parapet as tall as the tallest part of the equipment;
 - 2. A screen around the equipment that is as tall as the tallest part of the equipment;
 - 3. The equipment is set back from the street-facing perimeters of the building 4 feet for each foot of height of the equipment; or
 - 4. If the equipment is a satellite dish or other communication equipment, it is added to the façade of a penthouse that contains mechanical equipment, is no higher than the top of the penthouse, is flush mounted, and is painted to match the façade of the penthouse.

I. Rooftop solar energy systems.

- 1. Rooftop solar energy systems must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof.
- 2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.
- 3. Photovoltaic glazing may be integrated into windows or skylights.
- 4. Ground or pole mounted solar energy systems are subject to the following additional standards:
 - a. On sites that abut an RF through R2 zone, the system must be set back one food for every one foot of height, from the lot line abutting the RF through R2 zone;
 - b. The system may not be located closer to the street than the portion of the street-facing façade that is closest to the street.

- **J. Ground floor windows.** All street-facing elevations of a development must meet the Ground Floor Windows Standards of the EX zone. As an alternative to providing ground floor windows, a project may provide public art if the following conditions are met:
 - 1. The area of the ground level wall that is covered by the art must be equal to the area of window that would have been required;
 - 2. The artist and the specific work or works of art must be approved by the Portland Regional Arts and Cultural Council; and
 - 3. The art must be composed of permanent materials permanently affixed to the building. Acceptable permanent materials include metal, glass, stone and fired ceramics.
- **K.** Large building elevations divided into smaller areas. When the front elevation of a structure is more than 1,500 square feet in area, the elevation must be divided into distinct planes of 750 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division can be done by:
 - 1. Incorporating fascias, canopies, arcades, or other multidimensional design features to break up large wall surfaces on their street facing elevations; or
 - 2. Setting part of the facade back at least three feet from the rest of the facade.
- **L. Additional standards for historic resources.** The following standards are additional requirements for conservation districts and conservation landmarks.
 - 1. Zero setbacks. No setback is permitted from the street lot line. Sites that have more than one street lot line must meet this standard along two street lot lines.
 - 2. Distinct ground floor. The ground level of the primary structure must be visually distinct from upper stories. This separation is provided by:
 - a. A cornice above the ground level;
 - b. An arcade:
 - c. Changes in material or texture; or
 - d. A row of clerestory windows on the building's street facing elevation.
 - 3. Ground level glass. All glass in ground level street-facing windows and doors must be clear or ornamental stained glass. Restrooms may have reflective or opaque glass.
 - 4. Clerestory windows. There must be clerestory windows above all windows and doors on the ground floor of street-facing elevations of buildings or parts of buildings with commercial uses.
 - 5. Parapets. Flat roofs must be surrounded by a parapet at least 18 inches in height.

- 6. Arched windows in Russell Street. In the Russell Street Conservation District, all top floor windows on street-facing elevations must have an arch at the top of their window framing.
- 7. Red brick in Russell Street. In the Russell Street Conservation District, street-facing elevations must be red brick or a combination of block (basalt or cast stone) and red brick. Up to 20 percent of the facade may be stone or precast concrete.
- 8. Facade height in Russell Street. In the Russell Street Conservation District, the street-facing elevations of commercial and mixed use buildings must be at least 20 feet in height.
- 9. Rooftop solar energy systems.
 - a. Rooftop solar energy systems in conservation districts must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
 - b. Solar energy systems may not be installed on a conservation landmark.
- 10. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

CHAPTER 33.420 DESIGN OVERLAY ZONE

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 167054, effective 10/25/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171589, effective 11/1/97; Ord. No. 171849, effective 4/1/98; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176587, effective 7/20/02; Ord. No.176742, effective 7/31/02; Ord. No. 177920, effective 11/8/03; Ord. No. 178172, effective 3/5/04; Ord. Nos. 178423 and 178480, effective 6/18/04; Ord. No. 178452, effective 7/10/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178946, effective 010705, Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180372, effective 9/30/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182072, effective 8/22/08; Ord. No. 182429, effective 1/16/09; Ord. No. 182962, effective 7/31/09; Ord. No. 183518 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 184842, effective 9/2/11.)

Sections:

0000101101	
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33.420.020	Map Symbol
33.420.021	Applying the Design Overlay Zone
33.420.025	Where These Regulations Apply
33.420.041	When Design Review is Required
33.420.045	Exempt From Design Review
33.420.051	Design Guidelines
33.420.055	When Community Design Standards May Be Used
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Maps 420-1 th	nrough 420-4, Design District maps
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33.420.010 Purpose

The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

33.420.020 Map Symbol

The Design Overlay Zone is shown on the Official Zoning Maps with a letter "d" map symbol.

33.420.021 Applying the Design Overlay Zone

The Design Overlay Zone is applied to areas where design and neighborhood character are of special concern. Application of the Design Overlay Zone must be accompanied by adoption of design guidelines, or by specifying which guidelines will be used.

Many applications of the Design Overlay Zone shown on the Official Zoning Maps are referred to as design districts. A design district may be divided into subdistricts. Subdistricts are created when an area within a design district has unique characteristics that require special consideration and additional design guidelines. The location and name of each design district and subdistrict is shown on maps 420-1 through 420-6 at the end of this chapter.

Other applications of the Design Overlay Zone shown on the Official Zoning Maps are not specific design districts. Some are adopted as part of a community planning project, and some are applied automatically when zoning is changed to CX, EX, RX, or IR.

33.420.025 Where These Regulations Apply

The regulations of this chapter apply to all design overlay zones. Design review may also be a requirement of a plan district, other overlay zone, or as a condition of approval of a quasi-judicial decision.

33.420.041 When Design Review is Required

Unless exempted by Section 33.420.045, Exempt From Design Review, design review is required for the following:

- **A.** New development;
- **B.** Exterior alterations to existing development;
- **C.** Nonstandard improvements in the public right-of-way such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, which have received prior approval of the City Engineer. Improvements that meet the City Engineer's standards are exempt from design review;
- **D.** Items identified in the Citywide Policy on Encroachments in the Public Right-of-Way or Title 17, Public Improvements, as requiring design review;
- **E.** Removal of trees in the South Auditorium plan district;
- **F.** Exterior signs larger than 32 square feet, except in the South Auditorium plan district, where all signs are subject to design review;
- **G.** Where City Council requires design review of a proposal because it is considered to have major design significance to the City. In these instances, the City Council will provide design guidelines by which the proposal will be reviewed, and specify the review procedure;
- **H.** Proposals using one of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080;
- I. Proposals in the Albina Community plan district using the provisions of Section 33.505.220, Parking Requirement Reduction, or Section 33.505.230, Attached Residential Infill on Vacant Lots in R5-Zoned Areas;
- **J.** Floating structures, except individual houseboats; and
- **K.** In the Marquam Hill plan district, proposals to develop or improve formal open area required by Chapter 33.555. This includes designating existing open areas as formal open areas.

33.420.045 Exempt From Design Review

The following items are exempt from design review:

A. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is instead subject to the regulations for historic design review as set out in Chapter 33.445, Historic Resource Protection Overlay Zone;

- **B.** Repair, maintenance, and replacement with comparable materials or the same color of paint;
- **C.** Within the Terwilliger Design District, development that will not be visible from Terwilliger Boulevard;
- **D.** Alterations to residential structures in RF through R1 zones, where the alterations are valued at \$10,000 or less;
- **E.** Skylights;
- **F.** Development associated with Rail Lines And Utility Corridors uses;
- **G.** Exterior activities and development for Agriculture uses;
- **H.** Modifications to a structure to meet the Americans With Disabilities Act's requirements in C, E, and I zones;
- **I.** Development associated with Parks and Open Areas uses that do not require a conditional use review:
- **J.** Proposals where a building or sign permit is not required;
- **K.** In the IR zone:
 - 1. Development proposed or approved through a Conditional Use or Conditional Use Master Plan; or
 - 2. An expansion or alteration that does not require conditional use review under 33.815.040;
- L. Parking lot landscaping that meets the development standards of this Title;
- **M.** Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building if the following are met:
 - 1. The area where the equipment will be installed must have a pitch of 1/12 or less:
 - 2. No more than 8 mechanical units are allowed, including both proposed and existing units;
 - 3. The proposed mechanical equipment must be set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment above the roof surface or top of parapet; and
 - 4. The proposed equipment must have a matte finish or be painted to match the roof.
- **N.** Radio frequency transmission facilities operating at 1,000 watts ERP or less that meet the following:
 - 1. The antennas are added to the facade of an existing penthouse that contains mechanical equipment provided the antennas are no higher than the top of the penthouse, are flush mounted, and are painted to match the façade of the penthouse; and

- 2. Accessory equipment is within 2 feet of the existing penthouse, is no higher than the top of the penthouse, and is painted to match the façade of the penthouse.
- **O.** Exterior alterations to existing development and construction of detached accessory structures within the Sellwood-Moreland Design District;
- P. Houseboats;
- **Q.** Within the Marquam Hill Design District:
 - 1. Additions of floor area less than 25,000 square feet;
 - 2. Alterations that affect less than 50 percent of the area of a façade where the area affected is also less than 3,000 square feet;
 - 3. Exterior improvements less than 5,000 square feet, except for exterior improvements affecting areas counting towards the formal open area requirements of Section 33.555.260; or
 - 4. Landscaping not associated with formal open areas.
- **R.** Awnings for each ground floor tenant, which meet the following requirements;
 - 1. If existing awnings on the same building façade have been approved through design review, or have been placed under the provisions of this subsection, the proposed awnings must match the following elements of the existing awnings: the sectional profile, structure, degree of enclosure, and placement vertically on the building. The awning also must meet R.2.c through f, below;
 - 2. If there are no existing awnings on the same building façade that have been approved through design review or placed using the provisions of this subsection, the proposed awnings must be a flat or shed configuration in sectional profile (see Figure 420-1), and meet the following:
 - a. Awnings must project at least three feet from the building wall façade;
 - b. The front valance of each awning may be no more than 12 inches high. See Figure 420-2;
 - c. Illumination may not be incorporated into awnings or awning structures;
 - d. One or more awnings may be proposed for each ground floor tenant, but the total area of awnings per ground floor tenant may not exceed 50 square feet, measured from the building elevation. See figure 420-2;
 - e. Awning covers must be made of SunbrellaTM, Dickson Awning FabricsTM, Para TempotestTM, or a material with equivalent characteristics in terms of: durability, texture, and no-gloss sheen; and
 - f. Awnings must be at least 18 inches from all other awnings.
- **S.** Within the St. Johns plan district, alterations to single-dwelling detached structures;
- **T.** Public Art as defined in Chapter 5.74;

- **U.** New Permit-Ready houses as described in Chapter 33.278, Permit-Ready Houses;
- **V.** Within the North Interstate plan district, alterations to detached houses and accessory structures on sites not fronting on Interstate Avenue;
- W. Permitted Original Art Murals as defined in Title 4; and
- **X.** Louvers for mechanical ventilation placed within existing ground floor window mullions, which meet the following:
 - 1. The maximum size of each louver is 8 square feet, and the maximum height of each louver is three feet. However, in no case may a louver have a dimension different from the size of the existing window mullion opening;
 - 2. The window system containing the louver must not be higher than the bottom of the floor structure of the second story;
 - 3. The bottom of the louvers must be at least 8 feet above adjacent grade;
 - 4. The louvers may not project out further than the face of the window mullion;
 - 5. The louvers must be painted to match the existing window mullion color/finish;
- **Y.** Rooftop solar energy systems are exempt from design review if the footprint of the structure is not increased, the peak height of the roof is not increased, and the system is parallel to the slope of the roof;
- **Z.** Eco-roofs installed on existing buildings when the roof is flat or surrounded by a parapet that is at least 12 inches higher than the highest part of the eco-roof surface, and when no other exterior improvements subject to design review are proposed. Plants must be species that do not characteristically exceed 12-inches in height at mature growth.
- AA. Anemometers, which measure wind speed; and
- **BB.** Small wind energy turbines that do not extend into a view corridor designated by the *Scenic Resources Protection Plan*. Wind turbines are subject to the standards of Chapter 33.299, Wind Turbines.

33.420.051 Design Guidelines

Guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-3 and 420-5 through 420-6 at the end of this chapter. All other areas within the Design Overlay Zone use the Community Design Guidelines.

Figure 420-1 Exempt Awning Section Profile

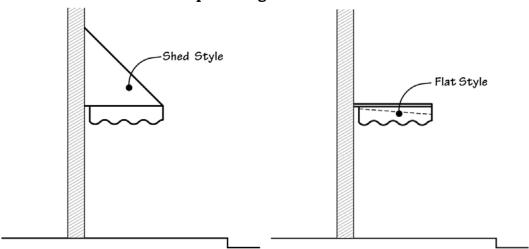
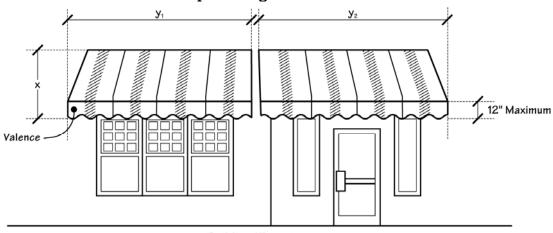


Figure 420-2
Exempt Awning Measurements



Building Elevation (x)[$(y_1)+(y_2)+...$] ≤ 50 sq. ft.

CHAPTER 33.445 HISTORIC RESOURCE PROTECTION OVERLAY ZONE

(Added by Ord. No. 169987, effective 7/1/96. Amended by Ord. No. 171220, effective 6/27/97; Ord. No. 171589, effective 11/1/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176193, effective 2/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 178832, effective 10/21/04; Ord. No. 178946, effective 1/7/05; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 182962, effective 7/31/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184016, effective 1/2/11; Ord. No. 184842, effective 9/2/11.)

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	arce Inventory Listing	
	Listing in the Historic Resource Inventory	
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33.445.800 Types of Reviews
33.445.805 Supplemental Application Requirements
33.445.810 Demolition Delay Review

General

33.445.010 Purpose

This chapter protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

33.445.020 Where These Regulations Apply

- Sections 33.445.010 through .810 apply to all historic resources.
- Sections 33.445.100 through .150 apply to Historic Landmarks, including those within Historic Districts and Conservation Districts.
- Sections 33.445.200 through .240 apply to Conservation Landmarks, including those within Historic Districts and Conservation Districts.
- Sections 33.445.300 through .330 apply to Historic Districts and to the portions of Conservation Districts that are within a Historic District.
- Sections 33.445.400 through .430 apply to Conservation Districts that are not within a Historic District.
- Sections 33.445.500 through .520 apply to historic resources listed in the City's Historic Resource Inventory.

33.445.030 Types of Historic Resource Designations and Map Symbols

- **A. Historic Landmark.** This type of resource may be an individual structure, site, tree, landscape, or other object that is of historic or cultural significance. A Historic Landmark generally derives its significance from at least two of the following:
 - The importance of its designer, previous owners, or builder in local, state, or national history;
 - The quality of its architecture or landscaping;
 - The fact that it is one of a few remaining examples of a building type that is of significance in local, state, or national history;
 - Association with a significant cultural or ethnic group; or
 - The role it has played in shaping local, state, or national history.

Information supporting a specific resource's designation is found in the City's Historic Resource Inventory, its National Register nomination, or the local evaluation done in support of the resource's designation.

B. Conservation Landmark. This type of resource may be an individual structure, site, tree, landscape, or other object that is of historical or cultural interest at the local or neighborhood level. Conservation Landmarks are examples of developments that have helped create the character of the region's districts and

sending site; see Section 33.855.075, Automatic Map Amendments For Historic Resources. When there is a preservation agreement that requires demolition review before demolition or relocation will be allowed, the sending site is also subject to Section 33.846.080, Demolition Review.

33.445.140 Alterations to a Historic Landmark

Alterations to a Historic Landmark require historic design review to ensure the landmark's historic value is considered prior to or during the development process.

- **A.** When historic design review for a Historic Landmark is required. Unless exempted by Subsection B, below, the following proposals are subject to historic design review. Some modifications to site-related development standards may be reviewed as part of the historic design review process; see Section 33.445.050:
 - 1. Exterior alteration;
 - 2. Exterior alteration of an accessory structure, landscape element, or other historic feature that is identified in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of the Historic Landmark;
 - 3. Change of façade color when:
 - a. Façade color or material is specifically listed in the Historic Resources Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value; or
 - b. Other proposed alterations to the landmark require review and the proposed alterations include a change of facade color; or
 - Façade color has been specifically approved through historic design review.
 - 4. Exterior signs:
 - 5. Alteration of an interior space when that interior space is designated as a Historic Landmark;
 - 6. Proposals using any of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080; and
 - 7. Proposals in the Albina Community plan district using the provisions of Section 33.505.220, Parking Requirement Reduction, or Section 33.505.230, Attached Residential Infill on Vacant Lots in R5-Zoned Areas.
- **B.** Exempt from historic design review.
 - 1. Construction of a detached accessory structure with 300 square feet or less of floor area when the accessory structure is at least 40 feet from a front property line;
 - 2. Changes that do not require a building, site, zoning, or sign permit from the City, and that will not alter the exterior material or color of a resource having exterior materials or color specifically listed in the Historic Resource Inventory,

Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value;

- 3. Changes in landscaping unless the landscaping is identified in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of a Historic Landmark;
- 4. Normal repair and maintenance other than change of facade color where exterior material or color is specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value;
- 5. Parking lot landscaping that meets the standards of this Title and does not include a wall or a fence;
- 6. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building if the following are met:
 - a. The area where the equipment will be installed must have a pitch of 1/12 or less;
 - b. No more than 8 mechanical units are allowed, including both proposed and existing units;
 - c. The proposed mechanical equipment must be set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment above the roof surface or top of parapet; and
 - d. The proposed equipment must have a matte finish or be painted to match the roof.
- 7. Public Art as defined in Chapter 5.74.

33.445.150 Demolition of a Historic Landmark

Demolition of a Historic Landmark requires one of two types of review to ensure the landmark's historic value is considered. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. Demolition review.

- 1. When demolition review is required. Unless exempted by Subsection C, below, demolition of a Historic Landmark is subject to demolition review if:
 - a. It is individually listed in the National Register of Historic Places; or
 - b. There is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the Historic Landmark.
- 2. Issuance of a demolition permit after demolition review. If the review body for demolition review approves demolition of the Historic Landmark, a permit for demolition will not be issued until the following are met:
 - a. The decision in the demolition review is final;

- b. At least 120 days have passed since the date the Director of the Bureau of Development Services determined that the application was complete; and
- c. A permit for a new building on the site has been issued. The demolition and building permits may be issued simultaneously.
- **B. Demolition delay review.** Unless addressed by Subsection A, above, or exempted by Subsection C, below, all Historic Landmarks are subject to demolition delay review.
- **C. Exempt from demolition review and demolition delay review.** The following are exempt from demolition review and demolition delay review:
 - 1. Demolition of Historic Landmarks required to be demolished because:
 - a. The Bureau of Development Services requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - b. The Code Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 - 2. Demolition of detached accessory structures no larger than 300 square feet, unless the accessory structure is identified in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of the Historic Landmark.

Conservation Landmarks

33.445.200 Designation of a Conservation Landmark

Conservation Landmarks may be designated by the Historic Landmark Commission through a legislative procedure or through a quasi-judicial procedure.

- **A. Designation by Historic Landmark Commission.** Conservation Landmark designation may be established by the Historic Landmark Commission through a legislative procedure, using the approval criteria of Section 33.846.030.C.
- **B. Quasi-judicial designation.** Conservation Landmark designation may be established through a quasi-judicial procedure; historic designation review is required.

33.445.210 Removal of a Conservation Landmark Designation

- **A. Requests for removal.** Removal of a resource's designation as a Conservation Landmark requires a historic designation removal review, except when the resource is destroyed or relocated as specified in Subsections B and C, below.
- **B. Removal after destruction.** If the resource is destroyed by causes beyond the control of the owner, its Conservation Landmark designation is automatically removed.

C. Removal after demolition. If the resource is demolished or relocated, after either approval of demolition through demolition review or after demolition delay, its Conservation Landmark designation is automatically removed.

33.445.220 Historic Preservation Incentives for Conservation Landmarks

Conservation Landmarks are eligible to use historic preservation incentives. See Section

33.445.230 Alterations to a Conservation Landmark

Alterations to Conservation Landmarks require historic design review to ensure the landmark's historic value is considered prior to or during the development process.

- **A.** When historic design review for a Conservation Landmark is required. Unless exempted by Subsection B, below, the following proposals are subject to historic design review. Some may be eligible to use the Community Design Standards as an alternative; see Section 33.445.710:
 - 1. Exterior alteration;
 - 2. Exterior alteration of an accessory structure, landscape element, or other historic feature that is identified in the Historic Resource Inventory or Conservation Landmark nomination as an attribute that contributes to the historic value of the Conservation Landmark;
 - 3. Exterior signs;
 - 4. Alteration of an interior space when that interior space is designated as a Conservation Landmark;
 - 5. Proposals using one of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080; and
 - 6. Proposals in the Albina Community plan district using the provisions of Section 33.505.220, Parking Requirement Reduction, or Section 33.505.230, Attached Residential Infill on Vacant Lots in R5-Zoned Areas.

B. Exempt from historic design review.

- 1. Construction of a detached accessory structure with 300 square feet or less of floor area when the accessory structure is at least 40 feet from the front property line;
- 2. Changes that do not require a building, site, zoning, or sign permit from the City, and that will not alter the exterior material or color of a resource having exterior materials or color specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value;
- 3. Normal repair and maintenance other than change of facade color where exterior material or color is specifically listed in the Historic Resource Inventory or Conservation Landmark nomination as an attribute that contributes to the resource's historic value:
- 4. Parking lot landscaping that meets the standards of this Title and does not include a wall or fence;

- 5. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building if the following are met:
 - a. The area where the equipment will be installed must have a pitch of 1/12 or less;
 - b. No more than 8 mechanical units are allowed, including both proposed and existing units;
 - c. The proposed mechanical equipment must be set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment above the roof surface or top of parapet; and
 - d. The proposed equipment must have a matte finish or be painted to match the roof:
- 6. Public Art as defined in Chapter 5.74.

33.445.240 Demolition of a Conservation Landmark

Demolition of a Conservation Landmark requires one of two types of review to ensure the landmark's historic value is considered. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. Demolition review.

- 1. When demolition review is required. Unless exempted by Subsection C, below, demolition of a Conservation Landmark is subject to demolition review if there is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the Conservation Landmark.
- 2. Issuance of a demolition permit after demolition review. If the review body for demolition review approves demolition of the Conservation Landmark, a permit for demolition will not be issued until the following are met:
 - a. The decision in the demolition review is final:
 - b. At least 120 days have passed since the date the Director of the Bureau of Development Services determined that the application was complete; and
 - c. A permit for a new building on the site has been issued. The demolition and building permits may be issued simultaneously.
- **B. Demolition delay review.** Unless addressed by Subsection A, above, or exempted by Subsection C, below, all Conservation Landmarks are subject to demolition delay review.
- **C. Exempt from demolition review and demolition delay review.** The following are exempt from demolition review and demolition delay review. Demolition of Conservation Landmarks required to be demolished because:
 - 1. The Bureau of Development Services requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or

2. The Code Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.

Historic Districts

33.445.300 Designation of a Historic District

Local designation of Historic Districts may be established by the Historic Landmark Commission through a legislative or quasi-judicial procedure.

- **A. Designation by Historic Landmark Commission.** Historic District designation may be established by the Historic Landmark Commission through a legislative procedure, using the approval criteria of Section 33.846.030.C.
- **B. Quasi-judicial designation.** Historic District designation may be established through a quasi-judicial procedure; historic designation review is required.

33.445.310 Removal of a Historic District Designation

Removal of a resource's designation as a local Historic District requires a historic designation removal review.

33.445.315 Preservation Agreements in Historic Districts

Historic resources in Historic Districts are eligible for the preservation agreement detailed in Section 33,445,600.

33.445.320 Development and Alterations in a Historic District

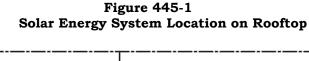
Building a new structure or altering an existing structure in a Historic District requires historic design review. Historic design review ensures the resource's historic value is considered prior to or during the development process.

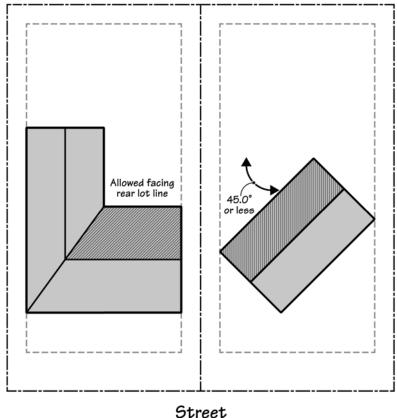
- **A.** When historic design review is required in a Historic District. Unless exempted by Section 33.445.320.B, below, the following proposals in a Historic District are subject to historic design review:
 - 1. Exterior alteration of a primary structure;
 - 2. Building a new structure;
 - 3. Exterior signs;
 - 4. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, that have not received prior approval of the City Engineer;
 - 5. Proposals using one of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080; and
 - 6. Proposals in the Albina Community plan district using the provisions of Section 33.505.220, Parking Requirement Reduction, or Section 33.505.230, Attached Residential Infill on Vacant Lots in R5-Zoned Areas.

B. Exempt from historic design review.

- 1. Construction of a detached accessory structure with 300 square feet or less of floor area when the accessory structure is at least 40 feet from a front property line;
- 2. Changes that do not require a building, site, zoning, or sign permit from the City, and that will not alter the exterior material or color of a resource having exterior materials or color specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value;
- 3. Normal repair and maintenance other than change of facade color where exterior material or color is specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value;
- 4. Parking lot landscaping that meets the standards of this Title and does not include a wall or fence;
- 5. Improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, that meet the City Engineer's standards;
- 6. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building if the following are met. For vents, the applicant may choose to meet either the standards of this paragraph or those of paragraph B.11, Vents.
 - a. The area where the equipment will be installed must have a pitch of 1/12 or less:
 - b. No more than 8 mechanical units are allowed, including both proposed and existing units;
 - c. The proposed mechanical equipment must be set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment above the roof surface or top of parapet; and
 - d. The proposed equipment must have a matte finish or be painted to match the roof.
- 7. Public Art as defined in Chapter 5.74; and
- 8. Solar energy systems that meet the following requirements. When solar energy systems are proposed as part of a project that includes elements subject to historic design review, the solar energy systems is not exempt:
 - a. On a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof. Solar energy systems must also be screened from the street by:
 - (1) An existing parapet along the street-facing façade that is as tall as the tallest part of the solar-energy system, or

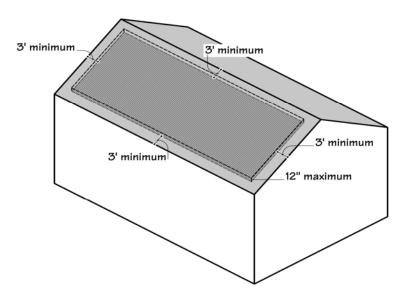
- (2) Setting the solar energy system back from the roof edges facing the street 4 feet for each foot of solar energy system height.
- b. On a pitched roof. Solar energy systems may be on a pitched roof facing a rear lot line or on a pitched roof surface facing within 45 degrees of the rear lot line. See Figure 445-1 The system must be mounted flush, with the plane of the system parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline. See Figure 445-2.
- 9. Eco-roofs installed on existing buildings when the roof is flat or surrounded by a parapet that is at least 12 inches higher than the highest part of the eco-roof surface. When eco-roofs are proposed as part of a project that includes elements subject to historic design review, the eco-roofs are not exempt. Plants must be species that do not characteristically exceed 12 inches in height at mature growth.
- 10. Permitted Original Art Murals as defined in Title 4 if the mural is proposed on a building that is not identified as contributing to the historic significance of a Historic District.





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Figure 445-2 Solar Energy Systems on a Pitched Roof



- 11. Vents. On residential structures in the RF through R1 zones, vents that meet all of the following:
 - a. Wall vents. Proposed vents installed on walls must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:
 - (1) Be on a non-street facing façade;
 - (2) Project no more than 6 inches from the wall;
 - (3) Be no more than 1 square foot in area, where the area is width times height. The cumulative area of all proposed vents may be up to 2 square feet;
 - (4) Be at least 1 foot away from architectural features such as windows, doors, window and door trim, cornices and other ornamental features, except when located at or below finish first floor framing; and
 - (5) Be painted to match the adjacent surface.
 - b. Rooftop vents. Proposed vents installed on roofs must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:
 - (1) Be on a flat roof;
 - (2) Not be more than 30 inches high and no larger than 18 inches in width, depth, or diameter;

- (3) Set back from the perimeters of the building at least 4 feet for every 1 foot of height; and
- (4) Painted to match the adjacent surface.

33.445.330 Demolition of Historic Resources in a Historic District

Historic Landmarks in a Historic District are subject to the regulations of Section 33.445.150. Conservation Landmarks in a Historic District are subject to the regulations of Section 33.445.240. Demolition of other historic resources within a Historic District requires demolition review to ensure their historic value is considered. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. Demolition review.

- 1. When demolition review is required. Unless exempted by Subsection B, below, demolition of a historic resource in a Historic District is subject to demolition review if:
 - a. It is a structure that is identified as contributing to the historic significance of a Historic District; or
 - b. There is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the historic resource.
- 2. Issuance of a demolition permit after demolition review. If the review body for demolition review approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. The decision in the demolition review is final;
 - b. At least 120 days have passed since the date the Director of the Bureau of Development Services determined that the application was complete; and
 - c. A permit for a new building on the site has been issued. The demolition and building permits may be issued simultaneously.
- **B. Exempt from demolition review.** Historic resources in Historic Districts required to be demolished because of the following are exempt from demolition review:
 - 1. The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - 2. The Code Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.

Conservation Districts

33.445.400 Designation of a Conservation District

Conservation Districts may be designated by the Historic Landmark Commission through a legislative procedure or may be designated through a quasi-judicial procedure.

- **A. Designation by Historic Landmark Commission.** Conservation District designation may be established by the Historic Landmark Commission through a legislative procedure, using the approval criteria of Section 33.846.030.C.
- **B. Quasi-judicial designation.** Conservation District designation may be established through a quasi-judicial procedure; historic designation review is required.

33.445.410 Removal of a Conservation District Designation

Removal of a resource's designation as a Conservation District requires a historic designation removal review.

33.445.415 Preservation Agreements in Conservation Districts

Historic resources in Conservation Districts are eligible for the preservation agreement detailed in Section 33.445.600.

33.445.420 Development and Alterations in a Conservation District

Building a new structure or altering an existing structure in a Conservation District requires historic design review. Historic design review ensures the resource's historic value is considered prior to or during the development process.

- **A.** When historic design review is required in a Conservation District. Unless exempted by Section 33.445.420.B., below, the following proposals in a Conservation District are subject to historic design review. Some may be eligible to use the Community Design Standards as an alternative; see Section 33.445.710:
 - 1. Exterior alteration of a primary structure;
 - 2. Building a new structure;
 - 3. Exterior signs;
 - 4. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, that have not received prior approval of the City Engineer;
 - 5. Proposals using one of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080; and
 - 6. Proposals in the Albina Community plan district using the provisions of Section 33.505.220, Parking Requirement Reduction, or Section 33.505.230, Attached Residential Infill on Vacant Lots in R5-Zoned Areas.

B. Exempt from historic design review.

1. Construction of a detached accessory structure with 300 square feet or less of floor area when the accessory structure is at least 40 feet from a front property line;

- 2. Changes that do not require a building, site, zoning, or sign permit from the City, and that will not alter the exterior material or color of a resource having exterior materials or color specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value;
- 3. Normal repair and maintenance other than change of facade color where exterior material or color is specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value;
- 4. Parking lot landscaping that meets the standards of this Title and does not include a wall or fence;
- 5. Improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, that meet the City Engineer's standards;
- 6. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building if the following are met:
 - a. The area where the equipment will be installed must have a pitch of 1/12 or less;
 - b. No more than 8 mechanical units are allowed, including both proposed and existing units;
 - c. The proposed mechanical equipment must be set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment above the roof surface or top of parapet; and
 - d. The proposed equipment must have a matte finish or be painted to match the roof.
- 7. Public Art as defined in Chapter 5.74; and
- 8. Permitted Original Art Murals as defined in Title 4 if the mural is proposed on a building that is not identified as contributing to the historic significance of a Conservation District.
- 9. Eco-roofs installed on existing buildings when the roof is flat or surrounded by a parapet that his at least 12 inches higher than the highest part of the eco-roof surface, and when no other nonexempt exterior improvements subject to historic design review are proposed. Plants must be species that do not characteristically exceed 12-inches in height at mature growth.

33.445.430 Demolition of Historic Resources in a Conservation District

Historic Landmarks in a Conservation District are subject to the regulations of Section 33.445.150. Conservation Landmarks in a Conservation District are subject to the regulations of Section 33.445.240. Demolition of other historic resources in a Conservation District requires one of two types of review to ensure the resource's historic value is considered prior to or during the development process. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. Demolition review.

- 1. When demolition review is required. Unless exempted by Subsection C, below, demolition of a historic resource in a Conservation District is subject to demolition review if there is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the resource.
- 2. Issuance of a demolition permit after demolition review. If the review body for demolition review approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. The decision in the demolition review is final;
 - b. At least 120 days have passed since the date the Director of the Bureau of Development Services determined that the application was complete; and
 - c. A permit for a new building on the site has been issued. The demolition and building permits may be issued simultaneously.
- **B. Demolition delay review.** Unless addressed by Subsection A, above, or exempted by Subsection C, below, all primary structures in Conservation Districts are subject to demolition delay review.
- **C. Exempt from demolition review and demolition delay review.** The following are exempt from demolition review and demolition delay review:
 - 1. Historic resources in Conservation Districts required to be demolished because:
 - a. The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - b. The Code Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 - 2. Demolition of a structure that is identified as noncontributing to the historic significance of a Conservation District.

Historic Resource Inventory Listing

33.445.500 Listing in the Historic Resource Inventory

A historic resource may be listed in the City's Historic Resource Inventory by the Historic Landmarks Commission as the result of an area planning study reviewed through a legislative procedure. Consent of the owner of the resource is required.

33.445.510 Removal of Historic Resource Inventory Listing

A. Automatic removal of listing in the Historic Resource Inventory. When a resource listed in the City's Historic Resource Inventory is demolished or destroyed by causes beyond the control of the owner, its listing in the Inventory is automatically removed.

- **B.** Requests for removal. A resource listed in the City's Historic Resource Inventory will be removed from the Inventory if the owner sends a written request to the Bureau of Development Services. The resource will be removed from the Inventory on the date that the Bureau of Development Services receives the request.
- **C. Removal after demolition.** When a resource listed in the City's Historic Resource Inventory is demolished, after either approval of demolition through demolition review or after demolition delay, its listing in the Inventory is automatically removed.

33.445.515 Preservation Agreements for Resources Listed in the Historic Resource Inventory

Resources listed in the Historic Resource Inventory are eligible for the preservation agreement detailed in Section 33.445.600.

33.445.520 Demolition of Resources Listed in the Historic Resource Inventory

A. Demolition review.

- 1. When demolition review is required. Unless exempted by Subsection C, below, demolition of a resource listed in the Historic Resource Inventory is subject to demolition review if there is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the resource.
- 2. Issuance of a demolition permit after demolition review. If the review body for demolition review approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. The decision in the demolition review is final;
 - b. At least 120 days have passed since the date the Director of the Bureau of Development Services determined that the application was complete; and
 - c. A permit for a new building on the site has been issued. The demolition and building permits may be issued simultaneously.
- **B. Demolition delay review.** Unless addressed by Subsection A, above, or exempted by Subsection C, below, Rank I, II, or III resources listed in the City's Historic Resource Inventory are subject to demolition delay review.
- **C.** Exempt from demolition review and demolition delay review. Rank I, II, or III resources listed in the City's Historic Resource Inventory that are required to be demolished because of the following are exempt from demolition review and demolition delay review:
 - 1. The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - 2. The Code Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.

Historic Preservation Agreements and Historic Preservation Incentives

33.445.600 Preservation Agreements

- **A. Purpose.** Preservation agreements increase the potential for historic resources to be used, protected, renovated, and preserved. They provide a mechanism for owners to commit to good stewardship of their historic resources.
- **B. Eligibility for preservation agreements.** All historic resources are eligible to use the preservation agreement described in this Section.
- **C. Covenant.** Owners who wish to enter into a preservation agreement must execute a covenant with the City. The covenant may not be revoked or rescinded. The covenant must:
 - 1. State that the owner agrees that the historic resource is subject to demolition review, and the owner will not demolish the historic resource unless the City approves the demolition or relocation-through demolition review;
 - 2. State that the owner agrees that the historic resource may be relocated only if the City approves the relocation through the following reviews:
 - a. Sending site. The sending site is subject to Section 33.846.080, Demolition Review; and
 - b. Receiving site. The receiving site is subject to both Section 33.846.060, Historic Design Review and Section 33.846.030, Historic Designation Review: and
 - 3. Meet the requirements of Section 33.700.060, Covenants with the City.

33.445.610 Historic Preservation Incentives

- **A. Purpose.** Historic preservation incentives increase the potential for historic resources to be used, protected, renovated, and preserved. Incentives make preservation more attractive to owners of historic resources because they provide flexibility and economic opportunities.
- **B.** Eligibility for historic preservation incentives. Conservation Landmarks and Historic Landmarks are eligible to use the historic preservation incentives in Subsection C if the requirements of Subsection D are met. Sites with resources identified as contributing to the historic significance of a Historic District or a Conservation District are eligible to use the incentives in Paragraphs C.3 through C.8 if the requirements of Subsection D are met.
- **C. Incentives.** The following incentives are allowed if the requirements of Subsection D, Covenant, are met. The incentives are:
 - 1. Transfer of density and floor area ratio (FAR). Transfer of density from a landmark to another location is allowed in Multi-Dwelling, Commercial, and Employment zones. In Multi-Dwelling zones, the transfer is regulated by Subsection 33.120.205.E, Transfer of Density. In Commercial and Employment zones, the transfer of FAR is regulated by Subsections 33.130.205.C and 33.140.205.C.

- 2. Additional density in Single-Dwelling zones. Landmarks in Single-Dwelling zones may be used as multi-dwelling structures, up to a maximum of one dwelling unit for each 1,000 square feet of site area. No additional off-street parking is required, but the existing number of off-street parking spaces must be retained. The landmark may be expanded and the new floor area used for additional dwelling units only if the expansion is approved through historic design review.
- 3. Additional density in Multi-Dwelling zones. Structures located in multi-dwelling zones may be used as multi-dwelling structures, with no maximum density. No additional off-street parking is required, but the existing number of off-street parking spaces must be retained. The building may be expanded and the new floor area used for additional dwelling units only if the expansion is approved through historic design review.
- 4. Daycare in residential zones. Daycare is an allowed use in residential zones.
- 5. Conditional uses in R, C, and E zones. In R, C, and E zones, applications for conditional uses are processed through a Type II procedure.
- 6. Exemption from minimum density. Minimum housing density regulations do not apply.
- 7. Nonresidential uses in the RX zone. In the RX zone, except on sites which front on the Park Blocks frontages shown on Map 510-12, up to 100 percent of the floor area of a structure may be approved for Retail Sales And Service, Office, Major Event Entertainment, or Manufacturing And Production through Historic Preservation Incentive Review.
- 8. Nonresidential uses in the RH, R1 and R2 zones. In the RH, R1 and R2 zones, up to 100 percent of the floor area of a structure may be approved for Retail Sales And Service, Office, or Manufacturing And Production as follows:
 - a. Review required. The nonresidential uses must be approved through Historic Preservation Incentive Review; and
 - b. Previous nonresidential use required. The last use in the structure must have been in a nonresidential use category and have been allowed when established; if part of the structure was in residential use, the proposal must include at least as many dwelling units as were part of the last allowed use or uses. If the last allowed use was residential only, the structure is not eligible for this incentive.
- **D. Covenant.** The owner must execute a covenant with the City. The covenant may not be revoked or rescinded. The covenant must:
 - 1. State that the owner agrees that the historic resource is subject to demolition review, and the owner will not demolish or relocate the historic resource unless the City approves the demolition or relocation through demolition review; and
 - 2. Meet the requirements of Section 33.700.060, Covenants with the City.

Community Design Standards

33.445.700 Purpose

The Community Design Standards provide an alternative process to historic design review for some proposals. For some proposals, the applicant may choose to go through the historic design review process set out in Chapter 33.846, Historic Reviews, or to meet the objective standards of Chapter 33.218, Community Design Standards. The standards for signs are stated in Title 32, Signs and Related Regulations. Proposals that do not meet the Community Design Standards—or where the applicant prefers more flexibility—must go through historic design review.

33.445.710 When Community Design Standards May Be Used.

Unless excluded by Section 33.445.720, When Community Design Standards May Not Be Used, proposals that meet all of the requirements of this section may use the Community Design Standards as an alternative to historic design review.

A. Location. The proposal is:

- 1. A Conservation Landmark located outside of the Central City plan district;
- 2. In a Conservation District; or
- 3. In the Albina Community plan district shown on Map 505-1.
- **B. Maximum limits.** The proposal is within the maximum limits of Table 445-1.

Table 445-1 Maximum Limits for Use of the Community Design Standards			
Zones	Maximum Limit—New Dwelling Units or Floor Area		
Single Dwelling Zones	5 dwelling units		
R2 & R3 Zones	10 dwelling units		
R1, RH, RX, C, & E Zones	20,000 sq. ft. of floor area		
I Zones	40,000 sq. ft. of floor area		
IR Zone	See institution's Impact Mitigation Plan.		
Zones	Maximum Limit—Exterior Alterations		
All except IR	•Alterations to the street-facing facade that affect less than 50 percent of the area of the facade, regardless of the square footage of the area affected; and •Alterations to the street-facing facade that affect less than 1,500 sq. ft. of the facade, regardless of the percentage of the facade affected.		
IR Zone	See institution's Impact Mitigation Plan.		

33.445.720 When Community Design Standards May Not Be Used.

The Community Design Standards may not be used as an alternative to historic design review as follows:

- **A.** For institutional uses in residential zones, except when specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan;
- **B.** For alterations to sites where there is a nonconforming use;
- **C.** For mixed-use or non-residential development in the RF through R1 zones;

- **D.** If the site is in a Historic District or the proposal is for alteration to a Historic Landmark; and
- **E.** If the proposal uses Section 33.405.050, Bonus Density for Design Review.
- **F.** For installation of solar panels on a conservation landmark.

Demolition Reviews

33.445.800 Types of Reviews.

There are two types of review that may be required before a historic resource is demolished. Other sections of this chapter describe when each review is required. The types of review are:

- **A. Demolition Delay Review.** See Section 33.445.810;
- **B. Demolition Review.** See Section 33.846.080.

33.445.805 Supplemental Application Requirements.

A. Applicability. In addition to the application requirements of Section 33.730.060, a demolition review application requesting approval based on criterion 33.846.080.C.1, or on both 33.846.080.C.1 and 33.846.080.C.2, requires two copies of a written statement that includes the information listed in Subsection B. An application requesting approval based solely on criterion 33.846.080.C.2 requires two copies of a written statement that includes the information listed in Paragraphs B.1 through B.4. Applicants may also submit any additional information relevant to the specific review and approval criteria.

B. Application requirements.

- Statements from a licensed engineer and a licensed architect with experience in renovation, restoration, or rehabilitation as to the structural soundness of the structure and its suitability for continued use, renovation, restoration, or rehabilitation;
- 2. Statements from developers, real estate consultants, appraisers, or other real estate professionals experienced in rehabilitation as to the economic feasibility of restoration, renovation, or rehabilitation of existing structures or objects;
- 3. All studies commissioned by the owner as to profitable renovation, rehabilitation, or utilization of any structures or objects for alternative use, or a statement that none were obtained;
- 4. A summary of the historic preservation incentives and programs available and the extent to which they were explored by the applicant;
- 5. The amount paid for the property by the owner, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased;
- 6. The current balance of any mortgages or any other financing secured by the property and the annual debt service, if any, for the previous two years;

- 7. All appraisals obtained within the previous two years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, or a statement that none were obtained;
- 8. All listings of the property for sale or rent, price asked and offers received, if any, within the previous four years, or a statement that none were obtained;
- 9. Itemized income and expense statements for the property for the previous two years;
- 10. Estimate of the cost of the proposed demolition; and
- 11. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.
- **C. Exceptions.** The Director of BDS may waive items listed if they are not applicable to the specific review and the applicant may choose not to submit any or all missing information requested by the Director of BDS, as specified in Section 33.730.060.

33.445.810 Demolition Delay Review.

- **A. Purpose.** Demolition delay allows time for consideration of alternatives to demolition, such as restoration, relocation, or architectural salvage.
- **B. Procedure for Demolition Delay Review.** Demolition delay review is a nondiscretionary administrative process with public notice but no hearing. Decisions are made by the Director of BDS and are final.
 - 1. Application. The applicant must submit an application for a demolition permit.
 - 2. Notice of application.
 - a. Posting notice on the site. Within 14 days of applying for a demolition permit, the applicant must post a notice on the site of the historic resource proposed for demolition. The posting must meet the following requirements:
 - (1) Number and location of posted notices. Notice must be placed on each frontage of the site occupied by the historic resource proposed for demolition. Notices must be posted within 10 feet of the street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way;
 - (2) Content of the posted notice. The notice must include the following information:
 - The statement, "Structure to be demolished;"
 - The statement, "Demolition of this structure has been delayed to allow time for consideration of alternatives to demolition.
 Alternatives to demolition might include restoration, relocation, or architectural salvage;"
 - The address of the structure proposed for demolition;

- The name, address, and telephone number of the owner or the party acting as an agent for the owner;
- The date of the posting; and
- A statement that a demolition permit may be issued 120 days after application was made for demolition, and the date that the permit will be issued.
- (3) Removal of the posted notice. The posted notice must not be removed until the demolition permit is issued. The posted notice must be removed within 30 days of the issuance of the demolition permit.

b. Mailed notice.

- (1) Notice to recognized associations. Within 14 days of receiving the application for a demolition permit, the Director of BDS will mail a notice of the proposed demolition to all recognized organizations within 1,000 feet of the site of the resource and to the State Historic Preservation Office. If the proposal is to demolish a resource in a Conservation District or Historic District and the district has a Historic Advisory Committee that has been recognized by the neighborhood association, notice will also be sent to the Historic Advisory Committee. The notice will include the same information as in Subparagraph B.1.b, above.
- (2) Notice to other interested parties. The Director of BDS will maintain a subscription service for organizations and individuals who wish to be notified of applications for demolition of historic resources subject to demolition delay review. There is a fee for this notification service. Within 14 days of receiving the application for a demolition permit, the Director of BDS will mail a notice of the proposed demolition to all subscribers. The notice will include the same information as in Subparagraph B.1.b, above.
- 3. Decision. The Director of BDS will issue the demolition permit 120 days after receiving the application if the following requirements have been met:
 - a. Photographic documentation. The applicant must submit photographs of the features of the resource that were identified when the resource was nominated, designated, placed within a Historic District or Conservation District, or placed on the Historic Resource Inventory. BDS will retain a copy of the documentation for the purpose of public information.
 - b. Response to offers of relocation or salvage. The applicant must submit a letter stating that the applicant responded to all offers to relocate the resource, or to salvage elements of the resource during demolition. The letter must also identify those who submitted offers, and the applicant's response to those offers.