Bureau of Planning and Sustainability
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MEMO

DATE: July 18. 2011

TO: Planning and Sustainability Commission

FROM: Sandra Wood, Senior Planning Program Manager
Jessica Richman, Senior Planner

CC: Susan Anderson, Director
Joe Zehnder, Chief Planner

SUBJECT: Solar and Mechanical Equipment Project: Proposed Draft

This memo recommends amendments to the Zoning Code in two areas: rooftop solar energy systems and rooftop mechanical equipment. The changes to the solar regulations are to comply with recent state legislation; the changes to the mechanical equipment regulations will eliminate some design/historic reviews where standards can adequately address the visual impacts of the equipment.

Throughout this memo, we use the terms "standards" and "reviews." "Standards" are regulations in the Zoning Code that are applied during the building permit process, with no notification to neighbors. They are objective, such as "the solar energy system must be parallel to the slope of the roof."

Reviews are a process where discretionary criteria are applied, such as "the solar energy system does not detract from the historic character of the building." Because the criteria are discretionary, neighbors are notified of the proposal, and there may be a public hearing. The time and cost of reviews is significantly greater than the time and cost of using standards.

If you have any questions, please contact Jessica Richman (503-823-7847; Jessica.Richman@PortlandOregon.gov) or Sandra Wood (503-823-7949; Sandra.Wood@PortlandOregon.gov).

CHANGES TO REGULATIONS FOR SOLAR PANELS

Background
On March 10, 2010, City Council adopted the Regulatory Improvement Code Amendments Package 5 (RICAP 5), a package of amendments to the Zoning Code. Several of the amendments related to "green" energy, including solar energy systems.

The regulations for rooftop solar energy systems currently in effect are summarized below. Even when they are similar, they vary in minor ways from chapter to chapter:

For Historic and Conservation Landmarks, solar energy systems are allowed only through Historic Design Review.

In Historic Districts, solar energy systems are allowed through standards—without a land use review—on flat roofs only if they are screened or set back, and are within 5 feet of the roof. If the system is on a pitched roof, it is allowed only if it faces a rear lot line, is set back, and is within 12 inches of the roof. If the proposal does not meet the standards, the proposal may be approved through Historic Design Review.

In Conservation Districts, solar energy systems are allowed through standards—without a land use review—on flat roofs only if they are screened or set back. If the system is on a pitched roof, it is allowed only if it faces a rear lot line. If the proposal does not meet the standards, the proposal may be approved through Historic Design Review.

In most Design Overlay Zones, solar energy systems are allowed through standards—without a land use review—on flat roofs only if they are set back and are within 5 feet of the roof. If the system is on a pitched roof, it is allowed only if it is set back, and is within 12 inches of and parallel to the roof. In the Design Overlay Zones in the Central City and Gateway plan districts, systems are allowed through standards only if they are on a flat roof, or a roof with a parapet at least 12 inches high. The systems must be set back and within 5 feet of the roof. If the proposal does not meet the standards, the proposal may be approved through Design Review.

Outside of Historic and Conservation Districts and Design Overlay Zones, the only limitation in the Zoning Code is height.

For Scenic Resources, the only limitation in the Zoning Code is height.

Beginning in July 2010, there was increasing concern in the community that these regulations were overly restrictive in Conservation Districts. Some property owners wanted to participate in neighborhood solar purchasing programs, but were unable to because what was allowed without a land use review was insufficient to make the project viable and the cost of a land use review was too high. In addition, it was considered unlikely that the Historic Landmarks Commission or their staff would approve solar panels that were highly visible from the street, especially those on the street-facing slopes of roofs.

As a result of these concerns coupled with other statewide land use issues related to solar, some citizens approached the Oregon Legislature and crafted a bill to address their concerns. In June 2011, the Legislature adopted House Bill 3516, which limits the degree to which

municipalities can restrict the location of solar energy systems. The amendments proposed in this memo will bring the Portland Zoning Code into conformance with House Bill 3516.

Summary of House Bill 3516
Under the provisions of House Bill 3516, solar energy systems must be allowed without review if the footprint of the structure is not increased, the peak height of the roof is not increased, and the system is parallel to the slope of the roof. There are several exceptions where discretionary review is allowed:

1. Historic Landmarks;
2. Conservation Landmarks;
3. Structures in Historic Districts; and
4. In areas designated as a significant scenic resource, where the material is either not designated as anti-reflective, or is more than 11 percent reflective.

Proposed Changes
The changes recommended below are the minimum required to comply with House Bill 3516. The new standards are taken from the bill.

For Historic and Conservation Landmarks, no change from the current regulations.

In Historic Districts, no change from the current regulations.

In Conservation Districts, delete current standards. Add standards to allow solar energy systems without a land use review if the footprint of the structure isn't enlarged, the peak height of the roof is not increased, and the system is parallel to the slope of the roof. If the proposal does not meet the standards, the proposal may be approved through Historic Design Review.

In all Design Overlay Zones, delete current standards for rooftop solar energy systems. Add same standards as proposed for Conservation Districts. If the proposal does not meet the standards, the proposal may be approved through Design Review.

Outside of Historic and Conservation Districts and Design Overlay Zones, no change from the current regulations.

For Scenic Resources, no change from the current regulations Although HB 3516 allows for some discretionary review, we do not recommend adding regulations where none exist now.

The proposed changes to the code language are shown in Attachment A.

CHANGES TO REGULATIONS FOR ROOFTOP MECHANICAL EQUIPMENT

Background
In conservation and historic districts and design zones, rooftop mechanical equipment is reviewed as part of a new building's design. However, additional rooftop mechanical equipment may be required for some tenants who move in after the building has been constructed. This is common when tenants who have special venting or HVAC needs—such as restaurants—move into ground floor space that did not previously include kitchen equipment or special HVAC.

The code currently exempts rooftop mechanical equipment from review if it is on a building at least 45 feet tall and if the equipment is set back from the roof perimeter. This exemption was added to the Zoning Code in 1997. The intent was to substitute development standards for design/historic review where the standards could achieve the same objective as review: that the equipment not be visible from the street.

However, for buildings that are less than 45 feet tall, the installation of mechanical equipment still triggers a design/historic review. The review may cause a delay in the occupancy of the tenant space, and results in significant costs to the applicant. The Bureau of Development Services (BDS) reports that 10 to 15 percent of all requests for design/historic design review are for rooftop mechanical equipment. The design and historic review planners in BDS have been able to work with applicants so that all of the requests are approved.

Proposed Changes
Based on the work BDS planners have done on the applications, staff from BDS and the Bureau of Planning and Sustainability have developed a set of standards. The proposed standards focus on a few key points, such as setting the mechanical equipment away from roof edges, limiting the total number to eight, and requiring equipment to be painted to match the rooftop color or have a matte finish. These standards will ensure that, even for buildings less than 45 feet tall, the equipment will not be visible from the street, and that it will be less obtrusive viewed from a distance or from above. The proposed standards will also encourage removal of obsolete mechanical equipment.

The proposed changes to the code language are shown in Attachment B.

STAFF RECOMMENDATION

Staff recommends that the Planning and Sustainability Commission take the following actions:

- Recommend that City Council adopt this report;
- Recommend that City Council amend Title 33, Planning and Zoning, as shown in this report;
- Recommend that City Council adopt the report and commentary as further findings and legislative intent;
- Recommend that City Council adopt the ordinance; and
- Direct staff to continue to work on the language in this report to further refine and clarify it.

ATTACHMENT A
Proposed Amendments to Zoning Code—Solar

AMEND CHAPTER 33.218, COMMUNITY DESIGN STANDARDS

33.218.100 Standards for Primary and Attached Accessory Structures in Single-Dwelling Zones
The standards of this section apply to development of new primary and attached accessory structures in single-dwelling zones.

A. through M. [No change.]

Subsection N applies in the "d" design overlay zone.

N. Rooftop s~~S~~olar energy systems.

1. Rooftop s~~S~~olar energy systems must ~~meet one of the following installation standards:~~ 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;

~~1. Panels on a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface. The panels must be mounted flush or on racks, with the panel or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. The panels must be set back 5 feet from the edge of the roof. See Figure 218-4; or~~

~~2. Panels on a pitched roof. Panels must be mounted flush, with the plane of the panels parallel with the roof surface, with no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline. See Figure 218-5;~~

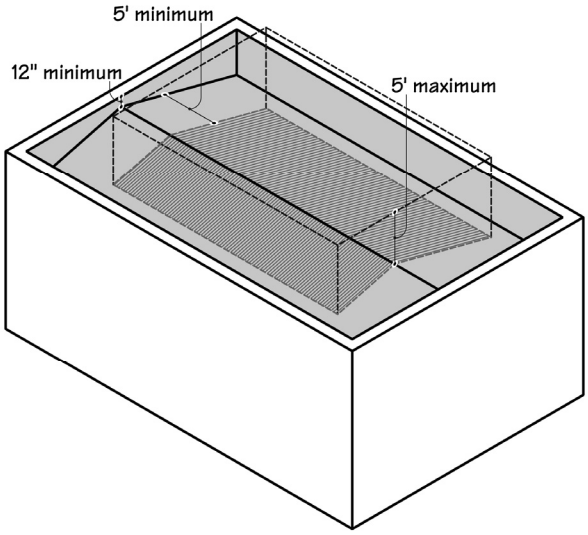
2. ~~3.~~ Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.

3. ~~4.~~ Photovoltaic glazing may be integrated into windows or skylights.

O. Water cisterns. [No change]

~~**Figure 218-4**~~
~~**Solar Panels on Flat Roof, Mansard Roof or Roof with Parapet**~~

DELETE FIGURE



Subsection P applies to conservation districts and conservation landmarks. However, P.7.c (revised to P.7.b) says that these solar standards do not apply to conservation landmarks.

P. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1-6. [No. change.]

7. Rooftop s~~S~~olar ~~panels~~ energy systems.

a. Rooftop s~~S~~olar energy systems must ~~meet one of the following installation standards:~~ 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;

~~a. On a flat roof or horizontal portion of a mansard roof. Solar panels must be screened from the street by:~~

~~(1) An existing parapet along the street-facing façade that is as tall as the tallest part of the solar panel, or~~

~~(2) Setting the solar panel back from the roof edges facing the street 4 feet for each foot of solar panel height.~~

~~b. On a pitched roof. Solar panels may be on a pitched roof facing a rear lot line or on a pitched roof surface facing within 45 degrees of the rear lot line. See Figure 218-6.~~

b. ~~c.~~ Solar ~~panels~~ energy systems may not be installed on a conservation landmark.

8. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

9. [No. change.]

Figure ~~218-5~~ 445-2
Solar ~~Panel~~ Energy System on a Pitched Roof

MOVE FIGURE TO CHAPTER 33.445

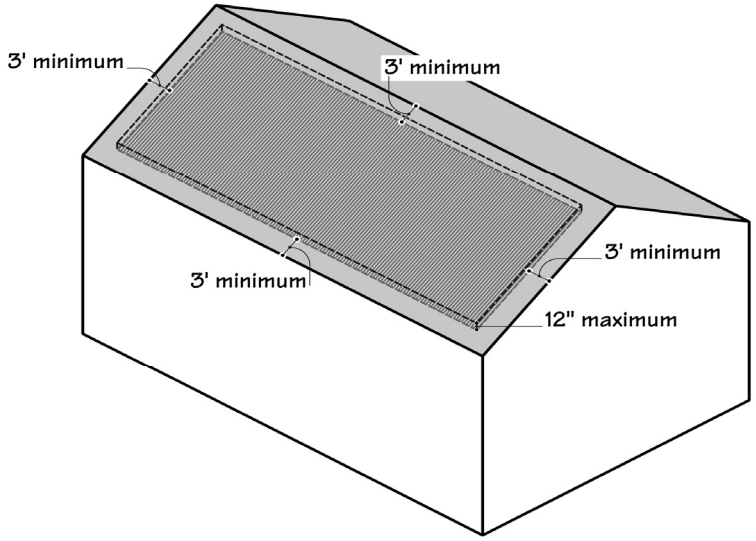
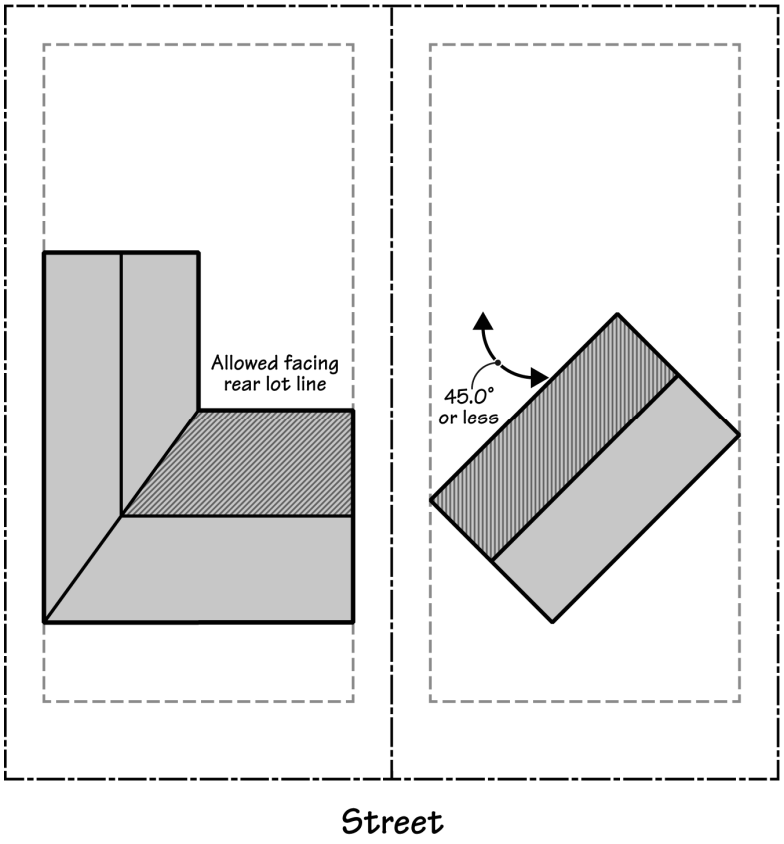


Figure ~~218-6~~ 445-1
Solar ~~Panel~~ Energy System Location on Rooftop

MOVE FIGURE TO CHAPTER 33.445



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

A. through M. [No change.]

Subsection N applies in the "d" design overlay zone.

N. Rooftop s~~S~~olar energy systems.

1. Rooftop s~~S~~olar energy systems must ~~meet one of the following installation standards:~~ 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;

~~1. Panels on a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof~~

~~surface. The panels must be mounted flush or on racks, with the panel or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. The panels must be set back 5 feet from the edge of the roof. See Figure 218-4; or~~

~~2. Panels on a pitched roof. Panels must be mounted flush, with the plane of the panels parallel with the roof surface, with the panel no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline. See Figure 218-5.~~

2. ~~3~~Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.

3. ~~4.~~Photovoltaic glazing may be integrated into windows or skylights.

Subsection R applies to conservation districts and conservation landmarks. However, R.8.c (revised to P.8.b) says that these solar standards do not apply to conservation landmarks.

R. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

8. Rooftop s~~S~~olar ~~panels~~ energy systems.

   a. Rooftop s~~S~~olar energy systems must ~~meet one of the following installation standards:~~ 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;

   ~~a. On a flat roof or horizontal portion of a mansard roof. Solar panels must be screened from the street by;~~

      ~~(1) an existing parapet along the street-facing façade that is as tall as the tallest part of the solar panel, or~~

      ~~(2) setting the solar panel back from the roof edges facing the street 4 feet for each foot of solar panel height.~~

   ~~b. On a pitched roof. Solar panels may be on a pitched roof facing a rear lot line or on a pitched roof surface facing within 45 degrees of the rear lot line. See Figure 218-6.~~

   b. ~~c~~. Solar ~~panels~~ energy systems may not be installed on a conservation landmark.

9. Cisterns. [No change]

10. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

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

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

A. through E. [No change.]

Subsection F applies in the "d" design overlay zone.

F. Rooftop s~~S~~olar energy systems.

1. Rooftop s~~S~~olar energy systems must ~~meet one of the following installation standards:~~ 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;

~~1. Panels on a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface. The panels must be mounted flush or on racks, with the panel or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. The panels must be set back 5 feet from the edge of the roof. See Figure 218-4; or~~

~~2. Panels on a pitched roof. Panels must be mounted flush, with the plane of the panels parallel with the roof surface, with the panel no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge or ridgeline. See Figure 218-5.~~

2. ~~3~~ Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.

3. ~~4.~~ Photovoltaic glazing may be integrated into windows or skylights.

G. Water cisterns. [No change.]

Subsection H applies to conservation districts and conservation landmarks. However, H.6.c (revised to H.6.b) says that these solar standards do not apply to conservation landmarks.

H. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1. through 5. [No change]

6. Rooftop s~~S~~olar ~~panels~~ energy systems.

a. Rooftop s~~S~~olar ~~panels~~ energy systems in conservation districts ~~are subject to the following additional standards:~~ 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;

~~a. On a flat roof or horizontal portion of a mansard roof. Solar panels must be screened from the street by:~~

~~(1) An existing parapet along the street-facing façade that is as tall as the tallest part of the solar panel, or~~

~~(2) Setting the solar panel back from the roof edges facing the street 4 feet for each foot of solar panel height.~~

~~b. On a pitched roof. Solar panels may be on a pitched roof facing a rear lot line or on a pitched roof surface facing within 45 degrees of the rear lot line. See Figure 218-6.~~

b. ~~c~~. Solar ~~panels~~ energy systems may not be installed on a conservation landmark.

7. Cisterns. [No change]

8. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

33.218.140 Standards for All Structures in the RH, RX, C and E Zones
The standards of this section apply to development of all structures in RH, RX, C, and E zones. These standards also apply to exterior alterations in these zones.

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

A. through J. [No change.]

Subsection K applies in the "d" design overlay zone.

K. Rooftop s~~S~~olar energy systems.

1. Rooftop s~~S~~olar energy systems must ~~meet one of the following installation standards:~~ 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;;

~~1. Panels on a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface. The panels must be mounted flush or on racks, with the panel or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. The panels must be set back 5 feet from the edge of the roof. See Figure 218-4; or~~

~~2. Panels on a pitched roof. Panels must be mounted flush, with the plane of the panels parallel with the roof surface, with no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline. See Figure 218-5;~~

2. ~~3~~ Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.

3. ~~4~~ Photovoltaic glazing may be integrated into windows or skylights.

4. ~~5~~ Ground pole mounted solar ~~panel~~ energy systems are subject to the following additional standard: On sites that abut an RF through R2 zone, the system

must be set back one foot for every one foot of height, from the lot line abutting the RF through R2 zone.

L. through P. [No change.]

Subsection Q applies to conservation districts and conservation landmarks. However, Q.13.c (revised to Q.13.b) says that these solar standards do not apply to conservation landmarks.

Q. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1. through 12. [No change]

13. Rooftop s~~S~~olar ~~panels~~ energy systems.

a. Rooftop s~~S~~olar ~~panels~~ energy systems in conservation districts are ~~subject to the following additional standards:~~ 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;

~~a. On a flat roof or horizontal portion of a mansard roof. Solar panels must be screened from the street by;~~

~~(1) An existing parapet along the street-facing façade that is as tall as the tallest part of the solar panel, or~~

~~(2) Setting the solar panel back from the roof edges facing the street 4 feet for each foot of solar panel height.~~

~~b. On a pitched roof. Solar panels may be on a pitched roof facing a rear lot line or on a pitched roof surface facing within 45 degrees of the rear lot line. See Figure 218-6.~~

b. ~~e.~~ Solar ~~panels~~ energy systems may not be installed on a conservation landmark.

14. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

33.218.150 Standards for I Zones

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

A. through H. [No change.]

Subsection I applies in the "d" design overlay zone.

I. Rooftop s~~S~~olar energy systems.

1. Rooftop s~~S~~olar energy systems must ~~meet one of the following installation standards:~~ 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

~~1. Panels on a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface. The panels must be mounted flush or on racks, with the panel or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. The panels must be set back 5 feet from the edge of the roof. See Figure 218-4; or~~

~~2. Panels on a pitched roof. Panels must be mounted flush, with the plane of the panels parallel with the roof surface, with the panel no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline. See Figure 218-5.~~

2. ~~3~~ Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.

3. 4. Photovoltaic glazing may be integrated into windows or skylights.

4. ~~5~~. Ground or pole mounted solar ~~panels~~ energy systems are subject to the following additional standards:

a. On sites that abut an RF through R2 zone, the system must be set back one food for every one foot of height, from the lot line abutting the RF through R2 zone;

b. The system may not be located closer to the street than the portion of the street-facing façade that is closest to the street.

Subsection L applies to conservation districts and conservation landmarks. However, L.9.c (revised to L.9.b) says that these solar standards do not apply to conservation landmarks.

L. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1. through 8. [No change]

9. Rooftop s~~S~~olar ~~panels~~ energy systems.

a. Rooftop s~~S~~olar ~~panels~~ energy systems in conservation districts ~~are subject to the following additional standards:~~ 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;

~~a. On a flat roof or horizontal portion of a mansard roof. Solar panels must be screened from the street by;~~

~~(1) an existing parapet along the street-facing façade that is as tall as the tallest part of the solar panel, or~~

~~(2) setting the solar panel back from the roof edges facing the street 4 feet for each foot of solar panel height.~~

~~b. On a pitched roof. Solar panels may be on a pitched roof facing a rear lot line or on a pitched roof surface facing within 45 degrees of the rear lot line. See Figure 218-6.~~

b. ~~c~~. Solar ~~panels~~ energy systems may not be installed on a conservation landmark.

10. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

AMEND CHAPTER 33.420, DESIGN OVERLAY ZONE

33.420.045 Exempt From Design Review
The following items are exempt from design review:

A. through X. [No change.]

The revised Subsection Y applies to all sites in the "d" design overlay zone.

~~**Y.** Within the Central City and Gateway Plan Districts, solar panels installed on existing buildings where no other exterior improvements subject to design review are proposed.~~

~~1. This exemption applies only to panels installed on a flat roof or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface and must meet the following:~~

~~a. The panels must be mounted flush or on racks, with the panel or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet.~~

~~b. The panels and racks must be set back 5 feet from the edge of the roof.~~

Y. Rooftop solar energy systems are exempt from design review if the footprint of the structure is not increased, the peak height of the roof is not increased, and the system is parallel to the slope of the roof;

Z. through BB. [No change.]

There are no substantive changes to this section of code; the references to the figures in 33.445.320.B.8.b, and the change from "solar panels" to "solar energy systems" are the only changes.

AMEND CHAPTER 33.445, HISTORIC RESOURCE PROTECTION OVERLAY ZONE

33.445.320 Development and Alterations in a Historic District

A. When historic design review is required in a Historic District. [No change.]

B. Exempt from historic design review.

8. Solar ~~panels~~ energy systems that meet the following requirements. When solar ~~panels~~ energy systems are proposed as part of a project that includes elements subject to historic design review, the solar ~~panels~~ energy systems ~~are~~ is not exempt:

   a. On a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface. The ~~panels~~ solar energy system must be mounted flush or on racks, with the ~~panel~~ system or rack extending no more than 5 feet above the top of the highest point of the roof. Solar ~~panels~~ energy systems must also be screened from the street by:

      (1) An existing parapet along the street-facing façade that is as tall as the tallest part of the solar ~~panel~~ energy system, or

      (2) Setting the solar ~~panel~~ energy system back from the roof edges facing the street 4 feet for each foot of solar ~~panel~~ energy system height.

   b. On a pitched roof. Solar ~~panel~~ energy systems may be on a pitched roof facing a rear lot line or on a pitched roof surface facing within 45 degrees of the rear lot line. See Figure ~~218-6~~ 445-1 The system must be mounted flush, with the plane of the system parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline. See Figure ~~218-5.~~ 445-2.

ATTACHMENT B
Proposed Amendments to Zoning Code—Mechanical Equipment

AMEND CHAPTER 33.420, DESIGN OVERLAY ZONE

33.420.045 Exempt From Design Review
The following items are exempt from design review:

A. through L. [No change.]

M. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building ~~if the building is at least 45 feet tall at the point of installation, and~~ if the following are met:

1. The area where the equipment will be installed must have a pitch of 1/12 or less;

2. No more than 8 mechanical units are allowed, including both proposed and existing units;

3. T~~t~~he proposed mechanical equipment must be ~~is~~ set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment~~, measured from the edges of~~ above the roof surface or top of parapet; and

4. The proposed equipment must have a matte finish or be painted to match the roof.

N. through BB. [No change.]

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AMEND CHAPTER 33.445, HISTORIC RESOURCE PROTECTION OVERLAY ZONE

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

A. When historic design review for a Historic Landmark is required. [No change.]

B. Exempt from historic design review.

1. through 5. [No change.]

6. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building ~~if the building is at least 45 feet tall and~~ if the following are met:

   a. The area where the equipment will be installed must have a pitch of 1/12 or less;

   b. No more than 8 mechanical units are allowed, including both proposed and existing units;

c. T~~t~~he proposed mechanical equipment must be ~~is~~ set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment~~, measured from the edges of~~ above the roof surface or top of parapet; and

d. The proposed equipment must have a matte finish or be painted to match the roof.

7. [No change.]

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

A. When historic design review for a Conservation Landmark is required. [No change.]

B. Exempt from historic design review.

1. through 4. [No change.]

5. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building ~~if the building is at least 45 feet tall and~~ if the following are met:

a. The area where the equipment will be installed must have a pitch of 1/12 or less;

b. No more than 8 mechanical units are allowed, including both proposed and existing units;

c. T~~t~~he proposed mechanical equipment must be ~~is~~ set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment~~, measured from the edges of~~ above the roof surface or top of parapet; and

d. The proposed equipment must have a matte finish or be painted to match the roof.

6. [No change.]

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

A. When historic design review is required in a Historic District. [No change.]

B. Exempt from historic design review.

1. through 5. [No change.]

6. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building ~~if the building is at least 45 feet~~

~~tall and~~ if the following are met. For vents, the applicant may choose to meet either the standards of this paragraph or those of paragraph B.11, Vents.

a. The area where the equipment will be installed must have a pitch of 1/12 or less;

b. No more than 8 mechanical units are allowed, including both proposed and existing units;

c. T~~t~~he proposed mechanical equipment must be ~~is~~ set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment~~, measured from the edges of~~ above the roof surface or top of parapet; and

d. The proposed equipment must have a matte finish or be painted to match the roof.

~~For vents, the applicant may choose to meet either the standards of this paragraph or those of paragraph B.11, Vents;~~

7. through 11. [No change.]

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

A. When historic design review is required in a Conservation District. [No change.]

B. Exempt from historic design review.

1. through 5. [No change]

6. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building ~~if the building is at least 45 feet tall and~~ if the following are met:

a. The area where the equipment will be installed must have a pitch of 1/12 or less;

b. No more than 8 mechanical units are allowed, including both proposed and existing units;

c. T~~t~~he proposed mechanical equipment must be ~~is~~ set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment~~, measured from the edges of~~ above the roof surface or top of parapet; and

d. The proposed equipment must have a matte finish or be painted to match the roof.

7. through 9. [No change]