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; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14.)

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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. Nonstandard improvements in the public right-of-way must receive prior approval from the City Engineer prior to applying for design review. 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 resource review as set out in Chapter 33.445, Historic Resource 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 for personal wireless services 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

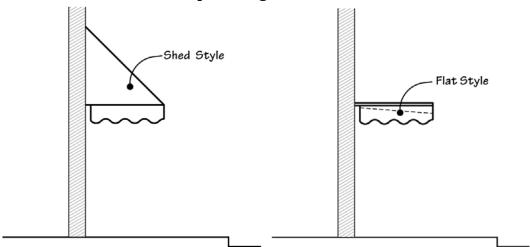
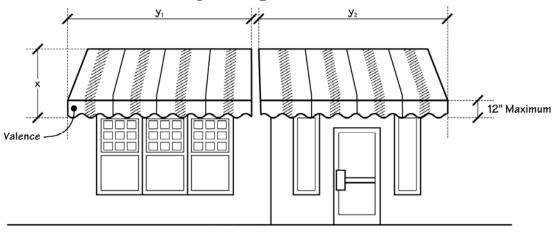


Figure 420-2
Exempt Awning Measurements



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

33.420.055 When Community Design Standards May Be Used

The Community Design Standards provide an alternative process to design review for some proposals. For some proposals, the applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, 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 the design review process.

Unless excluded by 33.420.060, When Community Design Standards May Not Be Used, below, proposals that meet all of the requirements of this section may use the Community Design Standards as an alternative to design review.

A. Location. The proposal is in:

- 1. A Design Overlay Zone;
- 2. The Albina Community plan district shown on Map 505-1; or
- 3. An Alternative Design Density Overlay Zone and a Design Overlay Zone, and the proposal is not taking advantage of the provisions of Chapter 33.405, Alternative Design Density Overlay Zone. Proposals taking advantage of the provisions of Chapter 33.405 are regulated by Section 33.405.090.
- **B.** Maximum limits. The proposal is within the maximum limits of Table 420-1.

Table 420-1 Maximum Limits for Use of the Community Design Standards [1]		
Zones	Maximum Limit—New Floor Area	
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 or Conditional Use Master 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 or Conditional Use Master Plan.	

Notes:

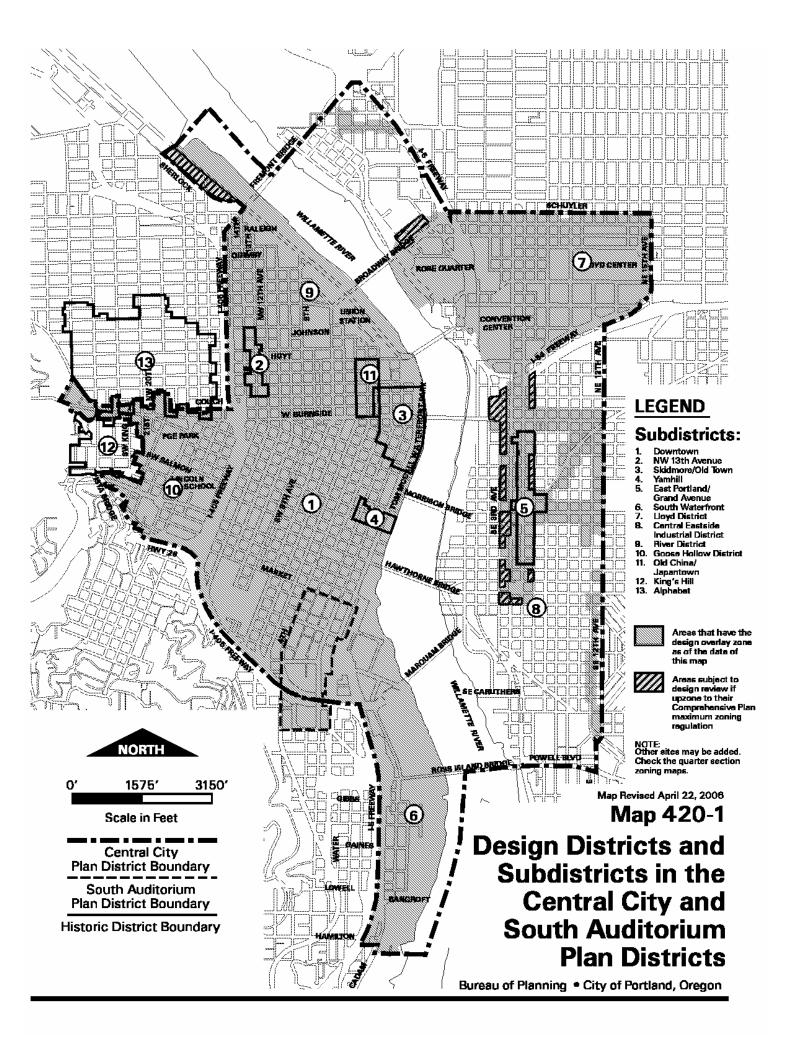
[1] There are no maximum limits for proposals where any of the floor area is in residential use.

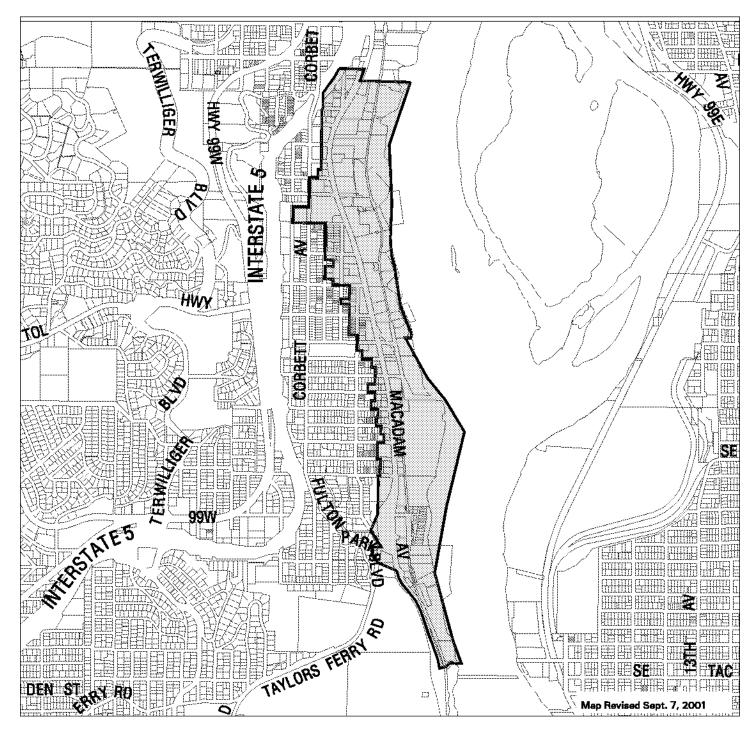
33.420.060 When Community Design Standards May Not Be Used

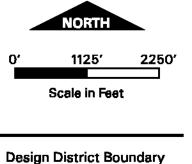
The Community Design Standards may not be used as an alternative to design review as follows:

- **A.** In the Central City plan district. See Map 420-1;
- **B.** In the Gateway plan district. See Map 420-6;
- **C.** For proposals that do not include any residential uses in the following Design Overlay Zones:

- 1. The portion of the South Auditorium plan district outside the Central City plan district. See Map 420-1;
- 2. The Macadam design district. See Map 420-2; and
- 3. The Terwilliger design district. See Map 420-3; and
- 4. The Marquam Hill design district. See Map 420-5;
- **D.** For institutional uses in residential zones, unless specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan;
- **E.** For alterations to sites where there is a nonconforming use, unless the nonconforming use is a residential use;
- **F.** For non-residential development in the RF through R1 zones;
- **G.** If the proposal uses Section 33.405.050, Bonus Density for Design Review;
- **H.** In the EX zone within the St. Johns plan district, structures more than 45 feet in height; and
- **I.** For motor vehicle fuel sales in the 122nd Avenue subdistrict of the East Corridor plan district; and
- **J.** In the North Interstate plan district proposals taking advantage of the additional height allowed by 33.561.210.B.2.

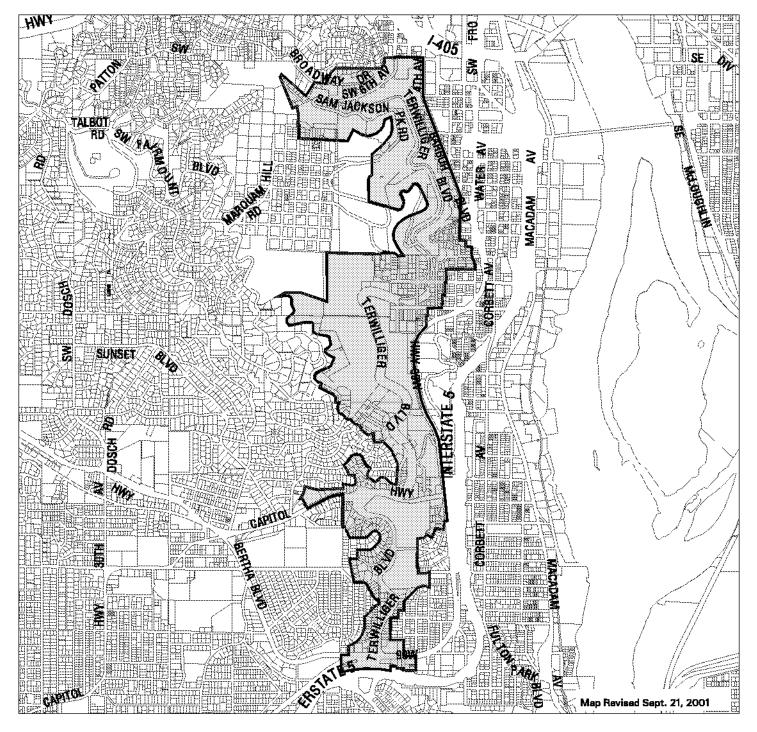


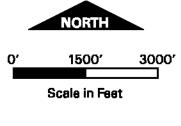




Map 420-2 Macadam Design District

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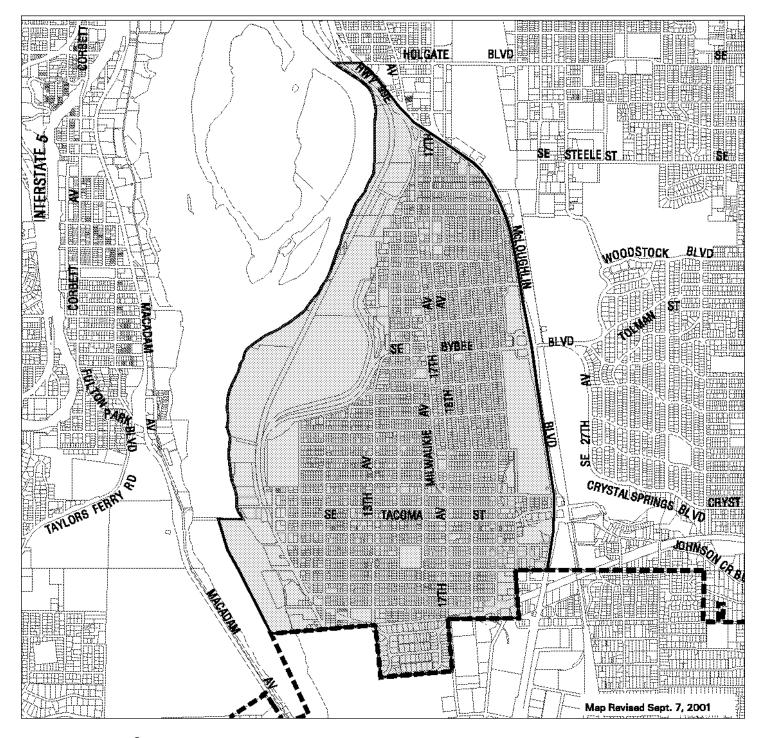


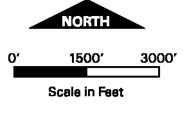
Design District Boundary

Map 420-3

Terwilliger Design District

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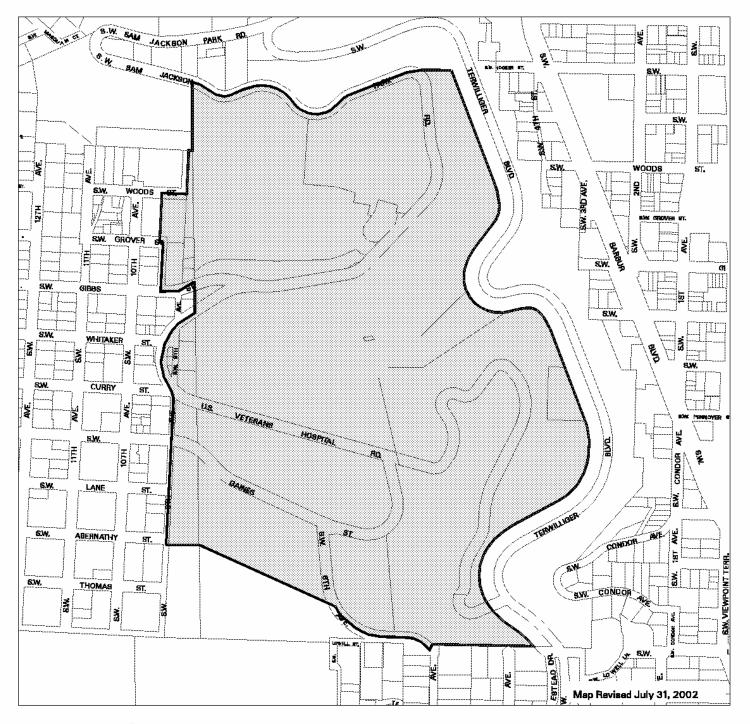


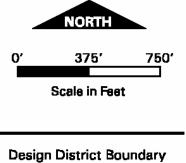
Design District Boundary

Map 420-4

Sellwood-Moreland Design District

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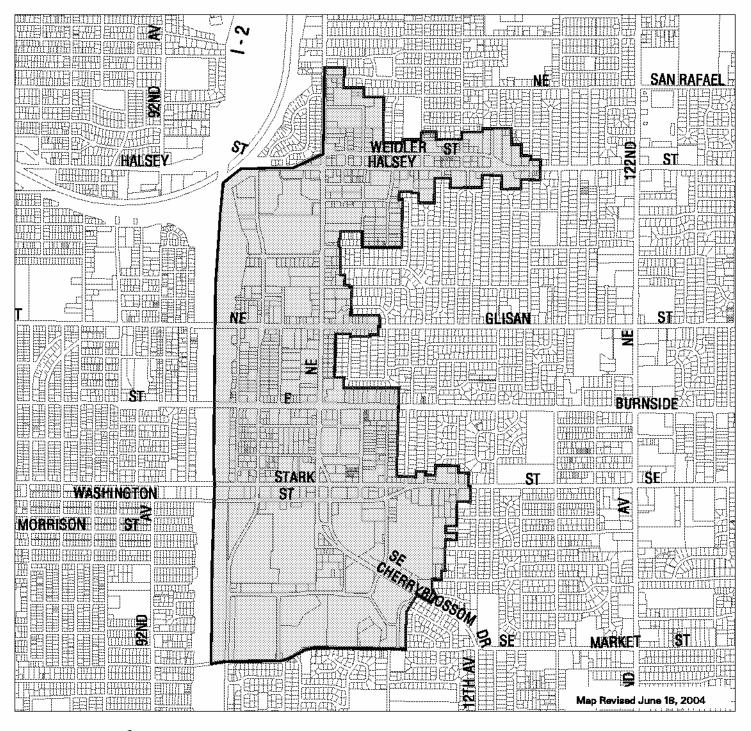


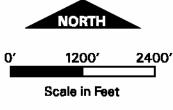


Map 420-5

Marquam Hill Design District

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Design District Boundary

Map 420-6

Gateway Design District