33.420 Design Overlay Zone

Sections:
33.420.010 Purpose
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
33.420.060 When Community Design Standards May Not Be Used

Map 420-1 Design Districts and Subdistricts in the Central City and South Auditorium Plan Districts
Map 420-2 Macadam Design District
Map 420-3 Terwilliger Design District
Map 420-4 Sellwood-Moreland Design District
Map 420-5 Marquam Hill Design District
Map 420-6 Gateway Design District

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, CM3, 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, including changes to exterior color when the existing color was specifically required by a design review approval;

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.
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, I, and CI 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. Development in the IR zone, including alterations, that is not located within the boundaries of an approved Impact Mitigation Plan;

L. Parking lot landscaping that meets the development standards of this Title;

M. Rooftop mechanical equipment and associated ductwork, 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. Rooftop vents installed on roofs if the vent and associated elements such as pipes, conduits and covers meet the following:
1. The area where the vent and associated elements will be installed must have a pitch of 1/12 or less;

2. The proposed vent and associated elements must not be more than 30 inches high and no larger than 18 inches in width, depth, or diameter;

3. The proposed vent and associated elements must be set back at least 4 feet from the edge of the rooftop for every 1 foot of height above the roof surface or top of parapet; and

4. The proposed vent and associated elements must have a matte finish or be painted to match the roof.

O. 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 facade of the penthouse; and

2. Rooftop accessory equipment that is:
   a. Located entirely within 5 feet of the facade of the existing penthouse, is no higher than the top of the penthouse, and is painted to match the facade of the penthouse; or
   b. Entirely screened behind walls extending one side of the penthouse, provided the walls:
      (1) Do not extend farther than 10 feet from the facade of the existing penthouse and are not closer than 15 feet to street facing roof edges;
      (2) Are no taller than the top of the penthouse; and
      (3) Are painted and textured to match the facade of the penthouse.

P. Exterior alterations to existing development and construction of detached accessory structures within the Sellwood-Moreland Design District;

Q. Houseboats;

R. 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 facade 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.
S. Awnings for each ground floor tenant, which meet the following requirements;

1. If existing awnings on the same building facade 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 S.2.c through f, below;

2. If there are no existing awnings on the same building facade 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 facade;

   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 Sunbrella™, Dickson Awning Fabrics™, Para Tempotest™, 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.

T. Within the St. Johns plan district, alterations to single-dwelling detached structures;

U. Public Art as defined in Chapter 5.74;

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 that meet the following requirements:

1. On a flat roof. 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, not including the parapet. Solar energy systems must also be screened from the street by:
   a. An existing parapet along the street facing facade that is as tall as the tallest part of the solar energy system; or
   b. Setting the solar energy system back from the street facing roof edges. For each foot of height that the portion of the system projects above the parapet, or roofline when there is no parapet, the system must be set back 4 feet.

2. On a pitched roof. The plane of the system must be 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.

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.

CC. Manufactured dwelling parks.

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

[Diagram of awning section profile]
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>
<thead>
<tr>
<th>Zones</th>
<th>Maximum Limit—New Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1, RH, RX, C, E, &amp; CI Zones</td>
<td>20,000 sq. ft. of floor area</td>
</tr>
<tr>
<td>I Zones</td>
<td>40,000 sq. ft. of floor area</td>
</tr>
<tr>
<td>IR Zone</td>
<td>See institution’s Impact Mitigation Plan or Conditional Use Master Plan.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zones</th>
<th>Maximum Limit—Exterior Alterations</th>
</tr>
</thead>
<tbody>
<tr>
<td>All except IR</td>
<td>• For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the façade.</td>
</tr>
<tr>
<td></td>
<td>• For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area.</td>
</tr>
<tr>
<td>IR Zone</td>
<td>See institution’s Impact Mitigation Plan or Conditional Use Master Plan.</td>
</tr>
</tbody>
</table>

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 CM3 zone within the St. Johns plan district, structures more than 45 feet in height;

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.

(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; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, 7/9/18; Ord. No. 189137, effective 8/22/18.)
Design Districts and Subdistricts in the Central City and South Auditorium Plan Districts

Map 420-1

Map Revised July 9, 2018

Legend
Subdistricts:
1. Downtown
2. N.W. 13th Avenue
3. Skidmore/Old Town
4. Yarimill
5. East Portland/Grand Avenue
6. South Waterfront
7. Lloyd District
8. Central Eastside Industrial District
9. River District
10. Goose Hollow District
11. New Chinatown/Japantown
12. King’s Hill
13. Alphabet
14. Halprin Open Space Sequence
15. Irvington Historic District

Areas that have the design overlay zone as of the date of this map.

NOTE:
Other sites may be added. Check the quarter section zoning maps.

Central City Plan District Boundary
South Auditorium Plan District Boundary
Historic District Boundary

Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon
Terwilliger
Design District

Map 420-3

Map Revised July 24, 2015

Bureau of Planning and Sustainability
Portland, Oregon