

33.445 Historic Resource Overlay Zone

445

Sections:

General

- 33.445.010 Purpose
- 33.445.020 Historic Resource Inventory
- 33.445.030 Where These Regulations Apply
- 33.445.040 Types of Historic Resources and Map Symbols
- 33.445.050 Adoption of Design Guidelines
- 33.445.060 Notice of Building and Housing Code Violations

Landmarks

- 33.445.100 Historic Landmark
- 33.445.110 Conservation Landmark
- 33.445.120 National Register Landmark

Districts

- 33.445.200 Historic District
- 33.445.210 Conservation District
- 33.445.220 National Register District

Significant Resources

- 33.445.300 Identifying a Significant Resource
- 33.445.310 Removal of a Significant Resource
- 33.445.320 Relocation of a Significant Resource
- 33.445.330 Demolition of a Significant Resource
- 33.445.340 120-Day Delay

Historic Preservation Incentives

- 33.445.400 Historic Preservation Incentives

Community Design Standards

- 33.445.500 Purpose
- 33.445.510 When Community Design Standards May be Used

General

33.445.010 Purpose

The historic resource overlay zone protects historic resources that have been identified as significant to the history of the city and region. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting education and enjoyment for those living in and visiting the region. The regulations foster awareness, memory, and pride among the region's current and future residents in their city and its diverse architecture, culture, and history. Historic preservation recognizes social and cultural history, retains significant architecture, promotes economic and environmental health, and stewards important resources for the use, education, and enjoyment of future generations.

33.445.020 Historic Resource Inventory

Portland’s Historic Resource Inventory is a record of the buildings, portions of buildings, structures, objects, landscapes, trees, sites, places, and districts that have been documented as having or potentially having architectural, historical, or cultural significance. Historic resources addressed by this chapter are included in the Historic Resource Inventory.

33.445.030 Where These Regulations Apply

- A. Sections 33.445.010 through .060 and .400 through .500 apply to all historic resources.
- B. Sections 33.445.100 through .340 apply as shown in Table 445-1.

Table 445-1 Where These Regulations Apply				
	In Historic District	In Conservation District	In National Register District	Not in a district
Historic Landmark	33.445.100	33.445.100	33.445.100	33.445.100
Conservation Landmark	33.445.200	33.445.110	33.445.110	33.445.110
National Register Landmark	33.445.200	33.445.210	33.445.120	33.445.120
Significant Resource	33.445.200	33.445.210	33.445.220	33.445.300 through 33.445.340
Not a Landmark or Significant Resource	33.445.200	33.445.210	33.445.220	N/A

33.445.040 Types of Historic Resources and Map Symbols

- A. **Types of historic resources.** The following types of historic resources are regulated by this chapter. Each type of historic resource may contain contributing resources. The definition of each type of historic resource can be found in Chapter 33.910.
 1. Historic Landmarks;
 2. Conservation Landmarks;
 3. National Register Landmarks;
 4. Historic Districts;
 5. Conservation Districts;
 6. National Register Districts; and
 7. Significant Resources.

- B. Map symbols.** Boundaries of Historic Landmarks, Conservation Landmarks, National Register Landmarks, Historic Districts, Conservation Districts, and National Register Districts are shown on the Official Zoning Maps.

33.445.050 Adoption of Design Guidelines

Design guidelines for Historic Districts and Conservation Districts are recommended by the Historic Landmarks Commission and adopted by City Council. These guidelines are used for historic resource review, which is required for some alterations and new development proposals affecting certain historic resources. Historic resource review ensures the conservation and enhancement of the special characteristics of historic resources.

33.445.060 Notice of Building and Housing Code Violations

When Portland Permitting & Development declares a Historic Landmark, Conservation Landmark, National Register Landmark, or contributing resource in a Historic District, Conservation District, or National Register District to be a dangerous building or posts a landmark to remain vacant, Portland Permitting & Development will notify the Historic Landmarks Commission of such action and of the specific code violations. The notice must be sent within ten working days of the action. The notice provides the Historic Landmarks Commission and the community the opportunity to inform the owner of potential rehabilitation programs and benefits or to pursue public or private acquisition and restoration of the historic resource.

Landmarks

33.445.100 Historic Landmark

A. Designation of a Historic Landmark

1. National Register listing. Structures, objects, and sites listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 are automatically identified as Historic Landmarks on the Official Zoning Maps. For Historic Landmarks that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, any expansion of the boundary by the federal Keeper of the National Register of Historic Places is automatically identified on the Official Zoning Maps. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
2. City designation. City designation of a Historic Landmark may be established through a legislative or quasi-judicial procedure. Designating a City Historic Landmark includes establishing a new Historic Landmark, expanding the boundaries of an existing Historic Landmark, and reclassifying a noncontributing resource as contributing within the boundaries of an existing Historic Landmark:
 - a. Legislative designation. Historic Landmark designation may be established through a legislative procedure using the approval criteria of Section 33.846.030.D; or
 - b. Quasi-judicial designation. Historic Landmark designation may be established through a quasi-judicial procedure; historic designation review is required.

B. Removal of a Historic Landmark designation

1. Removal of a resource's City designation as a Historic Landmark requires historic designation removal review or a legislative procedure using the approval criteria of Section 33.846.040.C except when the resource is destroyed or demolished as specified in Paragraphs B.3. and B.4. Removing a resource's City designation includes removing an existing Historic Landmark designation, changing a Historic Landmark designation to Conservation Landmark designation, reducing the boundaries of an existing Historic Landmark, and reclassifying a contributing resource as noncontributing within the boundary of an existing Historic Landmark.
2. For Historic Landmarks that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, the following is required:
 - a. Removal by the federal Keeper of the National Register of Historic Places automatically removes Historic Landmark designation. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
 - b. Removing a resource's designation as Historic Landmark or changing the resource's designation from Historic Landmark to Conservation Landmark requires historic designation removal review or a legislative procedure using the approval criteria of Section 33.846.040.C.
3. If the Historic Landmark is destroyed by causes beyond the control of the owner, its Historic Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
4. If the Historic Landmark is demolished, after approval of demolition through demolition review, its Historic Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

C. Relocation of a Historic Landmark. Relocating a Historic Landmark requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation. When a Historic Landmark or contributing resource is relocated after approval of relocation through historic resource review, the designation is automatically removed from the sending site and is automatically added to the receiving site. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

D. Development within a Historic Landmark boundary. Certain development within the boundary of a Historic Landmark requires historic resource review to ensure the resource's historic value is considered prior to or during the development process.

1. When historic resource review is required. Unless exempted by Paragraph D.2., the following proposals within the boundaries of a Historic Landmark are subject to historic resource review:
 - a. Exterior alterations;

- b. Building a new structure within the boundary of a Historic Landmark;
 - c. Installation or alteration of exterior signs;
 - d. 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 approval from the City Engineer prior to applying for historic resource review;
 - e. Painting an unpainted exterior surface; and
 - f. Alteration of an interior space when that interior space is specifically designated by the City as a Historic Landmark. Alteration of an interior space of a Historic Landmark that has been listed by the federal Keeper of the National Register of Historic Places but has not also been independently designated by the City as the result of a legislative or quasi-judicial procedure does not require historic resource review.
2. Exempt from historic resource review.
- a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Historic Landmark documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations can be installed and removed without destroying existing materials;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and
 - (3) The seismic improvements do not penetrate through the exterior walls;
 - f. Public Art as defined in Chapter 5.74;
 - g. Landscaping unless the landscaping is identified in the Historic Landmark documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
 - h. Parking lot landscaping that meets the standards of this Title;
 - i. New or existing paths unless the path is specifically identified in the Historic Landmark documentation or National Register nomination as an attribute that contributes to the resource's historic significance;

- j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the facade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone unless the sign or sign structure is mounted through mortar joints on a masonry wall;
- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing facade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment and associated ductwork will be installed has a pitch of 1/12 or less;
 - (2) The mechanical equipment and associated ductwork is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The equipment and associated ductwork has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;
 - (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and
 - (3) The hose, conduit, tube, or pipe has a matte finish or is painted to match the facade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;
- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;

- s. Rooftop vents on roofs if the vent and associated elements such as pipes, conduits and covers, when the following are met:
- (1) The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - (2) The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - (3) The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of vent height above the roof surface or top of parapet; and
 - (4) The proposed vent and associated elements has a matte finish or is painted to match the roof.
- t. Solar energy systems when the following are met:
- (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - 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;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
 - The solar energy systems must be screened from the street by:
 - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back from the roof edges facing the street 4 feet for each foot of solar energy system height.
 - (2) When the solar energy system is on a pitched roof the following must be met:
 - The roof surface must be clad in asphalt composite shingles or metal;
 - The roof must face a rear lot line or face 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 to the roof surface; and
 - The system must not be more than 8 inches from the surface of the roof and must be set back at least 8 inches from the roof edge and ridgeline. See Figure 445-2.

- u. Skylights or roof hatches when the following are met:
 - (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 45 degrees of the rear lot line, see Figure 445-1;
- v. Replacement of vinyl, fiberglass, or aluminum windows with wood or metal-clad wood windows when the following are met:
 - (1) The structure was built before 1940;
 - (2) The windows are on a non-street-facing facade;
 - (3) The replacement windows are installed exactly within the existing window openings; and
 - (4) The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape;
- x. Construction of a detached accessory structure when the following are met:
 - (1) The structure is not more than 200 square feet in total floor area; and
 - (2) The structure is at least 40 feet from a front property line and, if on a corner lot, at least 20 feet from a side street lot line;
- y. Historic Landmark trees subject to Section 11.20.060 of Title 11, Heritage Trees.

Figure 445-1
Solar Energy System, Skylight and Roof Hatch Location on a Landmark Rooftop

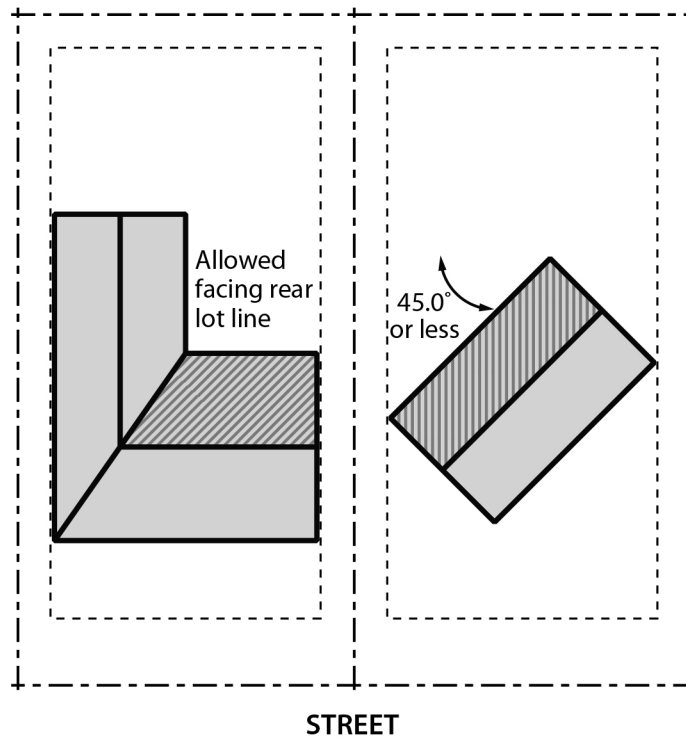
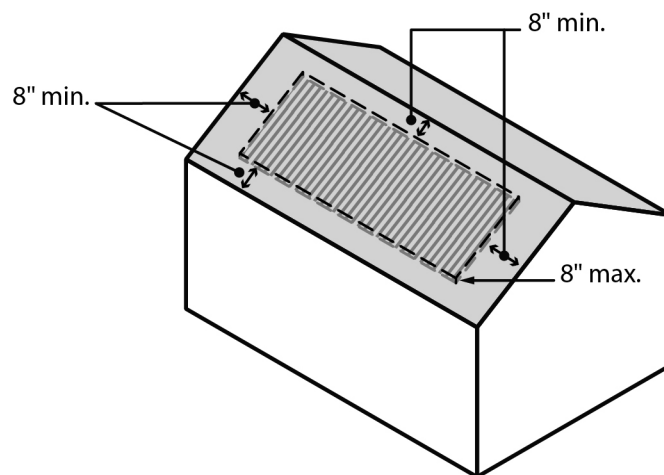


Figure 445-2
Solar Energy Systems on a Pitched Roof



- E. Demolition of a Historic Landmark.** Demolition of a Historic Landmark requires demolition review to ensure the landmark's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.

1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a Historic Landmark and demolition of a contributing resource is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of Historic Landmarks, and demolition of contributing resources, when demolition is required because:
 - (1) Portland Permitting & Development 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 Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 - c. Historic Landmark trees subject to Section 11.20.060 of Title 11, Heritage Trees;
 - d. Alterations to Historic Landmarks or contributing resources that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and

- c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.110 Conservation Landmark

- A. Designation of a Conservation Landmark.** A Conservation Landmark may be designated through a legislative or quasi-judicial procedure. Designating a Conservation Landmark includes establishing a new Conservation Landmark, expanding the boundaries of an existing Conservation Landmark, and reclassifying a noncontributing resource as contributing within the boundaries of an existing Conservation Landmark.
 1. Legislative designation. Conservation Landmark designation may be established through a legislative procedure using the approval criteria of Section 33.846.030.D; or
 2. Quasi-judicial designation. Conservation Landmark designation may be established through a quasi-judicial procedure; historic designation review is required.
- B. Removal of a Conservation Landmark designation**
 1. Removal of a resource's City designation as a Conservation Landmark requires historic designation removal review or a legislative procedure using the approval criteria of Section 33.846.040.C except when the resource is destroyed or demolished as specified in Paragraphs B.2. and B.3. Removing a resource's City designation includes removing an existing Conservation Landmark designation, reducing the boundary of an existing Conservation Landmark, and reclassifying a contributing resource as noncontributing within the boundaries of an existing Conservation Landmark.
 2. If the resource is destroyed by causes beyond the control of the owner, its Conservation Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
 3. If the resource is demolished, after approval of demolition through demolition review, its Conservation Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- C. Relocation of a Conservation Landmark.** Relocating a Conservation Landmark requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
 1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a Conservation Landmark, including relocating a contributing resource, is subject to historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:
 - a. Relocating a noncontributing resource;
 - b. Relocating a Conservation Landmark, including relocating contributing resources, 10 feet or less in any direction within the boundary of the Conservation Landmark; and

- c. Relocating a detached accessory structure, including those that are identified as a contributing resource.
 3. When a Conservation Landmark or contributing resource is relocated, the designation is automatically removed from the sending site and is automatically added to the receiving site. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- D. Development within a Conservation Landmark boundary.** Certain development within the boundary of a Conservation Landmark requires historic resource review to ensure the landmark's historic value is considered prior to or during the development process. When historic resource review is required, the Community Design Standards may be used as an alternative for some proposals. See Section 33.445.500.
 1. When historic resource review is required. Unless exempted by Paragraph D.2., the following proposals within the boundaries of a Conservation Landmark are subject to historic resource review:
 - a. Exterior alterations;
 - b. Building a new structure within the boundary of a Conservation Landmark;
 - c. Installation or alteration of exterior signs; and
 - d. 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 approval from the City Engineer prior to applying for historic resource review.
 2. Exempt from historic resource review.
 - a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Conservation Landmark documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations can be installed and removed without destroying existing materials;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and
 - (3) The seismic improvements do not penetrate through the exterior walls;

- f. Public Art as defined in Chapter 5.74;
- g. Landscaping unless the landscaping is identified in the Conservation Landmark documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- h. Parking lot landscaping that meets the standards of this Title;
- i. New or existing paths unless the path is specifically identified in the Conservation Landmark documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the facade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone, unless the sign or sign structure is mounted through mortar joints on a masonry wall;
- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing facade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment and associated ductwork will be installed has a pitch of 1/12 or less;
 - (2) The mechanical equipment and associated ductwork is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The equipment and associated ductwork has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;
 - (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and

- (3) The hose, conduit, tube, or has a matte finish or is painted to match the facade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;
- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;
- s. Rooftop vents on roofs if the vent and associated elements such as pipes, conduits and covers, when the following are met:
 - (1) The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - (2) The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - (3) The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of vent height above the roof surface or top of parapet; and
 - (4) The proposed vent and associated elements has a matte finish or is painted to match the roof.
- t. Solar energy systems when the following are met:
 - (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - 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;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
 - The solar energy systems must be screened from the street by:
 - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back from the roof edges facing the street 4 feet for each foot of solar energy system height.
 - (2) When the solar energy system is on a pitched roof the following must be met:
 - The roof surface must be clad in asphalt composite shingles or metal;
 - The roof must face a rear lot line or face 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 to the roof surface; and
 - The system must not be more than 8 inches from the surface of the roof and must be set back at least 8 inches from the roof edge and ridgeline. See Figure 445-2.
- u. Skylights or roof hatches when the following are met:
- (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 45 degrees of the rear lot line, see Figure 445-1.
- v. Replacement of vinyl, fiberglass, or aluminum windows with wood or metal-clad wood windows when the following are met:
- (1) The structure was built before 1940;
 - (2) The windows are on a non-street-facing facade;
 - (3) The replacement windows are installed exactly within the existing window openings; and
 - (4) The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape; and
- x. Construction of a detached accessory structure when the following are met:
- (1) The structure is not more than 200 square feet in total floor area; and
 - (2) The structure is at least 40 feet from a front property line and, if on a corner lot, at least 20 feet from a side street lot line.
- E. Demolition of a Conservation Landmark.** Demolition of a Conservation Landmark requires demolition review to ensure the landmark's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.
1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a Conservation Landmark and demolition of a contributing resource is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;

- c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review.
- a. Demolition of noncontributing resources;
 - b. Demolition of Conservation Landmarks, and demolition of contributing resources, when demolition is required because:
 - (1) Portland Permitting & Development 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 Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 - c. Alterations to Conservation Landmarks or contributing resources that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review;
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
- a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.120 National Register Landmark

- A. Listing of a National Register Landmark.** Structures, objects, and sites listed by the federal Keeper of the National Register of Historic Places after January 27, 2017 are automatically identified on the Official Zoning Maps as National Register Landmarks. Listing by the federal Keeper of the National Register of Historic Places also includes expanding the boundaries of

the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

- B. Removal of a National Register Landmark listing.** A National Register Landmark that is removed by the federal Keeper of the National Register of Historic Places is automatically removed from the Official Zoning Maps. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- C. Relocation of a National Register Landmark.** Relocating a National Register Landmark requires historic resource review to ensure the landmark's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a National Register Landmark, including relocating a contributing resource, is subject to historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:
 - a. Relocating a noncontributing resource;
 - b. Relocating a National Register Landmark, including relocating contributing resources, 10 feet or less in any direction within the boundary of the National Register Landmark; and
 - c. Relocating a detached accessory structure including those that are identified as a contributing resource.
 3. When a National Register Landmark or contributing resource is relocated, the designation is automatically removed from the sending site and is automatically added to the receiving site. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- D. Development within a National Register Landmark boundary.** Historic resource review is not required for development within the boundary of a National Register Landmark. However, an applicant may voluntarily apply for historic resource review to be exempt from demolition review. See Section 33.445.120.E.2.d.
- E. Demolition of a National Register Landmark.** Demolition of a National Register Landmark requires demolition review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.
1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a National Register Landmark and demolition of a contributing resource is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;

- c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
 2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of National Register Landmarks, and demolition of contributing resources, when demolition is required because:
 - (1) Portland Permitting & Development 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 Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Alterations to National Register Landmarks, or contributing resources, that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations were approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
 3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

Districts

33.445.200 Historic District

A. Designation of a Historic District

1. National Register listing. Districts listed by the federal Keeper of the National Register of Historic Places or before January 27, 2017 are automatically identified as Historic Districts on the Official Zoning Maps. For Historic Districts that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, any expansion of the boundary by the federal Keeper of the National Register of Historic Places is also automatically identified on the Official Zoning Maps. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
2. City designation. City designation of a Historic District may be established through a legislative or quasi-judicial procedure. City designation of Historic Districts includes establishing new Historic Districts, expanding the boundaries of existing Historic Districts, and reclassifying noncontributing resources as contributing resources within the boundary of existing Historic Districts.
 - a. Legislative designation. New Historic Districts must be established through a legislative procedure. Expanding the boundaries of an existing Historic District and reclassifying a noncontributing resource as contributing may be done through a legislative procedure. When designation is done legislatively, the approval criteria of Section 33.846.030.D apply.
 - b. Quasi-judicial designation. Expanding the boundaries of an existing Historic District and reclassifying a noncontributing resource as contributing may be done quasi-judicially. Historic designation review is required. Establishing a new Historic District quasi-judicially is prohibited.

B. Removal of a Historic District designation

1. Removal of a resource's City designation as a Historic District or changing the City designation from Historic District to Conservation District requires a legislative procedure using the approval criteria of Section 33.846.040.C.
2. For Historic Districts that have not been listed by the federal Keeper of the National Register of Historic Places, reclassifying a contributing resource to noncontributing or reducing the boundary requires historic designation removal review.
3. For Historic Districts that have been listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, removal by the federal Keeper of the National Register of Historic Places automatically removes the Historic District designation. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map

Amendments for Historic Resources. Removing a resource's designation as Historic District or changing the designation from Historic District to Conservation District requires a legislative procedure using the approval criteria of Section 33.846.040.C.

- C. Relocation of a contributing resource in a Historic District.** Relocating a contributing resource in a Historic District requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
- D. Development in a Historic District.** Certain development within a Historic District requires historic resource review to ensure the resource's historic value is considered prior to or during the development process.
1. When historic resource review is required. Unless exempted by Paragraph D.2, the following proposals in a Historic District are subject to historic resource review:
 - a. Exterior alterations;
 - b. Building a new structure;
 - c. Installation or alteration of exterior signs;
 - d. 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 approval from the City Engineer prior to applying for historic resource review; and
 - e. Painting an unpainted exterior surface.
 2. Exempt from historic resource review.
 - a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Historic District documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations will not alter the exterior features of a resource having such features specifically listed in the Historic District documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and

- (3) The seismic improvements do not penetrate through the exterior walls;
- f. Public Art as defined in Chapter 5.74;
- g. Landscaping unless the landscaping is identified in the Historic District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- h. Parking lot landscaping that meets the standards of this Title;
- i. New or existing paths unless the path is specifically identified in the Historic District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the facade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone unless the sign or sign structure is mounted through mortar joints on a masonry wall;
- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing facade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment and associated ductwork will be installed has a pitch of 1/12 or less;
 - (2) The mechanical equipment and associated ductwork is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The equipment and associated ductwork has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;

- (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and
 - (3) The hose, conduit, tube, or pipe has a matte finish or is painted to match the facade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;
- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;
- s. Vents that meet the following:
- (1) Wall vents. 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:
 - Be on a non-street facing facade;
 - Project no more than 12 inches from the wall;
 - Be no more than 1 square foot in area., Area is width times height;
 - 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
 - Be painted to match the adjacent surface.
 - (2) Rooftop vents. Vents installed on roofs, and associated elements such as pipes, conduit and covers, must meet the following:
 - The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - The proposed vent and associated elements are 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
 - The proposed vent and associated elements has a matte finish or is painted to match the roof.
- t. Solar energy systems when the following are met:
- (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - 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;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and

- The solar energy systems must also be screened from the street by:
 - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back 3 feet from the roof edge.
- (2) When the solar energy system is on a pitched roof the following must be met:
 - The system must be mounted flush with the plane of the system parallel to the roof surface; and
 - The system must not be more than 8 inches from the surface of the roof and must be set back at least 8 inches from the roof edge and ridgeline. See Figure 445-2.
- u. Skylights or roof hatches when the following are met:
 - (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 90 degrees of the rear lot line, see Figure 445-3.
- v. Replacement of windows as follows:
 - (1) Replacement of vinyl, fiberglass, or aluminum windows is exempt on all resources in all zones when the following are met:
 - On contributing resources:
 - The structure was built before 1940;
 - The new windows are wood or metal-clad wood;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - On noncontributing resources:
 - The building received final inspection at least five years ago;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;

- (2) Replacement of windows in single-dwelling zones is also exempt when the following are met:
 - On contributing resources:
 - The existing windows face the rear lot line;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - On noncontributing resources:
 - The building is at least 5 years old;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Changes to exterior fire escapes that meet the following:
 - (1) Removal of fire escapes when required by the Fire Marshal; or
 - (2) Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape;
- x. Construction of a new detached accessory structure as follows:
 - (1) In residential zones, construction of a new detached accessory structure is exempt when the structure is not more than 200 square feet in total floor area and the structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line. Construction of a new detached accessory structure that is greater than 200 square feet in total floor area is exempt when the following are met:
 - The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
 - The structure is at least 40 feet from a front lot line, and if on a corner, 20 feet from a side street lot line;
 - The structure is no more than 15 feet high, and the walls of the structure are not more than 10 feet high, excluding the portion of the wall within a gable;

- Windows and doors are made of wood, metal clad wood, or fiberglass;
 - Window glass is recessed at least 2 inches from the outside edge of the exterior wall;
 - If there is a contributing resource on the site, the exterior finish material matches the primary exterior finish material of the contributing resource in type, thickness, and exposure; and
 - If there is no contributing resource on the site, the exterior finish material is made from wood or composite boards at least ½ inch in thickness and composed in a shingle, horizontal clapboard, or shiplap pattern that is 6 inches or less in exposure;
- (2) In all other zones, construction of a detached accessory structure is exempt when the following are met:
- The structure is not more than 200 square feet in total floor area; and
 - The structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line;
- y. Alterations to existing basement windows and installation of new basement windows, when the following are met:
- (1) New windows are wood, metal-clad wood, or fiberglass;
 - (2) The window glass is recessed at least 2 inches from the outside edge of the exterior wall; and
 - (3) At least 50 percent of the area of the new window opening is below grade. See Figure 445-4.
- z. Permitted Original Art Murals as defined in Title 4 if the mural is proposed on a building that is not identified as a contributing resource;
- aa. Removal of the exterior portion of an internal chimney if the only externally visible portion of the chimney is above the roof;
- ab. Installation of seismic straps if the straps are placed no more than 4 feet above the adjacent grade and painted to match the adjacent surface;
- ac. Fences and retaining walls that meet the standards of this Title;
- ad. Radon mitigation systems on non-street facing facades;
- ae. 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 resource review, the eco-roofs are not exempt. Plants must be species that do not characteristically exceed 12 inches in height at mature growth;
- af. Decks that are no more than 2-1/2 feet above the ground; and

- ag. Alterations to noncontributing resources when the following are met:
- (1) The alterations affect only non-street-facing facades; and
 - (2) The total combined area altered on all facades is not more than 150 square feet.

Figure 445-3
Skylight and Roof Hatch Location on a District Rooftop

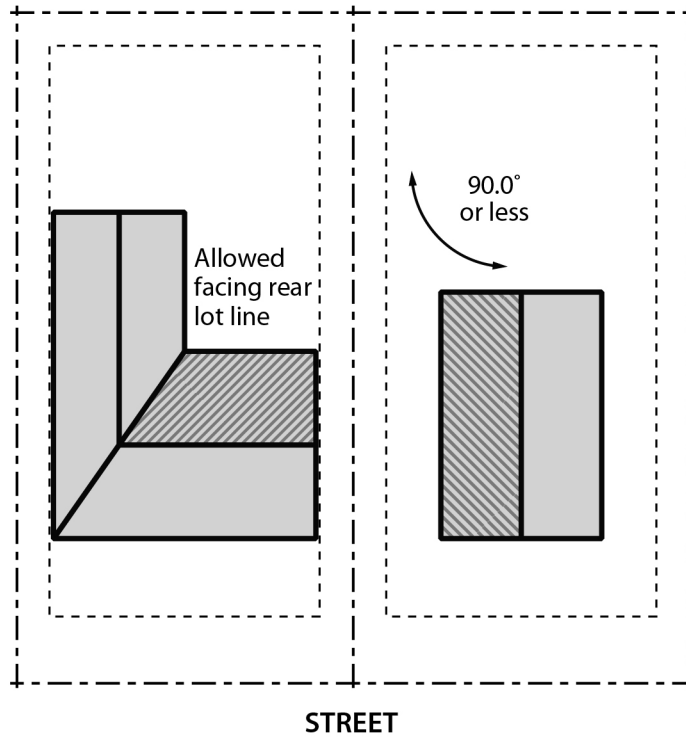
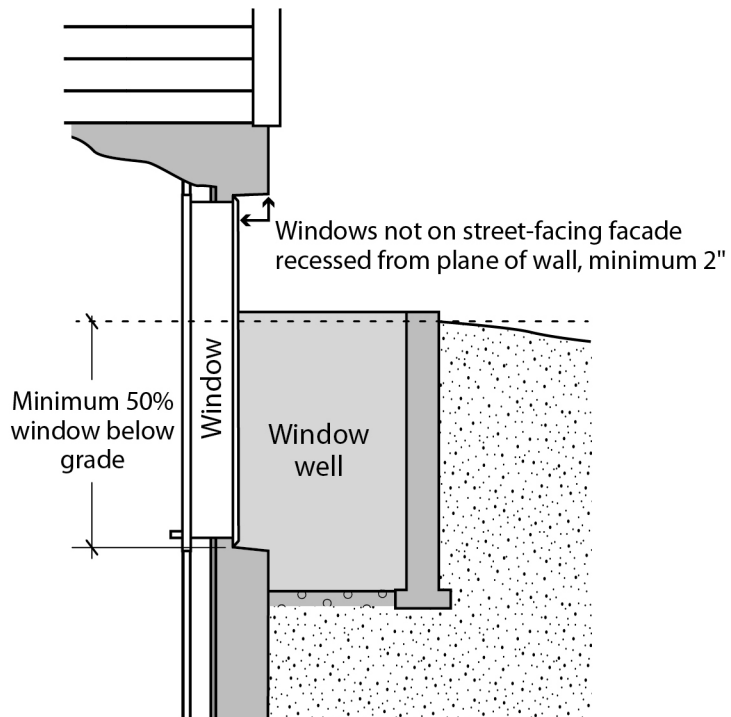


Figure 445-4
Basement Windows



E. Demolition of resources in a Historic District. Conservation Landmarks in a Historic District that are not identified as contributing to the historic significance of the Historic District are subject to the regulations of Section 33.445.110.E. National Register Landmarks in a Historic District that are not identified as contributing to the historic significance of the Historic District are subject to the regulations of Section 33.445.120.E. Significant Resources in a Historic District that are not identified as contributing to the historic significance of the Historic District are subject to the regulations of Section 33.445.330. Demolition of contributing resources within a Historic District requires demolition review to ensure their historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.

1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a contributing resource in a Historic District is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Historic Districts when demolition is required because:
 - (1) Portland Permitting & Development 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 Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:

- (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
- a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.210 Conservation District

- A. Designation of a Conservation District.** Conservation Districts may be designated through a legislative or quasi-judicial procedure. Designating City Conservation Districts includes establishing new Conservation Districts, expanding the boundaries of existing Conservation Districts, and reclassifying noncontributing resources as contributing resources within the boundary of existing Conservation Districts.
1. Legislative designation. Conservation District designation may be established through a legislative procedure using the approval criteria of Section 33.846.030.D.
 2. Quasi-judicial designation. Expanding the boundaries of existing Conservation Districts and reclassifying noncontributing resources as contributing may be done quasi-judicially. Historic designation review is required. Establishing a new Conservation District quasi-judicially is prohibited.
- B. Removal of a Conservation District designation.** Removal of a resource's City designation as a Conservation District requires a legislative procedure using the approval criteria of Section 33.846.040.C. However, reclassifying a contributing resource to noncontributing or reducing the boundary of a Conservation District is allowed quasi-judicially through historic designation removal review.
- C. Relocation of a contributing resource in a Conservation District.** Relocating a contributing resource in a Conservation District requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a contributing resource in a Conservation District requires historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:

- a. Relocating a noncontributing resource;
 - b. Relocating a contributing resource 10 feet or less in any direction; and
 - c. Relocating a detached accessory structure, including those that are identified as a contributing resource.
- D. Development in a Conservation District.** Certain development within a Conservation District requires historic resource review to ensure the resource's historic value is considered prior to or during the development process. When historic resource review is required, the Community Design Standards may be used as an alternative for some proposals. See Section 33.445.500.
1. When historic resource review is required. Unless exempted by Paragraph D.2., the following proposals in a Conservation District are subject to historic resource review:
 - a. Exterior alterations;
 - b. Building a new structure;
 - c. Installation or alteration of exterior signs; and
 - d. 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 approval from the City Engineer prior to applying for historic resource review.
 2. Exempt from historic resource review.
 - a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Conservation District documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations will not alter the exterior features of a resource having such features specifically listed in the Conservation District documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and
 - (3) The seismic improvements do not penetrate through the exterior walls;
 - f. Public Art as defined in Chapter 5.74;

- g. Landscaping unless the landscaping is identified in the Conservation District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- h. Parking lot landscaping that meets the standards of this Title;
- i. New or existing paths unless the path is specifically identified in the Conservation District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the facade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone unless the sign or sign structure is mounted through mortar joints on a masonry wall;
- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing facade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment and associated ductwork will be installed has a pitch of 1/12 or less;
 - (2) The mechanical equipment and associated ductwork is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The equipment and associated ductwork has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;
 - (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and

- (3) The hose, conduit, tube, or pipe has a matte finish or is painted to match the facade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;
- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;
- s. Vents that meet the following:
 - (1) Wall vents. 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:
 - Be on a non-street facing facade;
 - Project no more than 12 inches from the wall;
 - Be no more than 1 square foot in area. Area is width times height;
 - 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
 - Be painted to match the adjacent surface.
 - (2) Rooftop vents. Vents installed on roofs, and associated elements such as pipes, conduit and covers, must meet the following:
 - The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - The proposed vent and associated elements are 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
 - The proposed vent and associated elements has a matte finish or is painted to match the roof.
- t. Solar energy systems when the following are met:
 - (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - 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;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
 - The solar energy systems must also be screened from the street by:

- An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back 3 feet from the roof edge.
 - (2) When the solar energy system is on a pitched roof, the solar energy system 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;
 - (3) Photovoltaic roofing shingles or tiles may be directly applied to the roof surface;
 - (4) Photovoltaic glazing may be integrated into windows or skylights.
- u. Skylights or roof hatches when the following are met:
 - (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 90 degrees of the rear lot line, see Figure 445-3.
- v. Replacement of windows as follows:
 - (1) Replacement of vinyl, fiberglass, or aluminum windows is exempt on all resources in all zones when the following are met:
 - On contributing resources:
 - The structure was built before 1940;
 - The new windows are wood or metal-clad wood;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - On noncontributing resources:
 - The building received final inspection at least five years ago;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;

- (2) Replacement of windows in single-dwelling zones is also exempt when the following are met:
 - On contributing resources:
 - The existing windows face the rear lot line;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - On noncontributing resources:
 - The building is at least 5 years old;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Changes to exterior fire escapes that meet the following:
 - (1) Removal of fire escapes when required by the Fire Marshal; or
 - (2) Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape;
- x. Construction of a new detached accessory structure as follows:
 - (1) In residential zones, construction of a new detached accessory structure is exempt when the structure is not more than 200 square feet in total floor area and the structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line. Construction of a new detached accessory structure that is greater than 200 square feet in total floor area is exempt when the following are met:
 - The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
 - The structure is at least 40 feet from a front lot line, and if on a corner, 20 feet from a side street lot line;
 - The structure is no more than 15 feet high, and the walls of the structure are not more than 10 feet high, excluding the portion of the wall within a gable;

- Windows and doors are made of wood, metal clad wood, or fiberglass;
 - Window glass is recessed at least 2 inches from the outside edge of the exterior wall;
 - If there is a contributing resource on the site, the exterior finish material matches the primary exterior finish material of the contributing resource in type, thickness, and exposure; and
 - If there is no contributing resource on the site, the exterior finish material is made from wood or composite boards at least ½ inch in thickness and composed in a shingle, horizontal clapboard, or shiplap pattern that is 6 inches or less in exposure;
- (2) In all other zones, construction of a detached accessory structure is exempt when the following are met:
- The structure is not more than 200 square feet in total floor area; and
 - The structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line;
- y. Alterations to existing basement windows and installation of new basement windows, when the following are met:
- (1) New windows are wood, metal-clad wood, or fiberglass;
- (2) The window glass is recessed at least 2 inches from the outside edge of the exterior wall; and
- (3) At least 50 percent of the area of the new window opening is below grade. See Figure 445-4.
- z. Permitted Original Art Murals as defined in Title 4 if the mural is proposed on a building that is not identified as a contributing resource;
- aa. Removal of the exterior portion of an internal chimney if the only externally visible portion of the chimney is above the roof;
- ab. Installation of seismic straps if the straps are placed no more than 4 feet above the adjacent grade and painted to match the adjacent surface;
- ac. Fences and retaining walls that meet the standards of this Title;
- ad. Radon mitigation systems on non-street facing facades;
- ae. 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 resource review, the eco-roofs are not exempt. Plants must be species that do not characteristically exceed 12 inches in height at mature growth;
- af. Decks that are no more than 2-1/2 feet above the ground; and

- ag. Alterations to noncontributing resources when the following are met:
 - (1) The alterations affect only non-street-facing facades; and
 - (2) The total combined area altered on all facades is not more than 150 square feet.

E. Demolition of resources in a Conservation District. Historic Landmarks in a Conservation District are subject to the regulations of Section 33.445.100.E. Conservation Landmarks in a Conservation District that are not identified as contributing to the historic significance of the Conservation District are subject to the regulations of Section 33.445.110.E. National Register Landmarks in a Conservation District that are not identified as contributing to the historic significance of the Conservation District are subject to the regulations of Section 33.445.120.E. Significant Resources in a Conservation District that are not identified as contributing to the historic significance of the Conservation District are subject to the regulations of Section 33.445.330. Demolition of contributing resources in a Conservation District requires demolition review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.

1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a contributing resource in a Conservation District is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Conservation Districts when demolition is required because:
 - (1) Portland Permitting & Development 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 Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.220 National Register District

- A. Listing of a National Register District.** Districts listed by the federal Keeper of the National Register of Historic Places after January 27, 2017 are automatically identified on the Official Zoning Maps as National Register Districts. Listing by the federal Keeper of the National Register of Historic Places also includes expanding of the boundaries of the listed resource. 33.855.075, Automatic Map Amendments for Historic Resources.
- B. Removal of a National Register District listing.** National Register Districts that are removed by the federal Keeper of the National Register of Historic Places are automatically removed from the Official Zoning Maps. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- C. Relocation of a contributing resource in a National Register District.** Relocating a contributing resource in a National Register District requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
 1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a contributing resource in a National Register District requires historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:

- a. Relocating a noncontributing resource;
 - b. Relocating a contributing resource 10 feet or less in any direction; and
 - c. Relocating a detached accessory structure, including those that are identified as a contributing resource.
- D. Development in a National Register District.** Historic resource review is not required for development within the boundary of a National Register District. However, an applicant may voluntarily apply for historic resource review to be exempt from demolition review. See Section 33.445.220.E.2.d.
- E. Demolition of resources in a National Register District.** Historic Landmarks in a National Register District are subject to the regulations of Section 33.445.100.E. Conservation Landmarks in a National Register District are subject to the regulations of Section 33.445.110.E. National Register Landmarks in a National Register District that are not identified as contributing to the historic significance of the National Register District are subject to the regulations of Section 33.445.120.E. Significant Resources in a National Register District that are not identified as contributing to the historic significance of the National Register District are subject to the regulations of Section 33.445.330. Demolition of a contributing resource in a National Register District requires demolition review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.
1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a contributing resource in a National Register District is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
 2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Conservation Districts when demolition is required because:
 - (1) Portland Permitting & Development 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 Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
- c. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
- a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

Significant Resources

33.445.300 Identifying a Significant Resource

Identifying a Significant Resource in the Historic Resource Inventory requires a legislative procedure.

33.445.310 Removal of Significant Resource Identification

Removal of a resource's identification as a Significant Resource in the Historic Resource Inventory requires a legislative procedure except as follows:

- A. Removal after destruction.** If the Significant Resource is destroyed by causes beyond the control of the owner, its identification as a Significant Resource in the Historic Resource Inventory is automatically removed.
- B. Removal after demolition.** If the Significant Resource is demolished after approval through demolition review or after 120-day delay, its identification as a Significant Resource in the Historic Resource Inventory is automatically removed.

33.445.320 Relocation of a Significant Resource

When a Significant Resource is relocated, the Historic Resource Inventory is automatically amended to reflect the Significant Resource's new location.

33.445.330 Demolition of a Significant Resource

- A. Demolition of a Significant Resource.** Demolition of a Significant Resource requires 120-day delay. See 33.445.340. For the purposes of this Chapter, demolition is defined as:
1. Total demolition;
 2. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 3. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 4. Alterations that result in:
 - a. The removal of 50 percent or more of the total exterior wall area of a structure; and
 - b. The removal of 50 percent or more of the total roof area of a structure; or
 5. For structures that are not buildings, an alteration that results in removal of 50 percent or more of the structure.
- B. Exempt from 120-day delay.** The following are exempt from 120-day delay:
1. Demolition of noncontributing resources;
 2. Significant Resources that are required to be demolished because:
 - a. Portland Permitting & Development 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 Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 3. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 4. Significant Resources that are located in the public right-of-way and are less than 2 feet in height.

33.445.340 120-Day Delay

- A. Purpose.** 120-day delay allows time for consideration of alternatives to demolition, such as rehabilitation, reuse, relocation, or architectural salvage.
- B. Suspension of permit issuance.** During the 120-day delay period, no permit for the demolition or exterior alteration of a Significant Resource may be issued. This suspension of permit issuance does not apply to relocation of a Significant Resource during the 120-day delay period.

- C. Procedure for 120-Day Delay.** 120-day delay is a nondiscretionary administrative process with public notice but no hearing. Decisions are made by the Director of PP&D and are final.
1. Application. The applicant must submit an application for a demolition or other permit that qualifies as demolition as defined by Subsection 33.445.330.A. Current or historic photographs of the features of the resource that were included when the resource was identified as a Significant Resource must be included with the application for a demolition or other permit that qualifies as demolition as defined by Subsection 33.445.330.A.
 2. Notice of application.
 - a. Posting notice on the site. Within 14 days of applying for a demolition or other alteration that qualifies as demolition as defined by Subsection 33.445.330.A, 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 Significant Resource. 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. Notices are not required along street frontages that are not improved and allow no motor vehicle access;
 - (2) Content of the posted notice. The notice must include the following information:
 - The date of the posted notice.
 - The address of the resource proposed for demolition.
 - A statement specifying what action triggered the 120-day delay procedure and this notice.
 - A statement that during the 120-day delay period, no building permit for the demolition or exterior alteration of a Significant Resource requested to be demolished may be issued, other than a permit for relocation of the resource.
 - A statement that the purpose of the 120-day delay is to allow time for notice and consideration of alternatives to demolition, including restoration, relocation, or salvage of materials.
 - A statement that building permits may be issued after the date on which the 120-day delay has ended.
 - The name, address, and telephone number of the owner or the party acting as an agent for the owner.
 - (3) Removal of the posted notice. The posted notice must not be removed until the date on which the permit for demolition is issued. The posted notice must be removed within 30 days of that date.
 - b. Mailed notice. Within 14 days of receiving the application for a demolition or other alteration that qualifies as demolition as defined by this Chapter, the Director of PP&D will mail a notice of the proposed demolition to all properties

within 150 feet of the site of the resource, all recognized organizations within 1,000 feet of the site of the resource, and to the State Historic Preservation Office. The notice will include the same information as in Subsubparagraph C.2.a.(2).

3. Decision. The Director of PP&D will issue the permit 120 days after receiving the application if the applicant submits 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.

Historic Preservation Incentives

33.445.400 Historic Preservation Incentives

- A. **Purpose.** Historic preservation incentives increase the potential for historic resources to be preserved, rehabilitated, and reused. Incentives make preservation and rehabilitation more attractive to tenants and owners of historic resources because they provide use flexibility and economic opportunities. Some incentives also allow for broader public access to certain historic resources.
- B. **Eligibility for historic preservation incentives.** The following are eligible for historic resource incentives:
 1. Historic Landmarks and Conservation Landmarks are eligible to use all of the historic preservation incentives in Subsection C. The incentives only apply within the boundary of the Historic Landmark or Conservation Landmark;
 2. Sites in Historic or Conservation Districts that have at least one contributing resource are eligible to use all of the incentives in Subsection C except for the incentives in Paragraphs C.9 and C.10;
 3. Sites in Historic Districts that have no contributing resources are only eligible to use the incentives in Paragraph C.1 and C.2.
- C. **Incentives.** The following incentives are allowed. Adjustments to the incentives are prohibited:
 1. Residential infill. Except as stated in Subparagraph C.1.c., multi-dwelling structures and multi-dwelling development that meet the following standards are allowed on sites zoned R7, R5, R2.5, or CR within the boundary of a Historic Landmark, Conservation Landmark, or Historic District and are allowed on sites zoned R7, R5, R2.5, or CR within a Conservation District when the site contains at least one contributing resource:
 - a. Density. There is no limit on the number of dwelling units allowed on the site;
 - b. Maximum FAR.
 - (1) R7. Maximum FAR in R7 is 0.7 to 1;
 - (2) R5. Maximum FAR in R5 is 0.8 to 1;

- (4) CR. Maximum FAR in CR is 1 to 1;
- c. Exception. This incentive does not apply to any site where a historic resource was demolished after September 14, 2020 unless the resource demolished was exempt from demolition review or 120-day delay, or the resource demolished was an accessory structure.
2. Accessory dwelling units. Up to two accessory dwelling units are allowed on a site with a duplex, triplex, fourplex, or multi-dwelling structure in the R7, R5, R2.5, or CR zone.
3. Daycare use in residential and IR zones. Daycare is an allowed use in residential and IR zones.
4. Conditional uses in R, C, E, CI and IR zones. In R, C, E, CI and IR zones, applications for conditional uses are processed through a Type II procedure.
5. Exemption from minimum density. Minimum housing density regulations do not apply.
6. Retail Sales And Service and Office uses in residential zones. In residential zones, Retail Sales And Service and Office uses are allowed as follows:
 - a. The site contains a Historic or Conservation Landmark and the following are met:
 - (1) No more than two dwelling units that existed on September 14, 2020 are removed from the site;
 - (2) No more than 5,000 square feet of net building area is occupied by a Retail Sales And Service or Office use;
 - (3) Exterior activities associated with the Retail Sales And Service or Office use are prohibited except for outdoor seating and outdoor seating is prohibited between 10 p.m. and 8 a.m.; and
 - (4) Retail Sales And Service and Office uses are open to people under the age of 18 during all operating hours.
 - b. The site contains a contributing resource in a Historic or Conservation District that had a legally established nonresidential use in the historic resource in the past or the site contains a contributing resource in a Historic or Conservation District and it is located 1500 feet or less from a transit station or 500 feet or less from a transit street with 20-minute peak hour service. In both cases, the following must be met:
 - (1) There is no reduction in the total number of dwelling units on the site that existed on September 14, 2020;
 - (2) No more than 1,000 square feet of net building area is occupied by a Retail Sales And Service or Office use;
 - (3) Exterior activities associated with the Retail Sales And Service or Office use are prohibited except for outdoor seating and outdoor seating is prohibited between 10 p.m. and 8 a.m.; and

- (4) Retail Sales And Service and Office uses are open to people under the age of 18 during all operating hours.
7. Manufacturing and Production and Industrial Service uses in multi-dwelling zones. In the RM1, RM2, RM3, RM4, and RX zones, if there was a legally established nonresidential use in the historic resource in the past, then Manufacturing and Production and Industrial Service uses are allowed uses when there is no reduction in the total number of dwelling units on the site.
8. Nonresidential uses in the RX zone. In the RX zone Retail Sales And Service, Office, Major Event Entertainment, and Manufacturing and Production uses may be approved through historic preservation incentive review. Sites that front on the Park Block frontages shown on Map 510-14 are not eligible for this incentive.
9. Major adaptive reuse. Except for the following primary uses, primary uses not otherwise allowed by the base zone may be approved through historic preservation incentive review. Sites in industrial zones are not eligible for this incentive:
 - a. Self-Service Storage;
 - b. Bulk Fossil Fuel Terminal;
 - c. Basic Utilities;
 - d. Waste-Related; and
 - e. Detention Facility.
10. Major Event Entertainment and Retail Sales And Service uses in industrial zones. In industrial zones, Major Event Entertainment and Retail Sales And Service uses, excluding lodges, hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days, may be approved through historic preservation incentive review. Sites in the Prime Industrial overlay zone are not eligible for this incentive.

Community Design Standards

33.445.500 Purpose

The Community Design Standards provide a clear and objective alternative to historic resource review for some proposals affecting Conservation Landmarks and Conservation Districts. In this case, the applicant may choose to go through the historic resource review process set out in Chapter 33.846.060, Historic Resource Review, or 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 resource review. Allowing some proposals to be approved through the Community Design Standards provides Conservation Landmarks and Conservation Districts more options for physical changes than is generally acceptable for Historic Landmarks and Historic Districts.

33.445.510 When Community Design Standards May Be Used

The Community Design Standards may be used as an alternative to historic resource review for proposals within the boundary of a Conservation Landmark or Conservation District except as follows:

- A. Proposals affecting a Conservation Landmark or Conservation District in the Central City plan district are not eligible to use the Community Design Standards as an alternative to historic resource review;
- B. Alterations affecting more than 50 percent of the area of any street-facing façade of a Conservation Landmark or contributing resource within a Conservation District are not eligible to use the Community Design Standards as an alternative to historic resource review;
- C. Alterations that increase the height of a Conservation Landmark or contributing resource within a Conservation District by 15 feet or more are not eligible to use the Community Design Standards as an alternative to historic resource review;
- D. Proposals that meet the definition of demolition in this chapter are not eligible to use the Community Design Standards as an alternative to historic resource review;
- E. Proposals to relocate a Conservation Landmark or relocate a contributing resource in a Conservation District that is not a detached accessory structure are not eligible to use the Community Design Standards as an alternative to historic resource review;
- F. Alterations to a Conservation Landmark when the Conservation Landmark is not a building or alterations to a contributing resource within a Conservation District when the contributing resource is not a building are not eligible to use the Community Design Standards as an alternative to historic resource review.

(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; Ord. No. 185915, effective 3/6/13.; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; 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, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 191779, effective 10/1/24.)

