

Reformat of the Residential Base Zones

The Residential Design Standards project will modify many of the existing regulations in the residential base zones. In addition to the changes in the regulations, staff believes that it is critical to change the formatting of the current code, for the reasons described below. The purpose of this document is to present a reformatted version of the code prior to introducing any of the policy changes proposed through the Residential Design Standards project. This will allow people involved in the project to more easily discern which future changes are a result of reformatting and which are changes to the regulations themselves.

The reformatted code covers the R-10, R-7, R-5, R-3, R-2.5, R-2, R-1, and R-1-B base zones (Milwaukie Municipal Code Sections 19.301 - 308). This reformatting solves multiple problems with the current code:

1. Each zone has 2 pages of its own section in the Milwaukie Municipal Code (MMC). The reformatting reduces the same amount of regulations from 16 to 10 pages.
2. The development standards in the current code are a series of paragraphs. The reformatting puts these standards in a table so they are easier to read.
3. In the current code, comparing the uses and standards in multiple zones requires leafing through multiple pages. The reformatted code groups similar zoning categories together so that uses and standards can be compared on the same page.
4. The base zone standards presented in these zones are the key standards applied to a development. However, there are other sections which are not referenced within the base zones that exempt, modify, or augment these standards. It is difficult to find these sections without an exhaustive review of hundreds of pages of code or talking to Planning Department staff.

This problem is addressed by adding references to these other code sections. The references do not change the number of regulations that apply. Instead, they 'daylight' related sections of code that were previously hidden.

Notes on the reformatting:

- 1) The residential base zones include lot and development standards for interior single-family attached dwellings. The definitions in the code define single-family attached dwellings as a duplex, which logically eliminates the possibility of an interior single-family unit. The reformatted code does not include the standards for interior single-family attached dwellings since they are effectively prohibited by the current definitions.
- 2) The R-10 - R-5 zones currently include a reference to transition area measures. This is not included in the reformat because these zones do not allow the uses that are subject to the transition area measures.

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3) Uses that do not appear in the current list of allowed uses in each zone have been added to the tables. These include Type I ADUs, home occupations, accessory structures and uses, and Community Service Uses. Even though they are not listed in the current base zones, they are allowed uses.

19.301 LOW DENSITY RESIDENTIAL ZONES

The low density residential zones are the Residential Zone R-10, Residential Zone R-7, and Residential Zone R-5. These zones implement the Low Density and Moderate Density residential land use designations in the Milwaukie Comprehensive Plan.

19.301.1 Purpose

The low density residential zones are intended to create, maintain and promote neighborhoods with larger lot sizes where the land use is primarily single-family dwellings. They allow for some non-household living uses, but maintain the overall character of a single-family neighborhood.

19.301.2 Allowed Uses in Low Density Residential Zones

Uses allowed, either outright or conditionally, in the low density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director’s Determination pursuant to Section 19.903. Important notes and/or cross references to other applicable code sections are listed in the “Comments/Standards” column.

See Section 19.201, Definitions, for a specific description of the uses listed in the table.

Table 19.301.2 Low Density Residential Uses Allowed				
Use	R-10	R-7	R-5	Comments/Standards
Single-family detached dwelling	P	P	P	
Single-family attached dwelling	CU	CU	P	See 19.301.4.A.1.b, Minimum Lot Size See 19.905.9.F, Single-family Attached Dwellings
Accessory dwelling unit	P – Type I CU – Type II	P – Type I CU - Type II	P – Type I CU - Type II	See 19.301.3.A, Use Limitations and Restrictions See 19.910.1, Accessory Dwelling Units (Type I). See 19.910.2, Accessory Dwelling Units (Type II).
Accessory structures and uses	P	P	P	See 19.503, Accessory Uses
Residential home	P	P	P	
Manufactured dwelling park	NP	P	P	See 19.910.3, Manufactured Dwelling Parks. Type III review required
Home occupation	P	P	P	See 19.507, Home Occupation Standards
Community service uses	CSU	CSU	CSU	See 19.904, Community Service Uses
Agricultural or horticultural use	P	P	P	See 19.301.3.B, Use Limitations and Restrictions.
Temporary real estate office in a subdivision	CU	CU	CU	
Senior and retirement housing	CU	CU	CU	See 19.905.9.H, Senior and Retirement Housing

P = Permitted outright

NP = Not permitted

CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904

CU = Permitted with conditional use approval subject to the provisions of Section 19.905

19.301.3 Use Limitations and Restrictions

- A. Accessory Dwelling Units are only allowed on properties with a single-family detached dwelling, and are not allowed on properties with a single-family attached dwelling.
- B. Agricultural or horticultural uses are permitted, provided that the two following conditions are met.
 - 1. A retail or wholesale business sales office is not maintained on the premises.
 - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.

19.301.4 Development Standards

In the low density residential zones, the development standards in Table 19.301.4 apply. Important notes and/or cross references to other applicable code sections are listed in the “Comments/Additional Provisions”. Additional standards are provided in Section 19.301.5.

See Section 19.201, Definitions, for a specific description of standards listed in the table.

Table 19.301.4 Low Density Residential Development Standards				
Standard	R-10	R-7	R-5	Comments/Additional Provisions
A. Lot Standards				
1. Minimum lot size (in square feet)				See 19.501.1, Lot Size Exceptions
a. Single-family detached	10,000	7,000	5,000	
b. Single-family attached	14,000	14,000	10,000	
2. Minimum lot width (feet)	70	60	50	
3. Lot depth (feet)	100	80	80	
4. Minimum street frontage requirements (feet)				Every lot shall abut a public street other than an alley, except as provided in Tile 17, Land Division.
a. Standard lot	35	35	35	
b. Flag lot	25	25	25	
c. Double flag lot	35	35	35	
B. Development Standards				
1. Minimum yard setbacks for primary structures (feet)				See 19.501.2, Yard Exceptions R-5 zone: see 19.301.5.A.1 R-7 zone: see 19.301.5.A.2
a. Front yard	20	20	20	
b. Side yard	10	5 / 10	5	
c. Street side yard	20	20	15	
d. Rear yard	20	20	20	
2. Maximum building height for primary structures	2.5 stories or 35 feet, whichever is less			See 19.501.3, Building Height Exceptions
3. Maximum lot coverage (% of total lot area)	30%	30%	35%	See Lot Coverage definition in Section 19.201
4. Minimum vegetation (% of total lot area)	35%	30%	25%	Area that must be covered in trees, grass, shrubs, bark dust for planting beds, or similar

Table 19.301.4 Low Density Residential Development Standards				
Standard	R-10	R-7	R-5	Comments/Additional Provisions
				landscaping features. See 19.504.7, Minimum Vegetation.
C. Other Standards				
1. Density requirements (dwelling units per net acre)				See 19.301.5.B. See 19.501.4, Density Exceptions.
a. Minimum	3.5	5.0	7.0	
b. Maximum	4.4	6.2	8.7	

19.301.5 Additional Development Standards

- A. Side yards. The following additional provisions apply to required side yard setbacks.
 - 1. In the R-5 zone, 1 additional foot of side yard is required for each 3 feet of building height over 2 stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street.
 - 2. In the R-7 zone, one side yard shall be at least 5 feet and one side yard shall be at least 10 feet, except on a corner lot the street side yard shall be 20 feet.
- B. The minimum and maximum development densities in Subsection 19.301.4.C.1 are applicable for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to Section 19.1006 Type III Review.
- C. Accessory structure standards. Standards specific to accessory structures are contained in Section 19.502.
- D. In the low density residential zones, only 1 building designed for dwelling purposes shall be permitted per lot. See Subsection 19.504.4.
- E. Off-street parking and loading is required as specified in Chapter 19.600.
- F. Transportation requirements and public facility improvements are required as specified in Chapter 19.700.
- G. 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 convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.
 - 1. Subsection 19.504.4, Buildings on the Same Lot.
 - 2. Subsection 19.504.9, Flag Lot Design and Development Standards.
 - 3. Subsection 19.505.1, Design Standards for Single-Family Dwellings.
 - 4. Subsection 19.506.4, Manufactured Dwelling Siting and Design Standards, Siting Standards.

19.302 MEDIUM AND HIGH DENSITY RESIDENTIAL ZONES

The medium and high density residential zones are the Residential Zone R-3, Residential Zone R-2.5, Residential Zone R-2, Residential Zone R-1, and the Residential-Business Office Zone R-1-B. These zones implement the Medium Density and High Density residential land use designations in the Milwaukie Comprehensive Plan.

19.302.1 Purpose

The medium density residential zones are intended to create and maintain higher density residential neighborhoods, including opportunities for multi-family housing and a mix of neighborhood commercial, office, and institutional uses.

19.302.2 Allowed Uses in Medium Density Residential Zones

Uses allowed, either outright or conditionally, in the medium density residential zones are listed in Table 19.302.2 below. Similar uses not listed in the table may be allowed through a Director’s Determination pursuant to Section 19.903. Important notes and/or cross references to other applicable code sections are listed in the “Comments/Standards” column.

See Section 19.201, Definitions, for a specific description of the uses listed in the table.

Table 19.302.2 Medium Density Residential Uses Allowed						
Use	R-3	R-2.5	R-2	R-1	R-1-B	Comments/Standards
Single-family detached dwelling	P	P	P	P	P	
Single-family attached dwelling	P	P	P	P	P	See 19.302.4.A.1-2.
Multifamily condominium or apartments	CU	CU	P	P	P	See 19.302.4.A.2. See 19.905.9.G, Multifamily Condominium and Apartment Dwellings
Accessory dwelling unit (ADU)	P – Type I CU – Type II	P – Type I	P – Type I CU – Type II	P – Type I	P – Type I	See 19.302.3, Use Limitations and Restrictions. See 19.910.1, Accessory Dwelling Units (Type I). See 19.910.2, Accessory Dwelling Units (Type II).
Accessory structures and uses	P	P	P	P	P	See 19.503, Accessory Uses
Congregate housing facility	CU	CU	P	P	P	
Residential home	P	P	P	P	P	
Home occupation	P	P	P	P	P	See 19.507, Home Occupation Standards
Manufactured dwelling parks	P	NP	NP	NP	NP	See 19.910.3, Manufactured Dwelling Parks. Type III review required.
Boarding, lodging and rooming house	CU	CU	CU	CU	CU	

**Table 19.302.2
Medium Density Residential Uses Allowed**

Use	R-3	R-2.5	R-2	R-1	R-1-B	Comments/Standards
Senior and retirement housing	CU	CU	CU	P	P	See 19.905.9.H, Senior and Retirement Housing
Agricultural or horticultural use	P	P	P	P	P	See 19.302.3, Use Limitations and Restrictions
Temporary real estate office in a subdivision	CU	NP	NP	CU	CU	
Office, studio, or clinic	CU	CU	CU	CU	P	See 19.302.3, Use Limitations and Restrictions
Community service uses	CSU	CSU	CSU	CSU	CSU	See 19.904, Community Service Uses
Hotel or motel	NP	NP	CU	CU	CU	
Marina	NP	NP	CU	CU	CU	

NP = Not permitted

P = Permitted outright

CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904

CU = Permitted with conditional use approval subject to the provisions of Section 19.905

19.302.3 Use Limitations and Restrictions

- A. Accessory Dwelling Units are only allowed on properties with a single-family detached dwelling, and are not allowed on properties with a single-family attached dwelling or multifamily dwelling.
- B. Agricultural or horticultural uses are permitted, provided that the two following conditions are met.
 - 1. A retail or wholesale business sales office is not maintained on the premises.
 - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- C. In the R-1 zone, authorized commercial uses are permitted on the ground floor only. Office uses are permitted on the ground floor and first floor only. At least 50% of the floor area within a project shall be used for residential purposes.
- D. The R-3 and R-2.5 zones allow offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature whose activities generate a minimal amount of traffic.
- E. The R-2 and R-1 zones allow offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature whose activities generate a minimal amount of traffic., except in transitional areas.
- F. The R-1-B zone allows offices, studios, or clinics as described in Subsection 19.302.3.D, as well as offices of administrative, editorial, educational, executive, financial, governmental,

philanthropic, insurance, real estate, religious, research, scientific or statistical organizations whose activities generate a minimal amount of traffic.

19.302.4 Development Standards

In the medium density residential zones, the development standards in Table 19.302.4 apply. Important notes and/or cross references to other applicable code sections are listed in the “Comments/Additional Provisions”. Additional standards are provided in Section 19.301.5.

See Section 19.201, Definitions, for a specific description of standards listed in the table.

Table 19.302.2 Medium Density Residential Development Standards						
Standard	R-3	R-2.5	R-2	R-1	R-1-B	Comments / Additional Provisions
A. Lot Standards						
1. Minimum lot size (in square feet)	5,000	See 19.302.5.A. 2.a	5,000	5,000	5,000	See 19.501.1, Lot Size Exceptions.
2. Lot area for multifamily and attached single-family (in square feet) a. First dwelling unit b. Each dwelling unit over 1	See 19.302.5.A.1.	See 19.302.5.A. 2.a	5,000 2,500	5,000 1,400	5,000 1,400	
3. Lot width (feet)	50	See 19.302.5.A. 2.b	50	50	50	
4. Lot depth (feet)	80	75	80	80	80	
5. Minimum street frontage requirements (feet) a. Standard lot b. Flag lot c. Double flag lot	35 25 35	35 25 35	35 25 35	35 25 35	35 25 35	Every lot shall abut a public street other than an alley, except as provided in Tile 17, Land Division.
B. Development Standards						
1. Minimum yard setbacks for primary structures (feet) a. Front yard b. Side yard c. Street side yard d. Rear yard	15 5 15 15	15 5 15 None	15 5 15 15	15 5 15 15	15 5 15 15	See 19.302.5.B. See -19.501.2, Yard Exceptions. See 19.504.6, Transition Area Measures. See 19.504.5, Distance from Property Line.
2. Maximum building height for primary structures	2.5 stories or 35 feet, whichever is less	35 feet	3 stories or 45 feet, whichever is less	3 stories or 45 feet, whichever is less	3 stories or 45 feet, whichever is less	See 19.501.3, Building Height Exceptions

Table 19.302.2 Medium Density Residential Development Standards						
Standard	R-3	R-2.5	R-2	R-1	R-1-B	Comments / Additional Provisions
3. Maximum lot coverage (% of total lot area)	40%	40%	45%	45%	50%	See Lot Coverage definition in Subsection 19.201
4. Minimum vegetation (% of total lot area)	35%	35%	35%	35%	15%	Area that must be covered in trees, grass, shrubs, bark dust for planting beds, or similar landscaping features. See 19.504.7, Minimum Vegetation.
C. Other Standards						
1. Density requirements (dwelling units per net acre)						
a. Minimum	11.6	11.6	11.6	25	25	See 19.302.5.C. See 19.501.4, Density Exceptions.
b. Maximum	14.5	17.4	17.4	32	32	

19.302.5 Additional Development Standards

- A. Lot Standards.
 - 1. R-3 zone. Single-family attached dwelling units shall have an average of 3,000 sq ft per dwelling unit.
 - 2. R-2.5 zone.
 - a. Single-family dwellings shall have a minimum lot size of 3,000 sq ft. Attached dwellings shall have a minimum lot size of 2,500 sq ft per unit.
 - b. Minimum lot width. Single-family dwelling: 40 ft. Attached dwelling: 25 ft.
- B. Side yards. In the medium and high density zones, 1 additional foot of side yard is required for each 3 feet of building height over 2 stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street.
- C. The minimum and maximum development densities in Subsection 19.302.4.C.1 are applicable for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to Section 19.1006 Type III Review.
- D. Accessory structure standards. Standards specific to accessory structures are contained in Section 19.502.
- E. In the R-3 zone, only 1 building designed for dwelling purposes shall be permitted per lot. See Subsection 19.504.4.
- F. Off-street parking and loading is required as specified in Chapter 19.600.
- G. Transportation requirements and public facility improvements are required as specified in Chapter 19.700.
- H. 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 convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.
 - 1. Subsection 19.504.4, Buildings on the Same Lot.
 - 2. Subsection 19.504.8, Multifamily Recycling Requirements.
 - 3. Subsection 19.504.9, Flag Lot Design and Development Standards.
 - 4. Subsection 19.504.10, On-Site Walkways and Circulation.
 - 5. Subsection 19.504.11, Setbacks Adjacent to Transit.
 - 6. Subsection 19.505.1, Design Standards for Single-Family Dwellings.
 - 7. Subsection 19.505.2, Building Orientation to Transit.
 - 8. Subsection 19.506.4, Manufactured Dwelling Siting and Design Standards, Siting Standards.