



MILWAUKIE
Dogwood City of the West

Downtown Standards and Review Procedures Proposed Amendments

January 6, 2015

File No. CPA-14-02, ZA-14-02

Comprehensive Plan

Chapter 4 - Land Use

Municipal Code - Title 14 Sign Ordinance

Chapter 14.04 General Provisions

Chapter 14.16 Sign Districts

Municipal Code - Title 19 Zoning Ordinance

Chapter 19.100 Introductory Provisions

Chapter 19.401 Willamette Greenway
Overlay

Chapter 19.200 Definitions and
Measurements

Chapter 19.500 Supplementary
Development Regulations

Chapter 19.304 Downtown Zones

Chapter 19.907 Downtown Design Review

Please contact Li Alligood, Senior Planner with the City of Milwaukie Planning Department, at 503-786-7627 or alligoodl@milwaukieoregon.gov with questions or comments about the proposed code amendments and/or the code adoption process.

Reader Guide

Commentary

A commentary section precedes each section of code amendments. The commentary provides a non-technical summary of the proposed amendments and highlights proposed policy changes. The commentary section is labeled as commentary and presented in Comic Sans font (the same font of this sentence).

Amendments

Unless otherwise noted in the document, underlined text is proposed text, and ~~strikethrough~~ text is existing code language proposed for deletion.

Sections 19.304, 19.508, and 19.907 are not shown in underline/~~strikethrough~~ text since the amendments for these sections would repeal and replace several sections of existing code. Additions to the Comprehensive Plan are shown in doubleunderline to differentiate it from existing underlined text. Standards shown in [brackets] are those that still require Planning Commission discussion and direction.

Context/Surrounding Code

The chapter, section, and subsection for the proposed code amendments are listed for reference in this document. Line breaks, like the one below, between subsequent amendments indicate that there is a there is intervening text within the section or subsection that is not included in this document.

Please be advised that this document shows only sections of code for which amendments are proposed, along with limited surrounding sections for context. It does not include all sections of the Milwaukie Comprehensive Plan or Municipal Code.

COMMENTARY

COMPREHENSIVE PLAN

CHAPTER 4 – LAND USE

RESIDENTIAL LAND USE AND HOUSING ELEMENT

No policy changes are proposed. The language is revised and simplified to reflect the proposed zoning map and text amendment, and housekeeping amendments remove outdated references to Regional Plan Areas.

- Objective #2, Policy 1 - The Town Center: Downtown Residential Transition Area is a subarea of the DR zone, which is being replaced by Transition Area Measures to ensure compatibility with the adjacent residential zone. This designation and density range has been deleted. The Downtown Residential Zone will be combined with other downtown zones into the Downtown Mixed Use Zone (DMU). The Downtown Residential Zone density ranges have been replaced with a density range that reflects the minimum density previously applied to the DR Transition Area and the maximum density currently applied to the DR zone.
- Objective #2, Policy 7 - Updated language to reflect the 1999 designation of Milwaukie as a Town Center rather than a Regional Center, the adoption of the Downtown Zones to implement the Town Center Master Plan in downtown Milwaukie, and reflect the fact that the Downtown Mixed Use Zone will be applied to downtown Milwaukie.

ECONOMIC BASE AND INDUSTRIAL/ COMMERCIAL LAND USE ELEMENT

- Objective #6- Commercial center descriptions are updated to reflect the common names of the commercial areas being referenced. The Highway Oriented Center description is revised to reflect the expectations for high quality commercial development along McLoughlin Blvd in downtown Milwaukie.

UNDERLINE/STRIKEOUT AMENDMENTS

COMPREHENSIVE PLAN

RESIDENTIAL LAND USE AND HOUSING ELEMENT

OBJECTIVE #2 — RESIDENTIAL LAND USE: DENSITY AND LOCATION

To locate higher density residential uses so that the concentration of people will help to support public transportation services and major commercial centers and foster implementation of the Town Center Master Plan.

Policies

1. Residential densities will be based on the following net* density ranges:

Low Density (Zones R-10, R-7) - up to 6.2 units per net acre

Moderate Density (Zone R-5) - 6.3 to 8.7 units per net acre

Medium Density (Zones R-3, R-2.5, R-2) - 8.8 to 21.1 units per net acre

High Density (Zones R-1, R-1-B) - 21.2 to 24.0 units per net acre

~~Town Center: Downtown Residential Transition Area (Zone DR) — 10 to 40 units per net acre~~

~~Town Center: Downtown Residential Transition Area (Zone DR) - 10 to 40+ units per net acre~~
Town Center: Downtown Mixed Use Zone (Zone DMU) - 10 to 40+ units per net acre

Town Center: Outside of Downtown (Zone R-O-C) - 25 to 50 units per net acre

*In calculating buildable lands, density standards will be applied to net parcel areas to determine the maximum number of dwelling units allowed. Gross site area will be reduced to net site area according to the following schedule:

- Areas one acre or larger will be reduced by twenty percent (20%) for the purposes of right-of-way dedication.
- Areas greater than 3/8 of an acre and less than one acre will be reduced by ten percent (10%) for the purposes of right-of-way dedication. Areas less than or equal to 3/8 of an acre (16,335 s.f.) are assumed to be platted and receive zero reduction for right-of-way.

7. Town Center Areas will be designated based on the following policies:

- a. Town Center areas ~~Regional Plan Areas~~ are those sites identified within the subareas depicted on the Subareas Map in the Town Center Master Plan as suitable for redevelopment. Within the Town Center areas designated on Map 7, mixed use development combining residential high density housing with retail, service commercial, and/or offices is encouraged. This is intended to foster a Town Center environment in accordance with the Town Center Master Plan.

- ~~b. A mixed use zone will be applied to designated Town Center Areas as an interim tool to implement the Town Center Master Plan.~~

- ~~eb. The Downtown and Riverfront Land Use Framework Plan and the Downtown Mixed Use Zone shall implement Subarea 1 of the Town Center Master Plan. specific implementing zones shall replace the Mixed Use Zone for Subarea 1 of the Town~~

Commentary and Proposed Code Amendments

~~Center Master Plan. Specific ratios of retail and office to residential shall be specified by the interim Mixed Use Zone.~~

- ~~dc.~~ Outside of the Downtown and Riverfront Land Use Framework Plan area, the Residential-Office-Commercial (R-O-C) Zone is the most appropriate zone for the Town Center Area.
 - ~~ed.~~ The Town Center Area shall be served by multimodal transportation options; therefore, on-street parking, shared parking, and enclosed parking are the most appropriate parking options in the Town Center Area. Off-street surface parking is to be discouraged.
 - ~~fe.~~ A variety of higher density housing is desired in a designated Town Center Area, and the City shall work cooperatively with the private sector to provide a diverse range of affordable housing.
 - ~~gf.~~ Residential densities in the Downtown Mixed Use Zone are in the range of 10 to 40+ dwelling units per net acre. ~~Residential Transition Area are in the range of 10 to 40 units per net acre, and 40+ units per acre outside of the Transition Area.~~ Residential densities in the portion of the Town Center outside of Downtown are in the range of 25 to 50 units per net acre.
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Commentary and Proposed Code Amendments

ECONOMIC BASE AND INDUSTRIAL/ COMMERCIAL LAND USE ELEMENT

GOAL STATEMENT: To continue to support and encourage the development of a broad industrial base in the City, and to encourage the expansion of service facilities in the community.

OBJECTIVE #6 — COMMERCIAL LAND USE

To encourage new commercial uses to locate within designated commercial areas of the City, in order to take maximum advantage of existing access and public facilities serving these areas.

Planning Concepts

Commercial land use policies are based on the assumption that most comparison goods purchases will be made at major regional shopping centers, day-to-day shopping needs will be met by local shopping centers, and that small convenience commercial centers will provide for frequent, one-stop shopping needs. For the purpose of categorizing and establishing commercial centers in Milwaukie, the following types of centers are defined:

- Regional Shopping Centers - A major commercial facility serving about 250,000 people primarily for comparison shopping for clothes, household goods and furniture. Examples include Lloyd Center, Washington Square, Downtown Portland and Clackamas Town Center. None are currently located within Milwaukie.
- Community Center - A commercial shopping center providing limited comparison shopping and day-to-day shopping serving (generally) 90,000 people on 15-30 acres, and containing at least 200,000 square feet of leasable space. The center should contain a department store (soft goods/clothing), a drug/variety or discount store, a supermarket, retail shops, and related uses. The City currently has one site, the Milwaukie Marketplace, located at Hwy. 224 and Oak St.
- District Center - A commercial site or area serving 6,000-10,000 people on 5-15 acres for regular shopping needs. A district center would likely contain a supermarket, drug and variety store, bank, gas station, etc. Examples include King Road Shopping Center, ~~Food Warehouse~~, S.E. 82nd Avenue/King Road, the Oak Grove Fred Meyer, and the Wichita Town Center.
- Local Convenience Center - A commercial facility to provide for frequent, convenient shopping needs. Local convenience centers serve from 2,000-4,000 people on 1/4 to 1/2 acre individual sites or may be adjacent in a strip. Typical uses may include a quick-stop grocery, laundry, fast-food restaurant, etc. The business at the intersection of Linwood and Harmony Road is an example.
- Highway Oriented Center - A commercial node or strip development dependent upon street traffic for business. Highway oriented centers are normally located along freeways or expressways at interchanges or along major or minor arterials and are generally service-oriented, providing for limited needs of nearby residents or people driving through the area. Examples include portions of McLoughlin Boulevard outside downtown and Harrison St. at Hwy. 224.
- Town Center Areas - The downtown Milwaukie area is a unique mixed use and commercial center. This area is designated as a Town Center by the Metro 2040 Growth Concept. It provides area-wide services as well as limited neighborhood services. Commercial uses are primarily office, service, and retail, providing financial, personal, and business services, governmental and cultural services. The emphasis is on creating a compact mixed use

Commentary and Proposed Code Amendments

environment with pedestrian amenities and high quality transit service and multimodal street networks.

Policies

1. New commercial developments or redevelopments shall be located in designated areas unless expansion or creation of a new commercial designated area is justified as per Policy 2, below.
2. Expansion or creation of commercial designated areas will be evaluated against the following criteria: (a) those having an historical commitment to commercial use, (b) access to a transportation network appropriate for the scale of development proposed, (c) significant traffic increase shall not result on streets of collector or less status serving low density residential areas, (d) that no more suitable location(s) exist within the City for this designation, (e) that zoning allowed by the designation is compatible with adjacent uses, and (f) compliance with all applicable Plan policies, including the Town Center Master Plan.

COMMENTARY

TITLE 14, SIGN ORDINANCE

The proposed amendments to Title 14 will update references to the "downtown zones" with references to the new Downtown Mixed Use Zone. These changes would make the Sign Ordinance consistent with the terms in the Zoning Ordinance.

UNDERLINE/STRIKEOUT AMENDMENTS

Title 14 Signs

CHAPTER 14.04 GENERAL PROVISIONS

14.04.030 DEFINITIONS

The following words and phrases where used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section:

"Downtown zones" means the DMU, Downtown Mixed Use and OS, Open Space Zones ~~DS, Downtown Storefront; DC, Downtown Commercial; DO, Downtown Office; DR, Downtown Residential; and DOS, Downtown Open Space Zones~~ as defined in the Zoning Ordinance.

"Other commercial zones" means the C-L, Limited Commercial; DMU, Downtown Mixed Use; ~~DS, Downtown Storefront; DC, Downtown Commercial; DO, Downtown Office~~ C-CS, Community Shopping Commercial; and C-G, General Commercial Zones, as defined in the Zoning Ordinance.

"Residential-office-commercial zone" means the R-O-C, and R-1-B, ~~and DR~~ Zones as defined in the Zoning Ordinance.

CHAPTER 14.16 SIGN DISTRICTS

14.16.060 DOWNTOWN ZONES

No sign shall be installed or maintained in the DMU and OS Zones ~~DC, DS, DO, DR and DOS Zones~~, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in this section.

COMMENTARY
TITLE 19 ZONING
CHAPTER 19.100
INTRODUCTORY PROVISIONS

Table 19.107.1 Zone Classifications

This table is updated to reflect the combination of the existing Downtown Storefront, Downtown Commercial, Downtown Office, and Downtown Residential zones into a new Downtown Mixed Use Zone, and the renaming of the Downtown Open Space Zone to the Open Space Zone.

Housekeeping amendments also add the Tacoma Station Area Manufacturing Zone and Tacoma Station Area Plan Overlay to the table. These zones were adopted in 2013 but Table 10.107.1 was not updated at that time.

UNDERLINE/STRIKEOUT AMENDMENTS

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.107 ZONING

19.107.1 Zone Classifications

For the purposes of this title, the following base zones and overlay zones are established in the City per Table 19.107.1:

Table 19.107.1 Classification of Zones	
Zone Description	Abbreviated Description
Base Zones	
Residential	R-10
Residential	R-7
Residential	R-5
Residential	R-3
Residential	R-2.5
Residential	R-2
Residential	R-1
Residential-Business Office	R-1-B
Residential-Office-Commercial	R-O-C
<u>Downtown Mixed Use</u>	<u>DMU</u>
Downtown Storefront	DS
Downtown Commercial	DC
Downtown Office	DO
Downtown Residential	DR
Downtown Open Space	DOS
Neighborhood Commercial	C-N
Limited Commercial	C-L
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI
<u>Tacoma Station Area Manufacturing</u>	<u>M-TSA</u>
Planned Development	PD
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Mixed Use	MU
Aircraft Landing Facility	L-F
<u>Tacoma Station Area Plan</u>	<u>TSAP</u>

COMMENTARY

TITLE 19 ZONING

CHAPTER 19.200

DEFINITIONS AND MEASUREMENTS

19.201 Definitions

Some new or revised definitions are proposed to ensure that terms defined in Chapter 19.200 are kept current and remain consistent with other proposed amendments to the zoning code.

In particular, the following changes or additions are proposed:

- The definition for "Downtown zones" has been revised to reflect the combination of existing downtown zones into the Downtown Mixed Use Zone DMU and the renaming of the Downtown Open Space Zone DOS to the Open Space Zone DO.
- New definitions for terms introduced to the zoning code for the first time by the proposed amendments:
 - Abutting
 - Awning
 - Canopy
 - Live/Work Unit
 - Mixed Use
 - Office - Production-Related
 - Office - Traditional
 - Porch

UNDERLINE/STRIKEOUT AMENDMENTS

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

Refer to individual chapters of this title for chapter-specific definitions.

Refer to Title 18 for definitions related to flood hazard areas.

As used in this title:

"Abutting" means to reach or touch; to touch at the end or be contiguous with; join at a border or boundary; terminate on. Abutting properties include properties across a street or alley.

"Awning" means a roof-like structure of fabric or similar non-rigid material attached to a rigid frame that is supported completely by either an exterior building wall or wall exterior to an individual tenant space.

"Canopy" means a roof-like structure of metal, glass, or similar rigid material that is supported completely by either an exterior building wall or wall exterior to an individual tenant space.

"Downtown zones" means the ~~2~~ 5-zones that implements the Milwaukie Downtown and Riverfront Land Use Framework Plan— Downtown Mixed Use (DMU), Downtown Storefront (DS), Downtown Commercial (DC), Downtown Office (DO), Downtown Residential (DR), and Downtown Open Space (DOS)

"Live/Work Unit" means a dwelling unit where residential and nonresidential spaces are combined and where the dwelling unit is the principal residence of the business operator/proprietor. Nonresidential spaces are typically located on the ground floor and residential spaces are located on upper floors.

"Mixed Use" means a building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

Office:

"Production-Related office" means offices that are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than Traditional Office uses and focus on the development, testing, production, processing, packaging, or assembly of goods and products. Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; call centers, and medical and dental labs.

"Professional and administrative office" means professional, executive, management, or administrative offices of firms or organizations. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

"Traditional office" means offices that are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and typically expected to

Commentary and Proposed Code Amendments

generate foot traffic. Examples include: professional services such as lawyers, architects or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.

"Porch" means a covered area adjoining an entrance to a dwelling that is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling.

COMMENTARY
TITLE 19 ZONING
CHAPTER 19.300 BASE ZONES

CHAPTER 19.304 DOWNTOWN ZONES

Overview

The following pages contain recommended amendments to the base zone use and development standards for the City's downtown zones. The amendments are intended to broaden the permitted uses in downtown as well as to strengthen pedestrian-friendly development standards for new development.

Due to the significant revisions to this section of the code, staff is recommending that the existing section 19.304 Downtown Zones be repealed and replaced. Therefore the proposed amendments for this section do not include underline/ strikeout notations. The policy changes included in the proposal are instead described in detail in this Commentary document.

19.304.1 Purpose

This section has been revised to reflect the reduction of 5 downtown zones into two zones: the Downtown Mixed Use (DMU) Zone and Open Space (OS) Zone. New language describes the intended characteristics of each of these zones.

19.304.2 Uses

Currently, any alteration or expansion of a nonconforming use, structure, or development is subject to Type III Nonconforming Use Alteration review. New language states that alteration or expansion of nonconforming use, structure, or development that brings the nonconformity closer to compliance may be reviewed through Type II Downtown Design Review rather than Type III Nonconforming Use Alteration Review. Alterations or expansions that do not bring the nonconformity closer to compliance would continue to be reviewed through a Type III Nonconforming Use Alteration review.

New language clarifies that drive-through facilities are prohibited in the downtown zones, rather than listing it as a development standard.

Table 19.304.2 Downtown Zones - Uses

- This reformatted table of allowed uses lists the uses allowed outright or conditionally in each zone, and includes a column for comments or cross reference to applicable standards. No changes are proposed to the use categories or allowances except as described below.

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- The review process for permitting a parking facility would change. Currently, parking facilities are an outright permitted use in the DS, DC, and DO zone (although subject to Type III Downtown Design Review). The proposed revisions would require Type III Conditional Use review and approval by the Planning Commission to establish a parking facility in downtown Milwaukie.
- Several revisions to permitted uses are proposed:
 - Multifamily residential development would be permitted throughout downtown, rather than only the DR zone. Ground floor lobbies would not be permitted on Main Street south of Scott Street.
 - The maximum allowed size for a Day Care use would increase from 3,000 sf to 5,000 sf.
- Several new types of uses are added:
 - Live/Work Units. These types of units combine living space with business space. Generally, the living space is above the business (on the second or higher level) while the business is on the ground floor.
 - Two types of office uses are established:
 - "Traditional office" uses are intended to be more "active" and generate pedestrian traffic.
 - "Production-based office" uses are less "active" and generate minimal pedestrian traffic.
 - Indoor Recreation. Previously called "Commercial Recreation," indoor recreation includes a broader range of private recreation facilities. Public recreation facilities would continue to be permitted as Community Service Uses.
 - Boarding, Lodging, or Rooming House. This type of use would be permitted through Type III Conditional Use review and approval by the Planning Commission. These types of facilities could provide low-cost housing options in the downtown.

19.304.3 Use Limitations, Restrictions, and Provisions

A. Use Limitations and Restrictions

This section clarifies limitations and restrictions on permitted uses.

- Ground-floor residential uses on Main Street are limited to the area north of Scott Street in order to create a consistent commercial spine.
- Live/work units are not permitted on Main Street but are permitted on all other downtown streets.
- Production-related offices are not permitted on the ground floor along Main Street because they are not expected to generate much, if any, foot traffic.

Commentary and Proposed Code Amendments

- A revised size restriction for retail uses is proposed. The current restriction of 5,000 sf in the DO zone would be increased to a 20,000 sf restriction in the DMU zone. Retail uses larger than 20,000 sf would require Type III Conditional Use review and approval by the Planning Commission.

B. Use Provisions

This section clarifies that rowhouses in the downtown zones are not limited to 4 consecutive rowhouses.

Additionally, the transitional entry standards of the rowhouse design standards, which requires a porch or a grade-elevated entrance, do not apply to live/work units. These types of residential treatments are not appropriate for a ground-floor commercial use.

19.304.4 Development Standards

Additional language directs readers to Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of the standards and measurements contained in the table.

Table 19.304.4 Downtown Zones - Summary of Development Standards

This proposed new table of development standards summarizes the development standards for the DMU and OS zones, and includes a column of commentary and/or additional provisions is provided to link this section with other relevant sections or chapters of the code.

- Minimum lot size - Current minimum lot size requirement range from 750 sf to 10,000 sf. A standard minimum lot size of 750 sf is proposed to allow for a range of development options, including small-lot rowhouses and live/work units as well as small commercial occupancies.
- Floor area ratio - Current floor area ratios (FARs) range from 0.3:1 to 1:1. Two FAR standards are proposed: a minimum of 0.5:1 for the area of downtown north of Harrison St, as well as the two DO-zoned properties west of McLoughlin Blvd; and 1:1 minimum FAR for the rest of downtown. The maximum FAR would remain 4:1, with some opportunities to exceed the maximum by providing more open space than required or by achieving green building certification. See Subsection 19.304.6.C for additional details about the open space and green building FAR bonuses.
- Building height - Current minimum building heights along Main St are 35 ft; the proposal would reduce this requirement to 25 ft. The maximum building heights in the downtown zones range from 3 stories to 5 stories. The proposal would reduce building heights south of Scott St/North Main Village to 3 stories/45 ft, with provisions for a residential height bonus. See Subsection 19.304.6.B for additional details about the residential height bonus.

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- Flexible ground floor space - The existing ground-floor height requirement for new development on Main St is increased from 12 ft to 14 ft. The existing ground-floor space depth requirement is reduced from 25 ft to 20 ft.
- Street Setbacks/Build-to lines - The current Main St build-to line requirement is expanded to the rest of downtown. Requirements range from 75% of the building on Main St to 50% of the building on McLoughlin Blvd.
- Frontage Occupancy Requirements (NEW) -New standard requiring buildings to "occupy" a certain percentage of the site frontage. The requirements range from 90% on Main St to 50% on McLoughlin Blvd.
- Primary entrances - This language expands current requirements that primary entrances face key downtown streets, and provides additional direction for situations where the primary entrance is not located on the street frontage. The new language also requires the primary entrance of a building located on the corner of Main St and another street to be located on Main St.
- Off-street parking required -
 - Currently, off-street parking is required north of Harrison St and south of Washington St; the area south of Harrison St and north of Washington St is exempt from off-street parking requirements. The proposal would establish off-street parking requirements for residential development in the currently-exempt areas, and exempt all non-residential uses in downtown from providing off-street parking. Residential development would be required to provide at least 1 off-street parking space per dwelling unit.
 - Revised language clarifies that off-street parking lots and curb cuts within 50 ft of the Main St right-of-way can be permitted through Type III Variance review and approval by the Planning Commission.
 - New language prohibits off-street parking between a building and street-facing lot line. Off-street parking must be located adjacent to or behind a building.
- Open Space - New standards apply when a developer voluntarily provides open space as part of a development. At least 50% of the setback area must be usable public open space.
- Transition area measures - Downtown is currently exempt from these standards. The proposal would make them applicable and add additional standards requiring step backs within 100 ft of lower-density residential zones. See the code and commentary for Chapter 19.500 for further details.
- Residential density - A minimum residential density is established for rowhouses and live/work units; the stand-alone residential density is unchanged; and minimum residential densities for mixed use buildings are removed.

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- Sign standards - Cross-references to the downtown sign regulations of Title 14 are added to the table.

Figures 19.304-6

New figures illustrate key development standards.

19.304.5 Detailed Development Standards

This retitled section provides details regarding the uses listed in Table 19.304.4. Intent statements are added to each standard to describe the intended outcome.

19.304.6 Development Incentives

An existing 1-story residential height bonus incentive is combined with two new FAR bonus incentives for the provision of additional open space and for green building certification. New language clarifies that developments can utilize two of the three available development incentives for a maximum of 2 stories of additional height and/or 1.0 FAR.

19.304.7 Public Area Requirements

Revised language clarifies that the PARs implement the Downtown and Riverfront Land Use Framework Plan, but are not themselves an ancillary document to the Milwaukie Comprehensive Plan.

19.304.8 Additional Standards

References to other potentially applicable supplementary development regulations.

19.304.9 Variances

The process for seeking variances to the standards is clarified.

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CHAPTER 19.300

BASE ZONES

19.304 DOWNTOWN ZONES

19.304.1 Purpose

The downtown zones are Downtown Mixed Use Zone DMU and Open Space Zone OS. The zones are shown on Figure 19.304-1. These zones implement the Town Center and Public land use designations in the Milwaukie Comprehensive Plan. The downtown zones implement the Downtown and Riverfront Land Use Framework Plan and Milwaukie Comprehensive Plan.

The downtown and riverfront area is envisioned as the focus of the community. Two zones are designated to distinguish between areas intended for public open space and those intended for downtown development. Specific use, development, and design standards are adopted for the downtown zones to assure an active, attractive, and accessible environment for shoppers, employees and residents.

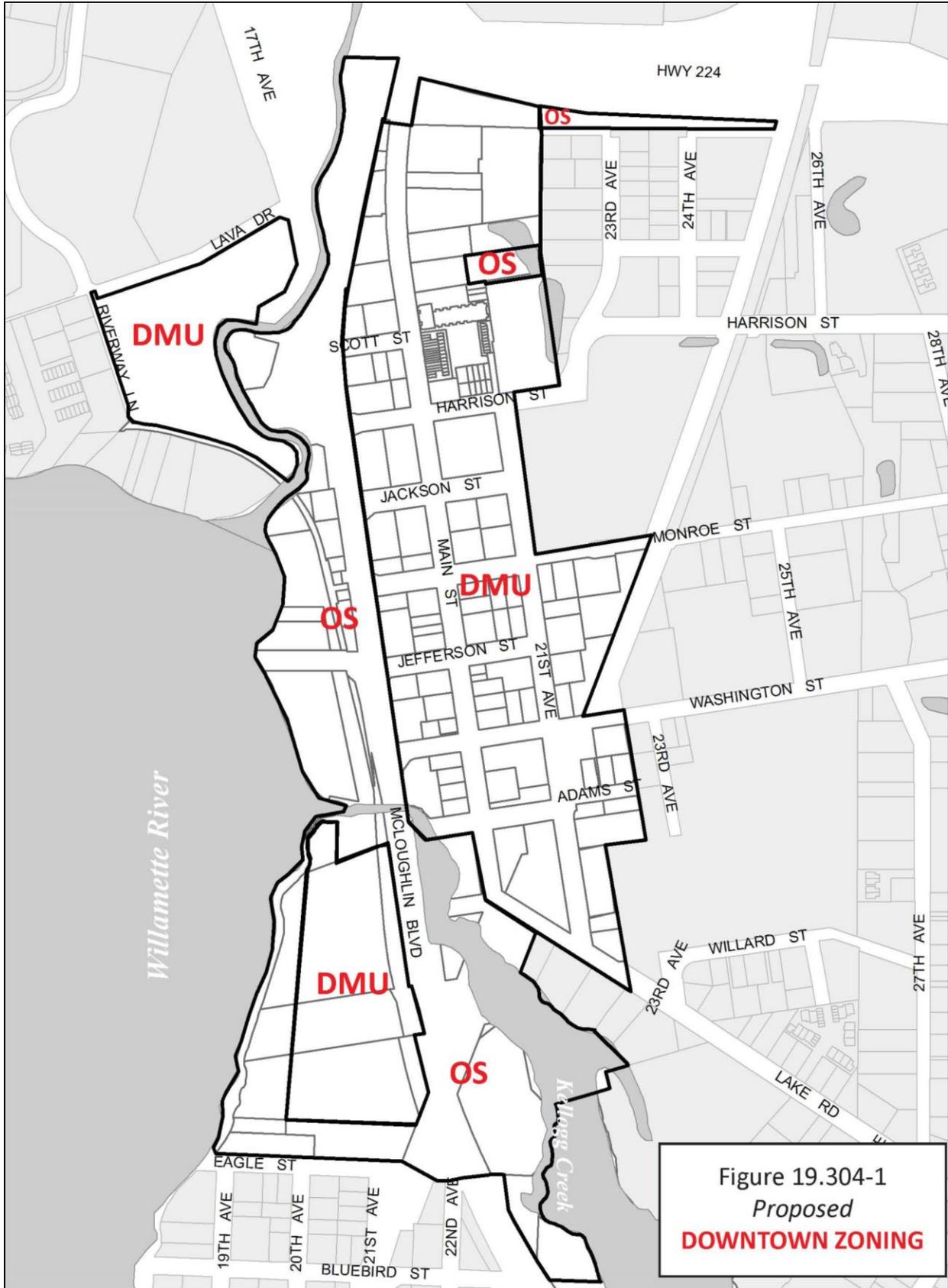
A. Downtown Mixed Use (DMU)

The Downtown Mixed Use Zone provides for a wide range of uses, including retail, office, commercial and residential, that will bring visitors to the downtown to live, work, shop, dine and recreate. The desired character for this zone is a pedestrian-friendly and vibrant urban center with a prominent main street and connections to the riverfront, and includes buildings that are built to the right-of-way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots.

B. Open Space (OS)

The Open Space Zone provides a specific zone to accommodate open space, park, and riverfront uses. The Open Space Zone is generally applied to lands that are in public ownership along the Willamette River, Kellogg Creek, Spring Creek, and Johnson Creek in the downtown area. The desired character for the Open Space Zone includes parkland, open space, and riverfront amenities.

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19.304.2 Uses

A. Permitted Uses

Uses allowed in the downtown zones are listed in Table 19.304.2 with a "P." These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

B. Conditional Uses

Uses listed in Table 19.304.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905. Type III review is required to establish a new CU or for major modification of an existing CU. Type I review is required for a minor modification of an existing CU.

C. Nonconforming Uses, Structures and Development

Existing structures and uses that do not meet the standards for the downtown zones may continue in existence. Alteration or expansion of a nonconforming use, structure or development that brings the use, structure or development closer to compliance may be allowed through a Type II Downtown Design Review pursuant to Section 19.907. Alteration or expansion of a nonconforming use or structure that does not bring the use or structure closer to compliance may be allowed through a Type III Variance pursuant to Section 19.911. Except where otherwise stated in this section, the provisions of Chapter 19.800 Nonconforming Uses and Development apply.

D. Prohibited Uses

Uses listed in Table 19.304.2 with an "N," or uses not listed below, are prohibited as new uses. In addition, drive-through facilities are prohibited in the downtown zones.

E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards. Accessory uses include but are not limited to restrooms in City parks and refreshment stands at the library.

F. Similar Uses

Similar uses not listed in Table 19.304.2 may be allowed through a Director's Determination pursuant to Section 19.903.

Table 19.304.2 Downtown Zones—Uses			
Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Residential			
Rowhouse	P	N	Subsection 19.304.3.A Downtown residential use limitations Subsection 19.505.5 Standards for Rowhouses
Multifamily	P	N	Figure 19.304-2 Ground-Floor Residential Subsection 19.304.3.A

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			Downtown residential use limitations Subsection 19.505.3 Multifamily Design Standards
Live/work units	P	N	Subsection 19.304.3.A Downtown residential use limitations Subsection 19.505.5 Standards for Rowhouses
Second-story housing	P	N	Subsection 19.508 Downtown Site and Building Design Standards
Senior and retirement housing	P	N	Subsection 19.304.3.A Downtown residential use limitations Subsection 19.505.3 Multifamily Design Standards
Commercial			
Office—Traditional. Traditional Office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and typically expected to generate foot traffic. Examples include: professional services such as lawyers, architects or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.	P	N	
Office—Production-Related. Production-Related Office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than Traditional Office uses and focus on the development, testing, production, processing, packaging, or assembly of goods and products. Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; call centers, and medical and dental labs.	P	N	Subsection 19.304.3.B Main St limitations

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<p>Eating and drinking establishment. Eating and Drinking Establishments primarily involve the sale of prepared food and beverages for consumption on-site or take-away. Examples include restaurants, delicatessens, retail bakeries, taverns, brew-pubs, coffee shops, concession stands, wine bars, and espresso bars.</p>	P	CU	<p>Section 19.905 Conditional Uses</p>
<p>Indoor recreation. Indoor recreation consists of for-profit facilities providing active recreational uses of a primarily indoor nature. Examples include gyms, dance studios, tennis, racquetball and soccer centers, recreational centers, skating rinks, bowling alleys, arcades, shooting ranges, and movie theaters.</p>	P	N	
<p>Retail-oriented sales. Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public. Examples include stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media.</p>	P/CU	N	<p>Subsection 19.304.3.C Retail sales</p> <p>Section 19.905 Conditional Uses</p>
<p>Personal-service-oriented. Personal-service-oriented firms are involved in providing consumer services. Examples include hair, tanning and spa services, pet grooming, photo and laundry drop-off, dry cleaners, and quick printing.</p>	P	N	
<p>Repair-oriented. Repair-oriented uses are establishments providing product repair of consumer and business goods. Examples include repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, office equipment, tailors and seamstresses, shoe repair, locksmiths, upholsterers, and some automobile service and repair.</p>	P	N	<p>Subsection 19.304.3.D DMU Zone limitations</p>
<p>Day care. Day Care is the provision of regular child care, with or without compensation, to four or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility</p>	P	N	<p>Subsection 19.304.3.E Day care limitation</p>

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meeting all state requirements. Examples include nursery schools, before-and-after school care facilities, and child development centers.			
Commercial lodging. Commercial Lodging includes for-profit residential facilities where tenancy is typically less than one month. Examples include hotels, motels, and bed-and-breakfast establishments. Does not include senior and retirement housing.	P	N	
Boarding, lodging, or rooming house. Generally means a private home where lodgers rent one or more rooms for one or more nights, and sometimes for extended periods of weeks, months, and years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied. They normally provide "bed and board", that is, at least some meals as well as accommodation.	CU	N	Section 19.905 Conditional Uses
Parking facility. Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility. Examples include structured parking, short- and long-term fee parking facilities, commercial district shared parking lots and commercial shuttle parking.	CU	P	Subsection 19.304.3.F OS Zone parking limitations Section 19.905 Conditional Uses Chapter 19.600 Off-Street Parking and Loading
Manufacturing			
Manufacturing and production. Uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; weaving or production of textiles or apparel; woodworking, including cabinet makers; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; and production of artwork and	P	N	Subsection 19.304.3.G Manufacturing and production limitations

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toys.			
Institutional			
Parks and open space. Parks and open space uses are lands focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few buildings. Examples include parks, public squares, plazas, recreational trails, botanical gardens, farmers markets, boat launching areas, nature preserves and community gardens.	P	P	
Community service uses	CSU	CSU	Section 19.904 Community Service Uses
Accessory and Other			
Accessory use	P	P	Subsection 19.304.2.E Accessory Uses Section 19.503 Accessory Uses
Home occupation	P	P	Section 19.507 Home Occupation Standards

19.304.3 Use Limitations, Restrictions, and Provisions

A. Use Limitations and Restrictions

The following provisions describe the limitations for uses listed in Table 19.304.2.

1. Residential uses are permitted throughout downtown Milwaukie, subject to the following limitations:
 - a. Along Main Street south of Scott Street, as shown in Figure 19.304-2, residential dwellings are only allowed on the second floor or above; they are not permitted on the ground floor.
 - b. Lobbies for upper-level dwellings are allowed on the ground floor only if a commercial use is located along a majority of the property's street frontage. North of Scott Street, residential dwellings and/or lobbies are permitted anywhere on the ground floor along Main Street.
 - c. Live/Work units are not permitted on Main Street.
2. Production-related office uses are not permitted on the ground floor along Main Street.
3. Retail Sales are permitted throughout downtown, subject to the following limitations:
 - a. In the Downtown Mixed Use Zone retail sales uses are limited to 20,000 sq ft in floor area per use on the ground floor.
 - b. A retail sales use larger than 20,000 sq ft may be approved through a conditional use review pursuant to Section 19.905.

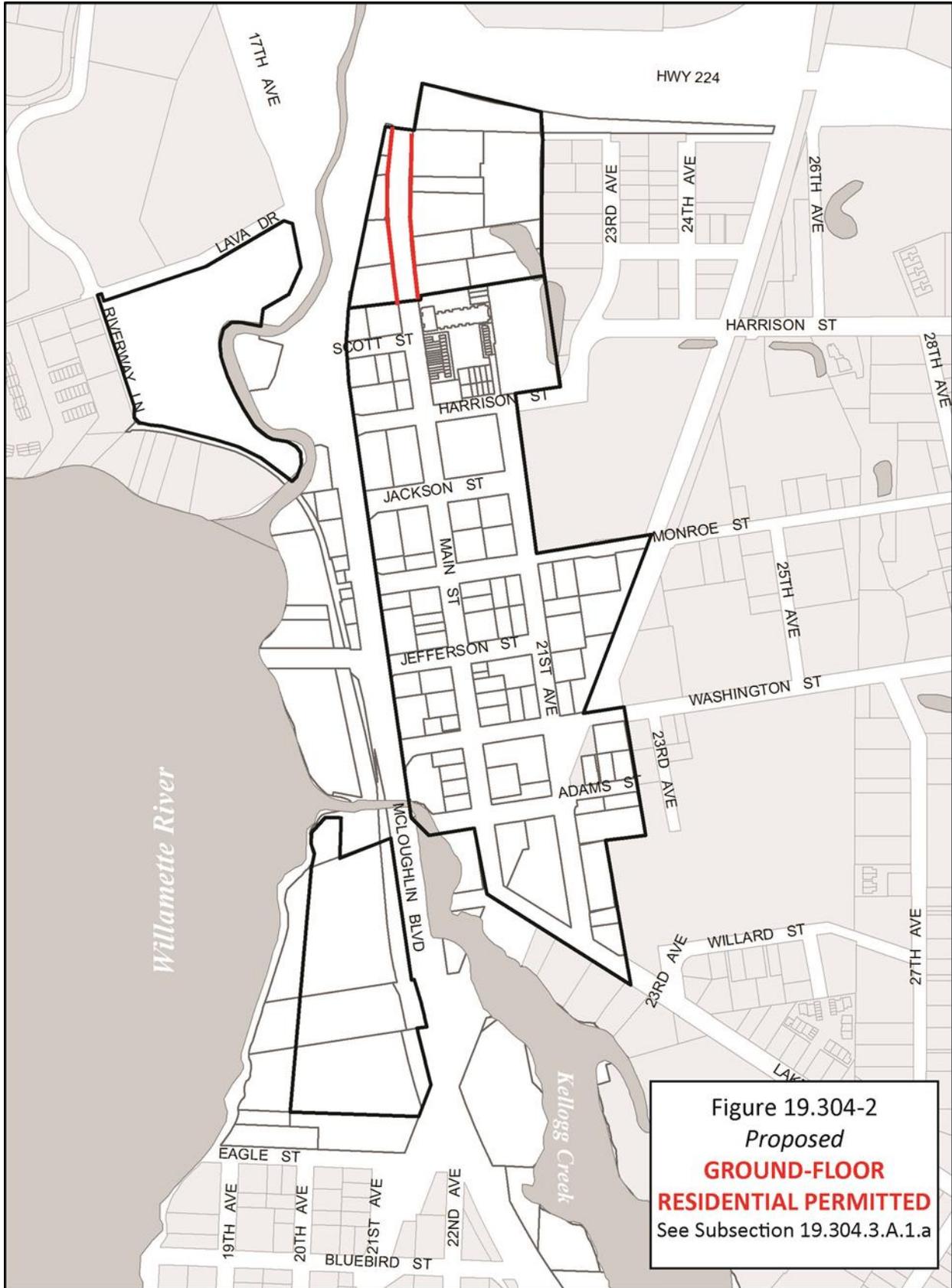
Commentary and Proposed Code Amendments

4. Automobile/motor vehicle repair (excluding body and fender repair and painting) is permitted in the Downtown Mixed Use Zone only when conducted within a completely enclosed building.
5. Day care and childcare uses are limited to 5,000 sq ft.
6. Parking facilities in the Open Space Zone are limited to surface lots that are intended primarily for the users of the related park or open space.
7. Manufacturing and production uses are limited to 5,000 sq ft in floor area per use on the ground floor and are only permitted when associated with, and accessory to, a related retail-oriented sales or eating/drinking establishment use. For purposes of this subsection, manufacturing and production involve goods that are sold or distributed beyond or outside of the associated on-site eating or drinking establishment or retail trade use. For example, a brewing facility that distributes or sells its products elsewhere would be considered a manufacturing and production use, while a restaurant kitchen that prepares food that is purchased on-site would not be considered manufacturing or production.

B. Use Provisions

1. The limit of 4 consecutive row houses established in Subsection 19.505.5.D does not apply in the DMU zone. In the DMU zone, there is no limit on the number of consecutive row houses.
2. The transitional entry standards of Subsection 19.505.C.2 do not apply to live/work units.

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19.304.4 Development Standards

In the downtown zones, the development standards in Table 19.304.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Subsection 19.304.5.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

A. Purpose

The development standards address several issues of particular importance to maintaining the appropriate character for the downtown. Table 19.304.3 summarizes some of the development standards that apply downtown. Development standards are presented in full in Subsection 19.304.3(B).

Table 19.304.4.A Downtown Zones—Summary of Development Standards			
Standard	DMU	OS	Standards/ Additional Provisions
1. Lot Standards			
a. Minimum lot size (sq ft)	750	None	
b. Minimum street frontage (ft)	15	None	Section 19.201 Definitions
2. Development Standards			
a. Floor area ratio (1) Minimum (2) Maximum	0.5:1-1:1 4:1	None None	Section 19.201 Definitions Subsection 19.304.5.A Floor Area Ratio Figure 19.304-3 Minimum FAR Subsection 19.304.6 Development Incentives
b. Building height (ft) (1) Minimum (2) Maximum	25 35-65	None 15ft	Subsection 19.304.5.B Building Height Figure 19.304-4 Base Maximum Building Heights Subsection 19.304.5.J Transition Area Measures Subsection 19.304.6 Development Incentives
c. Flexible ground-floor space	Yes, where applicable	None	Subsection 19.304.5.C Flexible Ground-floor Space
d. Street Setbacks/Build-to Lines (ft) (1) Minimum street setback (2) Maximum street setback	0 10-20	0' None	Figure 19.304-5 First-Floor Build-To Lines Subsection 19.304.5.D Street Setbacks/Build-To Lines

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(3) Side and rear setbacks	None	None	Subsection 19.304.5.J Transition Area Measures Subsection 19.501.2 Yard Exceptions
e. Frontage occupancy requirements	50-90%	None	Subsection 19.304.5.E Minimum Frontage Occupancy Figure 19.304-6 Frontage Occupancy Requirements
f. Primary entrances	Yes	No	Subsection 19.304.5.F Primary Entrances
g. Off-street parking required	Yes, where applicable	Yes	Subsection 19.304.5.G Off-Street Parking Chapter 19.600 Off-Street Parking and Loading
h. Open Space	Yes, where applicable	None	Subsection 19.304.5.H Open Space Subsection 19.508.7 Open Space/Plazas
i. Transition Measures	Yes, where applicable	No	Subsection 19.304.5.I Transition Measures Subsection 19.504.6 Transition Area Measures
3. Other Standards			
a. Residential density requirements (dwelling units per acre)			Subsection 19.202.4 Density Calculations Subsection 19.304.5.J Residential Density Subsection 19.501.4 Density Exceptions
(1) Rowhouses and live/work units			
(a) Minimum	10	None	
(b) Maximum	None	None	
(2) Stand-alone multifamily			
(a) Minimum	30	None	
(b) Maximum	None	None	
(3) Mixed use buildings			
(a) Minimum	None	None	
(b) Maximum	None	None	
b. Signs	Yes	Yes	Subsection 14.16.060 Downtown Zones

B. Explanation of Development Standards

Table 19.304.4 is supplemented by the explanation of the development standards provided in Subsection 19.304.5 below, and the following figures:

Figure 19.304-3—Minimum Floor Area Ratios

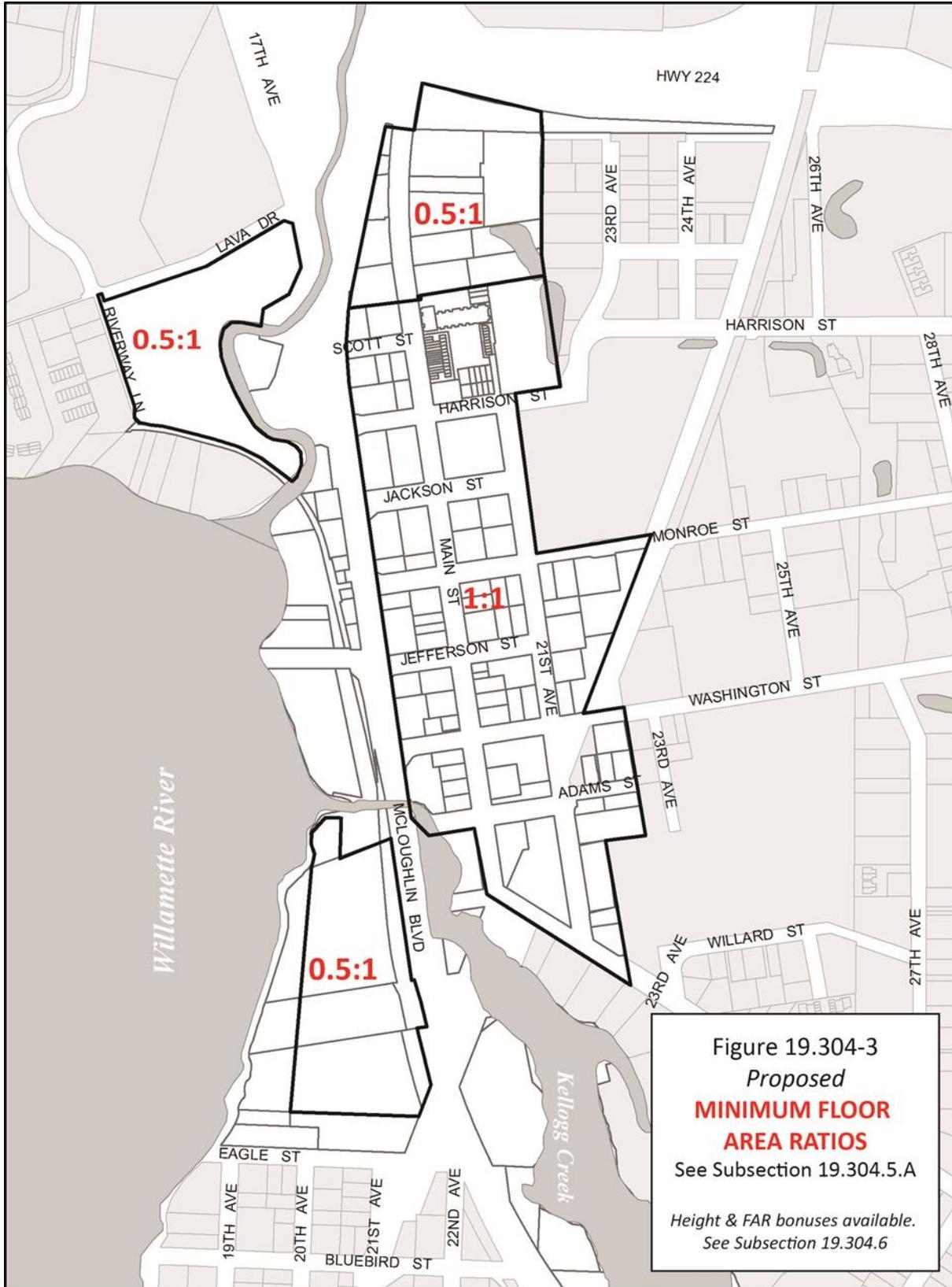
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Figure 19.304-4—Base Maximum Building Heights

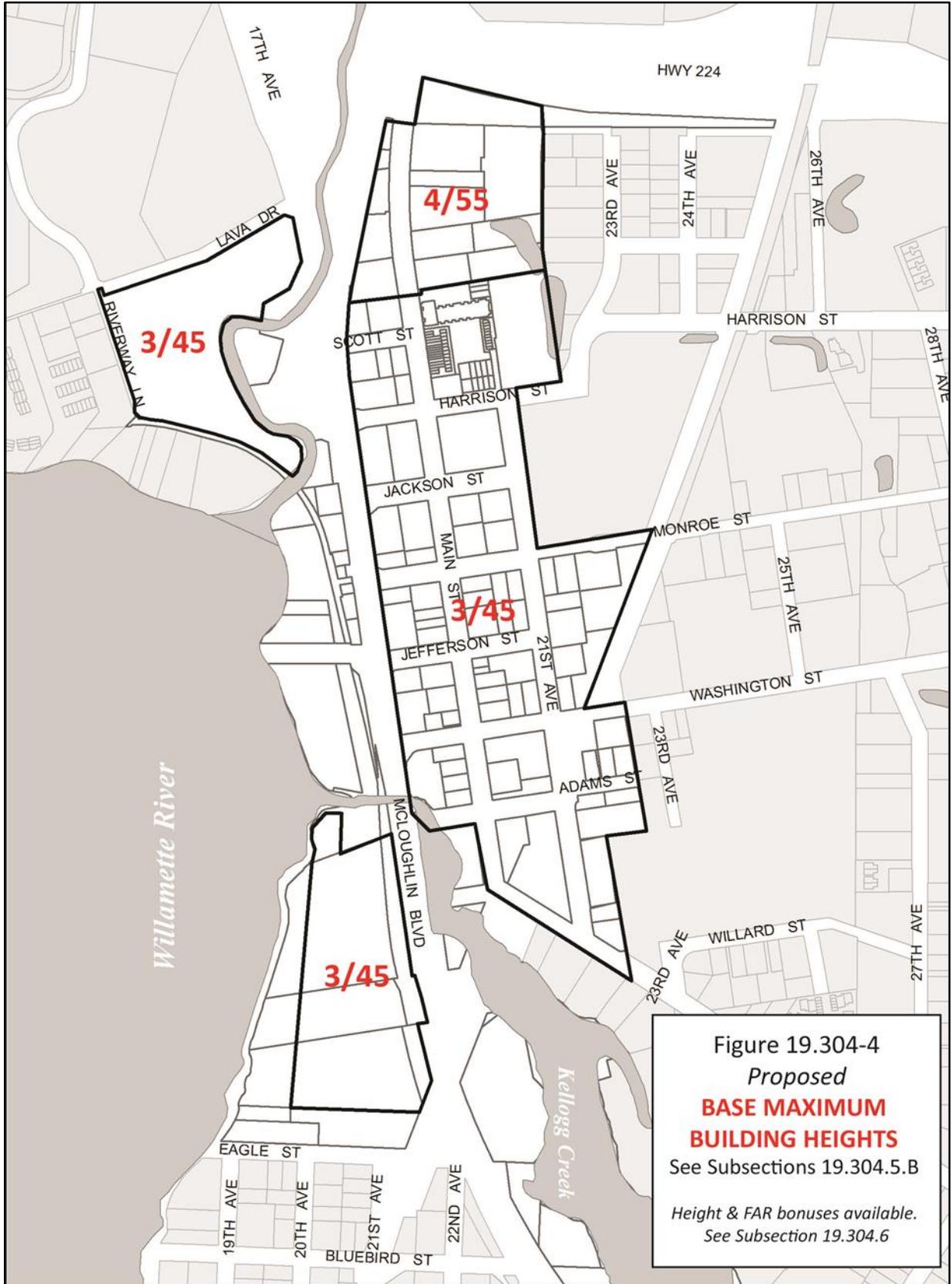
Figure 19.304-5—First-Floor Build-to Lines

Figure 19.304-6—Minimum Frontage Occupancy

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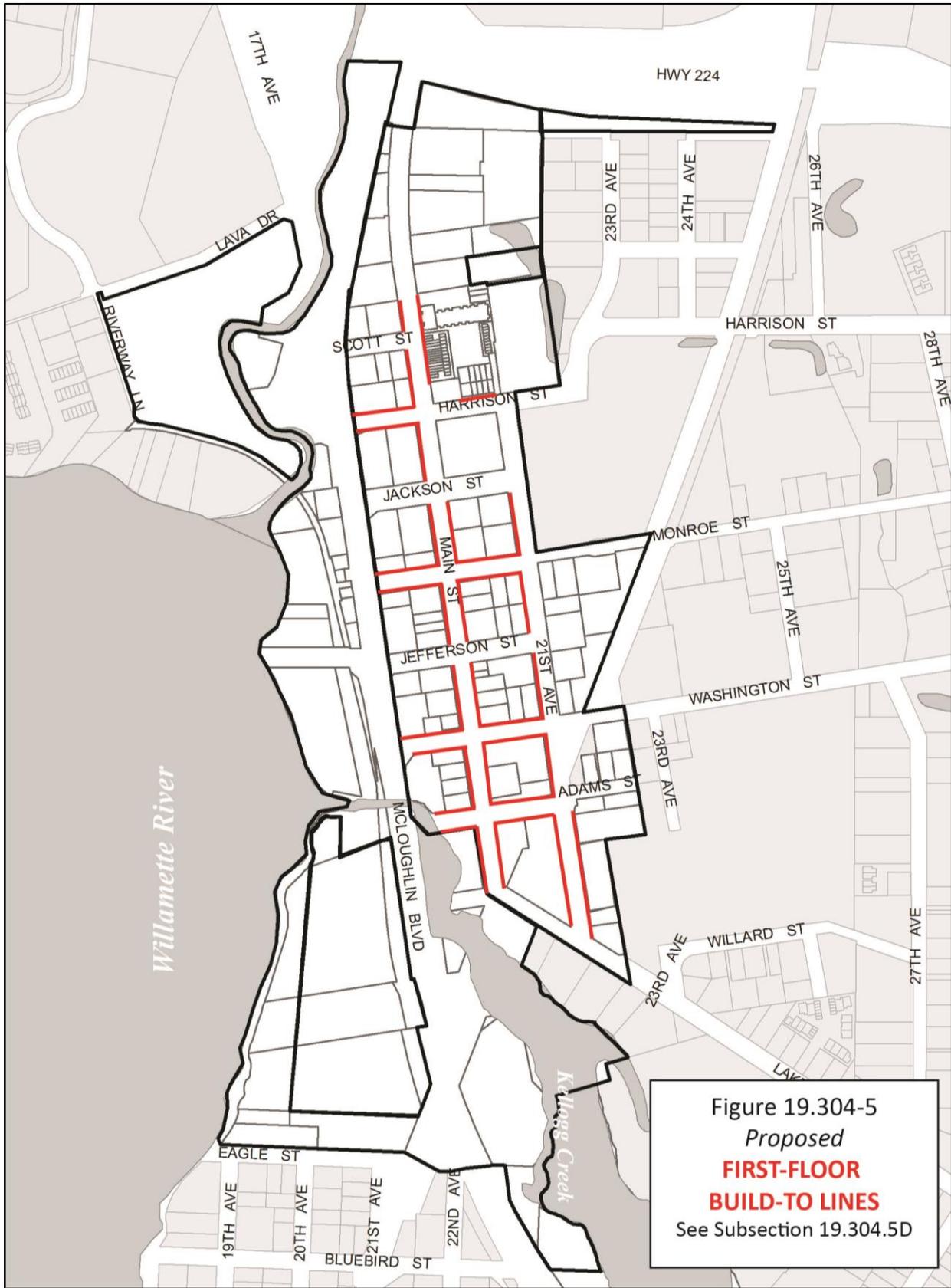
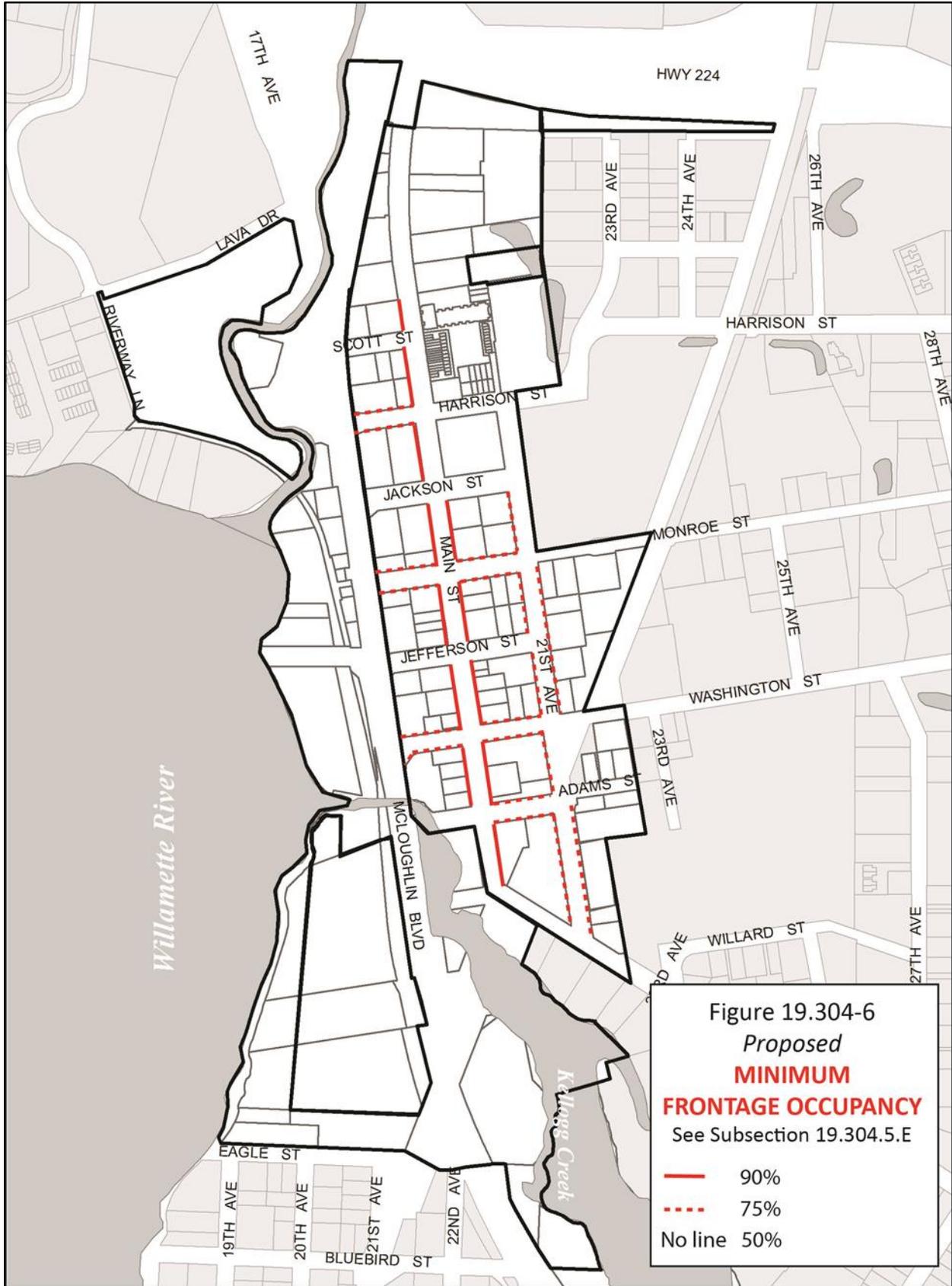


Figure 19.304-5
Proposed
**FIRST-FLOOR
BUILD-TO LINES**
See Subsection 19.304.5D

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19.304.5 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.304.4.

A. Floor Area Ratios**1. Intent**

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum floor area ratios help to ensure that the intensity of development is controlled and that more intense forms are confined to appropriate areas of the downtown. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

2. Standards

- a. The minimum floor area ratios in Table 19.304.4.B.2 apply to all nonresidential building development. Standalone residential densities are controlled by minimum density requirements.
- b. Required minimum floor area ratios shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.

3. Exemptions

The following are exempt from the minimum floor area ratio requirement.

- a. Parking facilities
- b. Public parks and plazas

B. Building Height**1. Intent**

Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. A minimum building height is established to ensure that the traditional building scale for the downtown area is maintained.

2. Standards

- a. The minimum building height standards apply to new commercial, office, residential, and mixed use buildings.
- b. Minimum building heights are specified in Table 19.304.4. The minimum building height of 25 feet shall be met along all street frontages for a depth of at least 25 feet from the front of the building.
- c. Buildings of more than 3 stories are required to step back 6 feet from the building façade at the beginning of the fourth story.
- d. Maximum building heights are specified on Figure 19.304-4.

3. Exemptions

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The following are exempt from the minimum building height standards.

- a. Additions to existing buildings.
- b. Accessory structures.
- c. Buildings with less than 1,000 sq ft of floor area.

C. Flexible Ground-Floor Space

1. Intent

To ensure that new buildings in the downtown are designed and constructed to accommodate active uses such as retail and eating/drinking establishments.

2. Standards

- a. This standard applies to new buildings fronting Main Street.
- b. This standard is met when at least 75% of the ground-floor space in a new building meets the following requirements.
 - (1) The ground-floor height must be at least 14 feet, as measured from the finished floor to the ceiling, or from the finished floor to the bottom of the structure above (as in a multistory building). The bottom of the structure above is the lowest portion of the structure and includes supporting beams, and any heating, ventilation and/or fire suppression sprinkler systems.
 - (2) The interior floor area adjacent to Main Street must be at least 20 feet deep, as measured from the inside building wall or windows facing Main Street.

3. Exemptions

Standalone residential buildings on Main Street north of Scott Street are exempt from this requirement.

D. Street Setbacks/Build-to Lines

1. Intent

Buildings are allowed and encouraged to build up to the street right-of-way in the DMU zone. Required build-to lines are used in combination with the frontage occupancy requirements of Subsection 19.304.5.F and are established in specific areas of the downtown to ensure that the ground floors of buildings engage the street right-of-way (see Figure 19.304-3). The build-to line ensures compatibility and harmony between buildings, enabling a series of different buildings to maintain or establish a continuous vertical street wall.

2. Standards

- a. No minimum street setbacks are required.
- b. First-floor build-to lines (required zero setbacks) are established for block faces identified on Figure 19.304-5. The build-to line applies to the portion of the building that is subject to the frontage occupancy requirements of Subsection 19.304.5.E as follows:
 - (1) For those block faces identified on Figure 19.304-5, 75% of the first floor shall be built to the front lot line (zero setback). The remaining 25% may be set back from the front lot line a maximum of 20 feet. The front setback shall provide usable open space, such as a public plaza or pedestrian amenities.

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- (2i) For other block faces, there is no build-to line requirement and the maximum setback shall be 10 feet. The front setback shall provide usable open space the meets the requirements of Subsection 19.508.7.
- (3) The portions of the building used to meet the build-to line requirement in (1) above shall have a depth of at least 20 feet.

3. Exemption

The DMU zone is exempt from the clear vision area requirements of Chapter 12.24 of the Milwaukie Municipal Code, with the exception of driveway and street intersections with McLoughlin Boulevard.

E. Frontage occupancy requirements

1. Intent

To ensure that buildings are used to create a "street wall" that contributes to a walkable and pedestrian-friendly environment.

2. Standards

Minimum frontage occupancy requirements are established for block faces identified on Figure 19.304-6. Frontage occupancy requirements are used in combination with the required build-to line of Subsection 19.304.5.D. The frontage occupancy requirements apply as follows:

- a. For block faces that front on Main Street, 90% of the site frontage must be occupied by a building or buildings. If the development site has frontage on Main Street and another street, the frontage occupancy requirement must be met on Main Street only.
- b. For block faces that front on Harrison, Monroe, Washington, and Adams Streets and 21st Avenue, 75% of the site frontage must be occupied by a building or buildings. Except for (i) above, if the development site has frontage on one of the streets listed here and another street, the frontage occupancy requirement must be met on the streets listed here only.
- c. For other block faces, 50% of the site frontage must be occupied by a building or buildings. Except for (i-ii) above, if the development site has frontage on more than one street, the frontage occupancy requirement must be met on one street only.
- d. Building facades with recesses incorporated to comply with façade articulation requirements are considered to be occupying the site frontage if the recesses do not exceed 24 inches.

F. Primary entrances

1. Intent

To promote pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly-marked pedestrian walkways.

2. Standards

- a. All new buildings shall have at least one primary entrance facing an abutting street (i.e., within 45 degrees of the street property line); or if the building entrance must be turned more than 45 degrees from the street (i.e., front door is on a side or rear

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elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk.

- b. Where a development contains multiple buildings and there is insufficient street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to plaza, courtyard, or similar pedestrian space containing pedestrian amenities. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway.
- c. If a development is on the corner of Main Street and another street, the primary entrance shall be oriented toward Main Street. If the development is on the corner of McLoughlin Boulevard and another street, the primary entrance may be oriented toward either street.

G. Off-Street Parking

1. Intent

The desired character for the DMU Zone, particularly along Main Street, is defined by a continuous façade of buildings close to the street, with adjacent on-street parking.

2. Standards

- a. Off-street parking for residential uses is required at the ratios established in Table 19.605.1. All other applicable standards of Chapter 19.600 apply.
- b. If off-street parking is provided for non-residential uses, the parking maximums in Table 19.605.1 shall apply. All other applicable standards of Chapter 19.600 shall also apply.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main Street right-of-way.

The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main Street right-of-way only upon finding through Type III Variance Review pursuant to Section 19.911 that:

- (1) The overall project meets the intent of providing a continuous façade of buildings close to Main Street;
 - (2) The off-street parking area or curb cut is visually screened from view from Main Street; and
 - (3) The community need for the off-street parking area or curb cut within 50 ft of Main Street outweighs the need to provide a continuous façade of buildings in that area.
- d. Off-street parking shall not be located between a building and the street-facing lot line.

3. Exemptions

All non-residential uses are exempt from the off-street parking requirements.

H. Open Space

1. Intent

To provide amenities for downtown residents, promote livability, and help soften the effects of built and paved areas.

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2. Standards

- a. When a building is set back from the sidewalk, at least 50% of the setback area shall be usable public open space. Building setbacks cannot exceed the maximum setbacks established by Subsection 19.304.5.E and the frontage occupancy requirements of Subsection 19.304.5.E.
- b. Open space may be hardscaped or landscaped, including plazas, courtyards, gardens, terraces, and small parks.

I. Transition Measures

1. Intent

To minimize impacts of commercial or mixed use development on lower-density residential uses.

2. Standards

For properties north of Harrison Street and located within 50 feet of a lower-density residential zone (R-10, R-7, or R-5), the Transition Area Measures in Section 19.504.6 apply. In addition:

- a. Within 50 feet of the property line abutting lower density residential zones, buildings shall provide a step back of at least 6 feet for any portion of the building above 35 feet.
- b. The height and FAR bonuses in Subsection 19.304.6 cannot be applied within 50 feet of a lower-density residential zone.

J. Residential Density

1. Intent

There is a minimal amount of land available for new housing development within the downtown zones. Minimum densities are applied to residential development in the DMU zone to assure efficient use of land at densities that support transit use and nearby downtown businesses.

2. Standards

- a. Minimum densities for rowhouses and live/work units shall be 10 units per acre.
- b. Minimum densities for stand-alone multifamily dwellings and senior/retirement housing in the DMU Zone shall be 30 units per acre. Maximum residential densities are controlled by height limits.

3. Exemption

There are no minimum density requirements when residential units are developed as part of a mixed use building.

19.304.6 Development Incentives

To incentivize the provision of additional public amenities or benefits beyond those required by the baseline standards, bonuses and allowances are available for buildings that include desired public amenities or components; increase downtown vibrancy; and/or help meet sustainability goals.

A. Provisions

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1. A building can utilize up to 2 of the development incentive bonuses of this subsection, for a total of 2 stories of height above the height maximum of Table 19.304.3 and/or an additional 1.0 FAR.
2. In order to accommodate the additional FAR available through the bonuses of this subsection, a maximum of 2 stories of additional height are permitted.

B. Height Bonuses

1. Residential Height Bonus

New buildings that devote at least 1 story or 25% of the gross floor area to residential uses are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

C. Floor Area Ratio Bonus

1. Open Space Bonus

New buildings that provide more open space than the minimum 2% of site area required by Subsection 19.508.7 are permitted an additional 0.1 FAR for each additional 1% of open space provided. The percentage of additional open space shall be calculated as a percentage of the building site.

2. Green Building Bonus

Project proposals that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED or Earth Advantage certified) shall receive 0.3 additional FAR.

FAR bonus approvals shall be verified at the time of building permit submittal and shall be contingent upon submittal of green building certification. The FAR bonus approval may be binding under a development agreement and density bonus awards may be revoked, and/or other permits or approvals may be withheld if the project fails to achieve certification.

19.304.7 Public Area Requirements

A. Purpose

The Public Area Requirements (PAR) implement the Downtown and Riverfront Land Use Framework Plan. The purpose of the PAR is to ensure that, as revitalization occurs in downtown, there will be a consistent and high-quality public right-of-way that establishes a safe, comfortable, contiguous pedestrian-oriented environment. Public area requirements are defined as improvements within the public right-of-way and include, but are not limited to, sidewalks, bicycle lanes, on-street parking, curb extensions, lighting, street furniture, and landscaping. The PAR is implemented through Chapter 19.700 and the Milwaukie Public Works Standards.

B. Applicability, Review Process, and Standards

Development in downtown zones is subject to the review process and standards of Chapter 19.700 as specified in the chapter's applicability provisions. Required public improvements along rights-of-way included in the PAR shall be consistent with the PAR as implemented in the Milwaukie Public Works Standards.

19.304.8 Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for

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convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

- A. Subsection 19.504.6 Transition Area Measures
- B. Subsection 19.504.9 On-Site Walkways and Circulation
- C. Subsection 19.505.3 Design Standards for Multifamily Housing
- D. Subsection 19.505.5 Design Standards for Rowhouses
- E. Subsection 19.505.8 Downtown Site and Building Design Standards

19.304.9 Variances

The Planning Director or Planning Commission may authorize variances to the development standards under Subsection 19.304.3 in accordance with procedures of Section 19.911.

COMMENTARY

CHAPTER 19.400

OVERLAY ZONES AND SPECIAL AREAS

19.401 WILLAMETTE GREENWAY ZONE WG

19.401.3 Limitations on Use

The proposed revision would remove the prohibition on buildings taller than 35 ft east of McLoughlin Blvd. This would remove this height restriction for the Cash Spot site and allow new development within the WG overlay east of McLoughlin Blvd to build to the maximum height limit of the Downtown Mixed Use zone.

UNDERLINE/STRIKEOUT AMENDMENTS

CHAPTER 19.400

OVERLAY ZONES AND SPECIAL AREAS

19.401 WILLAMETTE GREENWAY ZONE WG

19.401.3 Limitations on Use

All land use actions and any change or intensification of use, or development permitted in the underlying zone, are conditional uses, subject to the provisions of Section 19.905.

Prohibited uses:

- A. Commercial, industrial and residential structures and residential accessory structures exceeding 35 ft in height west of McLoughlin Blvd;
 - B. Residential floating structures;
 - C. New private noncommercial boathouses or storage structures, including temporary structures;
 - D. New private noncommercial docks exceeding 400 sq ft;
 - E. Grading and tree cutting is prohibited in the buffer, except as allowed in Subsections 19.401.8.B.1 through 6.
-

COMMENTARY

CHAPTER 19.500

SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.504 SITE DESIGN STANDARDS

19.504.6 Transition Area Measures

Currently, the Transition Area Measures of this section do not apply to downtown Milwaukie. As proposed, areas of downtown Milwaukie that are adjacent to lower-density residential uses (R-10, R-7, and R-5 zones) would be subject to the Transition Area Measures.

19.505 BUILDING DESIGN STANDARDS

19.505.3 Multifamily Housing

This subsection is renamed to improve internal consistency and accurately reflect its purpose.

B. Applicability

As proposed, new standalone multifamily buildings in the DMU zone will be subject to the design standards of this subsection.

2.e. Housekeeping amendment to correct a spelling error.

19.508 DOWNTOWN SITE AND BUILDING DESIGN STANDARDS

Overview

Milwaukie's current code contains minimal standards to regulate the design of new development in downtown. All new development is subject to Type III Downtown Design Review, a discretionary process that reviews the proposal against the Downtown Design Guidelines. However, absent clear standards outlining the expectations for design in downtown, it can be difficult to apply the guidelines.

The purpose of the proposed design standards is to encourage building design and construction with durable, high-quality materials. The design standards are intended to support the development of a cohesive, attractive, and safe downtown area and encourage private investment. The section is subdivided into building design standards, which relate to the appearance of and pedestrian interface with the building, and site design standards, which relate to exterior amenities such as open space and plazas.

Proposed Code Amendment with Commentary

Because Section 19.508 is a new code section, the proposed amendments for this section do not include underline/ strikeout notations. The policy changes included in the proposal are instead described in detail in this Commentary document.

19.508.2 Applicability

As proposed, the design standards apply to building faces (facades) that abut a public street, sidewalk, park, or plaza. They would not apply to building faces that were not visible from any of those locations.

Expansions, additions, or changes to existing buildings and structures would be subject only to applicable design standards. Projects that replace a significant amount of building façade would be required to comply with the materials standards.

19.508.2 Review Process

The regulations are intended to be utilized through a Type I or Type II Downtown Design Review process, with an option for Type III review against the Downtown Design Guidelines. See the commentary for Chapter 19.907 for information about this process.

19.508.4 Building Design Standards

This section expands the existing design standards for nonresidential and mixed use buildings with new and expanded design standards.

A. Building Façade Details

1. Nonresidential and mixed use buildings. New buildings must provide a base, middle, and top ("tripartite," or three-part, façade). Building bases must incorporate defining features such as transparent windows, canopies or awnings, and architectural bays to provide rhythm at the pedestrian level. Middles must include at least 30% transparency (windows and doors), a change in materials, and/or a change in wall plane. The top must provide visual termination through roof treatments. These standards provide visual interest at the pedestrian level and break up building massing so they appear more pedestrian-scale. Finally, new buildings should line up with the belt lines, cornices, or upper floor windows of adjacent buildings, if applicable. This standard encourages visual compatibility among different architectural styles.

2. Residential buildings. In order to comply with state law, standalone residential buildings must have the option for review through an administrative (Type I) process. The proposal would require new multifamily residential buildings downtown to comply with the multifamily design standards of Subsection 19.505.3.

B. Corners

The purpose of corner standards is to create a strong architectural statement at street corners and establish visual landmarks and enhance visual variety.

1. New buildings at the corner of two public streets or a street and another public area (such as a park or plaza) must enhance the corner of the intersection through locating the

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primary entrance at the corner, providing an architectural element (such as a turret or other element), cutting the corner at a 45 degree angle, or using landscaping and other paving treatments.

C. Weather Protection

The purpose of weather protection standards is to create an all-season pedestrian environment that protects pedestrians from sun and rain, and encourages pedestrians to walk downtown.

1. Minimum weather protection coverage. All building entries must be protected by canopies or awnings or physically recessed behind the front building façade. The weather protection would cover at least 50% of the building to provide adequate protection while avoiding a "canyon" effect.

D. Exterior Building Materials

The purpose for regulating building materials is to encourage the construction of attractive buildings with materials that evoke a sense of permanence and are compatible with downtown Milwaukie and the surrounding built and natural environment.

1. The current list of prohibited materials does not permit some commonly used materials, such as fiber cement board. The revised approach to exterior building materials identifies materials to be used a "primary," "secondary," and "accent." 2. New language states that when more than 50% of the façade of an existing building is being modified, the modified façade must comply with Table 10.508-1 Downtown Exterior Building Materials.

Table 19.508.4.D Downtown Exterior Building Materials

The list of permitted materials is organized in a table format. The range of permitted materials is broader and includes those materials currently permitted (wood, stucco, brick, stone), adds additional materials (concrete, fiber reinforced cement siding and panels), and allows more modern materials as building accents (ceramic tile, metal, glass block). Vinyl siding, EIFS (synthetic stucco), and plastic or vinyl fencing, and chain link fencing are prohibited throughout downtown.

E. Windows and Doors

The purpose behind transparency requirements (a certain percentage of windows and doors on the ground floor) is to provide a safe and comfortable pedestrian environment by creating a visual connection between the indoor and outdoor spaces. This increases safety, and also allows pedestrians to see the displays and activity within.

1. The ground floor of buildings along Main Street (15 ft above finished grade) must consist of at least 50% windows and doors. This enhances Main Street's position as the retail spine of downtown by encouraging window displays and transparency between the sidewalk and the interior of Main Street businesses, and allows for daylighting of interior spaces. The bottom edge of windows cannot be taller than 30 inches from the floor, to

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provide a traditional storefront opening appearance. Existing language prohibiting more than 50% of the window from being covered by blinds, signage, or curtains is retained. The new weather protection requirement described above is intended to minimize the need for interior shades or curtains.

2. The ground floor of block faces downtown must consist of at least 35% windows and doors., except McLoughlin Blvd, where 30% transparency is required. This requirement ensures that there is a minimum level of interior daylighting and visual interest along all downtown streets.

3. A new standard requires that the upper levels of new buildings consist of at least 30% windows and doors, such as balcony doors. At least 60% of these windows must be vertically oriented, to ensure compatibility with existing "traditional" building designs.

4. A new standard requires that windows provide shadowing to increase visual interest and depth. This can be accomplished by recessing the windows into the wall face, or by installing trim of a contrasting material or color.

5. Existing prohibitions of reflective or opaque windows, simulated internal divisions, and unpainted metal frame windows are retained. These ensure transparency as well as the use of genuine internally divided windows and window frames with finished surfaces.

F. Roofs and Rooftop Equipment

The current code has minimal standards for roof treatments and rooftop equipment. It is unclear which types of roofs beyond flat roofs are permitted, and how they should be visually terminated ("capped").

1. Roof forms. A range of roof forms are permitted, including flat, hip, gabled, and shed roofs and/or dormers. Additional direction regarding the treatment of each roof type is provided.

2. Rooftop equipment and screening. New standards establish height limits for rooftop equipment such as elevator mechanical equipment (16 ft) and communications equipment (10 ft), and establishes screening requirements to screen rooftop equipment from public view. Sustainability-related structures, such as solar panels, wind generators, and green roof features are exempt from the screening requirements.

3. Rooftop structures. New language clarifies that rooftop structures related to shared outdoor space, such as roof decks or gardens, is not included in a building's maximum height calculation. This allows buildings to provide outdoor space without being penalized for providing structures to make it more enjoyable.

19.508.5 Site Design Standards

A. Open Space/Plazas

The current code does not require new development to provide public open spaces or plazas. Public and semi-public space contributes to the vitality of downtown by providing

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places for people to gather and people-watch. Street life tends to attract additional street life, which contributes to the unique experience of downtown Milwaukie.

1. New regulations would require that nonresidential and mixed use development with site areas greater than 20,000 sq ft (about 1/2 block in downtown Milwaukie) include a public space of at least 400 sq ft, or 2% of the site area. These spaces must be enclosed on at least two sides by "active" uses; this creates a comfortable space as well as a safer space. The public spaces must be accessible from sidewalk level to ensure they are both universally accessible and highly visible.

2. New regulations for mixed-use buildings that include 4 or more residential units, as well as standalone residential buildings, require the inclusion of at least 50 sq ft open space per dwelling unit, to be provided through private open space, common open space, or a combination of the two. Private open space can consist of a porch, deck, balcony, patio, or other area. Common open space can be located in courtyards, roof decks or gardens, play areas, recreation rooms, lobbies, etc. Credits are available for the provision of additional private open space, as well as for developments that are directly adjacent to an improved public park (which means a park that is something other than a vacant, unimproved lot). In downtown, this would include Scott Park and Dogwood Park.

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CHAPTER 19.500

SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.504 SITE DESIGN STANDARDS

19.504.6 Transition Area Measures

Where commercial or industrial development is proposed adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses. ~~The downtown zones are exempt from this subsection.~~

- A. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be at least as wide as the required front yard width of the adjacent lower-density zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable.
 - B. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to the 6-ft level to screen lower-density residential uses from direct view across the open space.
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19.505 BUILDING DESIGN STANDARDS

19.505.3 ~~Design Standards for Multifamily Housing~~

B. Applicability

The design elements in Table 19.505.3.D in this subsection apply, as described below, to all multifamily and congregate housing developments with 3 or more dwelling units on a single lot, ~~except within the downtown zones of Section 19.304~~. Cottage cluster housing and rowhouses on their own lots are subject to separate standards and are therefore exempt from Subsection 19.505.3. Housing development that is on a single lot and emulates the style of cottage cluster housing or rowhouses is subject to the standards of this subsection.

1. All new multifamily or congregate housing development is subject to the design elements in this subsection.
2. The following design elements are applicable for work that would construct a new building or increase the floor area on the site by more than 1,000 sq ft. Elements that are applicable only to additions do not apply to the site's existing development.
 - a. Subsection 19.505.3.D.1 Private Open Space, for the entire site.
 - b. Subsection 19.505.3.D.2 Public Open Space, for the entire site.
 - c. Subsection 19.505.3.D.5 Building Orientation and Entrances, only for additions or new buildings.

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- d. Subsection 19.505.3.D.6 Building Façade Design, only for additions or new buildings.
 - e. Subsection 19.505.3.D.7 Building Materials, only for additions or new buildings.
 - f. Subsection 19.505.3.D.8 Landscaping, for the entire site.
 - g. Subsection 19.505.3.D.9 Screening, only for additions or new buildings.
 - h. Subsection 19.505.3.D.11 Sustainability, only for new buildings.
 - i. Subsection 19.505.3.D.12 Privacy Considerations, only for additions or new buildings.
 - j. Subsection 19.505.3.D.13 Safety, only for additions or new buildings.
3. Table 19.505.3.D.7 Building Materials is applicable for work that would replace more than 50% of the façade materials on a building within a 12-month period. The element applies only to the building on which the new façade materials are installed.
 4. Any activity not described in Subsections 19.505.3.D.2.a-c is exempt from the design elements in this subsection.

Note: Because Section 19.508 is a new code section, the proposed amendments for this section do not include underline/ strikeout notations.

19.508 DOWNTOWN SITE AND BUILDING DESIGN STANDARDS

This section contains building design standards to be used with the Type I and II Downtown Design Reviews as established in Section 19.907 and to provide additional direction when the Downtown Design Guidelines are applied through a Type III Downtown Design Review process.

19.508.1 Purpose

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards will support the development of a cohesive, attractive, and safe downtown area and encourage private investment. The design standards do not prescribe a particular building or architectural style. Compliance with the standards is reviewed as part of a Type I or II Downtown Design Review.

19.508.2 Applicability

The design standards in this section generally apply to the street-abutting facades of nonresidential, mixed use and residential-only multifamily buildings within the downtown zones. More detailed applicability language is provided at the beginning of each specific standard. Development is subject to the standards of this section as described below.

A. New development

1. All new development is subject to the standards of this section.
2. New development that does not meet one or more standards of this section is subject to Type III Downtown Design Review per Section 19.907 and review against the purpose statement and Downtown Design Guideline(s) related to that standard.

B. Expansions, additions, and/or changes to existing buildings or structures

The following elements are applicable to the expansions of and/or additions to existing buildings or structures. Elements that are applicable to expansions or additions do not apply

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to existing buildings unless stated below. Expansions or additions that bring the building or structure out of conformance, or further out of conformance if already nonconforming, with the applicable design standard or standards are subject to Chapter 19.800 Nonconforming Uses and Development or Chapter 19.907 Downtown Design Review.

1. Expansions or additions that add 250 sq ft or less, and are not visible from the pedestrian level of adjacent streets, sidewalks, courtyards, and/or public parks or pedestrian walkways are exempt from the design standards of Section 19.508.
2. Expansions or additions to the street-abutting façade are subject to the following standards:
 - a. Subsection 19.508.4.A.2. Building Façade Details for the area of expansion or addition only.
 - b. Subsection 19.508.4.B Corners if applicable.
 - c. Subsection 19.508.4.C Weather Protection if the addition or expansion includes a building entry.
 - d. Subsection 19.508.4.D.3 For existing development, only for the area of the expansion.
 - e. Subsection 19.508.4.E Windows and Doors, only for the area of expansion or addition.
 - f. Subsection 19.508.4.F Roofs and Rooftop Equipment for expansions that include an additional floor, a new roof, and/or new rooftop equipment.
 - g. Subsection 19.508.4.G Open Space/Plazas.

C. Replacement of materials

The following elements are applicable for work that would replace any of the façade materials on a building or change elements of the façade such as windows, doors, awnings, canopies, and other structural elements. The element applies only to the portion of the facade on which the new materials are installed or the structural element being replaced.

1. Subsection 19.508.4.A.2.a(1)(b) for replacement of more than 25% of the building façade materials.
2. Subsection 19.508.4.A.2.a(2)(b) for replacement of more than 25% of the building façade materials..
3. Subsection 19.508.4.A.2.b Horizontal Building Façade for replacement of more than 25% of the building façade materials.
4. Subsection 19.508.4.D.3 For existing development.

- D. Any activity not described in Subsections 19.508.2.A-C is exempt from the design standards of this section.

19.508.3 Review Process

Design standards for development in downtown Milwaukie are applied through Downtown Design Review as established in Section 19.907. Projects subject to Downtown Design Review are described in the applicability language in Subsection 19.907.3.

For those projects that are subject to Downtown Design Review, there are three possible review paths. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met.

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A. Type I

This provides for a Type I review process using clear and quantifiable design standards. It is intended to apply limited design standards to smaller building and site renovation projects.

B. Type II

This provides for a Type II process that requires staff review utilizing clear and quantifiable design standards. It generally applies to new development and renovation/remodeling projects.

C. Type III

This provides for a discretionary Type III review process through which the Design and Landmarks Committee and Planning Commission determine substantial consistency with the *Milwaukie Downtown Design Guidelines* document. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility.

Designing a project to meet the quantifiable design and development standards would result in an administrative (Type I or Type II) review process. However, applicants, at their discretion, may choose to use the Type III process with the Design and Landmarks Committee and Planning Commission.

19.508.4 Building Design Standards

All buildings that meet the applicability provisions in Subsection 19.508.2 shall meet the following design standards. An architectural feature may be used to comply with more than one standard.

A. Building Façade Details

1. Purpose

To provide cohesive and visually interesting building facades in the downtown, particularly along the ground floor.

2. Nonresidential and mixed use buildings

The following standards apply only to nonresidential and mixed use buildings.

a. Vertical building façade

Nonresidential and mixed use buildings two stories and above shall provide a defined base, middle, and top.

(1) Base

The base extends from the sidewalk to the bottom of the second story or the belt course/string course that separates the ground floor from the middle of the building. The building base shall be defined by providing all of these elements:

- (a) The street-facing ground floor shall be divided into distinct architectural bays that are no more than 30 feet on center. For the purpose of this standard, an architectural bay is defined as the zone between the outside edges of an engaged column, pilaster, post, or vertical wall area.
- (b) The building base shall be constructed of brick, stone, or concrete to create a "heavier" visual appearance.

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- (c) Weather protection that complies with the standards of MMC 19.508.3.
- (d) Windows that comply with the standards of MMC 19.508.5.

(2) Middle

The middle of a building extends from the top of the building base to the ceiling of the highest building story. The middle is distinguished from the top and base of the building by use of building elements. The middle of the building shall be defined by providing all of the following elements:

- (a) Windows that comply with the standards of MMC 19.508.5.
- (b) One of the following elements:
 - (i) A change in exterior cladding, and detailing and material color between the ground floor and upper floors. Differences in color must be clearly visible.
 - (ii) Street-facing balconies or decks of at least 2 feet in depth and 4 feet in width, or a [6-8]-foot minimum building step-back on the third floor or higher for at least [25]% of the length of the building.
- (c) A change in wall plane of not less than [24] inches in depth and [24] inches in width. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, pediment, coursing, column, marquee, or similar architectural feature.

(3) Top

The top of the building extends from the ceiling of the uppermost floor to the highest vertical point on the roof of the building, and is the roof form/element at the uppermost portion of the façade that visually terminates the façade. The top of the building shall provide the following:

- (a) Roofs that comply with the standards of MMC 19.508.6.

b. Horizontal building facade

- (1) Horizontal datum lines, such as belt lines, cornices, or upper floor windows, shall line up with adjacent facades if applicable.
- (2) Significant breaks shall be created along building facades at least every 150 linear feet by either setting the façade back at least 20 feet or breaking the building into separate structures. Breaks shall be at least 15 feet wide and shall be continuous along the full height of the building.

3. Residential buildings

The objective standards of Table 19.505.3.D Building Façade Design apply to stand-alone multifamily residential buildings in downtown. The standards in this section do not apply to rowhouses or live/work units. Rowhouses and live/work units are subject to the design standards in Section 19.505.5 Standards for Rowhouses, as revised by Subsection 19.304.3.B.

B. Corners

1. Purpose

To create a strong architectural statement at street corners and establish visual landmarks and enhance visual variety.

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2. Nonresidential or mixed use buildings

Nonresidential or mixed-use buildings at the corner of two public streets or a street and public area, park or plaza (for the purposes of this standard an alley is not considered a public street) shall incorporate two of the following features:

- a. Locate the primary entry to the building at the corner;
- b. A prominent architectural element, such as increased building height or massing, a cupola, a turret or a pitched roof at the corner of the building or within 20 feet of the corner of the building;
- c. The corner of the building cut at a 45 degree angle, or a similar dimension “rounded” corner;
- d. A combination of special paving materials, street furnishings and, where appropriate, plantings, in addition to the front door.

C. Weather Protection

1. Purpose

Create an all-season pedestrian environment.

2. Weather protection required

All buildings shall provide weather protection for pedestrians as follows:

- a. Minimum weather protection coverage.
 - (1) All ground-floor building entries shall be protected from the weather by canopies, or recessed behind the front building façade at least 3 feet.
 - (2) Permanent awnings, canopies, recesses or similar weather protection shall be provided along at least 50 percent of the ground-floor elevation(s) of a building where the building abuts a sidewalk, civic space, or pedestrian access way.
 - (3) Weather protection used to meet the above standard shall extend at least 4 feet and no more than 6 feet over the pedestrian area, and a maximum of 4 feet into the public right-of-way. Balconies meeting these dimensional requirements can be counted toward this requirement.
 - (4) In addition, the above standards do not apply where a building has a ground-floor dwelling, as in a mixed-use development or live-work building, and the dwelling entrance has a covered entrance.
- b. Weather protection design. Weather protection shall comply with applicable building codes, and shall be designed to be visually compatible with the architecture of a building. Where applicable, weather protection shall be designed to accommodate pedestrian signage (e.g., blade signs) while maintaining required vertical clearance.

D. Exterior Building Materials

1. Purpose

To encourage the construction of attractive buildings with materials that evoke a sense of permanence and are compatible with downtown Milwaukie and the surrounding built and natural environment.

2. Exterior wall standards

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The following standards are applicable to the exterior walls of all new buildings facing streets, courtyards, and/or public squares in all of the downtown. Table 19.508.4.D specifies the primary, secondary and prohibited material types referenced in this standard.

- a. Buildings shall utilize primary materials for at least 65% of each building facade.
 - b. Secondary materials are permitted on no greater than 35% of each building facade.
 - c. Accent materials are permitted on no greater than 10% of each building facade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.).
 - d. Buildings shall not utilize materials listed as prohibited.
3. For existing development

Facade modifications that affect more than 50% of the facade shall comply with standards in this section. The Planning Director may waive this requirement if application of the standards would create an incongruous appearance of existing and new materials.

Material Type	Nonresidential and Mixed Use	Residential
Brick	P	P
Stone/masonry	P	P
Genuine stucco	P	P
Glass (transparent, spandrel)	P	P
Finished wood, wood veneers and wood siding	P	P
Finished metal panels, such as anodized aluminum, stainless steel or copper, featuring a polished, brushed or patina finish	S	S
Concrete blocks with integral color (ground, polished or glazed finishes)	S	S
Concrete (poured in place or precast)	S	S
Fiber reinforced cement siding and panels	S	S
Ceramic tile	S	S
Concrete blocks with integral color (split face finish)	A	A
Standing seam and corrugated metal	A	A
Glass block	A	A
Vegetated wall panels or trellises	A	A
Vinyl siding	N	N
Exterior insulation finishing system (EIFS)	N	N
Plastic or vinyl fencing	N	N
Chain link fencing	N	N

P = Primary Material

S = Secondary Material

A = Accent Material

N = Prohibited Material

E. Windows and Doors

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1. Purpose

To enhance street safety and provide a comfortable pedestrian environment by adding interest to exterior facades, allowing for day lighting of interior space and creating a visual connection between interior and exterior spaces.

2. Main Street

For block faces along Main Street, 50% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 feet above finished grade, whichever is less.

3. Other streets

For all other block faces, the exterior wall(s) of the building facing the street/sidewalk must meet the following standards:

- a. 40% of the ground-floor street wall area must consist of openings; i.e. windows or glazed doors.
- b. Along McLoughlin Blvd the required coverage is 30%. The provisions of B(2) through B(6) also apply.

4. Upper level

Along all block faces, the following standards are applicable on the upper level building facades facing a street or public space.

- a. Upper building stories shall provide a minimum of 30% glazing. For the purposes of this standard, minimum glazing includes windows and any glazed portions of doors.
- b. The required upper floor window/door percentage does not apply to floors where sloped roofs and dormer windows are used.
- c. A minimum of 60% of all upper floor windows shall be vertically oriented. This vertical orientation applies to grouped window arrays as opposed to individual windows [illustrated/described in a figure or definition].

5. General standards

- a. Windows shall be designed to provide shadowing. This can be accomplished by recessing windows 4 inches into the façade and/or incorporating trim of a contrasting material or color.
- b. All buildings with nonresidential ground-floor windows must have a visible transmittance (VT) of 0.6 or higher.
- c. Doors and/or primary entrances must be located on the street-facing block faces and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.
- d. The bottom edge of windows along pedestrian ways shall be constructed no more than 30 inches above the abutting walkway surface.
- e. Ground-floor windows for nonresidential buildings shall allow views into storefronts, working areas, or lobbies. No more than 50 percent of the window area may be covered by interior furnishings including but not limited to curtains, shades, signs, or shelves.

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- f. Signs are limited to a maximum coverage of 20 percent of the required window area.

6. Prohibited window elements

For all building windows facing streets, courtyards, and/or public squares in the downtown, the following window elements are prohibited:

- a. Reflective, tinted, or opaque glazing
- b. Simulated divisions (internal or applied synthetic materials)
- c. Exposed, unpainted metal frame windows

F. Roofs and Rooftop Equipment

1. Purpose

To create a visually interesting condition at the top of the building that enhances the quality and character of the building.

2. Roof forms

- a. The roof form of a building shall follow one (or a combination) of the following forms:
 - (1) Flat roof with parapet or cornice
 - (2) Hip roof
 - (3) Gabled roof
 - (4) Dormers
 - (5) Shed roof.
- b. All flat roofs or those with a pitch of less than [4/12-5/12] shall be architecturally treated or articulated with a parapet wall that projects vertically above the roof line at least 12 inches and/or a cornice that projects from the building face at least 6 inches.
- c. All hip or gables roofs exposed to view from adjacent public or private streets and properties shall have a minimum [4/12-5/12] pitch.
- d. Sloped roofs shall have eaves, exclusive of rain gutters, that project from the building wall at least 12 inches.
- e. When an addition to an existing structure or a new structure is proposed in an existing development, the roof forms for the new structure(s) shall have similar slope and be constructed of the same materials as the existing roofing.

3. Rooftop equipment and screening

- a. The following rooftop equipment does not require screening:
 - (1) Solar panels, wind generators, and green roof features;
 - (2) Equipment under two feet in height, if set back a minimum of 5 ft from the outer edge of the roof.
- b. Elevator mechanical equipment may extend above the height limit a maximum of 16 feet provided that the mechanical shaft is incorporated into the architecture of the building.

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- c. Satellite dishes, communications equipment and all other roof-mounted mechanical equipment shall be limited to 10 feet in height, shall be set back a minimum of 10 feet from the roof edge and shall be screened from public view and from views from adjacent buildings by one of the following methods:
 - (1) A screen around the equipment that is made of a primary exterior finish material used on other portions of the building or wood fencing or masonry;
 - (2) Green roof features or regularly maintained dense evergreen foliage that forms an opaque barrier when planted.
- d. Required screening shall not be included in the building's maximum height calculation.

4. Rooftop structures

Rooftop structures related to shared outdoor space, such as arbors, trellises, or porticos related to roof decks or gardens, shall not be included in the building's maximum height calculation, as long as they do not exceed 10 feet in height.

19.508.5 Site Design Standards

A. Open Space/Plazas

1. Intent

To assure adequate public and private open space in the downtown.

2. Nonresidential and mixed use developments

The following standards apply to nonresidential and mixed use developments greater than 20,000 square feet.

- a. Development projects with site areas greater than 20,000 square feet shall include at least one public space with a minimum size of [400] square feet or 2% of the site area, whichever is larger.
- b. Public spaces shall be abutted on at least two sides by retail shops, restaurants, [offices], or services with windows and [primary] entrances fronting on the space.
- c. Public spaces must be accessible at grade adjacent to the sidewalk. Other portions of the public space may be above or below grade.

3. Mixed use and residential development

The following standards apply to mixed use buildings with more than 4 residential units and residential-only multifamily developments. These standards apply in addition to the standards of Subsection 19.508.5.2 above.

a. Open space required

50 square feet of private or common open space is required for each dwelling unit. The open space may be allocated exclusively for private or common use or may be a combination of the two uses.

b. Common Open Space

- (1) Common open space may be provided in the form of decks, shared patios, roof gardens, recreation rooms, lobbies or other gathering spaces created strictly for the tenants and not associated with storage or circulation. Landscape buffer areas may not be used as common open space unless

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active and passive uses are integrated into the space and its use will not adversely affect abutting properties.

- (2) With the exception of roof decks or gardens, common open space shall be abutted on at least two sides by residential units or by nonresidential uses with windows and entrances fronting on the space.

c. Private Open Space

- (1) Private open space may be provided in the forms of a porch, a deck, a balcony, a patio or other private outdoor area.
- (2) The private open space provided shall be contiguous with the unit.
- (3) Balconies used for entrances or exits shall not be considered as private open space except where such exits or entrances are for the sole use of the unit.
- (4) Balconies may project up to a maximum of 4 feet into the public right-of-way.

d. Credit for open space

An open space credit of 50% may be granted when a development is directly adjacent to an improved public park.

19.508.6 Variances

Variances cannot be granted for the design standards of Section 19.508. Projects that cannot meet the design standards in this section must be reviewed through a Type III Downtown Design Review and demonstrate compliance with the Milwaukie Downtown Design Guidelines, pursuant to Section 19.907.

COMMENTARY

CHAPTER 19.600

OFF-STREET PARKING AND LOADING

This chapter is revised to remove references to the Public Area Requirements and the Downtown Storefront Zone DS and Downtown Office Zone DO and to incorporate references to the proposed Downtown Mixed Use Zone DMU.

UNDERLINE/STRIKEOUT AMENDMENTS

CHAPTER 19.600

OFF-STREET PARKING AND LOADING

19.601 PURPOSE

Chapter 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of Chapter 19.600 is to: provide adequate, but not excessive, space for off-street parking; avoid parking-related congestion on the streets; avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; encourage bicycling, transit, and carpooling; minimize parking impacts to adjacent properties; improve the appearance of parking areas; and minimize environmental impacts of parking areas.

Regulations governing the provision of on-street parking within the right-of-way are contained in Chapter 19.700 ~~and the Milwaukie Downtown and Riverfront Plan Public Area Requirements, which is an ancillary document to the Comprehensive Plan.~~ The management of on-street parking is governed by Chapter 10.20. Chapter 19.600 does not enforce compliance with the Americans with Disabilities Act (ADA). ADA compliance on private property is reviewed and enforced by the Building Official.

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

The purpose of Section 19.605 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratios for common land uses, and Subsection 19.605.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

~~The Downtown Storefront (DS) Zone and the portion of the Downtown Office (DO) Zone north of Washington Street and east of McLoughlin Boulevard are exempt from the requirements of Section 19.605.~~

19.606 PARKING AREA DESIGN AND LANDSCAPING

19.606.2 Landscaping

B. General Provisions

1. Parking area landscaping shall be required for the surface parking areas of all uses, except for cottage clusters, rowhouses, duplexes, and single-family detached dwellings. Landscaping shall be based on the standards in Subsections 19.606.2.C-E.
2. Landscaped areas required by Subsection 19.606.2 shall count toward the minimum amount of landscaped area required in other portions of Title 19.
3. Parking areas with 10 or fewer spaces in the Downtown Mixed Use Storefront Zone ~~and the portion of the Downtown Office Zone located to the north of Washington Street~~

Proposed Code Amendment with Commentary

and east of McLoughlin Boulevard, are exempt from the requirements of Subsection 19.606.2.

19.608 LOADING

19.608.1 General Provisions

- A. The purpose of off-street loading areas is to contain loading activity of goods on-site and avoid conflicts with travel in the public right-of-way; provide for safe and efficient traffic circulation on the site; and minimize the impacts of loading areas to surrounding properties.
 - B. Off-street loading areas may be required for commercial, industrial, public, and semipublic uses for the receipt or distribution of merchandise, goods, or materials by vehicles. Off-street loading is not required in the Downtown Mixed Use Storefront and Downtown Office Zones.
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19.609 BICYCLE PARKING

19.609.1 Applicability

Bicycle parking shall be provided for all new commercial, industrial, community service use, and multifamily residential development. Temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units are exempt from Section 19.609. Bicycle parking shall be provided in the Downtown Mixed Use Zone ~~downtown zones~~ and at transit centers.

19.611 PARKING STRUCTURES

The purpose of Section 19.611 is to regulate the design and location of structured parking, and to provide appropriate incentives for the provision of structured parking. Structured parking is allowed to accommodate parking that is required for a specific use, or as a parking facility that is a use by itself.

19.611.1 Permitted Zones and Review Procedures

- A. Parking structures, including underground parking, are allowed in all zoning districts except the R-10, R-7, R-5, and ~~Downtown~~ Open Space Zones. A parking structure can be permitted through approval of a Community Service Use application in all zones except the ~~Downtown~~ Open Space Zone.
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COMMENTARY

CHAPTER 19.700

PUBLIC FACILITY IMPROVEMENTS

19.710 DOWNTOWN REIMBURSEMENT

This provision was effective from March 13, 2013, and was automatically repealed on March 13, 2014, per the adopting ordinance. It is being deleted.

UNDERLINE/STRIKEOUT AMENDMENTS

CHAPTER 19.700

PUBLIC FACILITY IMPROVEMENTS

~~19.710 DOWNTOWN REIMBURSEMENT~~

~~19.710.1 Reimbursement Eligibility~~

~~In downtown zones, the City will reimburse property owners for certain expenditures related to frontage improvements. The City will reimburse those requesting reimbursement for expenditures that meet all of the following criteria:~~

- ~~A. The expenditure is required as a prerequisite to obtaining a development or building permit.~~
- ~~B. The development approved by the permit for which the expenditure was a prerequisite, has been completed in its entirety.~~
- ~~C. The expenditure is either a payment made to the City as a fee in lieu of construction pursuant to Section 19.706, or is the amount paid to construct right-of-way frontage improvements, pursuant to Subsection 19.703.3.B.~~
- ~~D. The fee in lieu of construction was paid to the City, or the right-of-way permits for the frontage improvements were issued, between the dates of August 1, 2012, and March 21, 2013, the effective date of Ord. #2059.~~
- ~~E. The development or change in use would have been exempt under Subsection 19.702.3.B.~~
- ~~F. The expenditures for which reimbursement is requested were made by the party or parties requesting reimbursement or the successors in interest of such parties.~~

Proposed Code Amendment with Commentary

19.710.2 Reimbursement Amount

- A. ~~Reimbursement by the City under this subsection shall be for one of the following expenses:~~
1. ~~The total amount paid to the City by the party or parties requesting reimbursement as a fee in lieu of construction for right-of-way improvements on the property's frontage.~~
 2. ~~The total amount expended by the party or parties requesting reimbursement on right-of-way improvements along the property's frontage.~~
- B. ~~The following expenses are not eligible for reimbursement by the City: system development charges, improvements identified as required mitigation by a Traffic Impact Study per Section 19.704, permit fees, or inspection fees.~~

19.710.3 Reimbursement Process

~~A property owner in a downtown zone must initiate the reimbursement process by submitting a written request for reimbursement to the Community Development Director.~~

- A. ~~The written request for reimbursement must include the following information:~~
1. ~~The address or tax lot number of the property in question.~~
 2. ~~The name of the person or persons (individual or corporate) that are requesting the reimbursement.~~
 3. ~~Documentation of current ownership of the property in question.~~
 4. ~~The amount of the requested reimbursement.~~
 5. ~~Written documentation of the payment to the City of a fee in lieu of construction or the amount expended on the construction of right-of-way improvements, by the party or parties requesting reimbursement, or the predecessors in interest to such parties.~~
 6. ~~A copy of the decision requiring the construction of the subject right-of-way improvements, or a receipt for the payment of the subject fee in lieu of construction, for which reimbursement is requested.~~
- B. ~~Upon receipt of a written request for reimbursement, the Community Development Director shall review the request for consistency with the requirements and standards of this section. This review is not a land use decision.~~
- C. ~~Upon approval of a reimbursement request, the City shall make the funds payable to the requesting party or parties within 60 days.~~

19.710.4 Time Limit on Reimbursement

~~Section 19.710 shall be effective for one year from March 21, 2013, the effective date of Ord. #2059. On the 365th day after the effective date, this section shall be automatically repealed, no longer part of the Milwaukie Municipal Code, and no longer of any effect within the city.~~

COMMENTARY

CHAPTER 19.900

LAND USE APPLICATIONS

19.907 DOWNTOWN DESIGN REVIEW

Overview

Currently, all new development in downtown Milwaukie is subject to Type III Downtown Design Review and evaluation for substantial consistency with the *Downtown Design Guidelines*. Type III DDR requires review and recommendation by the Design and Landmarks Committee, and approval by the Planning Commission. The process is very discretionary and the outcome is unknown; typically, the proposal must be quite advanced to provide the level of detail need to review the proposal against the guidelines. This process introduces both time (cost) and uncertainty (risk) to the process.

The proposed amendments would streamline the review process for new development and additions that comply with all of the Downtown Site and Design Standards of Section 19.508. A developer desiring more flexibility would have the option to choose a Type III process and review against the Downtown Design Guidelines.

Due to the significant revisions to this section of the code, staff is recommending that the existing Section 19.907 Downtown Design Review be repealed and replaced. Therefore the proposed amendments for this section do not include underline/ strikeout notations. The policy changes included in the proposal are instead described in detail in this Commentary document.

19.907.2 Applicability

A. Exemptions

As proposed, demolitions, small additions that are not visible from the street, maintenance, and repair of a building would be exempt from Downtown Design Review.

B. Type I

In a Type I review, staff reviews the proposal against clear and objective standards. Generally, smaller upgrades or renovations (such as relocating entry doors, replacing windows, or modifying on-site landscaping, and limited increases in floor area) would be reviewed through Type I administrative review. In order to comply with state law, standalone residential buildings would also be permitted through Type I review if they meet all of the Type I multifamily design standards of Table 19.505.3.D. Applicants can choose to request review of standalone multifamily buildings through Downtown Design Review, but cannot be required to do so.

C. Type II

In a Type II review, staff reviews the proposal against quantifiable standards. A minimal amount of discretion is required to determine if the proposal meets all applicable standards. Generally, larger expansions or renovations that meet the design standards of Section 19.508 can be approved through Type II review. In addition, new construction that meets all of the standards of Section 19.508, as well as new multifamily buildings that meet all of the design guidelines of Table 19.505.3.D, could be approved through Type II review.

D. Type III

The discretionary Type III process would be available for projects that desired additional flexibility, that was unable to meet one or more design standards of Section 19.508, or was unusual enough to not be captured under the applicability for Type I or Type II review.

19.907.3 Review Process

A. New language clarifies the extent of downtown design review, which is limited to the portion of the site or structure being modified.

B. Review Types. This section outlines the 3 review processes available for approval. The Type I option is a ministerial review track, Type II is an administrative review track, and Type III is an optional discretionary review track. The type of review process is determined by the scale of the project and whether it complies with the design guidelines of Section 19.508.

19.907.4 Application

This section describes the information and materials that must be submitted with an application for Downtown Design Review. Generally, these materials include sufficient information to review the exterior materials, colors, and architectural features, as well as site design such as open space.

19.907.5 Approval Criteria

Revised language clarifies the approval criteria for each level of land use review.

19.907.6 Report and Recommendation by Design and Landmarks Committee

Existing language describing the role of the Design and Landmarks Committee (DLC) is retained. The DLC reviews Type III Downtown Design Review applications at a public meeting and makes a recommendation to the Planning Commission.

19.907.7 Variances

New language clarifies that variances cannot be granted for the downtown site and design standards of Section 19.508; proposals that do not meet the standards must use the Type III discretionary review process.

UNDERLINE/STRIKEOUT AMENDMENTS

CHAPTER 19.900

LAND USE APPLICATIONS

CHAPTER 19.900 LAND USE APPLICATIONS

19.907 DOWNTOWN DESIGN REVIEW

19.907.1 Purpose

Downtown Design Review is intended to achieve the following purposes:

- A. Preserve and enhance the character of downtown Milwaukie;
- B. Ensure a degree of order, harmony, and quality in the downtown, providing buildings and projects that are attractive individually yet contribute to a downtown that is unified and distinctive as a whole;
- C. Ensure that new development and alterations or enlargement of existing development are consistent with the downtown site and building design standards of Section 19.508 or Downtown Design Guidelines;
- D. Implement the vision of the Downtown and Riverfront Land Use Framework Plan; and
- E. Provide a design review process that allows applicants to choose standards or more flexible discretionary guidelines.

19.907.2 Applicability

Applications for Downtown Design Review shall be processed through a Type I, II, or III procedure in accordance with Chapter 19.1000, as follows:

A. Exemptions

Downtown Design Review does not apply to the following projects:

1. Demolition, unless listed on the City of Milwaukie Historic Resource Inventory and subject to the standards of Section 19.403
2. Building additions of less than 250 square feet that are not visible from streets, sidewalks, courtyards, and/or public parks or pedestrian walkways
3. Maintenance, restoration and repair of a building in a manner that is consistent with previous approvals and/or necessary for safety. Examples include paint retouching and other routine upkeep of the building exterior, and in-kind restoration or replacement of damaged materials. Maintenance, restoration, and repair does not include replacement of materials due to obsolescence.
4. Minor building or site upgrades needed to bring an existing development into compliance with the Americans with Disabilities Act
5. Exterior painting and weatherproofing
6. Any exterior project that doesn't require a building permit
7. Interior remodeling

B. Type I

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The following projects are subject to Type I Downtown Design Review:

1. Demolition or replacement of less than 25% of the surface area of any exterior wall or roof
2. Addition, elimination, or change in location of windows that does not decrease the overall percentage of window coverage
3. Addition, elimination, or change in location of entry doors and loading doors.
4. Addition of new, or change to existing, awnings, canopies, and other mounted structures to an existing façade
5. For commercial and mixed use developments, modification of up to 15% of on-site landscaping with no reduction of the overall landscaping percentage. Modification refers to changing the hardscape elements and the location of required landscaped areas and/or trees
6. Modification of an off-street parking area with no reduction in parking spaces or increase in paved area, including restriping.
7. Addition of new fences and/or retaining walls of 4 ft in height or less
8. Change of existing grade
9. An increase in floor area proposed for a nonresidential use of less than 10% up to a maximum of 2,000 square feet.
10. A reduction in the area reserved for common open space and/or usable open space which does not reduce the open space area below the minimum required or reduces the open space area by less than 10 percent. Reduction of the open space area below the minimum required requires Variance Review per Chapter 19.911.
11. A new stand-alone multifamily residential building or addition that meets the objective design standards in Table 19.505.3.D. Applicants may elect to process a stand-alone residential building through Type II Downtown Design Review if the applicant prefers to meet the design standards of Section 19.508.

C. Type II

The following projects are subject to Type II Downtown Design Review:

1. New development that meets the design standards of Section 19.508.
2. Demolition or replacement of more than 25% of the surface area of any exterior wall or roof
3. Addition, elimination, or change in location of windows that decreases the overall percentage of window coverage
4. For commercial and mixed use developments, modification of more than 15% of on-site landscaping or modification that results in a reduction of overall landscaping percentage. Modification refers to changing the hardscape elements and the location of required landscaped areas and/or trees
5. Modification of an off-street parking area that results in a reduction in parking spaces and/or an increase in paved area.
6. Addition of new fences and/or retaining walls of more than 4 ft in height

Proposed Code Amendment with Commentary

7. An increase in floor area proposed for a nonresidential use by more than 10% or 2,000 square feet, whichever is greater.
8. A reduction in the area reserved for common open space and/or usable open space which reduces the open space area by 10 percent or more
9. An increase in the height of an existing building
10. A reduction in the area reserved for common open space and/or usable open space which reduces the open space area below the minimum required or reduces the open space area by more than 10%.
11. A new stand-alone multifamily residential building or addition that satisfies the design guidelines in Table 19.505.3.D. Applicants may elect to process a stand-alone residential building through Type II Downtown Design Review if the applicant prefers to meet the design standards of Section 19.508.

D. Type III

The following projects are subject to Type III Downtown Design Review:

1. Any project, at the applicant's option
2. A project, addition, or expansion that is unable to meet one or more of the design standards of Sections 19.508.
3. A project that does not fit the applicability for Type I or Type II review.
4. Applicants may elect to process a stand-alone multifamily residential building through Type III Downtown Design Review rather than Type I or Type II Development Review if additional design flexibility is desired.

19.907.3 Review Process

A. General Provisions

Downtown design review generally includes review of the proposed structure(s) and site improvements for compliance with applicable design standards. For expansions or modifications of existing development, the review is limited to the modified portions of the site or structure and any other site improvements that may be affected by the proposed modifications.

B. Review Types

To achieve the purpose of the downtown design standards, there are three Downtown Design Review processes through which to apply for approval:

1. Type I

The ministerial review track provides for a Type I review process pursuant to Section 19.1004 using the design standards in Section 19.508. It is generally intended for smaller building and site renovation projects listed in Subsection 19.907.2.B.

2. Type II

The administrative review track provides for a Type II process pursuant to Section 19.1005 that requires staff review utilizing the standards in Section 19.508. It generally applies to new development and renovation/remodeling projects listed in Subsection 19.907.2.C.

3. Type III

Proposed Code Amendment with Commentary

The discretionary review track provides for a Type III review process pursuant to Section 19.1006 through which the Design and Landmark Committee and Planning Commission determine substantial consistency with the purpose statement of the relevant standard or standards and the *Milwaukie Downtown Design Guidelines*. It generally applies to new development and renovation/remodeling projects listed in Subsection 19.907.2.D.

C. Review Options

Designing a project to the design standards would result in a Type I or II review process. However, applicants, at their option, may choose to use Type III discretionary review.

Through Type III review, applicants can address Downtown Design Review requirements through a combination of satisfying certain design standards, and in instances where they elect not to utilize design standards, satisfy the purpose statement of the applicable standard or standards and the applicable design guidelines instead. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable design guidelines only.

19.907.4 Application

Applications for Downtown Design Review shall be filed with the Planning Department on forms prescribed by the Planning Director. The applicant shall demonstrate compliance with applicable zoning criteria. In addition to all information specified on the "Submittal requirements" and "Site plan requirements" forms, each application for Downtown Design Review shall be accompanied by the following information:

- A. Completed Downtown Design Review checklist (for Type III only).
- B. Written statement that describes the following:
 1. For Type I and II Downtown Design Review, how the proposal is consistent with applicable downtown design standards in Section 19.508.
 2. For Type III Design Review, how the proposal meets applicable design guidelines in the *Milwaukie Downtown Design Guidelines* document.
- C. Show footprints of surrounding buildings, including driveways and pedestrian connections.
- D. Location, dimension, and setbacks of all proposed buildings, structures, walls, and fences.
- E. Dimensioned building elevations indicating height, exterior materials, colors, and details of exterior architectural features, such as cornices, windows, and trim.
- F. A streetscape drawing showing the relationship of the proposed project to adjacent buildings.
- G. Frontage improvements in the public right-of-way per the Public Works Standards.

19.907.5 Approval Criteria

A. Type I Downtown Design Review

An application for Type I Downtown Design Review shall be approved when all of the following criteria have been met:

1. Compliance with Title 19
2. Compliance with applicable design standards in Section 19.508 and any prior land use approvals

Proposed Code Amendment with Commentary

B. Type II Downtown Design Review

An application for Type II Downtown Design Review shall be approved when all of the following criteria have been met:

1. Compliance with Title 19
2. Compliance with applicable design standards in Section 19.508

C. Type III Downtown Design Review

An application for Type III Downtown Design Review shall be approved when all of the following criteria have been met:

1. Compliance with Title 19
2. Compliance with applicable design standards in Section 19.508.
3. Substantial consistency with the purpose statement of the applicable design standard and the applicable Downtown Design Guideline(s) being utilized in place of an applicable design standard(s)

19.907.6 Report and Recommendation by Design and Landmarks Committee

The Design and Landmarks Committee shall hold a public meeting and prepare a Downtown Design Review report for Type III applications pursuant to Section 19.1011. The Planning Commission shall consider the findings and recommendations contained in the Downtown Design Review report during a public hearing on the proposal.

19.907.7 Variances

- A. Variances cannot be granted for the downtown design standards of Section 19.508. Applications unable to meet one or more standards must use the Type III discretionary Downtown Design Review process.
- B. For applications using the Type III Downtown Design Review process, variances will only be allowed for the development standards and design standards that are not met. Variances to the design guidelines themselves will not be granted.

UNDERLINE/STRIKEOUT AMENDMENTS

UPDATES FOR SECTION REFERENCES ONLY

19.708.1.C

C. Development in Downtown Zones

Street design standards and right-of-way dedication for the downtown zones are subject to the requirements of the Milwaukie Public Works Standards, which implement the streetscape design of the Milwaukie Downtown and Riverfront Plan: Public Area Requirements (PAR). Unless specifically stated otherwise, the standards in Section 19.708 do not apply to development located in the downtown zones or on street sections shown in the PAR per Subsection ~~19.304.5~~ 19.304.7.

19.1011.1.A.2:

2. If the applicant does not extend the 120-day decision requirement, the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection ~~19.907.8~~ 19.907.6.
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19.1011.3.D

- D. An abstaining or disqualified member of the committee shall be counted for purposes of forming a quorum. If all members of the committee abstain or are disqualified, the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection ~~19.907.8~~ 19.907.6.