

Chapter 4.11WHERE THESE REGULATIONS APPLYSections:

4.11.010 Where These Regulations Apply.

4.11.010 Where These Regulations Apply.

The regulations of this title apply to all Original Art Murals installed on sites within the City of Portland. It does not apply to installations that are in the right-of-way, unless the installation is part of a building or structure that extends from the site over a right-of-way.

Chapter 4.12**DEFINITIONS**

4.12.010 [No Change]

4.12.020 **Definitions.**

A. -B. [No Change]

C. Compensation. The exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debt. "Compensation" does not include:

1. goodwill; or
2. an exchange of value that a buildingproperty owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist or other entity where the compensation is only for the creation and/or maintenance of the mural on behalf of the buildingproperty owner or leaseholder, and the buildingproperty owner or leaseholder fully controls the content of the mural.

D. -F. [No Change]

G. Grade Plane. ~~The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building. (the Uniform Building Code as amended by the State).~~ A reference plane representing the average of finished ground level adjoining

the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1,829 mm) from the building, between the building and a point 6 feet (1,829 mm) from the building. This definition is adopted from the Oregon Structural Specialty Code.

H. – I. [No change]

J. **Original Art Mural.** A hand-produced work of visual art which is tiled or painted by hand directly upon, or affixed directly to an exterior wall of a building or structure. Original Art Mural does not include:

1. mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl;
2. murals containing electrical or mechanical components; or
3. changing image murals.

K. -L. [No change]

Chapter 4.20

ALLOWED AND PROHIBITED ORIGINAL ART MURALS

4.20.010 **Allowed Original Art Murals.**

(Amended by Ordinance No. 185915, effective May 1, 2013.) Original Art Murals that meet all of the following criteria and which are not prohibited will be allowed upon satisfaction of the applicable permit requirements:

- A. No part of the mural shall exceed 30 feet in height measured from the grade plane.
- B. The mural shall remain in place, without alterations, for a period of ~~five~~2 years, except in limited circumstances to be specified in the Bureau of Development Services Administrative Rules. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in place for a period of ~~five~~two years without alteration.
- C. The mural shall not extend more than 6 inches from the plane of the ~~wallsurface~~wall surface upon which it is tiled or painted or to which it is affixed.
- D. [No Change]

- E. In the Historic Resource Overlay ~~Zones~~Zone, murals may be allowed on buildings or structures that have been identified as non-contributing structures within Historic and Conservation Districts. These murals shall meet all of the additional, objective Design Standards for Original Art Murals, as established in the Bureau of Development Services Administrative Rules.

4.20.020 Prohibited Murals.

The following are prohibited:

- A. Murals on sites developed with residential buildings with fewer than five dwelling units on the site.
- B. Murals on sites with historic or conservation landmarks.
- C. Murals on sites containing buildings that have been identified as contributing structures to a historic or conservation district.
- ~~D. Murals in a public right-of-way~~
- E.D.** Murals for which compensation is given or received for the display of the mural or for the right to place the mural on another's property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.
- F. E.** Murals which would result in a property becoming out of compliance with the provisions of Title 33, Planning and Zoning, or land use conditions of approval for the development on which the mural is to be located.
- F.** Murals on stormwater facilities.

4.20.030 [No change]

4.20.040 [No change]