

# REGULAR SESSION

# AGENDA

## MILWAUKIE CITY COUNCIL AUGUST 21, 2012

MILWAUKIE CITY HALL  
10722 SE Main Street

2132<sup>nd</sup> MEETING

### REGULAR SESSION – 7:00 p.m.

- |   | Page<br>No. |
|---|-------------|
| 1. <b>CALL TO ORDER</b><br>Pledge of Allegiance   |             |
| 2. <b>PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS</b>   |             |
| A. <b>Acknowledge Joan Young’s Retirement from the Milwaukie Center</b><br>Staff: JoAnn Herrigel, Community Services Director   |             |
| B. <b>Introduction Clackamas Fire District #1 Chief Fred Charlton</b>   |             |
| C. <b>Government Finance Officers Association (GFOA) Award for the Popular Annual Financial Report</b><br>Staff: Casey Camors, Finance Director   |             |
| 3. <b>CONSENT AGENDA</b> <i>(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the “Consent” portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)</i>   |             |
| A. <b>City Council Minutes</b>  | 2           |
| 1. <b>June 26, 2012 Study Session</b>   |             |
| 2. <b>July 3, 2012 Regular Session</b>  |             |
| 3. <b>August 7, 2012 Work Session</b>   |             |
| 4. <b>AUDIENCE PARTICIPATION</b> <i>(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are “not on the agenda” may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, “all remarks shall be directed to the whole Council, and the Presiding Officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous.” The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)</i> |             |
| 5. <b>PUBLIC HEARING</b> <i>(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)</i>   |             |
| A. <b>Residential Development Standards Code Amendments, File #ZA-11-03, CPA-11-04 – Ordinance</b><br>Staff: Ryan Marquardt, Associate Planner  | 15          |

6. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*
  - A. **Baseball Phase Four Findings**  
**Staff: Kenny Asher, Community Development/Public Works Director**
  - B. **Council Reports**
7. **INFORMATION**
8. **ADJOURNMENT**

### **Public Information**

- **Executive Session:** The Milwaukie City Council may meet in executive session immediately following adjournment of the regular session pursuant to ORS 192.660(2).
- All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

3.

# CONSENT AGENDA

**MINUTES  
MILWAUKIE CITY COUNCIL STUDY SESSION  
June 26, 2012**

**Council President Chaimov** called the meeting to order at 5:10 p.m.

Council Present: Councilors Joe Loomis, Mike Miller, and Dave Hedges

Staff Present: City Manager Bill Monahan, Deputy City Recorder Juli Howard, Assistant to the City Manager Teri Bankhead, Community Develop/Public Works Director Kenny Asher, Operations Director Gary Parkin and Police Captain Steve Bartol

**Urban Growth Management Agreement**

**Teri Bankhead** reviewed the Urban Growth Management Area report. She said they were having conversations regularly with the Happy Valley planning staff. She wanted to present more information to see if Council was interested in continuing to include east of I-205 in the UGMA agreement and boundary map. They were continuing to meet with Clackamas County and Happy Valley. Happy Valley has provided their draft agreement and their area of interest map to Milwaukie, but not to Clackamas County, but they were making progress. They would be meeting July 12 to find out what their interests are. She reviewed the UGMA which went to the eastern City limits from Linwood to I-205, Clatsop south to Hwy 224 which takes part of Thiessen and Webster, and extends east of Sunnyside to include Kaiser and Mt. Talbert. The area was 5.7 square miles with a population of approximately 20,000 and would double the population of what we currently have.

**Ms. Bankhead** reported on the financial impact. Including the Clackamas Town Center in the UGMA would make it most beneficial to the City. Richard and Casey reviewed the entire UGMA area and broke them down by tax lots and provided the assessed value by sections. The highest assessed value was in 5 sections of the area so they assessed those sections only. Council needs to decide if they want to do it in phases or all at one time. The Top 5 areas would bring in \$7 million of a total of \$8.9 million.

**Captain Bartol** said they have 37.5 FTE sworn with 5 support staff. That included 1 sergeant and 1 officer that was assigned to TriMet. He reviewed the calls in the UGMA area and it exceeded Milwaukie's calls for service, but they didn't write as many reports as they did. He said the Clackamas Town Center was the #1 call for service in the County. The staffing for the Town Center included 3 deputies on day shift and 2 on evening shift. The minimum staffing for Milwaukie PD is 3-4 officers and 1 sergeant. To provide the same level of service they would need to match the County staffing levels. They would need to double the staffing of officers, detectives and records staff. The call loads are fairly consistent with the same types of crime that we have in Milwaukie. He said the Sheriff's office tells them we shouldn't count on laterally hiring the same deputies because there are other openings within the sheriff's office so they can be reassigned. They would need to time to train officers, and would need a bigger facility that included secured parking. He mentioned the current secured parking area at PSB is currently full.

**Mr. Parkin** spoke about utilities for the UGMA area. Clackamas County Service District (CCSD) was the current wastewater provider. The area generates half of the flow that Milwaukie currently does. There is a \$3.3 million CIP project that needs to be done due to capacity issues. He assumed they were collecting SDC's as funding for the project. He thought that if the project wasn't completed an agreement would need to be made prior to finishing the project. He didn't think it would be difficult to take over the maintenance of the area with the addition of employees and equipment. Water

Environment Services (WES) was provider of the stormwater and there weren't a lot of facilities and maintenance in that area. The City was currently dealing with our own facilities issues and that area would add additional issues. Clackamas River Water provided water services and it would be difficult to provide the services for that area. The City would only be able to provide a small portion of water and it would be difficult to get the water into the area. The local streets were in pretty poor condition, and would add to the backlog of local streets that need to be addressed. Only 20% of the streets have been upgraded to good condition as a result of the sewer project. If they City annexed they would have to assume the maintenance responsibility, and he would get some cost estimates from the County, but he figured we would extend our Street Surface Maintenance Program to provide the funding to take care of those streets.

**Councilor Chaimov** asked what would be the best solution to provide water in that area.

**Mr. Parkin** said he talked to Clackamas River Water (CRW) and they would like us to tell them what area we would be providing for in the future. We could then reach an agreement with them as a provider, which in his opinion would probably be the best way to go.

**Mr. Monahan** said the City has an obligation to enter into an urban services agreement under a statute from several years ago. They had done research on CRW and their proposed 190 agreement with Sunrise Water Authority. The preliminary information was that there would be boundary protection gain for CRW, because Sunrise is a water authority. He looked back to see what the City's position had been and it was to support it. He believed we supported it because in 1997 we came up with an agreement with CRW to provide surplus water to the City. It was a cooperative relationship if the City was going to deliver service the City could charge the customers and pay CRW. It appeared that CRW and the City reached an understanding that we would not take over their lines because they need to make their capital investments. Based on Council action taken in 2005 the agreement with CRW was that they will provide surplus water to the City.

**Ms. Bankhead** gave a building permit history. Since 2002 there were 2300 permits, with a value of \$273 million and 70% were generated from the Town Center. Based on our fee schedule our revenues would have been \$1.5 million. Over the last 3 years there has been a decline in the area for construction. The area was built out so the majority of work would be remodels and not new construction.

**Ms. Bankhead** walked Council through the maps of the different areas, which included Dual Interest Areas A & B. She said she had thought there were some properties that were interested in annexing.

**Mr. Asher** said he wasn't sure, but we could actually do an island annexation. There were 2 properties needed that have not expressed an interest in annexing.

**Mr. Monahan** asked if Council would be interested in contacting property owners to see if they were interested in annexing or doing a forced island annexation.

**Councilor Hedges** said there was nothing to lose by asking those 2 properties to see if they were interested in annexing. He wanted to know why the border in part of Interest A was not in the City. He also wanted to know why the mobile home park was not in the City limits.

**Councilor Miller** said he was not a big proponent of forced annexation, but they should have a choice to see if they want to be annexed. He knew property owners near the new park that would be against annexation, but it should be checked out.

**Councilor Chaimov** agreed with Councilor Miller

**Councilor Loomis** he thought we should find out why it wasn't it part of the City.

**Ms. Bankhead** said in talking with the County Planning department they didn't know.

**Councilor Loomis** wanted to know about the Van Water area, and said it should be in Milwaukie. It used to be where a former fire chief lived and so it should be revisited.

**Ms. Bankhead** provided the original UGMA agreement for Council's review. She said it was time to revisit the agreement even if there was no action taken. She shared the draft agreement from Happy Valley, which showed they want the same area as we do with the exception of the residential areas. She asked Council's opinion on overlapping agreements. She wanted to know how to proceed.

**Councilor Loomis** asked for an explanation of the overlapping agreement

**Mr. Monahan** in the past there was an ability to form an UGMA with the County. In the past they have allowed overlapping boundaries so the residents can decide. That is not favored. The County does not favor overlapping boundaries so they favored us working out something with Happy Valley in advance. The problem was there is no requirement to have an agreement between cities. Happy Valley will be taking their agreement to the County and are farther along in the process then we are.

**Councilor Loomis** is not in favor of overlapping, and was in favor of continuing to talk with Happy Valley. He realized Happy Valley needed commercial, but he said the natural divide is I-205.

**Ms. Bankhead** currently our UGMA included Kaiser so that could be a negotiating point with Happy Valley to give that up.

**Councilor Loomis** said he would be fine with giving up the hospital and having I-205 as the line.

**Councilor Hedges** wanted to know if the properties we would be taking would cost more than what we would be getting to provide services. If so, the natural divide would be Linwood and we shouldn't annex to 82<sup>nd</sup> if that would cost more money. His feeling is that we need the town center and Sunnyside to bring in enough revenue to service the residential properties, and make the annexation cost effective. He agreed with Joe on the I-205 border.

**Councilor Chaimov** was starting from the premise that sooner rather than later cities will be forced to take urban growth boundaries away from counties. He agreed that a natural boundary is I-205 or Linwood. Whoever takes west of I-205 should go to border of Milwaukie and we shouldn't separate out a residential area that is a net loss.

**Councilor Miller** was concerned about Happy Valley wanting to take the higher tax areas and leave Milwaukie with poor quality roads and infrastructure. He wanted to stay within the existing boundary if we couldn't move the boundary to I-205.

Consensus from Council was to increase the boundary to I-205.

**Councilor Hedges** said personally he agreed, but he didn't know what the constituents thought about increasing the population. He was interested in knowing how much support there was for moving the boundary.

**Councilor Loomis** thought there were many benefits of having Clackamas Town Center and would be valuable in the future.

**Councilor Chaimov** agreed that his preference was I-205, but we should talk with constituents. It would be a useful opportunity to explain the benefits.

**Councilor Miller** was concerned that Happy Valley will take the commercial and leave the residential and then we may be forced to take the residential area in the future.

**Councilor Loomis** was not interested in Linwood at all.

**Ms. Bankhead** said this was an agreement that we don't have to act on it immediately, but it does need to be in place.

**Councilor Hedges** said it makes sense to do it, but we need to educate citizens and get feedback.

**Councilor Chaimov** said his preference for an agreement is to I-205 but would need an additional conversation with citizens and Linwood may be a fall back.

**Councilor Miller** said if Linwood ends up being the line then he wanted Happy Valley to take the rest.

**Ms. Bankhead** said they would be meeting in the next few weeks with the County, and will report back to Council.

Council President Chaimov adjourned the meeting at 6:01pm.

Respectfully submitted,

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Juli Howard, Deputy City Recorder

**CITY OF MILWAUKIE  
CITY COUNCIL REGULAR SESSION  
JULY 3, 2012**

**CALL TO ORDER**

**Mayor Ferguson** called the 2129th meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Councilors Dave Hedges, Joe Loomis, and Mike Miller

Excused: Council President Greg Chaimov

Staff present: City Manager Bill Monahan, Assistant to the City Manager Teri Bankhead, City Attorney Tim Ramis, Deputy City Recorder Juli Howard, Assistant Finance Director Rina Byrne, Finance Director Casey Camors and Community Development Director JoAnn Herrigel

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**CONSENT AGENDA**

It was moved by Councilor Hedges and seconded by Councilor Miller to adopt the Consent Agenda as presented.

**A. June 19, 2012 City Council Regular Session Meeting Minutes;**

**B. Resolution 40-2012: A Resolution of the City Council of the City of Milwaukie, Oregon, Setting Forth Proposed Corrective Measures Pertaining to Deficiencies Noted in the Annual Audit Report;**

**C. Resolution 41-2012: A Resolution of the City Council of the City of Milwaukie, Oregon, Revising Terms of Budget Committee Members to Be in Accordance with Oregon Revised Statute 294.414; and**

**D. Resolution 42-2012 A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Sonja Souder as a representative of the Ardenwald Johnson Creek Neighborhood Association (NDA) to the Public Safety Advisory Committee.**

**Motion passed with the following vote: Councilors Hedges, Loomis, Miller and Mayor Ferguson voting "aye" [4:0]**

**AUDIENCE PARTICIPATION**

**Cindy Miguel**, Milwaukie, thanked Chief Jordan for organizing the Special Olympics Torch Run and encouraged the Council to attend the beginning of the run on July 14.

**PUBLIC HEARING**

**A. None Scheduled**

**OTHER BUSINESS**

**A. Amend Milwaukie Municipal Code Sections 5.08.020, 5.08.040 , 5.08.110 Related to Business Tax Ordinance**

**Ms. Byrne** discussed the changes to the proposed ordinance. The changes were reviewed and approved by the City Attorney.

**Councilor Hedges** recalled they spoke about a \$5 property tax when it exceeded more than one property.

**Ms. Byrne** said it was her understanding that the direction was to adopt this ordinance and then review the entire code.

**Mayor Ferguson** remembered the two pronged approach.

**It was moved by Councilor Hedges and seconded by Councilor Miller to Amend Milwaukie Municipal Code 5.08.020, 5.08.040 and 5.08.110 related to Business Tax. Motion passed with the following vote: Councilors Miller, Hedges and Loomis and Mayor Ferguson voting “aye.” [4:0]**

**Mr. Monahan** read the ordinance two times by title only.

**Ms. Howard polled the Council: Councilors Miller, Hedges and Loomis and Mayor Ferguson voting “aye.” [4:0]**

**ORDINANCE 2046:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIAPL CODE SECTIONS 5.08.020, 5.08.040 AND 5.08.110**

**B. PUBLIC SAFETY ADVISORY COMMITTEE MEMBER TERMS**

**Ms. Bankhead** reviewed the new code language regarding Public Safety Advisory Committee (PSAC) member terms. The change is to make the positions a 2-year term, with no limit on the number of terms. It leaves the current process in place but eliminates the number of years a member can serve.

**Mayor Ferguson** said he got some emails, but was not able to get back to those emails, but the ordinance addressed the concern.

**Councilor Loomis** said he had no issue with not having term limits but there are term limits on the other committees. He preferred consistency and didn't think this committee was any different than other committees. He knew they had lost a lot of great volunteers because of the term limits and that was his only objection. He thought it should be revisited to look at the pros and cons of the term limits.

**It was moved by Councilor Hedges and seconded by Councilor Miller to amend Milwaukie Municipal Code Chapter 2.24.020 to eliminate term limits of Neighborhood District Association members on the Public Safety Advisory Committee. Motion passed with the following vote: Councilors Miller, Hedges and Loomis and Mayor Ferguson voting “aye.” [4:0]**

**Mr. Monahan** read the ordinance two times by title only.

**Ms. Howard polled the Council: Councilors Miller, Hedges and Loomis and Mayor Fergusons voting “aye” [4:0]**

**ORDINANCE 2047:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE CHAPTER 2.24.020 TO ELIMINATE TERM LIMITS OF NEIGHBORHOOD DISTRICT ASSOCIATION MEMBERS ON THE PUBLIC SAFETY ADVISORY COMMITTEE.**

### **Establishment of an Audit Committee**

**Ms. Byrne** said the purpose of the Audit Committee would be to oversee the hiring of the auditors, conduct of the audit or address any issues that come up in the audit. They are required for public corporations, but now public agencies are now. Ms. Bryne reviewed the benefits of an audit committee. They suggest it is composed of 2 city council members, a citizen with a CPA background that can add expertise to the committee.

**Councilor Miller** had question related to the Budget Committee, it seemed prudent to have someone from the budget committee regardless of if they have a CPA on the audit committee.

**Ms. Byrne** said the make-up of the committee is up to Council. There can be more than 3 members and it was not uncommon to include a member of the Budget Committee.

**Mayor Ferguson** asked Mr. Monahan if they pass the resolution tonight could they discuss the make-up of the committee in further detail at a future study session. He wanted to discuss the recruitment process for the committee in further detail at a future study session.

**Mr. Monahan** replied yes Council could pass the resolution and then talk about the modifying it with a different composition than what was recommended by staff.

**It was moved by Councilor Loomis and seconded by Councilor Hedges to approve creating an Audit Subcommittee of the Milwaukie City Council. Motion passed with the following vote: Councilors Miller, Hedges and Loomis and Mayor Ferguson voting “aye.” [4:0]**

#### **RESOLUTION 43-2012:**

**A RESOLUTION OF CITY COUNCIL OF THE CITY OF MILWAUKIE,  
OREGON, CREATING AN AUDIT SUBCOMMITTEE OF MILWAUKIE CITY  
COUNCIL.**

### **Garbage Rate Increase**

**Ms. Herrigel and Rick Winterhalter** with Clackamas County Office of Sustainability. Would like the Council to approve a resolution to increase the residential and commercial garbage and some drop box rates to reflect increases in the Metro tip fee, labor and fuel costs. She explained the background and the projected rate of return was down 2%. She provided a chart showing rates.

**Council Miller** said some citizens would like to have the lowest rate possible and have a 20-gallon cart, but they don't have wheels. Can 20-gallon carts with wheels be provided upon request? He also wanted to know why there was no breakdown on his garbage bill.

**Mr. Winterhalter** replied they create a composite of all 5 franchises and 2 others in the urban areas to come up with one collection rate. They look at service as a comprehensive service, and make sure they are covering recovery costs. The garbage bills are for a 2-month period. 40% of the cost of service is garbage, 20% recycling, 15% curbside and 10% indirect costs.

**Councilor Miller** asked why there was no breakdown on the bill between recycling, garbage and yard debris.

**Ms. Herrigel** said there is no breakdown on the bill and there is no choice to eliminate one of the services.

**Councilor Miller** said his neighbor has a yard service that takes care of her lawn so she never has to use the yard debris service.

**Mr. Winterhalter** that is an issue, but everyone is paying for one can of service per week.

**Councilor Hedges** asked why they proposed a monthly \$50 drop box fee to all permanent drop boxes.

**Mr. Winterhalter** said it was a policy decision, and seemed like the best way to address the issue.

**Ms. Herrigel** said the increase amounted to between 2.6% to 6% depending on level of service.

**Councilor Loomis** thanked Ms. Herrigel for keeping them educated on the process and pricing. He is happy with his service.

**Ms. Herrigel** said when she started 18 years ago she received 5-10 comments in a month and now she had received no comments in the last 3 months. She said she did receive a call last week regarding a yard debris can not being picked up and that was resolved.

**Councilor Miller** thanked Ms. Herrigel for getting the answers to the questions he asked.

**Mayor Ferguson** said it was helpful to have this topic come up in advance of the proposed increase because it gave them a chance to get out in the community to get feedback and questions answered.

**It was moved by Councilor Hedges and seconded by Councilor Loomis to approve increasing residential and commercial garbage and some drop box rates to reflect increases in the Metro tip fee, labor and fuel costs. Motion passed with the following vote: Councilors Miller, Hedges and Loomis and Mayor Ferguson "aye." [4:0]**

**Resolution 44-2012:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, INCREASING RESIDENTIAL AND COMMERCIAL GARBAGE AND SOME DROP BOX RATES TO REFLECT INCREASES IN THE METRO TIP FEE, LABOR AND FUEL COSTS.**

**Light Rail Construction Update**

**Ms. Herrigel** reviewed some important dates on the light rail project. The next monthly light rail meeting is scheduled for July 16 and that is where the most information would be given out. The meeting started at 6pm and would be held at the old Holman building on Beta. She said the City website is up to date so anyone can check for updates or call the Light Rail hotline. She discussed the tree removal along the Trolley Trail. Mailers will be going out to surrounding neighborhoods. She noted the wood would be recycled in many different ways. TriMet will be going to schools along the alignment to address safety concerns. Flyers for the public will be at NDA meetings, City Hall and at the Library.

## **Council Reports**

**Councilor Miller** announced First Friday.

**Mayor Ferguson** added that there would be a children's treasure hunt and a cooking class at Milwaukie Kitchen & Wine during First Friday.

**Councilor Hedges** attended shredding day at the Public Safety Building. 86 people turned out for the event. He attended the NDA leadership meeting. He said the Historic Milwaukie NDA will be discussing coal trains at their July 9 meeting.

**Mayor Ferguson** explained that The Pilot newsletter would now be an online only publication and he encouraged citizens to visit the website and subscribe to the newsletter. He reminded everyone that Milwaukie Daze was the last weekend of July 27-29. All city offices will be closed in observance of Independence Day on July 4.

## **ADJOURNMENT**

**It was moved by Councilor Miller and seconded by Councilor Hedges to adjourn the meeting. Motion passed with the following vote: Councilors Miller, Hedges and Loomis and Mayor Ferguson voting "aye." [4:0]**

**Mayor Ferguson** adjourned the regular session at 8:20 p.m.

Respectfully submitted,

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Juli Howard, Deputy City Recorder

**MINUTES**  
**MILWAUKIE CITY COUNCIL WORK SESSION**  
**AUGUST 7, 2012**

**Mayor Ferguson** called the work session to order at 5:06 p.m. in the City Hall Conference Room.

Council Present: Council President Chaimov and Councilors Dave Hedges and Mike Miller; and Joe Loomis (arrived 5:39 p.m.)

Staff Present: City Manager Bill Monahan, Associate Planner Li Alligood, Public Affairs Coordinator Grady Wheeler, Assistant to the City Manager Teri Bankhead, and Community Development and Public Works Director Kenny Asher

Media: Victoria Edwards, *The Oregonian* and Alex Blum, *Clackamas Review*.

**City Manager's Report**

**Mr. Monahan** reviewed the evening's agenda. He updated the City Council on election matters and the status of various job recruitments. He noted utility bills with the new rates went to customers on August 1.

**Community Development and Planning Active Projects**

**Mr. Asher** reported on the Kellogg for Coho Initiative and potential funder whom he would introduce to the City Council on September 4. He briefly reviewed Light Rail Project Management and South Downtown Implementation that included concepts for the Adams Street Connector. Dark Horse Comics reported it would be pulling permits shortly once its loan documents were finalized.

Planning Department activities included Planning Commission adoption of the Residential Development Standards and approval of the North Clackamas Park Restoration Project, Downtown Light Rail Signal Communications Building, and Natural Resources Review for Crystal Creek Light Rail Crossing. The Planning and Building Departments were reviewing final development permits for several Light Rail Walls and the Downtown Light Rail Station. Blount International was scheduled for a Planning Commission hearing on its application to expand its parking lot. The consultant for the Tacoma Station Area Plan was drafting redevelopment standards for the stakeholders' advisory group and will incorporate any new Council direction on baseball.

The group discussed the TriMet noise variance and the agreement that a second sound expert would be hired on the City's behalf and funded by TriMet.

**Design and Landmarks Committee Update**

**Ms. Alligood** was joined by Design and Landmarks Committee (DLC) Chair Greg Hemer and members Becky Ives and Scott Barbur.

**Mr. Hemer** was pleased to report that the Design and Landmarks Committee donated a scanner to the Milwaukie Museum to enhance its historical document endeavors.

**Ms. Ives** reported on the Committee's work on the light rail station and systems building designs and gave an overview of the positive elements that included the worn steel on the trestle bridge, the bike/pedestrian bridge, LED light fixtures under the span, public art, and a green roof on the signal output if there is sufficient funding.

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Draft Minutes

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**Mr. Hemer** observed this was not only a capital project but also about the environment.

**Mr. Barbur** was only recently appointed and discussed his impressions and experiences as a Committee member.

**Mr. Hemer** reviewed the Façade Improvement Program. The Committee reviewed 16 applications and made \$49,000 in grants for downtown improvements. The Committee also had an opportunity to look at the Klein Point proposal which was Phase 1 of the Milwaukie Riverfront Park. The group reviewed its goals for the coming year.

**Mr. Barbur** discussed the feasibility of Milwaukie's being designated a Certified Local Government Program that was jointly administered by the National Park Service and the State Historic Preservation Office (SHPO).

**Mr. Hemer** said the group was looking forward to helping with Riverfront Park and the South Downtown Project. The Committee also wanted training in Milwaukie's unique design elements, enhancing its knowledge of the land use review process, and staying up to date on State ethics and election laws. He hoped to keep local history alive through activities such as walking tours.

The Mayor and Councilors expressed their appreciation to the Design and Landmarks Committee members. Councilor Miller suggested an historic tree program.

**Ms. Alligood** said the City Attorney had some suggested revisions to the ordinance adopting the Comprehensive Plan Amendment and provided copies for Council review.

### **Coal Train Discussion**

**Mr. Wheeler** provided background material on the issue. Milwaukie would be most impacted by the Coos Bay project currently under study in which the coal would be mined and transported in open aired freight cars from the Powder River Basin, through Milwaukie, and loaded on ships to China. The trains, some a mile long, would use the Union Pacific line. He noted other communities had passed resolutions stating concerns about this project citing health, safety, and traffic issues. Oregon Governor Kitzhaber requested an extensive federal government review of exporting coal to Asia through Pacific Northwest ports.

**Councilor Hedges** felt Milwaukie should make sure the Governor and state representatives were aware of the reasoning for the City's position. It was not just Milwaukie but the Columbia River Gorge that should remain sacrosanct.

**Councilor Loomis** had no strong position at this point and recommended collecting more data in support of the City's position.

**Councilor Miller** agreed with Councilor Hedges and did not see how the City Council could sit back and not oppose this. He was concerned about further dividing the town with more rail traffic. He would support a resolution.

**Councilor Chaimov** felt the Council should be clear about what it was opposing and focusing on a statement of opposition to the aspects that were detrimental to community. He recommended pursuing other avenues and figuring out the target and shooting at that.

**Mayor Ferguson** was a member of the on Oregon Passenger Rail Leadership Council and suggested he and Mr. Wheeler put a discussion package together prior to the Committee's next meeting prior to Milwaukie's taking a position. He suggested talking with Union Pacific about what kinds of safeguards could be implemented.

**Councilor Hedges** and **Councilor Miller** agreed this was an Oregon issue, and all should stand together. Concerns should at least be conveyed to the Office of the Governor.

It was agreed to add this matter to the September 4 work session agenda.

**Mayor Ferguson** adjourned the work session at 6:29 p.m.

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Pat DuVal, Recorder

5.  
PUBLIC HEARING



Agenda Item: 5.A  
Meeting Date: 08/21/12

## **COUNCIL AGENDA ITEM SUMMARY**

**Issue/Agenda Title:** Residential Development Standards (File #ZA-11-03, CPA-11-04)

**Prepared By:** Ryan Marquardt, Associate Planner

**Dept. Head Approval:** Scot Siegel, Interim Planning Director

**City Manager Approval:** Bill Monahan

**Reviewed by City Manager:** 08/10/12

### **ISSUE BEFORE THE COUNCIL**

Adoption of code amendments resulting from the Residential Development Standards update project

### **STAFF RECOMMENDATION**

Approval of the proposed code amendments

### **KEY FACTS & INFORMATION SUMMARY**

The Residential Development Standards (RDS) update project was a multi-year effort to address design of multifamily and single-family dwellings; types of allowed housing; and standards for residential accessory structures.

Key topics addressed by the amendments are: new standards for the design of multi-family development; broader range of allowed dwelling types; modification of existing design standards for single-family dwellings; adjustments to some development standards; and modifications to the regulations for accessory structures.

### **OTHER ALTERNATIVES CONSIDERED**

None, Council may direct staff to consider alternate approaches to proposed regulations

### **CITY COUNCIL GOALS**

N/A

### **ATTACHMENT LIST**

1. Ordinance
2. Public Comments
3. Summary of Proposed Code Amendment
4. Detached Accessory Dwelling Unit handout
5. Planning Commission Letter to City Council

### **FISCAL NOTES**

Resources required for reprinting code, updating city forms and informational material



**To: Mayor and City Council**

**Through: Bill Monahan, City Manager**

**From: Scot Siegel, Interim Planning Director  
Ryan Marquardt, Associate Planner**

**Subject: Residential Development Standards Code Amendments  
(File #ZA-11-03, CPA-11-04)**

**Date: August 15, 2012, for August 21, 2012, Regular Session**

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#### **ACTION REQUESTED**

Approve File #ZA-11-03 and CPA-11-04, adopting the code amendments resulting from the Residential Development Standards project. See Attachment 1.

#### **HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

- **July 2012:** Briefing at a Study Session on the contents of the proposed code amendments in preparation for the initial hearing on the amendments in August 2012.
- **January 2012:** Key issues in the Residential Development Standards project were presented to City Council at a study session.
- **September 2011:** Briefing on the proposed multifamily development and design standards were presented at the City Council worksession.
- **June 2011:** Joint Council/ Commission discussion of the Residential Development Standards Project, focusing on the public involvement to date and preliminary recommendations for single family home design.
- **February 2011:** During a joint meeting to discuss the Planning Commission work plan, City Council requested that the two groups meet more frequently to discuss major initiatives. During its discussion of Council Goals for the coming fiscal year, the Council identified the Residential Development Standards project as one which should be discussed with the Commission long before the final proposal enters the public hearing process.

- **March 2010:** City Council approved an Intergovernmental Agreement between the City and the State of Oregon that commits the state to funding \$50,000 in consultant time and the City to providing staff time, to prepare draft code amendments based on priorities that were identified in the 2009 Smart Growth Code Assessment Final Report. The first phase of the project resulted in the Land Use and Development Review Tune Up amendments (which Council adopted in March 2011). The second phase is the Residential Development Standards project, which will result in a package of proposed amendments to be considered in late 2011.
- **October 2009:** Staff presented the 2009 Smart Growth Code Assessment Final Report to Council. Council concurred with the code amendment priorities identified in the report and requested that staff move forward with the next phase of the project.

## **BACKGROUND**

### **A. Existing Code History**

This project marks the first time since 1968 that the City has conducted a comprehensive review of its residential development and design policies. The current base zone development requirements are the result of incremental revisions since the adoption of the City's first zoning ordinance in 1946, and the current residential standards are substantially similar to those adopted in 1968 and 1979. During the past 33 years, the residential use, development, and design standards have been updated in piecemeal fashion to address urgent issues or to remain compliant with federal, state, and regional policies. This approach has resulted in residential development standards that are fragmented, confusing, and at times contradictory.

The goal of this project is two-fold: (1) to update Milwaukie's site development and building design standards for single-family and multifamily housing outside of downtown, and (2) to develop policies that reflect the community's changing housing needs and preferences.

### **B. Process and Outreach**

The proposed amendments are the result of extensive public input from a wide variety of stakeholders, and staff believes the amendments reflect the community's view about how residential development in Milwaukie should look.

The public input and outreach process for this project has been as extensive as any other Planning Department project in recent years. In January 2011, staff posted project information on the City's website, including draft chapters, and has kept it updated with current information and drafts as they have become available. Direction on the scope of the project and policy guidance on significant issues was provided by a 10-person steering committee that met six times throughout the spring and summer of 2011. In February 2011, an online survey was posted on the project

website; there were 81 respondents. A housing type workshop was held in April 2011, with 33 people in attendance. Between March and May 2011, staff held one-on-one interviews with 22 community residents. Between March and July 2011, staff held four stakeholder focus groups— two with neighborhood leaders (16 participants), and two with homebuilders, developers, and real estate professionals (13 participants) – with a total of 29 participants. The Planning Commission has also been extensively involved, with six in-depth work sessions in late 2011-early 2012 and six public hearings on the amendments. The public comments received during that process are included in Attachment 2.

Staff notified the all of the city’s Neighborhood District Associations (NDAs) about the project via regular e-mails, updated them in January 2012 via e-mail, and provided updates at individual NDA meetings in February 2012. Staff also notified other affected agencies and stakeholders about the project in January 2012, including a mailing to all residential property owners in the city. Staff held an informal question and answer session on February 16, 2012, which was attended by approximately 20 people.

### **C. Proposed Amendments**

The proposed amendments cover various aspects of residential development. The complete amendments are in Attachment 1 Exhibit B, which shows changes to the code in an underline/~~strikeout~~ format, and Attachment 1 Exhibit C, which shows a clean copy of the proposed code. A summary of the amendments is included as Attachment 3.

The project website at <http://www.ci.milwaukie.or.us/planning/residential-development-standards-update-project> contains a link to a Code and Commentary document that has a detailed explanation of the policy intent for all of the proposed amendments. The major topics of the proposed amendments are:

#### **1. Multifamily Design Standards**

The zoning code does not currently have standards that regulate the design of multifamily development, such as condominium and apartment buildings, located outside of the downtown zones. The amendments would add a comprehensive set of design standards that address aspects of new multifamily development such as building materials and design, open space and recreation areas, parking location, and landscaping.

#### **2. Cottage Clusters and Rowhouses**

The amendments would allow two housing types that are not currently allowed. These types of housing would be allowed only in the R-3 – R-1/R-1-B zones where multifamily housing is currently allowed, and not in the lower density R-10, R-7 or R-5 zones. Standards for cottage cluster housing set a maximum size for

an individual dwelling and require the dwellings to be located around a common open space. Standards for rowhouses require parking to be located at the back of the dwelling in most instances and set a limit of four units that can be attached to each other.

### 3. Accessory Dwelling Units

The amendments would allow a small, separate building to be used as a secondary dwelling on properties with an existing single-family dwelling. A smaller detached accessory dwelling unit (ADU) would be allowed with an administrative review, and a larger ADU would require a chance for neighborhood notice and comments. ADUs would need to meet certain design and development standards, and provide measures to protect the privacy of adjacent properties when located near lot lines.

### 4. Single-Family Design Standards

The amendments would update the existing design standards for single-family dwellings. New dwellings would need to meet requirements related to articulation (off-sets, balconies, etc.), eyes on the street (percentage of doors and windows on a façade), main entrance design and location, and detailed design (siding materials, trim, eaves, and other detailed building features). Additions to existing dwellings may be subject to some of these standards.

The amendments include new regulations about the size and placement of garages and carports. The standards would limit the width of a garage or carport to no more than 40% of the total width of the building, and require that garages or carports not be located in front of or project beyond the front of the dwelling.

### 5. Development Standards

The proposed amendments would change some development standards. An increased amount of lot coverage would be allowed for single-family dwellings, duplexes, addition of a detached ADU, and rowhouses. Larger lots would have a slightly decreased amount of lot coverage. To limit the building mass of a neighboring building, a side yard height limit is proposed that reduces the maximum building height allowed near a side lot line. Lastly, at least 40% of a front yard area would be required to have vegetation.

### 6. Accessory Structures

The amendments would modify the regulations for accessory structures. The rules regarding height, location, and design of accessory structures would remain similar to those currently in place. The key changes are that larger accessory structures would be allowed when additional setback standards are met, and

smaller accessory structures that don't require a building permit could be placed slightly closer to side and rear lot lines. Accessory structures would also not be allowed to be located in the front yard, which is different from current regulations that don't allow them to be placed within 20 ft of a front lot line in most zones.

#### **D. Key Issues**

The topics described below are key issues for City Council's consideration, based on Council's comments at the July 17, 2012, work session.

##### **1. Accessory Dwelling Units and Privacy**

Accessory dwelling units (ADUs) would be allowed as separate dwelling structures on lots with a single-family dwelling. See Attachment 4 for information that was distributed on this housing type earlier in the RDS project. A detached ADU would, in most cases, be located in the back yard of a property. For adjacent properties, this could result in the placement of a dwelling in proximity to their back yard, which can be perceived as a loss of privacy that interferes with the enjoyment of their yard. Staff has included standards and public notice for creation of an ADU in response to this concern.

First, any wall within 20 ft of a neighboring lot line of a residential property is required to place windows in the upper 1/3 of a story or have 6 ft tall opaque screening of either a fence or vegetation. The window placement standard would prevent direct views to and from adjacent living spaces and yards, while still allowing natural light for the accessory dwelling.

Second, an ADU could be permitted without public notice only if it meets size, height, and placement standards. The standards are: a maximum footprint of 600 sq ft; maximum height of 15 ft/1 story; and setback standards of the main dwelling (typically 5-10 ft side yard and 20 ft setback).

Third, ADUs that exceed any of the standards listed above are required to go through a Type II review, which includes notice to properties within 300 ft, an opportunity for public comment, and review against subjective criteria. These criteria include: compatibility with existing buildings on the site and on adjacent lots; maximizing privacy for adjacent lots and minimizing impacts; and inclusion of appropriate screening in the building design and along the lot perimeters. These standards are written broadly to allow staff to modify proposals so that relatively large ADUs are situated to maximize privacy and to authorize increased screening or privacy measures in the design. Public comments on the proposal would be received and evaluated prior to staff issuing a decision.

The standards in the proposed code that would regulate ADU development are on pages 97-103 of Attachment 1 Exhibit B.

During the public involvement process, detached ADUs received widespread support from survey respondents, interviewees, attendees at the April 2011 housing choices workshop, and the project steering committee. Nearly half of the survey respondents indicated they've considered a detached ADU for their property, and staff typically receives a few inquiries each month about allowing detached ADUs. The Planning Commission spent considerable time during its hearings on the amendments considering appropriate development and privacy standards for ADUs. Overall, staff believes the amendments would allow a housing type for which there is broad support in a manner that minimizes impacts to surrounding properties.

## 2. Single-family Design Standards

Milwaukie currently has a limited set of design standards that apply to new single-family development. These standards require that 12% of a street facing façade be composed of windows, a main entrance on the street-facing façade, and inclusion of three design features from a list of 12 options. These standards do require some level of design, but may still result in buildings that do not contribute to the streetscape or quality of the built environment in a neighborhood.

Examples of dwellings that may currently be allowed include:



*Front entrance is a secondary feature*



*Garage is a majority of the façade area*



*Façade lacks porch or other articulation to break up mass or add visual interest*

The examples above are not necessarily low-quality or substandard housing. However, the input received during the RDS project indicated that Milwaukie's standards should have a higher level of design. The proposed standards for single-family development are:

- Eyes on the Street – greater transparency on building face to allow views of the street from inside the building; 15% of building face must be windows or front door.
- Articulation – requires porch, wall offset, bay window, dormer, or balcony; features help to break up blank façades.
- Main Entrance – main entrance needs to face street or open onto a porch that faces the street

- Design Details – list of 16 features that add visual interest/design to a building; homes must include at least 5 of the features.
- Garage placement – not more than 40% of façade length can be garage, garage not allowed to extend or be placed in front of the front of the house.

New development would be subject to compliance with all of these regulations. Additions to existing dwellings would be subject as follows:

- Additions of less than 75 sq ft of façade area – exempt
- Additions of 75-200 sq ft of façade area – eyes on the street standard applies for new façade area
- Additions of over 200 sq ft - eyes on the street standard applies for total façade area; cannot go out of conformance with other design elements

Staff believes that the proposal reflects a fair and reasonable set of design standards for single-family dwellings.

- The required design elements ensure that at least a basic level of design is incorporated into new housing to make the structure participate in creating a good streetscape.
- The standards are similar overall to what Gresham and Portland require for single-family development. Staff found that Clackamas County, Gladstone, and nearly every other city in the Metro area have some set of design standards for single-family houses.
- The proposal has been revised in response to public input at various points during the RDS project to allow greater flexibility in the ways that the design standards can be met.
- Staff does not believe that complying with the proposed standards would add significant cost to a house. The required design elements are basic features that are not difficult to incorporate and also create more aesthetically pleasing homes. Staff believes that builders and homeowners who review the standards at the outset of their project should be able to easily choose plans or modify plans to meet these standards with little additional project cost.

### 3. Accessory Structure Standards

The regulations for residential accessory structures are one of the more frequently used sections of the zoning ordinance. Over the past several years, staff has encountered many situations where these regulations were perceived as too stringent on the size limits for height and building footprint. The proposed amendments address the following standards.

- *Increased Flexibility for Development Standards*

As part of the RDS project, staff sought to adjust these standards to allow more flexibility, while still protecting the residential character of neighborhoods by restricting overly large structures. The amendments would allow the most common accessory structures under regulations that are fairly similar to those currently in place. The key changes are that larger accessory structures than are currently allowed would now be allowed when additional setback standards are met. Also, smaller accessory structures that don't require a building permit could be placed slightly closer to side and rear lot lines. Staff believes that changing the regulations in this manner introduces more flexibility into regulations that are frequently used in a manner that does not introduce additional impacts to surrounding properties.

- *Accessory Structures in Front Yards*

Two other important topics for residential accessory structures concern their placement within front yards, and the design standards that apply to accessory structures. Regarding front yard placement, the proposed code would not allow accessory structures to be located in the front yard, which is anywhere between the front lot line and the nearest portion of the dwelling. The current code allows accessory structures to be placed within 20 ft of a front lot line in most residential zones. The Planning Commission modified this part of the proposal in one of the later hearings on the project out of concern for larger accessory structures being located in front of the dwelling.

- *Accessory Structure Materials*

Another issue regarding accessory structures is the standards for allowed materials. The current standards are contained in MMC 19.502.2.A.6:

“Metal siding is prohibited on accessory structures with a footprint greater than 120 sq ft. For accessory structures greater than 120 sq ft, exterior siding and roofing materials that are commonly used on residential structures shall be used.”

Under this standard, the use of metal siding, as well as materials that would not be permitted for permanent residential structures, such as tarps or PVC, are not allowed.

The materials standards in the proposed code are:

“Metal siding is prohibited on structures of more than 10 ft in height or a footprint greater than 200 sq ft.”

“Structures located in a front, side or, street side yard that are visible from the right-of-way at a pedestrian level shall use exterior siding and roofing materials that are commonly used on residential structures.”

The proposed code keeps the prohibition on metal siding, with an adjustment to the threshold for the building size. This change reflects a revision in the minimum area threshold for a building permit. The second design standard keeps the same standard regarding commonly used materials for residential structures, but modifies where the standard applies.

First, there is no exemption for structures under 120 sq ft. Second, the standard does not apply if the structure is not visible from the right-of-way or if the structure is located in the rear yard of the property. These proposed standards remove the allowance for structures of less than 120 sq ft in a front yard to be exempt from materials standards, while making a new materials exemption for structures in a rear yard of less than 200 sq ft.

It is worth noting that many accessory structures located within a front yard may be out of compliance with current as well as proposed standards. A 9 ft X 18 ft temporary PVC and tarp carport is 162 sq ft in size, and would be in violation of the current code standards. The idea of allowing structures that would not meet the proposed materials standards to be in place on a temporary basis was considered during the Planning Commission’s hearings. However, the Planning Commission decided that enforcement of a temporary structure allowance would be problematic, and opted for a clearer prohibition.

Overall, the proposed code does tighten the regulations on front yard accessory structures. Accessory structures would no longer be allowed in the front yard area, and structures in the side or street side yard would need to use commonly used and permanent residential building materials. These standards reflect a policy that the front façade of a dwelling should not be obscured by placement of other buildings between it and the front lot line, and that side yard accessory structures visible from the street not be made of inexpensive temporary materials.

### **CONCURRENCE**

The City Attorney’s office, Code Compliance Officer, Engineering Department, and Building Official have reviewed the proposed amendments and concur that they should be adopted.

The Planning Commission recommended on June 20, 2012, that City Council approve the propose amendments. This recommendation was made after several worksessions and six hearings, during which the Commission carefully considered public testimony and the implications of the proposed code amendments.

In addition to recommending adoption, the Planning Commission also included a letter regarding two items that the Commission believes are important, but not included as part of the code amendments. These items are an encouragement for an incentive to build houses where all building materials are made in the USA, and stronger building and property maintenance requirements. See Attachment 5.

### **FISCAL IMPACT**

The estimated fiscal impact for adopting the amendments is \$3,500 related to reprinting the city ordinances.

### **WORK LOAD IMPACTS**

The estimated work load impact for adopting the amendments is approximately 8 hours of Planning and Administrative Department staff time for 1-2 months to update city ordinances and prepare updated forms and handouts for public information.

It is hoped that the reformatted code with clearer language and improved graphics may make the regulations easier for the public to understand and result in some workload reduction for staff.

### **ALTERNATIVES**

The proposed amendments are the result of public input by numerous individuals over many months, as well as dozens of hours of consideration by the RDS project steering committee and the Planning Commission. As the body with final approval authority on the amendments, Council may wish to direct staff to consider alternative approaches to any portion of the proposed code. Changes to the proposed amendments would require direction from Council about the desired policy change, and may require the adoption hearing to be continued to a future date.

### **ATTACHMENTS**

1. Ordinance
  - Exhibit A: Finding of Approval
  - Exhibit B: Code Amendments – Underline/Strikeout Edits
  - Exhibit C: Code Amendments – Clean Version
2. Public Comments
3. Summary of Proposed Code Amendments
4. Detached Accessory Dwelling Unit handout
5. Planning Commission Letter to City Council

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE COMPREHENSIVE PLAN CHAPTER 4, AND THE MILWAUKIE MUNICIPAL CODE TITLE 14 SIGN ORDINANCE, TITLE 17 LAND DIVISION ORDINANCE, AND TITLE 19 ZONING ORDINANCE, TO UPDATE THE CITY'S RESIDENTIAL DEVELOPMENT AND DESIGN STANDARDS. (FILE #ZA-11-03, CPA-11-04.)**

**WHEREAS**, the City of Milwaukie desires to promote smart growth and redevelopment, and ensure that new residential development in the City reflects the desires of the community; and

**WHEREAS**, the City conducted a Smart Growth Code Assessment in 2009, which identified areas in the Municipal Code that present obstacles to smart development and realizing the community's vision for future growth; and

**WHEREAS**, the City Council approved Resolution #27-2010 to execute an intergovernmental agreement with the State of Oregon's Transportation Growth Management Program providing resources to the City to address problems identified by the Smart Growth Code Assessment; and

**WHEREAS**, the City has prepared amendments to the Comprehensive Plan and Municipal Code that address problems identified by the Smart Growth Code Assessment; and

**WHEREAS**, all residential property owners were notified of the amendments and opportunity for public input has been provided at multiple public meetings and through the City website; and

**WHEREAS**, the Planning Commission and City Council have held duly advertised public hearings on the amendments, with notice provided per the requirements of the Milwaukie Municipal Code and Oregon Revised Statutes; and

**WHEREAS**, the City Council finds that the amendments will result in updated residential development and design standards that reflect the community's vision for future development; and

**WHEREAS**, the City Council finds that the amendments are extensive in scope and require 60 days from the date of adoption to put into effect;

**NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:**

Section 1. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The Comprehensive Plan Chapter 4, and Milwaukie Municipal Code Title 14 Sign Ordinance, Title 17 Land Division Ordinance, and Title 19 Zoning Ordinance are amended as described in Exhibit B (underline/strikeout version), and Exhibit C (clean version).

Section 3. Effective Date. The amendments shall become effective 60 days from the date of adoption.

Read the first time on \_\_\_\_\_, and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

Document6 (Last revised 09/18/07)

## FINDINGS IN SUPPORT OF APPROVAL

1. The City of Milwaukie (“applicant”) proposes to amend various residential regulations that are contained in Title 14 Sign Ordinance, Title 17 Land Division Ordinance, and Title 19 Zoning Ordinance of the Milwaukie Municipal Code (MMC), and Chapter 4 of the Milwaukie Comprehensive Plan (MCP). The land use applications for these amendments are ZA-11-03 and CPA-11-04.
2. The purpose of the proposed code amendments is to improve the user-friendliness and clarity of the residential use zones; update Milwaukie’s site development and building design standards for single-family and multifamily housing outside of downtown; and establish policies that reflect the community’s changing housing needs and preferences. While the proposed amendments are located in several titles of the municipal code, the most substantive amendments are proposed to the following chapters of Title 19:
  - Chapter 19.300 Base Zones
  - Chapter 19.500 Supplementary Development Regulations
  - Chapter 19.900 Land Use Applications

Additionally, amendments are proposed to Title 14, Title 17, and Chapter 4 of the MCP to coordinate with the proposed amendments to Title 19.

3. The proposed amendments are subject to the following provisions of the MMC:
  - MMC Section 19.902 Amendments to Maps and Ordinances
  - MMC Chapter 19.1000 Review Procedures
4. Sections of the MMC or MCP not addressed in these findings are found to be not applicable to the decision on this land use application.
5. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.
  - A. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.

The amendments are proposed by the City of Milwaukie and were initiated by the Planning Director on December 13, 2011.

- B. MMC Section 19.1008 establishes requirements for Type V review.
  - i) Subsection 19.1008.3.A.1 requires opportunity for public comment. Opportunity for public comment and review has been provided. Staff held a public open house on October 20, 2011, for review of the draft amendments. The Planning Commission and City Council have had numerous worksessions and study sessions about the proposed amendments. The draft amendments were sent to members of the project steering committee, the Planning Commission, and “interested persons” for review on December 13,

2011. Public comments received, including any City responses, are summarized in a separate attachment.

- ii) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing. A notice of the Planning Commission's February 28, 2012, hearing was posted as required on January 27, 2012, at City Hall, Ledding Library, Public Safety Building, and Johnson Creek Facility. A notice of the City Council's August 21, 2012, hearing was posted as required on July 20, 2012, at the same locations.
  - iii) Subsection 19.1008.3.A.2 requires notice be sent to individual property owners if the proposal affects a discrete geographic area. The proposed amendments will apply to all residential properties in the City, and specific property owner notice is not required. All residential property owners were notified of the hearing date via a Measure 56 notice (see Finding 5.B.v).
  - iv) Subsection 19.1008.3.B and C require notice of a Type V application be sent to Metro and the Department of Land Conservation and Development (DLCD) 45 days prior to the first evidentiary hearing. The first evidentiary hearing was held on February 28, 2012, and notice of the proposed amendments was sent to Metro and to DLCD on December 30, 2011.
  - v) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners. The proposed amendments would affect residential development on residential properties or properties in residential use. The City sent a Measure 56 Notice summarizing the proposal and announcing the date of the first public hearing to all residential property owners in the city on January 26, 2012.
  - vi) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application. The Planning Commission held duly advertised public hearings on February 28, March 13, April 10, April 24, and June 20, 2012, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on August 21, 2012, and approved the amendments.
6. MMC Chapter 19.902 establishes requirements for amendments to the text of the Milwaukie Comprehensive Plan and the Milwaukie Municipal Code. The City Council finds that these requirements have been met as follows.
- A. MMC Subsection 19.902.3.A requires that changes to the text of the Milwaukie Comprehensive Plan shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held duly advertised public hearings on February 28, March 13, April 10, April 24, and June 20, 2012. The City Council held a public hearing on the proposed amendments on August 21, 2012. Public notice was provided in accordance with MMC Subsection 19.1008.3.

B. MMC Subsection 19.902.3.B contains approval criteria for text amendments to the Milwaukie Comprehensive Plan.

- i) MMC Subsection 19.902.3.B.1 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

*The proposed amendments are consistent with the relevant goals and policies of the MCP, which are contained in Chapter 4: Residential Land Use and Housing Element.*

*There are several relevant policies contained in this element. Amendments are proposed to sections of the following:*

- *Objective #2, Policy 5*

*The proposed amendments retain the policy of protecting lower-density areas from the impacts of higher-density development, while removing unenforceable policies regarding traffic movement.*

- *Objective #3, Policies 1, 2, 5, and 6*

*The proposed amendments retain existing policies regarding compatibility between new multifamily development and existing lower-density development; delete development standards that are more appropriately located in the MMC; and remove references to nonexistent regulations.*

- *Objective #4, Policies 6 and 7*

*The proposed amendments delete references to Design Review for residential development for compliance with federal regulations and to reflect the development review process contained in the MMC.*

- *Objective #5, Policy 2*

*The proposed amendments retain the overarching policy of encouraging the provision of affordable housing; revise the current density bonus for affordable housing to an additional unit; and relocate specific standards to the MMC.*

- ii) MMC Subsection 19.902.3.B.2 requires that the proposed amendment is in the public interest with regard to neighborhood or community conditions.

*The proposed amendments reflect the community's desire for policies that encourage maintenance of existing housing and sensitivity to existing neighborhoods, while recognizing the importance of housing options for all community residents.*

- iii) MMC Subsection 19.902.3.B.3 requires the public need be best satisfied by this particular proposed amendment.

*The proposed amendments clarify existing policies while retaining their intent; remove unenforceable or confusing language; and update the MCP to relate more closely to the standards contained in the MMC.*

- iv) MMC Subsection 19.902.3.B.4 requires that the proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*The proposed amendments were sent to Metro for comment. Metro submitted a comment in support of the amendments.*

- v) MMC Subsection 19.902.3.B.5 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. DLCD's comments on the amendments were incorporated into the proposal presented to the Planning Commission at the first public hearing. DLCD did not otherwise identify any areas where the proposed amendments were inconsistent with State statutes and administrative rules.*

- C. MMC Subsection 19.902.5.A requires that changes to the text of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held duly advertised public hearings on February 28, March 13, April 10, April 24, and June 20, 2012. The City Council held a public hearing on the proposed amendments on August 21, 2012. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- D. MMC Subsection 19.902.5.B contains approval criteria for text amendments to the Milwaukie Municipal Code.

- i) MMC Subsection 19.902.5.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

*The amendments to Titles 14 and 17 are proposed to be consistent with the amendments to Title 19. They are intended to ensure that all internal code references are consistent and accurate, all new and existing terms are clearly defined, and all affected code sections are appropriately located.*

- ii) MMC Subsection 19.902.5.B.2 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan.

*The relevant section of the Comprehensive Plan is Chapter 4 – Land Use: Residential Land Use and Housing Element. Current Comprehensive Plan goals and policies strongly support City-wide design standards for single-family and multifamily residential development; ensuring development compatible with existing single-family neighborhoods; provision of affordable housing; and provision of a variety of housing types to meet the needs of residents. The proposed amendments:*

- *Strengthen existing single-family design standards.*
- *Establish design standards for multifamily development.*

- *Ensure that new development is compatible with existing development through compatibility standards such as increased setbacks for taller structures.*
  - *Allow detached accessory dwelling units (ADUs) in addition to attached ADUs, and reduce the level of review required.*
  - *Add rowhouse and cottage cluster development to the housing types allowed in multifamily zones.*
  - *Broaden incentives for the provision of affordable housing in residential developments.*
- iii) MMC Subsection 19.902.5.B.3 requires that the proposed amendment be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.
- The proposed amendments were sent to Metro for comment. Metro did not object to the proposed amendments, and was supportive of the addition of cottage cluster housing to the zoning ordinance.*
- iv) MMC Subsection 19.902.5.B.4 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.
- The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. DLCD's comments on the amendments were incorporated into the proposal presented to the Planning Commission at the first public hearing. DLCD did not otherwise identify any areas where the proposed amendments were inconsistent with State statutes and administrative rules.*
- v) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.
- The Federal Fair Housing Amendments Act of 1988 is relevant to the proposed amendments. The proposed amendments retain the current clear and objective review of single-family housing and duplexes, and provide a choice between clear and objective review and discretionary review of new multifamily developments.*

## Underline/Strikeout Amendments

### Comprehensive Plan

#### CHAPTER 4 LAND USE

#### 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.

##### Planning Concept

The most basic concept underlying residential land use policy in Milwaukie is that the City is and will continue to be composed primarily of single family neighborhoods. Housing types resulting in higher densities are to be concentrated in order to support public transportation services and major commercial centers, have close proximity to major streets, and to lessen the impact of through traffic on single family areas. A range of housing types is encouraged in all areas of the City, as long as the character of existing neighborhoods is not dramatically altered by new development. The Land Use Plan for the City, Map 7, shows how residential areas of differing density will be distributed throughout the City.

Table 2 summarizes the amount of vacant buildable land within each residential land use category and the total number of new dwelling units which would result from full development of these vacant buildable lands. These figures do not include density bonuses which may be available in development of high quality, nor the total variety of housing types which may result from Planned Unit Developments or application of the residential density policies. Residential design policies have little or no effect on the number of new units calculated in Table 2. At the time of full development, some 2,827 potential new dwelling units, added to the approximately 8,377 existing dwelling units, will result in 11,204 total dwelling units. The Town Center is anticipated to accommodate 1,773 new units (approximately 63 percent of the new units) primarily through infill and redevelopment, while vacant land outside the Town Center is anticipated to accommodate 1,054 new units. Because nearly all of the remaining buildable vacant land in Milwaukie is designated as low and moderate density land, distribution of future housing types within Milwaukie will be primarily single family outside the Town Center, with high density housing occurring on redevelopable land in the Town Center. In addition to these estimates, Milwaukie has the capacity for an estimated 198 secondary dwelling units to be developed on existing and future single family lots.

Table 2 Estimate of Dwelling Unit Capacity on Vacant Lands by Zone								
Zone Abbr.	Gross Unconstrained Vacant Land (Gross Vacant Buildable Land—Outside Town Center)	Gross Unconstrained Vacant Land Minus Needed Schools, Park, Church, and Street (Net Vacant Buildable Land—Outside)	Min. Lot Area Per Unit	Max. Res. DU Per Net Acre	With Underbuild (DU Per Net Acre × .97)	DU Estimate (Outside Town Center)	Addnl. DU from Possible Infill (Outside Town Center)	DU Estimate from Vacant Redevelopable Land in the Town Center

## Proposed Code and Comp. Plan Amendments

		Town Centers)						
R-10	8.31	7.41	10,000	4.36	4.23	36	83	
R-7	19.53	17.95	7,000	6.22	6.04	113	550	
R-5	6.37	5.55	5,000	8.71	8.45	50	221	
R-3	0.12	0.12	3,750	11.62	11.27	1	0	
R-2.5	0.00	0.00	2,000	21.78	21.13	0	0	
R-2	0.00	0.00	2,000	21.78	21.13	0	0	
R-1	0.00	0.00	2,000	21.78	21.13	0	0	
R-1-B	0.00	0.00	2,000	21.78	21.13	0	0	
<b>Totals</b>	<b>34.33</b>	<b>31.03</b>				<b>200</b>	<b>854</b>	<b>1,773</b>

Table 2 methodology summary (detailed methodology in Technical Appendix C, City of Milwaukie Metro Functional Plan Compliance Report:

- Dwelling unit capacity was estimated on a parcel-by-parcel basis.
- *The City of Milwaukie 1998 Housing Inventory* was used to identify vacant residential land in the city.
- Environmentally constrained land, as defined by Metro, was subtracted from gross vacant land to arrive at gross vacant buildable land.
- Gross vacant buildable land was reduced by 5% to account for future needed schools, local and regional parks, and churches.
- A second gross-to-net reduction of 10% or 20% was made for right-of-way, depending on the size of the lot.
- The minimum lot size of each zone was used to determine the maximum dwelling units per acre.
- To account for underbuild, the capacity was reduced by 3% based on a study of actual built densities for housing in Milwaukie (see *Technical Appendix B, City of Milwaukie Metro Functional Plan Compliance Report*).
- To calculate dwelling unit estimate per vacant lot, the acreage of net vacant buildable land was multiplied by the maximum dwelling units per acre and the underbuild factor.
- Additional units were added to Milwaukie's housing capacity for dwelling units likely to be constructed through infill development. The rate of infill used in the above estimates is based on a local study of partitioning trends in the city.
- Estimates for new dwelling units on vacant and redevelopable land in the Town Center were added separately. See the *City of Milwaukie Town Center Master Plan* for the methodology used to estimate new dwelling units in the Town Center.

### 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 Outside of Transition Area (Zone DR) - 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.

A general definition of housing types are:

Single family detached - a house normally occupied by one family with no structural connection to adjacent units. The unit may be situated at a specified distance from lot lines, or with one wall on a side property line. Typical density is 4 to 6.2 units per acre.

Cottage cluster – a grouping of individual, detached single-family dwelling units. The units are smaller than a typical single-family dwelling, and are located on their own lot with a limited amount of private yard surrounding the structure. The dwellings are arranged around a central, common open space.

Duplex ~~Single family attached~~ - two units within one dwelling structure, each normally occupied by one family, sharing common structural walls. For purposes of buildable land inventories and needed housing types related to state statutes and statewide planning goals, duplexes are considered as a form of single-family attached housing.

Rowhouse ~~Townhouse~~ - an attached residential structure which retains private ownership of a portion of the land around it, generally in the form of a small front and/or rear yard. Rowhouses ~~Townhouses~~ on interior lots may have a zero side yard setback. A ~~townhouse~~ can be located in the center of a large project or it can be located adjacent to an existing street. The front door is not required to open onto a street if it is on the interior of a development. If a ~~townhouse~~ property is adjacent to a street, it is required to have its front door facing the street.

Multifamily ~~(Condominium)~~ - a single structure containing 3 or more individually owned dwelling units on a lot. , with all other common elements, including lot, jointly owned on a specified basis.

Multifamily ~~(Apartment)~~ - a single structure containing 3 or more dwelling units, usually for rent. Each structure and lot are usually under single ownership.

2. Areas may be designated Low Density residential if any of the following criteria are met:
  - a. The predominant housing type will be single family detached.
  - b. Low Density areas are residential areas which are developed at Low Density and little need for redevelopment exists.
  - c. Within Low Density areas, transportation routes are limited primarily to collectors and local streets.
  - d. Low Density areas may include sites where sensitivity to the natural environment or natural hazards necessitate a reduced density.
3. Areas may be designated Moderate Density Residential based on the following policies:
  - a. The predominant housing types will be single family detached on moderate to small lots, and duplex ~~single-family attached~~ units.
  - b. Moderate Density areas are residential areas which are currently developed at Moderate Density and little need for redevelopment exists.
  - c. Within Moderate Density areas, convenient walking distance to a transit stop or close proximity to major trip generators shall be considered.
4. Areas may be designated Medium Density residential based on the following policies:
  - a. The predominant housing types will be duplexes. ~~single-family attached units.~~

- b. Medium Density areas are residential areas with access primarily to major or minor arterials. Siting should not result in increased traffic through Low Density Residential areas.
  - c. Medium Density areas are to be located near or adjacent to commercial areas, employment concentrations or transit stops.
  - d. Medium Density areas may include areas of deteriorating dwellings or structures in neighborhoods in order to stimulate private investment, infilling and redevelopment, provided one or more of the preceding policies apply.
5. Areas may be designated High Density Residential based on the following policies:
- a. The predominant housing types will be multifamily units.
  - b. High Density Residential areas shall be located either adjacent to or within close proximity to the downtown or district shopping centers, employment concentrations and/or major transit centers or transfer areas.
  - c. Access to High Density areas should be primarily by major or minor arterials. ~~Siting of High Density projects shall not cause traffic to move through adjacent lower density designated areas.~~
6. High Density in Mixed Use Areas will be based on the following policies:
- a. Within the Mixed Use Area designated on Map 7, a range of different uses including residential, commercial and office are allowed and encouraged. It is expected that redevelopment will be required to implement these policies, and that single structures containing different uses will be the predominant building type.
  - b. Commercial uses will be allowed at the ground floor level, and will be located relative to the downtown area so that pedestrian access between areas is convenient and continuous.
  - c. Office uses will be allowed at the ground and first floor levels.
  - d. High Density residential uses will be allowed on all levels. At least fifty (50) percent of the floor area within a project must be used for residential purposes.
  - e. Within the Mixed Use Area, a residential density bonus of fifteen (15) percent over the allowable density may be granted in exchange for exceptional design quality or special project amenities.
  - f. All parking must be contained within a project.
7. Town Center Areas will be designated based on the following policies:
- a. 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.
  - c. The Downtown and Riverfront Land Use Framework Plan and specific implementing zones shall replace the Mixed Use Zone for Subarea 1 of the Town Center Master

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

- d. 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.
- e. 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.
- f. 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.
- g. Residential densities in the Downtown 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.

### **OBJECTIVE #3 — RESIDENTIAL LAND USE: DESIGN**

To encourage a desirable living environment by allowing flexibility in design, minimizing the impact of new construction on existing development, and assuring that natural open spaces and developed recreational areas are provided whenever feasible.

#### Planning Concepts

Residential design policies are intended to ensure a high quality of environmental design, a flexible design approach, and a smooth integration of new development into existing neighborhoods. Density bonuses and transfers will be encouraged so that full development potential on individual parcels may be realized. Transition policies will be applied to reduce any negative impacts of development on adjacent uses. The transition policies will have little or no effect on the number of new units calculated in Table 2.

#### Policies

- ~~1. Access driveways to less than four residential units will not be allowed onto arterials unless it can be shown that no other alternative is possible.~~
- ~~2. Development in new multifamily housing projects in Medium and High Density areas within 400 feet of adjacent Low and Moderate Density areas where those housing types are not allowed, will provide one or more of the following transitions to reduce the impact on lower density areas. Transition measures, subject to approval, include:
  - ~~a. Roadways separating projects.~~
  - ~~b. Open areas (developed or undeveloped) separating new structures from adjacent parcels. A minimum distance equal to the required front yard setback of adjacent parcels will be designated as open area. Natural vegetation, landscaping or fencing will be provided sufficient to screen living rooms from direct view across open areas.~~
  - ~~c. Gradual density changes. A new project may not have a density greater than 25 percent of the allowable density on lower density residential parcels abutting the project. If abutting parcels have a variety of allowable residential densities, parcels with similar allowable densities abutting the highest percentage of the project perimeter will govern.~~~~

## Proposed Code and Comp. Plan Amendments

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- d. ~~Planned Unit Development design concept is encouraged whenever possible. When feasible, density transfer will be encouraged so that full development potential may be realized. Encourage units which would be permitted by zoning on hazardous or environmentally sensitive lands to be transferred to areas which are less hazardous or less expensive to develop. Resulting density on the developed portion of a site shall not exceed the density allowed in the next highest residential plan category.~~
1. New multifamily development projects will take measures to reduce potentially negative impacts on existing, adjacent single-family development and adjacent lower-density zones. Such measures may include reduced maximum heights, increased setbacks for large facades, building size limitations, and other design features to maintain privacy of nearby properties.
23. In all Planned Unit Developments, a density bonus up to 20% over the allowable density may be granted in exchange for exceptional design quality or special project amenities.
34. All Planned Unit Developments will have at least one third of the gross area devoted to open space and/or outdoor recreational areas. At least half of the required open space and/or recreational areas will be of the same general character as the area containing dwelling units. Open space and/or recreational areas do not include public or private streets.
45. All projects in Medium Density and High Density areas will have ~~at least one third of the gross area~~ devoted to open space and/or outdoor recreational areas. At least half of the ~~required~~ open space and/or recreational areas will be of the same general character as the area containing dwelling units. Open space and/or recreational areas do not include public or private streets and parking areas, but may include private yards.
56. In all cases, existing tree coverage will be preserved whenever possible, and areas of trees and shrubs will remain connected particularly along natural drainage courses.
67. Specified trees will be protected during construction, in accordance with conditions attached to building permits.
78. Sites within open space, natural hazard or natural resource areas will be protected according to specifications in the Natural Hazard and Natural Resources Elements.

### **OBJECTIVE #4 — NEIGHBORHOOD CONSERVATION**

To maximize the opportunities to preserve, enhance and reinforce the identity and pride of existing well-defined neighborhoods in order to encourage the long-term maintenance of the City's housing stock.

#### Planning Concept

Milwaukie is predominantly a built-up city. It contains several districts, however, where neighborhood character, available buildable areas, and existing lotting patterns suggest different approaches to new residential development are appropriate. Within High Density areas reconstruction of older neighborhoods is encouraged; within Moderate and Medium Density areas infilling consistent with local scale is emphasized, and in Low Density areas conservation of single family character will be maintained.

#### Policies

1. Within High Density areas, clearance and new construction will be allowed, as will construction on currently vacant lands. Identified historic resources will be protected as

outlined in the Historic Resources Chapter. The predominant housing type will be multifamily.

2. Within Moderate and Medium Density areas, the rehabilitation of older housing is encouraged in lieu of large area clearance and new construction. When projects involve destruction of older housing, it must be shown that rehabilitation is not justified because of structural, health or other important considerations.
3. Within Moderate and Medium Density areas, residential infill which maintains existing building heights, setbacks, yard areas and building mass will be encouraged. Of particular importance is the maintenance of existing residential scale when viewed from the street. The predominant type of new housing in Moderate Density areas will be single family detached on moderate to small lots and duplexes ~~single family attached units~~. The predominant type of new housing in Medium Density areas will be duplex ~~single family attached units~~. Multifamily housing may be allowed in Medium Density areas.
4. Within Low Density areas, the rehabilitation of older housing is encouraged in lieu of large area clearance and new construction. ~~When projects involve the destruction of older housing, it must be shown that rehabilitation is not justified because of structural, health or other important considerations.~~ The predominant type of new housing in Low Density areas will be single family detached. Duplex ~~Single family attached units~~ will be allowed based on location criteria in the Zoning Ordinance. ~~A public hearing is required.~~
5. Within Low Density areas, new projects will maintain a single family building bulk, scale and height when abutting existing single family areas, or when abutting a street where existing single family houses face the project.
6. ~~When feasible, a Design Review function will be incorporated into the City's development review process to interpret and enforce Residential Land Use, Design, and Neighborhood Conservation policies.~~
7. ~~When a Design Review function is implemented, a Neighborhood Design Guide will be developed for each neighborhood area. The Design Guide will identify any consistent and desirable architectural styles, elements, materials or landscape features existing in the neighborhood together with appropriate building standards to serve as guidelines for new housing construction as well as rehabilitation projects. The Design Guide will be enforced as part of a Design Review function.~~

#### **OBJECTIVE #5 — HOUSING CHOICE**

To continue to encourage an adequate and diverse range of housing types and the optimum utilization of housing resources to meet the housing needs of all segments of the population.

##### Planning Concept

While the predominant housing type is expected to continue to be single family detached, the City will encourage a wide range of housing types and densities in appropriate locations within individual neighborhood areas including duplexes ~~single family attached~~, rowhouses, cottage clusters, accessory dwelling units, ~~and detached~~ multifamily, manufactured housing, and mobile home parks.

The City of Milwaukie will not immediately zone all high density or Town Center land for maximum development. Some areas involved are already predominantly developed at a lower density, leaving only pockets of vacant land currently suitable for immediate density increases. The rezoning will occur over time, and will be consistent with the Town Center Master Plan based on applications which can demonstrate consistency with plan policies, as set forth in the

City's Comprehensive Plan and, with public facility plans and standards, adequate to support maximum development. This process will ensure that development will occur with a timely, orderly, and efficient provision of public facilities and services as required by State Goal 11.

### Policies

1. The City will encourage the development of infill housing that uses innovative development techniques for the purpose of reducing housing costs as well as creating an attractive living environment. Such techniques may include the reduction of lot size standards in established neighborhoods; allowing duplex ~~single-family attached~~ housing units in appropriate areas; and encouraging the construction of small housing units. A design review process shall be used within the Mixed Use Overlay Zone to assure that infill development is suitable in a given location.
2. The City will encourage the development of larger subdivisions and PUDs that use innovative development techniques for the purpose of reducing housing costs as well as creating an attractive living environment. Such techniques to reduce costs may include providing a variety of housing size, type, and amenities. The City may provide density bonuses, additional building height allowances, or other such incentives for the provision of affordable housing in residential development projects. ~~An additional housing unit will be allowed for each unit priced for sale at twenty-five (25) percent below the average new single family housing cost established in the most recent edition of "Real Estate Trends," published semi-annually by the Metropolitan Portland Real Estate Research Committee, Inc.~~ Overall project density may not exceed the allowable density plus ten (10) percent, which may be added to the Planned Unit Development bonus.
3. Manufactured housing is encouraged and allowed wherever single-family housing is permitted in the City as long as density standards and other applicable policies are met. The City will encourage the provision of housing at types and densities indicated in the City's housing needs assessments summarized on Table 2.
4. Mobile home parks will be allowed in Low, Moderate, and Medium Density areas in zones allowing development at 6-12 units per acre, and will be subject to park design and appearance standards and review in a public hearing.
5. Although not all higher density and Town Center lands will immediately be zoned for maximum permissible densities, the rezoning of these lands will be approved when it can be demonstrated that adequate public facilities exist or can be provided in accordance with City plans and standards to support increased development.

## Municipal Code Title 14 Signs

### CHAPTER 14.16 SIGN DISTRICTS

#### 14.16.010 RESIDENTIAL ZONE

No sign shall be installed or maintained in an R Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.010.

Table 14.16.010 Standards for Signs in Residential Zones				
Sign Type	Area	Height	Number	Illumination <sup>1</sup>
Signs at entrances to subdivisions or manufactured home parks	Max. 2 SF per dwelling unit to max. 32 SF per sign; max. 16 SF per display surface; total sign area for all display surfaces of no more than 64 SF.	Max. 6 ft. above grade.	1 per entrance.	External illumination only
Freestanding signs on multifamily apartment and condominium properties	Limited to 2 SF per dwelling unit to a max. area of 32 SF, 16 SF per display surface.	Max. 6 ft. above grade.	1 per street frontage. <sup>2</sup>	External illumination only
Wall signs on multifamily apartment and condominium properties	Limited to 2 SF per dwelling unit to a max. of 32 SF.	No wall sign shall extend above the roofline at the wall, or the top of a parapet wall, whichever is higher.	1 per street frontage permitted. <sup>2</sup>	External illumination only
Awning signs on multifamily apartment and condominium properties	Max. display surface is 25% of awning area, up to max. of 32 SF.	May not extend higher than the point where the roofline intersects the exterior wall.	1 per street frontage. <sup>3</sup>	
Hanging sign suspended beneath awning	Max. area limited to 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground to the lowest portion of awning or sign.	1 per street frontage. <sup>3</sup>	External illumination only

<sup>1</sup> Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. See Section 14.24.020.

<sup>2</sup> Either 1 freestanding or 1 wall sign per street frontage is permitted.

<sup>3</sup> Either 1 sign on an awning or 1 sign hanging beneath an awning is allowed.

#### 14.16.020 RESIDENTIAL-OFFICE-COMMERCIAL ZONE

No sign shall be installed or maintained in an R-O-C or R-1-B Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.020.

Table 14.16.020 Standards for Signs in Residential-Office-Commercial Zones R-O-C or R-1-B				
Sign Type	Area	Height	Number	Illumination <sup>1</sup>
Signs at entrances to subdivisions	Max. 2 SF per dwelling unit to max. 32 SF per sign; 16 SF per display surface; total sign area for all display surfaces may not exceed 64 SF.	Max. 6 ft. above grade.	1 per entrance.	External only
Freestanding signs on <u>multifamily apartment and condominium</u> properties	Max. 2 SF per dwelling unit to max. 32 SF per sign; 16 SF per display surface.	Max. 6 ft. above grade.	1 per street frontage.	External only
Wall signs on <u>multifamily apartment and condominium</u> properties	Limited to 2 SF per dwelling unit to a max. 32 SF.	Cannot extend above roofline at wall or top of parapet wall, whichever is higher.	1 per street frontage.	External only
Awning signs on <u>multifamily apartment and condominium</u> properties	Max. display surface is 25% of awning area, up to a max. of 32 SF.		1 per street frontage.	External only
Freestanding signs on commercial property	Max. 32 SF per display surface; total sign area for all display surfaces may not exceed 64 SF.	Max. 12 ft.	1 permitted. <sup>2</sup>	External only
Wall signs on commercial property	Max. 10% of building face related to commercial use.	Cannot extend above roofline at wall or top of parapet wall, whichever is higher.	1 permitted. <sup>3</sup>	External only
Awning signs related to a commercial use	Max. display surface is 25% of surface of awning not to exceed 10% of the building face related to commercial use.	May not extend higher than the point where the roofline intersects the exterior wall.	1 per frontage.	External only
Hanging sign suspended beneath awning	Max. 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground level to lowest portion of awning or suspended sign.	1 per street frontage. <sup>4</sup>	External only

Daily display sign <sup>5</sup>	Max. 8 SF per display surface; total sign area may not exceed 16 SF.	Max. 6 ft. above ground level.	1 per property or occupancy.	External only
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<sup>1</sup> Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. See Section 14.24.020.

<sup>2</sup> 1 freestanding sign is permitted in addition to 1 wall sign.

<sup>3</sup> 1 wall sign is permitted in addition to 1 freestanding sign or 2 wall signs permitted.

<sup>4</sup> For awnings related to residential use, either 1 sign on an awning or 1 sign hanging beneath an awning is allowed.

<sup>5</sup> Location. A daily display sign shall not be located within required landscaped areas, and is only allowed within the public right-of-way subject to the standards of Section 14.20.040.

## Municipal Code Title 17 Land Division

### CHAPTER 17.16 APPLICATION REQUIREMENTS AND PROCEDURES

#### **17.16.080 COTTAGE CLUSTER DEVELOPMENT**

An application for subdivision preliminary plat or replat to create a cottage cluster housing development shall include narrative and plans with sufficient detail to demonstrate compliance with the standards of Subsection 19.505.4.

### CHAPTER 17.28 DESIGN STANDARDS

#### **17.28.040 GENERAL LOT DESIGN**

This section does not apply to units of land that are created for purposes other than land development including parks, natural areas, right-of-way dedications, or reservations of a similar nature. Lots and tracts created for cottage cluster housing development, per Subsection 19.505.4, are also exempt from the requirements of this section.

##### A. Size and Shape

Lot size, width, shape, and orientation shall be appropriate for the location and the type of use contemplated. Minimum lot standards shall conform to Title 19. ~~This section does not apply to units of land that are created for purposes other than land development including parks, natural areas, right-of-way dedications, or reservations of a similar nature.~~

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#### **17.28.060 FLAG LOT DESIGN STANDARDS**

##### A. Consistency with the Zoning Ordinance

Flag lot design shall be consistent with Subsection 19.504.~~89~~.

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#### **17.28.070 FLAG LOT LIMITATIONS**

Flag lots are prohibited in new subdivisions and subdivisions platted after August 20, 2002, the effective date of Ordinance #1907.

## Municipal Code Title 19 Zoning

### CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

#### 19.201 DEFINITIONS

~~“Dormitory” means a room which is rented for sleeping purposes for more than 4 persons.~~

~~“Dwelling” means a structure containing 1 or more dwelling units used, intended, or designed to be built, used, rented, let, or hired out to be occupied, or which are occupied for living purposes. Dwelling types are defined in this chapter.~~

~~“Dwelling unit” means 1 or more rooms designed for occupancy by 1 family, but excluding a recreational vehicle.~~

~~“Single-family attached” means 2 dwelling units, each occupied as a housekeeping unit, sharing common structural walls.~~

~~“Single-family detached” means a house or a manufactured home normally occupied by 1 family with no structural connection to adjacent units. The dwelling and lot are usually under single ownership.~~

~~“Multifamily apartment” means a single structure containing 3 or more dwelling units, usually for rent, and sharing common structural walls.~~

~~“Multifamily condominium” means a single structure containing 3 or more individually owned dwelling units, with all other common elements jointly owned on a specified basis.~~

~~“Interior single-family attached, interior multifamily condominium” means that dwelling unit or units that are interior to the whole residential structure and does not include the dwelling units that are on the ends of the structure facing lot lines.~~

~~“Accessory dwelling” means a dwelling unit that is clearly incidental and subordinate to a detached single-family dwelling, located in a single-family structure designed for occupancy by a housekeeping unit, and not containing more than 1 cooking facility. For the purpose of this definition “cooking facility” means an oven, stove, range, or other device used or intended for the preparation or heating of food.~~

~~“Type 1 accessory dwelling” means an accessory dwelling unit not less than 225 sq ft net floor area and not more than 600 sq ft net floor area and meeting the requirements of Subsection 19.910.1. For the purpose of this chapter, net floor area is measured from the inside face of walls enclosing the unit including all storage space, closets, halls, stairwells, and rooms.~~

~~“Type 2 accessory dwelling” means an accessory dwelling unit other than a Type 1 accessory dwelling unit, as permitted by Subsection 19.910.2.~~

~~“Eave” means a projecting overhang at the lower border of a roof, extending from the primary wall or support. Eaves are architectural features that aide in protecting buildings from precipitation and solar radiation; they are distinct from overhangs that provide shelter for persons or property.~~

~~“Footprint” means the area covered by the outer structural walls of a building, measured in sq ft. Included in the calculation of footprint are: roofed structures that are not fully enclosed; building features such as patio covers, roofed porches, and decks; or similar features with a surface height of more than 18 in above average grade. Footprint does not include eaves.~~

## Proposed Code and Comp. Plan Amendments

“Fowl” means chickens, ducks, geese, turkeys, and other birds of a similar size.

“Lot” means a legally defined unit of land other than a tract that is a result of a subdivision or partition. For general purposes of this title, lot also means legal lots or lots of record plot, parcel, or area of land owned by, or under the lawful control, and in the lawful possession, of, one distinct ownership. When 1 owner controls an area defined by multiple adjacent legal lots or lots of record, the owner may define a lot boundary coterminous with 1 or more legal lots or lots of record within the distinct ownership. Figure 19.201-1 illustrates some of the lot types defined below.

“Corner lot” means a lot abutting on 2 or more streets, other than an alley, at their intersection.

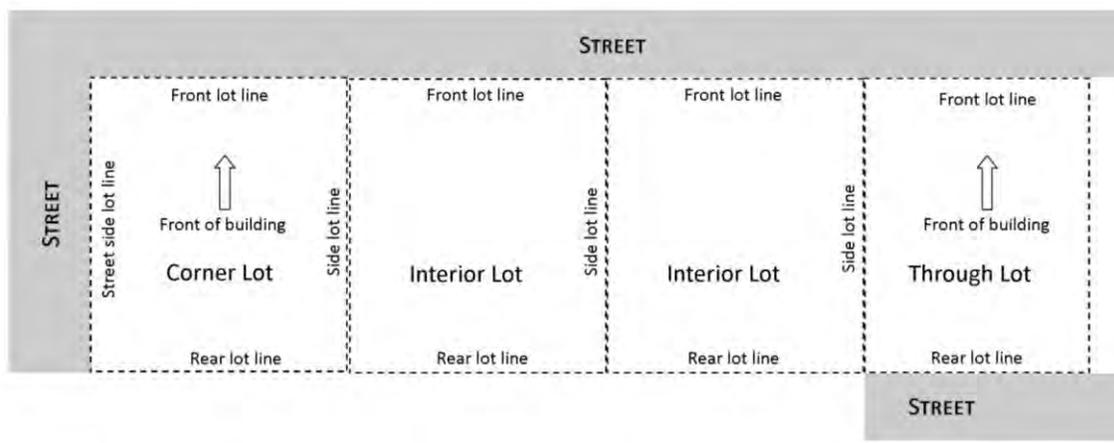
“Interior lot” means a lot other than a corner lot.

“Legal lot” means a unit of land other than a tract created through a subdivision or partition approved by the City.

“Lot of record” means a unit of land for which a deed or other instrument dividing the land was filed with the Clackamas County Recorder, which was not created through a partition or subdivision approved by the City, and which was created prior to October 5, 1973.

“Through lot” means an interior lot having frontage on 2 streets.

**Figure 19.201-1  
Lots and Lot Lines**



“Lot coverage” means the amount of area covered by footprint of a building(s) on a lot, measured from the outermost projection of the building(s), expressed as a percentage of the total lot area. Lot coverage includes open structures, such as pole barns; building features such as patio covers, roofed porches, and decks; or similar features with a surface height of more than 18 in above average grade. Lot coverage does not include eaves.

“Lot line” means the property line bounding a lot. The lot lines defined below are depicted in Figures 19.201-1 and 19.201-2.

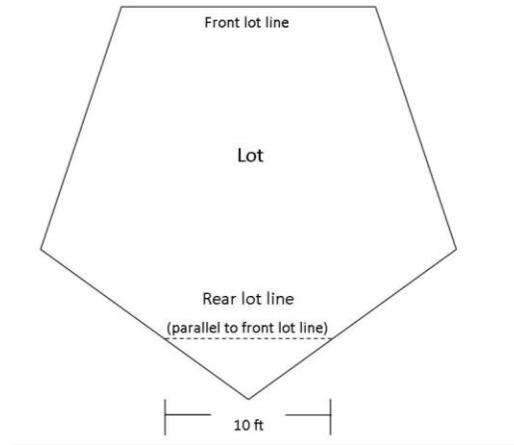
“Front lot line” means, in the case of an interior lot, the lot line separating the lot from the street other than an alley; in the case of a corner lot, a line separating the lot from the street on which the existing or contemplated development will face; and, in the case of a through lot, a line separating the lot from the street on which the contemplated development will

face. In the case of a flag lot, the front lot line is the lot line closest to the street from which the property takes access, excluding lot lines that are part of the pole portion of the flag lot.

“Rear lot line” means a lot line which is opposite and most distant from the front lot line; and in the case of an irregular, triangular, or other-shaped lot, a line 10 ft long within the lot parallel to and at the maximum distance from the front lot line.

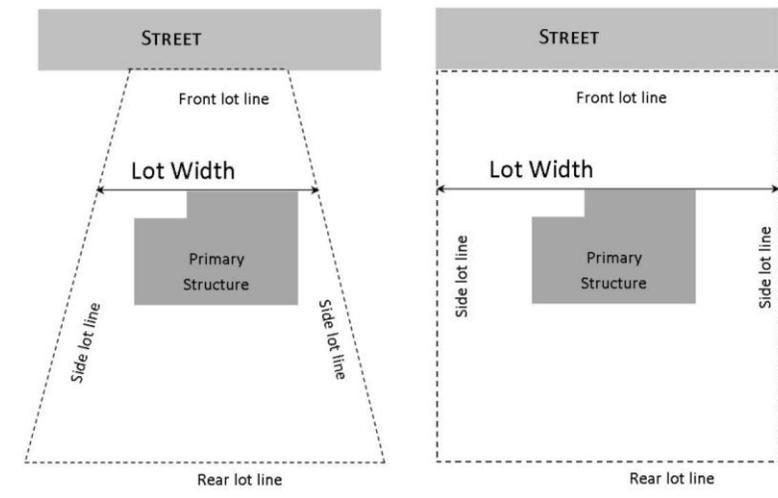
“Side lot line” means any lot line not a front or rear lot line.

**Figure 19.201-2**  
**Rear Lot Line**



“Lot width” means the horizontal distance between side lot lines measured at the building line.

**Figure 19.201-3**  
**Lot Width**



“Manufactured dwelling” means a residential trailer, mobile home, or manufactured home meeting ORS 446.003(25) and designed to be used as a year-round residential dwelling. The manufactured dwelling is a structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, and that is being used for residential purposes.

“Manufactured home” means a single-family residential structure as defined in ORS 446.003(25)(a)(C) which includes a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Sections 5401 et seq.) as amended on August 22, 1981.

“Mobile home” means a manufactured dwelling that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

Residential Uses and Structures:

“Accessory dwelling unit” means a second dwelling on a lot with a single-family detached dwelling. The accessory dwelling unit is incidental to, and smaller than, the primary dwelling on the lot. The accessory dwelling unit may be in a portion of the primary structure on the lot or contained in its own structure apart from the primary structure. The accessory dwelling unit includes its own independent living facilities—including provision for sleeping, cooking, and sanitation—and is designed for residential occupancy by 1 or more people, independent of the primary dwelling unit.

“Duplex” means a structure on 1 lot that contains 2 dwelling units. The units in a duplex must share a common structural wall or a common floor/ceiling. In instances where a second dwelling unit within a structure can meet the definition for both a duplex and an accessory dwelling unit, the property owner has the option of electing whether the entire structure is considered a duplex or a primary dwelling unit with an attached accessory dwelling unit.

“Dwelling” means a structure containing 1 or more dwelling units used, intended, or designed to be built, used, rented, let, or hired out to be occupied, or which are occupied for living purposes.

“Dwelling unit” means a building, or portion of a building, that includes its own independent living facilities—including provision for sleeping, cooking, and sanitation—and is designed for residential occupancy by 1 or more people. Buildings with more than 1 set of cooking facilities are considered to contain multiple dwelling units, unless the additional cooking facility is clearly accessory and the property owner has recorded a covenant with the Clackamas County Records Division, stipulating that the additional cooking facility will not be used as part of a separate dwelling unit unless permitted under this title.

“Cooking facility” means an oven, stove, range, or other device used or intended for the preparation or heating of food.

“Cottage” means a structure containing 1 dwelling unit on 1 lot within an area that was divided to create a cottage cluster development, per Subsection 19.505.4.

“Manufactured dwelling” means a residential trailer, mobile home, or manufactured home meeting ORS 446.003(25) and designed to be used as a year-round residential dwelling. The manufactured dwelling is a structure that is constructed for movement on the public highways; that has sleeping, cooking, and plumbing facilities; and that is being used for residential purposes.

“Manufactured home” means a single-family residential structure, as defined in ORS 446.003(25)(a)(C), which includes a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Sections 5401 et seq.) as amended on August 22, 1981.

“Mobile home” means a manufactured dwelling that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

“Multifamily development” means 3 or more dwelling units on 1 lot. Condominium lots do not count as separate lots for purposes of this definition. The dwelling units may be located in 1 or more structures on the lot. The dwelling units may be arranged with 1 dwelling unit per structure or with multiple dwelling units within a structure that are separated vertically and/or horizontally. Multifamily developments include the forms of housing that are typically called apartments and condominiums. Multifamily developments may include structures that are similar in form to rowhouses, cottage clusters, duplexes, or single-family dwellings.

“Rowhouse” means a residential structure on its own lot that shares 1 or more common or abutting walls with at least 1 or more dwelling units on adjoining lots. The common or abutting wall must be shared for at least 25% of the length of the side of the building. The shared or abutting wall may be the wall of an attached garage. A rowhouse does not share common floors/ceilings with other dwelling units.

“Residential home” means a dwelling unit operated as a single housekeeping unit for the purpose of providing a permanent residence—which includes food, shelter, personal services, and care—for the elderly, disabled, handicapped, or others requiring such a residence, as defined by the Federal Fair Housing Amendments Acts of 1988.

“Residential trailer” means a manufactured dwelling that was constructed prior to January 1, 1962.

“Single-family detached dwelling” means a structure, or manufactured home, containing 1 dwelling unit with no structural connection to adjacent units.

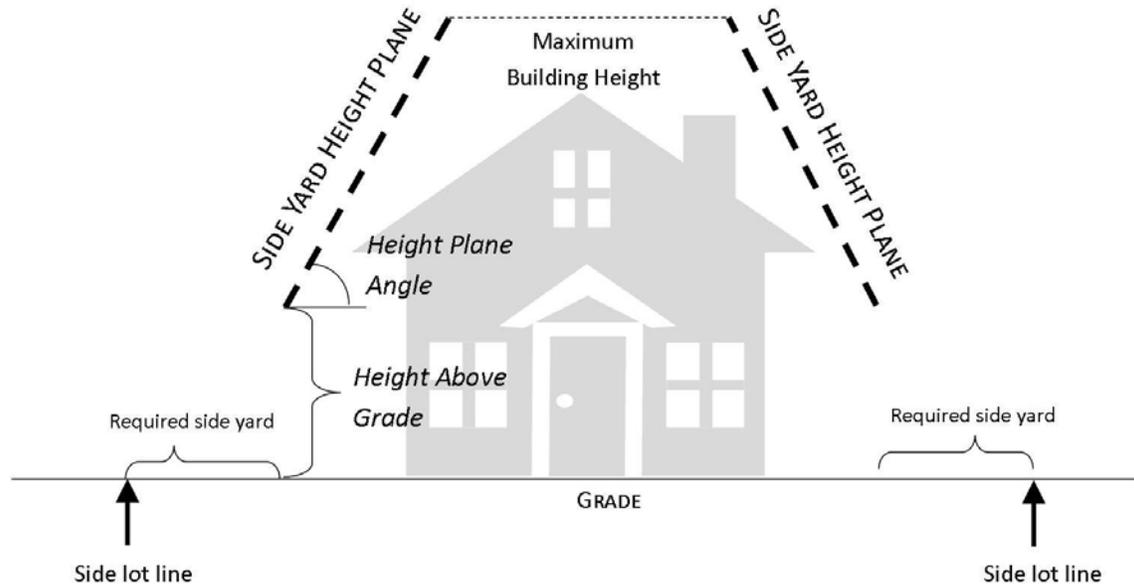
“Yurt” means a 1-story building with a circular footprint and a roof that is domed or conical, with the highest point at the center of the circle. The walls and roof of a yurt are typically canvas or other flexible fabric material.

~~“Residential home” means a dwelling unit operated as a single housekeeping unit for the purpose of providing a residence which includes food, shelter, personal services, and care, on a permanent basis, for the elderly, disabled, handicapped, or others requiring such a residence as defined by the Federal Fair Housing Amendments Acts of 1988.~~

~~“Residential trailer” means a manufactured dwelling that was constructed prior to January 1, 1962.~~

“Side Yard Height Plane” means a plane that limits the building height along side lot lines. Structures on the site must remain underneath the height plane. The height plane applies along side lot lines and is not applicable to front, rear, or street side lot lines. The starting point of the side yard height plane is horizontally offset from the side lot line by the required side yard depth, and set at specified vertical distance above the grade at the depth of required side yard. From the starting point, the side yard height plane slopes up at a specified angle until it reaches the maximum allowed building height or intersects with the side yard height plane from an opposite side of the lot.

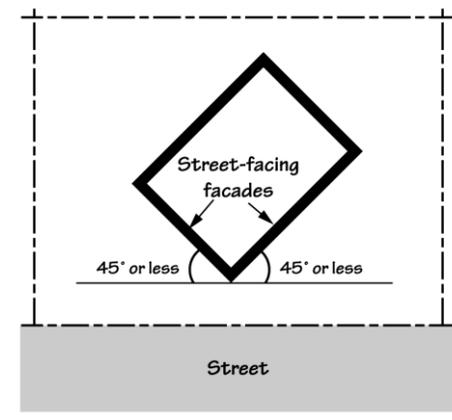
**Figure 19.201-4**  
**Side Yard Height Plane**



“Solar energy system” means equipment used to capture solar radiation for purposes of heating water or generating electricity. A solar energy system is an accessory use, and the energy generated by the system is used predominantly on-site.

“Street-Facing Façade” means the wall planes of a structure that are visible from, and at an angle of 45 degrees or less to, a front lot line or street side lot line. Angle measurements for curved front or street side lot lines shall be based on a straight line connecting the opposing lot corners of the front or street side lot line.

**Figure 19.201-5  
Street-Facing Façade**



“Townhouse” means an attached residential structure which retains private ownership of a portion of the land around it, generally in the form of a small front and/or rear yard. Townhouses on interior lots may have a zero side yard setback. A townhouse can be located in the center of a large project or it can be located adjacent to an existing street. The front door is not required to open onto a street if it is on the interior of a development. If a townhouse property is adjacent to a street, it is required to have its front door facing the street.

“Wind energy system” means equipment used to generate electricity from wind. A wind energy system is an accessory use, and the energy generated by the system is used predominantly on-site.

“Yard” means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this title. A yard may include areas with grass, mulch, barkdust, shrubs, trees, garden plantings, gravel, pavement, or asphalt. The yards defined below are depicted in Figure 19.201-6.

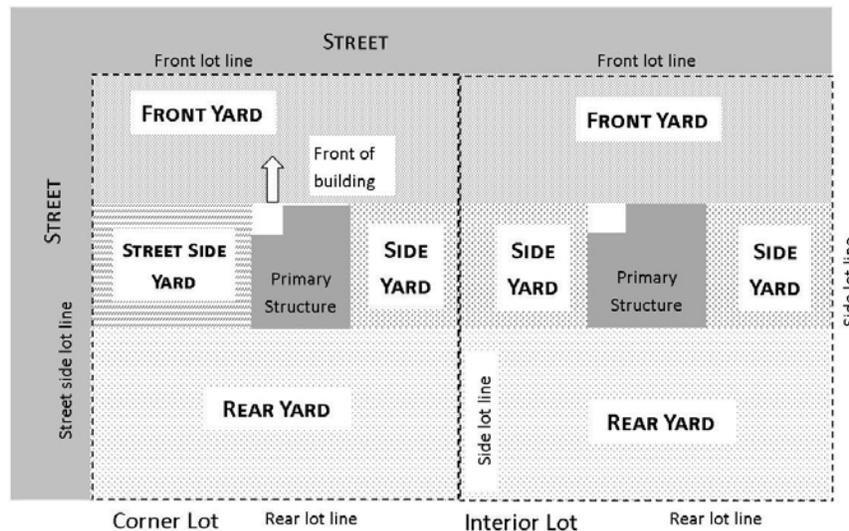
“Front yard” means a yard between side lot lines, measured horizontally and at right angles to the front lot line from the front lot line to the nearest point of the building.

“Rear yard” means a yard between side lot lines or between a street side yard and opposite side lot line, measured horizontally and at right angles to the rear lot line from the rear lot line to the nearest point of the building.

“Side yard” means a yard between the front and rear yards, measured horizontally and at right angles from the side lot line to the nearest point of the building.

“Street side yard” means a yard adjacent to a street between the front and rear yards, measured horizontally and at right angles from the side lot line to the nearest point of the building.

**Figure 19.201-6**  
**Yards**



## 19.202 MEASUREMENTS

### 19.202.2 Vertical Measurements

#### A. Interior Height

Floor-to-ceiling height shall be measured from the top of the floor finish to the bottom of the ceiling joists or, where there is no ceiling, to the bottom of the roof rafters.

#### B. Exterior Height of Primary Structures

Except where otherwise specified in Title 19, building height shall be measured from the adjoining street centerline grade, as established by the City, to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, or to the mean height between the eaves and the ridge for a gable, hip, or gambrel roof. Where the building is set back from the street, building height may be measured from the average elevation of the finished grade at the front of the building.

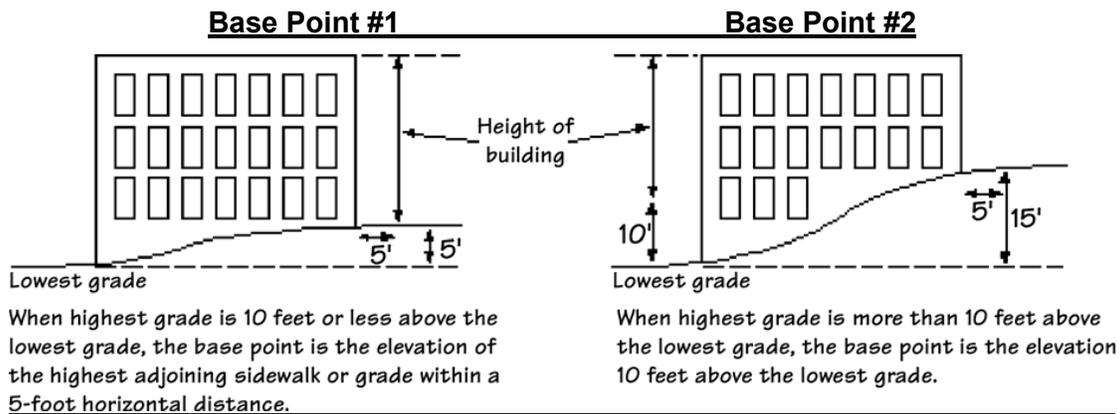
The height of a primary structure building is the vertical distance from the base point described in Subsection 19.202.2.B.1, below, to the top of a building described in Subsection 19.202.2.B.2, below.

1. Base Point

The base point used for building height measurement shall be the base point that yields the greater building height. See Figure 19.202.2.B.1.

- a. Base point 1 is the elevation of the highest adjoining sidewalk or ground surface within a 5-ft horizontal distance from the exterior wall of the building, when such sidewalk or ground surface is not more than 10 ft above lowest grade.
- b. Base point 2 is 10 ft above lowest grade, when the sidewalk or ground surface described for base point 1 is more than 10 ft above lowest grade.

**Figure 19.202.2.B.1**  
**Base Point Measurement**



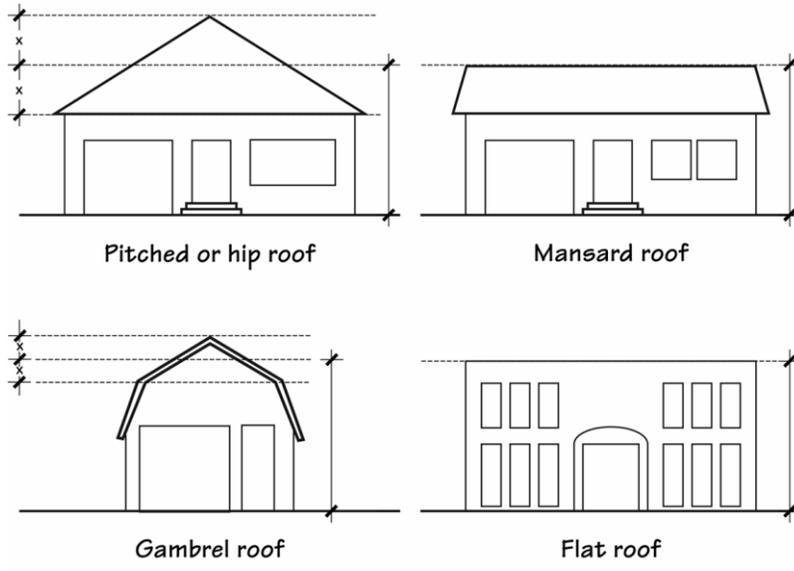
2. Top of Building

The top of building shall be determined based on the specific roof types listed below. See Figure 19.202.2.B.2.

- a. Flat roof: Measure to the top of the parapet or, if there is no parapet, to the highest point of the roof . If a roof includes multiple flat roofs at different elevations, measure to the top of the highest parapet or highest point of the highest roof.
- b. Mansard roof: Measure to the deck line.
- c. Pitched, hipped, or gambrel roof where roof pitch is 12/12 or less: Measure to the average height of the highest gable.
- d. Pitched or hipped roof with a pitch steeper than 12/12: Measure to the highest point.

- e. Gambrel roof where both pitches are steeper than 12/12: Measure to the highest point.
- f. Other roof shape, such as domed, vaulted, or pyramidal: Measure to the highest point.
- g. Stepped or terraced building: Measure to the highest point of any segment of the building.

**Figure 19.202.2.B.2  
Top of Building Measurement**



**C. Exterior Height of Accessory Structures**

The exterior height of an accessory structure is the vertical distance above the average of the highest and lowest points of finished grade, within a 10-ft horizontal distance from the base of the building, and the top of a building described in Subsection 19.902.2.B.2.

**19.202.4 Density Calculations**

Minimum required and maximum allowed dwelling unit density will be calculated as described below, except that residential cluster development on lands containing natural resource areas are subject to the density calculations in Subsection 19.402.14.C. The purpose of these calculations is to ensure that properties develop at densities consistent with the densities in the Comprehensive Plan. The area deductions for minimum required density allow properties to utilize land that can be built upon. The area deductions for maximum allowed density include sensitive lands where development should be avoided.

**A. Gross Area**

The gross area of a lot is measured in sq ft and is determined by a registered professional land surveyor or with data from the Clackamas County Assessor's Office.

**B. Rounding**

The results for minimum required and maximum allowed dwelling unit density are rounded based on a fraction that is truncated to 2 numbers past the decimal point. For example,

3.4289 is truncated to 3.42. Where a minimum density calculation results in a fraction that is .50 or above, the fraction is rounded up to the next whole number. Where a minimum density calculation results in a fraction that is less than .50, the fraction is rounded down to the preceding whole number. Where a maximum density calculation results in a fraction that is less than .75, the fraction is rounded down to the preceding whole number.

**C. Discrepancy between Minimum Required and Maximum Allowed Density**

In situations where the calculation of maximum allowed density results in a number smaller than the calculation of minimum required density, the result from the minimum allowed density is both the minimum required and maximum allowed density.

**D. Minimum Density**

**1. Deductions to Calculate Net Area**

The following areas, measured in sq ft, are subtracted from the gross area to determine the net area. The net area calculation is rounded to the nearest whole number.

- a. Floodways, as determined by Federal Emergency Management Agency flood maps.
- b. Right-of-way dedications for new right-of-way or expansion of existing rights-of-way, as required in Chapter 19.700.
- c. Open space or parkland that will be publically owned or open space owned in common by owners within the residential development.

**2. Density Calculation**

The minimum number of dwelling units required is calculated by dividing the net area by the minimum required dwelling unit density in the applicable base zone in Chapter 19.300.

**3. Constrained Lands**

Regardless of the density calculation described above, any legal lot that meets the standards of Subsection 19.501.1 is allowed at least 1 dwelling unit.

**E. Maximum Density**

**1. Deductions to Calculate Net Area**

The following areas, measured in sq ft, are subtracted from the gross area to determine the net area. The net area calculation is rounded to the nearest whole number.

- a. 1% Annual Chance Flood areas (also called the 100-Year Floodplain), as determined by Federal Emergency Management Agency flood maps.
- b. Right-of-way dedications for new right-of-way or expansion of existing rights-of-way, as required in Chapter 19.700.
- c. Open space or parkland that will be publically owned or open space owned in common by owners within the residential development.
- d. Slopes in excess of 25%.

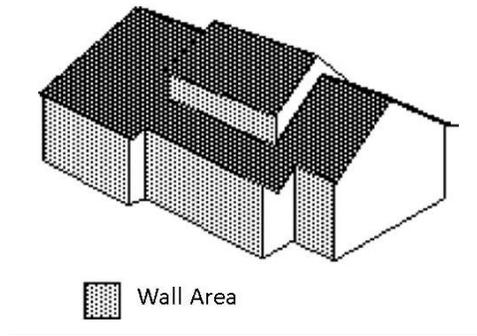
**2. Density Calculation**

The maximum number of dwelling units allowed is calculated by dividing the net area by the maximum allowed dwelling unit density in the applicable base zone in Chapter 19.300.

**19.202.5 Façade Area**

The area of a building façade is the sum of all wall areas above grade that are visible on 1 side of a building. The following areas are excluded: roof areas; the wall area of a horizontal or vertical offset that is perpendicular to the primary orientation of the façade; and gable ends below the ridge of the roof and above the eave line. The wall area of a dormer is not exempt.

**Figure 19.202.5**  
**Façade Area**



**CHAPTER 19.300 BASE ZONES**

*Proposed text amendments for Chapter 19.300 are shown below within the context of the restructured/renumbered Chapter 19.300.*

*Underline/strikeout formatting is used only for proposed changes to text, not for proposed renumbering. (Where noted, new or rewritten complete sections are not underlined, for better readability.)*

*(The complete, amended and reorganized Chapter 19.300, as proposed, is shown in its entirety in Exhibit C.)*

*[Current Sections 19.301-19.303 repealed and replaced as Section 19.301. Complete section below—no underlining.]*

**19.301 LOW DENSITY RESIDENTIAL ZONES**

The low density residential zones are 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 nonhousehold 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. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

<b>Table 19.301.2 Low Density Residential Uses Allowed</b>				
<b>Use</b>	<b>R-10</b>	<b>R-7</b>	<b>R-5</b>	<b>Standards/Additional Provisions</b>
<b>Residential Uses</b>				
Single-family detached dwelling	P	P	P	<b>Subsection 19.505.1</b> Design Standards for Single-Family Dwellings and Duplexes
Duplex	P/II	P/II	P	<b>Subsection 19.505.1</b> Design Standards for Single-Family Dwellings and Duplexes <b>Subsection 19.910.2</b> Duplexes
Residential home	P	P	P	<b>Subsection 19.505.1</b> Design Standards for Single-Family Dwellings and Duplexes
Accessory dwelling unit	P/II	P/II	P/II	<b>Subsection 19.910.1</b> Accessory Dwelling Units
Manufactured dwelling park	N	III	III	<b>Subsection 19.910.3</b> Manufactured Dwelling Parks.
Senior and retirement housing	CU	CU	CU	<b>Subsection 19.905.9.G</b> Senior and Retirement Housing

<b>Accessory and Other Uses</b>				
Accessory use	P	P	P	<b>Section 19.503</b> Accessory Uses
Agricultural or horticultural use	P	P	P	<b>Subsection 19.301.3</b> Use Limitations and Restrictions
Community service use	CSU	CSU	CSU	<b>Section 19.904</b> Community Service Uses
Home occupation	P	P	P	<b>Section 19.507</b> Home Occupation Standards

P = Permitted.

N = Not permitted.

CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

II = Type II review required.

III = Type III review required.

**19.301.3 Use Limitations and Restrictions**

Agricultural or horticultural uses are permitted, provided that the following conditions are met.

- A. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.
- B. Livestock, other than usual household pets, are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 sq ft per head of livestock.
- C. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.

**19.301.4 Development Standards**

In the low density residential zones, the development standards in Table 19.301.4 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 19.301.5.

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

<b>Table 19.301.4 Low Density Residential Development Standards</b>				
<b>Standard</b>	<b>R-10</b>	<b>R-7</b>	<b>R-5</b>	<b>Standards/ Additional Provisions</b>
<b>A. Lot Standards</b>				
1. Minimum lot size (sq ft)				<b>Subsection 19.501.1</b> Lot Size Exceptions
a. Single-family detached	10,000	7,000	5,000	
b. Duplex	14,000	14,000	10,000	
2. Minimum lot width (ft)	70	60	50	
3. Minimum lot depth (ft)	100		80	

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4. Minimum street frontage requirements (ft)				
a. Standard lot				35
b. Flag lot				25
c. Double flag lot				35
<b>B. Development Standards</b>				
1. Minimum yard requirements for primary structures (ft)				<b>Subsection 19.301.5.A</b> Side Yards
a. Front yard	20	20	20	<b>Subsection 19.501.2</b> Yard Exceptions
b. Side yard	10	5/10	5	<b>Subsection 19.504.8</b> Flag Lot Design and Development Standards
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 ft, whichever is less			<b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions
3. Side yard height plane limit				<b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions
a. Height above ground at minimum required side yard depth (ft)	20			
b. Slope of plane (degrees)	45			
4. Maximum lot coverage (percent of total lot area)	30%		35%	<b>Section 19.201 "Lot coverage"</b> definition <b>Subsection 19.301.5.B</b> Lot Coverage
5. Minimum vegetation (percent of total lot area)	35%	30%	25%	<b>Subsection 19.301.5.C</b> Front Yard Minimum Vegetation <b>Subsection 19.504.7</b> Minimum Vegetation
<b>C. Other Standards</b>				
1. Density requirements (dwelling units per acre)				<b>Subsection 19.301.5.D</b> Residential Densities
a. Minimum	3.5	5.0	7.0	<b>Subsection 19.501.4</b> Density Exceptions
b. Maximum	4.4	6.2	8.7	

**19.301.5 Additional Development Standards**

**A. Side Yards**

In the R-7 Zone, 1 side yard shall be at least 5 ft and 1 side yard shall be at least 10 ft, except on a corner lot the street side yard shall be 20 ft.

**B. Lot Coverage**

The lot coverage standards in Subsection 19.301.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

**1. Decreased Lot Coverage for Large Lots**

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is reduced by 10 percentage points for a single-family detached dwelling, duplex, or residential home on

a lot that is more than 2.5 times larger than the minimum lot size in Subsection 19.301.4.A.1.

2. Increased Lot Coverage for Single-Family Detached Dwellings

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a single-family detached dwelling, or an addition to an existing single-family detached dwelling, provided that the portions of the structure that are in excess of 20 ft high, or in excess of 1 story, are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure that are less than 20 ft and no taller than 1 story are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

**Figure 19.301.5.B.2  
Increased Lot Coverage for Single-Family Detached Dwellings**

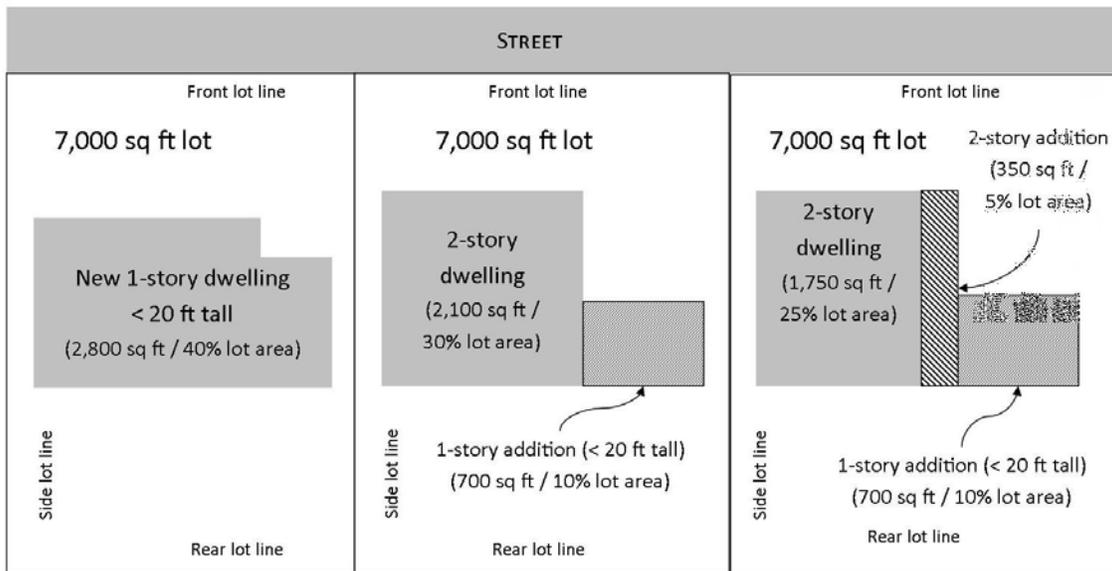


Figure 19.301.5.B.2 illustrates increased lot coverage for lots in Residential Zone R-7 based on 7,000-sq-ft lot area.

3. Increased Lot Coverage for Duplexes

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 20 percentage points for a duplex.

4. Increased Lot Coverage for Detached Accessory Dwelling Units

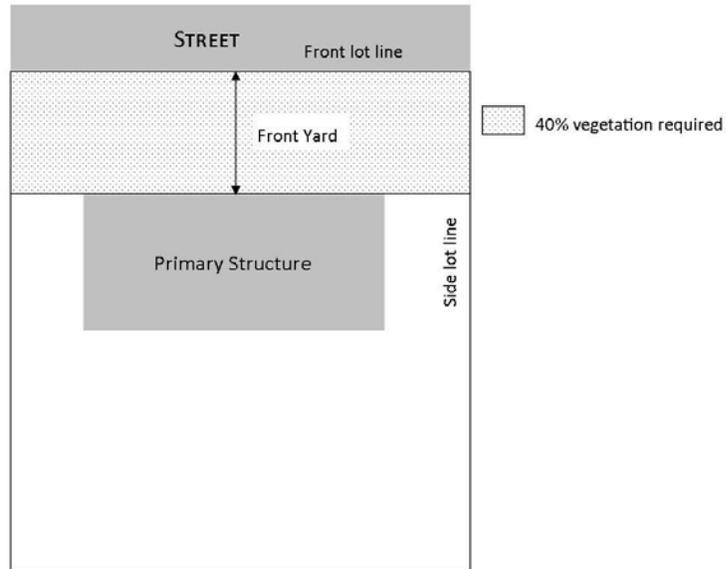
The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

C. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to

provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

**Figure 19.301.5.C  
Front Yard Minimum Vegetation**



D. Residential Densities

The minimum and maximum development densities in Subsection 19.301.4.C.1 are applicable for land divisions and replats that change the number of lots.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

E. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

F. Number of Dwelling Structures

In the low density residential zones, 1 primary building designed for dwelling purposes shall be permitted per lot. See Subsection 19.504.4.

G. Off-Street Parking and Loading

Off-street parking and loading is required as specified in Chapter 19.600.

H. Public Facility Improvements

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

I. 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 Flag Lot Design and Development Standards
3. Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes
4. Subsection 19.505.2 Garage and Carport Standards
5. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards

*[Current Sections 19.304-19.308 repealed and replaced as Section 19.302. Complete section below—no underlining.]*

**19.302 MEDIUM AND HIGH DENSITY RESIDENTIAL ZONES**

The medium and high density residential zones are Residential Zone R-3, Residential Zone R-2.5, Residential Zone R-2, Residential Zone R-1, and 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 and high density residential zones are intended to create and maintain higher density residential neighborhoods that blend a range of housing types with a limited mix of neighborhood-scale commercial, office, and institutional uses.

**19.302.2 Allowed Uses in Medium and high density Residential Zones**

Uses allowed, either outright or conditionally, in the medium and high 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. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

<b>Table 19.302.2 Medium and High Density Residential Uses Allowed</b>						
<b>Use</b>	<b>R-3</b>	<b>R-2.5</b>	<b>R-2</b>	<b>R-1</b>	<b>R-1-B</b>	<b>Standards/ Additional Provisions</b>
<b>Residential Uses</b>						
Single-family detached dwelling	P	P	P	P	P	<b>Subsection 19.505.1</b> Design Standards for Single-Family Dwellings and Duplexes
Duplex	P	P	P	P	P	<b>Subsection 19.505.1</b> Design Standards for Single-Family Dwellings and Duplexes
Residential home	P	P	P	P	P	<b>Subsection 19.505.1</b> Design Standards for Single-Family Dwellings and Duplexes

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Accessory dwelling unit	P/II	P/II	P/II	P/II	P/II	<b>Subsection 19.910.1</b> Accessory Dwelling Units
Manufactured dwelling park	III	N	N	N	N	<b>Subsection 19.910.3</b> Manufactured Dwelling Parks.
Rowhouse	P	P	P	P	P	<b>Subsection 19.505.1</b> Design Standards for Single-Family Dwellings and Duplexes <b>Subsection 19.505.5</b> Standards for Rowhouses
Cottage Cluster Housing	P	P	P	P	P	<b>Subsection 19.505.4</b> Design Standards for Cottage Cluster Housing Cottage cluster land division requires Type III review
Multifamily	CU	CU	P	P	P	<b>Subsection 19.505.3</b> Design Standards for Multifamily Housing <b>Subsection 19.302.5.F</b> Residential Densities <b>Subsection 19.302.5.H</b> Building Limitations
Congregate housing facility	CU	CU	P	P	P	<b>Subsection 19.505.3</b> Design Standards for Multifamily Housing <b>Subsection 19.302.5.F</b> Residential Densities <b>Subsection 19.302.5.H</b> Building Limitations
Senior and retirement housing	CU	CU	CU	P	P	<b>Subsection 19.905.9.G</b> Senior and Retirement Housing
Boarding, lodging, and rooming house	CU	CU	CU	CU	CU	
<b>Commercial Uses</b>						
Office	CU	CU	CU	CU	P	<b>Subsection 19.302.3</b> Use Limitations and Restrictions
Hotel or motel	N	N	CU	CU	CU	
Bed and breakfast	CU	CU	CU	CU	CU	
<b>Accessory and Other Uses</b>						
Accessory use	P	P	P	P	P	<b>Section 19.503</b> Accessory Uses
Agricultural or horticultural use	P	P	P	P	P	<b>Subsection 19.302.3</b> Use Limitations and Restrictions
Community service use	CSU	CSU	CSU	CSU	CSU	<b>Section 19.904</b> Community Service Uses
Home occupation	P	P	P	P	P	<b>Section 19.507</b> Home Occupation Standards

P = Permitted.

N = Not permitted.

CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

- CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.
- II = Type II review required.
- III = Type III review required.

**19.302.3 Use Limitations and Restrictions**

- A. Agricultural or horticultural uses are permitted, provided that the following conditions are met.
1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.
  2. Livestock, other than usual household pets, are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre, nor having less than 10,000 sq ft per head of livestock.
  3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.
- B. Office uses allowed in the medium and high density residential zones are offices, studios, clinics, and others similar professional offices.

**19.302.4 Development Standards**

In the medium and high density residential zones, the development standards in Table 19.302.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Section 19.302.5.

The standards in Subsection 19.302.4 are not applicable to cottage cluster development except where specifically referenced by Subsection 19.505.4.

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

**Table 19.302.4  
Medium and High Density Residential Development Standards**

Standard	Table 19.302.4 Medium and High Density Residential Development Standards					Standards/ Additional Provisions
	R-3	R-2.5	R-2	R-1	R-1-B	
<b>A. Lot Standards</b>						
1. Minimum lot size (sq ft) a. Rowhouse b. Duplex c. All other lots	3,000 6,000 5,000	2,500 5,000 5,000	2,500 7,000 5,000	1,400 6,400 5,000		<b>Subsection 19.501.1</b> Lot Size Exceptions <b>Subsection 19.505.4</b> Design Standards for Cottage Cluster Housing <b>Subsection 19.505.5</b> Standards for Rowhouses
2. Minimum lot width (ft) a. Rowhouse b. All other lots	30 50		25 50	20 50		
3. Minimum lot depth (ft) a. Rowhouse b. All other lots	80 80	75 75	80 80	70 80		
4. Minimum street frontage requirements (ft) a. Rowhouse b. Standard lot c. Flag lot d. Double flag lot	30 35 25 35		25 35 25 35			
<b>B. Development Standards</b>						
1. Minimum yard requirements for primary structures (ft) a. Front yard b. Side yard c. Street side yard d. Rear yard				See Subsection 19.302.5.A 15 15 15	15 15 15	<b>Subsection 19.302.5.A</b> Side Yards <b>Subsection 19.501.2</b> Yard Exceptions <b>Subsection 19.504.8</b> Flag Lot Design and Development Standards
2. Maximum building height for primary structures	2.5 stories or 35 ft, whichever is less			3 stories or 45 ft, whichever is less		<b>Subsection 19.302.5.E</b> Height Exceptions <b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions <b>Subsection 19.302.5.I</b> Transition Measures

3. Side yard height plane limit a. Height above ground at minimum required side yard depth (ft) b. Slope of plane (degrees)	20	25	Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions	
	45	45		
4. Maximum lot coverage (percent of total lot area)	40%	45%	50%	Section 19.201 "Lot coverage" definition
5. Minimum vegetation (percent of total lot area)	35%	15%		Subsection 19.504.7 Minimum Vegetation Subsection 19.302.5.D Front Yard Minimum Vegetation Subsection 19.302.5.C Minimum Vegetation
<b>C. Other Standards</b>				
1. Density requirements (dwelling units per acre) a. Minimum b. Maximum	11.6	11.6	11.6	Subsection 19.202.4 Density Calculations
	14.5	17.4	25.0 32.0	Subsection 19.302.5.F Residential Densities Subsection 19.501.4 Density Exceptions

**19.302.5 Additional Development Standards**

**A. Side Yards**

In the medium and high density zones, the required side yard is determined as described below. These measurements apply only to required side yards and do not apply to required street side yards.

1. The side yard for development other than a rowhouse shall be at least 5 ft.
2. There is no required side yard for rowhouses that share 2 common walls. The required side yard for an exterior rowhouse that has only 1 common wall is 0 ft for the common wall and 5 ft for the opposite side yard. An exterior rowhouse on a corner lot shall meet the required street side yard setback in Subsection 19.302.4.B.1.b.

**B. Lot Coverage**

The lot coverage standards in Subsection 19.302.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are additive for lots that are described by one or more of the situations below.

**1. Increased Lot Coverage for Single-Family Detached Dwellings**

The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by 10 percentage points for development of a single-family detached dwelling, or an addition to an existing single-family detached dwelling, provided that the portions of the structure that are in excess of 20 ft high, or in excess of 1 story, are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure that are less than 20 ft high, and no taller than 1 story, are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

**Figure 19.302.5.B.1  
Increased Lot Coverage for Single-Family Detached Dwellings**

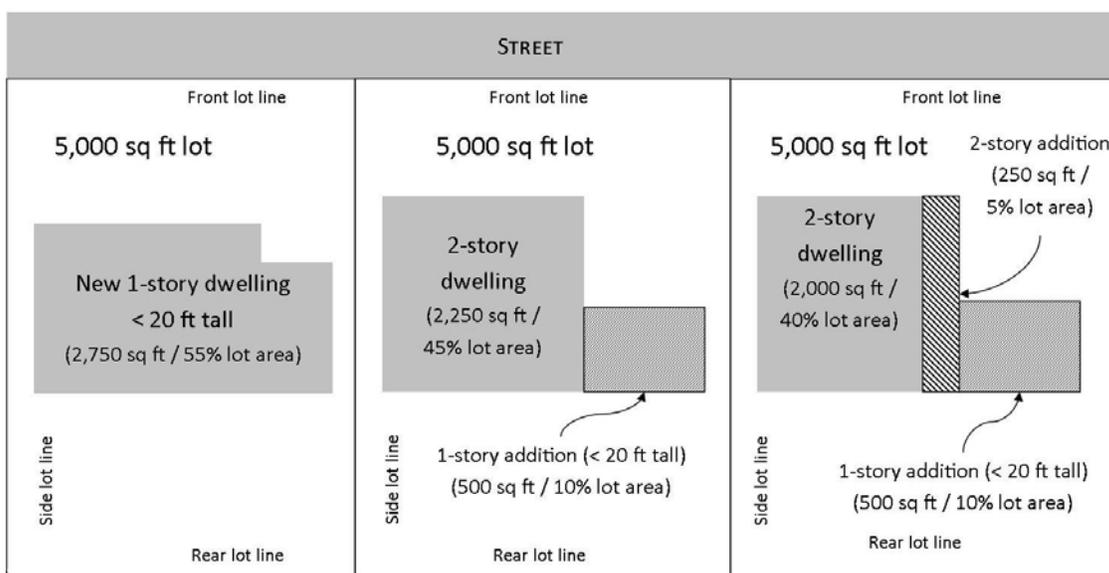


Figure 19.302.5.B.1 illustrates increased lot coverage for lots in Residential Zone R-2 based on 5,000-sq-ft lot area.

2. Increased Lot Coverage for Duplexes and Rowhouses

The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by 20 percentage points for a duplex or rowhouse.

3. Increased Lot Coverage for Detached Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

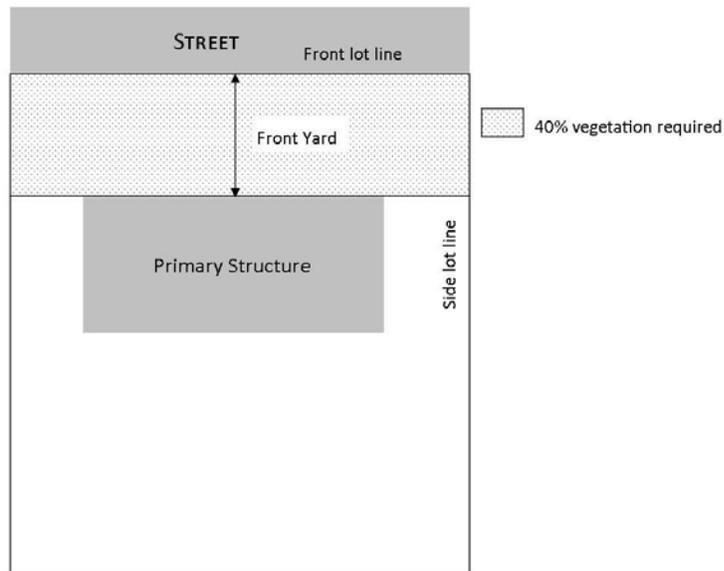
C. Minimum Vegetation

At least half of the minimum required vegetation area must be suitable for outdoor recreation by residents, and not have extreme topography or dense vegetation that precludes access.

D. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

**Figure 19.302.5.D  
Front Yard Minimum Vegetation**



E. Height Exceptions

1 additional story may be permitted in excess of the required maximum standard. For each additional story, an additional 10% of site area beyond the minimum is required to be retained in vegetation.

F. Residential Densities

1. The minimum and maximum development densities in Subsection 19.302.4.C.1 are applicable for land divisions, replats that change the number of lots, and any development that would change the number of dwelling units on a lot. Development of a single-family detached dwelling or an accessory dwelling is exempt from the minimum and maximum density requirements.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

2. Multifamily development in the R-2, R-1, and R-1-B Zones is subject to the minimum site size requirements in Table 19.302.5.F.2. In the event that the minimum site size requirements conflict with the development densities in Subsection 19.302.4.C.1, the site size requirements in Table 19.302.F.2 shall prevail.

<b>Table 19.302.5.F.2</b>		
<b>Minimum Site Size for Multifamily Development in the R-2, R-1, and R-1-B Zones</b>		
<b>Units</b>	<b>R-2 Zone</b>	<b>R-1 and R-1-B Zone</b>
First Dwelling Unit	5,000 sq ft per unit	5,000 sq ft per unit
Additional Dwelling Units	2,500 sq ft per unit	1,400 sq ft per unit

**G. Accessory Structure Standards**

Standards specific to accessory structures are contained in Section 19.502.

**H. Building Limitations**

1. In the R-3 Zone, 1 single-family detached dwelling or 1 duplex is permitted per lot. See Subsection 19.504.4. A detached accessory dwelling may be permitted in addition to a single-family detached dwelling, per Subsection 19.910.1.
2. Multifamily buildings shall not have an overall horizontal distance exceeding 150 linear ft as measured from end wall to end wall.

**I. Transition Measures**

The following transition measures apply to multifamily development that abuts an R-10-, R-7-, or R-5-zoned property.

1. In the portion of the site within 25 ft of the lower density residential zone, the building height limits are equal to those of the adjacent residential zone.
2. Where the boundary of the lower density zone lies within, or on the edge of, a right-of-way; the building height limit, for the portion of the site within 15 ft of the lot line bordering the right-of-way, is equal to the height limit of the lower density residential zone.

**J. Off-Street Parking and Loading**

Off-street parking and loading is required as specified in Chapter 19.600.

**K. Public Facility Improvements**

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

L. 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 Flag Lot Design and Development Standards
3. Subsection 19.504.9 On-Site Walkways and Circulation
4. Subsection 19.504.10 Setbacks Adjacent to Transit
5. Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes
6. Subsection 19.505.2 Garage and Carport Standards
7. Subsection 19.505.3 Design Standards for Multifamily Housing
8. Subsection 19.505.4 Design Standards for Cottage Cluster Housing
9. Subsection 19.505.6 Building Orientation to Transit
10. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards

*[Current Sections 19.309-19.317 are renumbered as 19.303-19.311. Underline/strikeout formatting is used below only for proposed changes to text, not for proposed renumbering.]*

**19.303 RESIDENTIAL-OFFICE-COMMERCIAL ZONE R-O-C**

In an R-O-C Zone the following regulations shall apply:

**19.303.1 Uses Permitted Outright**

In an R-O-C Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling;
- B. Duplex ~~Single-family attached dwelling~~;
- C. Residential home;
- D. Multifamily development ~~condominium dwelling~~;
- ~~E. Multifamily apartment dwelling;~~
- EF. Congregate housing facility;
- ~~FG.~~ Senior and retirement housing;
- GH. Offices;
- HJ. Retail trade establishment such as a food store, drugstore, gift shop, hardware store selling primarily from a shelf-goods inventory;
- IJ. Personal service business such as a barber shop, tailor shop, or laundry and dry cleaning pickup station;

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- JK. Funeral home;
- KL. Commercial recreation and motion picture theater;
- LM. Eating establishment;
- MN. Hotel or motel;
- NO. Parking facility;
- OP. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;
- PQ. Financial institution;
- QR. Trade or commercial school;
- RS. Department or furniture store;
- ST. Any other use similar to the above and not listed elsewhere.

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### 19.303.3 Standards

In an R-O-C Zone the following standards shall apply:

- A. Lot size. Lot area shall be at least 5,000 sq ft. Lot area for the first dwelling unit shall be at least 5,000 sq ft and for dwelling units over 1 there shall be not less than an average of 1,400 sq ft. Lot width shall be at least 50 ft. ~~Lot width for interior single-family attached and condominium units shall be at least 30 ft.~~ Lot depth shall be at least 80 ft.
- C. Side yard. A side yard shall be at least 5 ft, and there shall be additional 1 ft of side yard for each 3 ft of height over 2 stories or 25 ft, whichever is less, except on corner lots a side yard shall be at least 15 ft on the side abutting the street. ~~For interior single-family attached and condominium units, side yards are not required.~~
- F. Height restriction. Maximum height of a structure shall be 3 stories or 45 ft, whichever is less. 1 additional story may be permitted in excess of the required maximum standard. For each additional story, an additional 10% of site area beyond the minimum is required to be retained in vegetation.
- JK. Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft, except as provided in the Land Division Ordinance. ~~Lots for interior single-family attached and condominium units shall abut a public street for at least 20 ft.~~

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## 19.304 DOWNTOWN ZONES

### 19.304.1 Purpose

This section of the Zoning Ordinance implements the Downtown and Riverfront Land Use Framework Plan, Milwaukie Comprehensive Plan, and Town Center Master Plan. The downtown and riverfront area is envisioned as the focus of the community. Five zones are designated to reflect the distinctions between different areas of the Downtown and Riverfront Land Use Framework Plan, and to focus pedestrian-oriented retail uses to the traditional downtown core along Main Street. Specific development standards, public area requirements, and design standards are adopted for the downtown zones to assure an active, attractive, and accessible environment for shoppers, employees and residents.

**19.304.2 Characteristics of the Downtown Zones**

Five specific zones are adopted to implement the Downtown and Riverfront Land Use Framework Plan. The zones are shown on Figure 19.304-1. The “Zoning Map of Milwaukie, Oregon” provides a larger-scale map of zone boundaries. The zones reflect the varied land uses, densities, and urban design character planned for different areas, as described and illustrated in the Downtown and Riverfront Land Use Framework Plan. The characteristics of the individual zones are described below.

**A. Downtown Storefront (DS)**

The Downtown Storefront Zone is established to preserve and enhance the commercial “Main Street” character of downtown Milwaukie, ensuring that new development in areas designated DS is compatible with this desired character. This zone allows a full range of retail, service, business, and residential uses. Retail uses are required on the ground floors of buildings fronting on Main Street. Office and/or residential uses are allowed on upper floors. Industrial uses are not allowed. The desired character for this zone 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. A “Village Concept Area” has been established in the DS Zone to allow a broader mix of uses on a City-owned site adjacent to the library, City Hall, a high-density residential area to the north, and existing Main Street storefront uses. These uses include rowhouses townhouses and multifamily apartment/condominium buildings.

**19.304.3 Uses**

**A. Permitted Uses**

Uses allowed in the downtown zones are listed in Table 19.304.3 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>Table 19.304.3 Downtown Zones—Uses</b>					
<b>Use Categories</b>	<b>Downtown Storefront</b>	<b>Downtown Commercial</b>	<b>Downtown Office</b>	<b>Downtown Residential</b>	<b>Downtown Open Space</b>
<b>Residential</b>					
Single-family detached	N	N	N	N	N
<del>Townhouse</del> <u>Rowhouse</u>	L[1]	N	N	L[1]	N
<del>Multifamily-apartment/condominium</del>	L[10]	P	N	P	N
Senior and retirement housing	N	P	N	P	N
Second-floor housing	P	P	P	P	N
<b>Commercial/Office<sup>1</sup></b>					
Automobile service station	N	N	N	N	N
Automobile repair	N	L[2]	N	N	N
Commercial recreation	P	P	P	N	N
Eating/drinking establishment	P	P	L[3]	N	N

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Financial institution	P	P	P	N	N
Theater	P	P	P	N	N
Hotel/motel	N	P	P	N	N
Office, professional and administrative	L[4]	P	P	L[5]	N
Parking facility	P	P	P	N	L[6]
Personal/business services	L[7]	P	P	L[5]	N
Retail trade	P	P	L[3]	L[5]	N
Industrial	N	N	N	N	N
<b>Other</b>					
Adult entertainment	N	N	N	N	N
Community service uses	L[8]	L[8]	L[8]	L[8]	L[8]
Marinas, boat ramp	N	N	N	N	P
Parks, plazas, open space	P	P	P	P	P
Transit centers	L[9]	L[9]	N	N	N

<sup>1</sup> Certain uses are permitted in the Downtown Storefront Zone, but are not allowed in the required retail ground floor use area along Main Street (see Figure 19.304-2 and Subsection 19.304.4.B.7 for details).

### G. Limited Uses

The following provisions describe the use limitations and correspond with the footnote numbers for uses listed with an “L” in Table 19.304.3.

10. Multifamily ~~apartment/condominium~~ building development is permitted only in a limited area of the Downtown Storefront Zone as identified on the Zoning Map. See “Village Concept Area” on Figure 19.304-1.

## 19.304.4 Development Standards

### B. Explanation of Development Standards

#### 4. Residential Density

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

- a. Minimum densities for the downtown residential transition area shall be 10 units per acre (see Figure 19.304-1). The maximum density for the residential transition area shall be 30 units per acre.
- b. Minimum densities for ~~stand-alone~~ stand-alone multifamily ~~apartment/condominium~~ dwellings and senior/retirement housing in the Downtown Residential and Downtown Commercial Zones shall be 30 units per acre. Maximum residential densities are controlled by height limits.
- c. There are no minimum density requirements when residential units are developed as part of a mixed use building in the Downtown Storefront, Downtown Commercial, and Downtown Office Zones. The minimum density standards apply only to stand-alone residential buildings. Second-floor housing is allowed in the

Downtown Storefront, Downtown Commercial, and Downtown Office Zones. Maximum residential densities for mixed use buildings are controlled by height limits.

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8. Ground-Floor Windows/Doors

Long expanses of blank walls facing the street or other public area have negative impacts on the streetscape and the pedestrian environment. To minimize these effects, the standards of this section are intended to enhance street safety and provide a comfortable walking environment by providing ground-level features of interest to pedestrians in specific areas of the downtown zones.

a. For block faces identified on Figure 19.304-5 (Ground-floor Windows and Openings), the exterior wall(s) of the building facing the street/sidewalk must meet the following standards:

- a. (1) 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 ft above finished grade, whichever is less.
  - b. (2) Doors and/or primary entrances must be located on the block faces identified on Figure 19.304-5, and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.
  - c. (3) Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazing are not permitted.
  - d. (4) Ground-floor windows for buildings on the block faces identified on Figure 19.304-5 shall allow views into storefronts, working areas, or lobbies. No more than 50% of the window area may be covered by interior furnishings including but not limited to curtains, shades, signs, or shelves. Signs are limited to a maximum coverage of 20% of the window area.
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**19.306 LIMITED COMMERCIAL ZONE C-L**

In a C-L Zone the following regulations shall apply:

**19.306.2 Conditional Uses Permitted**

In a C-L Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 19.905:

- I. Duplex or multifamily development ~~Single-family attached dwelling, multifamily apartment, and condominium dwelling;~~
- 

**19.306.3 Standards**

In a C-L Zone the following standards shall apply:

- A. Lot size. None, except as follows for dwelling. Lot area shall be at least 5,000 sq ft. Lot area for the first dwelling unit shall be at least 5,000 sq ft and for dwelling units over 1 there shall be not less than an average of 1,000 sq ft. Lot width shall be at least 50 ft. ~~Lot width for~~

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~~interior single-family attached and condominium units shall be at least 30 ft. Lot depth shall be at least 80 ft.~~

- F. Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft except as permitted under the Land Division Ordinance. ~~Lots for interior single-family attached and condominium units shall abut a public street for at least 20 ft.~~

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### 19.310 BUSINESS INDUSTRIAL ZONE BI

#### 19.310.3 Accessory Uses

~~A.~~ Uses accessory to and in conjunction with uses permitted outright may include the following:

- ~~A~~4. Employee lounges and dining rooms, employee day-care facilities, conference rooms for tenant use, newsstands, central mail room and self-service postal and banking facilities, and product information and display areas;
- ~~B~~2. Executive, administrative, design, or product showroom offices provided in conjunction with uses listed under Subsection 19.310.2 of this section;
- ~~C~~3. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts, which are provided in association with uses listed in Subsection 19.310.2 of this section;
- ~~D~~4. Rental and development information offices, handyman and maintenance services, and other business offices and services in association with allowed uses in the development;
- ~~E~~5. Recycling center, provided that any storage of materials shall be adequately screened;
- ~~F~~6. Accessory uses and structures not otherwise prohibited which are customarily accessory and incidental to any use permitted outright or limited use;
- ~~G~~7. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;
- ~~H~~8. Retail outlets associated with manufacturing uses as outlined in Subsection 19.310.2.A.2 of this section. Products sold at the accessory retail outlet shall be primarily those assembled or manufactured onsite. The accessory retail outlet shall be located within the associated manufacturing building and occupy up to a maximum of 25% of the floor area of the associated manufacturing building or 4,000 sq ft, whichever is less.

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### 19.311 PLANNED DEVELOPMENT ZONE PD

#### 19.311.5 Preliminary Development Plan and Program.

A. Applicant

For the purpose of this section, "owner" or "owner-applicant" means and includes any individual(s), partnership(s), corporation(s), public body(ies), legal entity(ies), or holder(s) of a written option to purchase said property. An owner of land located outside, but contiguous to, the City may submit a preliminary development plan for consideration by the City providing that an application for annexation to the City has been filed.

B. Preliminary Development Plan

A preliminary development plan and program shall be submitted by the applicant with information as required by resolution of the Planning Commission.

## CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

### 19.401 WILLAMETTE GREENWAY ZONE WG

#### 19.401.5 Procedures

The following procedures shall govern the application of WG Zones:

- A. In the WG Zone, all uses and their accessory uses are permitted subject to the provisions of Section 19.905, except as noted in Subsection 19.401.5.D.
  - D. A greenway conditional use is required for all intensification or change of use, or alteration of the vegetation buffer area, or development, as defined in this section. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change in use or intensification. Approval shall be granted only if the criteria in Subsection 19.401.6 are met.
- 

### 19.404 MIXED USE OVERLAY ZONE MU

#### 19.404.3 Primary Uses

Provisions of Section 19.404 are intended to allow mixed use development, subject to the processes identified in Subsection 19.404.6 below, including retail, commercial, office, and residential development, as listed below.

- A. Retail commercial uses such as food store, drugstore, gift shop, and hardware store selling shelf goods primarily (drive-up convenience stores are not permitted);
- B. Multifamily ~~attached-condominium~~ dwellings;
- C. ~~Multifamily attached apartment~~ dwellings;
- CD. Rowhouses ~~Single-family attached small lot townhouses~~;
- DE. Professional offices;
- EF. Personal service businesses such as haircutting shop, tailor shop, laundry, and dry cleaning pickup station, shoe repair, computer, and bicycle repair, office equipment and services, and electronics repair;
- FG. Motion picture theater (adult theaters are not permitted);
- GH. Restaurant and cafe, outdoor seating where provided for in the site design and located off of the public sidewalk area (drive-in and drive-through food establishments are not permitted);
- HJ. Brew pub which serves food;
- IJ. Hotel;
- JK. Parking facility;
- KL. Financial institution (without drive-up tellers);
- LM. Trade or commercial school;

MN. Department or furniture store;

NO. Bed and breakfast;

OP. Service station without associated minimart—minor repair service allowed if approved through a mixed use overlay review application;

PQ. Farmers' market;

QR. Public park or community meeting area;

RS. Youth center;

ST. Day-care facilities;

TU. Any other use similar to the above and not listed elsewhere.

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#### **19.404.8 Development Standards**

Except as provided in Subsection 19.404.9.A.1, the following development standards apply to all proposals which have been determined to be subject to the Mixed Use Overlay Zone. Development in this overlay zone shall follow the standards and guidelines for development and for specific sites, as indicated below. All development proposals shall comply and not conflict with the Milwaukie Comprehensive Plan and the Town Center Master Plan.

A. Commercial and Commercial/Residential Mixed Use (office uses are Included in the Commercial designation)

13. Owners of existing single-family homes within the Mixed Use Overlay Zone may apply for a conditional use permit to allow a detached secondary living unit, an accessory dwelling attached secondary living unit, or conversion to a duplex or multifamily dwelling with 3 units triplex, provided that 1 of the units shall remain owner-occupied. Sound insulating and energy-efficient materials shall be provided in any of the above conversions of existing space. Setbacks and development standards of the underlying zone must be met.

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#### **19.404.9 Specific Sites in Subareas 2 and 4**

The following additional requirements apply to proposed development in specific subareas and on specific sites:

A. Subarea 2

1. Sites 2-1 and 2-2 (Murphy Plywood Site)
  - b. Business Industrial (BI) uses as set forth in Section 19.310 ~~346~~ shall also be allowed. The development of BI uses on Sites 2-1 and 2-2 shall comply with the development requirements of Section 19.310 ~~346~~, except that outdoor storage shall be permitted. In this case, the 32nd Avenue and Meek Street property lines shall be considered front yards and a 20-ft setback shall be applied. These setbacks shall be landscaped in accordance with Subsection 19.606.2.C.2, and provided with a sight-obscuring wooden fence adjacent to the public right-of-way and residential property lines. The Planning Commission may allow these setbacks to be reduced to 10 ft, where the proposed design of the buffer is of a high quality and includes: (1) the use of masonry walls, or other acceptable material, of up to 8 ft high; (2) enhanced landscaping; and (3) one of the elements

listed in Subsection 19.404.8.A.18. Development of BI uses on the site is not required to comply with the standards set forth in Subsections 19.404.8 and 19.303309.3.

B. Subarea 4

1. This site shall be developed with high-density (16 to 24 dwelling units per acre) diverse housing types. Retail, office, or lodging uses are also allowed at a 2:1 ratio (for every 2 sq ft of residential, 1 sq ft of commercial will be permitted). Commercial uses on the site shall be limited to those listed in Subsections 19.404.3.D, E, G, K, Q, R, and S ~~E, F, H, L, R, S, and T~~. Commercial use may be increased to a 1:1 ratio (1 sq ft of commercial for every 1 sq ft of residential), if amenities b, c, d, e, g, h, i, and k ~~2, 3, 4, 5, 7, 8, 9 and 11~~ of Subsection 19.404.8.A.18 are provided. A report on the status of contamination on this site shall be submitted with any proposed development.
2. Minimum vegetation for the site shall be 30%. Particular attention shall be paid to landscaping, which shall be designed to provide buffers to the residential neighborhoods to the north and east. Building heights shall also be designed to provide a transition for the neighboring residential properties. The height limit within 50 ft of the Monroe Street or 37th Avenue right-of-way shall be 2 stories or 35 ft, whichever is less. The building height for the remainder of the development on this site is 3 stories or 45 ft, whichever is less. Building setbacks from property lines shall be 15 ft for the front and rear yards and 5 ft for side yards. Minimum lot standards shall conform to the R-O-C standards, except that the minimum lot width for rowhouses ~~single-family attached and condominium units~~ may be reduced to 20 ft wide if amenities b, d, e, g, h and i ~~2, 4, 5, 7, 8 and 9~~ of Subsection 19.404.8.A.18 are provided. The distance between buildings on the same lot shall be 6 ft for 1 story and a minimum of 5 ft per every story over 1.

## CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

### 19.501 GENERAL EXCEPTIONS

The exceptions listed in Subsections 19.501.1–4 below are “by right” exceptions. “By right” exceptions ~~are either automatically required or allowed outright~~ and require no special review or approval by the City to implement.

#### 19.501.1 Lot Size Exceptions

~~If a lot or the aggregate of contiguous lots or parcels platted prior to effective date of the ordinance codified in this chapter has an area or dimension which does not meet the requirements of said ordinance, the lot or aggregate holdings may be put to a use permitted outright subject to the other requirements of the zone in which the property is located except that a residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the density requirements of the zone. However, no dwelling shall be built on a lot with less area than 3,000 sq ft, or with no frontage on a public street. This section shall not apply in the downtown zones.~~

Any legal lot or lot of record that does not meet the area or dimensional requirements specified in Chapter 19.300 may be put to a use permitted by the requirements of the Zoning Ordinance, with the following limitations:

## Proposed Code and Comp. Plan Amendments

- A. The development must conform to all other applicable standards of Title 19, unless a variance is granted per Section 19.911.
- B. Single-family detached dwellings shall not be built on a lot with less than 3,000 sq ft of lot area.

### 19.501.2 Yard Exceptions

- A. In addition to yard requirements listed for each zoning district, buildings along certain major streets are subject to additional yard requirements as provided in Table 19.501.2.A below. Yards shall be measured so that the minimum distance from the center line of the right-of-way to the closest point of any building is the distance listed in Table 19.501.2.A plus the yard requirement of the underlying zone.

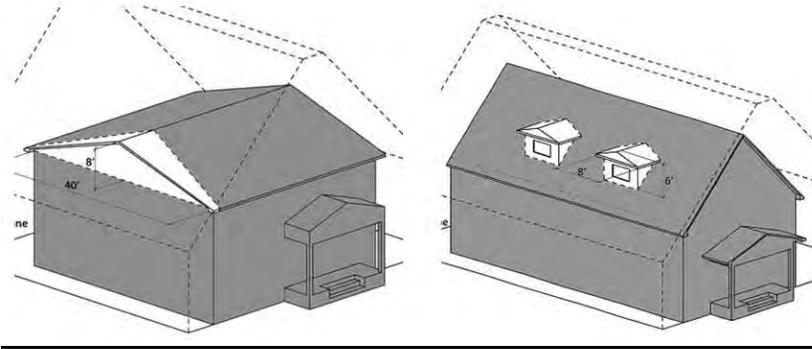
<b>Table 19.501.2.A Additional Yard Requirements</b>	
<b>Major Street</b>	<b>Distance from Centerline (plus yard requirements in zone)</b>
Firwood Street (55th Ave. to Stanley Ave.)	25'
Harmony Road	40'
Harrison Street (Milwaukie Expressway to 44th Ave.)	40'
Harrison Street (Milwaukie Expressway to McLoughlin Blvd.)	30'
Harvey Street (32nd Ave. to 42nd Ave.)	25'
Howe Street (42nd Ave. to 43rd Ave.)	30'
Johnson Creek Boulevard	30'
King Road	40'
Linwood Avenue	40'
Lake Road	30'
Logus Road	25'
Monroe Street (52nd Ave. to Linwood Ave.)	30'
Oak Street	30'
Oatfield Road	30'
Ochoco Street	30'
Olsen Street	25'
Railroad Avenue	30'
River Road (south of Lark St.)	30'
Roswell Street (32nd Ave. to 42nd Ave.)	25'
Washington Street (west of Railroad Ave.)	30'
Willow Street (Windsor Dr. to Stanley Ave.)	25'
17th Avenue (Ochoco St. to McLoughlin Blvd.)	40'
32nd Avenue (north of Harrison St.)	30'
37th Avenue (Lake Rd. to Grogan Ave.)	25'
40th Avenue (Harvey St. to Railroad Ave.)	30' 40'
42nd Avenue (Johnson Creek Blvd. to Howe St.)	30'
42nd Avenue (Harrison St. to King Rd.)	30'
43rd Avenue (Howe St. to King Rd.)	30'
55th Avenue (Firwood St. to Johnson Creek Blvd.)	25'

- ~~B. The following exceptions to the yard requirements are established for a lot in any one zone:~~
- ~~1. The required front yard need not exceed the average depth of the 2 abutting front yards within 100 ft of the proposed structure.~~
  - ~~2. The required front yard need not exceed the average depth of the abutting front yard within 100 ft of the proposed structure and the required front yard depth.~~
- B. Architectural features such as cornices, eaves, canopies, sunshades, gutters, steps, unroofed landings, and flues may project up to 24 in into a required side yard or 36 in into a required front or rear yard. Such features extending from an accessory structure shall not be closer than 3 ft from a property line.
- C. A covered porch on a single-family detached dwelling may extend 6 ft into a required front yard if the following standards are met.
1. The porch is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling. The following are not considered to be enclosures: structural supports for a covered porch, projections not extending more than 3 ft upward from the surface of the porch, railings, retractable sunshades, screens, or netting.
  2. The surface of the porch does not exceed 18 in high above the average grade.
  3. The porch is at least 5 ft from the front lot line.

**19.501.3 Building Height and Side Yard Height Plane Exceptions**

- A. Projections such as chimneys, spires, domes, elevator shaft housings, flagpoles, and other similar objects not used for human occupancy are not subject to the building height and side yard height plane limitations of the Zoning Ordinance ~~this chapter~~, except as provided in an L-F Zone.
- B. The following encroachments into a side yard height plane are allowed:
1. Roof overhangs or eaves, provided that they do not extend more than 30 in horizontally beyond the side yard height plane.
  2. The gable end of a roof, provided that the encroachment is not more the 8 ft high above the side yard height plane or more than 40 ft wide.
  3. Dormers, with the following limitations:
    - a. The highest point of any dormer is at or below the height of the primary roof ridge.
    - b. The encroachment is not more the 6 ft high above the side yard height plane or more than 8 ft wide.
    - c. The combined width of all dormers does not exceed 50% of the length of the roof on which they are located.

**Figure 19.501.3.B**  
**Allowed Height Plane Encroachments**



One additional story may be permitted in excess of the required maximum standard. An additional 10% of site area that is retained in vegetation beyond the minimum is required for each additional story. This provision does not apply to the R-10, R-7, R-5, or downtown zones.

#### 19.501.4 Density Exceptions

- A.—In exchange for the dedication of parkland, residential density may be increased (and lot sizes decreased) so that overall parcel density remains the same.
- B.—~~For any housing development proposed, an additional housing unit will be allowed for each unit priced for sale at 25% below the average new single-family housing cost. The cost shall be that established in the most recent edition of “Real Estate Trends,” published semiannually by the Metropolitan Portland Real Estate Research Committee, Inc. Overall project density may not exceed the allowable density plus 10%. The planned unit development density increase specified in Section 19.317 and this density increase are additive.~~

### 19.502 ACCESSORY STRUCTURES

#### 19.502.1 General Provisions

- A. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way including but not limited to streets, alleys, and public and private easements.
- B. Multiple accessory structures are permitted subject to building separation, building coverage, and minimum vegetation requirements of the zoning district in which the lot is located.
- C. An accessory structure shall comply with all of the requirements of the Uniform Building Code.
- D. Accessory structures excluding fences, flagpoles, pergolas, arbors, or trellises may not be located within the required front yard except as otherwise permitted in this chapter.
- E. Regardless of the base zone requirements in Chapter 19.300, the required side and rear yards for an accessory structure are reduced to 5 ft, except as described below. An accessory structure must maintain a minimum side and rear yard setback of 5 ft, except where other requirements of this title are more restrictive.
  - 1. Accessory structures are subject to the minimum street side yard requirements of the base zones in Chapter 19.300.

2. Regulations for overlay zones or special areas in Chapter 19.400 may require an accessory structure to be set back beyond the minimum side or rear yard requirements.
  3. If the rear or side yard requirement in the base zone in Chapter 19.300 is less than 5 ft, then the yard requirements of the base zone shall apply.
  4. The rear or side yard requirement for residential accessory structures per Subsection 19.502.2.A or 19.910.1.E.4 may specify a different yard requirement.
- F. Alteration or modification of nonconforming accessory structures is subject to the provisions of Chapter 19.800 Nonconforming Uses and Development.
- G. Fences, flagpoles, Pergolas, arbors, and trellises are permitted in yards in all residential zones.

### **19.502.2 Single-Family Residential Specific Provisions for Accessory Structures**

- ~~A. Residential accessory structures excluding pools, uncovered decks, and patios are subject to the following:~~
- ~~1. For lots 10,000 sq ft or less, the footprint of an accessory structure may not exceed 500 sq ft. For lots greater than 10,000 sq ft the footprint of an accessory building may not exceed 850 sq ft.~~
  - ~~2. An accessory structure may not exceed 15 ft in height as measured from the average finished grade within a 10-ft horizontal distance from the base of the building to the highest point of the roof.~~
  - ~~3. Flat roofs and shed roofs are prohibited on accessory structures that have a floor-to-ceiling height greater than 9 ft.~~
  - ~~4. The minimum roof pitch for accessory structures with other than a flat or shed roof is 4 in rise for every 12 in of run.~~
  - ~~5. The placement of fill to raise grade elevations that has the effect of exceeding building height limitations is prohibited.~~
  - ~~6. Metal siding is prohibited on accessory structures with a footprint greater than 120 sq ft. For accessory structures greater than 120 sq ft, exterior siding and roofing materials that are commonly used on residential structures shall be used.~~

- A. The following standards apply for residential accessory structures on single-family detached, duplex, rowhouse, and cottage cluster properties. The standards in Subsection 19.502.2.A do not apply to pools, uncovered decks, and patios.

The purpose of these standards is to allow accessory structures that accommodate the typical needs of a single-family residence, while protecting the character of single-family neighborhoods.

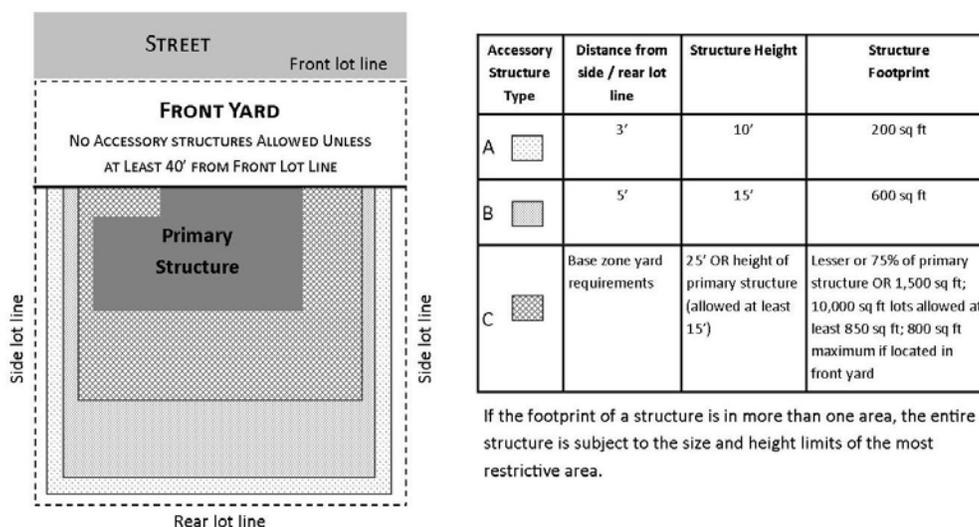
#### 1. Development Standards

##### a. Height and Footprint

The maximum height and footprint allowed for an accessory structure is determined by the yard depths between the structure and the lot lines. Accessory structures with a larger height and footprint must meet the increased yard requirements. An accessory structure is allowed the maximum building height and footprint listed in Table 19.502.2.A.1.a only if the entire structure meets or exceeds all the yard requirements in the same column. See Figure 19.502.2.A.1.a.

<b>Table 19.502.2.A.1.a Residential Accessory Structure Height and Footprint Standards</b>			
<b>Standard</b>	<b>Type A</b>	<b>Type B</b>	<b>Type C</b>
Maximum building height	10'	15'	Lesser of 25' OR not taller than highest point of the primary structure (allowed at least 15' height regardless of primary structure height)
Maximum building footprint	200 sq ft	600 sq ft	Lesser of 75% of primary structure OR 1,500 sq ft (allowed at least 850 sq ft if lot area > 10,000 sq ft)  On lots less than 1 acre in area, maximum is 800 sq ft if any portion of the structure is in the front yard.
Required rear yard	3 ft	5 ft	Base zone required rear yard
Required side yard	3 ft	5 ft	Base zone required side yard
Required front yard	Not allowed in front yard unless the structure is at least 40 ft away from the front lot line.		

**Figure 19.502.2.A.1.a  
Accessory Structure Height, Footprint, and Yard Requirements**



**b. Other Development Standards**

- (1) Maximum accessory structure footprint allowance is subject to lot coverage and minimum vegetation standards of the base zone. Multiple accessory structures are allowed on a lot, subject to lot coverage and minimum vegetation standards of the base zone.
- (2) The yard exceptions in 19.501.2 are applicable for accessory structures.

(3) A minimum of 5 ft is required between the exterior wall of an accessory structure and any other structure on a site, excluding a fence or similar structure.

(4) A covered walkway or breezeway is allowed between a primary structure and accessory structure. Such connection shall not exempt the accessory structure from compliance with the standards of this section, unless the connection is fully enclosed and meets the building code definition of a conditioned space.

2. Design Standards

a. Metal siding is prohibited on structures of more than 10 ft high or a footprint greater than 200 sq ft.

b. Structures located in a front, side, or street side yard that are visible from the right-of-way at a pedestrian level shall use exterior siding and roofing materials that are commonly used on residential structures.

3. Roof Pitch

There are no roof pitch requirements for an accessory structure with a height equal to or less than 10 ft. A minimum 4/12 roof pitch is required for an accessory structure with a height over 10 ft.

4. Exceptions for Large Lots

Lots larger than 1 acre in size are allowed an exception to the Type C accessory structure height limitation and footprint size limitation of 75% of the primary structure.

a. The allowed exceptions are:

(1) The structure is allowed the base zone height limit or 25 ft, whichever is greater.

(2) The structure is allowed a maximum footprint of 1,500 sq ft, regardless of the footprint of the primary structure.

b. The exceptions are allowed with the following limitations:

(1) The sum of accessory structure footprints that exceed 75% of the footprint of the primary structure is limited to 2,500 sq ft.

(2) The side yard requirement shall be 20 ft, regardless of the base zone.

(3) The structure must conform to all other base zone and accessory structure regulations.

B. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

1. Fences, walls, and plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fences, walls, and plantings shall meet clear vision standards provided in Chapter 12.24. Fences and walls on lot perimeters in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained to the following standards:

a. Residential Zones and Residential Uses in All Zones

Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft. No electrified, barbed, or razor wire fencing is permitted. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.D.2.h.

b. Commercial Zones

Maximum height 6 ft. No electrified wire is permitted. Barbed or razor wire may be permitted for security purposes on top of a maximum height fence, following a Type II review per Section 19.1005 in which a determination has been made that the proposed fencing will not adversely impact the health, safety, or welfare of adjacent property occupants. All outdoor storage shall require a 6-ft-high sight-obscuring fence.

c. Industrial Zones

Maximum height 8 ft. No electrified wire is permitted. Barbed or razor wire may be permitted for security purposes on top of a maximum height fence, except where such fencing is proposed adjacent to residential zones or residential uses, in which case such may be allowed following a Type II review per Section 19.1005 in which a determination has been made that the proposed fencing will not adversely impact the health, safety, or welfare of adjacent property occupants. All outdoor storage shall require a sight-obscuring fence with a minimum height of 6 ft.

2. In all cases, fence and wall height shall be measured from the top of the fence or wall to the highest ground level within a 1-ft horizontal distance from the fence.

C. Regardless of the yard requirements of the zone, a side, rear, or front yard may be reduced to 3 ft for an uncovered patio, deck, or swimming pool not exceeding 18 in. in height in high above the average grade of the adjoining ground (finished elevation). An uncovered ramp with handrails is allowed to exceed 18 in high if it provides access from grade to the elevation of the main entrance of a residential structure.

D. A stand-alone flagpole in a residential zone is limited to 25 ft high and must be at least 5 ft from any lot line. A stand-alone flagpole in commercial or industrial zones is subject to the height limits of the base zone in which it is located, and it must be at least 5 ft from any lot line.

**19.502.3 Sustainability-Related Accessory Structures**

A. Purpose

The purpose of these regulations is to allow apparatus for the generation of renewable energy and collection of stormwater, subject to standards to ensure that these structures are appropriate for their surroundings in both design and scale.

B. Maintenance Requirement

All of the sustainability-related structures in this subsection shall be maintained to be functional and safe. The Planning Director may require the repair or removal of a structure listed in this subsection if the structure is deteriorated, malfunctioning, or is otherwise unsafe.

C. Solar Energy Systems

1. Allowance

The installation of a solar energy system is an outright permitted use in zones where commercial, industrial, and residential structures are allowed outright. Installation of

solar equipment that does not meet the definition of a solar energy system shall be reviewed as a Community Service Use, per Section 19.904, unless the use is allowed outright in a zone.

2. Review Process for Installation of Solar Energy Systems

a. A stand-alone solar energy system that is not wholly supported by another structure is subject to the reviews required by applicable base zones and overlay zones or special areas.

b. A solar energy system that is wholly supported by another structure shall be subject to review, or not, as described below.

(1) The installation of a solar energy system on an historic resource that is designated either "contributing" or "significant," per Section 19.403, shall follow the review procedures of that section for alteration of the resource.

(2) The installation of a solar energy system in a downtown zone shall be exempt from downtown design review, per Section 19.907.

(3) The installation of a solar energy system on a structure within the Willamette Greenway Zone, or within a designated Natural Resource, is exempt from the review requirements of that zone or special area.

(4) The installation of a solar energy system on a structure that has been designated as a Conditional Use or a Community Service Use is exempt from the reviews of Subsections 19.904.3 and 19.905.3.

(5) The installation of a solar energy system under circumstances other than those described in 19.502.3.C.2.b(1)-(4) above is exempt from any land use review.

c. A Type I development review permit may be required for installation of a solar energy system depending upon the applicability criteria in Subsection 19.906.2.A. In no case shall a Type II development review application be required for installation of a solar energy system.

3. Standards

a. A stand-alone solar energy system is subject to the development standards that apply to the site. The design standards of Subsection 19.502.2.A.2 shall not be construed so as to prevent installation of a stand-alone solar energy system.

b. A solar energy system that is attached to a structure is subject to the following standards.

(1) The solar energy system will not increase the lot coverage or footprint of the structure on which the system is installed.

(2) The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof, except that the plane of the system is allowed a minimum slope of 35 degrees from horizontal regardless of the slope of the roof.

D. Wind Energy Systems

1. Allowance

A wind energy system is allowed outright as an accessory use in all zones. Installation of wind turbines, and related equipment that does not meet the definition of a wind

energy system, shall be reviewed as a Community Service Use per Section 19.904, unless the use is allowed outright in a zone.

**2. Review Process for Installation of Wind Energy Systems**

The review of a freestanding or roof-mounted wind energy system is subject to the reviews required by applicable base zones and overlay zones or special areas.

**3. General Standards**

- a. The minimum distance between the ground and any part of a rotor blade must be at least 20 ft.
- b. Wind energy systems may not be illuminated, nor may they bear any signs or advertising.
- c. Wind energy systems must have an automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the support structure, rotor blades, and turbine components.
- d. All wiring serving small wind energy systems must be underground.
- e. Noise produced by wind energy systems may not exceed 45 dBA measured at the property line.
- f. Wind energy systems must not cause any interference with normal radio and television reception in the surrounding area, any public safety agency or organization's radio transmissions, or any microwave communications link. The owner shall bear the costs of immediately eliminating any such interference, should any occur, or must immediately shut down the system or parts of the system causing the interference.
- g. A finish (paint/surface) must be provided for the wind energy system that reduces the visibility of the facility, including the rotors. The Planning Director may specify that the support structure and rotors be brown, blue, light gray haze, or other suitable color to minimize the structure's visibility. If the support structure is unpainted, it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.
- h. The rotor sweep area, as defined by the American Wind Energy Association, is 50 sq ft in residential zones and 150 sq ft in all other zones.

**4. Standards for Freestanding Systems**

Wind energy systems may be mounted on a tower that is detached from other structures on the lot.

**a. Setback**

A freestanding wind energy system is not allowed in a required front yard or street side yard, and it must be at least 10 ft away from any side or rear lot line. All portions of the support pole, blades, guy wires, and associated structures or equipment must meet these standards.

**b. Height**

The pole and turbine are subject to the base zone height limit for primary structures, except that an increase of 1 additional ft high is allowed for every 1 ft

that the wind energy system is set back beyond what is required in Subsection 19.502.3.D.4.a, up to a maximum of 50% above the base zone height limit.

c. Number

A maximum of 1 freestanding small wind generator system may be allowed on a lot of 15,000 sq ft or less. 1 additional freestanding system is allowed for each 7,500 sq ft of lot area above 15,000 sq ft.

5. Standards for Roof-Mounted Systems

Wind energy systems may be mounted on the roof of a structure.

a. Setback

The roof-mounted wind energy system is subject to the minimum yard requirements of the building on which it is mounted.

b. Height

Roof-mounted systems are subject to the height limit for freestanding systems in Subsection 19.502.3.D.4.b.

c. Number

There is no maximum number of roof-mounted systems permitted.

E. Rainwater Cisterns

1. A rainwater cistern installed below ground, at grade, or above ground is a permitted accessory use for all properties.

2. A rainwater cistern that meets the standards listed below may encroach up to 3 ft into a required yard, but not be closer than 3 ft from any lot line. Rainwater cisterns that meet the standards below are not subject to any design or materials standards.

a. The rainwater cistern is not mounted more than 2 ft above grade.

b. The rainwater cistern's storage capacity is 80 gallons or less.

3. A rainwater cistern that exceeds the standards listed in Subsection 19.502.3.E.2 is allowed subject to all other applicable regulations for an accessory structure.

4. A below-ground rainwater cistern shall be located at least 3 ft away from any lot line.

**19.503 ACCESSORY USES**

**19.503.1 General Provisions**

Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this chapter, and shall comply with the following limitations:

- A. A guesthouse without kitchen facilities may be maintained accessory to a dwelling, provided that the guesthouse is not occupied for more than 4 months in a calendar year. A detached accessory dwelling unit approved per Subsection 19.910.1 is not considered a guesthouse.
- B. A greenhouse or hothouse may be maintained accessory to a dwelling ~~provided nothing grown is sold on the premises.~~
- C. ~~Keeping of livestock or poultry shall be in buildings that fully comply with building and sanitary codes. The keeping of chickens or other domestic or domesticated fowl shall not exceed 50 in number and shall require the written consent of all owners of real property (or~~

~~a part thereof) within 100 ft of any point on the boundary of the property on which the chickens or domesticated fowl are proposed to be kept. Subsections 19.301.3 and 19.302.3.A contain additional regulations on keeping chickens or other domesticated fowl in the residential zones.~~

- ~~D. Keeping of bees shall be a permitted accessory use for residentially zoned properties. Keeping of colonies of bees shall be prohibited except that the Planning Commission may approve an application to keep not more than 2 colonies of bees whenever such application is accompanied by the written consent of all the owners of real property (or a part thereof) within 100 ft of any point on the boundary of the property on which the bees are proposed to be kept.~~
- E. Amateur and CB radio equipment and operations shall be considered an accessory use. Radio and television structures or towers outside of dwellings shall be subject to building regulations. Such structures and towers are not permitted within any required front yard or street side yard, and shall be located at least 5 ft away from any side or rear property line. Amateur and CB radio structures and towers may exceed the height limits for the base zone, but shall not exceed a height of 70 ft. Such structures and towers shall conform to height, yard, and other standards of the Zoning Ordinance. Any deviation from these standards will require a variance by the Planning Commission. Operational characteristics and limitations of such equipment shall be as established and administered by the FCC.

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## **19.504 SITE DESIGN STANDARDS**

### **19.504.4 Buildings on the Same Lot**

~~A minimum distance of 6 ft as measured between the closest points of the structures shall be maintained between a building designed for dwelling purposes and other buildings on the same lot. In R-10, R-7, R-5, and R-3 Zones, only 1 building designed for dwelling purposes shall be permitted per lot.~~

- A. In R-10, R-7, and R-5 Zones, 1 primary dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1.
- B. In the R-3 Zone, 1 single-family detached dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1. Multifamily housing, with multiple structures designed for dwelling purposes, may be permitted as a conditional use per Section 19.905.

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### **19.504.6 Transition Area Measures**

Where ~~multifamily~~, 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.

**19.504.7 Minimum Vegetation**

No more than 20% of the required vegetation area shall be covered in mulch or bark dust. Mulch or bark dust under the canopy of trees or shrubs is excluded from this limit. In the vegetation area a maximum of area shall be for planting and a minimum for bark dust. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard.

~~**19.504.8 Multifamily Recycling Requirements**~~

~~A. Purpose~~

~~This subsection is intended to promote recycling and to meet requirements of ORS 459.165, which requires local jurisdictions to provide opportunities for recycling, and ORS Chapter 90, which requires landlords to provide a location in multifamily residential dwelling projects for recycling.~~

~~B. Definition~~

~~For the purposes of this subsection, the following definition shall apply:~~

~~“Recycling collection area” means a specific location where recyclable materials may be deposited and contained for regular collection by a material collection service.~~

~~C. Applicability~~

~~All new multifamily apartment and condominium dwelling projects, and projects proposing unit expansion to existing multifamily apartment and condominium dwellings, must provide area(s) for recycling collection subject to the standards herein.~~

~~D. Recycling Collection Area Standards~~

~~Standards for recycling collection areas are as follows:~~

- ~~1. The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated cardboard, tin, and aluminum.~~
- ~~2. The recycling collection area must be located at least as close to the dwelling units as the closest garbage collection/container area.~~
- ~~3. Recycling containers must be covered either by roof or weatherproof lids.~~
- ~~4. If located outdoors, the recycling collection area must be screened from the street and adjacent properties by sight-obscuring materials.~~
- ~~5. The recycling collection area(s) must have a collection capacity of at least 100 cu ft in size for every 10 dwelling units or portion thereof.~~
- ~~6. The recycling collection area must be easily accessible to collection service personnel between the hours of 6:00 a.m. and 6:00 p.m.~~
- ~~7. The recycling collection area and containers must be clearly labeled, to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants.~~
- ~~8. City Fire Department approval will be required for all recycling collection areas.~~
- ~~9. Review and comment for all recycling collection areas will be required from the appropriate franchise collection service.~~

- ~~E. Review of recycling collection areas for new multifamily dwelling projects that require conditional use approval shall be made by the Planning Commission following the procedures of Section 19.1006 Type III Review.~~
- ~~F. Review of recycling collection areas for new multifamily projects that are permitted outright shall be made at the time of project building permit review following the procedures of Section 19.1004 Type I Review.~~

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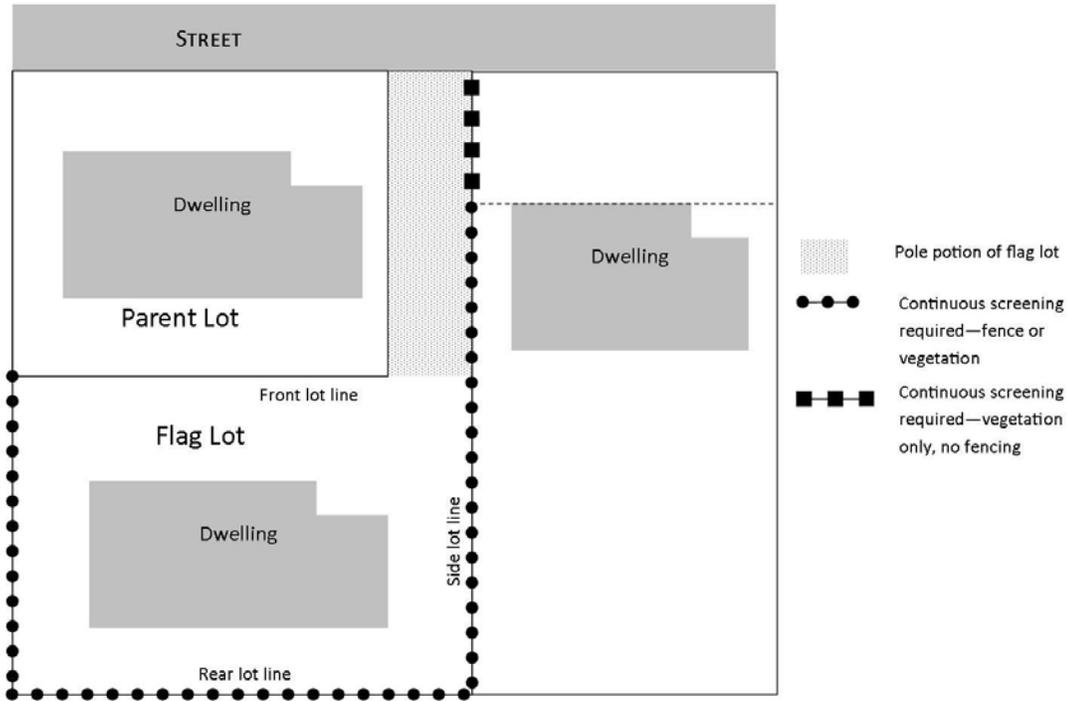
**19.504.98 Flag Lot Design and Development Standards**

**E. Protection of Adjoining Properties**

Flag lots must be screened in accordance with this subsection to minimize potential adverse impacts to abutting properties. Fencing and screening must conform to the clear vision standards of Chapter 12.24. Fencing shall conform to the standards of Subsection 19.502.2.B.

1. Planting and screening must be provided at the time of development. Installation of required screening and planting is required prior to final inspections and occupancy of the site unless a bond or other surety acceptable to the City Attorney is provided. Screening and landscaping shall be installed within 6 months thereafter or the bond will be foreclosed. The property owner shall maintain required screening and planting in good and healthy condition. The requirement to maintain required screening and planting is continuous.
2. Impacts to neighboring lots due to use of the flag lot driveway shall be mitigated to the greatest extent practicable through screening and planting. Continuous screening along lot lines of the flag lot ~~driveway~~ abutting any neighboring lot that is not part of the parent lot from which the flag lot was created is required as described below. ~~follows~~:  
See Figure 19.504.8.E.
  - a. Any combination of dense plantings of trees and shrubs and fencing that will provide continuous sight obstruction for the benefit of adjoining properties within 3 years of planting is allowed.
  - b. Fencing along an accessway may not be located nearer to the street than the front building line of the house located on lots that abut the flag lot accessway. Dense planting shall be used to provide screening along the accessway in areas where fencing is not permitted.
  - c. All required screening and planting shall be maintained and preserved to ensure continuous protection against potential adverse impacts to adjoining property owners.

**Figure 19.504.8.E**  
**Flag Lot Screening**



**19.504.409 On-Site Walkways and Circulation**

**A. Requirement**

All development subject to Chapter 19.700 (excluding single-family and multifamily residential development) shall provide a system of walkways that encourages safe and convenient pedestrian movement within and through the development site. Redevelopment projects that involve remodeling or changes in use shall be brought closer into conformance with this requirement to the greatest extent practicable. On-site walkways shall link the site with the public street sidewalk system. Walkways are required between parts of a site where the public is invited to walk. Walkways are not required between buildings or portions of a site that are not intended or likely to be used by pedestrians, such as truck loading docks and warehouses.

**B. Location**

A walkway into the site shall be provided for every 300 ft of street frontage.

**C. Connections**

Walkways shall connect building entrances to one another and building entrances to adjacent public streets and existing or planned transit stops. On-site walkways shall connect with walkways, sidewalks, bicycle facilities, alleys, and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institutional, or park use. The City may require connections to be constructed and extended to the property line at the time of development.

**D. Routing**

Walkways shall be reasonably direct. Driveway crossings shall be minimized. Internal parking lot circulation and design shall provide reasonably direct access for pedestrians from streets and transit stops to primary buildings on the site.

E. Design Standards

Walkways shall be constructed with a hard surface material, shall be permeable for stormwater, and shall be no less than 5 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials. On-site walkways shall be lighted to an average 5/10-footcandle level. Stairs or ramps shall be provided where necessary to provide a direct route.

**19.504.4410 Setbacks Adjacent to Transit**

The following requirement applies to all new ~~multifamily~~, commercial, office, and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

When adjacent to a street served by transit, new commercial, office, or institutional development, including uses authorized under Section 19.904 Community Service Uses, shall be set back no more than 30 ft from the right-of-way that is providing transit service.

- A. An individual building may be set back more than 30 ft, provided the building is part of an approved phased development that will result in a future building(s) that complies with the 30-ft setback standard.
- B. For sites with multiple buildings, the maximum distance from a street with transit to a public entrance of the primary building shall be no more than 100 ft.
- C. If the proposed building is part of an institutional campus, the Planning Director may allow flexibility in the setback and orientation of the building. As a trade-off for this flexibility, enhanced sidewalk connections shall be provided between the institutional building(s) and nearby transit stops.
- D. If the site abuts more than 1 street served by transit, then the maximum setback requirement need only apply to 1 street.

**19.505 BUILDING DESIGN STANDARDS**

**19.505.1 Design Standards for Single-Family Dwellings and Duplexes**

~~A. All new single family attached and detached dwelling units shall meet the following design standards:~~

- ~~1. The main entrance of the dwelling shall be oriented to the street upon which the lot fronts or which provides vehicle access. The main entrance shall be considered to be oriented to the street if the front door faces the street or if the front door leads to a porch, patio, or sidewalk that is located in the front yard.~~
- ~~2. The area of windows on all exterior wall elevation(s) facing the street shall be at least 12% of the area of these elevations. Roofs, including gable ends, shall not be included in wall area.~~

~~B. All dwellings, except temporary dwellings approved in accordance with this chapter, shall include at least 3 of the following features on any building elevation that faces, or is visible~~

to, the street (if on a corner lot, visible to the street where the dwelling takes access).  
Manufactured homes are subject to additional requirements of this chapter:

1. Covered porch at least 5 ft deep.
2. Entry area recessed at least 2 ft from the exterior wall to the door.
3. Bay or bow window that projects at least 1 ft from exterior wall.
4. Offset on the building face of at least 16 in from 1 exterior wall surface to the other.
5. Dormer.
6. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
7. Roof line offsets of at least 16 in from the top surface of one roof to the top surface of the other.
8. Attached garage.
9. Cupola.
10. Tile or wood shingle roofs.
11. Horizontal lap siding.
12. Brick covering at least 40% of the building elevation that is visible from the street.

A. Purpose

The design standards for single-family dwellings and duplexes require a minimum level of design on every dwelling. These standards are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles.

B. Applicability

The design standards in this subsection apply to the types of development listed below.

1. New single-family detached dwellings, residential homes, duplexes, and rowhouses on individual lots. Placement of a new manufactured home on a lot outside of a manufactured home park is subject to the requirements of Section 19.506 and the standards of Subsection 19.505.1.
2. Expansions of structures in Subsection 19.505.1.B.1 that add area to any street-facing façade. The design standards for such expansions are applicable as follows:
  - a. Expansions that add 75 sq ft or less of street-facing façade area are exempt from all design standards in Subsection 19.505.1.
  - b. Expansions that add more than 75 sq ft and less than 200 sq ft of street-facing façade area are subject to Subsection 19.505.1.C.2 Eyes on the Street. The expanded façade area must meet the standards of Subsection 19.505.1.C.2 without consideration of the original street-facing façade area.
  - c. Expansions that add 200 sq ft or more of street-facing façade area are subject to the following design standards:
    - (1) The entire street-facing façade shall comply with Subsection 19.505.1.C.2 Eyes on the Street.

- (2) Subsection 19.505.1.C.3 Main Entrance is applicable if an expansion would create a new main entrance. No expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
  - (3) Subsection 19.505.1.C.1 Articulation is applicable for expansions that add 20 lineal ft or more to the length of the street-facing façade.
- d. Subsection 19.505.1.C.4 Detailed Design is not applicable for expansions. However, no expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the Detailed Design standards.
- e. Expansions to street-facing façades of less than 200 sq ft are limited to no more than 1 expansion every 5 years, calculated from the date of issuance for the development permit. Multiple expansions are allowed within a 5-year period if the street-facing façade will comply with the design standards that would have been applicable if the expansions occurred at the same time.
- 3. Remodels that convert an attached garage to a habitable residential space. When applicable, the design standards apply only to the street-facing façade of the garage being converted. The following design standards are applicable:
  - a. Subsection 19.505.1.C.3 Main Entrance is applicable if the garage conversion would create a new main entrance. No conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
  - b. Subsection 19.505.1.C.4 Detailed Design is not applicable. However, no conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.

C. Standards

All buildings that meet the applicability provisions in Subsection 19.505.1.B shall meet the following design standards. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.

An applicant may request a variance to the Detailed Design standards in Subsection 19.505.1.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation

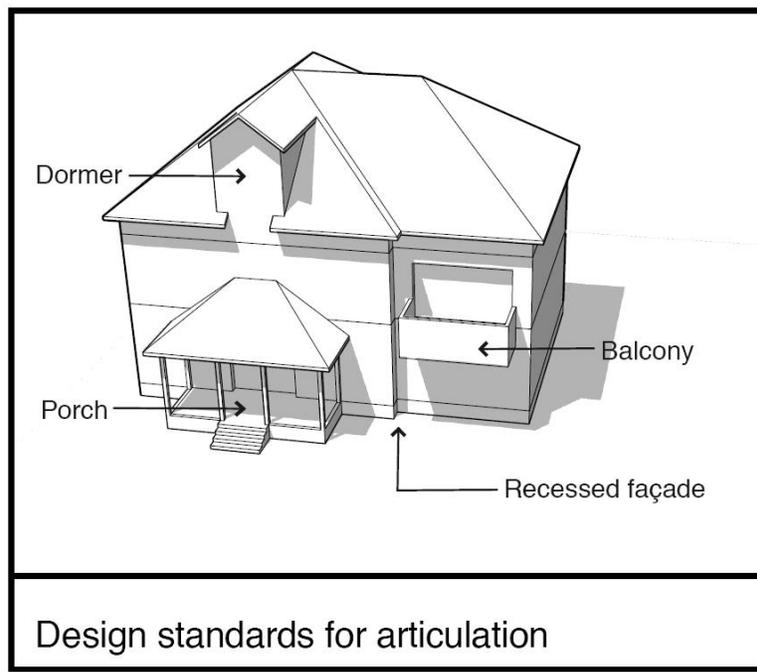
All buildings shall incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 19.505.1.C.1 for illustration of articulation.

- a. For buildings with 30-60 ft of street frontage, a minimum of 2 of the following elements shall be provided along the street-facing façades.

- (1) A porch at least 5 ft deep.
- (2) A balcony that is at least 2 ft deep and is accessible from an interior room.
- (3) A bay window that extends at least 2 ft wide.

- (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.
- (5) A gabled dormer.
- b. For buildings with over 60 ft of street frontage, at least one element in Subsection 19.505.1.C.1.a(1)-(4) above shall be provided for every 30 ft of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 ft between 2 elements.
- c. For buildings with less than 30 ft of street frontage, one of the elements in Subsection 19.505.1.C.1.a(1)-(4) above shall be provided along the street-facing façade.

**Figure 19.505.1.C.1**  
**Building Articulation**



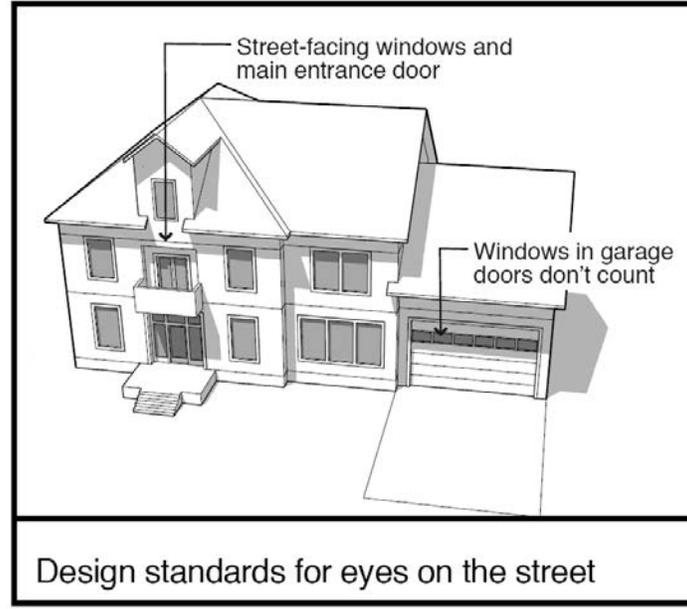
2. Eyes on the Street

At least 15% of the area of each street-facing façade must be windows or entrance doors. See Figure 19.505.1.C.2 for illustration of eyes on the street.

- a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
- b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.
- c. Window area is considered the entire area within the outer window frame, including any interior window grid.
- d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.

- e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

**Figure 19.505.1.C.2**  
**Eyes on the Street**

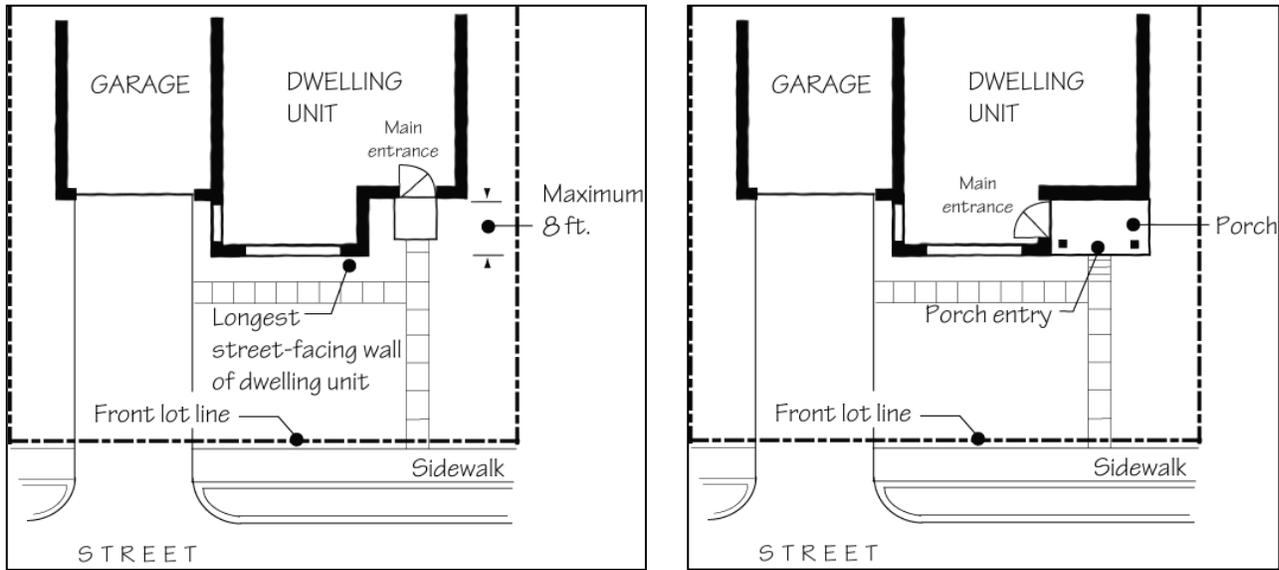


**3. Main Entrance**

At least 1 main entrance must meet both of the following standards. See Figure 19.505.1.C.3 for illustration of main entrances.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
- (1) Be at least 25 sq ft in area with a minimum 4-ft depth.
  - (2) Have at least 1 porch entry facing the street.
  - (3) Have a roof that is no more than 12 ft above the floor of the porch.
  - (4) Have a roof that covers at least 30% of the porch area.

**Figure 19.505.1.C.3**  
**Main Entrances**



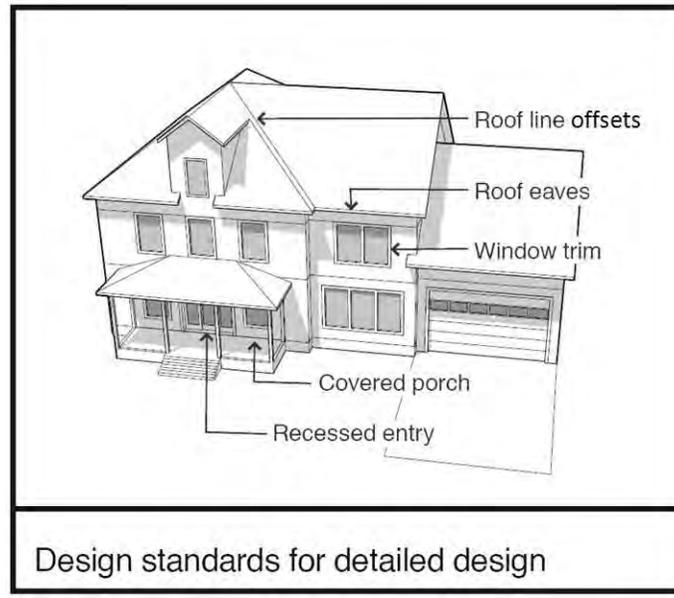
#### 4. Detailed Design

All buildings shall include at least 5 of the following features on any street-facing façade. See Figure 19.505.1.C.4 for illustration of detailed design elements.

- a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.
- b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
- c. Offset on the building face of at least 16 in from 1 exterior wall surface to the other.
- d. Dormer that is at least 4 ft wide and integrated into the roof form.
- e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
- f. Roof line offsets of at least 2 ft from the top surface of 1 roof to the top surface of the other.
- g. Tile or wood shingle roofs.
- h. Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). Only wood, HardiePlank, or other similar lap siding material will be credited as a design detail. Vinyl siding with the appearance of lap siding is not prohibited, but shall not be credited as a design detail.
- i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
- j. Gable roof, hip roof, or gambrel roof design.
- k. Window trim around all windows at least 3 in wide and 5/8 in deep.
- l. Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building façade.
- m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.

- n. One roof pitch of at least 500 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- o. Bay window at least 2 ft deep and 5 ft long.
- p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.

**Figure 19.505.1.C.4  
Detailed Design Elements**



**5. Standards for Duplexes**

In addition to the other standards in Subsection 19.505.1, duplexes shall also comply with the following standards.

- a. The exterior finish of the structure must be the same for both units.
- b. The eaves must be uniform for the entire structure.
- c. The window and door trim must be the same in type, size, and location for the entire structure.
- d. Windows must match in proportion and orientation for the entire structure.
- e. For duplexes or corner lots, each entrance is required to face a separate street frontage. Where an existing house is being converted, 1 main entrance with internal access to both units is allowed.
- f. For duplexes facing 1 frontage, the following standards apply.
  - (1) Only 1 entrance is required to face the frontage.
  - (2) Where more than 1 entrance to the structure faces the street, each separate entrance is required to meet the standards of Subsection 19.505.1.c.3.
  - (3) A second entrance from a side or rear yard is not allowed within 10 ft of the side or rear property line.

*[Previous 19.505.2 Building Orientation to Transit renumbered as 19.505.6—see that further on in this document.]*

**19.505.2 Garage and Carport Standards**

**A. Purpose**

These standards are intended to prevent garages from obscuring or dominating the street-facing facade of a dwelling and provide for a pleasant pedestrian environment in residential areas.

**B. Applicability**

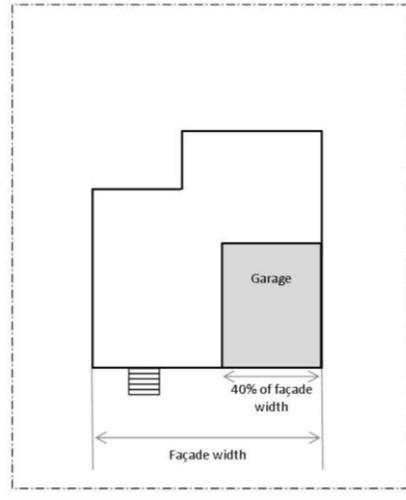
The standards in this subsection apply to all new attached and detached garages and carports on properties with a single-family detached dwelling, residential home, or duplex when the street-facing facade of the garage, or columns of the carport, are located within 50 ft of the front property line. Standards for garages in rowhouse development are in Subsection 19.505.5.

**C. Standards**

1. The front of a garage or carport can be no closer to the front lot line than the longest street-facing wall of the house that encloses living area. The following exceptions apply:
  - a. A garage or carport may extend up to 5 ft in front if there is a covered front porch and the garage or carport does not extend beyond the front of the porch.
  - b. A garage may extend up to 5 ft in front if the garage is part of a 2-story facade that has a window at least 12 sq ft in area on the second story that faces the street.
2. The width of a street-facing garage door(s), as measured between the inside of the garage door frame, may not exceed 40% of the total width of the street-facing facades on the same street frontage as the garage door. See Figure 19.505.2.C.2. Notwithstanding this limit, a dwelling is allowed 1 12-ft-wide garage door, regardless of the total width of street-facing facades.

The maximum allowed garage width may be increased to 50% of the total width of the street-facing facade if a total of 7 detailed design elements in Subsection 19.505.1.C.4 are included on the street-facing facade.

**Figure 19.505.2.C.2**  
**Maximum Garage Width**



3. Garages may be side-oriented to the front lot line if the eyes on the street standard in Subsection 19.505.1.C.2 is met.

### **19.505.3 Design Standards for Multifamily Housing**

#### **A. Purpose**

The purpose of these design standards is to facilitate the development of attractive multifamily housing that encourages multimodal transportation. They encourage good site and building design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.

The guidelines and standards are intended to achieve the following principles that the City encourages for multifamily development:

#### **1. Livability**

Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private open spaces for outdoor use.

#### **2. Compatibility**

Development should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of Milwaukie.

#### **3. Safety and Functionality**

Development should be safe and functional, by providing visibility into and within a multifamily development and by creating a circulation system that prioritizes bicycle and pedestrian safety.

#### **4. Sustainability**

Development should incorporate sustainable design and building practices, such as energy conservation, preservation of trees and open space, quality building materials, and alternative transportation modes.

#### **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.
  - 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 or 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.

#### C. Review Process

Two possible review processes are available for review of multifamily or congregate housing development: objective and discretionary. An applicant may choose which process to use. The objective process uses clear objective standards that do not require the use of discretionary decision-making. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met.

1. Projects reviewed through the objective process will be evaluated through a Type I development review, pursuant to Chapter 19.906.
2. Projects reviewed through the discretionary process will be evaluated through a Type II development review, pursuant to Chapter 19.906.

3. A project can be reviewed using only one of the two review processes. For example, a project may not use some of the objective standards and some of the discretionary guidelines in one application.

D. Design Guidelines and Standards

Applicable guidelines and standards for multifamily and congregate housing are located in Table 19.505.3.D. These standards should not be interpreted as requiring a specific architectural style.

**Table 19.505.3.D**  
**Multifamily Design Guidelines and Standards**

<b>Design Element</b>	<b>Design Guideline (Discretionary Process)</b>	<b>Design Standard (Objective Process)</b>
<p>1. <u>Private Open Space</u></p>	<p>The development should provide private open space for each dwelling unit. Private open space should have direct access from the dwelling unit and should be visually and/or physically separate from common areas.</p> <p>The development may provide common open space in lieu of private open space if the common open space is well designed, adequately sized, and functionally similar to private open space.</p>	<p>Private open space (patios or balconies) shall be provided as follows:</p> <p>a. For each dwelling unit located on the ground floor, or within 5 ft of finished grade, a minimum of 96 sq ft of private open space, with a minimum dimension of 5 ft.</p> <p>b. For each dwelling unit located more than 5 ft above finished grade, a minimum of 48 sq ft of private open space.</p> <p>c. For each dwelling unit with private open space, the private open space shall be directly accessible from the interior of the dwelling unit.</p> <p>d. Private open space shall be separated from common open space and adjacent dwelling units through the use of landscaping, fencing, or a wall.</p>
<p>2. <u>Public Open Space</u></p>	<p>The development should provide sufficient open space for the purpose of outdoor recreation, scenic amenity, or shared outdoor space for people to gather.</p>	<p>Common open space shall be provided as follows:</p> <p>a. For buildings with more than 5 dwelling units, a minimum of 10% of the gross site area, or 750 sq ft, whichever is greater, shall be designated as common open space.</p> <p>b. The minimum dimension for any common open space shall be 20 ft.</p> <p>c. Projects with 20 units or less shall provide at least 2 of the following common open space features. Projects with more than 20 units shall provide at least 4 of the features: recreation area, play fields, children's play area, sport courts, gardens, permanent picnic tables, swimming pools, walking trails, pedestrian amenities, or similar items.</p> <p>d. If a development includes a children's play area, the play area shall be located such that it is visible from at least 50% of the abutting units. Play areas shall not be located within required yards.</p> <p>e. User amenities—such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pool—may be placed in the outdoor area.</p>

**Table 19.505.3.D CONTINUED**  
**Multifamily Design Guidelines and Standards**

<b>Design Element</b>	<b>Design Guideline (Discretionary Process)</b>	<b>Design Standard (Objective Process)</b>
<p>3. <u>Pedestrian Circulation</u></p>	<p><u>Site design should promote safe, direct, and usable pedestrian facilities and connections throughout the development. Ground-floor units should provide a clear transition from the public realm to the private dwellings.</u></p>	<p>The on-site pedestrian circulation system shall include the following:</p> <ul style="list-style-type: none"> <li>a. <u>Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas.</u></li> <li>b. <u>At least 1 pedestrian connection to an abutting street frontage for each 200 linear ft of street frontage.</u></li> <li>c. <u>Pedestrian walkways shall be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.</u></li> <li>d. <u>Walkways shall be constructed with a hard surface material, shall be permeable for stormwater, and shall be no less than 5 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.</u></li> <li>e. <u>On-site walkways shall be lighted to an average 5/10-footcandle level. Stairs or ramps shall be provided where necessary to provide a direct route.</u></li> </ul>

**Table 19.505.3.D CONTINUED**  
**Multifamily Design Guidelines and Standards**

<b>Design Element</b>	<b>Design Guideline (Discretionary Process)</b>	<b>Design Standard (Objective Process)</b>
<p>4. <u>Vehicle and Bicycle Parking</u></p>	<p>Vehicle parking should be integrated into the site in a manner that does not detract from the design of the building, the street frontage, or the site. Bicycle parking should be secure, sheltered, and conveniently located.</p>	<p>Parking for the development shall comply with the following:</p> <ul style="list-style-type: none"> <li>a. <u>On-site surface parking areas, garages, and vehicle maneuvering areas shall not be located directly between the façade of a primary building(s) and an abutting street right-of-way.</u></li> <li>b. <u>Parking located to the side of a dwelling structure shall be limited to 50% of the linear frontage of that side. Drive aisles without adjacent parking spaces do not count as parking areas for purposes of this standard.</u></li> <li>c. <u>All garages that are part of the same structure that contains dwelling units shall be located at least 4 ft behind the front building façade.</u></li> <li>d. <u>For developments with more than 20 units, the covered bicycle parking required by Subsection 19.609.2.B shall meet the following standards. These standards apply instead of, and not in addition to, the standards in Subsections 19.609.3 and 4.</u> <ul style="list-style-type: none"> <li>(1) <u>The parking area shall be inside a building or sheltered to provide complete, year-round protection from precipitation.</u></li> <li>(2) <u>Entrance to the parking area shall be secured by lock so that only residents have access to the area.</u></li> <li>(3) <u>The area shall have permanently mounted bicycle racks or hangers that allow the bicycle frame to be locked to the rack or hanger.</u></li> <li>(4) <u>Spaces and aisles within the parking area shall allow for storage and movement of a bicycle width of 2.5 ft and length of 6.5 ft.</u></li> <li>(5) <u>The parking area shall have an average illumination of at least 1.0 ft candles.</u></li> <li>(6) <u>Parking areas not located within a dwelling structure or structured parking shall be located no further than 30 ft from the main entrance of a dwelling structure.</u></li> </ul> </li> </ul>
<p>5. <u>Building Orientation &amp; Entrances</u></p>	<p>Buildings should be located with the principal façade oriented to the street or a street-facing open space such as a courtyard. Building entrances should be well-defined and protect people from the elements.</p>	<ul style="list-style-type: none"> <li>a. <u>The primary building entry, or entries, for ground-floor units shall face the street right-of-way or a central common open space. Secondary entries may face parking lots or other interior site areas.</u></li> <li>b. <u>Building entrances shall be emphasized through the use of features or elements such as recesses, projections, corner entries, or landscape treatments.</u></li> <li>c. <u>For sites not on an arterial street, at least 50% of a site's street frontage, excluding driveways, shall be occupied by buildings that are located no further than 10 ft from the required setback line.</u></li> <li>d. <u>For sites on an arterial street, at least 50% of a site's street frontage, excluding driveways, shall be occupied by buildings that are located no further than 20 ft from the required setback line.</u></li> </ul>

**Table 19.505.3.D CONTINUED**  
**Multifamily Design Guidelines and Standards**

<b>Design Element</b>	<b>Design Guideline (Discretionary Process)</b>	<b>Design Standard (Objective Process)</b>
<p>6. <u>Building Façade Design</u></p>	<p><u>Changes in wall planes, layering, horizontal datums, vertical datums, building materials, color, and/or fenestration shall be incorporated to create simple and visually interesting buildings.</u></p> <p><u>Windows and doors should be designed to create depth and shadows and to emphasize wall thickness and give expression to residential buildings.</u></p> <p><u>Windows should be used to provide articulation to the façade and visibility into the street.</u></p> <p><u>Building façades shall be compatible with adjacent building façades.</u></p> <p><u>Garage doors shall be integrated into the design of the larger façade in terms of color, scale, materials, and building style.</u></p>	<p>a. <u>Street-facing building façades shall be divided into wall planes. The wall plane on the exterior of each dwelling unit shall be articulated by doing one or more of the following:</u></p> <p>(1) <u>Incorporating elements such as porches or decks into the wall plane.</u></p> <p>(2) <u>Recessing the building a minimum of 2 ft deep x 6 ft long.</u></p> <p>(3) <u>Extending an architectural bay at least 2 ft from the primary street-facing façade.</u></p> <p>b. <u>Windows shall occupy a minimum of 25% of the total street-facing façade.</u></p> <p>c. <u>Buildings shall have a distinct base and top. The base of the building (ground-floor level) shall be considered from grade to 12 ft above grade. The base shall be visually distinguished from the top of the building by any of the following physical transitions: a change in brick pattern, a change in surface or siding materials, a change in color, or a change in the size or orientation of window types.</u></p> <p>d. <u>To avoid long, monotonous, uninterrupted walls, buildings shall incorporate exterior wall off-sets, projections and/or recesses. At least 1 ft of horizontal variation shall be used at intervals of 40 ft or less along the building's primary façade on the ground-floor level.</u></p> <p>e. <u>Blank, windowless walls in excess of 750 sq ft are prohibited when facing a public street, unless required by the Building Code. In instances where a blank wall exceeds 750 sq ft, it shall be articulated or intensive landscaping shall be provided.</u></p> <p>f. <u>Garage doors shall be painted to match the color or color palette used on the rest of the buildings.</u></p>

**Table 19.505.3.D CONTINUED**  
**Multifamily Design Guidelines and Standards**

<p><b>Design Element</b></p>	<p><b>Design Guideline (Discretionary Process)</b></p>	<p><b>Design Standard (Objective Process)</b></p>
<p>7. <u>Building Materials</u></p>	<p><u>Buildings should be constructed with architectural materials that provide a sense of permanence and high quality.</u>  <u>Street-facing façades shall consist predominantly of a simple palette of long-lasting materials such as brick, stone, stucco, wood siding, and wood shingles.</u>  <u>A hierarchy of building materials shall be incorporated. The materials shall be durable and reflect a sense of permanence and quality of development.</u>  <u>Split-faced block and gypsum reinforced fiber concrete (for trim elements) shall only be used in limited quantities.</u>  <u>Fencing shall be durable, maintainable, and attractive.</u></p>	<p>a. <u>The following building materials are prohibited on street-facing building facades and shall not collectively be used on more than 35% of any other building facade:</u>  <u>(1) Vinyl PVC siding</u>  <u>(2) T-111 Plywood</u>  <u>(3) Exterior insulation finishing (EIFS)</u>  <u>(4) Corrugated metal</u>  <u>(5) Plain concrete or concrete block</u>  <u>(6) Spandrel glass</u>  <u>(7) Sheet pressboard</u>                      b. <u>The following fence materials are prohibited.</u>  <u>(1) Plastic or vinyl</u>  <u>(2) Chain link</u></p>
<p>8. <u>Landscaping</u></p>	<p><u>Landscaping of multifamily developments should be used to provide a canopy for open spaces and courtyards, and to buffer the development from adjacent properties. Existing, healthy trees should be preserved whenever possible.</u>  <u>Landscaping strategies that conserve water shall be included. Hardscapes shall be shaded where possible, as a means of reducing energy costs (heat island effect) and improving stormwater management.</u></p>	<p>a. <u>For every 2,000 sq ft of site area, 1 tree shall be planted or 1 existing tree shall be preserved.</u>  <u>(1) New trees must be listed as native trees in the Milwaukee Native Plant List.</u>  <u>(2) Preserved tree(s) must be at least 6 in diameter at breast height (DBH) and cannot be listed as a nuisance species in the Milwaukee Native Plant List.</u>                      b. <u>Trees shall be planted to provide, within 5 years, canopy coverage for at least 1/3 of any common open space or courtyard. Compliance with this standard is based on the expected growth of the selected trees.</u>                      c. <u>On sites with a side or rear lot line that abuts an R-10, R-7, or R-5 Zone, landscaping, or a combination of fencing and landscaping, shall be used to provide a sight-obscuring screen 6 ft high along the abutting property line. Landscaping used for screening must attain the 6 ft height within 24 months of planting.</u>                      d. <u>For projects with more than 20 units:</u>  <u>(1) Any irrigation system shall minimize water use by incorporating a rain sensor, rotor irrigation heads, or a drip irrigation system.</u>  <u>(2) To reduce the "heat island" effect, highly reflective paving materials with a solar reflective index of at least 29 shall be used on at least 25% of hardscape surfaces.</u></p>

**Table 19.505.3.D CONTINUED**  
**Multifamily Design Guidelines and Standards**

<u>Design Element</u>	<u>Design Guideline (Discretionary Process)</u>	<u>Design Standard (Objective Process)</u>
<p>9. Screening</p>	<p>Mechanical equipment, garbage collection areas, and other site equipment and utilities should be screened so they are not visible from the street and public or private open spaces. Screening should be visually compatible with other architectural elements in the development.</p>	<p>Mechanical and communication equipment and outdoor garbage and recycling areas shall be screened so they are not visible from streets and other ground-level private open space and common open spaces.</p> <p>a. Appropriate screening for rooftop equipment includes parapet walls or architecturally compatible fabricated enclosures such as panels and walls.</p> <p>(1) The Planning Director may require a review of rooftop equipment screening by requesting sight line studies.</p> <p>(2) Solar energy systems are exempt from this requirement.</p> <p>b. Utilities such as transformers, heating and cooling, electric meters, and other utility equipment shall be not be located within 5 ft of a front entrance and shall be screened with sight-obscuring materials.</p>
<p>10. Recycling Areas</p>	<p>Recycling areas should be appropriately sized to accommodate the amount of recyclable materials generated by residents. Areas should be located such that they provide convenient access for residents and for waste and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that they are not prominent features viewed from the street.</p>	<p>A recycling area or recycling areas within a multifamily development shall meet the following standards.</p> <p>a. The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated cardboard, tin, and aluminum.</p> <p>b. The recycling collection area must be located at least as close to the dwelling units as the closest garbage collection/container area.</p> <p>c. Recycling containers must be covered by either a roof or weatherproof lids.</p> <p>d. The recycling collection area must have a collection capacity of at least 100 cu ft in size for every 10 dwelling units or portion thereof.</p> <p>e. The recycling collection area must be accessible to collection service personnel between the hours of 6:00 a.m. and 6:00 p.m.</p> <p>f. The recycling collection area and containers must be labeled to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants.</p> <p>g. Fire Department approval will be required for the recycling collection area.</p> <p>h. Review and comment for the recycling collection area will be required from the appropriate franchise collection service.</p>

**Table 19.505.3.D CONTINUED**  
**Multifamily Design Guidelines and Standards**

<b>Design Element</b>	<b>Design Guideline (Discretionary Process)</b>	<b>Design Standard (Objective Process)</b>
<p>11. Sustainability</p>	<p>Multifamily development should optimize energy efficiency by designing for building orientation for passive heat gain, shading, day-lighting, and natural ventilation. Sustainable materials, particularly those with recycled content, should be used whenever possible. Sustainable architectural elements shall be incorporated to increase occupant health and maximize a building's positive impact on the environment. When appropriate to the context, buildings should be placed on the site giving consideration to optimum solar orientation. Methods for providing summer shading for south-facing walls, and the implementation of photovoltaic systems on the south-facing area of the roof, are to be considered.</p>	<p>In order to promote more sustainable development, multifamily developments shall incorporate the following elements:</p> <ol style="list-style-type: none"> <li>a. Building orientation that does not preclude utilization of solar panels, or an ecoroof on at least 20% of the total roof surfaces.</li> <li>b. Windows that are operable by building occupants.</li> <li>c. Window orientation, natural shading, and/or sunshades to limit summer sun and to allow for winter sun penetration.</li> <li>d. Projects with more than 20 units shall incorporate at least 2 of the following elements:               <ol style="list-style-type: none"> <li>(1) A vegetated ecoroof for a minimum of 30% of the total roof surface.</li> <li>(2) For a minimum of 75% of the total roof surface, a white roof with a Solar Reflectance Index (SRI) of 78 or higher if the roof has a 3/12 roof pitch or less, or SRI of 29 or higher if the roof has a roof pitch greater than 3/12.</li> <li>(3) A system that collects rainwater for reuse on-site (e.g., site irrigation) for a minimum of 50% of the total roof surface.</li> <li>(4) An integrated solar panel system for a minimum of 30% of the total roof or building surface.</li> <li>(5) Orientation of the long axis of the building within 30 degrees of the true east-west axis, with unobstructed solar access to the south wall and roof.</li> <li>(6) Windows located to take advantage of passive solar collection and include architectural shading devices (such as window overhangs) that reduce summer heat gain while encouraging passive solar heating in the winter.</li> </ol> </li> </ol>
<p>12. Privacy Considerations</p>	<p>Multifamily development should consider the privacy of, and sight lines to, adjacent residential properties, and be oriented and/or screened to maximize the privacy of surrounding residences.</p>	<p>In order to protect the privacy of adjacent properties, multifamily developments shall incorporate the following elements:</p> <ol style="list-style-type: none"> <li>a. The placement of balconies above the first story shall not create a direct line of sight into the living spaces or backyards of adjacent residential properties.</li> <li>b. Where windows on a multifamily development are within 30 ft of windows on adjacent residences, windows on the multifamily development shall be offset so the panes do not overlap windows on adjacent residences, when measured at right angles. Windows are allowed to overlap if they are opaque, such as frosted windows, or placed at the top third of the wall, measured from floor to ceiling height in the multifamily unit.</li> </ol>

**Table 19.505.3.D CONTINUED**  
**Multifamily Design Guidelines and Standards**

<b>Design Element</b>	<b>Design Guideline (Discretionary Process)</b>	<b>Design Standard (Objective Process)</b>
<p>13. Safety</p>	<p>Multifamily development should be designed to maximize visual surveillance, create defensible spaces, and define access to and from the site. Lighting should be provided that is adequate for safety and surveillance, while not imposing lighting impacts to nearby properties. The site should be generally consistent with the principles of Crime Prevention Through Environmental Design:</p> <ul style="list-style-type: none"> <li>• Natural Surveillance: Areas where people and their activities can be readily observed.</li> <li>• Natural Access Control: Guide how people come to and from a space through careful placement of entrances, landscaping, fences, and lighting.</li> <li>• Territorial Reinforcement: Increased definition of space improves proprietary concern and reinforces social control.</li> </ul>	<p>a. <u>At least 70% of the street or common open space frontage shall be visible from the following areas on 1 or more dwelling units: a front door; a ground-floor window (except a garage window); or a second-story window placed no higher than 3.5 ft from the floor to the bottom of the windowsill.</u></p> <p>b. <u>All outdoor common open spaces and streets shall be visible from 50% of the units that face it. A unit meets this criterion when at least 1 window of a frequently used room—such as a kitchen, living room and dining room, but not bedroom or bathroom—faces a common open space or street.</u></p> <p>c. <u>Uses on the site shall be illuminated as follows:</u></p> <ol style="list-style-type: none"> <li><u>(1) Parking and loading areas: 0.5 footcandle minimum.</u></li> <li><u>(2) Walkways: 0.5 footcandle minimum and average of 1.5 footcandles.</u></li> <li><u>(3) Building entrances: 1 footcandle minimum with an average of 3.5 footcandles, except that secondary entrances may have an average of 2.0 footcandles.</u></li> </ol> <p>d. <u>Maximum illumination at the property line shall not exceed 0.5 footcandles. However, where a site abuts a nonresidential district, maximum illumination at the property line shall not exceed 1 footcandle.</u></p> <p>e. <u>Developments shall use full cut-off lighting fixtures to avoid off-site lighting, night sky pollution, and shining lights into residential units.</u></p>

**19.505.4 Design Standards for Cottage Cluster Housing**

**A. Purpose**

These standards are intended to: support the growth management goal of more efficient use of urban residential land; support development of diverse housing types in accordance with the Comprehensive Plan; increase the variety of housing types available for smaller households; provide opportunities for small, detached dwelling units within existing neighborhoods; increase opportunities for home ownership; and provide opportunities for creative and high-quality infill development that is compatible with existing neighborhoods.

**B. Applicability**

These standards apply to cottage cluster housing, as defined in Section 19.201, wherever this housing type is allowed by the base zones in Chapter 19.300. The standards apply to development of new cottage clusters and modifications to existing cottage clusters.

**C. Land Division**

1. A subdivision or replat is required prior to the development of cottage cluster housing, to create the lots and tracts that will comprise the cottage cluster development. The subdivision or replat shall be reviewed per the procedures in Title 17 and be subject to the requirements of Chapter 19.700.
2. Cottage cluster development is exempt from the lot size and dimension standards in Section 19.302.
3. The minimum and maximum density standards in Section 19.302 apply to the subdivision or replat that creates the cottage cluster development. Areas proposed for commonly owned tracts, including off-street parking areas, shall be included in calculations for minimum and maximum density.
4. Cottage cluster development in the R-2, R-1, or R-1-B Zone is also subject to the site size standards in Table 19.302.5.F.2.
5. Access easements shall be required, to provide adequate access rights for units of land within the cottage cluster that do not have frontage on a public street, and to provide adequate vehicle and pedestrian circulation through the site.

**D. Development Standards**

The standards listed below are the applicable development and design standards for cottage cluster housing. The base zone development standards for height, yards, lot coverage, and minimum vegetation, and the design standards in Subsection 19.505.1 are not applicable to cottage cluster housing.

Figure 19.505.4 illustrates the basic layout of a typical cottage cluster development.

**1. Cottage Standards**

**a. Size**

The total footprint of a cottage unit shall not exceed 700 sq ft, and the total floor area of each cottage unit shall not exceed 1,000 sq ft.

**b. Height**

The height for all structures shall not exceed 18 ft. Cottages or amenity buildings having pitched roofs with a minimum slope of 6/12 may extend up to 25 ft at the ridge of the roof.

c. Orientation

- (1) The front of a cottage is the façade with the main entry door and front porch. This façade shall be oriented toward either a common open space or public street. If a cottage is not contiguous to either of these, it shall be oriented toward an internal pedestrian circulation path.
- (2) At least half of the cottages in a cottage cluster shall be oriented toward a common open space.

d. Required Yards

- (1) The yard depth between the cottage dwelling structure and either the public street, common open space, or internal pedestrian circulation path shall be at least 10.5 ft. The front porch of a cottage is allowed to encroach into this yard.
- (2) The required rear yard depth from the rear of the cottage to the rear lot line shall be at least 7.5 ft. The rear yard is the yard on the opposite side of the cottage as the front porch.
- (3) The required yard depth for all yards other than a front or rear yard is 5 ft.
- (4) There shall be a minimum of 10 ft of space between cottages. Architectural features and minor building projections—such as eaves, overhangs, or chimneys—may project into this required separation by 18 in.
- (5) All structures in the cottage cluster shall comply with the perimeter setback areas in Subsection 19.505.4.D.2.f. This requirement may increase the required yard depths listed above.

e. Cottage Design Standards

The intent of the cottage cluster design standards is to create cottages consistent with traditional northwest cottage design and small home craftsmanship.

- (1) Cottages fronting a street shall avoid blank walls by including at least one of the following:
  - (a) Changes in exterior siding material.
  - (b) Bay windows with a minimum depth of 2 ft and minimum width of 5 ft.
  - (c) Wall offsets of at least 1 ft deep.
- (2) Trim around windows and doors shall be at least 3 in wide and 5/8 in deep.
- (3) All roofs shall have a minimum roof pitch of 4/12.
- (4) Windows and doors shall account for at least 15% of the façade area for facades oriented toward a public street or common open space.
- (5) At least 60% of the siding material on each wall shall be either horizontal lap siding, between 3 to 7 in wide once installed, or shake siding.

f. Front Porches

Each cottage shall have a porch on the front of the cottage. The porch is intended to function as an outdoor room that extends the living space of the cottage into the semipublic area between the cottage and the open space.

- (1) The minimum porch depth shall be 6.5 ft.

- (2) The width of the porch shall be at least 60% of the width of the overall length of the front façade.
- (3) The front door of the dwelling must open onto the porch.
- (4) The entire area of the front porch must be covered.
- (5) The surface of the front porch may not exceed 24 in above grade, as measured from the average ground level at the front of the porch.

2. Site Design and Other Standards

a. Number of Cottages Allowed

The number of cottages allowed shall not exceed the dwelling unit maximum of the base zone in which the cottage cluster development is located, as specified in Subsection 19.505.4.C.4. A cottage cluster development shall include a minimum of 4 cottages and a maximum of 12 cottages.

b. Common Open Space

An adequately sized and centrally located common open space is a key component of cottage cluster developments. A common open space shall meet the following standards.

- (1) The common open space shall have at least 100 sq ft of area for each cottage in the cottage cluster development.
- (2) The minimum dimension for the common open space is 20 ft on 1 side.

c. Private Open Space

Each cottage shall have a private open space on the same lot as the cottage. The space shall be at least 100 sq ft with no dimension of less than 10 ft on 1 side. It shall be contiguous to each cottage for the exclusive use of the cottage residents.

d. Maximum Lot Coverage and Impervious Area

The total footprint of all structures shall not exceed 40% of the site area. Impervious surfaces, including all structures, shall not exceed 60% of the site area.

e. Internal Pedestrian Circulation

The cottage cluster development shall include continuous pedestrian paths for internal circulation on-site. The minimum width for pedestrian paths shall be 6 ft. Paths must provide a continuous connection between the front porch of each cottage, common open space, adjoining rights-of-way, parking areas, and any other areas of common use within the development.

f. Perimeter Setback Areas

All structures within a cottage cluster development shall be located at least 15 ft from the rear lot line(s) and at least 5 ft from the side lot line(s) of the site on which the cottage cluster is developed.

g. Off-Street Parking

- (1) There shall be at least 1 off-street parking space per dwelling unit. The parking space shall be located together with parking spaces for other cottages

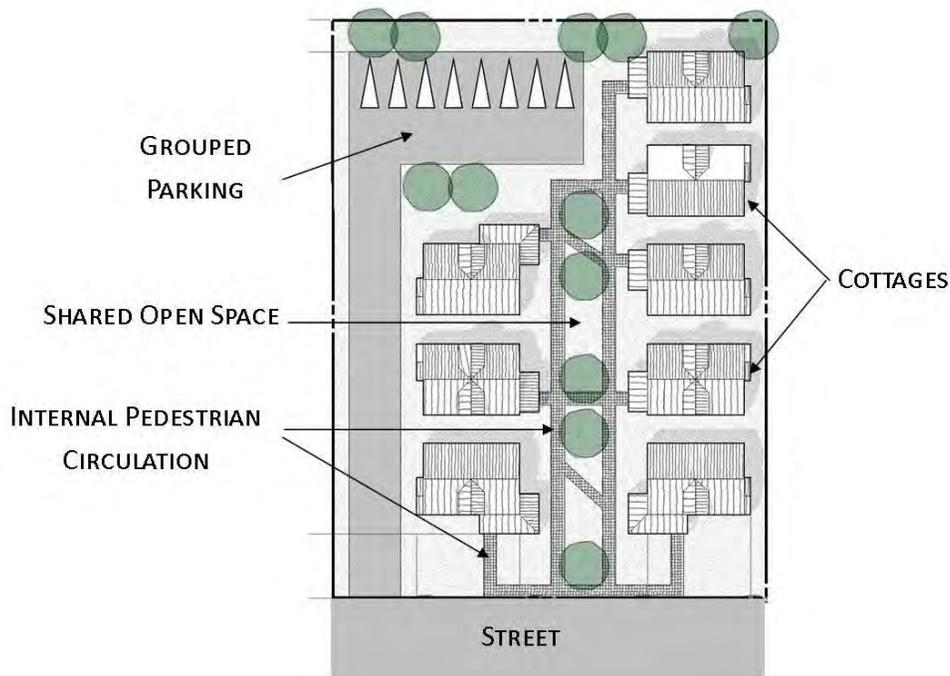
in a common area, and not located on the same lot as an individual cottage unit.

- (2) A cottage cluster parking area shall be set back from the street. The distance of the setback is dependent on the orientation of the structure or lot. If the axis of the longest dimension of the parking area has an angle of 45 degrees or more to the lot line, the narrow dimension may be within 5 ft of the street. If the angle is less than 45 degrees, the parking area must be at least 20 ft from the street.
- (3) If there are more than 8 units in a cottage cluster, there shall be at least 2 separate parking areas with a minimum of 4 parking spaces in each area. A drive aisle connecting the 2 areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.
- (4) Parking spaces may be located within a garage. Garages in a cottage cluster may not contain more than 4 parking spaces, must be at least 10 ft from any cottage dwelling; and must match the materials, trim, and roof pitch of the cottages. The interior height of a garage shall not exceed 8 ft high.
- (5) Parking spaces that are not in a garage shall be screened from common open space, public streets, and adjacent residential uses by landscaping and/or screen, such as a fence. Chain-link fencing with slats shall not be allowed as a screen.

h. Fences

All fences on the interior of the development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

**Figure 19.505.4**  
**Cottage Cluster Development**



**19.505.5 Standards for Rowhouses**

**A. Purpose**

Rowhouses provide a type of housing that includes the benefits of a single-family detached dwelling, such as fee simple ownership and private yard area, while also being an affordable housing type for new homeowners and households that do not require as much living space. The purpose of these standards is to allow rowhouses in medium to high density residential zones. Rowhouses are allowed at the same density as single-family detached and multifamily dwellings, and the general design requirements are very similar to the design requirements for single-family detached dwellings. Two important aspects of these standards are to include a private-to-public transition space between the dwelling and the street and to prevent garage and off-street parking areas from being prominent features on the front of rowhouses.

**B. Applicability**

1. The standards of Subsection 19.505.5 apply to single-family dwellings on their own lot, where the dwelling shares a common wall across a side lot line with at least 1 other dwelling, and where the lots meet the standards for a rowhouse lot in both Section 19.302 and Subsection 19.505.5.E. Rowhouse development may take place on existing lots that meet the lot standards for rowhouse lots or on land that has been divided to create new rowhouse lots.
2. Development standards for rowhouses are in Subsection 19.302.4.
3. Design standards for single-family detached dwellings in Subsections 19.505.1-2 are also applicable to rowhouses.
4. Dwelling units that share a common side wall and are not on separate lots are subject to the standards for either duplexes or multifamily housing.

**C. Rowhouse Design Standards**

1. Rowhouses are subject to the design standards for single-family housing in Subsection 19.505.1.
2. Rowhouses shall include an area of transition between the public realm of the right-of-way and the entry to the private dwelling. The entry may be either vertical or horizontal, as described below.
  - a. A vertical transition shall be an uncovered flight of stairs that leads to the front door or front porch of the dwelling. The stairs must rise at least 3 ft, and not more than 8 ft, from grade. The flight of stairs may encroach into the required front yard, and the the bottom step must be at least 5 ft from the front lot line.
  - b. A horizontal transition shall be a covered porch with a depth of at least 6 ft. The porch may encroach into the required front yard, but it shall be at least 7 ft from the front lot line.

**D. Number of Rowhouses Allowed**

No more than 4 consecutive rowhouses that share a common wall(s) are allowed. A set of 4 rowhouses with common walls is allowed to be adjacent to a separate set of 4 rowhouses with common walls.

**E. Rowhouse Lot Standards**

1. Rowhouse development is not allowed on lots with a lot width of more than 35 ft.
2. Rowhouse development is allowed only where there are at least 2 abutting lots on the same street frontage whose street frontage, lot width, lot depth, and lot area meet or exceed the base zone requirements listed in Table 19.302.2.
3. Rowhouse development in the R-3 and R-2.5 Zones must meet the minimum lot size standards in Subsection 19.302.4.A.1.
4. Rowhouse development in the R-2, R-1 and R-1-B Zones must meet the minimum lot size standards in Subsection 19.302.4.A.1. In addition, the rowhouse development must meet the minimum site size requirements in Table 19.505.5.E.4.

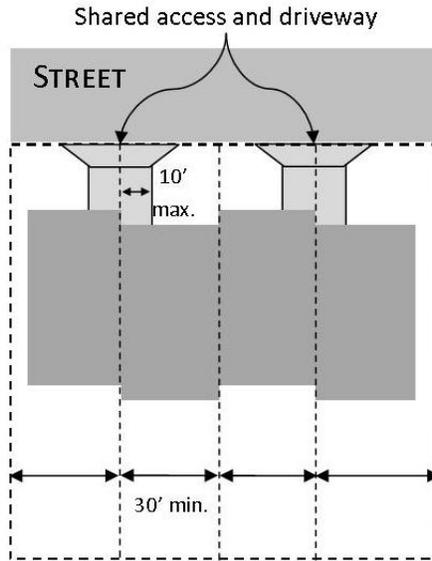
<b>Table 19.505.5.E.4</b>		
<b>Minimum Site Size for Rowhouse Development in the R-2, R-1, and R-1-B Zones</b>		
<b>Number of Rowhouses</b>	<b>R-2 Zone</b>	<b>R-1 and R-1-B Zone</b>
<u>2</u>	<u>7,500 sq ft</u>	<u>6,400 sq ft</u>
<u>3</u>	<u>10,000 sq ft</u>	<u>7,800 sq ft</u>
<u>4</u>	<u>12,500 sq ft</u>	<u>9,200 sq ft</u>

**F. Driveway Access and Parking**

1. Garages on the front façade of a rowhouse, off-street parking areas in the front yard, and driveway accesses in front of a rowhouse are prohibited unless the following standards are met. See Figure 19.505.5.F.1.
  - a. Each rowhouse lot has a street frontage of at least 30 ft on a street identified as a Neighborhood Route or Local Street in the Transportation System Plan Figure 8-3b.
  - b. Development of 2 or 3 rowhouses has at least 1 shared access between the lots, and development of 4 rowhouses has 2 shared accesses.

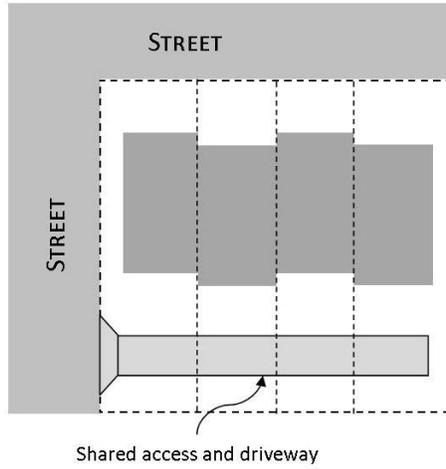
- c. Outdoor on-site parking and maneuvering areas do not exceed 10 ft wide on any lot.
- d. The garage width does not exceed 10 ft, as measured from the inside of the garage door frame.

**Figure 19.505.5.F.1**  
**Rowhouse Development with Front Yard Parking**



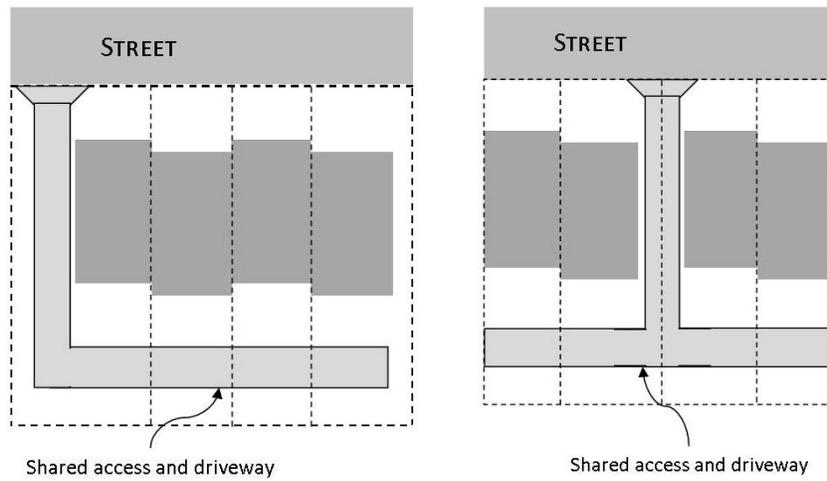
- 2. The following rules apply to driveways and parking areas for rowhouse developments that do not meet all of the standards in Subsection 19.505.5.F.1.
  - a. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a rowhouse.
  - b. Rowhouse development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The Engineering Director may alter this requirement based on street classifications, access spacing, or other provisions of Chapter 12.16 Access Management. See Figure 19.505.5.F.2.b.

**Figure 19.505.5.F.2.b**  
**Rowhouse Development with Corner Lot Access**



- c. Rowhouse development that does not include a corner lot shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front facade and front lot line of any of the rowhouses. See Figure 19.505.5.F.2.c.

**Figure 19.505.5.F.2.c**  
**Rowhouse Development with Consolidated Access**



- d. A rowhouse development that includes consolidated access or shared driveways shall grant appropriate access easements to allow normal vehicular access and emergency access.

**G. Accessory Structure Setbacks**

On rowhouse lots with a lot width of 25 ft or less, there is no required side yard between an accessory structure and a side lot line abutting a rowhouse lot. All other accessory structure regulations in Subsection 19.502.2.A apply.

**19.505.26 Building Orientation to Transit**

The following requirement applies to all new multifamily, commercial, office, and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

New buildings shall have their primary orientation toward a transit street or, if not adjacent to a transit street, a public right-of-way which leads to a transit street. The primary building entrance shall be visible from the street and shall be directly accessible from a sidewalk connected to the public right-of-way. A building may have more than 1 entrance. If the development has frontage on more than 1 transit street, the primary building entrance may be oriented to either street or to the corner.

**19.506 MANUFACTURED DWELLING SITING AND DESIGN STANDARDS**

**19.506.4 Siting Standards**

Manufactured homes are allowed outright in any zone that allows single-family detached dwellings outright. Manufactured homes placed on individual lots shall meet the single-family design standards in Subsection 19.505.1 and the following standards:

- A. The unit shall be multisectional (double-wide or wider) and enclose a floor area of not less than 1,000 sq ft.
- B. The unit shall be placed on an excavated and backfilled foundation with the bottom no more than 12 in above grade and enclosed at the perimeter by skirting of pressure treated wood, masonry, or concrete wall construction and complying with the minimum setup standards of the adopted State Administrative Rules for Manufactured Dwellings, Chapter 918.
- ~~C. The unit shall have a roof with a pitch of at least 3 in rise for every 12 in of run.~~
- ~~D. The unit shall have a garage or carport constructed with exterior siding and roofing which, in color, materials, and appearance, matches the manufactured home. The Planning Director may, at the time of placement permit application, require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.~~
- ~~CE. Bare metal shall not be allowed as a roofing material and shall not be allowed on more than 25% of any façade of the unit. The unit shall have exterior siding and roofing which, in color, materials, and appearance, is similar to the exterior siding and roofing material commonly in use on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Planning Director. Materials that shall not be allowed include bare metal siding or roofing.~~
- ~~DF. The unit shall comply with the definition for manufactured home as identified in this section.~~
- ~~EG. The unit shall comply with single-family parking and paving standards as described in Chapter 19.600.~~

**CHAPTER 19.600 OFF-STREET PARKING AND LOADING**

**19.605 VEHICLE PARKING QUANTITY REQUIREMENTS**

Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements		
Use	Minimum Required	Maximum Allowed

<b>A. Residential Uses</b>		
1. Single-family dwellings, including <u>rowhouses and manufactured homes.</u>	1 space per dwelling unit.	No maximum.

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**19.605.3 Exemptions and By-Right Reductions to Quantity Requirements**

B. Reductions to Minimum Parking Requirements

Applicants are allowed to utilize multiple reductions from Subsections 19.605.3.B.2-7, provided that the total reduction in required parking does not exceed 25% of the minimum quantity requirement listed in Table 19.605.1. Applicants may not utilize the reduction in Subsection 19.605.3.B.1 in conjunction with any other reduction in Subsection 19.605.3.B.

5. Bicycle Parking

The minimum amount of required parking for all non-single-family residential uses may be reduced by up to 10% for the provision of covered and secured bicycle parking in addition to what is required by Section 19.609. A reduction of 1 vehicle parking space is allowed for every 6 additional bicycle parking spaces installed. The bicycle spaces shall meet all other standards of Section 19.609. If a reduction of 5 or more stalls is granted, then on-site changing facilities for bicyclists, including showers and lockers, are required. The area of an existing parking space in an off-street parking area may be converted to bicycle parking to utilize this reduction.

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**19.606 PARKING AREA DESIGN AND LANDSCAPING**

The purpose of Section 19.606 is to ensure that off-street parking areas are safe, environmentally sound, aesthetically pleasing, and that they have efficient circulation. These standards apply to all types of development except for cottage clusters, rowhouses, duplexes ~~single-family attached dwellings~~, single-family detached dwellings, and residential homes.

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**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 and single-family attached residences. 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 Storefront Zone, and the portion of the Downtown Office Zone located to the north of Washington Street and east of McLoughlin Boulevard, are exempt from the requirements of Subsection 19.606.2.

**19.606.3 Additional Design Standards**

D. Pedestrian Access and Circulation

Subsection 19.504.~~940~~ establishes standards that are applicable to an entire property for on-site walkways and circulation. The purpose of Subsection 19.606.3.D is to provide safe and convenient pedestrian access routes specifically through off-street parking areas. Walkways required by Subsection 19.606.3.D are considered part of the on-site walkway and circulation system required by Subsection 19.504.~~940~~.

1. Pedestrian access shall be provided for off-street parking areas so that no parking space is further than 100 ft away, measured along vehicle drive aisles, from a building entrance, or a walkway that meets the standards of Subsection 19.606.3.D.2.
2. Walkways through off-street parking areas must be continuous, must lead to a building entrance, and meet the design standards of Subsection 19.504.~~940~~.E.

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**19.607 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS**

**19.607.1 Residential Driveways and Vehicle Parking Areas**

Subsection 19.607.1 is intended to preserve residential neighborhood character by establishing off-street parking standards. The provisions of Subsection 19.607.1 apply to passenger vehicles and off-street parking areas for rowhouses, cottage clusters, duplexes ~~single-family attached dwellings~~, single-family detached dwellings, and residential homes in all zones, unless specifically stated otherwise.

A. Dimensions

Off-street parking space dimensions for required parking spaces are 9 ft wide x 18 ft deep.

B. Location

1. Off-street vehicle parking for ~~single-family attached dwellings, single-family detached dwellings, and residential homes~~ shall be located on the same lot as the associated dwelling, unless shared parking is approved per Subsection 19.605.4.
2. No portion of the required parking space for ~~single-family attached dwellings, single-family detached dwellings, or residential homes~~ is allowed within the following areas. See Figure 19.607.1.B.2. These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4.

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C. Parking Surface Materials

Parking of vehicles ~~on a property with a single-family attached dwellings, single-family detached dwelling, or residential home~~ shall only be allowed on surfaces described in Subsection 19.607.1.C.

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D. Parking Area Limitations

Uncovered parking spaces and maneuvering areas for vehicles, and for recreational vehicles and pleasure craft as described in Subsection 19.607.2.B, have the following area limitations. See Figure 19.607.1.D. The pole portion of a flag lot is not included in these area limitations.

These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4; nor to rowhouses, which are subject to the standards in Subsection 19.505.5.

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**19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking**

Subsection 19.607.2 is intended to preserve residential neighborhood character by minimizing the impacts created by the parking and storing of commercial vehicles, pleasure crafts, and recreational vehicles. The standards of Subsection 19.607.2 apply to off-street parking areas for cottage clusters, rowhouses, duplexes ~~single-family attached dwellings~~, single-family detached dwellings, and residential homes in all zones.

- A. Commercial vehicles shall not be permitted to be parked or stored in the front yard or required street side yard on cottage cluster, rowhouse, duplex ~~single-family attached dwellings~~, single-family detached dwelling, or residential home properties. Commercial vehicles may be present anywhere on these properties for up to 12 hours in 1 day if the vehicle is engaged in loading or unloading materials for a residence(s).
- B. Recreational vehicles and pleasure crafts on cottage cluster, rowhouse, duplex ~~single-family attached dwellings~~, single-family detached, or residential home properties must comply with the following regulations:
  - 1. On residential lots less than 1 acre, only 1 recreational vehicle or private pleasure craft that is not located in an enclosed structure such as a garage shall be allowed. Canoes and other crafts less than 12 ft long shall be exempt from this requirement. On lots larger than 1 acre, 1 additional recreational vehicle or private pleasure craft that is not located in an enclosed structure is allowed for each 1/2 acre of area over 1 acre.
  - 2. No vehicle or pleasure craft shall be lived in, have housekeeping maintained, or have hook-up to utilities while parked or stored on, or otherwise attached or moored to, a lot used for a cottage cluster, rowhouse, duplex ~~single-family attached dwellings~~, single-family detached dwelling, or residential home.

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**19.609 BICYCLE PARKING**

**19.609.2 Quantity of Spaces**

- A. The quantity of required bicycle parking spaces shall be as described in this subsection. In no case shall less than 2 spaces be provided.
  - 1. Unless otherwise specified, the ~~The~~ number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use. ~~In no case shall less than 2 spaces be provided.~~
  - 2. The number of bicycle parking spaces at transit centers shall be provided at the ratio of at least 1 space per 100 daily boardings.
  - 3. Multifamily residential development with 4 or more units shall provide 1 space per unit.
- B. Covered or enclosed bicycle parking. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any ~~either~~ of the following situations:
  - 1. When 10% or more of vehicle parking is covered.

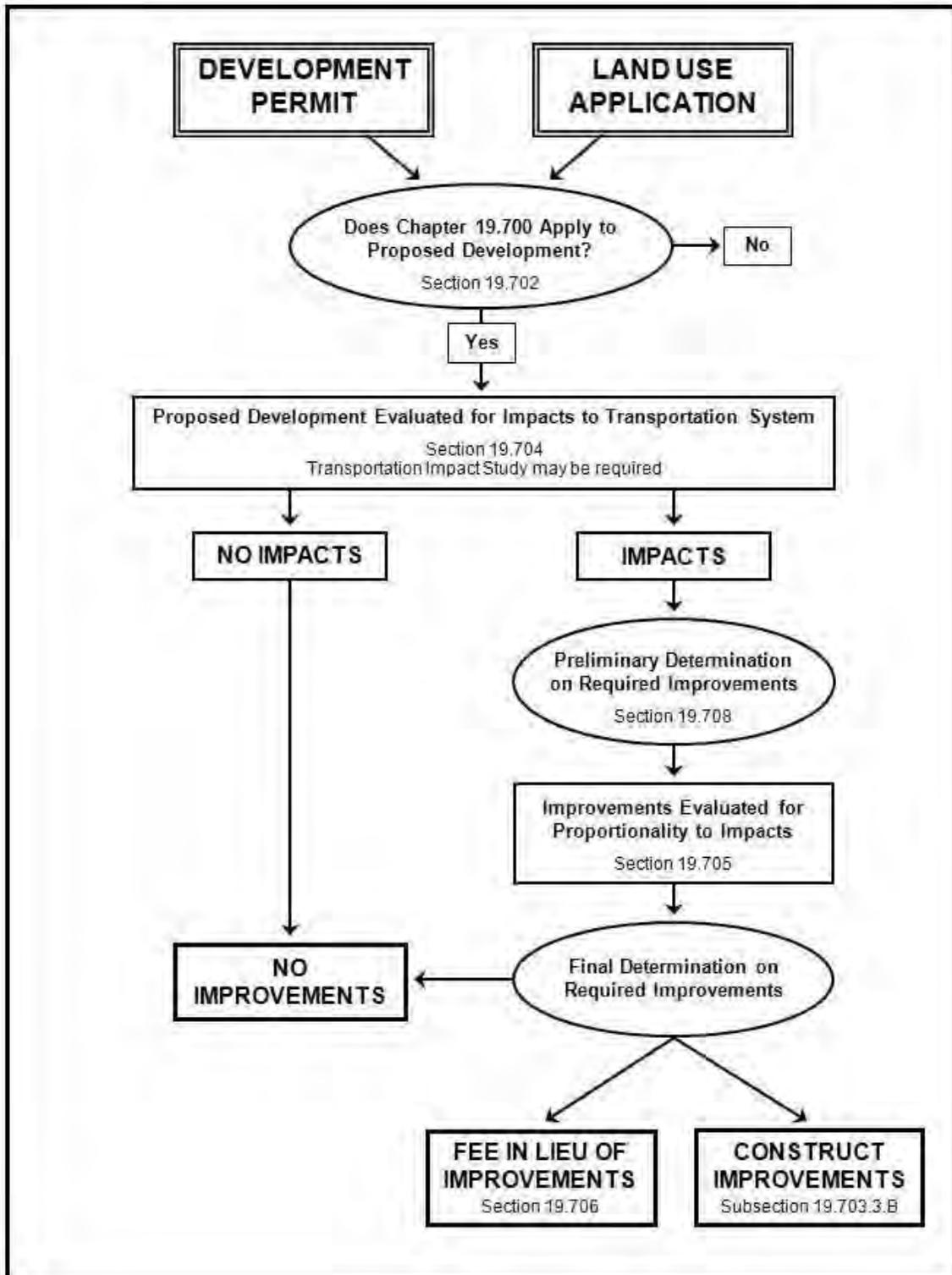
2. If more than 10 bicycle parking spaces are required.
3. Multifamily residential development with 4 or more units.

## CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS

*[Section references within the graphic for Figure 19.703.4 corrected. This was missed when Chapter 19.1400 was renumbered as 19.700 in a previous amendment.]*

### 19.703 REVIEW PROCESS

#### Figure 19.703.4 Process for Determining Transportation Facility Improvements



**19.708 TRANSPORTATION FACILITY REQUIREMENTS**

**19.708.1 General Street Requirements and Standards**

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 Downtown and Riverfront Plan: Public Area Requirements. 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 public area requirements plan per Subsection 19.304340.5.

**CHAPTER 19.900 LAND USE APPLICATIONS**

**19.901 INTRODUCTION**

Uses or development that are regulated by Titles 14, 17, and 19 of the Milwaukie Municipal Code shall submit and obtain approval for all required land use applications prior to establishment or construction. Table 19.901 below contains a complete list of the City’s land use applications and the location of the provisions that govern their submittal, review, and approval. It also identifies the review type(s) associated with each application type. The review type determines who is given notice about land use and development proposals, when the City has to make a decision on a land use application, and who makes the final decision. Descriptions of the different review types and the procedures associated with them are located in Chapter 19.1000. Decision makers for each review type are listed in Table 19.1001.5.

<b>Table 19.901 Land Use Applications</b>		
<b>Application Type</b>	<b>Municipal Code Location</b>	<b>Review Types</b>
Amendments to Maps and Ordinances:	Section 19.902	
Comprehensive Plan Text Amendment	Subsection 19.902.3	V
Comprehensive Plan Map Amendment	Subsection 19.902.4	IV, V <sup>1</sup>
Zoning Text Amendment	Subsection 19.902.5	V
Zoning Map Amendment	Subsection 19.902.6	III, V <sup>2</sup>
Annexations and Boundary Changes:	Chapter 19.1100	
Boundary Change	Section 19.1103	NA
Expedited Annexation	Section 19.1104	NA
Nonexpedited Annexation	Section 19.1102	IV
Appeal	Section 19.1010	Varies
Code Interpretation	Section 19.903	I
Community Service Use	Section 19.904	I, III
Compensation for Reduction in Property Value (Measure 37)	Chapter 1.20	NA
Conditional Use	Section 19.905	I, III
Development Review	Section 19.906	I, II
Director Determination	Section 19.903	I
Downtown Design Review	Section 19.907	I, II, III

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Extension to Expiring Approval	Section 19.908	I, II
Historic Resource:	Section 19.403	
Alteration	Subsection 19.403.5	I, III
Demolition	Subsection 19.403.7	III
Status Designation	Subsection 19.403.4	IV
Status Deletion	Subsection 19.403.4	IV
Land Divisions:	Title 17	
Final Plat	Title 17	I
Lot Consolidation	Title 17	I
Partition	Title 17	II
Property Line Adjustment	Title 17	I, II
Replat	Title 17	I, II, III
Subdivision	Title 17	III
Miscellaneous:	Chapters 19.500	
Barbed Wire Fencing	Subsection 19.502.2.B.1.b-c	II
Bee Colony	Subsection 19.503.1.D	III
<del>Multifamily Recycling Area</del>	<del>Subsection 19.504.8</del>	<del>I</del>
Mixed Use Overlay Review	Section 19.404	III
Modification to Existing Approval	Section 19.909	I, II, III
Natural Resource Review	Section 19.402	I, II, III, IV
Nonconforming Use Alteration	Chapter 19.804	III
Parking:	Chapter 19.600	
Quantity Determination	Subsection 19.605.2	II
Quantity Modification	Subsection 19.605.2	II
Shared Parking	Subsection 19.605.4	I
Structured Parking	Section 19.611	II, III
Planned Development	Section 19.311 <del>347</del>	IV
Residential Dwellings:	Section 19.910	
Accessory Dwelling Unit ( <del>Type 1</del> )	Subsection 19.910.1	<del>I, II</del>
Duplex-Accessory Dwelling Unit ( <del>Type 2</del> )	Subsection 19.910.2	<del>II-III</del>
Manufactured Dwelling Park	Subsection 19.910.3	III
Temporary Dwelling Unit	Subsection 19.910.4	I, III
Sign Review	Title 14	Varies
Transportation Facilities Review	Chapter 19.700	II
Variances:	Section 19.911	
Use Exception	Subsection 19.911.5	III
Variance	Subsection 19.911.1-4	II, III
Willamette Greenway Review	Section 19.401	III

<sup>1</sup> Level of review determined by City Attorney per Section 19.902.4.A.

<sup>2</sup> Level of review determined by City Attorney per Section 19.902.6.A.1.

**19.904 COMMUNITY SERVICE USES**

**19.904.4 Approval Criteria**

A. An application for a community service use may be allowed if the following criteria are met:

- A4. The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone are met;
- B2. Specific standards for the proposed uses as found in Subsections 19.904.7-11 are met;
- C3. The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses;
- D4. The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood; and
- E5. The location is appropriate for the type of use proposed.

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**19.905 CONDITIONAL USES**

**19.905.9 Standards Governing Conditional Uses**

A conditional use shall comply with the standards of the base zone, and any overlay zones or special areas, in which it is located, except as these standards have been modified by the Planning Commission when authorizing the conditional use and as otherwise modified by the standards in this subsection.

~~F. Single Family Attached Dwellings~~

~~In considering a conditional use application for single family attached dwellings, the Planning Commission shall consider the following:~~

- ~~1. Whether a structure of a similar type is within 200 ft.~~
- ~~2. Relationship to neighboring uses.~~
- ~~3. Street access.~~
- ~~4. Terrain of the site.~~

~~FG. Multifamily Condominium and Apartment Dwellings~~

~~In considering a conditional use application for multifamily condominium and apartment dwellings, the Planning Commission shall consider the following:~~

- 1. Relationship to neighboring uses.
- 2. Street access.
- 3. Terrain of the site.

GH. Senior and Retirement Housing

In considering a conditional use application for senior and retirement housing, the Planning Commission shall consider the following:

- 1. Pedestrian access to transit.
- 2. Pedestrian access to convenience facilities such as grocery store, pharmacy, laundromat, park and open space, and senior activity center.

3. Pedestrian access to banking, churches, hospitals, and restaurants.
4. Quality of project as a living environment for residents.
5. Minimizing impact on the surrounding area.

~~The Planning Commission may recommend to the City Council an increase in density to as much as that permitted by the next higher zone. The City Council shall make the final decision on density increase.~~

An applicant shall submit materials and the Planning Commission shall attach conditions that will ensure that the special nature of the housing, and the groups to be served, are clearly defined and maintained in perpetuity. A project is required to meet the definition for this type of housing in Section 19.201.

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## **19.907 DOWNTOWN DESIGN REVIEW**

### **19.907.2 Applicability**

All new construction and changes to buildings and/or properties in the downtown zones involving exterior maintenance and repair, minor exterior alterations, and major exterior alterations as defined in Subsection 19.304340.6.B are subject to design review in accordance with the procedures as outlined below under Subsection 19.907.5.

### **19.907.3 Design Guidelines**

Design guidelines shall be established for the downtown zones and shall be considered as part of design review applications in accordance with the provisions of Section 19.304340.

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### **19.907.5 Application Procedure**

Applications for design review shall be processed in accordance with Chapter 19.1000, Type I, Type II, and Type III procedures as indicated in this section, as follows:

#### **A. Exterior Maintenance and Repair**

Exterior maintenance and repair, as defined in Subsection 19.304340.6.B.1, shall be processed as a Type I review in accordance with the procedures in Section 19.1004. Exterior painting, repair, and refurbishing of existing building materials that does not require a building permit shall be exempt from Type I review.

#### **B. Minor Exterior Alterations**

Minor exterior alterations, as defined in Subsection 19.304340.6.B.2, shall be processed as a Type I review in accordance with the procedures in Section 19.1004. The Planning Director may change a Type I review to a Type II review upon finding the following:

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#### **C. Major Exterior Alterations**

~~A m~~Major exterior alterations, as defined in Subsection 19.304340.6.B.3, shall be evaluated through a Type III review in accordance with the procedures in Section 19.1006. Applications for major exterior alterations shall be reviewed at a public hearing and decided by the Planning Commission, except as follows:

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D. Residential

1. “Stand-Alone” Residential Buildings

“Stand-alone” residential buildings that do not include nonresidential uses are exempt from design review, but shall be subject to the clear and objective design standards under Subsection 19.304340.6. Applicants may elect to process a stand-alone residential building design review.

2. Mixed Use Buildings

The residential portion of mixed use buildings shall be subject to the clear and objective standards under Subsection 19.304340.6. The nonresidential portion of the building is subject to design review as provided in this section. Applicants may elect to process the entire mixed use building through design review.

Any change in use of the residential portion of a mixed use building that elected only to apply clear and objective standards, and where exterior changes to the building are proposed shall require approval by the Planning Commission.

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**19.907.9 Variances to Development Standards**

The Planning Commission may authorize variances to the development standards under Subsection 19.304340.4 in accordance with procedures of Section 19.911.

**19.907.10 Modification of Design Standards**

The Planning Commission may authorize modification of the design standards under Subsection 19.304340.6.C, in accordance with the following procedures.

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**19.907.11 Consideration of Prohibited Material or Design Features**

The Planning Commission may authorize the use of prohibited materials or design features specified in Subsection 19.304340.6.C subject to the following criteria:

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**19.910 RESIDENTIAL DWELLINGS**

This section contains applications for types of residential dwellings that require land use approval.

**19.910.1 Accessory Dwelling Units (Type 1)**

~~Type 1 accessory dwelling unit is a permitted accessory use in all residential zones that allow single-family detached structures subject to the following:~~

~~A. Purpose~~

~~To provide the means for reasonable accommodation of accessory dwelling units, providing affordable and decent housing while providing homeowners with alternative financial resources, thereby encouraging maintenance of existing housing stock. It is the intent of this subsection that development of accessory dwelling units not diminish the single-family character of a neighborhood and that any single-family residence containing an accessory dwelling maintain the appearance of a single-family dwelling as viewed from the street. Any conversion or alteration of a single-family structure that requires exterior additions or modifications must be designed so that the outward appearance of the structure is~~

## Proposed Code and Comp. Plan Amendments

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~~consistent with general design characteristics of single-family structures and is consistent with the architectural treatment of the existing structure.~~

### ~~B. Approval Required~~

~~Type 1 accessory dwelling units are subject to Section 19.1005 Type II Review. Applications shall be made on forms provided by the Planning Department and shall be accompanied by the following information:~~

~~1. Completed application forms.~~

~~2. Site plan showing the following:~~

~~a. Lot lines and location and dimensions of existing and proposed structures with yard dimensions.~~

~~b. Location and dimension of existing and proposed parking.~~

~~c. Location of structures on adjoining lots.~~

~~3. Dimensioned architectural drawings showing existing and proposed floor plans and elevations. Elevations are to identify existing and proposed details such as siding material, window and door design, roof style and height, and otherwise as necessary to demonstrate compliance with the requirements of this regulation. Floor plans are to identify existing and proposed layout with all spaces identified.~~

~~C. The applicant must demonstrate the proposed modifications comply with applicable building and fire safety codes.~~

~~D. Notwithstanding the maximum allowable net floor area of 600 sq ft, the accessory dwelling unit shall not exceed 40% of the gross floor area of the primary structure.~~

~~E. Construction of an accessory dwelling unit is subject to Milwaukie Municipal Code Chapter 13.28 Capital Improvements.~~

### ~~F. Ownership and Tenancy~~

~~Either the primary residence or the accessory unit must be occupied by the property owner. Proof of owner occupancy shall be made annually in accordance with a procedure and submittal requirements established by the Planning Director. Ownership of the accessory units shall not be subdivided or otherwise separated from ownership of the primary residence.~~

### ~~G. Business License Required~~

~~A Milwaukie business license is required for operation of rental property, pursuant to Milwaukie Municipal Code Chapter 5.08.~~

### ~~H. Use, Alteration, or Conversion of Structure~~

~~Type 1 accessory dwelling units may be located in a single-family residential structure provided the following criteria are met:~~

~~1. All exterior modifications shall be consistent with general design characteristics of single-family residential design. In reviewing applications for exterior modifications for consistency of architectural treatment with existing design, consideration shall be given to design elements such as, but not limited to, placement of doors and windows, finish materials, location of parking, lighting, and the like.~~

- ~~2. For fronting lots, only 1 entrance to the residential structure shall face the street. Exterior access to the accessory unit shall be located in side or rear yards or by means of the existing main entrance.~~
- ~~3. No portion of a building that encroaches within a required yard setback may be converted to or used as an accessory dwelling unit.~~
- ~~4. Exterior lighting for accessory unit doorways shall not encroach beyond the property line of the lot on which it is located.~~
- ~~5. No fire escape or exterior stair for access to an upper level may be located on the front of the building.~~
- ~~6. No more than 1 accessory dwelling unit per lot is permitted.~~

~~I. Required Parking~~

~~Off-street parking shall be provided in accordance with Chapter 19.600. If new parking must be constructed to meet minimum required parking, it shall be located contiguous to existing parking.~~

A. Purpose

To provide the means for reasonable accommodation of accessory dwelling units, providing affordable housing, opportunity to house relatives, and a means for additional income for property owners, thereby encouraging maintenance of existing housing stock. It is the intent of this subsection that development of accessory dwelling units not diminish the single-family character of a neighborhood.

B. Applicability

The procedures and standards of this chapter apply to the establishment of any accessory dwelling unit.

C. Procedures

An application to establish an accessory dwelling unit shall be evaluated through a Type I review, per Section 19.1004, or a Type II review, per Section 19.1005, as per the standards of Table 19.910.1.E.4.B.

D. Approval Standards and Criteria

1. An application for an accessory dwelling unit reviewed through a Type I review shall be approved if the following standards are met.
  - a. An accessory dwelling unit is an allowed use in the base zones, and any applicable overlay zones or special areas, where the accessory dwelling unit would be located.
  - b. The primary use of property for the proposed accessory dwelling unit is a single-family detached dwelling.
  - c. One accessory dwelling unit per lot is allowed.
  - d. The development standards of Subsection 19.910.1.E are met.
  - e. The proposal complies with all other applicable standards of this title.
2. An application for an accessory dwelling unit reviewed through a Type II review shall be approved if the following criteria are met.
  - a. The standards in Subsection 19.910.1.D.1 are met.

- b. The accessory dwelling unit is not incompatible with the existing development on the site, and on adjacent lots, in terms of architectural style, materials, and colors.
- c. The massing of the accessory dwelling unit and its placement on the site maximizes privacy for, and minimizes impacts to, adjacent properties.
- d. There will be an appropriate level of screening for nearby yards and dwellings, provided by the design of the accessory dwelling unit and existing and proposed vegetation and other screening.

**E. Standards**

**1. Creation**

An accessory dwelling unit may be created by conversion of an existing structure, addition to an existing structure, or construction of a new structure. It is permissible to combine both an addition to an existing structure and conversion of space in the structure for the creation of an accessory dwelling unit.

**2. Coordination of Standards**

The more restrictive provisions shall be applicable in the event of a conflict between standards in Subsection 19.910.1.E and other portions of this title, except where specifically noted.

**3. Standards for Attached Accessory Dwelling Units**

The standards listed below apply to accessory dwelling units that are part of the primary structure on the property. An attached accessory dwelling unit shall be reviewed by a Type I review per Subsection 19.1004.

**a. Maximum Allowed Floor Area**

The floor area of an attached accessory dwelling unit is limited to 800 sq ft or 75% of the floor area of the primary structure, whichever is less. The measurements are based on the floor areas of the primary and accessory dwelling units after completion of the accessory dwelling unit.

**b. Design Standards**

- (1) The façade of the structure that faces the front lot line shall have only 1 entrance. A secondary entrance for the accessory dwelling unit is allowed on any other façade of the structure.
- (2) Stairs, decks, landings, or other unenclosed portions of the structure leading to the entrance of the accessory dwelling unit are not allowed on the façade of the structure that faces the front lot line.
- (3) Proposals for attached accessory dwelling units that would increase floor area through new construction are subject to the following design standards.
  - (a) The exterior finish on the addition shall match the exterior finish material of the primary dwelling unit in type, size, and placement.
  - (b) Trim must be the same in type, size, and location as the trim used on the primary dwelling unit.
  - (c) Windows on street-facing facades must match those in the primary dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).

(d) Eaves must project from the building walls at the same proportion as the eaves on the primary dwelling unit.

**4. Standards for Detached Accessory Dwelling Units**

The standards in Subsection 19.901.1.E.4 apply to accessory dwelling units that are separate from the primary structure on the property. The design standards for detached accessory dwelling units require a minimum level of design. These standards are intended to promote attention to detail, while affording flexibility to use a variety of architectural styles.

**a. Maximum Allowed Floor Area**

The floor area of the accessory dwelling unit is limited to 800 sq ft or 75% of the floor area of the primary structure, whichever is less.

**b. Footprint, Height, and Required Yards**

The maximum structure footprint, height, and yard regulations for a detached accessory dwelling unit are listed in Table 19.910.1.E.4.b. Structures that exceed any of the maximums associated with a Type I review require Type II review. Structure are not allowed to exceed any of the maximums associated with a Type II review without approval of a variance per Section 19.911.

<b>Table 19.910.1.E.4.b</b>		
<b>Footprint, Height, and Required Yards for Detached Accessory Dwelling Units</b>		
<b>Level of Review</b>	<b>Type I</b>	<b>Type II</b>
<b>Maximum Structure Footprint</b>	600 sq ft	800 sq ft
<b>Maximum Structure Height</b>	15', limited to 1 story	25', limited to 2 stories
<b>Required Side and Rear Yard</b>	Base zone requirement for side and rear yard	5'
<b>Required Front Yard</b>	10' behind front yard as defined in Section 19.201, unless located at least 40' from the front lot line.	
<b>Required Street Side Yard</b>	Base zone requirement for street side yard	

**c. Design Standards**

(1) A detached accessory structure shall include at least 2 of the design details listed below. An architectural feature may be used to comply with more than 1 standard.

(a) Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.

(b) Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.

(c) Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.

(d) Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). Only wood, HardiePlank, or other similar lap siding material will

be credited as a design detail. Vinyl siding with the appearance of lap siding is not prohibited, but it shall not be credited as a design detail.

(e) Window trim around all windows at least 3 in wide and 5/8 in deep.

(2) An applicant may request a variance to the design standards in Subsection 19.901.1.E.4.c(1) through a Type II review, pursuant to Subsection 19.911.3.B.

(3) An accessory dwelling unit structure with a floor-to-ceiling height of 9 ft or more is required to have a roof pitch of at least 4/12.

(4) A yurt may be used as a detached accessory dwelling unit and is exempt from the design standards of Subsection 19.901.1.E.4.c.(1). To be used as a detached accessory dwelling unit, a yurt must be approved as a dwelling by the Building Official, and must meet all other applicable development standards.

d. Privacy Standards

(1) Privacy standards are required for detached accessory dwelling units processed through a Type I review. A detached accessory dwelling unit permitted through a Type II review may be required to include privacy elements to meet the Type II review approval criteria.

Privacy standards are required on or along wall(s) of a detached accessory dwelling unit, or portions thereof, that meet all of the following conditions.

(a) The wall is within 20 ft of a side or rear lot line.

(b) The wall is at an angle of 45 degrees or less to the lot line.

(c) The wall faces an adjacent residential property.

(2) A detached accessory dwelling unit meets the privacy standard if either of the following standards is met.

(a) All windows on a wall shall be placed in the upper third of the distance between a floor and ceiling

(b) Visual screening is in place along the portion of a property line next to the wall of the accessory dwelling unit, plus an additional 10 lineal ft beyond the corner of the wall. The screening shall be opaque; shall be at least 6 ft high; and may consist of a fence, wall, or evergreen shrubs. Newly planted shrubs shall be no less than 5 ft above grade at time of planting, and they shall reach 6 ft. high within 1 year. Existing features on the site can be used to comply with this standard.

e. Conversion of Existing Structure

Creation of a detached accessory dwelling unit through conversion of an accessory structure established on or after October \_\_, 2012, the effective date of Ordinance # \_\_\_\_, is required to meet all applicable standards for a new detached accessory dwelling unit.

Creation of a detached accessory dwelling unit through the conversion of an existing accessory structure that was legally established prior to October \_\_, 2012, the effective date of Ordinance # \_\_\_\_, is allowed. The conversion must meet all standards that apply to creation of a new detached accessory dwelling, except for

the design standards in Subsection 19.910.1.E.4.c. However, the conversion shall not bring the accessory structure out of conformance, or further out of conformance if already nonconforming, with any design standards in that subsection.

F. Additional Provisions

1. Either the primary or accessory dwelling unit shall be occupied by the owner of the property. At the time an accessory dwelling unit is established, the owner shall record a deed restriction on the property with the Clackamas County Recording Division that 1 of the dwellings on the lot shall be occupied by the property owner. A copy of the recorded deed restriction shall be provided to the Milwaukie Planning Department.

The Planning Director may require verification of compliance with this standard. Upon the request of the Planning Director, the property owner shall provide evidence, such as voter registration information or account information for utility services, to demonstrate residence in 1 the dwelling units.

2. Accessory dwelling units are not counted in the calculation of minimum or maximum density requirements listed in this title.
3. Additional home occupations are allowed for a property with an accessory dwelling unit.

**19.910.2 Accessory Dwelling Units (Type 2)**

~~Type 2 accessory dwelling units are only allowed in the base zones where they are listed as conditional uses. Where allowed, they are subject to conditional use review and approval per Section 19.905. A Type 2 accessory dwelling unit may be allowed in conjunction with a detached single-family dwelling by conversion of existing space, or by means of an addition.~~

~~A. Requirements for Conversion of Existing Space or Addition~~

- ~~1. The unit is in conformance with the site development requirements of the underlying zone;~~
- ~~2. Off-street parking shall be provided in accordance with Chapter 19.600;~~
- ~~3. Garage or carport space may not be converted to an accessory dwelling unit, unless parking standards can be met after the completion of the unit;~~
- ~~4. Public facilities must be adequate to serve both dwelling units, as determined by the Public Works Department;~~
- ~~5. One unit shall be occupied by the property owner;~~
- ~~6. The Planning Commission may impose conditions regarding modification of building height, landscaping, buffering and orientation of the accessory unit to protect privacy of the neighbors, and any other conditions deemed necessary to ensure compliance with the requirements of this subsection, except that no condition may be imposed that prohibits rental occupancy, separate access, and full kitchens in any accessory unit;~~
- ~~7. Conditions of approval shall be part of the deed restrictions;~~
- ~~8. No more than 1 additional unit is allowed.~~

~~B. Requirements for Conversion of Existing Space~~

- ~~1. Cannot exceed 50% of the existing structure;~~
- ~~2. Each unit shall be a minimum of 250 sq ft;~~

- ~~3. No fire escape or exterior stair for access to an upper level may be located on the front of a building.~~

~~C. Requirements for Addition~~

- ~~1. Does not exceed 1 bedroom;~~
- ~~2. The maximum area is 800 sq ft.~~

**19.910.2 Duplexes**

A. Purpose

This subsection is intended to allow duplexes in order to increase available housing in the city while maintaining the coherence of single-family residential neighborhoods.

B. Applicability

The regulations of Subsection 19.910.2 apply to proposals to construct a new duplex or to convert, or add on to, an existing structure to create a duplex. They also apply to additions and modifications to existing duplexes.

C. Review Process

1. The following review process is required for proposals to establish a duplex, either by construction of a new structure or conversion of, or addition to, an existing structure.
  - a. In Residential Zones R-5, R-3, R-2.5 R-2, R-1, R-1-B, and R-O-C, a duplex is allowed outright, subject to the lot size requirements for the zone. The review of applicable development and design standards occurs during the review of a development permit. The approval criteria in Subsection 19.910.2.D are not applicable.
  - b. A duplex in Residential Zone R-10 or R-7 is allowed outright, subject to the lot size requirements for the zone, in either of the following situations. The review of applicable development and design standards occurs during the review of a development permit. The approval criteria in Subsection 19.910.2.D are not applicable.
    - (1) The property has frontage on a collector or arterial street, as identified by the Milwaukie Transportation System Plan.
    - (2) The property is a corner lot.
  - c. A duplex in Residential Zone R-10 or R-7 that is not eligible as an outright allowed use under Subsection 19.910.2.C.1.b is allowed through a Type II review per Section 19.1005.
  - d. A duplex in the Limited Commercial Zone C-L is allowed through a Type II review per Section 19.1005.
2. For additions or modifications to an existing duplex, the review of applicable development and design standards occurs during the review of a development permit. The approval criteria in Subsection 19.910.2.D are applicable.

D. Approval Criteria

1. A duplex in Residential Zone R-10 or R-7 that is not eligible as an outright allowed use, under Subsection 19.910.2.C.1.b, must meet the following criteria.

- a. The location of a duplex at the proposed site will not have a substantial impact on the existing pattern of single-family detached dwellings within the general vicinity of the site.
  - b. The design of the proposed duplex is generally consistent with the surrounding development.
  - c. The proposed duplex is designed as reasonably as possible to appear like a single-family detached dwelling.
2. A duplex in the Limited Commercial Zone C-L must meet the following criteria.
    - a. The proposed residential use will not be incompatible with existing and outright-allowed commercial uses in the Limited Commercial Zone.
    - b. The approval of a duplex will not significantly diminish the ability of the area zoned as Limited Commercial to provide goods and services to the surrounding neighborhoods.

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## 19.911 VARIANCES

### 19.911.3 Review Process

#### B. Type II Variances

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

1. A variance of up to 40% to a side yard width standard.
2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.
3. A variance of up to 10% to lot coverage or minimum vegetation standards.
4. A variance of up to 10% to lot width or depth standards.
5. A variance of up to 10% to a lot frontage standard.
6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with Subsection 19.901.1.E.4.c.(1) in cases where a unique and creative housing design merits flexibility from the requirements of that subsection.

## CHAPTER 19.1000 REVIEW PROCEDURES

### 19.1001 GENERAL PROVISIONS

#### 19.1001.6 Applications

#### C. Notice Requirements

##### 3. Continued Hearing Notice

If a hearing has been opened and is continued to a specific date and time, additional mailed notice and sign notice for the continuation is not required. If a date and time of

the continuation is not specified, notice for the continuation shall be provided as specified per Sections 19.1005-19.1008.

**4. Department of Land Conservation and Development Notice**

**a. Notice of Proposed Change**

Applications that involve amendments described by Section 19.902 may require notice of the proposed change to the Oregon Department of Land Conservation and Development (DLCD). The notice shall meet the submittal requirements specified in OAR 660-018-0020. The notice shall be submitted to DLCD at least 35 days prior to the first evidentiary hearing on the application, unless the proposed change is exempt or eligible for a shorter notice period per OAR 660-018-0022.

**b. Notice of Adopted Change**

Following a final decision on an application described by Section 19.902 that results in a change to an acknowledged comprehensive plan or a land use regulation, notice of the adopted change shall be provided to the Oregon Department of Land Conservation and Development (DLCD). The notice shall meet the submittal requirements specified in OAR 660-018-0040. The notice shall be submitted to DLCD within 20 days of making the decision. The notice of adopted change is required regardless of whether a notice of proposed change was required.

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**19.1003 APPLICATION SUBMITTAL AND COMPLETENESS REVIEW**

**19.1003.2 Application Submittal Requirements**

All application information must be sufficiently detailed and specific to the development being proposed to allow for adequate public review. The application submittal must include all of the items listed below for the City to accept the application and initiate completeness review. ~~If the application requires a public hearing, additional items may be required per Subsections 19.1001.6.C and D prior to the public hearing.~~

If the application requires sign notice, a sign posting and sign posting affidavit will be required per Subsection 19.1001.6.C.1. If the application requires a public hearing, additional items may be required per Subsections 19.1001.6.D prior to the public hearing.

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**19.1004 TYPE I REVIEW**

**19.1004.3 Type I Public Notice**

Public notice is not required for Type I applications. Application referral to other agencies may be required per Section 19.707 prior to issuing a Type I decision.

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**19.1005 TYPE II REVIEW**

**19.1005.3 Type II Public Notice**

B. Mailed Notice

The purpose of the public notice is to provide nearby property owners and other interested parties with an opportunity to review the application and submit written comments concerning the application prior to issuance of the Type II decision. The goal of this notice is to invite relevant parties of interest to participate in the process.

3. The City shall prepare an affidavit of mailing of notice for the file. The affidavit shall indicate the date that the public notice was mailed to the parties required by Subsection 19.1005.3.B.1.

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## 19.1006 TYPE III REVIEW

### 19.1006.3 Type III Public Notice

#### A. DLCD Notice

For Zoning Map amendments, the City shall provide notification to the Department of Land Conservation and Development, as described in Subsection 19.1001.6.C.4.a 45 days prior to the first public hearing on adoption.

#### D. Mailed Notice

The purpose of the public notice is to provide nearby property owners and other interested parties with an opportunity to review the application, submit written comments, and participate in the proceedings concerning the Type III decision. The goal of this notice is to invite relevant parties of interest to participate in the process.

1. At least 20 days prior to the first public hearing on the application, except for continuations as noted in Subsection 19.1001.6.C.3, public notice of the application shall be mailed to the parties listed below. Notice requirements specific to Zoning Map amendments are listed in Subsection 19.1006.3.D.3.

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#### E. ~~Sign~~ Notice ~~Sign~~

At least 14 days prior to the hearing, except for continuations as noted in Subsection 19.1001.6.C.3, notice of the application shall be posted on the subject property by the applicant and shall remain continuously posted until the hearing. Sign notice shall meet the requirements of Subsection 19.1001.6.C.1.b.

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### 19.1006.5 Type III Decision

- D. In addition to the requirements of Subsections 19.1006.5.A, B, and C, the following requirements apply to Zoning Map amendments evaluated through a Type III review process.

4. The City shall provide the required notice of adoption to the Department of Land Conservation and Development, as described in Subsection 19.1001.6.C.4.b.

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## 19.1007 TYPE IV REVIEW

### 19.1007.3 Type IV Public Notice

#### A. DLCD Notice

For Zoning Map or Comprehensive Plan map amendments, the City shall provide notification to the Department of Land Conservation and Development, as described in Subsection 19.1001.6.C.4.a at least 45 days prior to the first public hearing on adoption.

**D. Mailed Notice**

The purpose of the public notice is to provide nearby property owners and other interested parties with an opportunity to review the application, submit written comments, and participate in the proceedings concerning the Type IV decision. The goal of this notice is to invite relevant parties of interest to participate in the process.

1. At least 20 days prior to each a public hearing on the application, except for continuations as noted in Subsection 19.1001.6.C.3, public notice of the application shall be mailed to the parties listed below. Notice requirements specific to Zoning Map amendments are listed in Subsection 19.1007.3.D.3.

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**E. Sign Notice**

At least 14 days prior to each the hearing, except for continuations as noted in Subsection 19.1001.6.C.3, notice of the application shall be posted on the subject property by the applicant and shall remain continuously posted until the hearing. Sign notice shall meet the requirements of Subsection 19.1001.6.C.1.b.

**19.1007.5 Type IV Decision**

G. The City shall provide the required notice of adoption to the Department of Land Conservation and Development, as described in Subsection 19.1001.6.C.4.b.

H. The notice of decision shall include the following:

6. A statement that only persons who submitted comments or made an appearance of record at a public hearing on the application have standing to appeal the decision by filing a written appeal within the 45-day appeal period for the Land Use Board of Appeals.

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**19.1008 TYPE V REVIEW**

**19.1008.3 Type V Public Notice**

**A. General Public Notice**

The purpose of general public notice for Type V applications is to allow the public, organizations, and other governmental agencies a meaningful opportunity to review and comment on legislative proposals.

2. At least 30 days prior to a public hearing on a Type V application, except for continuations as noted in Subsection 19.1001.6.C.3, the City shall provide notice of the hearing. At a minimum, the notice shall be available on the City web site and at City facilities that are open to the public and that customarily display public information. At a minimum, the notice shall include:

**B. DLCD Notice**

Notice of a Type V application shall be mailed to the Department of Land Conservation and Development as described in Subsection 19.1001.6.C.4.a at least 45 days prior to the initial evidentiary hearing on adoption.

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**19.1008.5 Type V Recommendation and Decision**

- A. The following procedures apply to applications evaluated through a Type V review.
- A 4. The Planning Commission shall serve as the recommendation authority for Type V applications.
- B 2. The Planning Commission shall conduct an initial evidentiary hearing and provide a recommendation to the City Council within 180 days from the date that the application was deemed complete.
- C 3. The Planning Commission may recommend that the City Council approve or deny the application with or without changes. The Planning Commission shall provide a written justification for the recommendation.
- D 4. The City shall provide notice of the hearing before the City Council consistent with the public notice requirements in Subsection 19.1008.3.A.
- E 5. At the conclusion of the first public hearing before City Council, the City Council shall take one of the following actions:
- 1 a. Continue the matter to a date, time, and place certain.
  - 2 b. Remand the matter back to the recommendation authority for additional deliberation.
  - 3 c. Approve the proposal, with or without changes. City staff, with review from the City Attorney, shall prepare the ordinance with written findings that demonstrate how the proposal meets all applicable approval criteria.
  - 4 d. Deny the proposal. This action is appealable.
  - 5 e. Take no action on the proposal. This decision is not appealable.
- F 6. The City shall provide the required notice of adoption to the Department of Land Conservation and Development, as described in Subsection 19.1001.6.C.4.b.
- G 7. Within 7 days after the date of the approval or denial of the proposal on which one of the actions in Subsection 19.1008.5.E. 3 or 4 is taken, the City shall mail, or otherwise provide, notice to persons who testified orally or in writing to the recommendation or review authority while the public record was open regarding the proposal. The notice shall include the following information:
- 1 a. A brief summary of the decision.
  - 2 b. If adopted:
    - a.~~(1)~~ The date and number of the adopting ordinance.
    - b.~~(2)~~ Where and when the adopting ordinance and related findings may be reviewed.
  - 3 c. A summary of the requirements for appealing the decision to the Land Use Board of Appeals.

**19.1009 PUBLIC HEARINGS**

**19.1009.12 Decision**

- A. Following the close of the public portion of the hearing, the hearing body shall approve, conditionally approve, or deny the application. If the hearing is an appeal, the hearing body shall affirm, reverse, or remand the decision that is on appeal. Remanding the decision to a prior hearing body requires that there is adequate time, pursuant to Subsection 19.1001.7.C for the prior hearing body to issue a decision and for the City to issue a final decision if the decision resulting from the remand is appealed.
- 

**19.1010 APPEALS**

**19.1010.5 Specific Provisions for Appeal of a Type II Decision**

- B. At least 20 days prior to the appeal hearing, tThe City shall mail written notice of the appeal hearing to all parties who were entitled to Type II public notice per Subsection 19.1005.3.B.1, interested persons, and the appellant(s) at least 20 days prior to the appeal hearing.

**19.1010.6 Specific Provisions for Appeal of a Type III Decision**

- B. At least 20 days prior to the appeal hearing, tThe City shall mail written notice of the appeal hearing to all parties who were entitled to Type III public notice per Subsection 19.1006.3.D.1, interested persons, the appellant(s), Planning Commission, and Design and Landmarks Committee if they made a recommendation on the initial land use application at least 20 days prior to the appeal hearing.
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**19.1011 DESIGN REVIEW MEETINGS**

**19.1011.2 Design Review Meeting Notice Requirements**

- B. The mailed public notice shall meet the requirements of Subsections 19.1006.3.D.2 ~~and E.~~

**CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES**

**19.1102 ANNEXATIONS**

**19.1102.2 The Petition**

- C. An annexation petition shall include the completed petition form and the following information.

5. Census forms or demographic information about the area to be annexed.

**19.1102.3 Approval Criteria-**

The City Council shall approve or deny an annexation proposal based on findings and conclusions addressing the following criteria:

- F. The proposal must comply with the criteria of Section 19.902 for Zoning Map Amendments and Comprehensive Plan Map Amendments, if applicable.

## CHAPTER 19.1200 SOLAR ACCESS PROTECTION

### SECTIONS:

- 19.1201 Purpose
- 19.1202 Definitions
- 19.1203 Solar Access for New Development
- ~~19.1204 Solar Balance Point~~
- ~~19.1205 Solar Access Permit~~

### 19.1201 PURPOSE

#### 19.1201.1 The purpose of this chapter is:

- A. ~~To orient new lots and parcels to allow utilization provide solar access protection to new development in subdivisions, new and remodeled single-family homes, structures within single-family zoning districts, and homes which make beneficial use of solar energy;~~
- 

### 19.1203 SOLAR ACCESS FOR NEW DEVELOPMENT

#### 19.1203.2 Applicability

The solar design standards in Subsection 19.1203.3 shall apply to applications for a development to create lots in single-family zones ~~and for single-family detached dwellings in any zone~~, except to the extent the Director finds that the applicant has shown one or more of the conditions listed in Subsections 19.1203.4 and 5 exist, and exemptions or adjustments provided for therein are warranted.

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#### 19.1203.6 Protection from Future Shade

~~Structures and nonexempt vegetation must comply with Section 19.1204 on all lots in a development subject to Section 19.1203, including lots for which exemptions or adjustments to Section 19.1203 have been granted.~~

The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in Subsection 19.1203.6. The City shall be made a party of any covenant or restriction created to enforce any provision of this subsection. The covenant or restriction shall not be amended without written City approval.

#### 19.1203.8 Process for Approval

Requirements for meeting this section shall be processed simultaneously with other application requirements as provided by this title, ~~or in conjunction with building permit requests. The City's decision to grant or deny approval is intended to be ministerial.~~

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*Repeal Section 19.1204 Solar Balance Point.*

*Repeal Section 19.1205 Solar Access Permit.*

# "Clean" Amendments

## Comprehensive Plan

### CHAPTER 4 LAND USE

#### 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.

##### Planning Concept

The most basic concept underlying residential land use policy in Milwaukie is that the City is and will continue to be composed primarily of single family neighborhoods. Housing types resulting in higher densities are to be concentrated in order to support public transportation services and major commercial centers, have close proximity to major streets, and to lessen the impact of through traffic on single family areas. A range of housing types is encouraged in all areas of the City, as long as the character of existing neighborhoods is not dramatically altered by new development. The Land Use Plan for the City, Map 7, shows how residential areas of differing density will be distributed throughout the City.

Table 2 summarizes the amount of vacant buildable land within each residential land use category and the total number of new dwelling units which would result from full development of these vacant buildable lands. These figures do not include density bonuses which may be available in development of high quality, nor the total variety of housing types which may result from Planned Unit Developments or application of the residential density policies. Residential design policies have little or no effect on the number of new units calculated in Table 2. At the time of full development, some 2,827 potential new dwelling units, added to the approximately 8,377 existing dwelling units, will result in 11,204 total dwelling units. The Town Center is anticipated to accommodate 1,773 new units (approximately 63 percent of the new units) primarily through infill and redevelopment, while vacant land outside the Town Center is anticipated to accommodate 1,054 new units. Because nearly all of the remaining buildable vacant land in Milwaukie is designated as low and moderate density land, distribution of future housing types within Milwaukie will be primarily single family outside the Town Center, with high density housing occurring on redevelopable land in the Town Center. In addition to these estimates, Milwaukie has the capacity for an estimated 198 secondary dwelling units to be developed on existing and future single family lots.

Zone Abbr.	Gross Unconstrained Vacant Land (Gross Vacant Buildable Land—Outside Town Center)	Gross Unconstrained Vacant Land Minus Needed Schools, Park, Church, and Street (Net Vacant Buildable Land—Outside)	Min. Lot Area Per Unit	Max. Res. DU Per Net Acre	With Underbuild (DU Per Net Acre x .97)	DU Estimate (Outside Town Center)	Addnl. DU from Possible Infill (Outside Town Center)	DU Estimate from Vacant Redevelopable Land in the Town Center

## Proposed Code and Comp. Plan Amendments

		Town Centers)						
R-10	8.31	7.41	10,000	4.36	4.23	36	83	
R-7	19.53	17.95	7,000	6.22	6.04	113	550	
R-5	6.37	5.55	5,000	8.71	8.45	50	221	
R-3	0.12	0.12	3,750	11.62	11.27	1	0	
R-2.5	0.00	0.00	2,000	21.78	21.13	0	0	
R-2	0.00	0.00	2,000	21.78	21.13	0	0	
R-1	0.00	0.00	2,000	21.78	21.13	0	0	
R-1-B	0.00	0.00	2,000	21.78	21.13	0	0	
<b>Totals</b>	<b>34.33</b>	<b>31.03</b>				<b>200</b>	<b>854</b>	<b>1,773</b>

Table 2 methodology summary (detailed methodology in Technical Appendix C, City of Milwaukie Metro Functional Plan Compliance Report:

- Dwelling unit capacity was estimated on a parcel-by-parcel basis.
- *The City of Milwaukie 1998 Housing Inventory* was used to identify vacant residential land in the city.
- Environmentally constrained land, as defined by Metro, was subtracted from gross vacant land to arrive at gross vacant buildable land.
- Gross vacant buildable land was reduced by 5% to account for future needed schools, local and regional parks, and churches.
- A second gross-to-net reduction of 10% or 20% was made for right-of-way, depending on the size of the lot.
- The minimum lot size of each zone was used to determine the maximum dwelling units per acre.
- To account for underbuild, the capacity was reduced by 3% based on a study of actual built densities for housing in Milwaukie (see *Technical Appendix B, City of Milwaukie Metro Functional Plan Compliance Report*).
- To calculate dwelling unit estimate per vacant lot, the acreage of net vacant buildable land was multiplied by the maximum dwelling units per acre and the underbuild factor.
- Additional units were added to Milwaukie's housing capacity for dwelling units likely to be constructed through infill development. The rate of infill used in the above estimates is based on a local study of partitioning trends in the city.
- Estimates for new dwelling units on vacant and redevelopable land in the Town Center were added separately. See the *City of Milwaukie Town Center Master Plan* for the methodology used to estimate new dwelling units in the Town Center.

### 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 Outside of Transition Area (Zone DR) - 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.

A general definition of housing types are:

Single family detached - a house normally occupied by one family with no structural connection to adjacent units. The unit may be situated at a specified distance from lot lines, or with one wall on a side property line. Typical density is 4 to 6.2 units per acre.

Cottage cluster – a grouping of individual, detached single-family dwelling units. The units are smaller than a typical single-family dwelling, and are located on their own lot with a limited amount of private yard surrounding the structure. The dwellings are arranged around a central, common open space.

Duplex - two units within one dwelling structure, each normally occupied by one family, sharing common structural walls. For purposes of buildable land inventories and needed housing types related to state statutes and statewide planning goals, duplexes are considered as a form of single-family attached housing.

Rowhouse - an attached residential structure which retains private ownership of a portion of the land around it, generally in the form of a small front and/or rear yard. Rowhouses on interior lots may have a zero side yard setback.

Multifamily - a single structure containing 3 or more dwelling units on a lot. 2. Areas may be designated Low Density residential if any of the following criteria are met:

- a. The predominant housing type will be single family detached.
  - b. Low Density areas are residential areas which are developed at Low Density and little need for redevelopment exists.
  - c. Within Low Density areas, transportation routes are limited primarily to collectors and local streets.
  - d. Low Density areas may include sites where sensitivity to the natural environment or natural hazards necessitate a reduced density.
3. Areas may be designated Moderate Density Residential based on the following policies:
- a. The predominant housing types will be single family detached on moderate to small lots, and duplex units.
  - b. Moderate Density areas are residential areas which are currently developed at Moderate Density and little need for redevelopment exists.
  - c. Within Moderate Density areas, convenient walking distance to a transit stop or close proximity to major trip generators shall be considered.
4. Areas may be designated Medium Density residential based on the following policies:
- a. The predominant housing types will be duplexes.
  - b. Medium Density areas are residential areas with access primarily to major or minor arterials. Siting should not result in increased traffic through Low Density Residential areas.
  - c. Medium Density areas are to be located near or adjacent to commercial areas, employment concentrations or transit stops.
  - d. Medium Density areas may include areas of deteriorating dwellings or structures in neighborhoods in order to stimulate private investment, infilling and redevelopment, provided one or more of the preceding policies apply.
5. Areas may be designated High Density Residential based on the following policies:

- a. The predominant housing types will be multifamily units.
  - b. High Density Residential areas shall be located either adjacent to or within close proximity to the downtown or district shopping centers, employment concentrations and/or major transit centers or transfer areas.
  - c. Access to High Density areas should be primarily by major or minor arterials.
6. High Density in Mixed Use Areas will be based on the following policies:
- a. Within the Mixed Use Area designated on Map 7, a range of different uses including residential, commercial and office are allowed and encouraged. It is expected that redevelopment will be required to implement these policies, and that single structures containing different uses will be the predominant building type.
  - b. Commercial uses will be allowed at the ground floor level, and will be located relative to the downtown area so that pedestrian access between areas is convenient and continuous.
  - c. Office uses will be allowed at the ground and first floor levels.
  - d. High Density residential uses will be allowed on all levels. At least fifty (50) percent of the floor area within a project must be used for residential purposes.
  - e. Within the Mixed Use Area, a residential density bonus of fifteen (15) percent over the allowable density may be granted in exchange for exceptional design quality or special project amenities.
  - f. All parking must be contained within a project.
7. Town Center Areas will be designated based on the following policies:
- a. 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.
  - c. The Downtown and Riverfront Land Use Framework Plan and specific implementing zones shall replace the Mixed Use Zone for Subarea 1 of the Town Center Master Plan. Specific ratios of retail and office to residential shall be specified by the interim Mixed Use Zone.
  - d. 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.
  - e. 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.
  - f. 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.

- g. Residential densities in the Downtown 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.

**OBJECTIVE #3 — RESIDENTIAL LAND USE: DESIGN**

To encourage a desirable living environment by allowing flexibility in design, minimizing the impact of new construction on existing development, and assuring that natural open spaces and developed recreational areas are provided whenever feasible.

Planning Concepts

Residential design policies are intended to ensure a high quality of environmental design, a flexible design approach, and a smooth integration of new development into existing neighborhoods. Density bonuses and transfers will be encouraged so that full development potential on individual parcels may be realized. Transition policies will be applied to reduce any negative impacts of development on adjacent uses. The transition policies will have little or no effect on the number of new units calculated in Table 2.

Policies

1. New multifamily development projects will take measures to reduce potentially negative impacts on existing, adjacent single-family development and adjacent lower-density zones. Such measures may include reduced maximum heights, increased setbacks for large facades, building size limitations, and other design features to maintain privacy of nearby properties.
2. In all Planned Unit Developments, a density bonus up to 20% over the allowable density may be granted in exchange for exceptional design quality or special project amenities.
3. All Planned Unit Developments will have at least one third of the gross area devoted to open space and/or outdoor recreational areas. At least half of the required open space and/or recreational areas will be of the same general character as the area containing dwelling units. Open space and/or recreational areas do not include public or private streets.
4. All projects in Medium Density and High Density areas will have area devoted to open space and/or outdoor recreational areas. At least half of the open space and/or recreational areas will be of the same general character as the area containing dwelling units. Open space and/or recreational areas do not include public or private streets and parking areas, but may include private yards.
5. In all cases, existing tree coverage will be preserved whenever possible, and areas of trees and shrubs will remain connected particularly along natural drainage courses.
6. Specified trees will be protected during construction, in accordance with conditions attached to building permits.
7. Sites within open space, natural hazard or natural resource areas will be protected according to specifications in the Natural Hazard and Natural Resources Elements.

**OBJECTIVE #4 — NEIGHBORHOOD CONSERVATION**

To maximize the opportunities to preserve, enhance and reinforce the identity and pride of existing well-defined neighborhoods in order to encourage the long-term maintenance of the City's housing stock.

### Planning Concept

Milwaukie is predominantly a built-up city. It contains several districts, however, where neighborhood character, available buildable areas, and existing lotting patterns suggest different approaches to new residential development are appropriate. Within High Density areas reconstruction of older neighborhoods is encouraged; within Moderate and Medium Density areas infilling consistent with local scale is emphasized, and in Low Density areas conservation of single family character will be maintained.

### Policies

1. Within High Density areas, clearance and new construction will be allowed, as will construction on currently vacant lands. Identified historic resources will be protected as outlined in the Historic Resources Chapter. The predominant housing type will be multifamily.
2. Within Moderate and Medium Density areas, the rehabilitation of older housing is encouraged in lieu of large area clearance and new construction. When projects involve destruction of older housing, it must be shown that rehabilitation is not justified because of structural, health or other important considerations.
3. Within Moderate and Medium Density areas, residential infill which maintains existing building heights, setbacks, yard areas and building mass will be encouraged. Of particular importance is the maintenance of existing residential scale when viewed from the street. The predominant type of new housing in Moderate Density areas will be single family detached on moderate to small lots and duplexes . The predominant type of new housing in Medium Density areas will be duplex units. Multifamily housing may be allowed in Medium Density areas.
4. Within Low Density areas, the rehabilitation of older housing is encouraged in lieu of large area clearance and new construction. The predominant type of new housing in Low Density areas will be single family detached. Duplex units will be allowed based on location criteria in the Zoning Ordinance.
5. Within Low Density areas, new projects will maintain a single family building bulk, scale and height when abutting existing single family areas, or when abutting a street where existing single family houses face the project.

### **OBJECTIVE #5 — HOUSING CHOICE**

To continue to encourage an adequate and diverse range of housing types and the optimum utilization of housing resources to meet the housing needs of all segments of the population.

### Planning Concept

While the predominant housing type is expected to continue to be single family detached, the City will encourage a wide range of housing types and densities in appropriate locations within individual neighborhood areas including duplexes , rowhouses, cottage clusters, accessory dwelling units, multifamily, manufactured housing, and mobile home parks.

The City of Milwaukie will not immediately zone all high density or Town Center land for maximum development. Some areas involved are already predominantly developed at a lower density, leaving only pockets of vacant land currently suitable for immediate density increases. The rezoning will occur over time, and will be consistent with the Town Center Master Plan based on applications which can demonstrate consistency with plan policies, as set forth in the City's Comprehensive Plan and, with public facility plans and standards, adequate to support

maximum development. This process will ensure that development will occur with a timely, orderly, and efficient provision of public facilities and services as required by State Goal 11.

Policies

1. The City will encourage the development of infill housing that uses innovative development techniques for the purpose of reducing housing costs as well as creating an attractive living environment. Such techniques may include the reduction of lot size standards in established neighborhoods; allowing duplex housing units in appropriate areas; and encouraging the construction of small housing units. A design review process shall be used within the Mixed Use Overlay Zone to assure that infill development is suitable in a given location.
2. The City will encourage the development of larger subdivisions and PUDs that use innovative development techniques for the purpose of reducing housing costs as well as creating an attractive living environment. Such techniques to reduce costs may include providing a variety of housing size, type, and amenities. The City may provide density bonuses, additional building height allowances, or other such incentives for the provision of affordable housing in residential development projects. Overall project density may not exceed the allowable density plus ten (10) percent, which may be added to the Planned Unit Development bonus.
3. Manufactured housing is encouraged and allowed wherever single-family housing is permitted in the City as long as density standards and other applicable policies are met. The City will encourage the provision of housing at types and densities indicated in the City's housing needs assessments summarized on Table 2.
4. Mobile home parks will be allowed in Low, Moderate, and Medium Density areas in zones allowing development at 6-12 units per acre, and will be subject to park design and appearance standards and review in a public hearing.
5. Although not all higher density and Town Center lands will immediately be zoned for maximum permissible densities, the rezoning of these lands will be approved when it can be demonstrated that adequate public facilities exist or can be provided in accordance with City plans and standards to support increased development.

## Municipal Code Title 14 Signs

### CHAPTER 14.16 SIGN DISTRICTS

#### 14.16.010 RESIDENTIAL ZONE

No sign shall be installed or maintained in an R Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.010.

<b>Table 14.16.010 Standards for Signs in Residential Zones</b>				
Sign Type	Area	Height	Number	Illumination <sup>1</sup>
Signs at entrances to subdivisions or manufactured home parks	Max. 2 SF per dwelling unit to max. 32 SF per sign; max. 16 SF per display surface; total sign area for all display surfaces of no more than 64 SF.	Max. 6 ft. above grade.	1 per entrance.	External illumination only
Freestanding signs on multifamily properties	Limited to 2 SF per dwelling unit to a max. area of 32 SF, 16 SF per display surface.	Max. 6 ft. above grade.	1 per street frontage. <sup>2</sup>	External illumination only
Wall signs on multifamily properties	Limited to 2 SF per dwelling unit to a max. of 32 SF.	No wall sign shall extend above the roofline at the wall, or the top of a parapet wall, whichever is higher.	1 per street frontage permitted. <sup>2</sup>	External illumination only
Awning signs on multifamily properties	Max. display surface is 25% of awning area, up to max. of 32 SF.	May not extend higher than the point where the roofline intersects the exterior wall.	1 per street frontage. <sup>3</sup>	
Hanging sign suspended beneath awning	Max. area limited to 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground to the lowest portion of awning or sign.	1 per street frontage. <sup>3</sup>	External illumination only

<sup>1</sup> Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. See Section 14.24.020.

<sup>2</sup> Either 1 freestanding or 1 wall sign per street frontage is permitted.

<sup>3</sup> Either 1 sign on an awning or 1 sign hanging beneath an awning is allowed.

#### 14.16.020 RESIDENTIAL-OFFICE-COMMERCIAL ZONE

No sign shall be installed or maintained in an R-O-C or R-1-B Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.020.

Table 14.16.020 Standards for Signs in Residential-Office-Commercial Zones R-O-C or R-1-B				
Sign Type	Area	Height	Number	Illumination <sup>1</sup>
Signs at entrances to subdivisions	Max. 2 SF per dwelling unit to max. 32 SF per sign; 16 SF per display surface; total sign area for all display surfaces may not exceed 64 SF.	Max. 6 ft. above grade.	1 per entrance.	External only
Freestanding signs on multifamily properties	Max. 2 SF per dwelling unit to max. 32 SF per sign; 16 SF per display surface.	Max. 6 ft. above grade.	1 per street frontage.	External only
Wall signs on multifamily properties	Limited to 2 SF per dwelling unit to a max. 32 SF.	Cannot extend above roofline at wall or top of parapet wall, whichever is higher.	1 per street frontage.	External only
Awning signs on multifamily properties	Max. display surface is 25% of awning area, up to a max. of 32 SF.		1 per street frontage.	External only
Freestanding signs on commercial property	Max. 32 SF per display surface; total sign area for all display surfaces may not exceed 64 SF.	Max. 12 ft.	1 permitted. <sup>2</sup>	External only
Wall signs on commercial property	Max. 10% of building face related to commercial use.	Cannot extend above roofline at wall or top of parapet wall, whichever is higher.	1 permitted. <sup>3</sup>	External only
Awning signs related to a commercial use	Max. display surface is 25% of surface of awning not to exceed 10% of the building face related to commercial use.	May not extend higher than the point where the roofline intersects the exterior wall.	1 per frontage.	External only
Hanging sign suspended beneath awning	Max. 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground level to lowest portion of awning or suspended sign.	1 per street frontage. <sup>4</sup>	External only

## Proposed Code and Comp. Plan Amendments

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Daily display sign <sup>5</sup>	Max. 8 SF per display surface; total sign area may not exceed 16 SF.	Max. 6 ft. above ground level.	1 per property or occupancy.	External only
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<sup>1</sup> Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. See Section 14.24.020.

<sup>2</sup> 1 freestanding sign is permitted in addition to 1 wall sign.

<sup>3</sup> 1 wall sign is permitted in addition to 1 freestanding sign or 2 wall signs permitted.

<sup>4</sup> For awnings related to residential use, either 1 sign on an awning or 1 sign hanging beneath an awning is allowed.

<sup>5</sup> Location. A daily display sign shall not be located within required landscaped areas, and is only allowed within the public right-of-way subject to the standards of Section 14.20.040.

## **Municipal Code Title 17 Land Division**

### **CHAPTER 17.16 APPLICATION REQUIREMENTS AND PROCEDURES**

#### **17.16.080 COTTAGE CLUSTER DEVELOPMENT**

An application for subdivision preliminary plat or replat to create a cottage cluster housing development shall include narrative and plans with sufficient detail to demonstrate compliance with the standards of Subsection 19.505.4.

### **CHAPTER 17.28 DESIGN STANDARDS**

#### **17.28.040 GENERAL LOT DESIGN**

This section does not apply to units of land that are created for purposes other than land development including parks, natural areas, right-of-way dedications, or reservations of a similar nature. Lots and tracts created for cottage cluster housing development, per Subsection 19.505.4, are also exempt from the requirements of this section.

A. Size and Shape

Lot size, width, shape, and orientation shall be appropriate for the location and the type of use contemplated. Minimum lot standards shall conform to Title 19.

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#### **17.28.060 FLAG LOT DESIGN STANDARDS**

A. Consistency with the Zoning Ordinance

Flag lot design shall be consistent with Subsection 19.504.8.

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#### **17.28.070 FLAG LOT LIMITATIONS**

Flag lots are prohibited in new subdivisions and subdivisions platted after August 20, 2002, the effective date of Ordinance #1907.

## Municipal Code Title 19 Zoning

### CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

#### 19.201 DEFINITIONS

“Eave” means a projecting overhang at the lower border of a roof, extending from the primary wall or support. Eaves are architectural features that aide in protecting buildings from precipitation and solar radiation; they are distinct from overhangs that provide shelter for persons or property.

“Footprint” means the area covered by the outer structural walls of a building, measured in sq ft. Included in the calculation of footprint are: roofed structures that are not fully enclosed; building features such as patio covers, roofed porches, and decks; or similar features with a surface height of more than 18 in above average grade. Footprint does not include eaves.

“Fowl” means chickens, ducks, geese, turkeys, and other birds of a similar size.

“Lot” means a legally defined unit of land other than a tract that is a result of a subdivision or partition. For general purposes of this title, lot also means legal lots or lots of record under the lawful control, and in the lawful possession, of 1 distinct ownership. When 1 owner controls an area defined by multiple adjacent legal lots or lots of record, the owner may define a lot boundary coterminous with 1 or more legal lots or lots of record within the distinct ownership. Figure 19.201-1 illustrates some of the lot types defined below.

“Corner lot” means a lot abutting 2 or more streets, other than an alley, at their intersection.

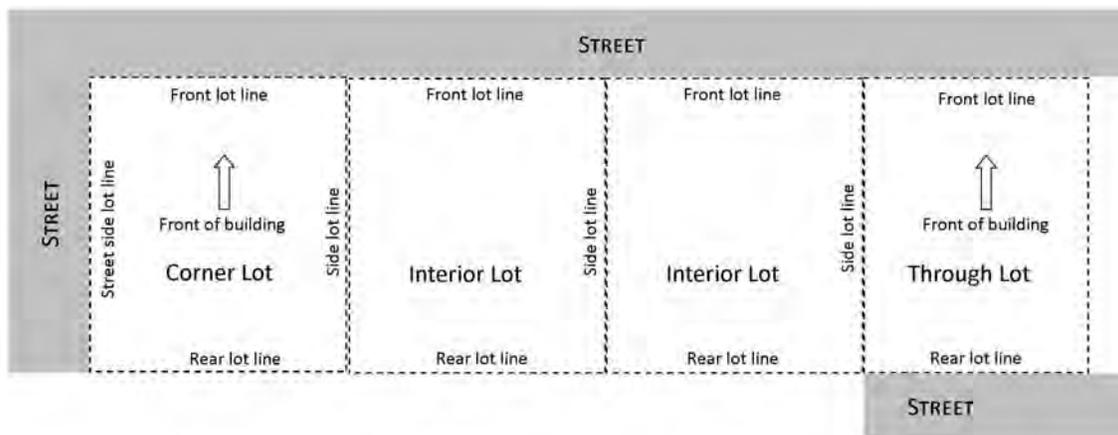
“Interior lot” means a lot other than a corner lot.

“Legal lot” means a unit of land other than a tract created through a subdivision or partition approved by the City.

“Lot of record” means a unit of land for which a deed or other instrument dividing the land was filed with the Clackamas County Recorder, which was not created through a partition or subdivision approved by the City, and which was created prior to October 5, 1973.

“Through lot” means an interior lot having frontage on 2 streets.

**Figure 19.201-1  
Lots and Lot Lines**



“Lot coverage” means the amount of area covered by building(s) on a lot expressed as a percentage of the total lot area. Lot coverage includes open structures, such as pole barns; building features such as patio covers, roofed porches, and decks; or similar features with a surface height of more than 18 in above average grade. Lot coverage does not include eaves.

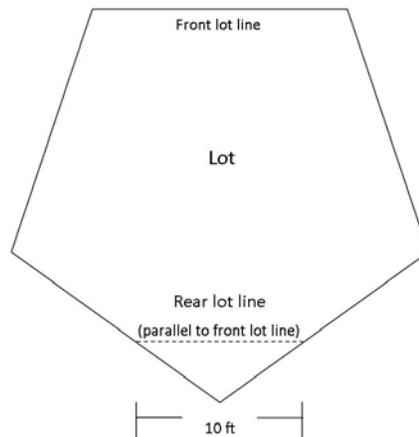
“Lot line” means the property line bounding a lot. The lot lines defined below are depicted in Figures 19.201-1 and 19.201-2.

“Front lot line” means, in the case of an interior lot, the lot line separating the lot from the street other than an alley; in the case of a corner lot, a line separating the lot from the street on which the existing or contemplated development will face; and, in the case of a through lot, a line separating the lot from the street on which the contemplated development will face. In the case of a flag lot, the front lot line is the lot line closest to the street from which the property takes access, excluding lot lines that are part of the pole portion of the flag lot.

“Rear lot line” means a lot line which is opposite and most distant from the front lot line; and in the case of an irregular, triangular, or other-shaped lot, a line 10 ft long within the lot parallel to and at the maximum distance from the front lot line.

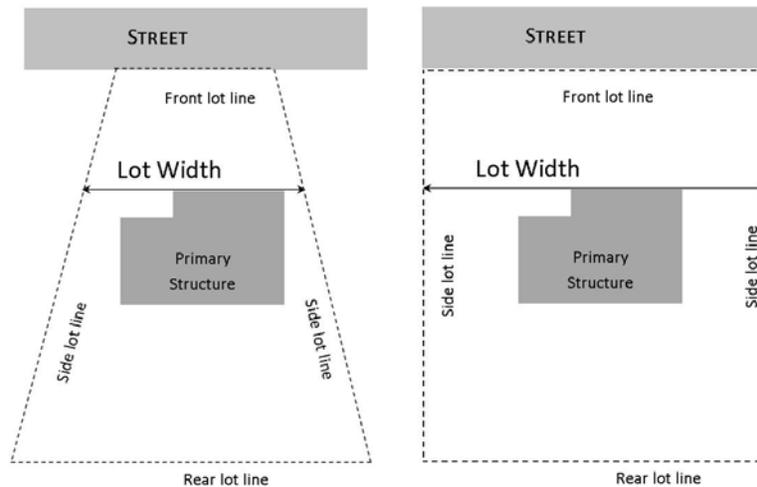
“Side lot line” means any lot line not a front or rear lot line.

**Figure 19.201-2  
Rear Lot Line**



“Lot width” means the horizontal distance between side lot lines measured at the building line.

**Figure 19.201-3  
Lot Width**



Residential Uses and Structures:

“Accessory dwelling unit” means a second dwelling on a lot with a single-family detached dwelling. The accessory dwelling unit is incidental to, and smaller than, the primary dwelling on the lot. The accessory dwelling unit may be in a portion of the primary structure on the lot or contained in its own structure apart from the primary structure. The accessory dwelling unit includes its own independent living facilities—including provision for sleeping, cooking, and sanitation—and is designed for residential occupancy by 1 or more people, independent of the primary dwelling unit.

“Duplex” means a structure on 1 lot that contains 2 dwelling units. The units in a duplex must share a common structural wall or a common floor/ceiling. In instances where a second dwelling unit within a structure can meet the definition for both a duplex and an accessory dwelling unit, the property owner has the option of electing whether the entire structure is considered a duplex or a primary dwelling unit with an attached accessory dwelling unit.

“Dwelling” means a structure containing 1 or more dwelling units used, intended, or designed to be built, used, rented, let, or hired out to be occupied, or which are occupied for living purposes.

“Dwelling unit” means a building, or portion of a building, that includes its own independent living facilities—including provision for sleeping, cooking, and sanitation—and is designed for residential occupancy by 1 or more people. Buildings with more than 1 set of cooking facilities are considered to contain multiple dwelling units, unless the additional cooking facility is clearly accessory and the property owner has recorded a covenant with the Clackamas County Records Division, stipulating that the additional cooking facility will not be used as part of a separate dwelling unit unless permitted under this title.

“Cooking facility” means an oven, stove, range, or other device used or intended for the preparation or heating of food.

“Cottage” means a structure containing 1 dwelling unit on 1 lot within an area that was divided to create a cottage cluster development, per Subsection 19.505.4.

“Manufactured dwelling” means a residential trailer, mobile home, or manufactured home meeting ORS 446.003(25) and designed to be used as a year-round residential dwelling. The manufactured dwelling is a structure that is constructed for movement on the public

highways; that has sleeping, cooking, and plumbing facilities; and that is being used for residential purposes.

“Manufactured home” means a single-family residential structure, as defined in ORS 446.003(25)(a)(C), which includes a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Sections 5401 et seq) as amended on August 22, 1981.

“Mobile home” means a manufactured dwelling that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

“Multifamily development” means 3 or more dwelling units on 1 lot. Condominium lots do not count as separate lots for purposes of this definition. The dwelling units may be located in 1 or more structures on the lot. The dwelling units may be arranged with 1 dwelling unit per structure or with multiple dwelling units within a structure that are separated vertically and/or horizontally. Multifamily developments include the forms of housing that are typically called apartments and condominiums. Multifamily developments may include structures that are similar in form to rowhouses, cottage clusters, duplexes, or single-family dwellings.

“Rowhouse” means a residential structure on its own lot that shares 1 or more common or abutting walls with at least 1 or more dwelling units on adjoining lots. The common or abutting wall must be shared for at least 25% of the length of the side of the building. The shared or abutting wall may be the wall of an attached garage. A rowhouse does not share common floors/ceilings with other dwelling units.

“Residential home” means a dwelling unit operated as a single housekeeping unit for the purpose of providing a permanent residence—which includes food, shelter, personal services, and care—for the elderly, disabled, handicapped, or others requiring such a residence, as defined by the Federal Fair Housing Amendments Acts of 1988.

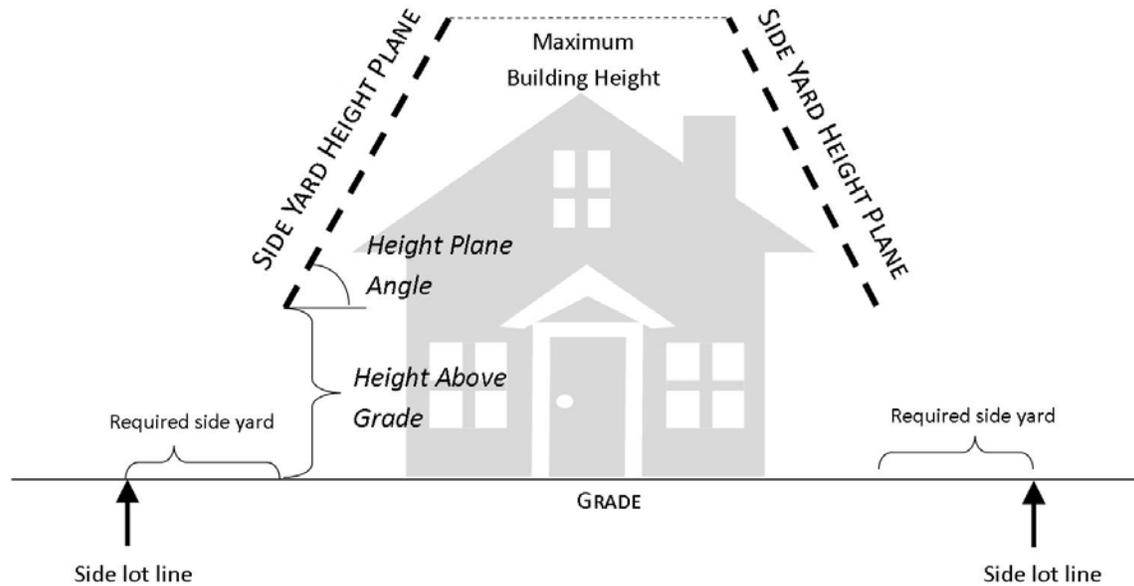
“Residential trailer” means a manufactured dwelling that was constructed prior to January 1, 1962.

“Single-family detached dwelling” means a structure, or manufactured home, containing 1 dwelling unit with no structural connection to adjacent units.

“Yurt” means a 1-story building with a circular footprint and a roof that is domed or conical, with the highest point at the center of the circle. The walls and roof of a yurt are typically canvas or other flexible fabric material.

“Side Yard Height Plane” means a plane that limits the building height along side lot lines. Structures on the site must remain underneath the height plane. The height plane applies along side lot lines and is not applicable to front, rear, or street side lot lines. The starting point of the side yard height plane is horizontally offset from the side lot line by the required side yard depth, and set at specified vertical distance above the grade at the depth of required side yard. From the starting point, the side yard height plane slopes up at a specified angle until it reaches the maximum allowed building height or intersects with the side yard height plane from an opposite side of the lot.

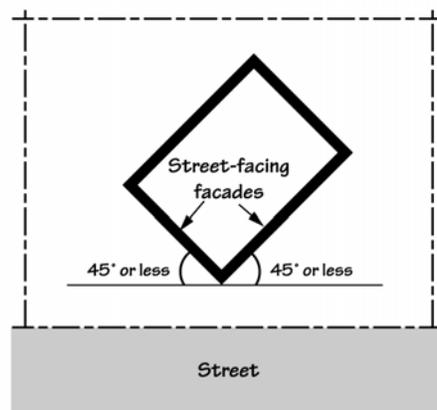
**Figure 19.201-4  
Side Yard Height Plane**



“Solar energy system” means equipment used to capture solar radiation for purposes of heating water or generating electricity. A solar energy system is an accessory use, and the energy generated by the system is used predominantly on-site,

“Street-Facing Façade” means the wall planes of a structure that are visible from, and at an angle of 45 degrees or less to, a front lot line or street side lot line. Angle measurements for curved front or street side lot lines shall be based on a straight line connecting the opposing lot corners of the front or street side lot line.

**Figure 19.201-5  
Street-Facing Façade**



“Wind energy system” means equipment used to generate electricity from wind. A wind energy system is an accessory use, and the energy generated by the system is used predominantly on-site.

“Yard” means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this title. A yard may include areas with grass, mulch, barkdust, shrubs, trees, garden plantings, gravel, pavement, or asphalt. The yards defined below are depicted in Figure 19.201-6.

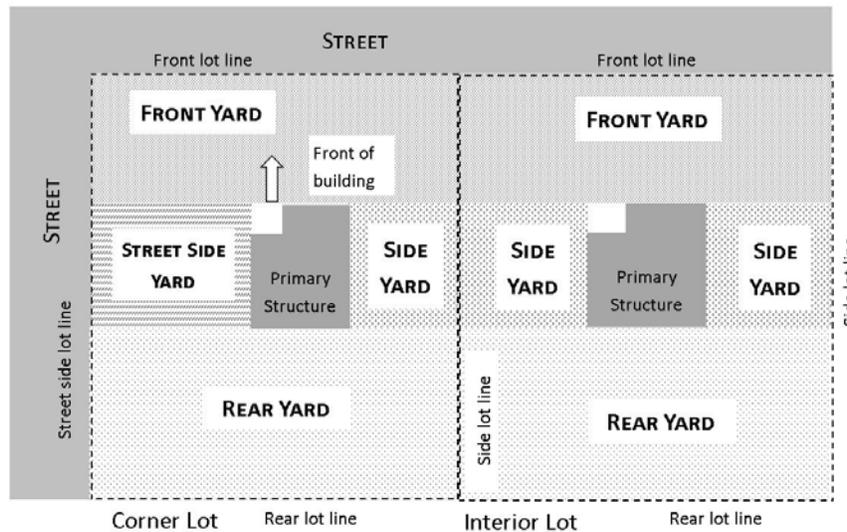
“Front yard” means a yard between side lot lines, measured horizontally and at right angles to the front lot line from the front lot line to the nearest point of the building.

“Rear yard” means a yard between side lot lines or between a street side yard and opposite side lot line, measured horizontally and at right angles to the rear lot line from the rear lot line to the nearest point of the building.

“Side yard” means a yard between the front and rear yards, measured horizontally and at right angles from the side lot line to the nearest point of the building.

“Street side yard” means a yard adjacent to a street between the front and rear yards, measured horizontally and at right angles from the side lot line to the nearest point of the building.

**Figure 19.201-6  
Yards**



**19.202 MEASUREMENTS**

**19.202.2 Vertical Measurements**

**A. Interior Height**

Floor-to-ceiling height shall be measured from the top of the floor finish to the bottom of the ceiling joists or, where there is no ceiling, to the bottom of the roof rafters.

**B. Exterior Height of Primary Structures**

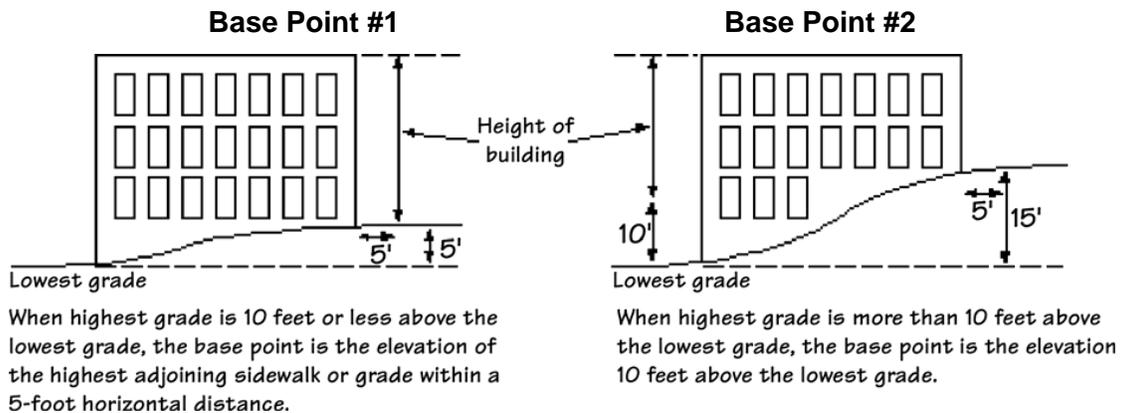
The height of a primary structure building is the vertical distance from the base point described in Subsection 19.202.2.B.1, below, to the top of a building described in Subsection 19.202.2.B.2, below.

**1. Base Point**

The base point used for building height measurement shall be the base point that yields the greater building height. See Figure 19.202.2.B.1.

- a. Base point 1 is the elevation of the highest adjoining sidewalk or ground surface within a 5-ft horizontal distance from the exterior wall of the building, when such sidewalk or ground surface is not more than 10 ft above lowest grade.
- b. Base point 2 is 10 ft above lowest grade, when the sidewalk or ground surface described for base point 1 is more than 10 ft above lowest grade.

**Figure 19.202.2.B.1  
Base Point Measurement**

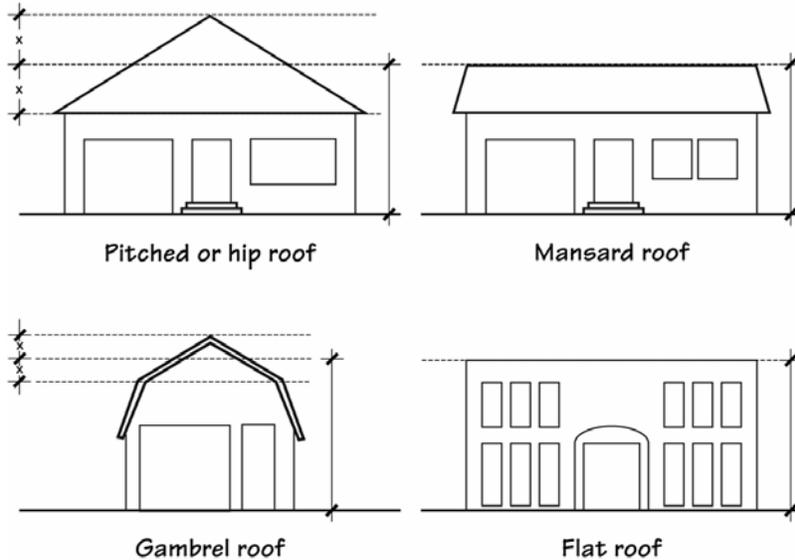


2. Top of Building

The top of building shall be determined based on the specific roof types listed below. See Figure 19.202.2.B.2.

- a. Flat roof: Measure to the top of the parapet or, if there is no parapet, to the highest point of the roof . If a roof includes multiple flat roofs at different elevations, measure to the top of the highest parapet or highest point of the highest roof.
- b. Mansard roof: Measure to the deck line.
- c. Pitched, hipped, or gambrel roof where roof pitch is 12/12 or less: Measure to the average height of the highest gable.
- d. Pitched or hipped roof with a pitch steeper than 12/12: Measure to the highest point.
- e. Gambrel roof where both pitches are steeper than 12/12: Measure to the highest point.
- f. Other roof shape, such as domed, vaulted, or pyramidal: Measure to the highest point.
- g. Stepped or terraced building: Measure to the highest point of any segment of the building.

**Figure 19.202.2.B.2  
Top of Building Measurement**



C. Exterior Height of Accessory Structures

The exterior height of an accessory structure is the vertical distance above the average of the highest and lowest points of finished grade, within a 10-ft horizontal distance from the base of the building, and the top of a building described in Subsection 19.902.2.B.2.

**19.202.4 Density Calculations**

Minimum required and maximum allowed dwelling unit density will be calculated as described below, except that residential cluster development on lands containing natural resource areas are subject to the density calculations in Subsection 19.402.14.C. The purpose of these calculations is to ensure that properties develop at densities consistent with the densities in the Comprehensive Plan. The area deductions for minimum required density allow properties to utilize land that can be built upon. The area deductions for maximum allowed density include sensitive lands where development should be avoided.

A. Gross Area

The gross area of a lot is measured in sq ft and is determined by a registered professional land surveyor or with data from the Clackamas County Assessor's Office.

B. Rounding

The results for minimum required and maximum allowed dwelling unit density are rounded based on a fraction that is truncated to 2 numbers past the decimal point. For example, 3.4289 is truncated to 3.42. Where a minimum density calculation results in a fraction that is .50 or above, the fraction is rounded up to the next whole number. Where a minimum density calculation results in a fraction that is less than .50, the fraction is rounded down to the preceding whole number. Where a maximum density calculation results in a fraction that is less than .75, the fraction is rounded down to the preceding whole number.

C. Discrepancy between Minimum Required and Maximum Allowed Density

In situations where the calculation of maximum allowed density results in a number smaller than the calculation of minimum required density, the result from the minimum allowed density is both the minimum required and maximum allowed density.

**D. Minimum Density**

**1. Deductions to Calculate Net Area**

The following areas, measured in sq ft, are subtracted from the gross area to determine the net area. The net area calculation is rounded to the nearest whole number.

- a. Floodways, as determined by Federal Emergency Management Agency flood maps.
- b. Right-of-way dedications for new right-of-way or expansion of existing rights-of-way, as required in Chapter 19.700.
- c. Open space or parkland that will be publically owned or open space owned in common by owners within the residential development.

**2. Density Calculation**

The minimum number of dwelling units required is calculated by dividing the net area by the minimum required dwelling unit density in the applicable base zone in Chapter 19.300.

**3. Constrained Lands**

Regardless of the density calculation described above, any legal lot that meets the standards of Subsection 19.501.1 is allowed at least 1 dwelling unit.

**E. Maximum Density**

**1. Deductions to Calculate Net Area**

The following areas, measured in sq ft, are subtracted from the gross area to determine the net area. The net area calculation is rounded to the nearest whole number.

- a. 1% Annual Chance Flood areas (also called the 100-Year Floodplain), as determined by Federal Emergency Management Agency flood maps.
- b. Right-of-way dedications for new right-of-way or expansion of existing rights-of-way, as required in Chapter 19.700.
- c. Open space or parkland that will be publically owned or open space owned in common by owners within the residential development.
- d. Slopes in excess of 25%.

**2. Density Calculation**

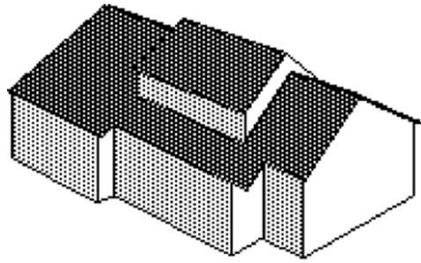
The maximum number of dwelling units allowed is calculated by dividing the net area by the maximum allowed dwelling unit density in the applicable base zone in Chapter 19.300.

**19.202.5 Façade Area**

The area of a building façade is the sum of all wall areas above grade that are visible on 1 side of a building. The following areas are excluded: roof areas; the wall area of a horizontal or vertical offset that is perpendicular to the primary orientation of the façade; and gable ends below the ridge of the roof and above the eave line. The wall area of a dormer is not exempt.

**Figure 19.202.5**

Façade Area



 Wall Area

## CHAPTER 19.300 BASE ZONES

**SECTIONS:**

- 19.301 Low Density Residential Zones**
- 19.302 Medium and High Density Residential Zones**
- 19.303 Residential-Office-Commercial Zone R-O-C**
- 19.304 Downtown Zones**
- 19.305 Neighborhood Commercial Zone C-N**
- 19.306 Limited Commercial Zone C-L**
- 19.307 General Commercial Zone C-G**
- 19.308 Community Shopping Commercial Zone C-CS**
- 19.309 Manufacturing Zone M**
- 19.310 Business Industrial Zone BI**
- 19.311 Planned Development Zone PD**

**19.301 LOW DENSITY RESIDENTIAL ZONES**

The low density residential zones are 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 nonhousehold 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. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

<b>Table 19.301.2</b>				
<b>Low Density Residential Uses Allowed</b>				
<b>Use</b>	<b>R-10</b>	<b>R-7</b>	<b>R-5</b>	<b>Standards/Additional Provisions</b>
<b>Residential Uses</b>				
Single-family detached dwelling	P	P	P	<b>Subsection 19.505.1</b> Design Standards for Single-Family Dwellings and Duplexes
Duplex	P/II	P/II	P	<b>Subsection 19.505.1</b> Design Standards for Single-Family Dwellings and Duplexes <b>Subsection 19.910.2</b> Duplexes
Residential home	P	P	P	<b>Subsection 19.505.1</b> Design Standards for Single-Family Dwellings and Duplexes
Accessory dwelling unit	P/II	P/II	P/II	<b>Subsection 19.910.1</b> Accessory Dwelling Units
Manufactured dwelling park	N	III	III	<b>Subsection 19.910.3</b> Manufactured Dwelling Parks.

Senior and retirement housing	CU	CU	CU	<b>Subsection 19.905.9.G</b> Senior and Retirement Housing
<b>Accessory and Other Uses</b>				
Accessory use	P	P	P	<b>Section 19.503</b> Accessory Uses
Agricultural or horticultural use	P	P	P	<b>Subsection 19.301.3</b> Use Limitations and Restrictions
Community service use	CSU	CSU	CSU	<b>Section 19.904</b> Community Service Uses
Home occupation	P	P	P	<b>Section 19.507</b> Home Occupation Standards

- P = Permitted.
- N = Not permitted.
- CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.
- CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.
- II = Type II review required.
- III = Type III review required.

**19.301.3 Use Limitations and Restrictions**

Agricultural or horticultural uses are permitted, provided that the following conditions are met.

- A. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.
- B. Livestock, other than usual household pets, are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 sq ft per head of livestock.
- C. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.

**19.301.4 Development Standards**

In the low density residential zones, the development standards in Table 19.301.4 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 19.301.5.

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

<b>Table 19.301.4</b>				
<b>Low Density Residential Development Standards</b>				
<b>Standard</b>	<b>R-10</b>	<b>R-7</b>	<b>R-5</b>	<b>Standards/ Additional Provisions</b>
<b>A. Lot Standards</b>				
1. Minimum lot size (sq ft)				<b>Subsection 19.501.1</b> Lot Size Exceptions
a. Single-family detached	10,000	7,000	5,000	
b. Duplex	14,000	14,000	10,000	
2. Minimum lot width (ft)	70	60	50	

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3. Minimum lot depth (ft)	100		80	
4. Minimum street frontage requirements (ft)				
a. Standard lot			35	
b. Flag lot			25	
c. Double flag lot			35	
<b>B. Development Standards</b>				
1. Minimum yard requirements for primary structures (ft)				<b>Subsection 19.301.5.A</b> Side Yards
a. Front yard	20	20	20	<b>Subsection 19.501.2</b> Yard Exceptions
b. Side yard	10	5/10	5	<b>Subsection 19.504.8</b> Flag Lot Design and Development Standards
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 ft, whichever is less			<b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions
3. Side yard height plane limit				<b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions
a. Height above ground at minimum required side yard depth (ft)			20	
b. Slope of plane (degrees)			45	
4. Maximum lot coverage (percent of total lot area)		30%	35%	<b>Section 19.201 "Lot coverage"</b> definition <b>Subsection 19.301.5.B</b> Lot Coverage
5. Minimum vegetation (percent of total lot area)	35%	30%	25%	<b>Subsection 19.301.5.C</b> Front Yard Minimum Vegetation <b>Subsection 19.504.7</b> Minimum Vegetation
<b>C. Other Standards</b>				
1. Density requirements (dwelling units per acre)				<b>Subsection 19.301.5.D</b> Residential Densities
a. Minimum	3.5	5.0	7.0	<b>Subsection 19.501.4</b> Density Exceptions
b. Maximum	4.4	6.2	8.7	

**19.301.5 Additional Development Standards**

**A. Side Yards**

In the R-7 Zone, 1 side yard shall be at least 5 ft and 1 side yard shall be at least 10 ft, except on a corner lot the street side yard shall be 20 ft.

**B. Lot Coverage**

The lot coverage standards in Subsection 19.301.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

1. Decreased Lot Coverage for Large Lots

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is reduced by 10 percentage points for a single-family detached dwelling, duplex, or residential home on a lot that is more than 2.5 times larger than the minimum lot size in Subsection 19.301.4.A.1.

2. Increased Lot Coverage for Single-Family Detached Dwellings

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a single-family detached dwelling, or an addition to an existing single-family detached dwelling, provided that the portions of the structure that are in excess of 20 ft high, or in excess of 1 story, are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure that are less than 20 ft and no taller than 1 story are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

**Figure 19.301.5.B.2  
Increased Lot Coverage for Single-Family Detached Dwellings**

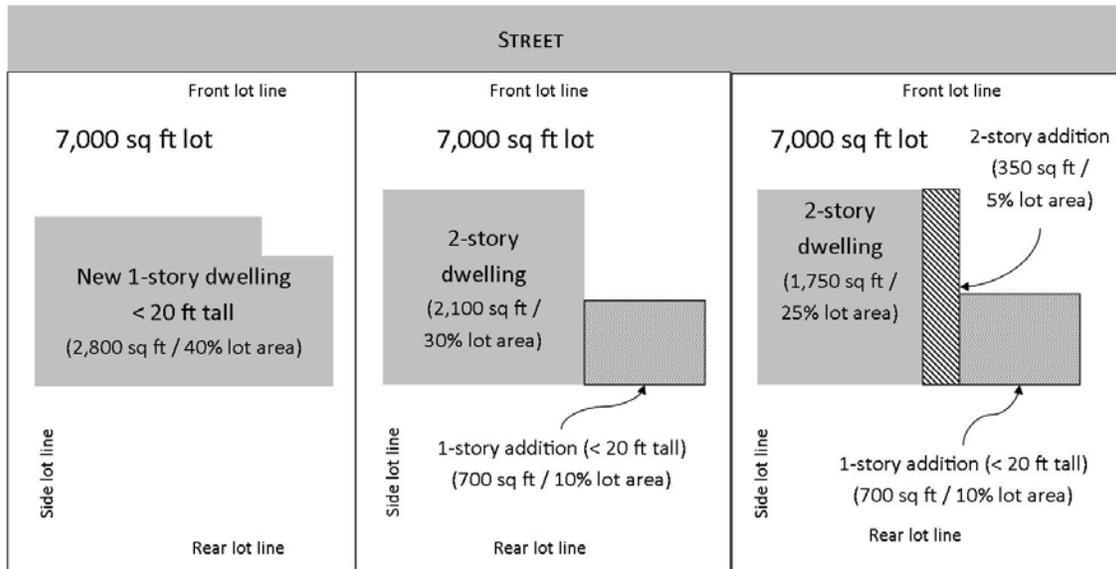


Figure 19.301.5.B.2 illustrates increased lot coverage for lots in Residential Zone R-7 based on 7,000-sq-ft lot area.

3. Increased Lot Coverage for Duplexes

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 20 percentage points for a duplex.

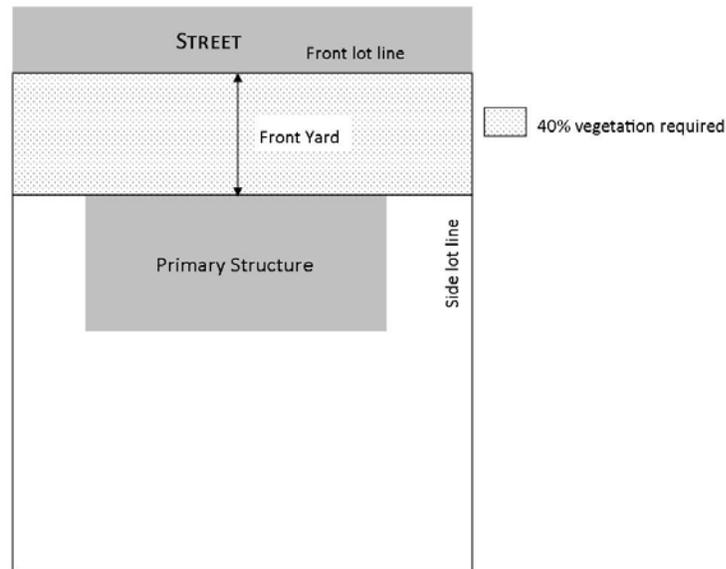
4. Increased Lot Coverage for Detached Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

C. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

**Figure 19.301.5.C  
Front Yard Minimum Vegetation**



**D. Residential Densities**

The minimum and maximum development densities in Subsection 19.301.4.C.1 are applicable for land divisions and replats that change the number of lots.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

**E. Accessory Structure Standards**

Standards specific to accessory structures are contained in Section 19.502.

**F. Number of Dwelling Structures**

In the low density residential zones, 1 primary building designed for dwelling purposes shall be permitted per lot. See Subsection 19.504.4.

**G. Off-Street Parking and Loading**

Off-street parking and loading is required as specified in Chapter 19.600.

**H. Public Facility Improvements**

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

I. 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 Flag Lot Design and Development Standards
3. Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes
4. Subsection 19.505.2 Garage and Carport Standards
5. 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 Residential Zone R-3, Residential Zone R-2.5, Residential Zone R-2, Residential Zone R-1, and 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 and high density residential zones are intended to create and maintain higher density residential neighborhoods that blend a range of housing types with a limited mix of neighborhood-scale commercial, office, and institutional uses.

**19.302.2 Allowed Uses in Medium and high density Residential Zones**

Uses allowed, either outright or conditionally, in the medium and high 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. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

<b>Table 19.302.2 Medium and High Density Residential Uses Allowed</b>						
Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
<b>Residential Uses</b>						
Single-family detached dwelling	P	P	P	P	P	<b>Subsection 19.505.1</b> Design Standards for Single-Family Dwellings and Duplexes
Duplex	P	P	P	P	P	<b>Subsection 19.505.1</b> Design Standards for Single-Family Dwellings and Duplexes
Residential home	P	P	P	P	P	<b>Subsection 19.505.1</b> Design Standards for Single-Family Dwellings and Duplexes
Accessory dwelling unit	P/II	P/II	P/II	P/II	P/II	<b>Subsection 19.910.1</b> Accessory Dwelling Units

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Manufactured dwelling park	III	N	N	N	N	<b>Subsection 19.910.3</b> Manufactured Dwelling Parks.
Rowhouse	P	P	P	P	P	<b>Subsection 19.505.1</b> Design Standards for Single-Family Dwellings and Duplexes <b>Subsection 19.505.5</b> Standards for Rowhouses
Cottage Cluster Housing	P	P	P	P	P	<b>Subsection 19.505.4</b> Design Standards for Cottage Cluster Housing Cottage cluster land division requires Type III review
Multifamily	CU	CU	P	P	P	<b>Subsection 19.505.3</b> Design Standards for Multifamily Housing <b>Subsection 19.302.5.F</b> Residential Densities <b>Subsection 19.302.5.H</b> Building Limitations
Congregate housing facility	CU	CU	P	P	P	<b>Subsection 19.505.3</b> Design Standards for Multifamily Housing <b>Subsection 19.302.5.F</b> Residential Densities <b>Subsection 19.302.5.H</b> Building Limitations
Senior and retirement housing	CU	CU	CU	P	P	<b>Subsection 19.905.9.G</b> Senior and Retirement Housing
Boarding, lodging, and rooming house	CU	CU	CU	CU	CU	
<b>Commercial Uses</b>						
Office	CU	CU	CU	CU	P	<b>Subsection 19.302.3</b> Use Limitations and Restrictions
Hotel or motel	N	N	CU	CU	CU	
Bed and breakfast	CU	CU	CU	CU	CU	
<b>Accessory and Other Uses</b>						
Accessory use	P	P	P	P	P	<b>Section 19.503</b> Accessory Uses
Agricultural or horticultural use	P	P	P	P	P	<b>Subsection 19.302.3</b> Use Limitations and Restrictions
Community service use	CSU	CSU	CSU	CSU	CSU	<b>Section 19.904</b> Community Service Uses
Home occupation	P	P	P	P	P	<b>Section 19.507</b> Home Occupation Standards

P = Permitted.

N = Not permitted.

CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

II = Type II review required.

III = Type III review required.

### **19.302.3 Use Limitations and Restrictions**

- A. Agricultural or horticultural uses are permitted, provided that the following conditions are met.
1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.
  2. Livestock, other than usual household pets, are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre, nor having less than 10,000 sq ft per head of livestock.
  3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.
- B. Office uses allowed in the medium and high density residential zones are offices, studios, clinics, and others similar professional offices.

### **19.302.4 Development Standards**

In the medium and high density residential zones, the development standards in Table 19.302.4 apply. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column. Additional standards are provided in Section 19.302.5.

The standards in Subsection 19.302.4 are not applicable to cottage cluster development except where specifically referenced by Subsection 19.505.4.

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

<b>Table 19.302.4 Medium and High Density Residential Development Standards</b>						
Standard	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
<b>A. Lot Standards</b>						
1. Minimum lot size (sq ft) a. Rowhouse b. Duplex c. All other lots	3,000 6,000 5,000	2,500 5,000 5,000	2,500 7,000 5,000		1,400 6,400 5,000	<b>Subsection 19.501.1</b> Lot Size Exceptions <b>Subsection 19.505.4</b> Design Standards for Cottage Cluster Housing <b>Subsection 19.505.5</b> Standards for Rowhouses
2. Minimum lot width (ft) a. Rowhouse b. All other lots	30 50		25 50		20 50	
3. Minimum lot depth (ft) a. Rowhouse b. All other lots	80 80	75 75	80 80		70 80	
4. Minimum street frontage requirements (ft) a. Rowhouse b. Standard lot c. Flag lot d. Double flag lot	30 35 25 35		25 35 25 35		20 35 25 35	
<b>B. Development Standards</b>						
1. Minimum yard requirements for primary structures (ft) a. Front yard b. Side yard c. Street side yard d. Rear yard				See Subsection 19.302.5.A	15 15 15	<b>Subsection 19.302.5.A</b> Side Yards <b>Subsection 19.501.2</b> Yard Exceptions <b>Subsection 19.504.8</b> Flag Lot Design and Development Standards
2. Maximum building height for primary structures	2.5 stories or 35 ft, whichever is less				3 stories or 45 ft, whichever is less	<b>Subsection 19.302.5.E</b> Height Exceptions <b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions <b>Subsection 19.302.5.I</b> Transition Measures

3. Side yard height plane limit a. Height above ground at minimum required side yard depth (ft) b. Slope of plane (degrees)	20  45	25  45			<b>Subsection 19.501.3</b> Building Height and Side Yard Height Plane Exceptions	
4. Maximum lot coverage (percent of total lot area)	40%	45%	50%			<b>Section 19.201 "Lot coverage"</b> definition
5. Minimum vegetation (percent of total lot area)	35%	15%				<b>Subsection 19.504.7</b> Minimum Vegetation <b>Subsection 19.302.5.D</b> Front Yard Minimum Vegetation <b>Subsection 19.302.5.C</b> Minimum Vegetation
<b>C. Other Standards</b>						
1. Density requirements (dwelling units per acre) a. Minimum b. Maximum	11.6 14.5	11.6 17.4	25.0 32.0			<b>Subsection 19.202.4</b> Density Calculations <b>Subsection 19.302.5.F</b> Residential Densities <b>Subsection 19.501.4</b> Density Exceptions

**19.302.5 Additional Development Standards**

**A. Side Yards**

In the medium and high density zones, the required side yard is determined as described below. These measurements apply only to required side yards and do not apply to required street side yards.

1. The side yard for development other than a rowhouse shall be at least 5 ft.
2. There is no required side yard for rowhouses that share 2 common walls. The required side yard for an exterior rowhouse that has only 1 common wall is 0 ft for the common wall and 5 ft for the opposite side yard. An exterior rowhouse on a corner lot shall meet the required street side yard setback in Subsection 19.302.4.B.1.b.

**B. Lot Coverage**

The lot coverage standards in Subsection 19.302.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are additive for lots that are described by one or more of the situations below.

**1. Increased Lot Coverage for Single-Family Detached Dwellings**

The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by 10 percentage points for development of a single-family detached dwelling, or an addition to an existing single-family detached dwelling, provided that the portions of the structure that are in excess of 20 ft high, or in excess of 1 story, are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure that are less than 20 ft high, and no taller than 1 story, are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

**Figure 19.302.5.B.1  
Increased Lot Coverage for Single-Family Detached Dwellings**

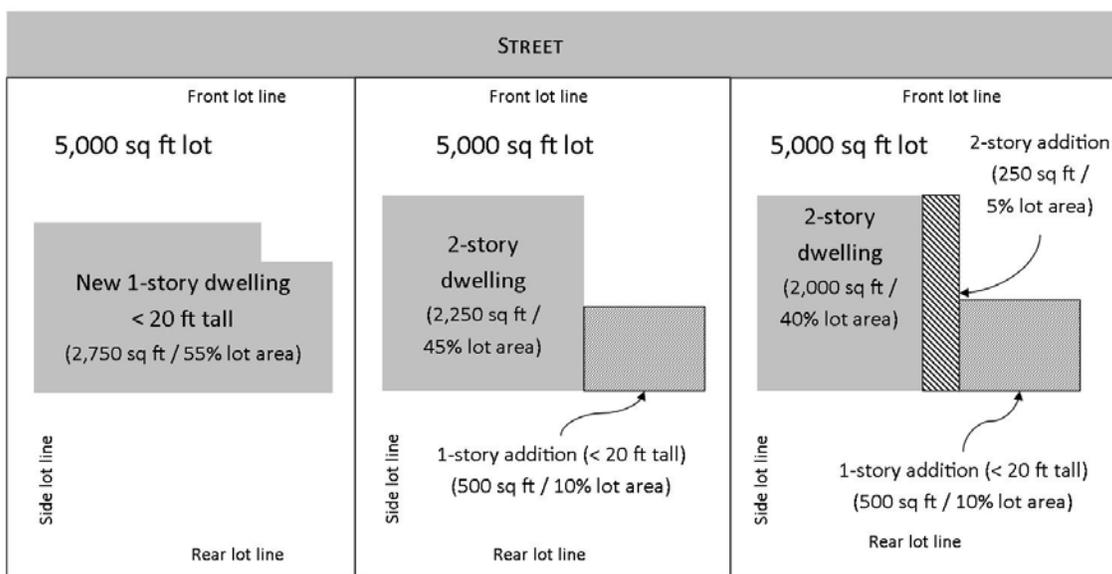


Figure 19.302.5.B.1 illustrates increased lot coverage for lots in Residential Zone R-2 based on 5,000-sq-ft lot area.

2. Increased Lot Coverage for Duplexes and Rowhouses

The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by 20 percentage points for a duplex or rowhouse.

3. Increased Lot Coverage for Detached Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

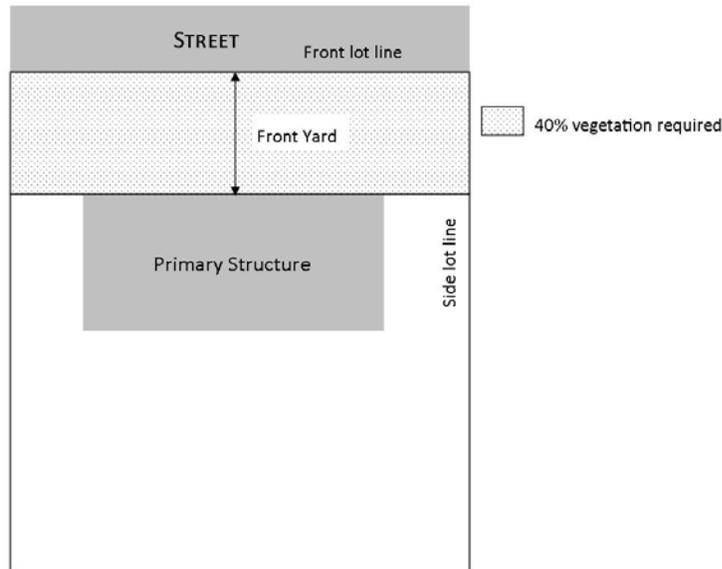
C. Minimum Vegetation

At least half of the minimum required vegetation area must be suitable for outdoor recreation by residents, and not have extreme topography or dense vegetation that precludes access.

D. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

**Figure 19.302.5.D  
Front Yard Minimum Vegetation**



E. Height Exceptions

1 additional story may be permitted in excess of the required maximum standard. For each additional story, an additional 10% of site area beyond the minimum is required to be retained in vegetation.

F. Residential Densities

1. The minimum and maximum development densities in Subsection 19.302.4.C.1 are applicable for land divisions, replats that change the number of lots, and any development that would change the number of dwelling units on a lot. Development of a single-family detached dwelling or an accessory dwelling is exempt from the minimum and maximum density requirements.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

2. Multifamily development in the R-2, R-1, and R-1-B Zones is subject to the minimum site size requirements in Table 19.302.5.F.2. In the event that the minimum site size requirements conflict with the development densities in Subsection 19.302.4.C.1, the site size requirements in Table 19.302.F.2 shall prevail.

<b>Table 19.302.5.F.2 Minimum Site Size for Multifamily Development in the R-2, R-1, and R-1-B Zones</b>		
<b>Units</b>	<b>R-2 Zone</b>	<b>R-1 and R-1-B Zone</b>
First Dwelling Unit	5,000 sq ft per unit	5,000 sq ft per unit
Additional Dwelling Units	2,500 sq ft per unit	1,400 sq ft per unit

**G. Accessory Structure Standards**

Standards specific to accessory structures are contained in Section 19.502.

**H. Building Limitations**

1. In the R-3 Zone, 1 single-family detached dwelling or 1 duplex is permitted per lot. See Subsection 19.504.4. A detached accessory dwelling may be permitted in addition to a single-family detached dwelling, per Subsection 19.910.1.
2. Multifamily buildings shall not have an overall horizontal distance exceeding 150 linear ft as measured from end wall to end wall.

**I. Transition Measures**

The following transition measures apply to multifamily development that abuts an R-10-, R-7-, or R-5-zoned property.

1. In the portion of the site within 25 ft of the lower density residential zone, the building height limits are equal to those of the adjacent residential zone.
2. Where the boundary of the lower density zone lies within, or on the edge of, a right-of-way; the building height limit, for the portion of the site within 15 ft of the lot line bordering the right-of-way, is equal to the height limit of the lower density residential zone.

**J. Off-Street Parking and Loading**

Off-street parking and loading is required as specified in Chapter 19.600.

**K. Public Facility Improvements**

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

L. 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 Flag Lot Design and Development Standards
3. Subsection 19.504.9 On-Site Walkways and Circulation
4. Subsection 19.504.10 Setbacks Adjacent to Transit
5. Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes
6. Subsection 19.505.2 Garage and Carport Standards
7. Subsection 19.505.3 Design Standards for Multifamily Housing
8. Subsection 19.505.4 Design Standards for Cottage Cluster Housing
9. Subsection 19.505.6 Building Orientation to Transit
10. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards

**19.303 RESIDENTIAL-OFFICE-COMMERCIAL ZONE R-O-C**

In an R-O-C Zone the following regulations shall apply:

**19.303.1 Uses Permitted Outright**

In an R-O-C Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling;
- B. Duplex ;
- C. Residential home;
- D. Multifamily development ;
- E. Congregate housing facility;
- F. Senior and retirement housing;
- G. Offices;
- H. Retail trade establishment such as a food store, drugstore, gift shop, hardware store selling primarily from a shelf-goods inventory;
- I. Personal service business such as a barber shop, tailor shop, or laundry and dry cleaning pickup station;
- J. Funeral home;
- K. Commercial recreation and motion picture theater;
- L. Eating establishment;

- M. Hotel or motel;
- N. Parking facility;
- O. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;
- P. Financial institution;
- Q. Trade or commercial school;
- R. Department or furniture store;
- S. Any other use similar to the above and not listed elsewhere.

**19.303.2 Conditional Uses Permitted**

In an R-O-C Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 19.905:

- A. Boarding, lodging, or rooming house;
- B. Any other use similar to the above and not listed elsewhere.

**19.303.3 Standards**

In an R-O-C Zone the following standards shall apply:

- A. Lot size. Lot area shall be at least 5,000 sq ft. Lot area for the first dwelling unit shall be at least 5,000 sq ft and for dwelling units over 1 there shall be not less than an average of 1,400 sq ft. Lot width shall be at least 50 ft. Lot depth shall be at least 80 ft.
- B. Front yard. A front yard shall be at least 15 ft.
- C. Side yard. A side yard shall be at least 5 ft, and there shall be additional 1 ft of side yard for each 3 ft of height over 2 stories or 25 ft, whichever is less, except on corner lots a side yard shall be at least 15 ft on the side abutting the street.
- D. Rear yard. A rear yard shall be at least 15 ft.
- E. Off-street parking and loading. As specified in Chapter 19.600.
- F. Height restriction. Maximum height of a structure shall be 3 stories or 45 ft, whichever is less. 1 additional story may be permitted in excess of the required maximum standard. For each additional story, an additional 10% of site area beyond the minimum is required to be retained in vegetation.
- G. Use restrictions. Authorized commercial uses are permitted on the ground floor only. Office uses are permitted on the ground level and first floor. At least 50% of the floor area within a project shall be used for residential purposes.
- H. Lot coverage. Maximum area that may be covered by the principal structure and accessory buildings shall not exceed 50% of the total area of the lot.
- I. Minimum vegetation. Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc., shall be 15% of the total area of the lot.
- J. Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft, except as provided in the Land Division Ordinance.
- K. Transition area. A transition area shall be maintained according to Subsection 19.504.6.

- L. Minimum and maximum density. Residential densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to Section 19.1006 Type III Review, shall be at least 25 and not more than 32 dwelling units per net acre.
- M. Transportation requirements and standards. As specified in Chapter 19.700.

### **19.304 DOWNTOWN ZONES**

#### **19.304.1 Purpose**

This section of the Zoning Ordinance implements the Downtown and Riverfront Land Use Framework Plan, Milwaukie Comprehensive Plan, and Town Center Master Plan. The downtown and riverfront area is envisioned as the focus of the community. Five zones are designated to reflect the distinctions between different areas of the Downtown and Riverfront Land Use Framework Plan, and to focus pedestrian-oriented retail uses to the traditional downtown core along Main Street. Specific development standards, public area requirements, and design standards are adopted for the downtown zones to assure an active, attractive, and accessible environment for shoppers, employees and residents.

#### **19.304.2 Characteristics of the Downtown Zones**

Five specific zones are adopted to implement the Downtown and Riverfront Land Use Framework Plan. The zones are shown on Figure 19.304-1. The “Zoning Map of Milwaukie, Oregon” provides a larger-scale map of zone boundaries. The zones reflect the varied land uses, densities, and urban design character planned for different areas, as described and illustrated in the Downtown and Riverfront Land Use Framework Plan. The characteristics of the individual zones are described below.

##### **A. Downtown Storefront (DS)**

The Downtown Storefront Zone is established to preserve and enhance the commercial “Main Street” character of downtown Milwaukie, ensuring that new development in areas designated DS is compatible with this desired character. This zone allows a full range of retail, service, business, and residential uses. Retail uses are required on the ground floors of buildings fronting on Main Street. Office and/or residential uses are allowed on upper floors. Industrial uses are not allowed. The desired character for this zone 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. A “Village Concept Area” has been established in the DS Zone to allow a broader mix of uses on a City-owned site adjacent to the library, City Hall, a high-density residential area to the north, and existing Main Street storefront uses. These uses include rowhouses and multifamily buildings.

##### **B. Downtown Commercial (DC)**

The Downtown Commercial Zone is established to allow auto-accommodating commercial development in the area between McLoughlin Boulevard and Main Street, north of Harrison Street. A range of retail, service, office, and residential uses is permitted to support a gradual transition to higher densities and a greater mix of uses. Boulevard enhancements will improve the visual character of McLoughlin Boulevard and provide a link to the riverfront and adjacent downtown zones. The desired character for this zone includes buildings that engage at least 1 street right-of-way and include a pedestrian-oriented entry and well-landscaped parking lots.

##### **C. Downtown Office (DO)**

**Proposed Code and Comp. Plan Amendments**

The Downtown Office Zone is established to provide for office, entertainment, and hotel uses along high-visibility major arterial streets, as designated by the City of Milwaukie’s Transportation System Plan. Retail commercial uses are limited to support the primary uses (office, entertainment, and hotel establishments) and encourage retail development along Main Street. The desired character for this zone will vary depending on the nature of the proposed use and individual site features.

**D. Downtown Residential (DR)**

The Downtown Residential Zone is established to increase housing opportunities in close proximity to downtown shopping, transit, and open space amenities. The major types of new housing will be apartments and condominiums. Minimum densities of 30 units per acre will assure that land is used efficiently and will increase the customer base for nearby businesses. Additionally, the higher densities will support urban features such as parking under structures and durable building materials. Development at minimum densities of 10 units per acre up to a maximum of 30 units per acre will be permitted in a defined portion of the Downtown Residential Zone to provide a transition to lower-density residential zones. The desired character for the Downtown Residential Zone includes buildings located close to and oriented to the public sidewalk, with off-street parking located under or internal to building sites.

**E. Downtown Open Space (DOS)**

The Downtown Open Space Zone is established to implement the “Public” designation of the Milwaukie Comprehensive Plan and to provide a specific zone to accommodate open space, park, and riverfront uses. The Downtown 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 Downtown Open Space Zone includes parkland, open space, and riverfront amenities.

**19.304.3 Uses**

**A. Permitted Uses**

Uses allowed in the downtown zones are listed in Table 19.304.3 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>Table 19.304.3 Downtown Zones—Uses</b>					
<b>Use Categories</b>	<b>Downtown Storefront</b>	<b>Downtown Commercial</b>	<b>Downtown Office</b>	<b>Downtown Residential</b>	<b>Downtown Open Space</b>
<b>Residential</b>					
Single-family detached	N	N	N	N	N
Rowhouse	L[1]	N	N	L[1]	N
Multifamily	L[10]	P	N	P	N
Senior and retirement housing	N	P	N	P	N
Second-floor housing	P	P	P	P	N
<b>Commercial/Office<sup>1</sup></b>					
Automobile service station	N	N	N	N	N
Automobile repair	N	L[2]	N	N	N

Commercial recreation	P	P	P	N	N
Eating/drinking establishment	P	P	L[3]	N	N
Financial institution	P	P	P	N	N
Theater	P	P	P	N	N
Hotel/motel	N	P	P	N	N
Office, professional and administrative	L[4]	P	P	L[5]	N
Parking facility	P	P	P	N	L[6]
Personal/business services	L[7]	P	P	L[5]	N
Retail trade	P	P	L[3]	L[5]	N
Industrial	N	N	N	N	N
<b>Other</b>					
Adult entertainment	N	N	N	N	N
Community service uses	L[8]	L[8]	L[8]	L[8]	L[8]
Marinas, boat ramp	N	N	N	N	P
Parks, plazas, open space	P	P	P	P	P
Transit centers	L[9]	L[9]	N	N	N

<sup>1</sup> Certain uses are permitted in the Downtown Storefront Zone, but are not allowed in the required retail ground floor use area along Main Street (see Figure 19.304-2 and Subsection 19.304.4.B.7 for details).

**B. Limited Uses**

Uses that are allowed subject to limitations are listed in Table 19.304.3 with an “L.” These uses are allowed if they comply with the limitations listed in Subsection 19.304.3.G below, and if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

**C. Nonconforming Uses**

Existing structures and uses that do not meet the standards for a particular downtown zone may continue in existence. Alteration of a nonconforming use or structure that is not in compliance with applicable standards shall be subject to the provisions of Chapter 19.800 Nonconforming Uses. For privately owned property with legal nonconforming uses and structures within the Downtown Open Space Zone, Subsection 19.803.2 is not applicable, but all other provisions of Chapter 19.800 shall apply.

**D. Prohibited Uses**

Uses listed in Table 19.304.3 with an “N” are prohibited as new uses.

**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.

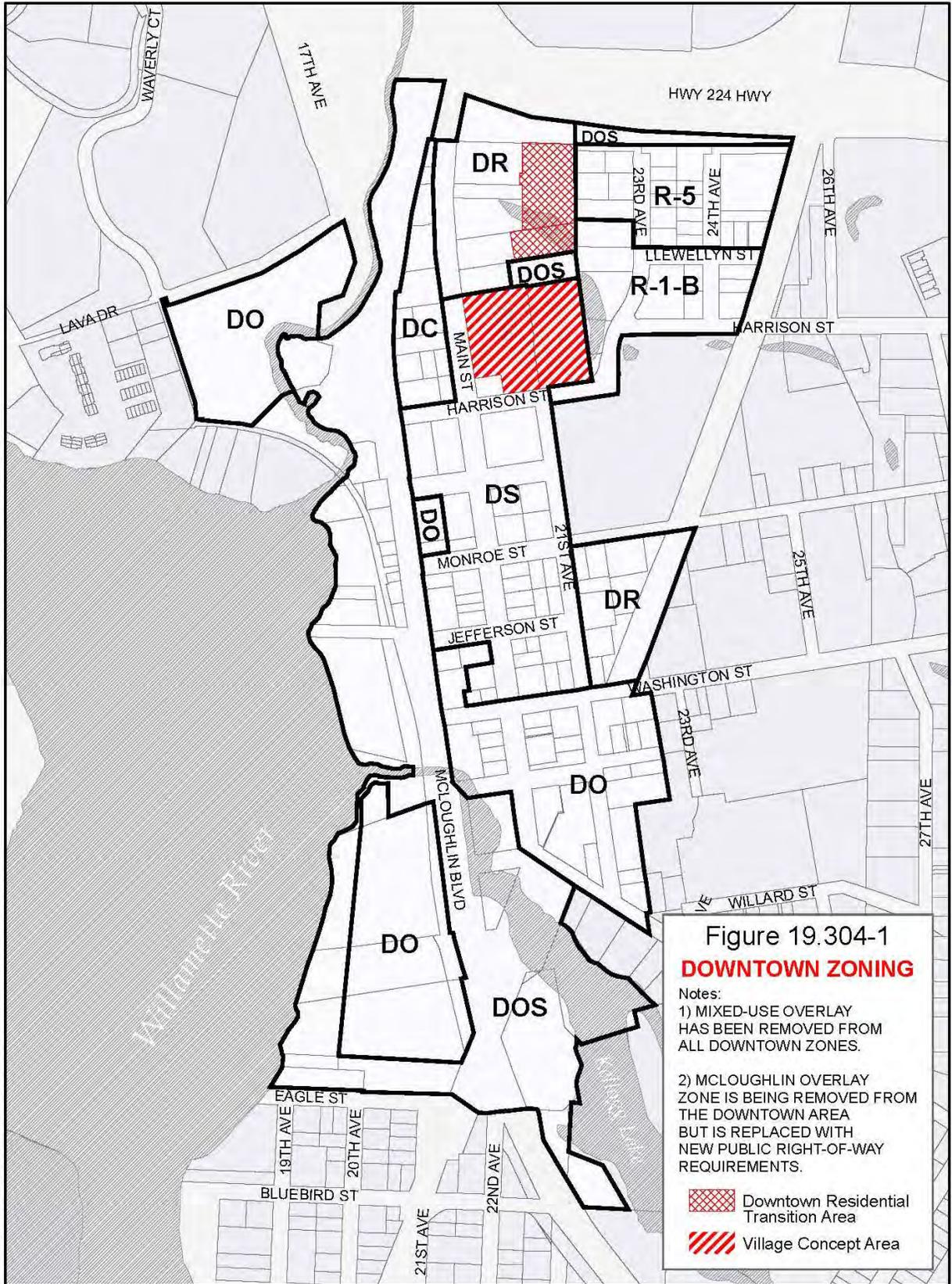
**F. Similar Uses**

The Planning Director, through a Type I review, may determine that a use that is not listed is considered similar to a listed use in Table 19.304.3. The unlisted use shall be subject to the standards applicable to the similar listed use.

**G. Limited Uses**

The following provisions describe the use limitations and correspond with the footnote numbers for uses listed with an “L” in Table 19.304.3.

1. Townhouse development is permitted only in a limited area of the Downtown Residential Zone as identified on the Zoning Map (see “Transitional Residential Area” on Figure 19.304-1). This limited use provision is intended to provide an opportunity for owned, attached housing at a minimum density of 10 units per acre. Townhouse development is permitted only in a limited area of the Downtown Storefront Zone as identified on the Zoning Map (see “Village Concept Area” on Figure 19.304-1). Townhouses shall not be located within 50 ft of the Main Street frontage within the “Village Concept Area.”
2. Automobile/motor vehicle repair (excluding body and fender repair and painting) is permitted in the Downtown Commercial Zone when conducted within a completely enclosed building.
3. In the Downtown Office Zone, eating and drinking establishments and retail trade uses are limited to 5,000 sq ft in floor area per use. These limited uses may only be developed as part of a mixed use building that supports a primary permitted use (e.g., office, hotel and financial institution).
4. In the portions of the Downtown Storefront Zone where ground-floor retail/restaurant uses are required (see Figure 19.304-2), office uses are only allowed on or above the second floor.
5. Office, personal service, and retail trade uses in the Downtown Residential Zone may only be developed as part of a mixed use building that includes housing. Office, personal service, and retail trade uses are limited to the ground floor; and individual office, personal service, or retail uses may not exceed 5,000 sq ft in floor area. Home occupations are permitted in accordance with Section 19.507 of this title.
6. Parking facilities in the Downtown Open Space Zone are limited to surface lots.
7. In the portions of the Downtown Storefront Zone where ground-floor retail/restaurant uses are required (see Figure 19.304-2), personal/business service uses are limited to a maximum of 25% of the ground floor area of an individual building.
8. New community service uses or expansion/alteration of an existing community service use in the downtown zones may be permitted if approved under Section 19.904 and shall comply with the development and design standards of this section.
9. Transit centers shall comply with the public area requirements for transit centers.
10. Multifamily building development is permitted only in a limited area of the Downtown Storefront Zone as identified on the Zoning Map. See “Village Concept Area” on Figure 19.304-1.



**19.304.4 Development Standards**

A. Purpose

The development standards address several issues of particular importance to maintaining the appropriate character for the downtown zones. Table 19.304.4 summarizes the development standards that apply in the downtown zones.

<b>Table 19.304.4 Downtown Zones—Development Standards</b>					
<b>Standard</b>	<b>Downtown Storefront</b>	<b>Downtown Commercial</b>	<b>Downtown Office</b>	<b>Downtown Residential</b>	<b>Downtown Open Space</b>
1. Minimum lot size	750 sq ft	10,000 sq ft	5,000 sq ft	750/5,000 sq ft <sup>1</sup>	None
2. Floor area ratio					
Minimum	1:1	0.3:1	0.5:1	NA	NA
Maximum	4:1	2:1	3:1	NA	NA
3. Building height (see Figure 19.304-3)					
Minimum	35'	25'	25'	None	None
Maximum	45'-55'	55'	65'	45'-65'	None
4. Residential density					
Minimum	None	None	None	10-30 U/Acre	None
Maximum	None	None	None	None	None
5. Street setback (see Figure 19.304-4)					
Minimum	0'	0'	0'	0'	0'
Maximum	10'	50'	10'	None	None
6. Other setbacks (side and rear)	None	None	None	15' <sup>2</sup>	None
7. Ground-floor retail (see Figure 19.304-2)	Yes	Yes	Yes	No	No
8. Ground-floor windows/doors (see Figure 19.304-5)	Yes	Yes	Yes	No	No
9. Drive-through facilities	No	No	No	No	No
10. Off-street parking required	No	Yes	No/Yes <sup>3</sup>	Yes	Yes
11. Landscaping	None	10%	None	15%	20%

<sup>1</sup> Townhouse lots may be as small as 750 sq ft. All other lots created in the DR zone shall be a minimum of 5,000 sq ft.

<sup>2</sup> Setbacks are required only where the DR zone abuts a lower-density residential zone.

<sup>3</sup> Off-street parking is not required in the DO zone to the north of Washington Street and east of McLoughlin Boulevard. Off-street parking is required in the DO zone located outside of this boundary.

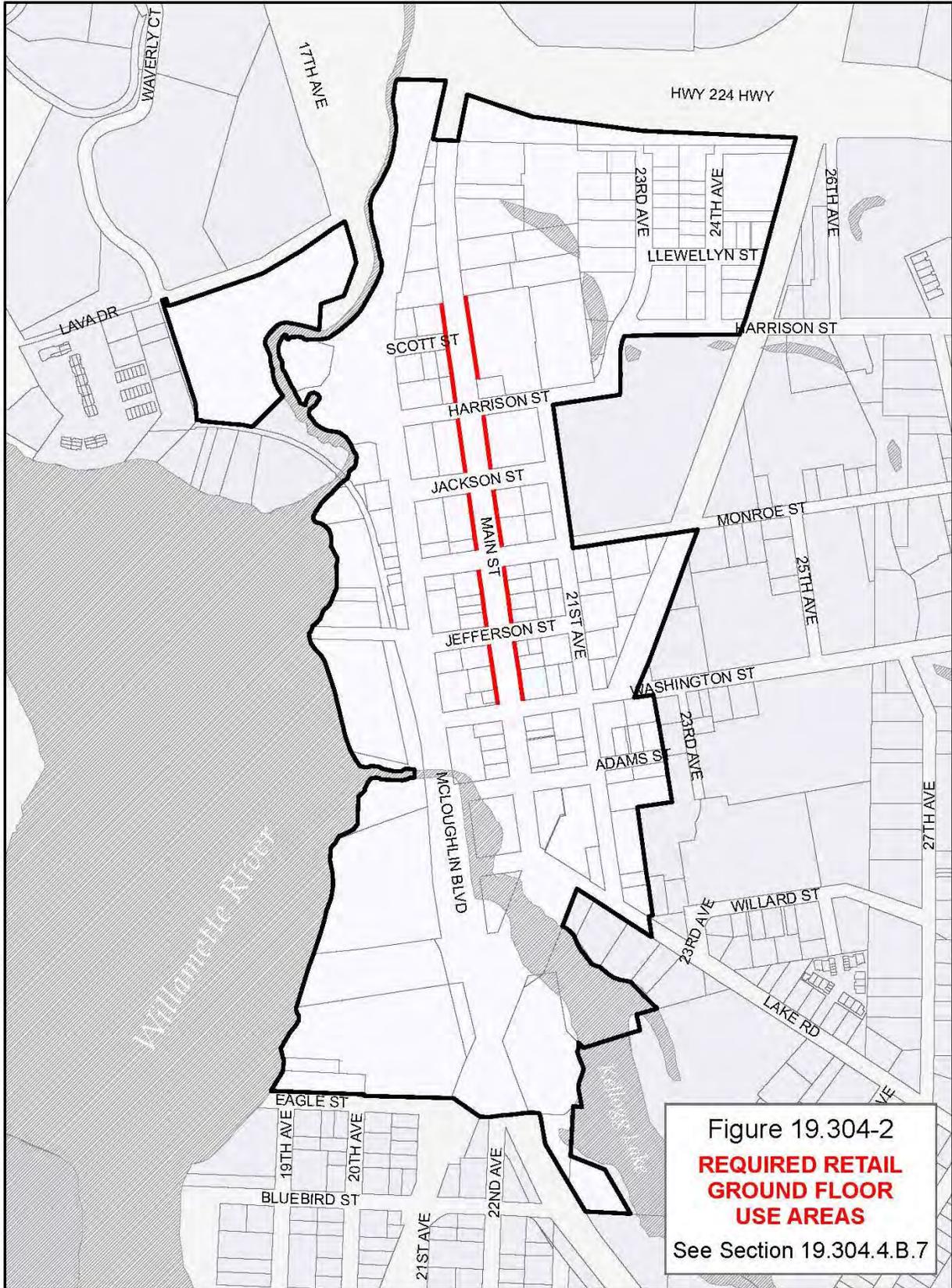
Table 19.304.4 is supplemented by the explanation of the development standards provided in Subsection 19.304.4.B below, and the following figures:

Figure 19.304-2—Required Retail Ground Floor Use Areas

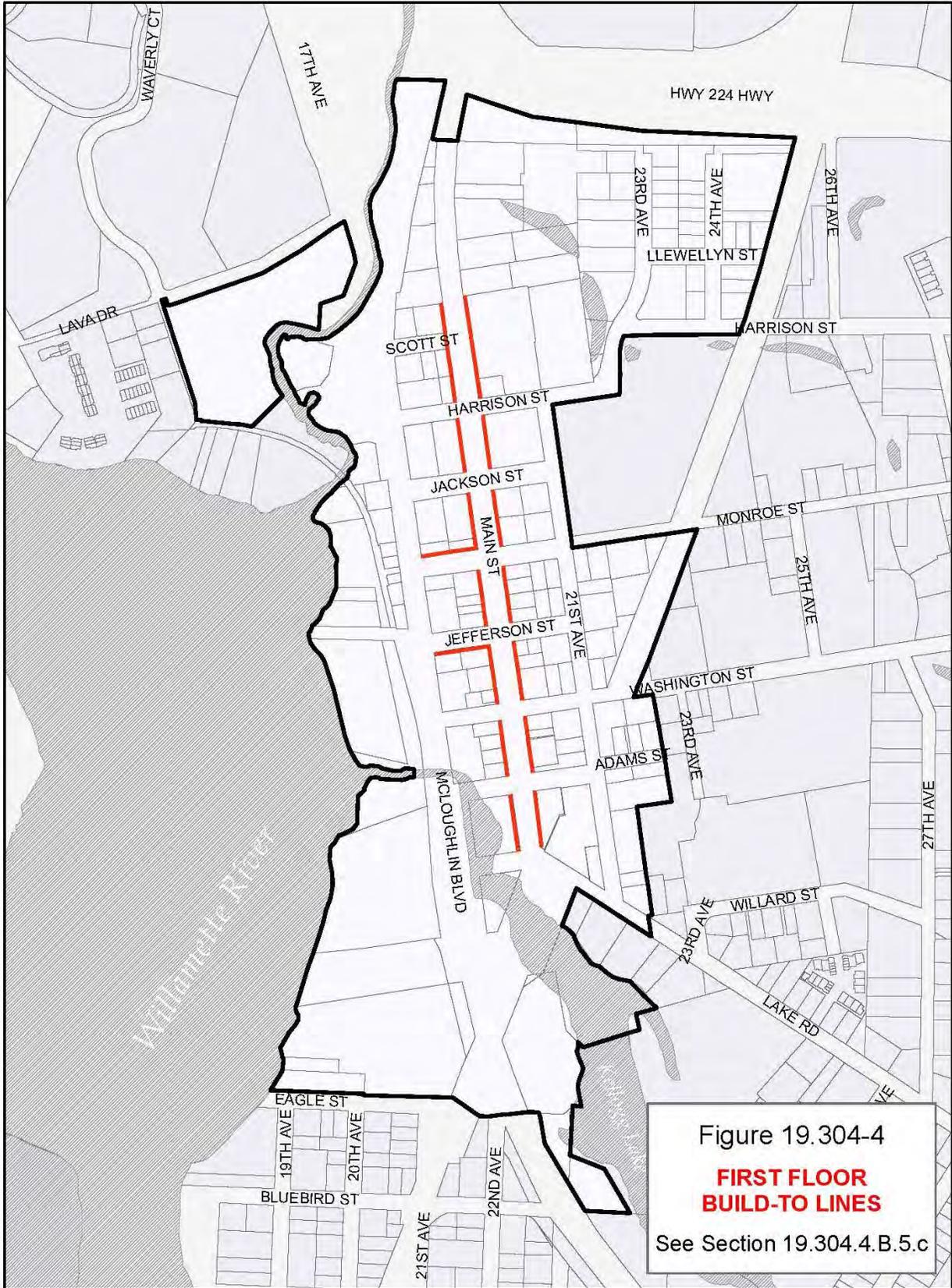
Figure 19.304-3—Maximum Building Heights

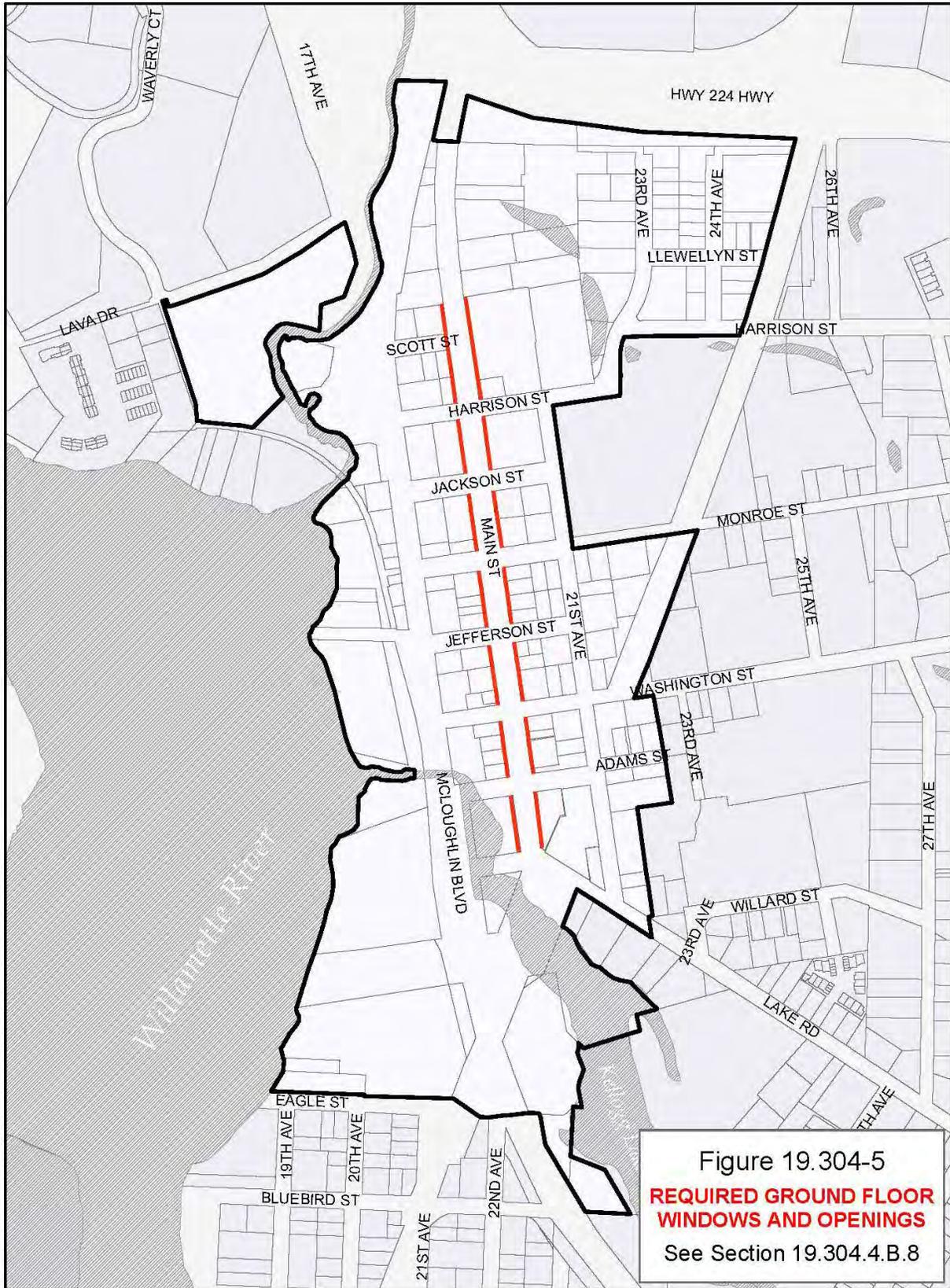
Figure 19.304-4—Build-to Lines

Figure 19.304-5—Required Ground Floor Windows and Openings









B. Explanation of Development Standards

1. Minimum Lot Size

New lots created in the downtown zones shall meet the minimum lot size standards of Table 19.304.4 as further described below.

- a. New lots in the Downtown Storefront and Downtown Residential Zones (in the transitional residential area only) shall be a minimum of 750 sq ft, with a minimum street frontage of 15 ft.
- b. New lots in the Downtown Office and Downtown Residential Zones (other than those in the transitional residential area) shall be a minimum of 5,000 sq ft, with a minimum street frontage of 30 ft.
- c. New lots in the Downtown Commercial Zone shall be a minimum of 10,000 sq ft, with a minimum street frontage of 30 ft.
- d. Land divisions shall comply with applicable provisions of the Land Division Ordinance (Title 17 of the Milwaukee Municipal Code).

2. Floor Area Ratios

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.

- a. The minimum floor area ratios in Table 19.304.4 apply to all nonresidential building development.
- 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.
- d. The following uses are exempt from the minimum floor area ratios: transit centers, public parks and plazas, and commercial parking facilities.

3. Building Height

Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. Building height standards also establish a consistent streetscape.

- a. Minimum building heights are specified in Table 19.304.4. The minimum building height of 35 ft for the Downtown Storefront Zone applies only to buildings that front on Main Street. Buildings fronting on other streets in the Downtown Storefront Zone shall be a minimum height of 25 ft.
- b. The minimum building height standards apply to new commercial, office, and mixed use buildings. The standards do not apply to additions to existing buildings, accessory structures, or to buildings with less than 1,000 sq ft of floor area.

- c. Maximum building heights are specified in Table 19.304.4 and illustrated on Figure 19.304-3. If there is a conflict between Table 19.304.4 and Figure 19.304-3, the maximum building height provisions of Figure 19.304-3 shall control.
- d. An opportunity is provided for a height bonus in a defined area of the downtown plan. For the area identified on Figure 19.304-3 as the height bonus area, the base building height is 3 stories or 45 ft, whichever is less. However, if at least 1 floor or 25% of the gross floor area is devoted to residential uses, the building is allowed a height of 4 stories or 55 ft, whichever is less.

4. Residential Density

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

- a. Minimum densities for the downtown residential transition area shall be 10 units per acre (see Figure 19.304-1). The maximum density for the residential transition area shall be 30 units per acre.
- b. Minimum densities for stand-alone multifamily dwellings and senior/retirement housing in the Downtown Residential and Downtown Commercial Zones shall be 30 units per acre. Maximum residential densities are controlled by height limits.
- c. There are no minimum density requirements when residential units are developed as part of a mixed use building in the Downtown Storefront, Downtown Commercial, and Downtown Office Zones. The minimum density standards apply only to stand-alone residential buildings. Second-floor housing is allowed in the Downtown Storefront, Downtown Commercial, and Downtown Office Zones. Maximum residential densities for mixed use buildings are controlled by height limits.

5. Street Setbacks

Buildings are allowed and encouraged to build up to the street right-of-way in all downtown zones. Required build-to lines are established in specific areas of the downtown to ensure that the ground floors of buildings engage the street right-of-way (see Figure 19.304-4). 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.

- a. No minimum street setbacks are required in any of the downtown zones.
- b. The downtown zones are 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.
- c. First-floor build-to lines (required zero setbacks) are established for block faces identified on Figure 19.304-4. The build-to line includes a necessary degree of flexibility:
  - (1) Projections or recesses of up to 18 in are allowed.
  - (2) Doorways may be set back a maximum of 8 ft from the build-to line.
- d. Maximum street setbacks of 10 ft are established for the Downtown Storefront and Downtown Office Zones. The 50-ft maximum setback for the Downtown

Commercial Zone applies only to the McLoughlin Boulevard frontage. A build-to line (zero setback) is established for the Downtown Commercial Zone along the Main Street frontage.

6. Other Setbacks

No specific side or rear yard setbacks are required for the downtown zones with the exception of the Downtown Residential Zone, where a minimum 15-ft side/rear yard setback is required where the Downtown Residential Zone abuts lower-density residential zones.

7. Ground-Floor Retail/Restaurants

Retail uses and eating/drinking establishments are required at the ground floors of buildings fronting on Main Street and identified on Figure 19.304-2. This requirement will ensure that continuous retail storefronts and eating/drinking establishments are established and maintained along Main Street, to attract pedestrians and strengthen the shopping environment. When required, the retail uses and/or eating/drinking establishments must comprise at least 75% of the ground floor area of a building.

8. Ground-Floor Windows/Doors

Long expanses of blank walls facing the street or other public area have negative impacts on the streetscape and the pedestrian environment. To minimize these effects, the standards of this section are intended to enhance street safety and provide a comfortable walking environment by providing ground-level features of interest to pedestrians in specific areas of the downtown zones.

For block faces identified on Figure 19.304-5 (Ground-floor Windows and Openings), the exterior wall(s) of the building facing the street/sidewalk must meet the following standards:

- a. ( 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 ft above finished grade, whichever is less.
- b. Doors and/or primary entrances must be located on the block faces identified on Figure 19.304-5, and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.
- c. Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazing are not permitted.
- d. Ground-floor windows for buildings on the block faces identified on Figure 19.304-5 shall allow views into storefronts, working areas, or lobbies. No more than 50% of the window area may be covered by interior furnishings including but not limited to curtains, shades, signs, or shelves. Signs are limited to a maximum coverage of 20% of the window area.

9. Drive-Through Facilities

Drive-through facilities can conflict with the easy, safe, and convenient movement of pedestrians. Therefore, drive-through facilities are prohibited in the downtown zones to create a pedestrian-friendly environment where transit, bicycles, and walking are encouraged.

10. Off-Street Parking

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

- a. Development in the Downtown Storefront Zone, and the portion of the Downtown Office Zone located to the north of Washington Street and east of McLoughlin Boulevard, is exempt from the maximum and minimum quantity requirements for vehicle parking in Section 19.605.
- b. With the exception of the two areas identified in Subsection 19.304.4.B.10.a above, standards and provisions of Chapter 19.600 shall apply to development in the downtown zones.
- 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 on the finding in a public hearing 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.

**11. Minimum Landscaping/Open Space**

The minimum landscaping/open space requirements are established to provide amenities for downtown residents, promote livability, and help soften the effects of built and paved areas.

- a. Required landscaping/open space in the downtown zones may include courtyards, roof top gardens, balconies, terraces, and porches.
- b. Where possible, jointly improved landscaped areas are encouraged to facilitate continuity of landscape design. Street trees are required in all downtown zones as outlined in the public area requirements.
- c. All material in the minimum required landscaped area shall be live plant material. Materials such as bark or river rock may be used only if approved as part of the overall landscaping plan.

**12. Right-of-Way Projections**

Right-of-way projections of up to 4 ft are permitted in all downtown zones for upper-level, unenclosed balconies. All applicable building, fire, safety and public works standards shall also be met prior to permitting such balcony projections.

**19.304.5 Public Area Requirements**

**A. Purpose**

The City has two adopted plans that guide the revitalization of downtown Milwaukie. The first focuses on land uses in the downtown zones entitled Milwaukie Downtown and Riverfront Land Use Framework Plan. The second focuses on public area requirements in the downtown zones entitled Milwaukie Downtown and Riverfront Plan: Public Area

Requirements. 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 purpose of the public area requirements plan is to ensure the development of a consistent and high-quality public right-of-way that establishes a safe, comfortable, contiguous pedestrian-oriented environment with a unified urban design.

B. Applicability

All downtown development projects that meet the applicability provisions of Section 19.702 are subject to Chapter 19.700 in its entirety, with the exception of specified portions of Section 19.708 that pertain to street requirements and design standards for non-downtown development projects. Street requirements and design standards for development projects in the downtown zones are governed by the Milwaukie Downtown and Riverfront Plan: Public Area Requirements. These requirements and standards also apply to all street sections shown in the public area requirements plan even when the development project is not in a downtown zone.

C. Review Process

All downtown development projects that meet the applicability provisions of Section 19.702 shall submit all appropriate applications per Subsection 19.703.2. For downtown development projects requiring a land use application, the applicant shall schedule a preapplication conference with the City prior to submittal of the application. Land use applications for downtown development projects shall be submitted in accordance with Subsection 19.703.2 and processed in accordance with Chapter 19.1000.

D. Street Design Standards

If the Engineering Director determines that the proposed development has impacts on the transportation system pursuant to Section 19.704, the Community Development Director will identify the type, size, and location of needed improvements to the public right-of-way using the Milwaukie Downtown and Riverfront Plan: Public Area Requirements as a guide. The Engineering Director will then conduct a proportionality analysis pursuant to Section 19.705. If none of the needed improvements are determined to be proportional to the development's impacts, the proposed development will be required to comply with the City's safety and functionality standards, which are contained in Subsection 19.703.3.C. If only some of the needed improvements are determined to be proportional to the development's impacts, the Community Development Director will determine which improvements the proposed development will be required to fund or construct. Appeal of the City's proportionality analysis is allowed pursuant to Subsection 19.703.5.B.

**19.304.6 Design Standards**

A. Purpose

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards, together with the public area requirements, 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. The standards are intended to be clear and objective, and compliance with the standards is checked as part of building plan review.

B. Applicability

The design standards are applicable to all new construction and to major exterior alterations in the downtown zones. Standards regarding prohibited materials are applicable to minor exterior alterations in the downtown zones. Exterior maintenance and repair of buildings in the downtown zones are exempt from compliance with the design standards. Definitions of exterior maintenance and repair, minor exterior alteration, and major exterior alteration follow.

1. Exterior maintenance and repair includes refurbishing, painting, and weatherproofing of deteriorated materials, and in-kind restoration or replacement of damaged materials. Exterior maintenance and repair does not include replacement of materials due to obsolescence or when associated with minor or major exterior renovation, as defined below. Exterior maintenance and repair does not include the placement of signs.

The design standards are not applicable to exterior maintenance and repair as defined above.

2. Minor exterior alterations include the exterior alterations of any portion of a structure that do not fall within the definitions of “exterior maintenance and repair” or “major exterior alterations.” Minor exterior alterations include, but are not limited to, the application or installation of finish building treatments, including windows and other glazing, doors, lintels, copings, vertical and horizontal projections including awnings, and exterior sheathing and wall materials. Minor exterior alteration does not include the placement of signs.

Additions not exceeding 250 sq ft may be permitted under a minor exterior alteration only when the additional floor area is designed and used for utility, HVAC, other mechanical equipment, ADA upgrades, or egress required by applicable fire safety or building codes.

The design standards pertaining to prohibited exterior building materials (see Subsection 19.304.6.C below) are applicable to minor exterior alterations. No other design standards apply to minor exterior alterations.

3. Major exterior alterations include any of the following:
  - a. Alterations that do not fall within the definitions of “exterior maintenance and repair” or “minor exterior alterations”;
  - b. Demolition or replacement of more than 25% of the surface area of any exterior wall or roof;
  - c. Floor area additions that exceed 250 sq ft or do not meet the limited purposes as defined under the minor exterior alteration (ADA upgrades, etc.).

The design standards are applicable to major exterior alterations as described below:

- (1) Major exterior alterations involving a wall(s) shall comply with the design standards for walls and the design standards for windows for that wall(s).
- (2) Major exterior alterations involving a roof shall comply with the design standards for roofs.

## C. Design Standards

### 1. Design Standards for Residential

The following standards are applicable to “stand-alone” residential buildings in the Downtown Residential and Downtown Commercial Zones. Additional standards

pertaining to walls, windows, and roofs are also applicable to residential buildings and are addressed in Subsections 19.304.6.C.2 through 4 below.

- a. Residential Entries and Porches
  - (1) Porches, if provided, shall be a minimum of 6 ft deep by 8 ft wide.
  - (2) Front entries must face a public street or a landscaped courtyard.
- b. Garages and Parking Areas

Garage entrances and parking areas shall not be located between the residential building(s) and the abutting public street.
- c. Residential Courtyards, if Provided
  - (1) Courtyards shall have a minimum width of 30 ft.
  - (2) Up to 15% of the courtyard area may be claimed as private space. The remainder shall be common space.
  - (3) The courtyard shall be enclosed on a minimum of 2 sides by residential front entry doors.
  - (4) Garage doors shall not front onto the courtyard.
- d. Residential Balconies

Balconies for residential units shall have a minimum depth of 6 ft and minimum width of 8 ft.

2. Design Standards for Walls

The following standards are applicable to the exterior walls of buildings facing streets, courtyards, and/or public squares in all of the downtown zones.

- a. Exterior wall-mounted mechanical equipment is prohibited.
- b. The following wall materials are prohibited at the street level of the building:
  - (1) EIFS or other synthetic stucco panels;
  - (2) Splitface or other masonry block.
- c. The following wall materials are prohibited at all levels of the building in all downtown zones:
  - (1) Plywood paneling;
  - (2) Brick with dimensions larger than 4 by 8 by 2 in;
  - (3) Spandrel glazing/curtain wall;
  - (4) Vinyl or metal cladding;
  - (5) Composite wood fiberboard or composite cement-based siding, except as permitted in the Downtown Residential Zone in Subsection 19.304.6.C.2.d.(3);
  - (6) Metal panels, except at penthouse level.
- d. The following wall materials are permitted only in the Downtown Residential Zone where densities are less than 30 units per acre:
  - (1) Board and batten cladding (limited to a maximum of 20% of the wall area);

- (2) Wood shingles;
- (3) Composite wood fiberboard or composite cement-based siding.

3. Design Standards for Windows

The following standards are applicable to building windows facing streets, courtyards, and/or public squares in all of the downtown zones.

- a. Windows shall be “punched” openings recessed a minimum of 2 in from the wall surface.
- b. Window height shall be equal to or greater than window width.
- c. The following windows are prohibited:
  - (1) Reflective, tinted, or opaque glazing;
  - (2) Simulated divisions (internal or applied synthetic materials);
  - (3) Exposed, unpainted metal frame windows.

4. Design Standards for Roofs

The following standards are applicable to building roofs in all of the downtown zones.

- a. Flat roofs shall include a cornice with no less than 6 in depth (relief) and a height of no less than 12 in.
- b. Mansard or decorative roofs on buildings less than 3 stories are prohibited in all downtown zones.
- c. Metal roofs are prohibited only in the Downtown Residential Zone.

**19.305 NEIGHBORHOOD COMMERCIAL ZONE C-N**

In a C-N Zone the following regulations shall apply:

**19.305.1 Uses Permitted Outright**

In a C-N Zone the following uses and their accessory uses are permitted outright:

- A. No uses permitted outright.

**19.305.2 Conditional Uses Permitted**

In a C-N Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 19.905:

- A. A food store not exceeding 2,500 sq ft of floor area;
- B. A store providing convenience goods and services for a local area;
- C. Laundry;
- D. Eating establishment;
- E. Any other use similar to the above and not listed elsewhere.

**19.305.3 Standards**

In a C-N Zone the following standards shall apply:

- A. Lot size. Lot area shall be at least 5,000 sq ft but not greater than 25,000 sq ft. Lot width shall be at least 50 ft. Average lot depth shall be at least 80 ft.

- B. Front yard. A front yard shall be at least 15 ft.
- C. Side yard. A side yard shall be at least 5 ft, and there shall be additional 1 ft of side yard for each 3 ft of height over 2 stories or 25 ft, whichever is less, except on corner lots a side yard shall be at least 15 ft on the side abutting the street.
- D. Rear yard. A rear yard shall be at least 10 ft.
- E. Off-street parking and loading. As specified in Chapter 19.600.
- F. Height restriction. Maximum height of a structure shall be 2.5 stories or 35 ft, whichever is less.
- G. Lot coverage. Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 40% of the total area of the lot.
- H. Minimum vegetation. Minimum area that must be left or planted in trees, grass, shrubs, etc., shall be 20% of the total area of the lot.
- I. Screening. Neighborhood commercial uses must be screened from adjacent residential uses.
- J. Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft.
- K. Transportation requirements and standards. As specified in Chapter 19.700.

#### **19.305.4 Prohibited Uses**

The following uses and their accessory uses are prohibited:

- A. Adult entertainment business.

#### **19.306 LIMITED COMMERCIAL ZONE C-L**

In a C-L Zone the following regulations shall apply:

##### **19.306.1 Uses Permitted Outright**

In a C-L Zone the following uses and their accessory uses are permitted outright:

- A. 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.
- B. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific, or statistical organizations.
- C. Retail trade establishment such as a food store, drugstore, gift shop, hardware store, selling primarily from a shelf-goods inventory.
- D. Personal service business such as a barber shop, tailor shop, or laundry and dry cleaning pickup station.
- E. Any other use similar to the above and not listed elsewhere.

##### **19.306.2 Conditional Uses Permitted**

In a C-L Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 19.905:

- A. Funeral home;

- B. Marina and boat sales;
- C. Parking facility;
- D. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;
- E. Financial institution;
- F. Trade or commercial school;
- G. Single-family detached dwelling;
- H. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre, nor having less than 10,000 sq ft per head of livestock;
- I. Duplex or multifamily development ;
- J. Senior and retirement housing;
- K. Residential home;
- L. Congregate housing facility;
- M. High-impact commercial, except adult entertainment businesses;
- N. Any other use similar to the above and not listed elsewhere.

**19.306.3 Standards**

In a C-L Zone the following standards shall apply:

- A. Lot size. None, except as follows for dwelling. Lot area shall be at least 5,000 sq ft. Lot area for the first dwelling unit shall be at least 5,000 sq ft and for dwelling units over 1 there shall be not less than an average of 1,000 sq ft. Lot width shall be at least 50 ft. . Lot depth shall be at least 80 ft.
- B. Front yard. None, except as provided in Subsections 19.306.3.E and 19.501.2.A.
- C. Side yard. None, except as provided in Subsections 19.306.3.E and 19.501.2.A.
- D. Rear yard. None, except as provided in Subsections 19.306.3.E and 19.501.2.A.
- E. Transition area. A transition area shall be maintained according to Subsection 19.504.6.
- F. Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft except as permitted under the Land Division Ordinance. .
- G. Off-street parking and loading. As specified in Chapter 19.600.
- H. Height restriction. Maximum height of any structure shall be 3 stories or 45 ft, whichever is less.
- I. Open use. A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, shall be screened with a sight-obscuring fence not less than 6 ft high.
- J. Minimum vegetation. Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc., shall be 15% of the total area of the lot.
- K. Transportation requirements and standards. As specified in Chapter 19.700.

**19.306.4 Prohibited Uses**

The following uses and their accessory uses are prohibited:

- A. Adult entertainment businesses.

**19.307 GENERAL COMMERCIAL ZONE C-G**

In a C-G Zone the following regulations shall apply:

**19.307.1 Uses Permitted Outright**

In a C-G Zone the following uses and their accessory uses are permitted outright:

- A. 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;
- B. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations;
- C. Retail trade establishment such as a food store, drugstore, gift shop, hardware store, selling primarily from a shelf-goods inventory;
- D. Personal service business such as a barber shop, tailor shop or laundry, and dry cleaning pickup station;
- E. A use permitted outright in this zone with drive-in service facilities;
- F. Funeral home;
- G. Eating establishment;
- H. Marina;
- I. Parking facility;
- J. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;
- K. Financial institution;
- L. Trade or commercial school;
- M. Department or furniture store;
- N. Automobile, boat, trailer, or other vehicle or equipment sales and service;
- O. Car wash;
- P. Carpenter or cabinet shop;
- Q. Furniture upholstering;
- R. Building materials supply;
- S. Plumbing, heating, ventilation, or electrical shop;
- T. Printing plant;
- U. Repair garage;
- V. Automobile service station;

- W. Sign painting shop;
- X. Tire shop;
- Y. Any other use similar to the above and not listed elsewhere.

**19.307.2 Conditional Uses Permitted**

In a C-G Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 19.905:

- A. Animal hospital or boarding kennel;
- B. Auditorium or stadium;
- C. Contractor's storage yard;
- D. Sheet metal shop;
- E. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre, nor having less than 10,000 sq ft per head of livestock;
- F. Drinking establishment;
- G. High-impact commercial, except adult entertainment businesses;
- H. Any other use similar to the above and not listed elsewhere.

**19.307.3 Standards**

In a C-G Zone the following standards shall apply:

- A. Lot size. None. Lot width shall be at least 50 ft. Average lot depth shall be at least 80 ft.
- B. Front yard. None, except as provided in Subsections 19.307.3.E and 19.501.2.A.
- C. Side yard. None, except as provided in Subsections 19.307.3.E and 19.501.2.A.
- D. Rear yard. None, except as provided in Subsections 19.307.3.E and 19.501.2.A.
- E. Transition area. A transition area shall be maintained according to Subsection 19.504.6.
- F. Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft.
- G. Off-street parking and loading. As specified in Chapter 19.600.
- H. Height restriction. Maximum height of a structure shall be 3 stories or 45 ft, whichever is less.
- I. Lot coverage. Maximum area that may be covered by buildings and structures shall not exceed 85% of the total area of the lot.
- J. Open use. A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, or which would be visible from a public street, shall be screened with a sight-obscuring fence not less than 6 ft high.

Except for open storage, the following uses shall be conducted within an enclosed building:

- 1. Carpenter or cabinet shop;
- 2. Furniture upholstery;
- 3. Plumbing shop;

4. Repair garage;
  5. Sign painting shop;
  6. Tire shop;
  7. Heating or ventilation shop.
- K. Minimum vegetation. Minimum area that must be left or planted in trees, grass, shrubs, bark dust for planting beds, etc., shall be 15% of the total area of the lot.
- L. Transportation requirements and standards. As specified in Chapter 19.700.

#### **19.307.4 Prohibited Uses**

The following uses and their accessory uses are prohibited:

- A. Adult entertainment business.

#### **19.308 COMMUNITY SHOPPING COMMERCIAL ZONE C-CS**

In a C-CS Zone the following regulations shall apply:

##### **19.308.1 Uses**

Development shall be a community-scale shopping center.

- A. Such center shall include at least 3 out of the 4 following uses:
1. Department store uses;
  2. Drug and/or variety store uses;
  3. Food supermarket;
  4. Retail specialty shops.
- B. Such center may include the following additional uses:
1. Eating and drinking establishment;
  2. Financial institution;
  3. Entertainment use (theater, etc.);
  4. Personal service businesses;
  5. Repair, service or maintenance of goods authorized in this district;
  6. Offices, clinics, or trade schools, provided no more than 15% of the total floor space of the center is devoted to such uses;
  7. Any other uses determined by the Planning Commission to be similar and compatible to the above-listed uses.
- C. Uses prohibited shall be: industrial, warehousing, vehicular sales or service, motels, adult entertainment business, machinery sales or repair, contractor's office, and similar uses as determined by the Planning Commission.

##### **19.308.2 Scale**

The minimum size of the community-scale shopping center shall be 200,000 gross leasable sq ft. Construction of the center may be phased, however, and the first phase must be at least 140,000 sq ft. If construction is phased, all phases must be completed in 3 years.

**19.308.3 Application Review; Minimum Requirements**

- A. Site development plan showing site and adjacent streets, access, parking, circulation, landscaped areas, location of buildings, location of pedestrian walkways, location of utilities, service areas, loading areas, lighting, utilities and public facilities;
- B. Landscaping plan showing size, species and location of plant materials, irrigation system, site contouring;
- C. Preliminary architectural plans indicating floor plans, elevations, building orientation and signing;
- D. Phasing plan, if proposed;
- E. Detailed traffic report, analyzing existing traffic, traffic generation, turning movements, and impact on adjacent streets. Report shall recommend roadway improvements needed to mitigate impacts as specified in Chapter 19.700. The application shall be reviewed under Type III review procedures as provided in Section 19.1006;
- F. Proposed on and off-site improvements to the remaining public facilities (water, sanitary sewer and storm sewer).

**19.308.4 Criteria for Approval**

An application for development will be approved if it meets the following criteria:

- A. It complies with the application requirements under Subsection 19.308.3 above;
- B. It meets the scale requirements of Subsection 19.308.2 above;
- C. It meets the use requirements of Subsection 19.308.1 above;
- D. It meets the development standards of Subsection 19.308.5 below;
- E. The site plan and building orientation/design shall address the following guidelines:
  - 1. Create an aesthetically pleasing development by the use of quality materials and the arrangement of buildings, landscaping and parking,
  - 2. Relate functionally to the site, surroundings and internally,
  - 3. Be designed to maximize safety and convenience, for the motorist and pedestrian,
  - 4. Be designed to consider crime prevention techniques,
  - 5. Signs shall be integrated into the design of the center.

**19.308.5 Development Standards**

- A. Setbacks (Minimum) from Property Line
  - 1. Along Hwy. 224: 30 ft
  - 2. Along Oak Street: 40 ft
  - 3. Along 37th Street: 20 ft
  - 4. From other property lines: 5 ft
- B. Heights (maximum)  
3 stories or 45 ft, whichever is less.
- C. Access

1. Maximum of 2 curb cuts along Oak St. frontage.
2. Maximum of 3 curb cuts along 37th St. frontage.
3. Location of access points to be approved by the Public Works Director, after consultation with the State Highway Division.

D. Landscaping

1. A minimum of 20% of the net site area shall be landscaped. Net site area is gross site area minus right-of-way (ROW) dedications.
2. All setback areas to be landscaped.
3. A landscaped berm on the Hwy. 224 and Oak St. frontages shall be installed. The berm shall be designed to provide visual relief from the parking and activity areas of the center. The berm may be “tapered” down on either side of access drives.
4. An irrigation system shall be installed for the landscaped areas.
5. Trees (minimum 6 ft high at time of planting) shall be planted, at least 1 every 50 ft, along the bermed landscaped areas adjacent to streets.
6. “Landscaped” means a combination of ground cover, shrubbery, and trees installed to form a unified landscape.
7. A bond or financial guarantee of performance will be required.

E. Utilities

All utilities (electric, gas, telephone) shall be installed underground.

F. Transit

Reserve areas for transit facilities (bus turnout, shelter, benches, station, etc.) for the use of mass transit if requested by TriMet in their review of the project as specified in Chapter 19.700.

G. Public Facilities

All necessary public facilities (water, sanitary sewer, storm sewer, streets) must be improved to meet City and State standards.

H. Parking requirements of Chapter 19.600.

I. Design Standards

1. Roof-mounted mechanical equipment shall be screened from view.
2. Loading and delivery areas should be separated from parking and pedestrian areas.
3. A minimum of 80% of the floor space shall be designed as an enclosed mall (where access from one store to another is possible without walking outside). Alternatively, a pedestrian walkway covering is permitted, if designed to shelter pedestrians from inclement weather.
4. Outdoor trash or delivery areas are screened from the public’s view.

J. Transportation Requirements and Standards

As specified in Chapter 19.700.

**19.309 MANUFACTURING ZONE M**

Statement of Purpose. The purpose of this manufacturing zone is to promote clean, employee-intensive industries which may also include related accessory uses, such as commercial and office uses, which serve the industrial area.

**19.309.1 Permitted Uses**

Permitted uses are limited to industrial uses meeting the following criteria:

- A. Any combination of manufacturing, office, and/or commercial uses are allowed when at least 25% of the total project involves an industrial use as described under Subsection 19.309.1.B. The combined uses shall provide at least 10 employees per net acre.
- B. A use which involves the collection and assembly of durable goods, warehousing of goods, transshipment of goods from other sources, and/or the assembly of goods from products which have been processed elsewhere, general manufacturing, and production.
- C. Commercial and office uses which are accessory to the industrial use(s). Such uses may include gymnasium, health club, secretarial services, sandwich deli, small restaurant, and retail/wholesale commercial use and showroom.
- D. May produce small amounts of noise, dust, vibration, or glare, but may not produce off-site impacts that create a nuisance, as defined by DEQ or the City Noise Ordinance.
- E. Has access to a collector or arterial street.
- F. A permitted use may require outside storage areas. These storage areas shall be screened with a sight-obscuring fence or dense plantings from any adjoining residential uses or public streets.
- G. Warehouse use which is accessory to an industrial use.

**19.309.2 Preexisting Uses and Developments**

Notwithstanding the provisions of Chapter 19.800 Nonconforming Uses and Development, prohibited uses and structures located in any mapped “employment” or “industrial” area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to May 6, 1999, and would be impacted by amendments prohibiting retail uses in excess of 60,000 sq ft, are considered to be approved uses and structures for the purposes of this section. If such a preexisting use or development is damaged or destroyed by fire, earthquake, or other natural force, then the use will retain its preexisting status under this provision, so long as it is substantially reestablished within 3 years of the date of the loss.

Notwithstanding the provisions of Chapter 19.800 Nonconforming Uses and Development, prohibited uses and structures located in any mapped “industrial” area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to March 17, 2009, may continue and expand to add up to 20% more floor area and 10% more land area than exists on the above-stated date. This expansion requires a conditional use review.

**19.309.3 Prohibited Uses**

- A. Any use which has a primary function of storing, utilizing, or manufacturing explosive materials or other hazardous material as defined by the Uniform Fire Code, Article 80;
- B. New residential construction, churches, public schools;

- C. Retail uses greater than 60,000 sq ft gross floor area per building or business are prohibited on all lots included in mapped “Employment” or “Industrial” areas as shown on Milwaukie Comprehensive Plan Title 4 Lands Map, April 6, 1999.
- D. All lots included in mapped “Industrial” areas, as shown on Milwaukie Comprehensive Plan Title 4 Lands Map, April 6, 1999, carry the following additional restrictions:
  - 1. Individual retail trade uses greater than 5,000 sq ft gross floor area per building or business are prohibited.
  - 2. Multiple retail trade uses that occupy more than 20,000 sq ft gross floor area are prohibited, whether in a single building or in multiple buildings within the same project.
  - 3. Facilities whose primary purpose is to provide training to meet industrial needs are exempted from this prohibition.

#### **19.309.4 Conditional Uses**

##### **A. Natural Resource Extraction**

- 1. Open pit and gravel excavating or processing shall not be permitted nearer than 50 ft to the boundary of an adjoining property line, unless written consent of the owner of such property is first obtained. Excavating or processing shall not be permitted closer than 30 ft to the right-of-way line of an existing platted street or an existing public utility right-of-way.
- 2. An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.
- 3. A rock crusher, washer, or sorter shall not be located nearer than 500 ft to a residential or commercial zone. Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which is injurious or substantially annoying to persons living in the vicinity.

##### **B. High-Impact Commercial Uses**

When considering a high-impact commercial use, the Commission shall consider the following:

- 1. Nearness to dwellings, churches, hospitals, or other uses which require a quiet environment;
- 2. Building entrances, lighting, exterior signs, and other features which could generate or be conducive to noise or other disturbance for adjoining uses;
- 3. Parking vehicles and pedestrian access and circulation could contribute to noise or attract habitual assembly or unruly persons;
- 4. Hours of operation;
- 5. In addition to consideration of the above with respect to building and site design, the Planning Commission may attach conditions or standards of performance and impact, and methods for monitoring and evaluating these, to ensure that such establishments do not become unduly or unnecessarily disruptive.

In addition, when considering an adult entertainment business, the following criteria shall be used: The proposed location of an adult entertainment business shall not be within 500 ft of an existing or previously approved adult entertainment business or

within 500 ft of either a public park, a church, a day-care center, a primary, elementary, junior high, or high school, or any residentially zoned property, both of which distances shall be measured in a straight line, without regard to intervening structures, between the closest structural wall of the adult entertainment business and either the closest property line of the impacted property or the closest structural wall of any pre-existing or previously approved adult entertainment business.

**19.309.5 Site Development Requirements**

A. Setbacks

Front: 20 ft

Side: None\*

Corner side yard: 10 ft

Rear: None\*

\* Except when abutting a residential district, in which case the setback shall match the abutting property.

B. Height. 45 ft

C. Parking and loading. See Chapter 19.600.

D. Landscaping

15% landscaping of the site is required. A variety of trees, shrubbery, and ground cover is encouraged. Street trees are required along street frontages and within parking lots to help delineate entrances, provide shade, and permeable areas for storm water runoff. A bond or a financial guarantee of performance will be required.

E. Site access. 1 curb cut (45 ft maximum) per 150 ft of street frontage.

F. Transition Area

Industrial development adjacent to and within 120 ft of areas zoned for residential uses is subject to Type I or II review per Section 19.906 Development Review. The following characteristics will be considered:

1. Noise
2. Lighting
3. Hours of operation
4. Delivery and shipping
5. Height of structure
6. Distance to residential zone boundary

The review authority may attach conditions to reduce any potentially adverse impacts to residential properties.

G. Transportation requirements and standards. As specified in Chapter 19.700.

**19.310 BUSINESS INDUSTRIAL ZONE BI**

**19.310.1 Purpose**

This section is adopted to implement the policies of the Comprehensive Plan for industrial land uses providing a mix of clean, employee-intensive, industrial and office uses, with associated services, in locations supportive of mass transit and the regional transportation network.

**19.310.2 Uses Permitted Outright**

- A. The following business and industrial uses are allowed outright, subject to the standards of Subsection 19.310.6.
  - 1. Experimental, research, film, or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards and/or nuisances off the site;
  - 2. Manufacturing, processing, fabrication, packaging, or assembly of products from previously prepared materials;
  - 3. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing;
  - 4. Trade schools primarily serving the business community within the area.
- B. Business and professional offices, including product design, sales, service, packaging; corporate headquarters or regional offices.
- C. Warehousing and distribution.
- D. Any other use similar to the above uses but not listed elsewhere.

**19.310.3 Accessory Uses**

Uses accessory to and in conjunction with uses permitted outright may include the following:

- A. Employee lounges and dining rooms, employee day-care facilities, conference rooms for tenant use, newsstands, central mail room and self-service postal and banking facilities, and product information and display areas;
- B. Executive, administrative, design, or product showroom offices provided in conjunction with uses listed under Subsection 19.310.2 of this section;
- C. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts, which are provided in association with uses listed in Subsection 19.310.2 of this section;
- D. Rental and development information offices, handyman and maintenance services, and other business offices and services in association with allowed uses in the development;
- E. Recycling center, provided that any storage of materials shall be adequately screened;
- F. Accessory uses and structures not otherwise prohibited which are customarily accessory and incidental to any use permitted outright or limited use;
- G. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;
- H. Retail outlets associated with manufacturing uses as outlined in Subsection 19.310.2.A.2 of this section. Products sold at the accessory retail outlet shall be primarily those assembled or manufactured onsite. The accessory retail outlet shall be located within the associated

manufacturing building and occupy up to a maximum of 25% of the floor area of the associated manufacturing building or 4,000 sq ft, whichever is less.

**19.310.4 Limited Uses**

- A. Limited retail or service uses may be allowed that primarily service the needs of BI Zone clients, employees, and businesses, as opposed to the general public. These uses, subject to the provisions of Subsection 19.310.4.B below, shall include:
  - 1. A restaurant or deli, offering at least breakfast and/or lunch items, without a drive-in or drive-through service;
  - 2. Office supply and equipment, sales, or service;
  - 3. Personal service businesses such as a barber, beauty parlor, tailor, dressmaking, shoe repair shop, self-service laundry, dry cleaning, photographer, instruction studios, or similar uses;
  - 4. A bank or other financial institution;
  - 5. A computer or other similar small electronic office machines store, sales and service; and
  - 6. Any other use similar and compatible to the above-listed uses.
- B. Limitations and conditions on the development of the limited uses itemized above shall be as follows:
  - 1. All limited uses shall be located, arranged, and integrated within the district to serve primarily the shopping and service needs of clients, businesses, and employees of the district;
  - 2. Limited uses may occupy up to a maximum of 25% of the square footage of a building. A limited use that is to be located in a building and exceeds 25% of the building's square footage shall be reviewed as a conditional use;
  - 3. Maximum floor area for a limited use shall be 4,000 sq ft;
  - 4. All limited uses shall comply with the standards under Subsection 19.310.6.

**19.310.5 Conditional Uses**

- A. Conditional uses may be established in a business industrial district subject to review and action on the specific proposal, pursuant to Section 19.905 Conditional Uses. Approval shall not be granted unless the proposal satisfies the criteria in Section 19.905; and, in addition, the proposed use:
  - 1. Will have minimal adverse impact on the appropriate development of uses permitted outright on abutting properties and the surrounding area considering location, size, design, and operating characteristics of the use;
  - 2. Is compatible with the character and scale of uses allowed within the district and on a site no larger than necessary for the use and operational requirements of the use;
  - 3. Will provide vehicular and pedestrian access, circulation, parking, and loading areas which are compatible with uses on the same site or adjacent sites; and
  - 4. Is a needed service/product in the district, considering the mix of potential clientele and the need to maintain high-quality development in a highly visible area.
- B. Uses allowed subject to the above conditions are:

1. Public and private community buildings, indoor and outdoor recreational facilities, such as swimming pools, racquetball clubs, athletic clubs, health and exercise spas, gymnasiums, tennis courts, playground, and other similar uses, developed to serve primarily the recreational needs of clients and employees of the district;
2. Mini-warehousing, mini-storage, public storage, and similar commercial facilities that lease storage space to the general public;
3. A limited use or uses that exceed 25% of the building's square footage as per Subsection 19.310.4.B.2 above.

### 19.310.6 Standards

In the BI district, the following standards shall apply to all uses:

- A. Lot size. None, except that lots created shall be of a size sufficient to fulfill the applicable standards of this district.
- B. Front yard. A front yard shall be at least 20 ft unless additional setback is required in Subsection 19.501.2.A.
- C. Side yard. No side yard shall be required except on corner lots where a side yard shall be at least 10 ft on the side abutting the street, unless additional setback is required in Subsection 19.501.2.A.
- D. Rear yard. No rear yard shall be required except as provided in Subsection 19.501.2.A.
- E. Off-street parking and loading. As specified in Chapter 19.600.
- F. Site Access  
One curb cut (45 ft maximum) per 150 ft of street frontage, or fraction thereof, for industrial uses; and 1 curb cut per 100 ft of street frontage or fraction thereof, for business park, limited or conditional uses.
- G. Height restriction. Maximum height of a structure shall be 3 stories or 45 ft, whichever is less.
- H. Landscaping  
15% of the site must be landscaped, except for sites adjacent to Hwy. 224, which shall provide landscaping to 20% of the site. This should consist of a variety of lawn, trees, shrubbery, and ground cover. Street trees must be provided along street frontages and within required off-street parking lots to help delineate entrances, provide shade, and permeable areas for stormwater runoff. A bond or financial guarantee for landscape completion shall be required.
- I. Screening and Outside Storage  
Outside storage adjacent to International Way, Freeman Way, 37th Ave., Lake Road, or Hwy. 224 is prohibited. Outside storage in side or rear yards is allowed, provided it is enclosed by a sight-obscuring fence or vegetative screen.
- J. Building Siting and Design  
Buildings and sites shall be designed using the following principles:
  1. Sites shall be developed to the maximum extent practicable, so that buildings have solar access and utilize other natural features in their design.

2. Assure that building placement and orientation and landscaping allow ease of security surveillance.
3. Design buildings with shapes, colors, materials, textures, lines, and other architectural design features which enhance the character of the district and complement the surrounding area and development, considering, but not limited to, the following techniques:
  - a. Use color, materials, and architectural design to visually reduce the scale and impact of large buildings;
  - b. Use building materials and features that are durable and consistent with the proposed use of the building, level of exposure to public view, and exposure to natural elements.
4. To the extent possible, screen or mask roof-mounted mechanical equipment, except solar collection apparatus, from view.
5. Orient major service activity areas (e.g., loading, delivery, and garbage collection, etc.) of the development away from major streets.
6. Arrange use and buildings to maximize opportunities for shared circulation, access, parking, loading, pedestrian walkways and plazas, recreation areas, and transit-related facilities.
7. Provisions for bus shelters, bike racks, street furniture, kiosks, drinking fountains, art sculptures, and/or other pedestrian and transit amenities as required by Chapter 19.700.

**K. Nuisances**

The use shall not be of a type or intensity which produces dust, odor, smoke, fumes, noise, glare, heat, or vibrations which are incompatible with other uses allowed in this zone; and the use does not produce off-site impacts that create nuisance as defined by the Oregon D.E.Q. and the City Noise Ordinance.

**19.310.7 Validity of Uses**

In the BI Zone, uses that are subject to the provisions of this zone and were legally established/occupied on or prior to the effective date of the zone, shall be considered as legally approved permitted, limited, or conditional uses as described by the BI Zone.

**19.311 PLANNED DEVELOPMENT ZONE PD**

In a Planned Development Zone the following regulations shall apply:

**19.311.1 Purpose**

The purpose of a PD Planned Development Zone is:

- A. To provide a more desirable environment than is possible through the strict application of Zoning Ordinance requirements;
- B. To encourage greater flexibility of design and the application of new techniques in land development;
- C. To provide a more efficient, aesthetic, and desirable use of public and private common open space;
- D. To promote variety in the physical development pattern of the City; and

- E. To encourage a mix of housing types and to allow a mix of residential and other land uses.

**19.311.2 Use**

A planned development approved by the City Council and based on a final development plan and program shall constitute the Planned Development Zone. The PD Zone is a superimposed zone applied in combination with regular existing zones. A PD Zone shall be comprised of such combinations of types of dwellings and other structures and uses as shall be authorized by the Council, but the Council shall authorize only those types of dwellings and other structures and uses as will:

- A. Conform to the City's Comprehensive Plan;
- B. Form a compatible and harmonious group;
- C. Be suited to the capacity of existing and proposed community utilities and facilities;
- D. Be cohesively designed and consistent with the protection of public health, safety, and welfare in general; and
- E. Afford reasonable protection to the permissible uses of properties surrounding the site. In addition to residences and their accessory uses, the Council may authorize commercial and nonresidential uses which it finds to be:
  - 1. Designed to serve primarily the residents of the planned development,
  - 2. Limited to those nonresidential uses which do not exist in the vicinity, and
  - 3. Fully compatible with, and incorporated into, the design of the planned development.

**19.311.3 Development Standards**

All standards and requirements of this chapter and other City ordinances shall apply in a PD Zone unless the Planning Commission grants a variance from said standards in its approval of the PD Zone or accompanying subdivision plat.

**A. Minimum Size of a PD Zone**

A PD Zone may be established only on land which is suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes of this zone. A PD Zone shall not be established on less than 2 acres of contiguous land unless the Planning Commission finds that a smaller site is suitable because of unique character, topography, landscaping features, or constitutes an isolated problem area.

**B. Special Improvements**

In its approval of the final plan or subdivision plat within a PD Zone, the City may require the developer to provide special or oversize sewer lines, water lines, roads and streets, or other service facilities. Such approval shall not obligate the City to expend funds for additional construction equipment or for special road, sewer, lighting, water, fire, or police service.

**C. Density Increase and Control**

The Council may permit residential densities which exceed those of the underlying zone, if it determines that the planned development is outstanding in planned land use and design and provides exceptional advantages in living conditions and amenities not found in similar developments constructed under regular zoning. In no case shall such density increase be

more than 20% greater than the density range prescribed for the primary land use designation indicated in the Comprehensive Plan.

**D. Peripheral Yards**

Along the periphery of any PD Zone, additional yard depth, buffering, or screening may be required. Peripheral yards shall be at least as deep as that required by the front yard regulations of underlying zones. Open space may serve as peripheral yard and/or buffer strips to separate one planned area from another, if such dual use of the land is deemed to comply with this section.

**E. Open Space**

Open space means the land area to be set aside and used for scenic, landscaping, or open recreational purposes within the development. Open space may also include areas which, because of topographic or other conditions, are deemed by the Council to be suitable for leaving in a natural condition. Open space shall be adequate for the recreational and leisure needs of the occupants of the development, and shall include the preservation of areas designated by the City for open space or scenic preservation in the Comprehensive Plan or other plans adopted by the City.

The development plan and program shall provide for the landscaping and/or preservation of the natural features of the land. To ensure that open space will be permanent, deeds or dedication of easements of development rights to the City may be required. Instruments and documents guaranteeing the maintenance of open space shall be approved as to form by the City Attorney. Failure to maintain open space or any other property in a manner specified in the development plan and program shall empower the City to enter said property in order to bring it up to specified standards. In order to recover such maintenance costs, the City may, at its option, assess the real property and improvements within the planned development.

All planned unit developments will have at least one-third of the gross area devoted to open space and/or outdoor recreational areas. At least half of the required open space and/or recreational areas will be of the same general character as the area containing dwelling units. Open space and/or recreational areas do not include public or private streets.

**19.311.4 Subject to Design Review**

Any development within a PD Zone shall be subject to the provisions of design review as outlined in a separate ordinance.

**19.311.5 Preliminary Development Plan and Program.**

**A. Applicant**

For the purpose of this section, “owner” or “owner-applicant” means and includes any individual(s), partnership(s), corporation(s), public body(ies), legal entity(ies), or holder(s) of a written option to purchase said property. An owner of land located outside, but contiguous to, the City may submit a preliminary development plan for consideration by the City providing that an application for annexation to the City has been filed.

**B. Preliminary Development Plan**

A preliminary development plan and program shall be submitted by the applicant with information as required by resolution of the Planning Commission.

## CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

### 19.401 WILLAMETTE GREENWAY ZONE WG

#### 19.401.5 Procedures

The following procedures shall govern the application of WG Zones:

- A. In the WG Zone, all uses and their accessory uses are permitted subject to the provisions of Section 19.905, except as noted in Subsection 19.401.5.D.
  - D. A greenway conditional use is required for all intensification or change of use, or alteration of the vegetation buffer area, or development, as defined in this section. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change in use or intensification. Approval shall be granted only if the criteria in Subsection 19.401.6 are met.
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### 19.404 MIXED USE OVERLAY ZONE MU

#### 19.404.3 Primary Uses

Provisions of Section 19.404 are intended to allow mixed use development, subject to the processes identified in Subsection 19.404.6 below, including retail, commercial, office, and residential development, as listed below.

- A. Retail commercial uses such as food store, drugstore, gift shop, and hardware store selling shelf goods primarily (drive-up convenience stores are not permitted);
- B. Multifamily dwellings;
- C. Rowhouses ;
- D. Professional offices;
- E. Personal service businesses such as haircutting shop, tailor shop, laundry, and dry cleaning pickup station, shoe repair, computer, and bicycle repair, office equipment and services, and electronics repair;
- F. Motion picture theater (adult theaters are not permitted);
- G. Restaurant and cafe, outdoor seating where provided for in the site design and located off of the public sidewalk area (drive-in and drive-through food establishments are not permitted);
- H. Brew pub which serves food;
- I. Hotel;
- J. Parking facility;
- K. Financial institution (without drive-up tellers);
- L. Trade or commercial school;
- M. Department or furniture store;
- N. Bed and breakfast;

- O. Service station without associated minimart—minor repair service allowed if approved through a mixed use overlay review application;
- P. Farmers' market;
- Q. Public park or community meeting area;
- R. Youth center;
- S. Day-care facilities;
- T. Any other use similar to the above and not listed elsewhere.

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**19.404.8 Development Standards**

Except as provided in Subsection 19.404.9.A.1, the following development standards apply to all proposals which have been determined to be subject to the Mixed Use Overlay Zone. Development in this overlay zone shall follow the standards and guidelines for development and for specific sites, as indicated below. All development proposals shall comply and not conflict with the Milwaukie Comprehensive Plan and the Town Center Master Plan.

- A. Commercial and Commercial/Residential Mixed Use (office uses are Included in the Commercial designation)
  - 13. Owners of existing single-family homes within the Mixed Use Overlay Zone may apply for a conditional use permit to allow a detached secondary living unit, an accessory dwelling unit, or conversion to a duplex or multifamily dwelling with 3 units , provided that 1 of the units shall remain owner-occupied. Sound insulating and energy-efficient materials shall be provided in any of the above conversions of existing space. Setbacks and development standards of the underlying zone must be met.

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**19.404.9 Specific Sites in Subareas 2 and 4**

The following additional requirements apply to proposed development in specific subareas and on specific sites:

- A. Subarea 2
  - 1. Sites 2-1 and 2-2 (Murphy Plywood Site)
    - b. Business Industrial (BI) uses as set forth in Section 19.310 shall also be allowed. The development of BI uses on Sites 2-1 and 2-2 shall comply with the development requirements of Section 19.310 , except that outdoor storage shall be permitted. In this case, the 32nd Avenue and Meek Street property lines shall be considered front yards and a 20-ft setback shall be applied. These setbacks shall be landscaped in accordance with Subsection 19.606.2.C.2, and provided with a sight-obscuring wooden fence adjacent to the public right-of-way and residential property lines. The Planning Commission may allow these setbacks to be reduced to 10 ft, where the proposed design of the buffer is of a high quality and includes: (1) the use of masonry walls, or other acceptable material, of up to 8 ft high; (2) enhanced landscaping; and (3) one of the elements listed in Subsection 19.404.8.A.18. Development of BI uses on the site is not required to comply with the standards set forth in Subsections 19.404.8 and 19.303.3.

B. Subarea 4

1. This site shall be developed with high-density (16 to 24 dwelling units per acre) diverse housing types. Retail, office, or lodging uses are also allowed at a 2:1 ratio (for every 2 sq ft of residential, 1 sq ft of commercial will be permitted). Commercial uses on the site shall be limited to those listed in Subsections 19.404.3.D, E, G, K, Q, R, and S . Commercial use may be increased to a 1:1 ratio (1 sq ft of commercial for every 1 sq ft of residential), if amenities b, c, d, e, g, h, i, and k 2 of Subsection 19.404.8.A.18 are provided. A report on the status of contamination on this site shall be submitted with any proposed development.
2. Minimum vegetation for the site shall be 30%. Particular attention shall be paid to landscaping, which shall be designed to provide buffers to the residential neighborhoods to the north and east. Building heights shall also be designed to provide a transition for the neighboring residential properties. The height limit within 50 ft of the Monroe Street or 37th Avenue right-of-way shall be 2 stories or 35 ft, whichever is less. The building height for the remainder of the development on this site is 3 stories or 45 ft, whichever is less. Building setbacks from property lines shall be 15 ft for the front and rear yards and 5 ft for side yards. Minimum lot standards shall conform to the R-O-C standards, except that the minimum lot width for rowhouses may be reduced to 20 ft wide if amenities b, d, e, g, h and i of Subsection 19.404.8.A.18 are provided. The distance between buildings on the same lot shall be 6 ft for 1 story and a minimum of 5 ft per every story over 1.

**CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS**

**19.501 GENERAL EXCEPTIONS**

The exceptions listed in Subsections 19.501.1–4 below are “by right” exceptions. “By right” exceptions require no special review or approval by the City to implement.

**19.501.1 Lot Size Exceptions**

Any legal lot or lot of record that does not meet the area or dimensional requirements specified in Chapter 19.300 may be put to a use permitted by the requirements of the Zoning Ordinance, with the following limitations:

- A. The development must conform to all other applicable standards of Title 19, unless a variance is granted per Section 19.911.
- B. Single-family detached dwellings shall not be built on a lot with less than 3,000 sq ft of lot area.

**19.501.2 Yard Exceptions**

- A. In addition to yard requirements listed for each zoning district, buildings along certain major streets are subject to additional yard requirements as provided in Table 19.501.2.A below. Yards shall be measured so that the minimum distance from the center line of the right-of-way to the closest point of any building is the distance listed in Table 19.501.2.A plus the yard requirement of the underlying zone.

**Table 19.501.2.A  
Additional Yard Requirements**

**Proposed Code and Comp. Plan Amendments**

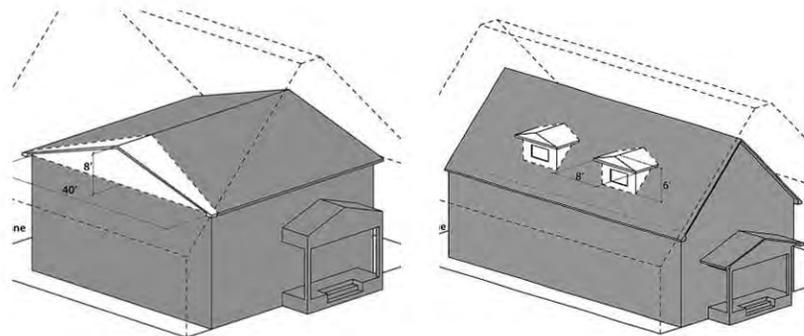
<b>Major Street</b>	<b>Distance from Centerline (plus yard requirements in zone)</b>
Firwood Street (55th Ave. to Stanley Ave.)	25'
Harmony Road	40'
Harrison Street (Milwaukie Expressway to 44th Ave.)	40'
Harrison Street (Milwaukie Expressway to McLoughlin Blvd.)	30'
Harvey Street (32nd Ave. to 42nd Ave.)	25'
Howe Street (42nd Ave. to 43rd Ave.)	30'
Johnson Creek Boulevard	30'
King Road	40'
Linwood Avenue	40'
Lake Road	30'
Logus Road	25'
Monroe Street (52nd Ave. to Linwood Ave.)	30'
Oak Street	30'
Oatfield Road	30'
Ochoco Street	30'
Olsen Street	25'
Railroad Avenue	30'
River Road (south of Lark St.)	30'
Roswell Street (32nd Ave. to 42nd Ave.)	25'
Washington Street (west of Railroad Ave.)	30'
Willow Street (Windsor Dr. to Stanley Ave.)	25'
17th Avenue (Ochoco St. to McLoughlin Blvd.)	40'
32nd Avenue (north of Harrison St.)	30'
37th Avenue (Lake Rd. to Grogan Ave.)	25'
40th Avenue (Harvey St. to Railroad Ave.)	30'
42nd Avenue (Johnson Creek Blvd. to Howe St.)	30'
42nd Avenue (Harrison St. to King Rd.)	30'
43rd Avenue (Howe St. to King Rd.)	30'
55th Avenue (Firwood St. to Johnson Creek Blvd.)	25'

- B. Architectural features such as cornices, eaves, canopies, sunshades, gutters, steps, unroofed landings, and flues may project up to 24 in into a required side yard or 36 in into a required front or rear yard. Such features extending from an accessory structure shall not be closer than 3 ft from a property line.
- C. A covered porch on a single-family detached dwelling may extend 6 ft into a required front yard if the following standards are met.
  - 1. The porch is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling. The following are not considered to be enclosures: structural supports for a covered porch, projections not extending more than 3 ft upward from the surface of the porch, railings, retractable sunshades, screens, or netting.
  - 2. The surface of the porch does not exceed 18 in high above the average grade.
  - 3. The porch is at least 5 ft from the front lot line.

**19.501.3 Building Height and Side Yard Height Plane Exceptions**

- A. Projections such as chimneys, spires, domes, elevator shaft housings, flagpoles, and other similar objects not used for human occupancy are not subject to the building height and side yard height plane limitations of the Zoning Ordinance , except as provided in an L-F Zone.
- B. The following encroachments into a side yard height plane are allowed:
  - 1. Roof overhangs or eaves, provided that they do not extend more than 30 in horizontally beyond the side yard height plane.
  - 2. The gable end of a roof, provided that the encroachment is not more the 8 ft high above the side yard height plane or more than 40 ft wide.
  - 3. Dormers, with the following limitations:
    - a. The highest point of any dormer is at or below the height of the primary roof ridge.
    - b. The encroachment is not more the 6 ft high above the side yard height plane or more than 8 ft wide.
    - c. The combined width of all dormers does not exceed 50% of the length of the roof on which they are located.

**Figure 19.501.3.B  
Allowed Height Plane Encroachments**



**19.501.4 Density Exceptions**

In exchange for the dedication of parkland, residential density may be increased (and lot sizes decreased) so that overall parcel density remains the same.

**19.502 ACCESSORY STRUCTURES**

**19.502.1 General Provisions**

- A. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way including but not limited to streets, alleys, and public and private easements.
- B. Multiple accessory structures are permitted subject to building separation, building coverage, and minimum vegetation requirements of the zoning district in which the lot is located.
- C. An accessory structure shall comply with all of the requirements of the Uniform Building Code.

- D. Accessory structures excluding fences, flagpoles, pergolas, arbors, or trellises may not be located within the required front yard except as otherwise permitted in this chapter.
- E. Regardless of the base zone requirements in Chapter 19.300, the required side and rear yards for an accessory structure are reduced to 5 ft, except as described below.
  - 1. Accessory structures are subject to the minimum street side yard requirements of the base zones in Chapter 19.300.
  - 2. Regulations for overlay zones or special areas in Chapter 19.400 may require an accessory structure to be set back beyond the minimum side or rear yard requirements.
  - 3. If the rear or side yard requirement in the base zone in Chapter 19.300 is less than 5 ft, then the yard requirements of the base zone shall apply.
  - 4. The rear or side yard requirement for residential accessory structures per Subsection 19.502.2.A or 19.910.1.E.4 may specify a different yard requirement.
- F. Alteration or modification of nonconforming accessory structures is subject to the provisions of Chapter 19.800 Nonconforming Uses and Development.
- G. Fences, flagpoles, pergolas, arbors, and trellises are permitted in yards in all residential zones.

**19.502.2 Specific Provisions for Accessory Structures**

- A. The following standards apply for residential accessory structures on single-family detached, duplex, rowhouse, and cottage cluster properties. The standards in Subsection 19.502.2.A do not apply to pools, uncovered decks, and patios.

The purpose of these standards is to allow accessory structures that accommodate the typical needs of a single-family residence, while protecting the character of single-family neighborhoods.

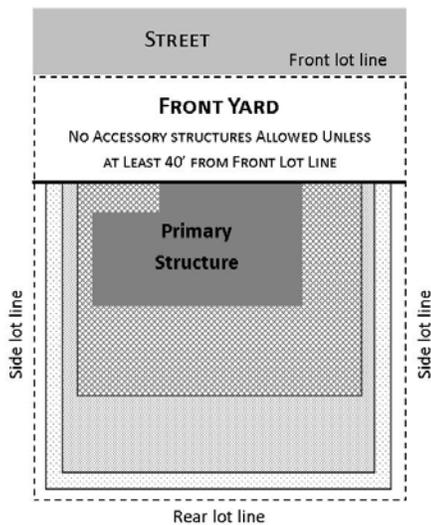
- 1. Development Standards
  - a. Height and Footprint

The maximum height and footprint allowed for an accessory structure is determined by the yard depths between the structure and the lot lines. Accessory structures with a larger height and footprint must meet the increased yard requirements. An accessory structure is allowed the maximum building height and footprint listed in Table 19.502.2.A.1.a only if the entire structure meets or exceeds all the yard requirements in the same column. See Figure 19.502.2.A.1.a.

<b>Table 19.502.2.A.1.a Residential Accessory Structure Height and Footprint Standards</b>			
<b>Standard</b>	<b>Type A</b>	<b>Type B</b>	<b>Type C</b>
Maximum building height	10'	15'	Lesser of 25' OR not taller than highest point of the primary structure (allowed at least 15' height regardless of primary structure height)

Maximum building footprint	200 sq ft	600 sq ft	Lesser of 75% of primary structure OR 1,500 sq ft (allowed at least 850 sq ft if lot area > 10,000 sq ft)  On lots less than 1 acre in area, maximum is 800 sq ft if any portion of the structure is in the front yard.
Required rear yard	3 ft	5 ft	Base zone required rear yard
Required side yard	3 ft	5 ft	Base zone required side yard
Required front yard	Not allowed in front yard unless the structure is at least 40 ft away from the front lot line.		

**Figure 19.502.2.A.1.a**  
**Accessory Structure Height, Footprint, and Yard Requirements**



Accessory Structure Type	Distance from side / rear lot line	Structure Height	Structure Footprint
A	3'	10'	200 sq ft
B	5'	15'	600 sq ft
C	Base zone yard requirements	25' OR height of primary structure (allowed at least 15')	Lesser or 75% of primary structure OR 1,500 sq ft; 10,000 sq ft lots allowed at least 850 sq ft; 800 sq ft maximum if located in front yard

If the footprint of a structure is in more than one area, the entire structure is subject to the size and height limits of the most restrictive area.

b. Other Development Standards

- (1) Maximum accessory structure footprint allowance is subject to lot coverage and minimum vegetation standards of the base zone. Multiple accessory structures are allowed on a lot, subject to lot coverage and minimum vegetation standards of the base zone.
- (2) The yard exceptions in 19.501.2 are applicable for accessory structures.
- (3) A minimum of 5 ft is required between the exterior wall of an accessory structure and any other structure on a site, excluding a fence or similar structure.
- (4) A covered walkway or breezeway is allowed between a primary structure and accessory structure. Such connection shall not exempt the accessory structure from compliance with the standards of this section, unless the connection is fully enclosed and meets the building code definition of a conditioned space.

2. Design Standards

- a. Metal siding is prohibited on structures of more than 10 ft high or a footprint greater than 200 sq ft.
- b. Structures located in a front, side, or street side yard that are visible from the right-of-way at a pedestrian level shall use exterior siding and roofing materials that are commonly used on residential structures.

3. Roof Pitch

There are no roof pitch requirements for an accessory structure with a height equal to or less than 10 ft. A minimum 4/12 roof pitch is required for an accessory structure with a height over 10 ft,

4. Exceptions for Large Lots

Lots larger than 1 acre in size are allowed an exception to the Type C accessory structure height limitation and footprint size limitation of 75% of the primary structure.

- a. The allowed exceptions are:
  - (1) The structure is allowed the base zone height limit or 25 ft, whichever is greater.
  - (2) The structure is allowed a maximum footprint of 1,500 sq ft, regardless of the footprint of the primary structure.
- b. The exceptions are allowed with the following limitations:
  - (1) The sum of accessory structure footprints that exceed 75% of the footprint of the primary structure is limited to 2,500 sq ft.
  - (2) The side yard requirement shall be 20 ft, regardless of the base zone.
  - (3) The structure must conform to all other base zone and accessory structure regulations.

B. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

- 1. Fences, walls, and plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fences, walls, and plantings shall meet clear vision standards provided in Chapter 12.24. Fences and walls on lot perimeters in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained to the following standards:

- a. Residential Zones and Residential Uses in All Zones

Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft. No electrified, barbed, or razor wire fencing is permitted. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.D.2.h.

- b. Commercial Zones

Maximum height 6 ft. No electrified wire is permitted. Barbed or razor wire may be permitted for security purposes on top of a maximum height fence, following a Type II review per Section 19.1005 in which a determination has been made that the proposed fencing will not adversely impact the health, safety, or welfare of

adjacent property occupants. All outdoor storage shall require a 6-ft-high sight-obscuring fence.

c. Industrial Zones

Maximum height 8 ft. No electrified wire is permitted. Barbed or razor wire may be permitted for security purposes on top of a maximum height fence, except where such fencing is proposed adjacent to residential zones or residential uses, in which case such may be allowed following a Type II review per Section 19.1005 in which a determination has been made that the proposed fencing will not adversely impact the health, safety, or welfare of adjacent property occupants. All outdoor storage shall require a sight-obscuring fence with a minimum height of 6 ft.

2. In all cases, fence and wall height shall be measured from the top of the fence or wall to the highest ground level within a 1-ft horizontal distance from the fence.

C. Regardless of the yard requirements of the zone, a side, rear, or front yard may be reduced to 3 ft for an uncovered patio, deck, or swimming pool not exceeding 18 in high above the average grade of the adjoining ground (finished elevation). An uncovered ramp with handrails is allowed to exceed 18 in high if it provides access from grade to the elevation of the main entrance of a residential structure.

D. A stand-alone flagpole in a residential zone is limited to 25 ft high and must be at least 5 ft from any lot line. A stand-alone flagpole in commercial or industrial zones is subject to the height limits of the base zone in which it is located, and it must be at least 5 ft from any lot line.

**19.502.3 Sustainability-Related Accessory Structures**

A. Purpose

The purpose of these regulations is to allow apparatus for the generation of renewable energy and collection of stormwater, subject to standards to ensure that these structures are appropriate for their surroundings in both design and scale.

B. Maintenance Requirement

All of the sustainability-related structures in this subsection shall be maintained to be functional and safe. The Planning Director may require the repair or removal of a structure listed in this subsection if the structure is deteriorated, malfunctioning, or is otherwise unsafe.

C. Solar Energy Systems

1. Allowance

The installation of a solar energy system is an outright permitted use in zones where commercial, industrial, and residential structures are allowed outright. Installation of solar equipment that does not meet the definition of a solar energy system shall be reviewed as a Community Service Use, per Section 19.904, unless the use is allowed outright in a zone.

2. Review Process for Installation of Solar Energy Systems

a. A stand-alone solar energy system that is not wholly supported by another structure is subject to the reviews required by applicable base zones and overlay zones or special areas.

- b. A solar energy system that is wholly supported by another structure shall be subject to review, or not, as described below.
  - (1) The installation of a solar energy system on an historic resource that is designated either "contributing" or "significant," per Section 19.403, shall follow the review procedures of that section for alteration of the resource.
  - (2) The installation of a solar energy system in a downtown zone shall be exempt from downtown design review, per Section 19.907.
  - (3) The installation of a solar energy system on a structure within the Willamette Greenway Zone, or within a designated Natural Resource, is exempt from the review requirements of that zone or special area.
  - (4) The installation of a solar energy system on a structure that has been designated as a Conditional Use or a Community Service Use is exempt from the reviews of Subsections 19.904.3 and 19.905.3.
  - (5) The installation of a solar energy system under circumstances other than those described in 19.502.3.C.2.b(1)-(4) above is exempt from any land use review.
- c. A Type I development review permit may be required for installation of a solar energy system depending upon the applicability criteria in Subsection 19.906.2.A. In no case shall a Type II development review application be required for installation of a solar energy system.

3. Standards

- a. A stand-alone solar energy system is subject to the development standards that apply to the site. The design standards of Subsection 19.502.2.A.2 shall not be construed so as to prevent installation of a stand-alone solar energy system.
- b. A solar energy system that is attached to a structure is subject to the following standards.
  - (1) The solar energy system will not increase the lot coverage or footprint of the structure on which the system is installed.
  - (2) The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof, except that the plane of the system is allowed a minimum slope of 35 degrees from horizontal regardless of the slope of the roof.

D. Wind Energy Systems

1. Allowance

A wind energy system is allowed outright as an accessory use in all zones. Installation of wind turbines, and related equipment that does not meet the definition of a wind energy system, shall be reviewed as a Community Service Use per Section 19.904, unless the use is allowed outright in a zone.

2. Review Process for Installation of Wind Energy Systems

The review of a freestanding or roof-mounted wind energy system is subject to the reviews required by applicable base zones and overlay zones or special areas.

3. General Standards

- a. The minimum distance between the ground and any part of a rotor blade must be at least 20 ft.
  - b. Wind energy systems may not be illuminated, nor may they bear any signs or advertising.
  - c. Wind energy systems must have an automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the support structure, rotor blades, and turbine components.
  - d. All wiring serving small wind energy systems must be underground.
  - e. Noise produced by wind energy systems may not exceed 45 dBA measured at the property line.
  - f. Wind energy systems must not cause any interference with normal radio and television reception in the surrounding area, any public safety agency or organization's radio transmissions, or any microwave communications link. The owner shall bear the costs of immediately eliminating any such interference, should any occur, or must immediately shut down the system or parts of the system causing the interference.
  - g. A finish (paint/surface) must be provided for the wind energy system that reduces the visibility of the facility, including the rotors. The Planning Director may specify that the support structure and rotors be brown, blue, light gray haze, or other suitable color to minimize the structure's visibility. If the support structure is unpainted, it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.
  - h. The rotor sweep area, as defined by the American Wind Energy Association, is 50 sq ft in residential zones and 150 sq ft in all other zones.
4. Standards for Freestanding Systems

Wind energy systems may be mounted on a tower that is detached from other structures on the lot.

a. Setback

A freestanding wind energy system is not allowed in a required front yard or street side yard, and it must be at least 10 ft away from any side or rear lot line. All portions of the support pole, blades, guy wires, and associated structures or equipment must meet these standards.

b. Height

The pole and turbine are subject to the base zone height limit for primary structures, except that an increase of 1 additional ft high is allowed for every 1 ft that the wind energy system is set back beyond what is required in Subsection 19.502.3.D.4.a, up to a maximum of 50% above the base zone height limit.

c. Number

A maximum of 1 freestanding small wind generator system may be allowed on a lot of 15,000 sq ft or less. 1 additional freestanding system is allowed for each 7,500 sq ft of lot area above 15,000 sq ft.

5. Standards for Roof-Mounted Systems

Wind energy systems may be mounted on the roof of a structure.

a. Setback

The roof-mounted wind energy system is subject to the minimum yard requirements of the building on which it is mounted.

b. Height

Roof-mounted systems are subject to the height limit for freestanding systems in Subsection 19.502.3.D.4.b.

c. Number

There is no maximum number of roof-mounted systems permitted.

E. Rainwater Cisterns

1. A rainwater cistern installed below ground, at grade, or above ground is a permitted accessory use for all properties.
2. A rainwater cistern that meets the standards listed below may encroach up to 3 ft into a required yard, but not be closer than 3 ft from any lot line. Rainwater cisterns that meet the standards below are not subject to any design or materials standards.
  - a. The rainwater cistern is not mounted more than 2 ft above grade.
  - b. The rainwater cistern's storage capacity is 80 gallons or less.
3. A rainwater cistern that exceeds the standards listed in Subsection 19.502.3.E.2 is allowed subject to all other applicable regulations for an accessory structure.
4. A below-ground rainwater cistern shall be located at least 3 ft away from any lot line.

**19.503 ACCESSORY USES**

**19.503.1 General Provisions**

Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this chapter, and shall comply with the following limitations:

- A. A guesthouse without kitchen facilities may be maintained accessory to a dwelling, provided that the guesthouse is not occupied for more than 4 months in a calendar year. A detached accessory dwelling unit approved per Subsection 19.910.1 is not considered a guesthouse.
- B. A greenhouse or hothouse may be maintained accessory to a dwelling .
- C. The keeping of chickens or other domestic or domesticated fowl shall not exceed 50 in number . Subsections 19.301.3 and 19.302.3.A contain additional regulations on keeping chickens or other domesticated fowl in the residential zones.
- D. Keeping of bees shall be a permitted accessory use for residentially zoned properties.
- E. Amateur and CB radio equipment and operations shall be considered an accessory use. Radio and television structures or towers outside of dwellings shall be subject to building regulations. Such structures and towers are not permitted within any required front yard or street side yard, and shall be located at least 5 ft away from any side or rear property line. Amateur and CB radio structures and towers may exceed the height limits for the base zone, but shall not exceed a height of 70 ft. Any deviation from these standards will require a variance by the Planning Commission. Operational characteristics and limitations of such equipment shall be as established and administered by the FCC.

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## 19.504 SITE DESIGN STANDARDS

### 19.504.4 Buildings on the Same Lot

- A. In R-10, R-7, and R-5 Zones, 1 primary dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1.
- B. In the R-3 Zone, 1 single-family detached dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1. Multifamily housing, with multiple structures designed for dwelling purposes, may be permitted as a conditional use per Section 19.905.

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### 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.

### 19.504.7 Minimum Vegetation

No more than 20% of the required vegetation area shall be covered in mulch or bark dust. Mulch or bark dust under the canopy of trees or shrubs is excluded from this limit. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard.

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### 19.504.8 Flag Lot Design and Development Standards

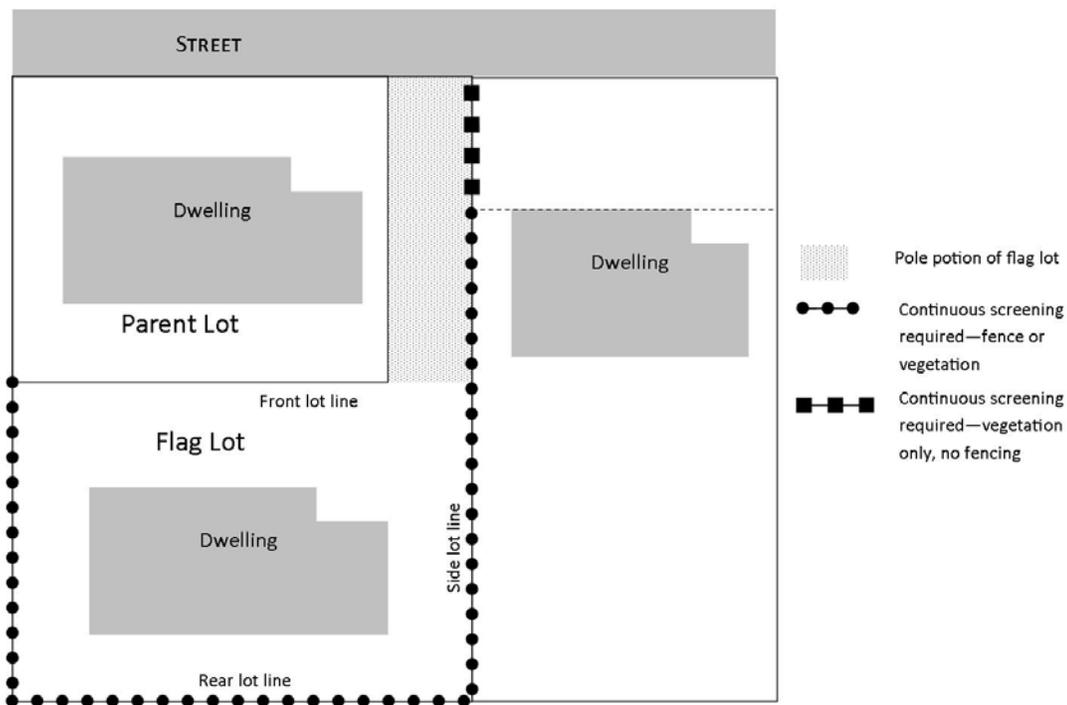
#### E. Protection of Adjoining Properties

Flag lots must be screened in accordance with this subsection to minimize potential adverse impacts to abutting properties. Fencing and screening must conform to the clear vision standards of Chapter 12.24. Fencing shall conform to the standards of Subsection 19.502.2.B.

1. Planting and screening must be provided at the time of development. Installation of required screening and planting is required prior to final inspections and occupancy of the site unless a bond or other surety acceptable to the City Attorney is provided. Screening and landscaping shall be installed within 6 months thereafter or the bond will be foreclosed. The property owner shall maintain required screening and planting in good and healthy condition. The requirement to maintain required screening and planting is continuous.

2. Impacts to neighboring lots due to use of the flag lot driveway shall be mitigated to the greatest extent practicable through screening and planting. Continuous screening along lot lines of the flag lot abutting any neighboring lot that is not part of the parent lot from which the flag lot was created is required as described below. See Figure 19.504.8.E.
  - a. Any combination of dense plantings of trees and shrubs and fencing that will provide continuous sight obstruction for the benefit of adjoining properties within 3 years of planting is allowed.
  - b. Fencing along an accessway may not be located nearer to the street than the front building line of the house located on lots that abut the flag lot accessway. Dense planting shall be used to provide screening along the accessway in areas where fencing is not permitted.
  - c. All required screening and planting shall be maintained and preserved to ensure continuous protection against potential adverse impacts to adjoining property owners.

**Figure 19.504.8.E  
Flag Lot Screening**



**19.504.9 On-Site Walkways and Circulation**

**A. Requirement**

All development subject to Chapter 19.700 (excluding single-family and multifamily residential development) shall provide a system of walkways that encourages safe and convenient pedestrian movement within and through the development site. Redevelopment projects that involve remodeling or changes in use shall be brought closer into conformance with this requirement to the greatest extent practicable. On-site walkways shall link the site

with the public street sidewalk system. Walkways are required between parts of a site where the public is invited to walk. Walkways are not required between buildings or portions of a site that are not intended or likely to be used by pedestrians, such as truck loading docks and warehouses.

B. Location

A walkway into the site shall be provided for every 300 ft of street frontage.

C. Connections

Walkways shall connect building entrances to one another and building entrances to adjacent public streets and existing or planned transit stops. On-site walkways shall connect with walkways, sidewalks, bicycle facilities, alleys, and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institutional, or park use. The City may require connections to be constructed and extended to the property line at the time of development.

D. Routing

Walkways shall be reasonably direct. Driveway crossings shall be minimized. Internal parking lot circulation and design shall provide reasonably direct access for pedestrians from streets and transit stops to primary buildings on the site.

E. Design Standards

Walkways shall be constructed with a hard surface material, shall be permeable for stormwater, and shall be no less than 5 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials. On-site walkways shall be lighted to an average 5/10-footcandle level. Stairs or ramps shall be provided where necessary to provide a direct route.

**19.504.10 Setbacks Adjacent to Transit**

The following requirement applies to all new commercial, office, and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

When adjacent to a street served by transit, new commercial, office, or institutional development, including uses authorized under Section 19.904 Community Service Uses, shall be set back no more than 30 ft from the right-of-way that is providing transit service.

- A. An individual building may be set back more than 30 ft, provided the building is part of an approved phased development that will result in a future building(s) that complies with the 30-ft setback standard.
- B. For sites with multiple buildings, the maximum distance from a street with transit to a public entrance of the primary building shall be no more than 100 ft.
- C. If the proposed building is part of an institutional campus, the Planning Director may allow flexibility in the setback and orientation of the building. As a trade-off for this flexibility, enhanced sidewalk connections shall be provided between the institutional building(s) and nearby transit stops.
- D. If the site abuts more than 1 street served by transit, then the maximum setback requirement need only apply to 1 street.

## 19.505 BUILDING DESIGN STANDARDS

### 19.505.1 Design Standards for Single-Family Dwellings and Duplexes

#### A. Purpose

The design standards for single-family dwellings and duplexes require a minimum level of design on every dwelling. These standards are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles.

#### B. Applicability

The design standards in this subsection apply to the types of development listed below.

1. New single-family detached dwellings, residential homes, duplexes, and rowhouses on individual lots. Placement of a new manufactured home on a lot outside of a manufactured home park is subject to the requirements of Section 19.506 and the standards of Subsection 19.505.1.
2. Expansions of structures in Subsection 19.505.1.B.1 that add area to any street-facing façade. The design standards for such expansions are applicable as follows:
  - a. Expansions that add 75 sq ft or less of street-facing façade area are exempt from all design standards in Subsection 19.505.1.
  - b. Expansions that add more than 75 sq ft and less than 200 sq ft of street-facing façade area are subject to Subsection 19.505.1.C.2 Eyes on the Street. The expanded façade area must meet the standards of Subsection 19.505.1.C.2 without consideration of the original street-facing façade area.
  - c. Expansions that add 200 sq ft or more of street-facing façade area are subject to the following design standards:
    - (1) The entire street-facing façade shall comply with Subsection 19.505.1.C.2 Eyes on the Street.
    - (2) Subsection 19.505.1.C.3 Main Entrance is applicable if an expansion would create a new main entrance. No expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
    - (3) Subsection 19.505.1.C.1 Articulation is applicable for expansions that add 20 lineal ft or more to the length of the street-facing façade.
  - d. Subsection 19.505.1.C.4 Detailed Design is not applicable for expansions. However, no expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the Detailed Design standards.
  - e. Expansions to street-facing façades of less than 200 sq ft are limited to no more than 1 expansion every 5 years, calculated from the date of issuance for the development permit. Multiple expansions are allowed within a 5-year period if the street-facing façade will comply with the design standards that would have been applicable if the expansions occurred at the same time.
3. Remodels that convert an attached garage to a habitable residential space. When applicable, the design standards apply only to the street-facing façade of the garage being converted. The following design standards are applicable:

- a. Subsection 19.505.1.C.3 Main Entrance is applicable if the garage conversion would create a new main entrance. No conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
- b. Subsection 19.505.1.C.4 Detailed Design is not applicable. However, no conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.

C. Standards

All buildings that meet the applicability provisions in Subsection 19.505.1.B shall meet the following design standards. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.

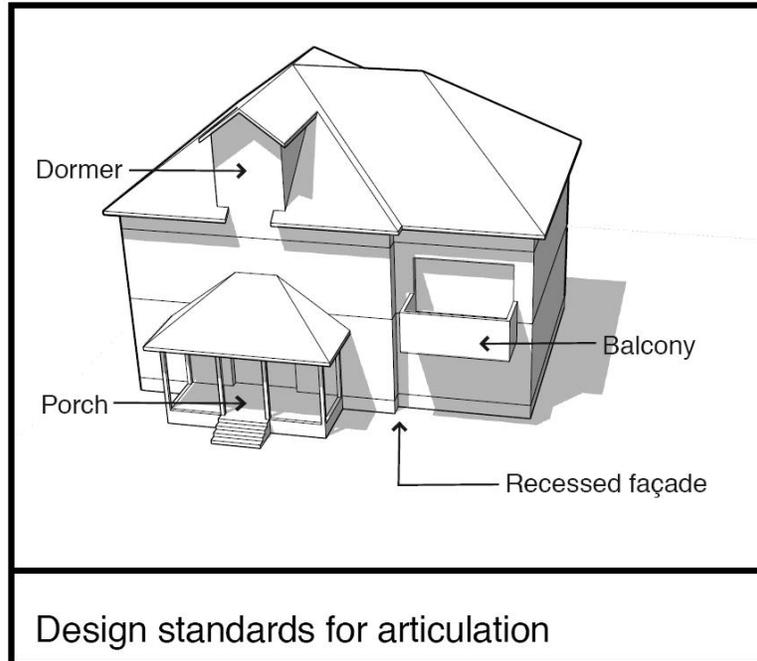
An applicant may request a variance to the Detailed Design standards in Subsection 19.505.1.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation

All buildings shall incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 19.505.1.C.1 for illustration of articulation.

- a. For buildings with 30-60 ft of street frontage, a minimum of 2 of the following elements shall be provided along the street-facing façades.
  - (1) A porch at least 5 ft deep.
  - (2) A balcony that is at least 2 ft deep and is accessible from an interior room.
  - (3) A bay window that extends at least 2 ft wide.
  - (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.
  - (5) A gabled dormer.
- b. For buildings with over 60 ft of street frontage, at least one element in Subsection 19.505.1.C.1.a(1)-(4) above shall be provided for every 30 ft of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 ft between 2 elements.
- c. For buildings with less than 30 ft of street frontage, one of the elements in Subsection 19.505.1.C.1.a(1)-(4) above shall be provided along the street-facing facade.

**Figure 19.505.1.C.1  
Building Articulation**

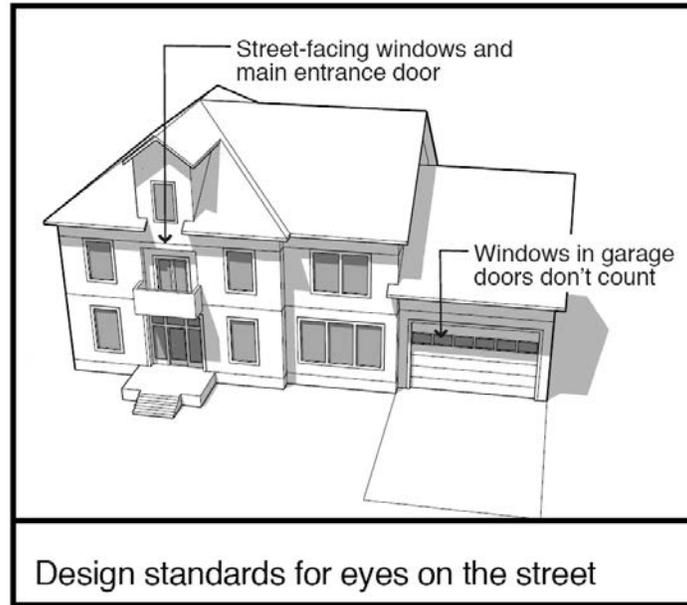


2. Eyes on the Street

At least 15% of the area of each street-facing façade must be windows or entrance doors. See Figure 19.505.1.C.2 for illustration of eyes on the street.

- a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
- b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.
- c. Window area is considered the entire area within the outer window frame, including any interior window grid.
- d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
- e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

**Figure 19.505.1.C.2**  
**Eyes on the Street**

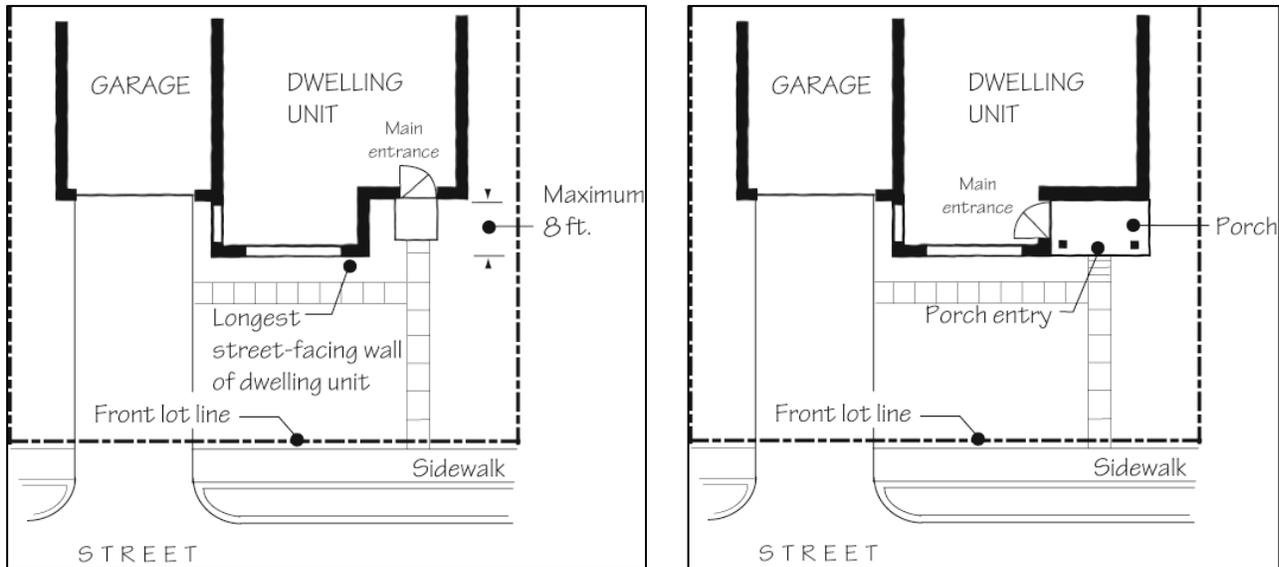


3. Main Entrance

At least 1 main entrance must meet both of the following standards. See Figure 19.505.1.C.3 for illustration of main entrances.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
  - (1) Be at least 25 sq ft in area with a minimum 4-ft depth.
  - (2) Have at least 1 porch entry facing the street.
  - (3) Have a roof that is no more than 12 ft above the floor of the porch.
  - (4) Have a roof that covers at least 30% of the porch area.

**Figure 19.505.1.C.3  
Main Entrances**



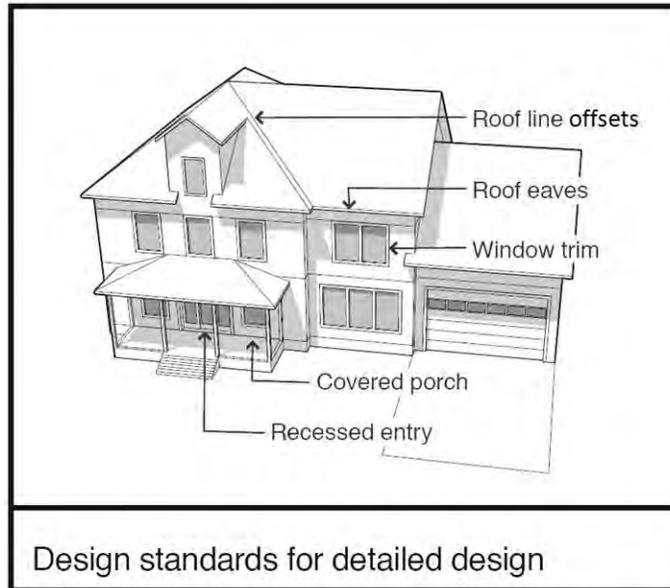
#### 4. Detailed Design

All buildings shall include at least 5 of the following features on any street-facing façade. See Figure 19.505.1.C.4 for illustration of detailed design elements.

- a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.
- b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
- c. Offset on the building face of at least 16 in from 1 exterior wall surface to the other.
- d. Dormer that is at least 4 ft wide and integrated into the roof form.
- e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
- f. Roof line offsets of at least 2 ft from the top surface of 1 roof to the top surface of the other.
- g. Tile or wood shingle roofs.
- h. Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). Only wood, HardiePlank, or other similar lap siding material will be credited as a design detail. Vinyl siding with the appearance of lap siding is not prohibited, but shall not be credited as a design detail.
- i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
- j. Gable roof, hip roof, or gambrel roof design.
- k. Window trim around all windows at least 3 in wide and 5/8 in deep.
- l. Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building façade.
- m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.

- n. One roof pitch of at least 500 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- o. Bay window at least 2 ft deep and 5 ft long.
- p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.

**Figure 19.505.1.C.4  
Detailed Design Elements**



5. Standards for Duplexes

In addition to the other standards in Subsection 19.505.1, duplexes shall also comply with the following standards.

- a. The exterior finish of the structure must be the same for both units.
- b. The eaves must be uniform for the entire structure.
- c. The window and door trim must be the same in type, size, and location for the entire structure.
- d. Windows must match in proportion and orientation for the entire structure.
- e. For duplexes or corner lots, each entrance is required to face a separate street frontage. Where an existing house is being converted, 1 main entrance with internal access to both units is allowed.
- f. For duplexes facing 1 frontage, the following standards apply.
  - (1) Only 1 entrance is required to face the frontage.
  - (2) Where more than 1 entrance to the structure faces the street, each separate entrance is required to meet the standards of Subsection 19.505.1.c.3.
  - (3) A second entrance from a side or rear yard is not allowed within 10 ft of the side or rear property line.

**19.505.2 Garage and Carport Standards**

A. Purpose

These standards are intended to prevent garages from obscuring or dominating the street-facing facade of a dwelling and provide for a pleasant pedestrian environment in residential areas.

B. Applicability

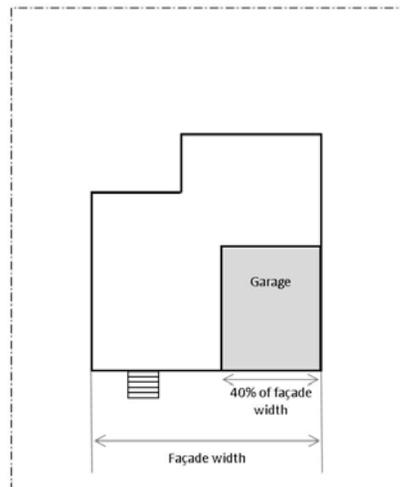
The standards in this subsection apply to all new attached and detached garages and carports on properties with a single-family detached dwelling, residential home, or duplex when the street-facing facade of the garage, or columns of the carport, are located within 50 ft of the front property line. Standards for garages in rowhouse development are in Subsection 19.505.5.

C. Standards

1. The front of a garage or carport can be no closer to the front lot line than the longest street-facing wall of the house that encloses living area. The following exceptions apply:
  - a. A garage or carport may extend up to 5 ft in front if there is a covered front porch and the garage or carport does not extend beyond the front of the porch.
  - b. A garage may extend up to 5 ft in front if the garage is part of a 2-story facade that has a window at least 12 sq ft in area on the second story that faces the street.
2. The width of a street-facing garage door(s), as measured between the inside of the garage door frame, may not exceed 40% of the total width of the street-facing facades on the same street frontage as the garage door. See Figure 19.505.2.C.2. Notwithstanding this limit, a dwelling is allowed 1 12-ft-wide garage door, regardless of the total width of street-facing facades.

The maximum allowed garage width may be increased to 50% of the total width of the street-facing facade if a total of 7 detailed design elements in Subsection 19.505.1.C.4 are included on the street-facing facade.

**Figure 19.505.2.C.2  
Maximum Garage Width**



3. Garages may be side-oriented to the front lot line if the eyes on the street standard in Subsection 19.505.1.C.2 is met.

### 19.505.3 Design Standards for Multifamily Housing

#### A. Purpose

The purpose of these design standards is to facilitate the development of attractive multifamily housing that encourages multimodal transportation. They encourage good site and building design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.

The guidelines and standards are intended to achieve the following principles that the City encourages for multifamily development:

1. Livability

Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private open spaces for outdoor use.

2. Compatibility

Development should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of Milwaukie.

3. Safety and Functionality

Development should be safe and functional, by providing visibility into and within a multifamily development and by creating a circulation system that prioritizes bicycle and pedestrian safety.

4. Sustainability

Development should incorporate sustainable design and building practices, such as energy conservation, preservation of trees and open space, quality building materials, and alternative transportation modes.

#### 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.

- 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.

### C. Review Process

Two possible review processes are available for review of multifamily or congregate housing development: objective and discretionary. An applicant may choose which process to use. The objective process uses clear objective standards that do not require the use of discretionary decision-making. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met.

1. Projects reviewed through the objective process will be evaluated through a Type I development review, pursuant to Chapter 19.906.
2. Projects reviewed through the discretionary process will be evaluated through a Type II development review, pursuant to Chapter 19.906.
3. A project can be reviewed using only one of the two review processes. For example, a project may not use some of the objective standards and some of the discretionary guidelines in one application.

### D. Design Guidelines and Standards

Applicable guidelines and standards for multifamily and congregate housing are located in Table 19.505.3.D. These standards should not be interpreted as requiring a specific architectural style.

**Table 19.505.3.D  
Multifamily Design Guidelines and Standards**

Design Element	Design Guideline (Discretionary Process)	Design Standard (Objective Process)
1. Private Open Space	<p>The development should provide private open space for each dwelling unit. Private open space should have direct access from the dwelling unit and should be visually and/or physically separate from common areas.</p> <p>The development may provide common open space in lieu of private opens space if the common open space is well designed, adequately sized, and functionally similar to private open space.</p>	<p>Private open space (patios or balconies) shall be provided as follows:</p> <ul style="list-style-type: none"> <li>a. For each dwelling unit located on the ground floor, or within 5 ft of finished grade, a minimum of 96 sq ft of private open space, with a minimum dimension of 5 ft.</li> <li>b. For each dwelling unit located more than 5 ft above finished grade, a minimum of 48 sq ft of private open space.</li> <li>c. For each dwelling unit with private open space, the private open space shall be directly accessible from the interior of the dwelling unit.</li> <li>d. Private open space shall be separated from common open space and adjacent dwelling units through the use of landscaping, fencing, or a wall.</li> </ul>
2. Public Open Space	<p>The development should provide sufficient open space for the purpose of outdoor recreation, scenic amenity, or shared outdoor space for people to gather.</p>	<p>Common open space shall be provided as follows:</p> <ul style="list-style-type: none"> <li>a. For buildings with more than 5 dwelling units, a minimum of 10% of the gross site area, or 750 sq ft, whichever is greater, shall be designated as common open space.</li> <li>b. The minimum dimension for any common open space shall be 20 ft.</li> <li>c. Projects with 20 units or less shall provide at least 2 of the following common open space features. Projects with more than 20 units shall provide at least 4 of the features: recreation area, play fields, children’s play area, sport courts, gardens, permanent picnic tables, swimming pools, walking trails, pedestrian amenities, or similar items.</li> <li>d. If a development includes a children’s play area, the play area shall be located such that it is visible from at least 50% of the abutting units. Play areas shall not be located within required yards.</li> <li>e. User amenities—such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pool— may be placed in the outdoor area.</li> </ul>

**Table 19.505.3.D CONTINUED  
Multifamily Design Guidelines and Standards**

<b>Design Element</b>	<b>Design Guideline (Discretionary Process)</b>	<b>Design Standard (Objective Process)</b>
3. Pedestrian Circulation	Site design should promote safe, direct, and usable pedestrian facilities and connections throughout the development. Ground-floor units should provide a clear transition from the public realm to the private dwellings.	<p>The on-site pedestrian circulation system shall include the following:</p> <ul style="list-style-type: none"> <li>a. Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas.</li> <li>b. At least 1 pedestrian connection to an abutting street frontage for each 200 linear ft of street frontage.</li> <li>c. Pedestrian walkways shall be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.</li> <li>d. Walkways shall be constructed with a hard surface material, shall be permeable for stormwater, and shall be no less than 5 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.</li> <li>e. On-site walkways shall be lighted to an average 5/10-footcandle level. Stairs or ramps shall be provided where necessary to provide a direct route.</li> </ul>

**Table 19.505.3.D CONTINUED  
Multifamily Design Guidelines and Standards**

Design Element	Design Guideline (Discretionary Process)	Design Standard (Objective Process)
4. Vehicle and Bicycle Parking	Vehicle parking should be integrated into the site in a manner that does not detract from the design of the building, the street frontage, or the site. Bicycle parking should be secure, sheltered, and conveniently located.	Parking for the development shall comply with the following: <ol style="list-style-type: none"> <li>a. On-site surface parking areas, garages, and vehicle maneuvering areas shall not be located directly between the façade of a primary building(s) and an abutting street right-of-way.</li> <li>b. Parking located to the side of a dwelling structure shall be limited to 50% of the linear frontage of that side. Drive aisles without adjacent parking spaces do not count as parking areas for purposes of this standard.</li> <li>c. All garages that are part of the same structure that contains dwelling units shall be located at least 4 ft behind the front building façade.</li> <li>d. For developments with more than 20 units, the covered bicycle parking required by Subsection 19.609.2.B shall meet the following standards. These standards apply instead of, and not in addition to, the standards in Subsections 19.609.3 and 4.                             <ol style="list-style-type: none"> <li>(1) The parking area shall be inside a building or sheltered to provide complete, year-round protection from precipitation.</li> <li>(2) Entrance to the parking area shall be secured by lock so that only residents have access to the area.</li> <li>(3) The area shall have permanently mounted bicycle racks or hangers that allow the bicycle frame to be locked to the rack or hanger.</li> <li>(4) Spaces and aisles within the parking area shall allow for storage and movement of a bicycle width of 2.5 ft and length of 6.5 ft.</li> <li>(5) The parking area shall have an average illumination of at least 1.0 ft candles.</li> <li>(6) Parking areas not located within a dwelling structure or structured parking shall be located no further than 30 ft from the main entrance of a dwelling structure.</li> </ol> </li> </ol>
5. Building Orientation & Entrances	Buildings should be located with the principal façade oriented to the street or a street-facing open space such as a courtyard. Building entrances should be well-defined and protect people from the elements.	<ol style="list-style-type: none"> <li>a. The primary building entry, or entries, for ground-floor units shall face the street right-of-way or a central common open space. Secondary entries may face parking lots or other interior site areas.</li> <li>b. Building entrances shall be emphasized through the use of features or elements such as recesses, projections, corner entries, or landscape treatments.</li> <li>c. For sites not on an arterial street, at least 50% of a site's street frontage, excluding driveways, shall be occupied by buildings that are located no further than 10 ft from the required setback line.</li> <li>d. For sites on an arterial street, at least 50% of a site's street frontage, excluding driveways, shall be occupied by buildings that are located no further than 20 ft from the required setback line.</li> </ol>

**Table 19.505.3.D CONTINUED  
Multifamily Design Guidelines and Standards**

<b>Design Element</b>	<b>Design Guideline (Discretionary Process)</b>	<b>Design Standard (Objective Process)</b>
<p>6. Building Façade Design</p>	<p>Changes in wall planes, layering, horizontal datums, vertical datums, building materials, color, and/or fenestration shall be incorporated to create simple and visually interesting buildings.</p> <p>Windows and doors should be designed to create depth and shadows and to emphasize wall thickness and give expression to residential buildings.</p> <p>Windows should be used to provide articulation to the façade and visibility into the street.</p> <p>Building facades shall be compatible with adjacent building façades.</p> <p>Garage doors shall be integrated into the design of the larger façade in terms of color, scale, materials, and building style.</p>	<p>a. Street-facing building facades shall be divided into wall planes. The wall plane on the exterior of each dwelling unit shall be articulated by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>(1) Incorporating elements such as porches or decks into the wall plane.</li> <li>(2) Recessing the building a minimum of 2 ft deep x 6 ft long.</li> <li>(3) Extending an architectural bay at least 2 ft from the primary street-facing façade.</li> </ul> <p>b. Windows shall occupy a minimum of 25% of the total street-facing façade.</p> <p>c. Buildings shall have a distinct base and top. The base of the building (ground-floor level) shall be considered from grade to 12 ft above grade. The base shall be visually distinguished from the top of the building by any of the following physical transitions: a change in brick pattern, a change in surface or siding materials, a change in color, or a change in the size or orientation of window types.</p> <p>d. To avoid long, monotonous, uninterrupted walls, buildings shall incorporate exterior wall off-sets, projections and/or recesses. At least 1 ft of horizontal variation shall be used at intervals of 40 ft or less along the building's primary façade on the ground-floor level.</p> <p>e. Blank, windowless walls in excess of 750 sq ft are prohibited when facing a public street, unless required by the Building Code. In instances where a blank wall exceeds 750 sq ft, it shall be articulated or intensive landscaping shall be provided.</p> <p>f. Garage doors shall be painted to match the color or color palette used on the rest of the buildings.</p>

**Table 19.505.3.D CONTINUED  
Multifamily Design Guidelines and Standards**

Design Element	Design Guideline (Discretionary Process)	Design Standard (Objective Process)
<p>7. Building Materials</p>	<p>Buildings should be constructed with architectural materials that provide a sense of permanence and high quality.</p> <p>Street-facing façades shall consist predominantly of a simple palette of long-lasting materials such as brick, stone, stucco, wood siding, and wood shingles.</p> <p>A hierarchy of building materials shall be incorporated. The materials shall be durable and reflect a sense of permanence and quality of development.</p> <p>Split-faced block and gypsum reinforced fiber concrete (for trim elements) shall only be used in limited quantities.</p> <p>Fencing shall be durable, maintainable, and attractive.</p>	<p>a. The following building materials are prohibited on street-facing building facades and shall not collectively be used on more than 35% of any other building façade:</p> <ul style="list-style-type: none"> <li>(1) Vinyl PVC siding</li> <li>(2) T-111 Plywood</li> <li>(3) Exterior insulation finishing (EIFS)</li> <li>(4) Corrugated metal</li> <li>(5) Plain concrete or concrete block</li> <li>(6) Spandrel glass</li> <li>(7) Sheet pressboard</li> </ul> <p>b. The following fence materials are prohibited.</p> <ul style="list-style-type: none"> <li>(1) Plastic or vinyl</li> <li>(2) Chain link</li> </ul>
<p>8. Landscaping</p>	<p>Landscaping of multifamily developments should be used to provide a canopy for open spaces and courtyards, and to buffer the development from adjacent properties. Existing, healthy trees should be preserved whenever possible.</p> <p>Landscape strategies that conserve water shall be included. Hardscapes shall be shaded where possible, as a means of reducing energy costs (heat island effect) and improving stormwater management.</p>	<p>a. For every 2,000 sq ft of site area, 1 tree shall be planted or 1 existing tree shall be preserved.</p> <ul style="list-style-type: none"> <li>(1) New trees must be listed as native trees in the Milwaukie Native Plant List.</li> <li>(2) Preserved tree(s) must be at least 6 in diameter at breast height (DBH) and cannot be listed as a nuisance species in the Milwaukie Native Plant List.</li> </ul> <p>b. Trees shall be planted to provide, within 5 years, canopy coverage for at least 1/3 of any common open space or courtyard. Compliance with this standard is based on the expected growth of the selected trees.</p> <p>c. On sites with a side or rear lot line that abuts an R-10, R-7, or R-5 Zone, landscaping, or a combination of fencing and landscaping, shall be used to provide a sight-obscuring screen 6 ft high along the abutting property line. Landscaping used for screening must attain the 6 ft height within 24 months of planting.</p> <p>d. For projects with more than 20 units:</p> <ul style="list-style-type: none"> <li>(1) Any irrigation system shall minimize water use by incorporating a rain sensor, rotor irrigation heads, or a drip irrigation system.</li> <li>(2) To reduce the "heat island" effect, highly reflective paving materials with a solar reflective index of at least 29 shall be used on at least 25% of hardscape surfaces.</li> </ul>

**Table 19.505.3.D CONTINUED  
Multifamily Design Guidelines and Standards**

Design Element	Design Guideline (Discretionary Process)	Design Standard (Objective Process)
9. Screening	Mechanical equipment, garbage collection areas, and other site equipment and utilities should be screened so they are not visible from the street and public or private open spaces. Screening should be visually compatible with other architectural elements in the development.	Mechanical and communication equipment and outdoor garbage and recycling areas shall be screened so they are not visible from streets and other ground-level private open space and common open spaces. a. Appropriate screening for rooftop equipment includes parapet walls or architecturally compatible fabricated enclosures such as panels and walls. (1) The Planning Director may require a review of rooftop equipment screening by requesting sight line studies. (2) Solar energy systems are exempt from this requirement. b. Utilities such as transformers, heating and cooling, electric meters, and other utility equipment shall be not be located within 5 ft of a front entrance and shall be screened with sight-obscuring materials.
10. Recycling Areas	Recycling areas should be appropriately sized to accommodate the amount of recyclable materials generated by residents. Areas should be located such that they provide convenient access for residents and for waste and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that they are not prominent features viewed from the street.	A recycling area or recycling areas within a multifamily development shall meet the following standards. a. The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated cardboard, tin, and aluminum. b. The recycling collection area must be located at least as close to the dwelling units as the closest garbage collection/container area. c. Recycling containers must be covered by either a roof or weatherproof lids. d. The recycling collection area must have a collection capacity of at least 100 cu ft in size for every 10 dwelling units or portion thereof. e. The recycling collection area must be accessible to collection service personnel between the hours of 6:00 a.m. and 6:00 p.m. f. The recycling collection area and containers must be labeled, to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants. g. Fire Department approval will be required for the recycling collection area. h. Review and comment for the recycling collection area will be required from the appropriate franchise collection service.

**Table 19.505.3.D CONTINUED  
Multifamily Design Guidelines and Standards**

Design Element	Design Guideline (Discretionary Process)	Design Standard (Objective Process)
11. Sustainability	<p>Multifamily development should optimize energy efficiency by designing for building orientation for passive heat gain, shading, day-lighting, and natural ventilation. Sustainable materials, particularly those with recycled content, should be used whenever possible. Sustainable architectural elements shall be incorporated to increase occupant health and maximize a building's positive impact on the environment.</p> <p>When appropriate to the context, buildings should be placed on the site giving consideration to optimum solar orientation. Methods for providing summer shading for south-facing walls, and the implementation of photovoltaic systems on the south-facing area of the roof, are to be considered.</p>	<p>In order to promote more sustainable development, multifamily developments shall incorporate the following elements:</p> <ul style="list-style-type: none"> <li>a. Building orientation that does not preclude utilization of solar panels, or an ecoroof on at least 20% of the total roof surfaces.</li> <li>b. Windows that are operable by building occupants.</li> <li>c. Window orientation, natural shading, and/or sunshades to limit summer sun and to allow for winter sun penetration.</li> <li>d. Projects with more than 20 units shall incorporate at least 2 of the following elements: <ul style="list-style-type: none"> <li>(1) A vegetated ecoroof for a minimum of 30% of the total roof surface.</li> <li>(2) For a minimum of 75% of the total roof surface, a white roof with a Solar Reflectance Index (SRI) of 78 or higher if the roof has a 3/12 roof pitch or less, or SRI of 29 or higher if the roof has a roof pitch greater than 3/12.</li> <li>(3) A system that collects rainwater for reuse on-site (e.g., site irrigation) for a minimum of 50% of the total roof surface.</li> <li>(4) An integrated solar panel system for a minimum of 30% of the total roof or building surface.</li> <li>(5) Orientation of the long axis of the building within 30 degrees of the true east-west axis, with unobstructed solar access to the south wall and roof.</li> <li>(6) Windows located to take advantage of passive solar collection and include architectural shading devices (such as window overhangs) that reduce summer heat gain while encouraging passive solar heating in the winter.</li> </ul> </li> </ul>
12. Privacy Considerations	<p>Multifamily development should consider the privacy of, and sight lines to, adjacent residential properties, and be oriented and/or screened to maximize the privacy of surrounding residences.</p>	<p>In order to protect the privacy of adjacent properties, multifamily developments shall incorporate the following elements:</p> <ul style="list-style-type: none"> <li>a. The placement of balconies above the first story shall not create a direct line of sight into the living spaces or backyards of adjacent residential properties.</li> <li>b. Where windows on a multifamily development are within 30 ft of windows on adjacent residences, windows on the multifamily development shall be offset so the panes do not overlap windows on adjacent residences, when measured at right angles. Windows are allowed to overlap if they are opaque, such as frosted windows, or placed at the top third of the wall, measured from floor to ceiling height in the multifamily unit.</li> </ul>

**Table 19.505.3.D CONTINUED  
Multifamily Design Guidelines and Standards**

Design Element	Design Guideline (Discretionary Process)	Design Standard (Objective Process)
13. Safety	<p>Multifamily development should be designed to maximize visual surveillance, create defensible spaces, and define access to and from the site. Lighting should be provided that is adequate for safety and surveillance, while not imposing lighting impacts to nearby properties. The site should be generally consistent with the principles of Crime Prevention Through Environmental Design:</p> <ul style="list-style-type: none"> <li>• Natural Surveillance: Areas where people and their activities can be readily observed.</li> <li>• Natural Access Control: Guide how people come to and from a space through careful placement of entrances, landscaping, fences, and lighting.</li> <li>• Territorial Reinforcement: Increased definition of space improves proprietary concern and reinforces social control.</li> </ul>	<ol style="list-style-type: none"> <li>a. At least 70% of the street or common open space frontage shall be visible from the following areas on 1 or more dwelling units: a front door; a ground-floor window (except a garage window); or a second-story window placed no higher than 3.5 ft from the floor to the bottom of the windowsill.</li> <li>b. All outdoor common open spaces and streets shall be visible from 50% of the units that face it. A unit meets this criterion when at least 1 window of a frequently used room—such as a kitchen, living room and dining room, but not bedroom or bathroom—faces a common open space or street.</li> <li>c. Uses on the site shall be illuminated as follows:             <ol style="list-style-type: none"> <li>(1) Parking and loading areas: 0.5 footcandle minimum.</li> <li>(2) Walkways: 0.5 footcandle minimum and average of 1.5 footcandles.</li> <li>(3) Building entrances: 1 footcandle minimum with an average of 3.5 footcandles, except that secondary entrances may have an average of 2.0 footcandles.</li> </ol> </li> <li>d. Maximum illumination at the property line shall not exceed 0.5 footcandles. However, where a site abuts a nonresidential district, maximum illumination at the property line shall not exceed 1 footcandle.</li> <li>e. Developments shall use full cut-off lighting fixtures to avoid off-site lighting, night sky pollution, and shining lights into residential units.</li> </ol>

#### 19.505.4 Design Standards for Cottage Cluster Housing

##### A. Purpose

These standards are intended to: support the growth management goal of more efficient use of urban residential land; support development of diverse housing types in accordance with the Comprehensive Plan; increase the variety of housing types available for smaller households; provide opportunities for small, detached dwelling units within existing neighborhoods; increase opportunities for home ownership; and provide opportunities for creative and high-quality infill development that is compatible with existing neighborhoods.

##### B. Applicability

These standards apply to cottage cluster housing, as defined in Section 19.201, wherever this housing type is allowed by the base zones in Chapter 19.300. The standards apply to development of new cottage clusters and modifications to existing cottage clusters.

##### C. Land Division

1. A subdivision or replat is required prior to the development of cottage cluster housing, to create the lots and tracts that will comprise the cottage cluster development. The subdivision or replat shall be reviewed per the procedures in Title 17 and be subject to the requirements of Chapter 19.700.
2. Cottage cluster development is exempt from the lot size and dimension standards in Section 19.302.
3. The minimum and maximum density standards in Section 19.302 apply to the subdivision or replat that creates the cottage cluster development. Areas proposed for commonly owned tracts, including off-street parking areas, shall be included in calculations for minimum and maximum density.
4. Cottage cluster development in the R-2, R-1, or R-1-B Zone is also subject to the site size standards in Table 19.302.5.F.2.
5. Access easements shall be required, to provide adequate access rights for units of land within the cottage cluster that do not have frontage on a public street, and to provide adequate vehicle and pedestrian circulation through the site.

##### D. Development Standards

The standards listed below are the applicable development and design standards for cottage cluster housing. The base zone development standards for height, yards, lot coverage, and minimum vegetation, and the design standards in Subsection 19.505.1 are not applicable to cottage cluster housing.

Figure 19.505.4 illustrates the basic layout of a typical cottage cluster development.

##### 1. Cottage Standards

###### a. Size

The total footprint of a cottage unit shall not exceed 700 sq ft, and the total floor area of each cottage unit shall not exceed 1,000 sq ft.

###### b. Height

The height for all structures shall not exceed 18 ft. Cottages or amenity buildings having pitched roofs with a minimum slope of 6/12 may extend up to 25 ft at the ridge of the roof.

c. Orientation

- (1) The front of a cottage is the façade with the main entry door and front porch. This façade shall be oriented toward either a common open space or public street. If a cottage is not contiguous to either of these, it shall be oriented toward an internal pedestrian circulation path.
- (2) At least half of the cottages in a cottage cluster shall be oriented toward a common open space.

d. Required Yards

- (1) The yard depth between the cottage dwelling structure and either the public street, common open space, or internal pedestrian circulation path shall be at least 10.5 ft. The front porch of a cottage is allowed to encroach into this yard.
- (2) The required rear yard depth from the rear of the cottage to the rear lot line shall be at least 7.5 ft. The rear yard is the yard on the opposite side of the cottage as the front porch.
- (3) The required yard depth for all yards other than a front or rear yard is 5 ft.
- (4) There shall be a minimum of 10 ft of space between cottages. Architectural features and minor building projections—such as eaves, overhangs, or chimneys—may project into this required separation by 18 in.
- (5) All structures in the cottage cluster shall comply with the perimeter setback areas in Subsection 19.505.4.D.2.f. This requirement may increase the required yard depths listed above.

e. Cottage Design Standards

The intent of the cottage cluster design standards is to create cottages consistent with traditional northwest cottage design and small home craftsmanship.

- (1) Cottages fronting a street shall avoid blank walls by including at least one of the following:
  - (a) Changes in exterior siding material.
  - (b) Bay windows with a minimum depth of 2 ft and minimum width of 5 ft.
  - (c) Wall offsets of at least 1 ft deep.
- (2) Trim around windows and doors shall be at least 3 in wide and  $\frac{5}{8}$  in deep.
- (3) All roofs shall have a minimum roof pitch of 4/12.
- (4) Windows and doors shall account for at least 15% of the façade area for facades oriented toward a public street or common open space.
- (5) At least 60% of the siding material on each wall shall be either horizontal lap siding, between 3 to 7 in wide once installed, or shake siding.

f. Front Porches

Each cottage shall have a porch on the front of the cottage. The porch is intended to function as an outdoor room that extends the living space of the cottage into the semipublic area between the cottage and the open space.

- (1) The minimum porch depth shall be 6.5 ft.

- (2) The width of the porch shall be at least 60% of the width of the overall length of the front façade.
- (3) The front door of the dwelling must open onto the porch.
- (4) The entire area of the front porch must be covered.
- (5) The surface of the front porch may not exceed 24 in above grade, as measured from the average ground level at the front of the porch.

2. Site Design and Other Standards

a. Number of Cottages Allowed

The number of cottages allowed shall not exceed the dwelling unit maximum of the base zone in which the cottage cluster development is located, as specified in Subsection 19.505.4.C.4. A cottage cluster development shall include a minimum of 4 cottages and a maximum of 12 cottages.

b. Common Open Space

An adequately sized and centrally located common open space is a key component of cottage cluster developments. A common open space shall meet the following standards.

- (1) The common open space shall have at least 100 sq ft of area for each cottage in the cottage cluster development.
- (2) The minimum dimension for the common open space is 20 ft on 1 side.

c. Private Open Space

Each cottage shall have a private open space on the same lot as the cottage. The space shall be at least 100 sq ft with no dimension of less than 10 ft on 1 side. It shall be contiguous to each cottage for the exclusive use of the cottage residents.

d. Maximum Lot Coverage and Impervious Area

The total footprint of all structures shall not exceed 40% of the site area. Impervious surfaces, including all structures, shall not exceed 60% of the site area.

e. Internal Pedestrian Circulation

The cottage cluster development shall include continuous pedestrian paths for internal circulation on-site. The minimum width for pedestrian paths shall be 6 ft. Paths must provide a continuous connection between the front porch of each cottage, common open space, adjoining rights-of-way, parking areas, and any other areas of common use within the development.

f. Perimeter Setback Areas

All structures within a cottage cluster development shall be located at least 15 ft from the rear lot line(s) and at least 5 ft from the side lot line(s) of the site on which the cottage cluster is developed,

g. Off-Street Parking

- (1) There shall be at least 1 off-street parking space per dwelling unit. The parking space shall be located together with parking spaces for other cottages

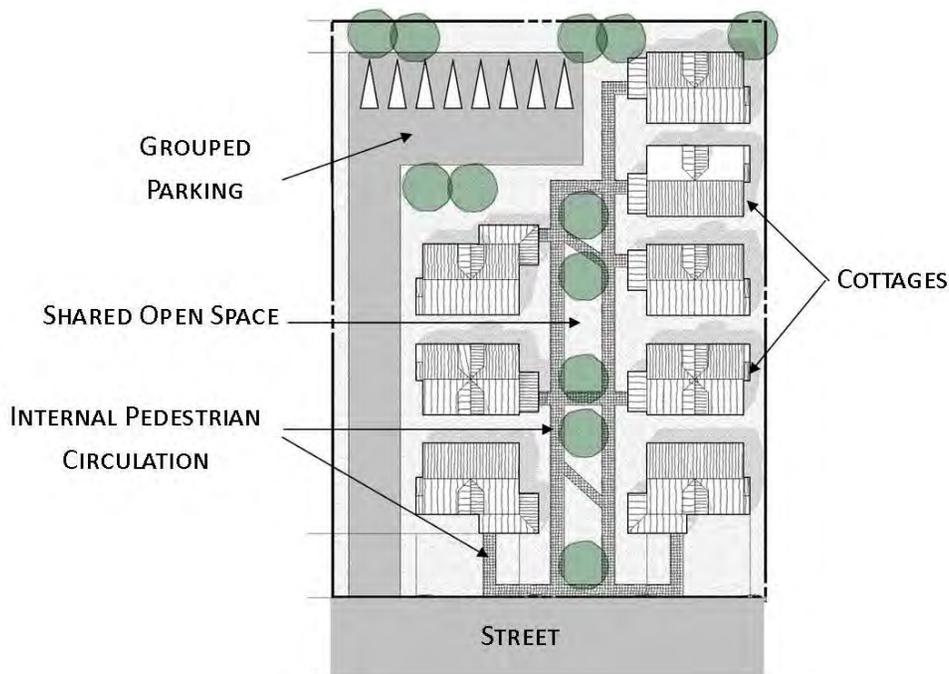
in a common area, and not located on the same lot as an individual cottage unit.

- (2) A cottage cluster parking area shall be set back from the street. The distance of the setback is dependent on the orientation of the structure or lot. If the axis of the longest dimension of the parking area has an angle of 45 degrees or more to the lot line, the narrow dimension may be within 5 ft of the street. If the angle is less than 45 degrees, the parking area must be at least 20 ft from the street.
- (3) If there are more than 8 units in a cottage cluster, there shall be at least 2 separate parking areas with a minimum of 4 parking spaces in each area. A drive aisle connecting the 2 areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.
- (4) Parking spaces may be located within a garage. Garages in a cottage cluster may not contain more than 4 parking spaces, must be at least 10 ft from any cottage dwelling; and must match the materials, trim, and roof pitch of the cottages. The interior height of a garage shall not exceed 8 ft high.
- (5) Parking spaces that are not in a garage shall be screened from common open space, public streets, and adjacent residential uses by landscaping and/or screen, such as a fence. Chain-link fencing with slats shall not be allowed as a screen.

h. Fences

All fences on the interior of the development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

**Figure 19.505.4  
Cottage Cluster Development**



### 19.505.5 Standards for Rowhouses

#### A. Purpose

Rowhouses provide a type of housing that includes the benefits of a single-family detached dwelling, such as fee simple ownership and private yard area, while also being an affordable housing type for new homeowners and households that do not require as much living space. The purpose of these standards is to allow rowhouses in medium to high density residential zones. Rowhouses are allowed at the same density as single-family detached and multifamily dwellings, and the general design requirements are very similar to the design requirements for single-family detached dwellings. Two important aspects of these standards are to include a private-to-public transition space between the dwelling and the street and to prevent garage and off-street parking areas from being prominent features on the front of rowhouses.

#### B. Applicability

1. The standards of Subsection 19.505.5 apply to single-family dwellings on their own lot, where the dwelling shares a common wall across a side lot line with at least 1 other dwelling, and where the lots meet the standards for a rowhouse lot in both Section 19.302 and Subsection 19.505.5.E. Rowhouse development may take place on existing lots that meet the lot standards for rowhouse lots or on land that has been divided to create new rowhouse lots.
2. Development standards for rowhouses are in Subsection 19.302.4.
3. Design standards for single-family detached dwellings in Subsections 19.505.1-2 are also applicable to rowhouses.
4. Dwelling units that share a common side wall and are not on separate lots are subject to the standards for either duplexes or multifamily housing.

#### C. Rowhouse Design Standards

1. Rowhouses are subject to the design standards for single-family housing in Subsection 19.505.1.
2. Rowhouses shall include an area of transition between the public realm of the right-of-way and the entry to the private dwelling. The entry may be either vertical or horizontal, as described below.
  - a. A vertical transition shall be an uncovered flight of stairs that leads to the front door or front porch of the dwelling. The stairs must rise at least 3 ft, and not more than 8 ft, from grade. The flight of stairs may encroach into the required front yard, and the the bottom step must be at least 5 ft from the front lot line.
  - b. A horizontal transition shall be a covered porch with a depth of at least 6 ft. The porch may encroach into the required front yard, but it shall be at least 7 ft from the front lot line.

**D. Number of Rowhouses Allowed**

No more than 4 consecutive rowhouses that share a common wall(s) are allowed. A set of 4 rowhouses with common walls is allowed to be adjacent to a separate set of 4 rowhouses with common walls.

**E. Rowhouse Lot Standards**

1. Rowhouse development is not allowed on lots with a lot width of more than 35 ft.
2. Rowhouse development is allowed only where there are at least 2 abutting lots on the same street frontage whose street frontage, lot width, lot depth, and lot area meet or exceed the base zone requirements listed in Table 19.302.2.
3. Rowhouse development in the R-3 and R-2.5 Zones must meet the minimum lot size standards in Subsection 19.302.4.A.1.
4. Rowhouse development in the R-2, R-1 and R-1-B Zones must meet the minimum lot size standards in Subsection 19.302.4.A.1. In addition, the rowhouse development must meet the minimum site size requirements in Table 19.505.5.E.4.

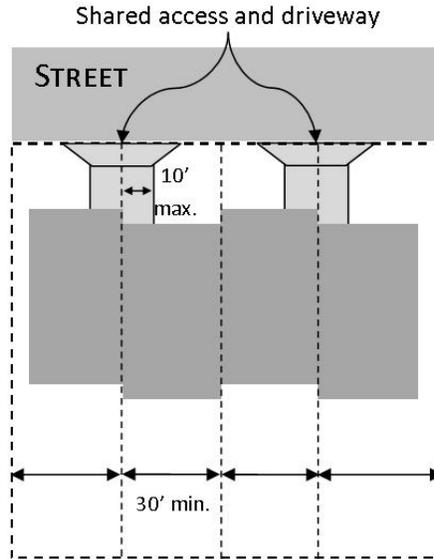
<b>Table 19.505.5.E.4 Minimum Site Size for Rowhouse Development in the R-2, R-1, and R-1-B Zones</b>		
<b>Number of Rowhouses</b>	<b>R-2 Zone</b>	<b>R-1 and R-1-B Zone</b>
2	7,500 sq ft	6,400 sq ft
3	10,000 sq ft	7,800 sq ft
4	12,500 sq ft	9,200 sq ft

**F. Driveway Access and Parking**

1. Garages on the front façade of a rowhouse, off-street parking areas in the front yard, and driveway accesses in front of a rowhouse are prohibited unless the following standards are met. See Figure 19.505.5.F.1.
  - a. Each rowhouse lot has a street frontage of at least 30 ft on a street identified as a Neighborhood Route or Local Street in the Transportation System Plan Figure 8-3b.
  - b. Development of 2 or 3 rowhouses has at least 1 shared access between the lots, and development of 4 rowhouses has 2 shared accesses.

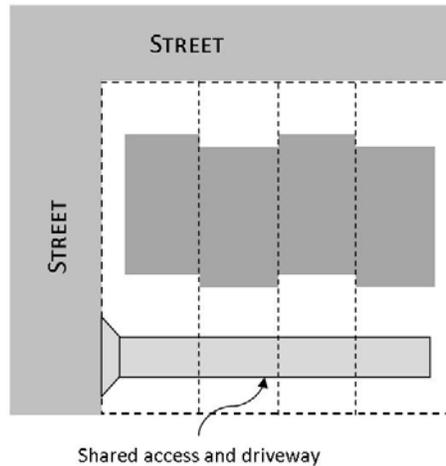
- c. Outdoor on-site parking and maneuvering areas do not exceed 10 ft wide on any lot.
- d. The garage width does not exceed 10 ft, as measured from the inside of the garage door frame.

**Figure 19.505.5.F.1  
Rowhouse Development with Front Yard Parking**



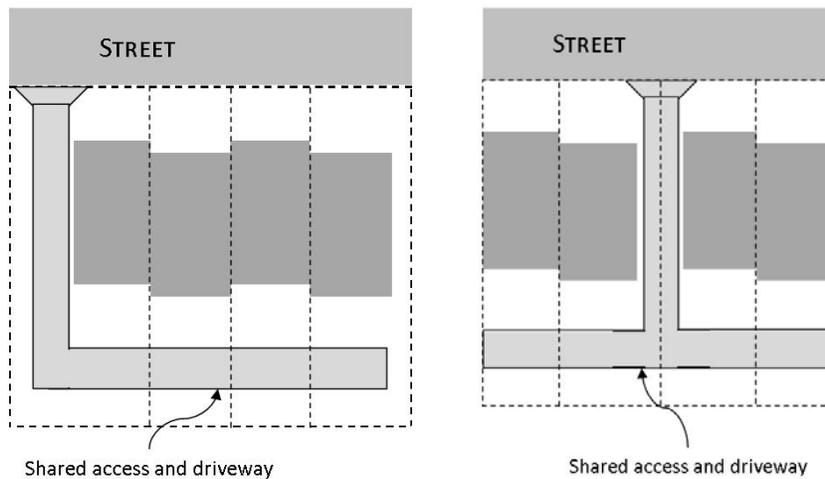
- 2. The following rules apply to driveways and parking areas for rowhouse developments that do not meet all of the standards in Subsection 19.505.5.F.1.
  - a. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a rowhouse.
  - b. Rowhouse development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The Engineering Director may alter this requirement based on street classifications, access spacing, or other provisions of Chapter 12.16 Access Management. See Figure 19.505.5.F.2.b.

**Figure 19.505.5.F.2.b  
Rowhouse Development with Corner Lot Access**



- c. Rowhouse development that does not include a corner lot shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front facade and front lot line of any of the rowhouses. See Figure 19.505.5.F.2.c.

**Figure 19.505.5.F.2.c**  
**Rowhouse Development with Consolidated Access**



- d. A rowhouse development that includes consolidated access or shared driveways shall grant appropriate access easements to allow normal vehicular access and emergency access.

**G. Accessory Structure Setbacks**

On rowhouse lots with a lot width of 25 ft or less, there is no required side yard between an accessory structure and a side lot line abutting a rowhouse lot. All other accessory structure regulations in Subsection 19.502.2.A apply.

**19.505.6 Building Orientation to Transit**

The following requirement applies to all new commercial, office, and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

New buildings shall have their primary orientation toward a transit street or, if not adjacent to a transit street, a public right-of-way which leads to a transit street. The primary building entrance shall be visible from the street and shall be directly accessible from a sidewalk connected to the public right-of-way. A building may have more than 1 entrance. If the development has frontage on more than 1 transit street, the primary building entrance may be oriented to either street or to the corner.

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**19.506 MANUFACTURED DWELLING SITING AND DESIGN STANDARDS**

**19.506.4 Siting Standards**

Manufactured homes are allowed outright in any zone that allows single-family detached dwellings outright. Manufactured homes placed on individual lots shall meet the single-family design standards in Subsection 19.505.1 and the following standards:

- A. The unit shall be multisectional (double-wide or wider) and enclose a floor area of not less than 1,000 sq ft.
- B. The unit shall be placed on an excavated and backfilled foundation with the bottom no more than 12 in above grade and enclosed at the perimeter by skirting of pressure treated wood, masonry, or concrete wall construction and complying with the minimum setup standards of the adopted State Administrative Rules for Manufactured Dwellings, Chapter 918.
- C. Bare metal shall not be allowed as a roofing material and shall not be allowed on more than 25% of any façade of the unit.
- D. The unit shall comply with the definition for manufactured home as identified in this section.
- E. The unit shall comply with single-family parking and paving standards as described in Chapter 19.600.

**CHAPTER 19.600 OFF-STREET PARKING AND LOADING**

**19.605 VEHICLE PARKING QUANTITY REQUIREMENTS**

<b>Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements</b>		
<b>Use</b>	<b>Minimum Required</b>	<b>Maximum Allowed</b>
<b>A. Residential Uses</b>		
1. Single-family dwellings, including rowhouses and manufactured homes.	1 space per dwelling unit.	No maximum.

**19.605.3 Exemptions and By-Right Reductions to Quantity Requirements**

- B. Reductions to Minimum Parking Requirements

Applicants are allowed to utilize multiple reductions from Subsections 19.605.3.B.2-7, provided that the total reduction in required parking does not exceed 25% of the minimum quantity requirement listed in Table 19.605.1. Applicants may not utilize the reduction in Subsection 19.605.3.B.1 in conjunction with any other reduction in Subsection 19.605.3.B.

**5. Bicycle Parking**

The minimum amount of required parking for all non-single-family residential uses may be reduced by up to 10% for the provision of covered and secured bicycle parking in addition to what is required by Section 19.609. A reduction of 1 vehicle parking space is allowed for every 6 additional bicycle parking spaces installed. The bicycle spaces shall meet all other standards of Section 19.609. If a reduction of 5 or more stalls is granted, then on-site changing facilities for bicyclists, including showers and lockers, are required. The area of an existing parking space in an off-street parking area may be converted to bicycle parking to utilize this reduction.

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**19.606 PARKING AREA DESIGN AND LANDSCAPING**

The purpose of Section 19.606 is to ensure that off-street parking areas are safe, environmentally sound, aesthetically pleasing, and that they have efficient circulation. These standards apply to all types of development except for cottage clusters, rowhouses, duplexes, single-family detached dwellings, and residential homes.

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**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 Storefront Zone, and the portion of the Downtown Office Zone located to the north of Washington Street and east of McLoughlin Boulevard, are exempt from the requirements of Subsection 19.606.2.

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**19.606.3 Additional Design Standards**

**D. Pedestrian Access and Circulation**

Subsection 19.504.9 establishes standards that are applicable to an entire property for on-site walkways and circulation. The purpose of Subsection 19.606.3.D is to provide safe and convenient pedestrian access routes specifically through off-street parking areas. Walkways required by Subsection 19.606.3.D are considered part of the on-site walkway and circulation system required by Subsection 19.504.9.

1. Pedestrian access shall be provided for off-street parking areas so that no parking space is further than 100 ft away, measured along vehicle drive aisles, from a building entrance, or a walkway that meets the standards of Subsection 19.606.3.D.2.

2. Walkways through off-street parking areas must be continuous, must lead to a building entrance, and meet the design standards of Subsection 19.504.9.E.
- 

## **19.607 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS**

### **19.607.1 Residential Driveways and Vehicle Parking Areas**

Subsection 19.607.1 is intended to preserve residential neighborhood character by establishing off-street parking standards. The provisions of Subsection 19.607.1 apply to passenger vehicles and off-street parking areas for rowhouses, cottage clusters, duplexes , single-family detached dwellings, and residential homes in all zones, unless specifically stated otherwise.

#### **A. Dimensions**

Off-street parking space dimensions for required parking spaces are 9 ft wide x 18 ft deep.

#### **B. Location**

1. Off-street vehicle parking shall be located on the same lot as the associated dwelling, unless shared parking is approved per Subsection 19.605.4.
  2. No portion of the required parking space is allowed within the following areas. See Figure 19.607.1.B.2. These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4.
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#### **C. Parking Surface Materials**

Parking of vehicles shall only be allowed on surfaces described in Subsection 19.607.1.C.

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#### **D. Parking Area Limitations**

Uncovered parking spaces and maneuvering areas for vehicles, and for recreational vehicles and pleasure craft as described in Subsection 19.607.2.B, have the following area limitations. See Figure 19.607.1.D. The pole portion of a flag lot is not included in these area limitations.

These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4; nor to rowhouses, which are subject to the standards in Subsection 19.505.5.

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### **19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking**

Subsection 19.607.2 is intended to preserve residential neighborhood character by minimizing the impacts created by the parking and storing of commercial vehicles, pleasure crafts, and recreational vehicles. The standards of Subsection 19.607.2 apply to off-street parking areas for cottage clusters, rowhouses, duplexes , single-family detached dwellings, and residential homes in all zones.

- A. Commercial vehicles shall not be permitted to be parked or stored in the front yard or required street side yard on cottage cluster, rowhouse, duplex , single-family detached dwelling, or residential home properties. Commercial vehicles may be present anywhere on these properties for up to 12 hours in 1 day if the vehicle is engaged in loading or unloading materials for a residence(s).

- B. Recreational vehicles and pleasure crafts on cottage cluster, rowhouse, duplex , single-family detached, or residential home properties must comply with the following regulations:
  - 1. On residential lots less than 1 acre, only 1 recreational vehicle or private pleasure craft that is not located in an enclosed structure such as a garage shall be allowed. Canoes and other crafts less than 12 ft long shall be exempt from this requirement. On lots larger than 1 acre, 1 additional recreational vehicle or private pleasure craft that is not located in an enclosed structure is allowed for each 1/2 acre of area over 1 acre.
  - 2. No vehicle or pleasure craft shall be lived in, have housekeeping maintained, or have hook-up to utilities while parked or stored on, or otherwise attached or moored to, a lot used for a cottage cluster, rowhouse, duplex , single-family detached dwelling, or residential home.

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**19.609 BICYCLE PARKING**

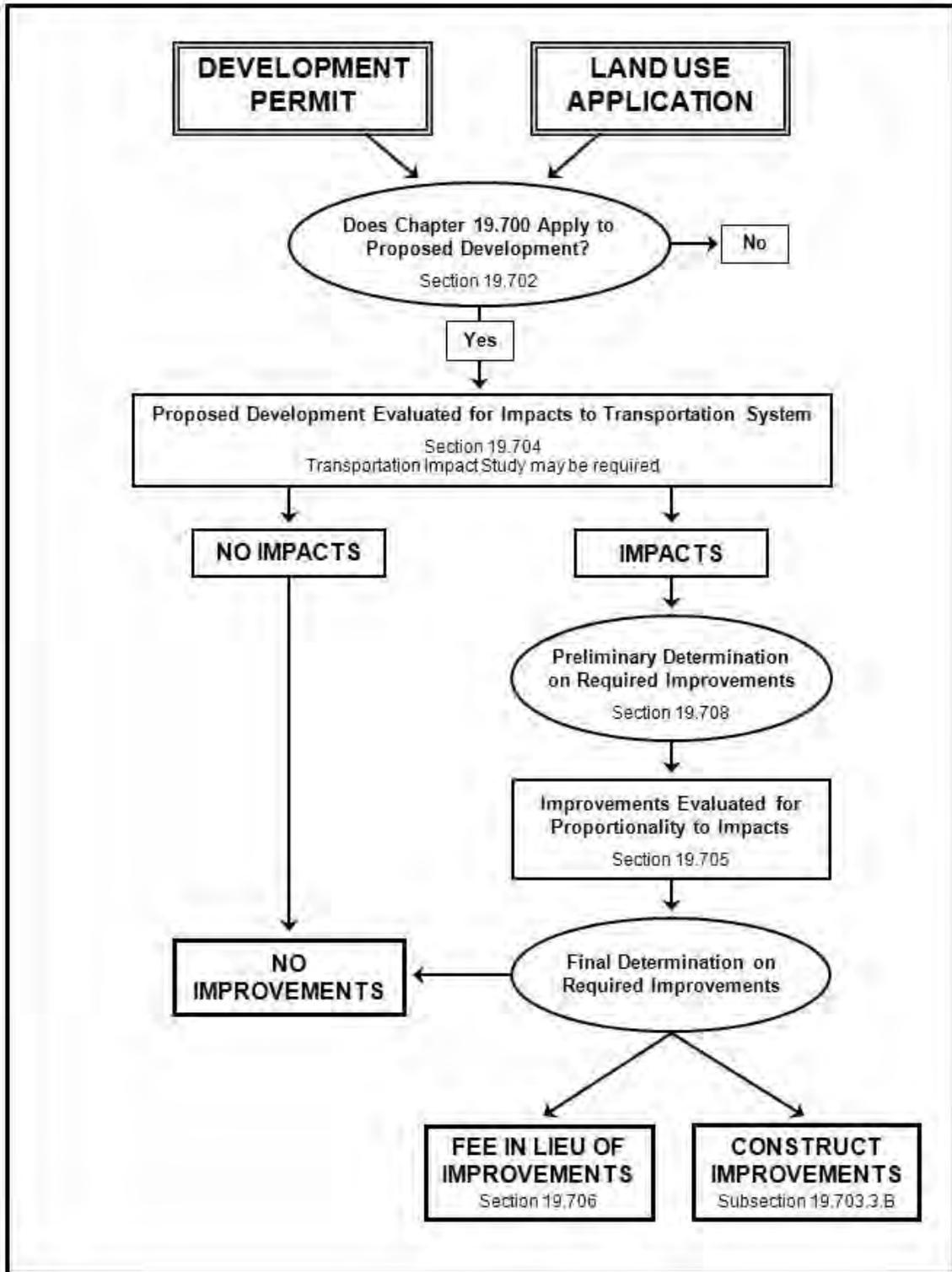
**19.609.2 Quantity of Spaces**

- A. The quantity of required bicycle parking spaces shall be as described in this subsection. In no case shall less than 2 spaces be provided.
  - 1. Unless otherwise specified, the number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use.
  - 2. The number of bicycle parking spaces at transit centers shall be provided at the ratio of at least 1 space per 100 daily boardings.
  - 3. Multifamily residential development with 4 or more units shall provide 1 space per unit.
- B. Covered or enclosed bicycle parking. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:
  - 1. When 10% or more of vehicle parking is covered.
  - 2. If more than 10 bicycle parking spaces are required.
  - 3. Multifamily residential development with 4 or more units.

**CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS**

**19.703 REVIEW PROCESS**

**Figure 19.703.4  
Process for Determining Transportation Facility Improvements**



**19.708 TRANSPORTATION FACILITY REQUIREMENTS**

**19.708.1 General Street Requirements and Standards**

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 Downtown and Riverfront Plan: Public Area Requirements. 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 public area requirements plan per Subsection 19.304.5.

**CHAPTER 19.900 LAND USE APPLICATIONS**

**19.901 INTRODUCTION**

Uses or development that are regulated by Titles 14, 17, and 19 of the Milwaukie Municipal Code shall submit and obtain approval for all required land use applications prior to establishment or construction. Table 19.901 below contains a complete list of the City’s land use applications and the location of the provisions that govern their submittal, review, and approval. It also identifies the review type(s) associated with each application type. The review type determines who is given notice about land use and development proposals, when the City has to make a decision on a land use application, and who makes the final decision. Descriptions of the different review types and the procedures associated with them are located in Chapter 19.1000. Decision makers for each review type are listed in Table 19.1001.5.

<b>Table 19.901 Land Use Applications</b>		
<b>Application Type</b>	<b>Municipal Code Location</b>	<b>Review Types</b>
Amendments to Maps and Ordinances:	Section 19.902	
Comprehensive Plan Text Amendment	Subsection 19.902.3	V
Comprehensive Plan Map Amendment	Subsection 19.902.4	IV, V <sup>1</sup>
Zoning Text Amendment	Subsection 19.902.5	V
Zoning Map Amendment	Subsection 19.902.6	III, V <sup>2</sup>
Annexations and Boundary Changes:	Chapter 19.1100	
Boundary Change	Section 19.1103	NA
Expedited Annexation	Section 19.1104	NA
Nonexpedited Annexation	Section 19.1102	IV
Appeal	Section 19.1010	Varies
Code Interpretation	Section 19.903	I
Community Service Use	Section 19.904	I, III
Compensation for Reduction in Property Value (Measure 37)	Chapter 1.20	NA
Conditional Use	Section 19.905	I, III
Development Review	Section 19.906	I, II
Director Determination	Section 19.903	I
Downtown Design Review	Section 19.907	I, II, III

**Proposed Code and Comp. Plan Amendments**

Extension to Expiring Approval	Section 19.908	I, II
Historic Resource:	Section 19.403	
Alteration	Subsection 19.403.5	I, III
Demolition	Subsection 19.403.7	III
Status Designation	Subsection 19.403.4	IV
Status Deletion	Subsection 19.403.4	IV
Land Divisions:	Title 17	
Final Plat	Title 17	I
Lot Consolidation	Title 17	I
Partition	Title 17	II
Property Line Adjustment	Title 17	I, II
Replat	Title 17	I, II, III
Subdivision	Title 17	III
Miscellaneous:	Chapter 19.500	
Barbed Wire Fencing	Subsection 19.502.2.B.1.b-c	II
Bee Colony	Subsection 19.503.1.D	III
Mixed Use Overlay Review	Section 19.404	III
Modification to Existing Approval	Section 19.909	I, II, III
Natural Resource Review	Section 19.402	I, II, III, IV
Nonconforming Use Alteration	Chapter 19.804	III
Parking:	Chapter 19.600	
Quantity Determination	Subsection 19.605.2	II
Quantity Modification	Subsection 19.605.2	II
Shared Parking	Subsection 19.605.4	I
Structured Parking	Section 19.611	II, III
Planned Development	Section 19.311	IV
Residential Dwellings:	Section 19.910	
Accessory Dwelling Unit	Subsection 19.910.1	I,II
Duplex	Subsection 19.910.2	II
Manufactured Dwelling Park	Subsection 19.910.3	III
Temporary Dwelling Unit	Subsection 19.910.4	I, III
Sign Review	Title 14	Varies
Transportation Facilities Review	Chapter 19.700	II
Variances:	Section 19.911	
Use Exception	Subsection 19.911.5	III
Variance	Subsection 19.911.1-4	II, III
Willamette Greenway Review	Section 19.401	III

<sup>1</sup> Level of review determined by City Attorney per Section 19.902.4.A.

<sup>2</sup> Level of review determined by City Attorney per Section 19.902.6.A.1.

**19.904 COMMUNITY SERVICE USES**

**19.904.4 Approval Criteria**

An application for a community service use may be allowed if the following criteria are met:

- A. The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone are met;
  - B. Specific standards for the proposed uses as found in Subsections 19.904.7-11 are met;
  - C. The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses;
  - D. The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood; and
  - E. The location is appropriate for the type of use proposed.
- 

## **19.905 CONDITIONAL USES**

### **19.905.9 Standards Governing Conditional Uses**

A conditional use shall comply with the standards of the base zone, and any overlay zones or special areas, in which it is located, except as these standards have been modified by the Planning Commission when authorizing the conditional use and as otherwise modified by the standards in this subsection.

#### **F. Multifamily Dwellings**

In considering a conditional use application for multifamily dwellings, the Planning Commission shall consider the following:

- 1. Relationship to neighboring uses.
- 2. Street access.
- 3. Terrain of the site.

#### **G. Senior and Retirement Housing**

In considering a conditional use application for senior and retirement housing, the Planning Commission shall consider the following:

- 1. Pedestrian access to transit.
- 2. Pedestrian access to convenience facilities such as grocery store, pharmacy, laundromat, park and open space, and senior activity center.
- 3. Pedestrian access to banking, churches, hospitals, and restaurants.
- 4. Quality of project as a living environment for residents.
- 5. Minimizing impact on the surrounding area.

An applicant shall submit materials and the Planning Commission shall attach conditions that will ensure that the special nature of the housing, and the groups to be served, are clearly defined and maintained in perpetuity. A project is required to meet the definition for this type of housing in Section 19.201.

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## **19.907 DOWNTOWN DESIGN REVIEW**

### **19.907.2 Applicability**

All new construction and changes to buildings and/or properties in the downtown zones involving exterior maintenance and repair, minor exterior alterations, and major exterior alterations as defined in Subsection 19.304.6.B are subject to design review in accordance with the procedures as outlined below under Subsection 19.907.5.

### **19.907.3 Design Guidelines**

Design guidelines shall be established for the downtown zones and shall be considered as part of design review applications in accordance with the provisions of Section 19.304.

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### **19.907.5 Application Procedure**

Applications for design review shall be processed in accordance with Chapter 19.1000, Type I, Type II, and Type III procedures as indicated in this section, as follows:

#### **A. Exterior Maintenance and Repair**

Exterior maintenance and repair, as defined in Subsection 19.304.6.B.1, shall be processed as a Type I review in accordance with the procedures in Section 19.1004. Exterior painting, repair, and refurbishing of existing building materials that does not require a building permit shall be exempt from Type I review.

#### **B. Minor Exterior Alterations**

Minor exterior alterations, as defined in Subsection 19.304.6.B.2, shall be processed as a Type I review in accordance with the procedures in Section 19.1004. The Planning Director may change a Type I review to a Type II review upon finding the following:

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#### **C. Major Exterior Alterations**

Major exterior alterations, as defined in Subsection 19.304.6.B.3, shall be evaluated through a Type III review in accordance with the procedures in Section 19.1006. Applications for major exterior alterations shall be reviewed at a public hearing and decided by the Planning Commission, except as follows:

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#### **D. Residential**

##### **1. "Stand-Alone" Residential Buildings**

"Stand-alone" residential buildings that do not include nonresidential uses are exempt from design review, but shall be subject to the clear and objective design standards under Subsection 19.304.6. Applicants may elect to process a stand-alone residential building design review.

##### **2. Mixed Use Buildings**

The residential portion of mixed use buildings shall be subject to the clear and objective standards under Subsection 19.304.6. The nonresidential portion of the building is subject to design review as provided in this section. Applicants may elect to process the entire mixed use building through design review.

Any change in use of the residential portion of a mixed use building that elected only to apply clear and objective standards, and where exterior changes to the building are proposed shall require approval by the Planning Commission.

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**19.907.9 Variances to Development Standards**

The Planning Commission may authorize variances to the development standards under Subsection 19.304.4 in accordance with procedures of Section 19.911.

**19.907.10 Modification of Design Standards**

The Planning Commission may authorize modification of the design standards under Subsection 19.304.6.C, in accordance with the following procedures.

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**19.907.11 Consideration of Prohibited Material or Design Features**

The Planning Commission may authorize the use of prohibited materials or design features specified in Subsection 19.304.6.C subject to the following criteria:

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**19.910 RESIDENTIAL DWELLINGS**

This section contains applications for types of residential dwellings that require land use approval.

**19.910.1 Accessory Dwelling Units**

A. Purpose

To provide the means for reasonable accommodation of accessory dwelling units, providing affordable housing, opportunity to house relatives, and a means for additional income for property owners, thereby encouraging maintenance of existing housing stock. It is the intent of this subsection that development of accessory dwelling units not diminish the single-family character of a neighborhood.

B. Applicability

The procedures and standards of this chapter apply to the establishment of any accessory dwelling unit.

C. Procedures

An application to establish an accessory dwelling unit shall be evaluated through a Type I review, per Section 19.1004, or a Type II review, per Section 19.1005, as per the standards of Table 19.910.1.E.4.B.

D. Approval Standards and Criteria

1. An application for an accessory dwelling unit reviewed through a Type I review shall be approved if the following standards are met.
  - a. An accessory dwelling unit is an allowed use in the base zones, and any applicable overlay zones or special areas, where the accessory dwelling unit would be located.
  - b. The primary use of property for the proposed accessory dwelling unit is a single-family detached dwelling.

- c. One accessory dwelling unit per lot is allowed.
  - d. The development standards of Subsection 19.910.1.E are met.
  - e. The proposal complies with all other applicable standards of this title.
2. An application for an accessory dwelling unit reviewed through a Type II review shall be approved if the following criteria are met.
- a. The standards in Subsection 19.910.1.D.1 are met.
  - b. The accessory dwelling unit is not incompatible with the existing development on the site, and on adjacent lots, in terms of architectural style, materials, and colors.
  - c. The massing of the accessory dwelling unit and its placement on the site maximizes privacy for, and minimizes impacts to, adjacent properties.
  - d. There will be an appropriate level of screening for nearby yards and dwellings, provided by the design of the accessory dwelling unit and existing and proposed vegetation and other screening.

E. Standards

1. Creation

An accessory dwelling unit may be created by conversion of an existing structure, addition to an existing structure, or construction of a new structure. It is permissible to combine both an addition to an existing structure and conversion of space in the structure for the creation of an accessory dwelling unit.

2. Coordination of Standards

The more restrictive provisions shall be applicable in the event of a conflict between standards in Subsection 19.910.1.E and other portions of this title, except where specifically noted.

3. Standards for Attached Accessory Dwelling Units

The standards listed below apply to accessory dwelling units that are part of the primary structure on the property. An attached accessory dwelling unit shall be reviewed by a Type I review per Subsection 19.1004.

a. Maximum Allowed Floor Area

The floor area of an attached accessory dwelling unit is limited to 800 sq ft or 75% of the floor area of the primary structure, whichever is less. The measurements are based on the floor areas of the primary and accessory dwelling units after completion of the accessory dwelling unit.

b. Design Standards

- (1) The façade of the structure that faces the front lot line shall have only 1 entrance. A secondary entrance for the accessory dwelling unit is allowed on any other façade of the structure.
- (2) Stairs, decks, landings, or other unenclosed portions of the structure leading to the entrance of the accessory dwelling unit are not allowed on the façade of the structure that faces the front lot line.
- (3) Proposals for attached accessory dwelling units that would increase floor area through new construction are subject to the following design standards.

- (a) The exterior finish on the addition shall match the exterior finish material of the primary dwelling unit in type, size, and placement.
- (b) Trim must be the same in type, size, and location as the trim used on the primary dwelling unit.
- (c) Windows on street-facing facades must match those in the primary dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).
- (d) Eaves must project from the building walls at the same proportion as the eaves on the primary dwelling unit.

**4. Standards for Detached Accessory Dwelling Units**

The standards in Subsection 19.901.1.E.4 apply to accessory dwelling units that are separate from the primary structure on the property. The design standards for detached accessory dwelling units require a minimum level of design. These standards are intended to promote attention to detail, while affording flexibility to use a variety of architectural styles.

**a. Maximum Allowed Floor Area**

The floor area of the accessory dwelling unit is limited to 800 sq ft or 75% of the floor area of the primary structure, whichever is less.

**b. Footprint, Height, and Required Yards**

The maximum structure footprint, height, and yard regulations for a detached accessory dwelling unit are listed in Table 19.910.1.E.4.b. Structures that exceed any of the maximums associated with a Type I review require Type II review. Structure are not allowed to exceed any of the maximums associated with a Type II review without approval of a variance per Section 19.911.

<b>Table 19.910.1.E.4.b Footprint, Height, and Required Yards for Detached Accessory Dwelling Units</b>		
<b>Level of Review</b>	<b>Type I</b>	<b>Type II</b>
<b>Maximum Structure Footprint</b>	600 sq ft	800 sq ft
<b>Maximum Structure Height</b>	15', limited to 1 story	25', limited to 2 stories
<b>Required Side and Rear Yard</b>	Base zone requirement for side and rear yard	5'
<b>Required Front Yard</b>	10' behind front yard as defined in Section 19.201, unless located at least 40' from the front lot line.	
<b>Required Street Side Yard</b>	Base zone requirement for street side yard	

**c. Design Standards**

- (1) A detached accessory structure shall include at least 2 of the design details listed below. An architectural feature may be used to comply with more than 1 standard.
  - (a) Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.

- (b) Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
  - (c) Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
  - (d) Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). Only wood, HardiePlank, or other similar lap siding material will be credited as a design detail. Vinyl siding with the appearance of lap siding is not prohibited, but it shall not be credited as a design detail.
  - (e) Window trim around all windows at least 3 in wide and 5/8 in deep.
- (2) An applicant may request a variance to the design standards in Subsection 19.901.1.E.4.c(1) through a Type II review, pursuant to Subsection 19.911.3.B.
  - (3) An accessory dwelling unit structure with a floor-to-ceiling height of 9 ft or more is required to have a roof pitch of at least 4/12.
  - (4) A yurt may be used as a detached accessory dwelling unit and is exempt from the design standards of Subsection 19.901.1.E.4.c.(1). To be used as a detached accessory dwelling unit, a yurt must be approved as a dwelling by the Building Official, and must meet all other applicable development standards.
- d. Privacy Standards
- (1) Privacy standards are required for detached accessory dwelling units processed through a Type I review. A detached accessory dwelling unit permitted through a Type II review may be required to include privacy elements to meet the Type II review approval criteria.  
  
Privacy standards are required on or along wall(s) of a detached accessory dwelling unit, or portions thereof, that meet all of the following conditions.
    - (a) The wall is within 20 ft of a side or rear lot line.
    - (b) The wall is at an angle of 45 degrees or less to the lot line.
    - (c) The wall faces an adjacent residential property.
  - (2) A detached accessory dwelling unit meets the privacy standard if either of the following standards is met.
    - (a) All windows on a wall shall be placed in the upper third of the distance between a floor and ceiling
    - (b) Visual screening is in place along the portion of a property line next to the wall of the accessory dwelling unit, plus an additional 10 lineal ft beyond the corner of the wall. The screening shall be opaque; shall be at least 6 ft high; and may consist of a fence, wall, or evergreen shrubs. Newly planted shrubs shall be no less than 5 ft above grade at time of planting, and they shall reach 6 ft. high within 1 year. Existing features on the site can be used to comply with this standard.
- e. Conversion of Existing Structure
- Creation of a detached accessory dwelling unit through conversion of an accessory structure established on or after October \_\_, 2012, the effective date of

Ordinance # \_\_\_\_\_, is required to meet all applicable standards for a new detached accessory dwelling unit.

Creation of a detached accessory dwelling unit through the conversion of an existing accessory structure that was legally established prior to October \_\_, 2012, the effective date of Ordinance # \_\_\_\_\_, is allowed. The conversion must meet all standards that apply to creation of a new detached accessory dwelling, except for the design standards in Subsection 19.910.1.E.4.c. However, the conversion shall not bring the accessory structure out of conformance, or further out of conformance if already nonconforming, with any design standards in that subsection.

**F. Additional Provisions**

1. Either the primary or accessory dwelling unit shall be occupied by the owner of the property. At the time an accessory dwelling unit is established, the owner shall record a deed restriction on the property with the Clackamas County Recording Division that 1 of the dwellings on the lot shall be occupied by the property owner. A copy of the recorded deed restriction shall be provided to the Milwaukie Planning Department.

The Planning Director may require verification of compliance with this standard. Upon the request of the Planning Director, the property owner shall provide evidence, such as voter registration information or account information for utility services, to demonstrate residence in 1 the dwelling units.

2. Accessory dwelling units are not counted in the calculation of minimum or maximum density requirements listed in this title.
3. Additional home occupations are allowed for a property with an accessory dwelling unit.

**19.910.2 Duplexes**

**A. Purpose**

This subsection is intended to allow duplexes in order to increase available housing in the city while maintaining the coherence of single-family residential neighborhoods.

**B. Applicability**

The regulations of Subsection 19.910.2 apply to proposals to construct a new duplex or to convert, or add on to, an existing structure to create a duplex. They also apply to additions and modifications to existing duplexes.

**C. Review Process**

1. The following review process is required for proposals to establish a duplex, either by construction of a new structure or conversion of, or addition to, an existing structure.
  - a. In Residential Zones R-5, R-3, R-2.5 R-2, R-1, R-1-B, and R-O-C, a duplex is allowed outright, subject to the lot size requirements for the zone. The review of applicable development and design standards occurs during the review of a development permit. The approval criteria in Subsection 19.910.2.D are not applicable.
  - b. A duplex in Residential Zone R-10 or R-7 is allowed outright, subject to the lot size requirements for the zone, in either of the following situations. The review of applicable development and design standards occurs during the review of a

development permit. The approval criteria in Subsection 19.910.2.D are not applicable.

- (1) The property has frontage on a collector or arterial street, as identified by the Milwaukie Transportation System Plan.
  - (2) The property is a corner lot.
  - c. A duplex in Residential Zone R-10 or R-7 that is not eligible as an outright allowed use under Subsection 19.910.2.C.1.b is allowed through a Type II review per Section 19.1005.
  - d. A duplex in the Limited Commercial Zone C-L is allowed through a Type II review per Section 19.1005.
2. For additions or modifications to an existing duplex, the review of applicable development and design standards occurs during the review of a development permit. The approval criteria in Subsection 19.910.2.D are applicable.

D. Approval Criteria

1. A duplex in Residential Zone R-10 or R-7 that is not eligible as an outright allowed use, under Subsection 19.910.2.C.1.b, must meet the following criteria.
  - a. The location of a duplex at the proposed site will not have a substantial impact on the existing pattern of single-family detached dwellings within the general vicinity of the site.
  - b. The design of the proposed duplex is generally consistent with the surrounding development.
  - c. The proposed duplex is designed as reasonably as possible to appear like a single-family detached dwelling.
2. A duplex in the Limited Commercial Zone C-L must meet the following criteria.
  - a. The proposed residential use will not be incompatible with existing and outright-allowed commercial uses in the Limited Commercial Zone.
  - b. The approval of a duplex will not significantly diminish the ability of the area zoned as Limited Commercial to provide goods and services to the surrounding neighborhoods.

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**19.911 VARIANCES**

**19.911.3 Review Process**

B. Type II Variances

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

1. A variance of up to 40% to a side yard width standard.
2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.
3. A variance of up to 10% to lot coverage or minimum vegetation standards.
4. A variance of up to 10% to lot width or depth standards.

5. A variance of up to 10% to a lot frontage standard.
6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with Subsection 19.901.1.E.4.c.(1) in cases where a unique and creative housing design merits flexibility from the requirements of that subsection.

## **CHAPTER 19.1000 REVIEW PROCEDURES**

### **19.1001 GENERAL PROVISIONS**

#### **19.1001.6 Applications**

##### **C. Notice Requirements**

##### **3. Continued Hearing Notice**

If a hearing has been opened and is continued to a specific date and time, additional mailed notice and sign notice for the continuation is not required. If a date and time of the continuation is not specified, notice for the continuation shall be provided as specified per Sections 19.1005-19.1008.

##### **4. Department of Land Conservation and Development Notice**

##### **a. Notice of Proposed Change**

Applications that involve amendments described by Section 19.902 may require notice of the proposed change to the Oregon Department of Land Conservation and Development (DLCD). The notice shall meet the submittal requirements specified in OAR 660-018-0020. The notice shall be submitted to DLCD at least 35 days prior to the first evidentiary hearing on the application, unless the proposed change is exempt or eligible for a shorter notice period per OAR 660-018-0022.

##### **b. Notice of Adopted Change**

Following a final decision on an application described by Section 19.902 that results in a change to an acknowledged comprehensive plan or a land use regulation, notice of the adopted change shall be provided to the Oregon Department of Land Conservation and Development (DLCD). The notice shall meet the submittal requirements specified in OAR 660-018-0040. The notice shall be submitted to DLCD within 20 days of making the decision. The notice of adopted change is required regardless of whether a notice of proposed change was required.

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### **19.1003 APPLICATION SUBMITTAL AND COMPLETENESS REVIEW**

#### **19.1003.2 Application Submittal Requirements**

All application information must be sufficiently detailed and specific to the development being proposed to allow for adequate public review. The application submittal must include all of the items listed below for the City to accept the application and initiate completeness review.

If the application requires sign notice, a sign posting and sign posting affidavit will be required per Subsection 19.1001.6.C.1. If the application requires a public hearing, additional items may be required per Subsections 19.1001.6.D prior to the public hearing.

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**19.1004 TYPE I REVIEW**

**19.1004.3 Type I Public Notice**

Public notice is not required for Type I applications. Application referral to other agencies may be required per Section 19.707 prior to issuing a Type I decision.

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**19.1005 TYPE II REVIEW**

**19.1005.3 Type II Public Notice**

B. Mailed Notice

The purpose of the public notice is to provide nearby property owners and other interested parties with an opportunity to review the application and submit written comments concerning the application prior to issuance of the Type II decision. The goal of this notice is to invite relevant parties of interest to participate in the process.

3. The City shall prepare an affidavit of mailing of notice for the file. The affidavit shall indicate the date that the public notice was mailed to the parties required by Subsection 19.1005.3.B.1.
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**19.1006 TYPE III REVIEW**

**19.1006.3 Type III Public Notice**

A. DLCD Notice

For Zoning Map amendments, the City shall provide notification to the Department of Land Conservation and Development, as described in Subsection 19.1001.6.C.4.a .

D. Mailed Notice

The purpose of the public notice is to provide nearby property owners and other interested parties with an opportunity to review the application, submit written comments, and participate in the proceedings concerning the Type III decision. The goal of this notice is to invite relevant parties of interest to participate in the process.

1. At least 20 days prior to the first public hearing on the application, except for continuations as noted in Subsection 19.1001.6.C.3, public notice of the application shall be mailed to the parties listed below. Notice requirements specific to Zoning Map amendments are listed in Subsection 19.1006.3.D.3.
- 

E. Sign Notice

At least 14 days prior to the hearing, except for continuations as noted in Subsection 19.1001.6.C.3, notice of the application shall be posted on the subject property by the applicant and shall remain continuously posted until the hearing. Sign notice shall meet the requirements of Subsection 19.1001.6.C.1.b.

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**19.1006.5 Type III Decision**

- D. In addition to the requirements of Subsections 19.1006.5.A, B, and C, the following requirements apply to Zoning Map amendments evaluated through a Type III review process.
  - 4. The City shall provide the required notice of adoption to the Department of Land Conservation and Development, as described in Subsection 19.1001.6.C.4.b.

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**19.1007 TYPE IV REVIEW**

**19.1007.3 Type IV Public Notice**

A. DLCD Notice

For Zoning Map or Comprehensive Plan map amendments, the City shall provide notification to the Department of Land Conservation and Development, as described in Subsection 19.1001.6.C.4.a .

D. Mailed Notice

The purpose of the public notice is to provide nearby property owners and other interested parties with an opportunity to review the application, submit written comments, and participate in the proceedings concerning the Type IV decision. The goal of this notice is to invite relevant parties of interest to participate in the process.

- 1. At least 20 days prior to each public hearing on the application, except for continuations as noted in Subsection 19.1001.6.C.3, public notice of the application shall be mailed to the parties listed below. Notice requirements specific to Zoning Map amendments are listed in Subsection 19.1007.3.D.3.

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E. Sign Notice

At least 14 days prior to each hearing, except for continuations as noted in Subsection 19.1001.6.C.3, notice of the application shall be posted on the subject property by the applicant and shall remain continuously posted until the hearing. Sign notice shall meet the requirements of Subsection 19.1001.6.C.1.b.

**19.1007.5 Type IV Decision**

- G. The City shall provide the required notice of adoption to the Department of Land Conservation and Development, as described in Subsection 19.1001.6.C.4.b.
- H. The notice of decision shall include the following:
  - 6. A statement that only persons who submitted comments or made an appearance of record at a public hearing on the application have standing to appeal the decision by filing a written appeal within the appeal period for the Land Use Board of Appeals.

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**19.1008 TYPE V REVIEW**

**19.1008.3 Type V Public Notice**

A. General Public Notice

The purpose of general public notice for Type V applications is to allow the public, organizations, and other governmental agencies a meaningful opportunity to review and comment on legislative proposals.

2. At least 30 days prior to a public hearing on a Type V application, except for continuations as noted in Subsection 19.1001.6.C.3, the City shall provide notice of the hearing. At a minimum, the notice shall be available on the City web site and at City facilities that are open to the public and that customarily display public information. At a minimum, the notice shall include:

B. DLCD Notice

Notice of a Type V application shall be mailed to the Department of Land Conservation and Development as described in Subsection 19.1001.6.C.4.a .

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**19.1008.5 Type V Recommendation and Decision**

The following procedures apply to applications evaluated through a Type V review.

- A . The Planning Commission shall serve as the recommendation authority for Type V applications.
- B . The Planning Commission shall conduct an initial evidentiary hearing and provide a recommendation to the City Council within 180 days from the date that the application was deemed complete.
- C . The Planning Commission may recommend that the City Council approve or deny the application with or without changes. The Planning Commission shall provide a written justification for the recommendation.
- D . The City shall provide notice of the hearing before the City Council consistent with the public notice requirements in Subsection 19.1008.3.A.
- E . At the conclusion of the first public hearing before City Council, the City Council shall take one of the following actions:
  - 1 . Continue the matter to a date, time, and place certain.
  - 2 . Remand the matter back to the recommendation authority for additional deliberation.
  - 3 . Approve the proposal, with or without changes. City staff, with review from the City Attorney, shall prepare the ordinance with written findings that demonstrate how the proposal meets all applicable approval criteria.
  - 4 . Deny the proposal. This action is appealable.
  - 5 . Take no action on the proposal. This decision is not appealable.
- F . The City shall provide the required notice of adoption to the Department of Land Conservation and Development, as described in Subsection 19.1001.6.C.4.b.
- G . Within 7 days after the date on which one of the actions in Subsection 19.1008.5.E. 3 or 4 is taken, the City shall mail, or otherwise provide, notice to persons who testified orally or in writing to the recommendation or review authority while the public record was open regarding the proposal. The notice shall include the following information:
  - 1 . A brief summary of the decision.
  - 2 . If adopted:

## **Proposed Code and Comp. Plan Amendments**

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- a. The date and number of the adopting ordinance.
  - b. Where and when the adopting ordinance and related findings may be reviewed.
3. A summary of the requirements for appealing the decision to the Land Use Board of Appeals.
- 

### **19.1009 PUBLIC HEARINGS**

#### **19.1009.12 Decision**

- A. Following the close of the public portion of the hearing, the hearing body shall approve, conditionally approve, or deny the application. If the hearing is an appeal, the hearing body shall affirm, reverse, or remand the decision that is on appeal. Remanding the decision to a prior hearing body requires that there is adequate time, pursuant to Subsection 19.1001.7.C for the prior hearing body to issue a decision and for the City to issue a final decision if the decision resulting from the remand is appealed.
- 

### **19.1010 APPEALS**

#### **19.1010.5 Specific Provisions for Appeal of a Type II Decision**

- B. At least 20 days prior to the appeal hearing, the City shall mail written notice of the appeal hearing to all parties who were entitled to Type II public notice per Subsection 19.1005.3.B.1, interested persons, and the appellant(s).

#### **19.1010.6 Specific Provisions for Appeal of a Type III Decision**

- B. At least 20 days prior to the appeal hearing, the City shall mail written notice of the appeal hearing to all parties who were entitled to Type III public notice per Subsection 19.1006.3.D.1, interested persons, the appellant(s), Planning Commission, and Design and Landmarks Committee if they made a recommendation on the initial land use application.
- 

### **19.1011 DESIGN REVIEW MEETINGS**

#### **19.1011.2 Design Review Meeting Notice Requirements**

- B. The mailed public notice shall meet the requirements of Subsection 19.1006.3.D.2 .

## **CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES**

### **19.1102 ANNEXATIONS**

#### **19.1102.2 The Petition**

- C. An annexation petition shall include the completed petition form and the following information.
5. Census forms or demographic information about the area to be annexed.

**19.1102.3 Approval Criteria**

The City Council shall approve or deny an annexation proposal based on findings and conclusions addressing the following criteria:

- F. The proposal must comply with the criteria of Section 19.902 for Zoning Map Amendments and Comprehensive Plan Map Amendments, if applicable.

**CHAPTER 19.1200 SOLAR ACCESS PROTECTION**

**SECTIONS:**

- 19.1201 Purpose
- 19.1202 Definitions
- 19.1203 Solar Access for New Development

**19.1201 PURPOSE**

**19.1201.1 The purpose of this chapter is:**

- A. To orient new lots and parcels to allow utilization of solar energy;
- 

**19.1203 SOLAR ACCESS FOR NEW DEVELOPMENT**

**19.1203.2 Applicability**

The solar design standards in Subsection 19.1203.3 shall apply to applications for a development to create lots in single-family zones , except to the extent the Director finds that the applicant has shown one or more of the conditions listed in Subsections 19.1203.4 and 5 exist, and exemptions or adjustments provided for therein are warranted.

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**19.1203.6 Protection from Future Shade**

The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in Subsection 19.1203.6. The City shall be made a party of any covenant or restriction created to enforce any provision of this subsection. The covenant or restriction shall not be amended without written City approval.

**19.1203.8 Process for Approval**

Requirements for meeting this section shall be processed simultaneously with other application requirements as provided by this title.

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*Repeal Section 19.1204 Solar Balance Point.*

*Repeal Section 19.1205 Solar Access Permit.*



*Milwaukie Wellness Center*

December 15, 2010

City of Milwaukie  
Chair and Member Planning Commission  
c/o Katie Mangle, Planning Director  
12323 SE 25<sup>th</sup> Ave  
Milwaukie, OR 97222

Chair, Jeff Klein and Members of the Planning Commission,

I am a citizen and small business owner in Milwaukie. I own and live at 5111 SE Lake Road, where I operate the Milwaukie Wellness Center, a chiropractic and massage clinic. I would like the opportunity to expand my business into the rest of my current home but this is not allowed within the confines of a home occupation in an R-10 zone.

Currently the City allows professional offices as conditional uses only in R-3 zones. It is my understanding that the city is undertaking a "Land Use and Development Review Project". I'd like the city to consider amending the code to allow professional offices as conditional uses in R-10 zones as well. In my case, the property is not conducive to residential development and is entirely appropriate for a small professional office. The current conditional use criteria allows the city to review each request individually, on its own merits, and would not allow any professional office that wished to locate in an R-10 zone. Rather, each site and business would be reviewed for its ability to meet the conditional use criteria that address surrounding uses and the impact of that use on its neighbors.

I've discussed my desire to amend the code with the Lake Rd. neighborhood association and they are supportive. Based on that support and the suitability of the site for my business, I would like the Planning Commission to consider such a change as they review the residential standards, which I understand will begin after the first of the year.

As the city expands its boundaries and annexes previously unincorporated areas it will naturally include neighborhoods further away from the core downtown. Enabling professional offices under prescribed conditions along major roads, within walking distances of local neighborhoods would be an asset from both a functional and environmental standpoint. It would also be a clear signal to the community that Milwaukie welcomes small businesses.

Thank you in advance for your consideration of this matter. I would appreciate an opportunity to speak before the commission when you consider this matter.

Sincerely,  
  
David Mealey, DC

## Alligood, Li

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**From:** Linda Hedges <linda@hammy.org>  
**Sent:** Thursday, December 15, 2011 2:36 PM  
**To:** Alligood, Li  
**Subject:** Re: Residential Development Standards Update Project - Proposed amendments now available for review!

Speaking for myself, and not on behalf of our NDA, my comments are as follows:

I appreciate the work that staff have gone through to produce both the Single Family and Multi-Family Development Standards. I especially applaud the efforts to reach out to the community in a number of ways so that you heard opinions from a wider pool of community members.

Without being blaming, I want to say that we do not have to just buy into what Metro dictates to us in regard to growth and development. It's our town and we should be able to say just how much growth is acceptable while we maintain the small town atmosphere, safety and amenities we have now. I still do not support increasing density in Milwaukie by allowing infill properties, especially not to the possibility of a one third increase in household units. If we HAVE to allow for it, then I would grudgingly accept a cap by 2050 at 10% higher than the existing number of units as of 2010. 90% of those units should be built for home ownership and not rental, although I realise that would be difficult to police and enforce.

Where there are multi-family dwellings built, I like the cottage cluster idea best, with small groups of rowhouses allowed along arterials also acceptable.

And I support the diversity of design, external materials and lot placement, with the provision that it is respectful of the aesthetics and privacy of neighboring houses. On some lots ADUs would work; in others, great consideration needs to be given to how it would affect a neighbor's privacy, view and property values. Which is why flexibility should not be interpreted as a green light; some element of review needs to remain so that no area becomes a cluster of more apartments or of every flag lot being filled in with another house.

Thanks for the opportunity to comment, as I have throughout the process, and I have encouraged (as co-chair of HCNDA) the neighbors on our email list to review the proposed amendments as well and to also send their comments to you.

I hope some of them will take the time to do so.

Regards,  
Linda Hedges

---

**From:** Alligood, Li  
**Sent:** 12/13/2011  
**To:**  
**Subject:** Residential Development Standards Update Project - Proposed amendments now available for review!

> Greetings! This e-mail is to inform you of proposed amendments to the  
> Milwaukie Municipal Code regulations regarding residential development and design standards.  
> This e-mail is being sent to interested parties, and relevant City  
> departments,  
> and  
> relevant external agencies for preliminary review and comment.

**From:** [Steve Smelser](#)  
**To:** [Alligood, Li](#)  
**Date:** Sunday, December 18, 2011 9:07:10 PM

---

Hi Li,

I have been thinking more about the garage width requirement in regards to a 2 story home. In reality the reason people build two story homes is because lots keep getting smaller and they are looking for smaller footprints. Because of this most two story homes are usually 50' wide or less. With these sizes, no two car garages would be allowed.

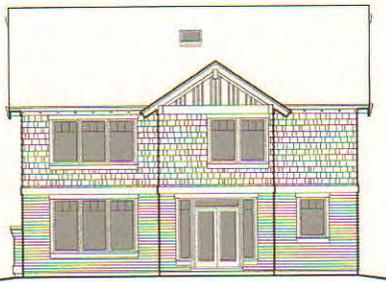
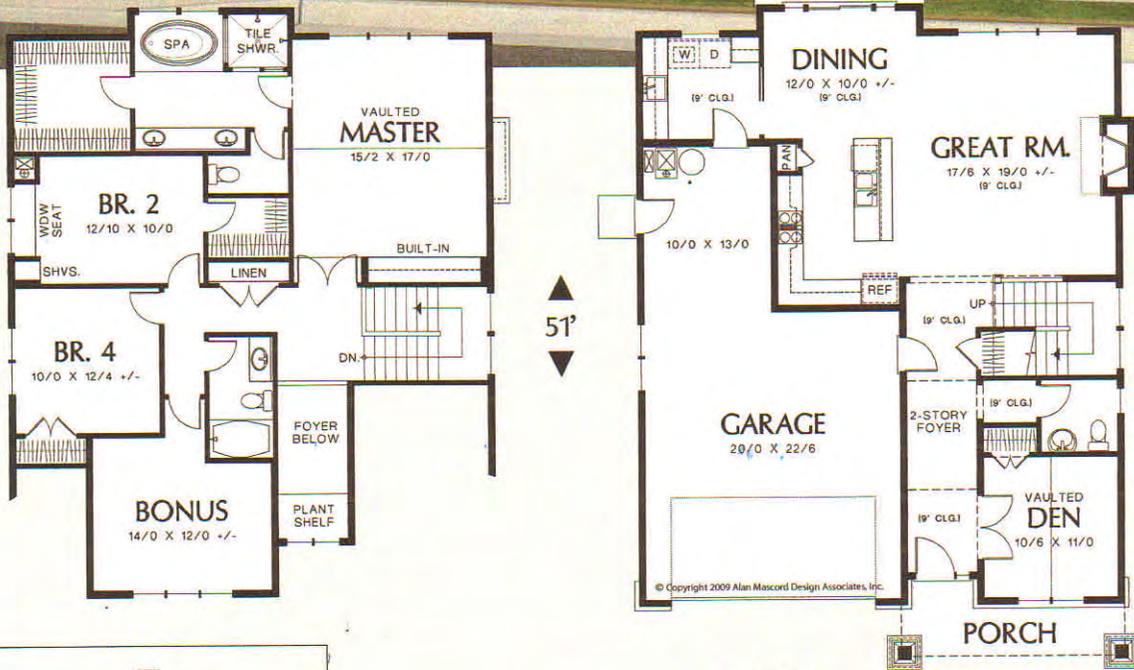
I went to "Mascord Home Design" and printed out five of their most popular two story homes. I put the percentage of the garage on the plan. As you can see, none of them would be allowed in Milwaukie. I believe they would meet all of the other design criteria you require except the garage width of 35%.

Additionally, all of these plans would qualify to be built in Oregon City, Gladstone, Clackamas County, Happy Valley and the city of Portland. Milwaukie would be the lone exception.

Respectfully,

Steve Smelser  
Steve Smelser Homes, Inc.  
PO Box 1069, Clackamas, Or 97015  
503-803-4068  
[srsmelser@q.com](mailto:srsmelser@q.com)

Price Category  
**Plan 2230CD**  
**The Olympia**



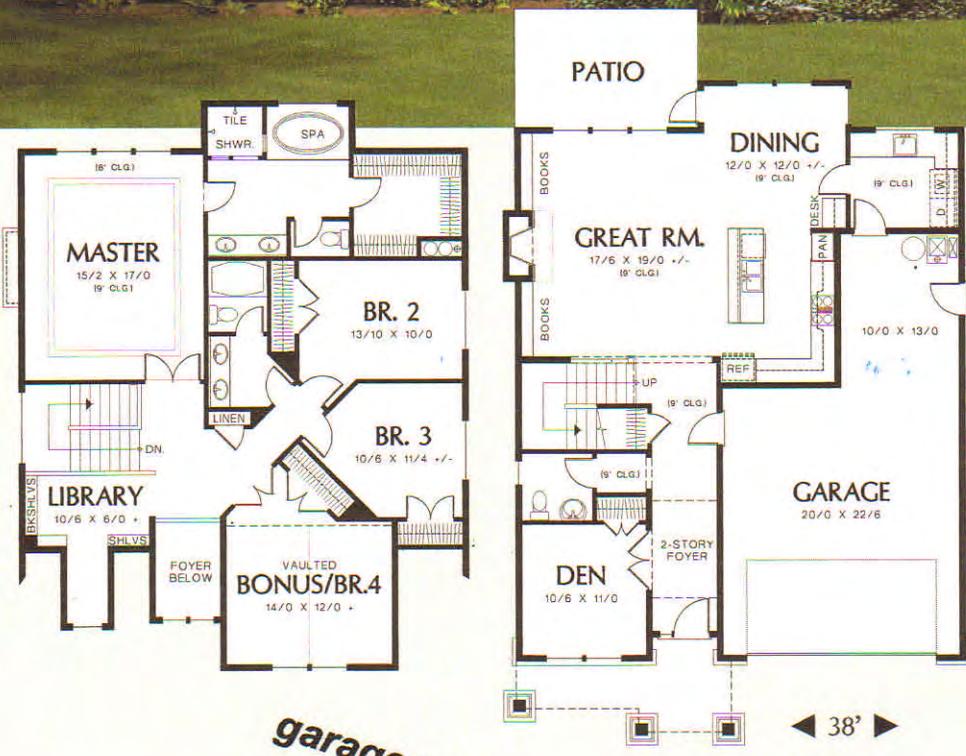
**garage = 52.5%**

Upper Floor	1095 Sq. Ft.
Main Floor	1116 Sq. Ft.
Total Area	2211 Sq. Ft.
Bonus Room	+185 Sq. Ft.
Width 38'	Depth 51'
Height: 29'	Crawlspace

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 1305 NW 18th Ave., Portland, OR 97209 · 503.225.9161 · fax 503.225.0933  
[www.mascord.com](http://www.mascord.com)

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Price Category  
**Plan 2230CE**  
**The Morecambe**



**garage = 52.5%**



Main Floor	1435 Sq. Ft.
Upper Floor	1142 Sq. Ft.
<b>Total Area</b>	<b>2577 Sq. Ft.</b>

Width 38'                      Depth 55'  
 Height: 29'                      Crawlpace

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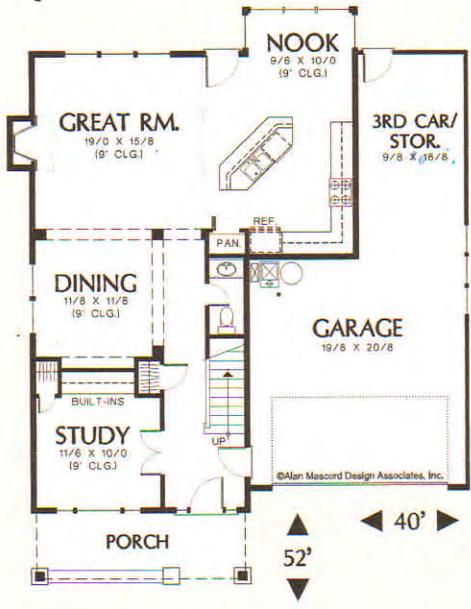
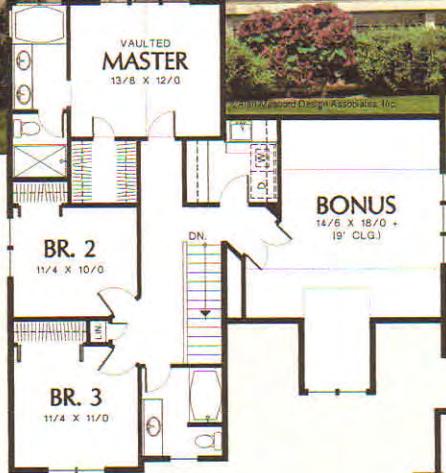
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Price Category  
**Plan 2164A**  
 Malone



Upper Floor	864 Sq. Ft.
Main Floor	1082 Sq. Ft.
Sub-Total	1946 Sq. Ft.
Bonus Room	+358 Sq. Ft.

Width 40'      Depth 52'  
 Height 27'      Crawlpace



**garage = 50%**



**UPDATED CRAFTSMAN**

There are delightful surprises throughout this two-story home. A private study is furnished with handsome built-in storage. Impressive columns define the dining room. Upstairs, the master suite features a vaulted ceiling in the bedroom and a compartmentalized bath with a whirlpool tub in a windowed corner. And, there's the surprisingly large room above the garage, perfect for a studio or playroom.

A bounty of functional features also make this home a joy to inhabit. The angular kitchen island is outfitted with a sink and dishwasher and doubles as a snack bar. The breakfast nook is enclosed by windows, making meals feel alfresco. The full-service laundry room is conveniently sited near the bedrooms. The two-car garage offers an area at the back for storage of a third car, bikes, mower, and sports equipment.

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Price Category  
**Plan 22145**  
 Ackley



Upper Floor	614 Sq. Ft.
Main Floor	1675 Sq. Ft.
Total Area	2289 Sq. Ft.

Width 48'	Depth 56'
Height 27'	Crawlspace

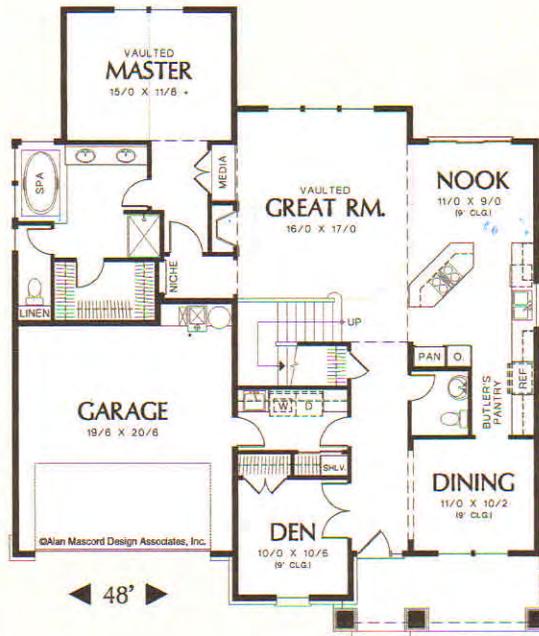
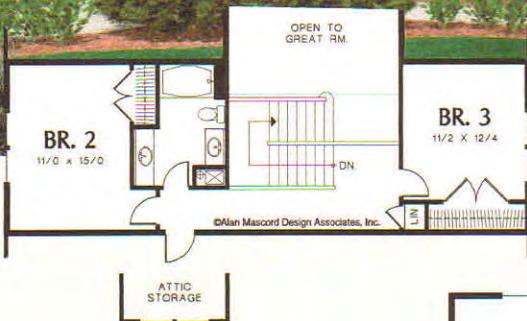
**OPEN, SPACIOUS BUNGALOW**

With a nod to the details of the Arts and Crafts movement, this appealing bungalow has an eye-catching covered front porch, cedar-shingle accents and light-catching windows. All main-level spaces have nine-foot ceilings, except the great room, which features a scissor-vaulted ceiling, and the master salon, which is also vaulted. The main foyer separates a cozy den on the left from the formal dining room on the right.

A butler's pantry connects the dining room and the convenient kitchen. An angled peninsula containing the cooktop joins the kitchen to a casual nook. There is patio access here for outdoor entertaining. A gas fireplace, skylights and a built-in media center in the great room make it a comfortable place to relax.

Exquisite in design, the master suite includes a bath with spa tub, dual lavatories, separate shower, walk-in closet and compartmented toilet. On the upper level is a hall bath with dual lavatories to serve the two family bedrooms on this floor.

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**garage = 41.6%**

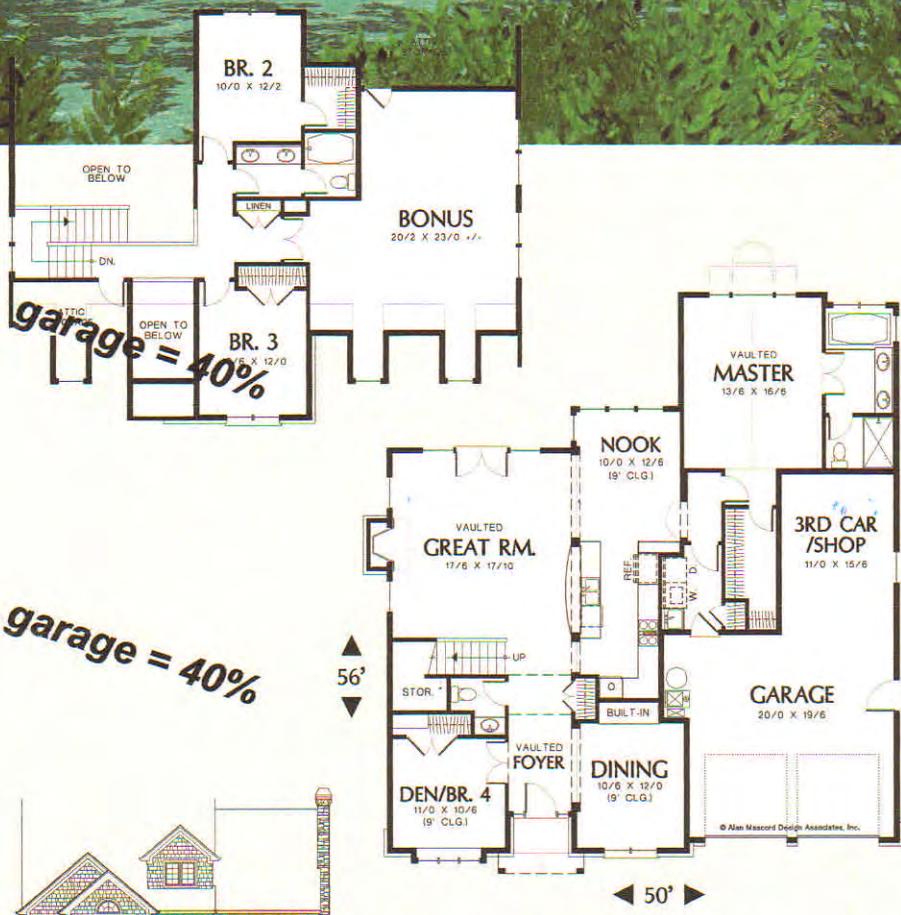


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Price Category  
**Plan 22122**  
 Greenspire



Upper Floor	538 Sq. Ft.
Main Floor	1658 Sq. Ft.
Total Area	2196 Sq. Ft.
Width 50'	Depth 56'
Height 28'	Crawlspace



**FRENCH COUNTRY CHARM**

This home's stone-and-cedar shingle facade is delightfully complemented by French Country detailing, dormer windows, and shutters at the large arched window and its second-story sister. The entry door features a transom and sidelights, which give natural light to the vaulted foyer.

A formal dining room, with built-ins, and a den—or bedroom—which opens through French doors, flank the foyer. A half-bath and coat closet are nice touches at the far end.

Containing a fireplace and double doors to the rear yard, the great room is further enhanced by a vaulted ceiling. The nearby kitchen has an attached nook with corner windows overlooking the back yard. A service hall, with laundry alcove, opens to the garage. There is space enough here for three cars or two and a workshop.

Bedrooms enjoy a split configuration: the master suite is on the main level; family bedrooms are upstairs. The master salon is well designed with a vaulted ceiling and Palladian window. Its bath sports a spa tub. Family bedrooms share a hall bath.

A huge bonus space on the second level provides for a future bedroom, games room, or home office. It is graced by two dormer windows. Note the large linen closet in the second-floor hall.

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**From:** [Steve Smelser](#)  
**To:** [Alligood, Li](#)  
**Subject:** Proposed Code Amendments  
**Date:** Sunday, December 18, 2011 9:20:33 AM

---

Hi LI,

I am responding to the proposed code amendments that affect single family homes in the city of Milwaukie.

On Section C. Standards.

C.1. Articulation -- I have no problem with the standards you have set forth.

C.2. Eyes on the Street – I have only one problem with this section and that is b. which states that windows in the garage doors do not count towards the 15% standard. In my experience, some people spend a lot of time in their garages working on projects or cars. It would seem that garage door windows would provide those who do with “eyes on the street”. I believe that windows in the garage doors should count towards the 15%, just as the code proposed to count windows in a garage side wall that faces the front. Whats the difference if the glass is in the garage doors or the garage wall?

C.3. Main entrances – I am agreeable to these requirements.

C.4. Detailed Design - detail #h (horizontal lap siding). I would be much more comfortable with the visible portion being from 3” to 7” (instead of 3” to 6”). The most common form of siding used in todays market is Hardiboard siding which typically has 7” of reveal.

detail #k (recessed windows) – this is a very questionable practice in construction. By recessing a window 3”, you create a perfect spot for water to infiltrate into the home.

19.505.2 Garage Standards -

C. Standards – 2. – 35% of the building width for a garage is way too small. A two car garage must be 20’ wide by the time you have a 16’ garage door and required structural panels on each side. A 50’ wide home could only have a 17.5’ wide garage. In order to have a two car garage with the 35% limit, a home would have to be 57’ wide. Many existing lots in Milwaukie are not wide enough after required setbacks to build a 57’ wide home home. Therefore, you either build a home with a one car garage (very unpopular) or you build a side load garage or a detached garage in the rear. Both of these methods create much more impervious surface and are worse for the environment. I have attached three scenarios on a lot in Milwaukie that I have some interest in and what this requirement will mean.

I believe that if you meet the “articulation”, “eyes on the street”, “main entrance” and “detailed design” requirements, that the garage will not be obtrusive and should not be limited to 35% of the front. It should be allowed to be at least 50% of the front or no limit at all. The city of Portland allows garages to be up to 50% of the front width.

Oregon City allows garages to be up to 60% of the width of the front façade. Clackamas County, Gladstone & Happy Valley have no limits. Most two story homes built today are narrower than 50' wide and would not be allowed a two car garage under this code.

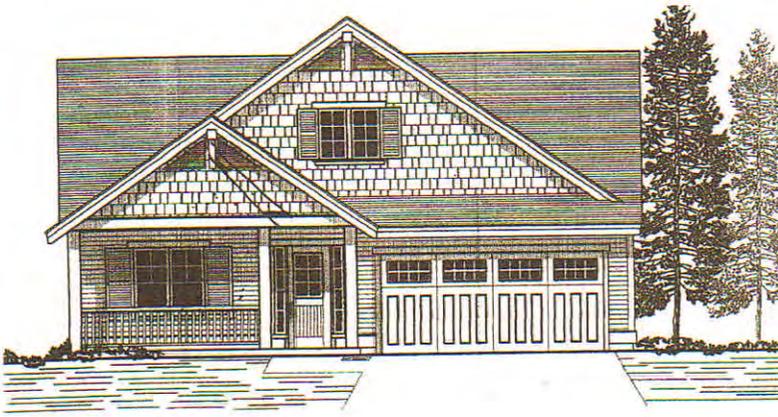
I have attached a copy of a home I built recently in Milwaukie on a 65' wide lot that would not be approved in Milwaukie under the proposed standards because of the 35% garage rule. I have drawn out three scenarios of a home on a 65' wide lot of how homes could be built. Only examples B & C would be allowed in Milwaukie if all other design items are met. As you can see, you waste a lot of land in concrete with this requirement.

This particular plan would meet all design criteria in Portland, Gladstone, Oregon City, Happy Valley and Clackamas County, but not Milwaukie.

Please take these ideas into consideration.

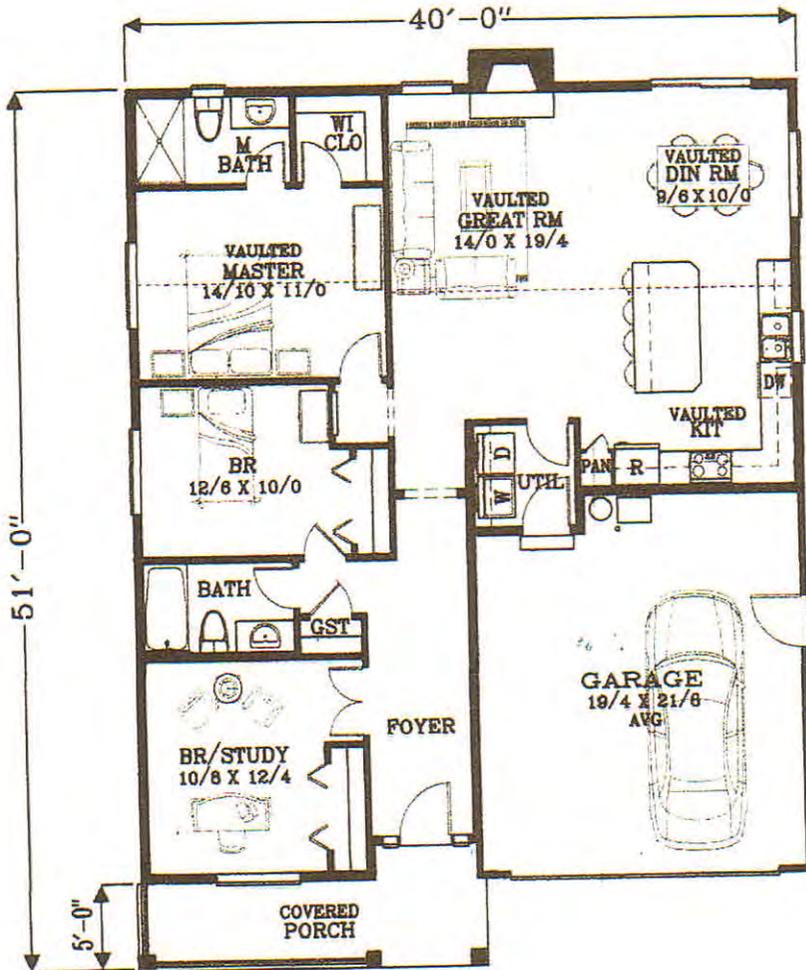
Respectfully,

Steve Smelser  
Steve Smelser Homes, Inc.  
PO Box 1069, Clackamas, Or. 97015  
503-803-4068  
[srsmelser@q.com](mailto:srsmelser@q.com)



## Example A

This home plan was built on a 65' wide lot in Milwaukie. It meets all of the proposed design criteria for new construction except the 35% garage standard. In this plan the garage is actually 50% of the width.



**Articulation** - meets #1 & 4 therefore it qualifies.

**Eyes on the street** - meets the 15% rule even without the garage windows.

**Main Entrance** - meets rules

**Additional Design** - meets 8 design measures a, b, c, d, e, f, j, & k. only needs to meet 5.

**Garage Standards** - meets standard 1, does not meet the 35% standard. In this plan, the garage is 50% of width.

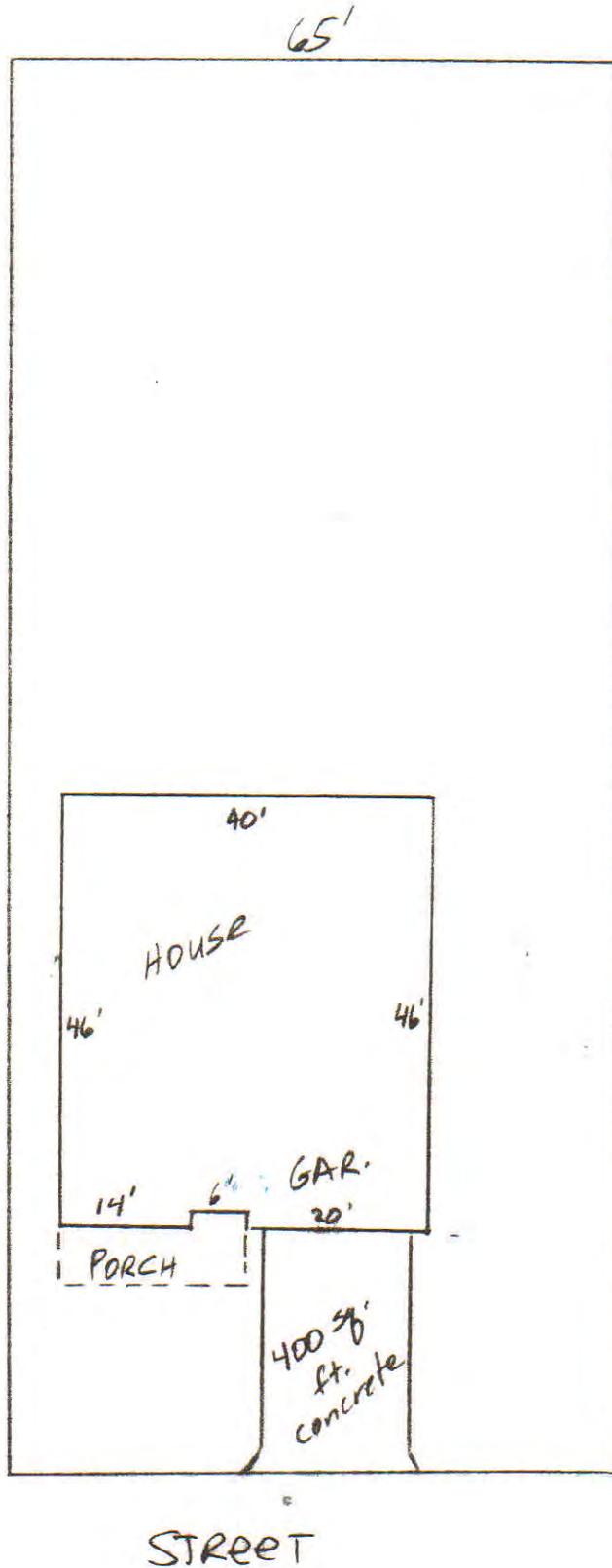
This plan would meet all design requirements of Clackamas County, City of Gladstone, City of Oregon City, City of Happy Valley and the City of Portland. We would be able to build this home in any of these jurisdictions. The only place we could not is Milwaukie.

I built a home recently on a 65' X 153' lot in a R-7 zone that would not be allowed under the proposed change. After setbacks, you would be allowed to build a 50' wide home.  $50 \times 35\% = 17.5'$  would be the maximum width of the garage which is not big enough for two cars. If the standard were 50%, you could build the attached home plan and meet all of the other design requirements. In this scenario, your driveway concrete would amount to about 400 square feet of impervious area.

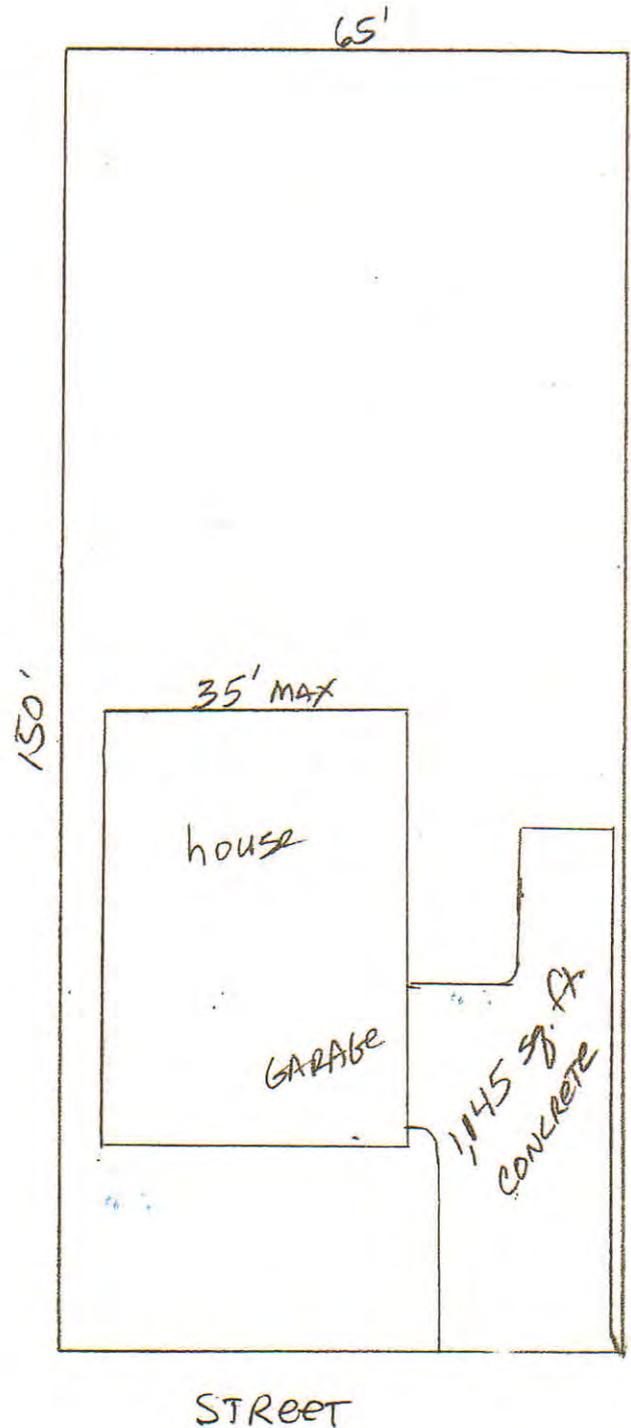
153'

Under the 35% rule, to get a two car garage (min. 20' wide), the home would have to be 57' wide and the lot would need to be 72' wide.

**Example A**  
 home on 65'  
 wide lot with  
 current garage  
 code



Under the proposed 35% garage standard, you could not have a two car garage on a 65' wide lot with existing setback requirements. You would either have to do a side entry garage or have the garage built behind the home. In this example, I have shown a side entry garage. In order to have enough room to make the turn into and out of the garage, the actual home would only be able to be 35' wide. In addition, you increase the impervious surface of the lot from 400 sq. ft. on a front loaded two car garage to at least 1,145 sq. ft. (almost three times as much concrete). This works against the goal of having as much pervious area and vegetation area as possible.



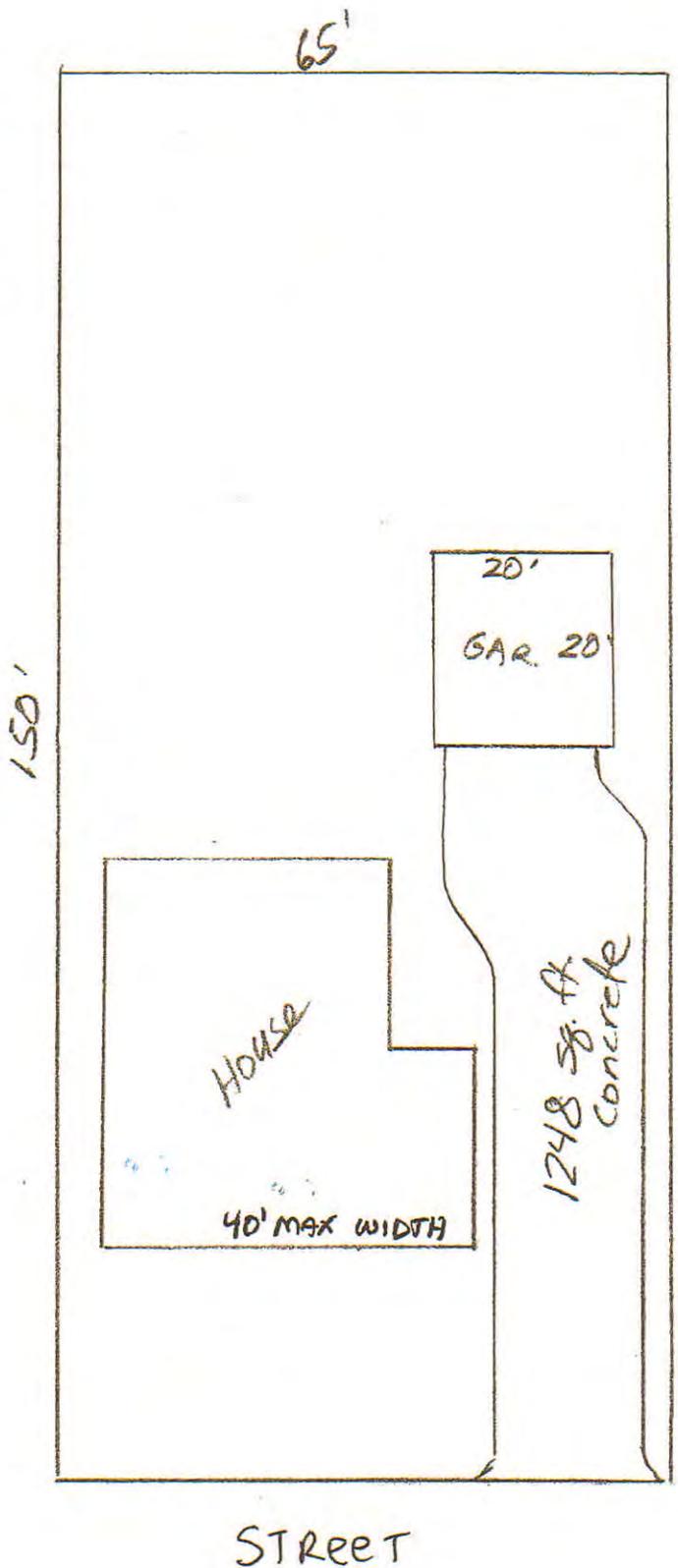
### **Example B**

**home built on 65' wide lot  
with 2 car side entry garage**

Under the proposed 35% garage standard, you could not have a two car garage on a 65' wide lot with existing setback requirements. you would either have to do a side entry garage or have the garage built behind the home. In this example, i have shown a rear garage. In order to have the driveway wide enough to enter and back out, the home would only be allowed to be 40' wide. With this scenario you also increase the impervious area of the lot from 400 sq. ft. for a front loaded garage to approx. 1250 sq. ft. of concrete (over three times as much). This also works against the goal of having as much pervious area and vegetation area as possible. It also uses up valuable natural resources such as gravel. As you can tell, the garage also takes up a good part of the open rear yard area.

**Example C**

home built on 65' wide lot with 2 car rear garage.



## Alligood, Li

---

**From:** Steve Smelser <srsmelser@q.com>  
**Sent:** Sunday, December 18, 2011 9:28 PM  
**To:** Alligood, Li

Hi again,

Sorry about another e-mail. I don't want to be a pest but I forgot one issue that a couple of others have brought up when talking to them about the proposed standards.

"Eyes on the street" requires 15% of windows or doors on the front facade of the home. If the garage is a side loaded garage, windows in the sidewall of the garage are counted, but if the garage is front loaded, garage door windows are not counted. Everyone asks me why you would count windows in one wall of a garage but not the other. This rule of not counting garage door windows doesn't seem to make sense.

Thanks,

Steve Smelser  
Steve Smelser Homes, Inc.  
PO Box 1069, Clackamas, Or 97015  
503-803-4068  
[srsmelser@q.com](mailto:srsmelser@q.com)



Milwaukie Wellness Center

December 21, 2011

City of Milwaukie  
Chair and Member Planning Commission  
c/o Katie Mangle, Planning Director  
12323 SE 25th Ave  
Milwaukie, OR 97222

Chair Batey and Members of the Planning Commission,

I am a citizen and small business owner in Milwaukie. I own and live at 5111 SE Lake Road, where I operate the Milwaukie Wellness Center, a Chiropractic and massage clinic. I would like the opportunity to expand my business into the rest of my current home but this is not allowed within the confines of a home occupation conditional use in an R-10 zone.

I have been following the proposed changes to the zoning code that would allow me to operate my wellness clinic in my home as an outright conditional use rather than the current home occupation. I am pleased that the proposed changes to the current code include the addition of professional offices as conditional uses in the R-10 zone. At the last Planning Commission work shop that I attended where this issue was discussed, there were concerns identified about how to apply limitations to the size of office use that could potentially occur in the low density residential areas. I believe that the proposed limitation of 2,000 square feet, unless otherwise authorized by the Planning Commission is a good solution to the concerns raised during the work session. As I indicated at the work session, my existing home, which I would like converted to the wellness clinic is currently 2200 square feet. The proposed language would allow me to request use of the entire structure for the wellness clinic at the same time that I apply for the conditional use. This is a reasonable approach.

I am writing to say that I support the language regarding office uses in the residential zone as proposed in the current draft. I plan to be present at your work session on January 10, 2012 and can answer any questions that you might have at that time.

Thank you to the staff and to you for your responsiveness in addressing the issues I have raised regarding my business in Milwaukie. I appreciate the time and energy you have put into this and other issues. Your actions send a clear signal to the community that Milwaukie welcomes small businesses.

Sincerely,

David Mealey DC

David Mealey, D.C.

5111 SE Lake Rd. Milwaukie, OR 97222 (ph) 503-659-5900, (fax) 503 659-3388, [www.milwaukiewellness.com](http://www.milwaukiewellness.com)

## Alligood, Li

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**From:** Leslie Schockner <leslieschockner@gmail.com>  
**Sent:** Friday, December 23, 2011 9:30 AM  
**To:** Alligood, Li; Ragel, Beth  
**Subject:** Questions on some of the code compliance language

Hi - I was reading the proposed new code and have a few questions. I have previously participated in commenting on some of this revision stuff due to my interest in accessory units, but have not had the chance to read the proposed actual code stuff before - and can now no longer find the link I thought I had to it, so if you could resend that, it would be helpful to me. So - unfortunately I can't quote chapter and verse here, but you probably know it well enough at this point to know what I am referring to. Here are my thoughts/questions - a prompt reply would be most appreciated.

1. I saw that there is a restriction on keeping chickens and other small livestock that is much more restrictive than what I was led to believe would occur, eg, limiting them to lots of an acre. My understanding is that currently Milwaukie does not restrict chickens except for banning roosters. Given that a source of eggs is important to many people health, self-sufficiency and monetary reasons, I don't understand where this provision to basically ban backyard livestock comes from. The code in Portland, a city much more dense than anything in Portland, not only allows, but encourages backyard poultry through specification of numbers, but also offers waivers for higher numbers. Likewise Portland allows small goats. All of the controversy with regards to backyard poultry in surrounding small cities has been to allow it - so I don't understand the rationale for such a draconian ban. I have neighbors on all sides with chickens which have not been a problem to anyone, and I would like to see this changed to be much more flexible. I am still interested in talking with you about why Milwaukie is doing this.
2. I have been told by one of the planners there when I did an interview on the residential standards that currently Milwaukie does not require a permit for buildings that are 200 sq ft or less. I think this is a good thing, and I don't see where it is being continued in the new standards. Is that going away, and if so why?
3. I saw some language that basically would ban all temporary structures such as the pole & canopy carport structures. I think for many people In Milwaukie this low cost option to cover vehicles or lawn equipment or woodpiles, is very important. I can understand a design standard, maybe, that would set limits on these in front yards, but I don't understand an outright ban. Where did this come from and why is it being done?

Thanks in advance for your prompt response to these questions. Feel free to call me to talk about it.

--

“Human salvation lies in the hands of the creatively maladjusted.” - MLK Jr

---

Leslie Schockner  
Milwaukie, OR  
503/501-9373  
[leslieschockner@gmail.com](mailto:leslieschockner@gmail.com)

## Alligood, Li

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**From:** Miranda Bateschell <Miranda.Bateschell@oregonmetro.gov>  
**Sent:** Wednesday, January 11, 2012 3:16 PM  
**To:** Alligood, Li  
**Cc:** Christina Deffebach  
**Subject:** ZA-11-03 / CPA-11-04

Li,

I just want you to know that I received and reviewed this the proposed code amendments related to this file number. Everything looks great and I am happy to see the addition of cottage clusters to your zoning code.

Hope all is well. Talk to you soon.

Miranda

Miranda Bateschell  
Planning & Development Department  
(503) 797-1817  
[Miranda.Bateschell@oregonmetro.gov](mailto:Miranda.Bateschell@oregonmetro.gov)

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600 NE Grand Ave  
Portland OR 97232  
[www.oregonmetro.gov](http://www.oregonmetro.gov)

## Alligood, Li

---

**From:** Frank Hemer Milwaukie <frankh@milwaukielumber.com>  
**Sent:** Thursday, January 19, 2012 5:45 PM  
**To:** Alligood, Li  
**Cc:** Marquardt, Ryan; Mangle, Katie  
**Subject:** Residential Design Standards

Hello everyone- here are a few notes I jotted down from the January 10<sup>th</sup> Planning Commission Meeting:

These issues are from the 5 out of 14 requirement list

**Requirement:** 3" width in trim

**Issue:** Trim boards are typically flat pieces of either lumber, fiber cement, PVC, or another man made substitution. All of these materials are called by their nominal width size. For example a 1"x4" board actual dimension is 3/4"x3-1/2" , or 5/4"x6" dimension is 1"x5-1/2" (if you want to know the reason why look up Scribner's Rule).

**Suggestion:** If the intent of the requirement is to have 3" or more for trim and not allow 2-1/2" wide trim (uncommon but do-able) then to avoid confusion it should state: 3" nominal width in trim or minimum of 1"x4" board or 3" wide moulded trim.

Also, industry standards for doors are pre-hung on 2-1/4" shake mould or 2" brick mould. In my opinion the standard should be for window surround and exclude front or side entrance doors.

Also, board and batt (Tudor style-flat wall with trim every 2' or 4') are either 1-1/2" batts or 2-1/2" batts, would this qualify as trim?

**Requirement:** Façade 40% brick, stucco, or wood shingle

**Issue-** limits façade of house for expression of styles

**Suggestion:** Façade 40% not lap siding or reversed board and batt (t1-11 or the 4x8 premade panels). This would allow for stone, rock, board and batt, scallop, or even glass.

**Requirement:** Façade 40% brick, stucco, or wood shingle

**Issue:** potential cost of siding for the house

**Suggestion:** resemble the look of brick, stucco, or wood shingle. Faux "look a-like" products today are flawless and are easier to install, less expensive, and adequately provide the desired break-up in façade. For example 90% of the exterior columns in Portland with rock façade's are faux stone.

These issues are about garage standards:

**Requirement:** 35% of house being garage

**Issue:** promotes snout or garage dominant houses but just smaller- not promoting family sized square footage houses

**Suggestion:** If the garage faces the street it can not be more than 35% of the total façade facing the street. That way a two story house can have an attached 2 car garage but the garage is not the dominant feature.

I would also like to make a suggestion or a thought:

The proposed changes include environmental aspects like: wind and solar power alternatives, cisterns, selling vegetables from your greenhouse, allowing for natural eggs with no shelter required, and other well meaning, popular, and trendy aspects of living in the early 21<sup>st</sup> century. But at the same time we encourage more asphalt or concrete, more water run off, more soil disturbance, less green space, and a flat, boring, dark windowed 20' long façade (the garage wall facing the street because the garage door is facing the house next door) because of the "ugliness" associated with garage doors.

I understand the trend and the "desired" look, but I think some are missing the purpose of why the look developed. It was to maximize the structures livability square footage on small lots or modernize their dwellings to allow for automobiles without losing their living rooms. Many of Milwaukie's buildable lots do not have this problem.

I myself do not understand how at least 50' windmills, clucking chickens, and large greenhouses will beautify the Milwaukie, but I accept it. What I really can not grasp is the extra environmental damage and expense of more asphalt or concrete, longer overhead cables, more telephone poles, less green area, removed mature trees, and flat, boring, lifeless facades to "rid the ugliness" of garage doors.

Li or Ryan if you have any questions about the 5 requirements or the garage standards, please let me know. Also, you may submit it for public record or Commission review if you wish.

Thanks

Greg / Frank Hemer

office: 503-654-5417

fax: 503-654-5410

email: [frankh@milwaukielumber.com](mailto:frankh@milwaukielumber.com)

5822 SE Harrison St.

Milwaukie, OR 97222

## Alligood, Li

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**From:** Donnelly, Jennifer <jennifer.donnelly@state.or.us>  
**Sent:** Tuesday, January 31, 2012 3:30 PM  
**To:** Alligood, Li  
**Subject:** Milwaukie 005-11

Hi Li –

Just following up on our conversation yesterday about the residential zone changes. The department had a few issues with the changes and consistency with the ORS.

- When you change single family attached to Duplex you might consider in the Comp Plan stating that duplexes are single family attached for consistency with Goal 10 and buildable land inventories for needed housing types – ORS 197.303
- Page 12 #2 How is the City going to measure affordability? Just curious.
- Page 12 #3 Manufactured housing has to be allowed where ever single family housing is permitted outright. The language is a bit misleading by saying it is encouraged.

Thanks, please let me know if you have any questions.  
jennifer

**Jennifer Donnelly** | Metro Regional Representative  
Community Services Division  
Oregon Department of Land Conservation and Development  
Portland Metro Regional Solutions  
1600 SW Fourth Avenue, Suite 109 | Portland, OR 97201  
Office: (503) 725-2183 | Cell: (971) 239-9451  
[jennifer.donnelly@state.or.us](mailto:jennifer.donnelly@state.or.us) | [www.oregon.gov/LCD/](http://www.oregon.gov/LCD/)

## Alligood, Li

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**From:** Frank Hemer Milwaukie <frankh@milwaukielumber.com>  
**Sent:** Thursday, February 02, 2012 3:09 PM  
**To:** perraultjl@pella.com; David Aschenbrenner; Russ E Stoll;  
RUSS@PEAKCONTRACTORS.US; Loomis, Joe; Chaimov, Greg; Neil Hankerson;  
mark@markgamba.com; Ferguson, Jeremy; Lisa M Batey; Hedges, David; Miller, Mike  
**Cc:** Alligood, Li; Marquardt, Ryan; Mangle, Katie  
**Subject:** Amendment to Residential Standards - 100% Made in America Home as an option to  
meet 5 out of 15 residential facade requirements  
**Attachments:** propsalresstandmilw.pdf

The other night during the City Council Residential Standards Work Session, I blurted out one quick statement about an amendment then tossed around some papers. I wanted to make sure that everyone understood the proposal and collected all of the information.

These are the major talking points to consider:

1. It is a choice not a requirement for residential buildings in the City.
2. It is meaningful and purposeful to the code
3. It is inexpensive to administer because the Builder or home owner needs to show the burden of proof
4. The city will collect the "list of materials" and "suppliers" that could be sold to anyone wishing to use this choice.
5. Because of the extra cost- smaller footprint of homes, more affluent citizens, and the builders and buyers are community orientated because they spent extra money for helping the American Economy
6. 1<sup>st</sup> in Nation with residential recognition and verification on Final Occupancy.
7. 1<sup>st</sup> in Nation to officially document 100% Made in America Homes.

If anyone would like to contact me or discuss this proposal please feel free to contact me at 503-849-0118 or email [frank@milwaukielumber.com](mailto:frank@milwaukielumber.com)

We all have a chance in life to show that we can do something to help our friends, our neighbors, our community, our Country. This is one of those opportunities!

Thank you for your consideration-

Greg/Frank Hemer  
5822 SE Harrison St.  
office: 503-654-5417  
fax: 503-654-5410  
email: [frankh@milwaukielumber.com](mailto:frankh@milwaukielumber.com)

## Proposed Amendment to 19.505.1.C4

### **Current:**

#### 4. Detailed Design

All buildings shall include at least 5 of the following features on any street-facing façade. See Figure 19.505.1.C.4 for illustration of detailed design elements.

### **Proposed:**

#### 4. Detailed Design

All buildings shall include at least 5 of the following features on any street-facing façade or 4 of the following features on any street-facing façade and proven documentation of 100% Made in America Home. See Figure 19.505.1.C.4 for illustration of detailed design elements and 19.505.1.C.4.p

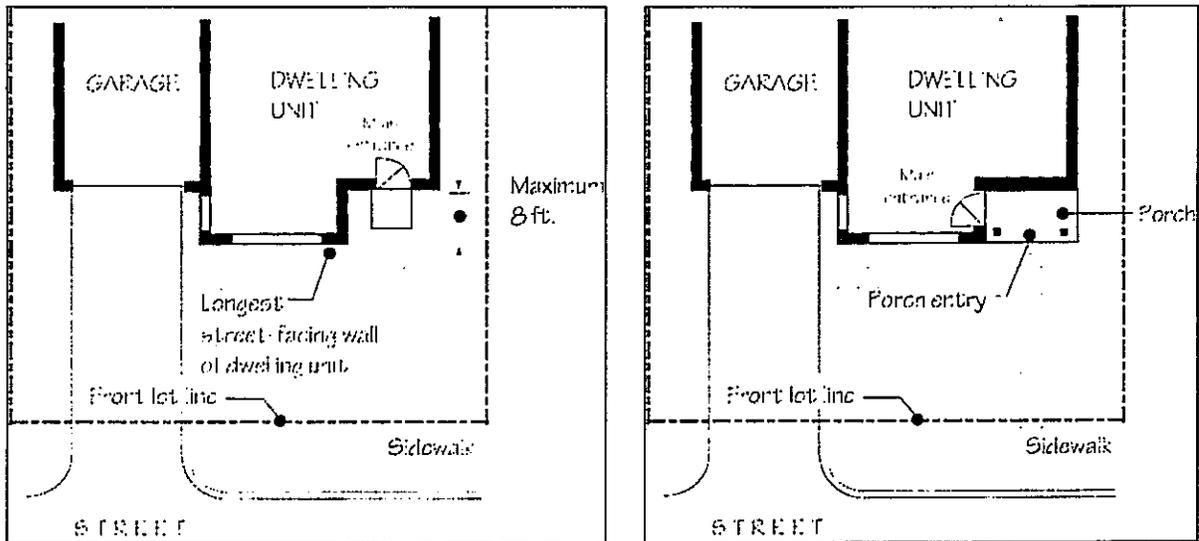
With the addition of:

### **Proposed:**

19.505.1.C.4.p- For Final Occupancy Permit, the permitted address must submit the required details for proof of 100% Made In America Home to the Final Occupancy Permit Issuer

Required details:

- Typed list with following information
  - Description of all material or product remaining at time of final occupancy
    - on tax lot
    - for the structure
    - inside the structure
  - Manufacture of material or product remaining at time of final occupancy (brand)
  - City and State of manufacturing
- Receipts for above products with the following guidelines
  - Supplier's name
  - Supplier's address
  - Organized and coordinated with typed list
  - Legible



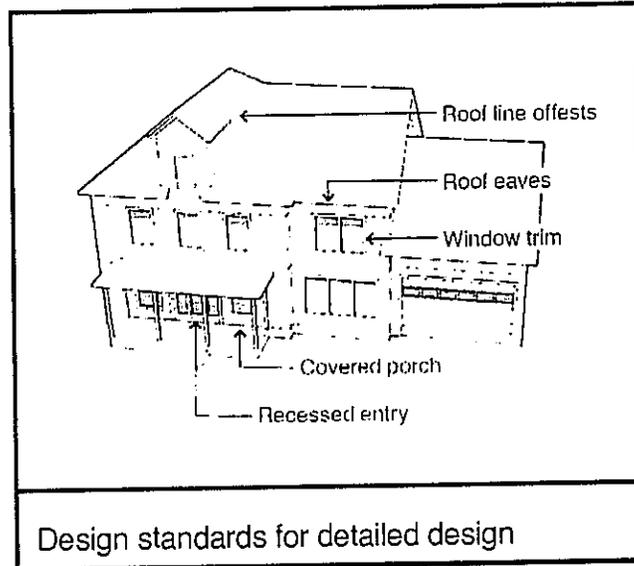
#### 4. Detailed Design

All buildings shall include at least 5 of the following features on any street-facing façade. See Figure 19.505.1.C.4 for illustration of detailed design elements.

- a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.
- b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
- c. Offset on the building face of at least 16 in from one exterior wall surface to the other.
- d. Dormer that is at least 4 ft wide and integrated into the roof form.
- e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
- f. Roof line offsets of at least 2 ft from the top surface of one roof to the top surface of the other.
- g. Tile or wood shingle roofs.
- h. Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). Only wood, hardiplank, or other similar lap siding material will be credited toward counting as a design detail. Vinyl siding with the appearance of lap siding is not prohibited, but shall not be credited as a design detail.
- i. Brick, cedar shingles, stucco or other similar decorative materials covering at least 40% of the street-facing façade.
- j. Gable roof, hip roof, or gambrel roof design.
- k. Window trim around all windows at least 3 in wide and 5/8 in deep.
- l. All windows recessed at least 3 in as measured horizontally from the face of the building façade.
- m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.

- n. One roof pitch of at least 200 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- o. Bay window at least 2 ft in depth and 5 ft in length.

**Figure 19.505.1.C.4  
Detailed Design Elements**



**5. Standards for Duplexes**

In addition to the other standards in Subsection 19.505.1, duplexes shall also comply with the following standards.

- a. The exterior finish of the structure must be the same for both units.
- b. The eaves must be uniform for entire structure.
- c. The window and door trim must be the same in type, size, and location for entire structure.
- d. Windows must match in proportion and orientation for entire structure.
- e. For duplexes or corner lots, each entrance is required to face a separate street frontage. Where an existing house is being converted, one main entrance with internal access to both units is allowed.
- f. For duplexes facing one frontage, the following standards apply.
  - (1) Only 1 entrance is required to face the frontage.
  - (2) Where more than one entrance to the structure faces the street, each separate entrance is required to meet the standards of Subsection 19.505.1.c.3.
  - (3) A second entrance from a side or rear yard is not allowed within 10 feet of side or rear property line.

# 100% Made in America Proposal

## **Concept:**

Based on the Diane Sawyer's ABC broadcast (see attachment)

All material, hardware, fixtures, etc... inside and outside must be material manufactured from inside the United States

Results in a stronger and growing United States Economy. If, we as Citizen's, can participate or create an economic turn-around to help ourselves, our neighbors, and our Country, then we should encourage our leaders in Local Municipalities to reward Citizen's whom make a that patriotic decision!

Living model:

Lake Grove Neighborhood, Lake Oswego, Clackamas County

Westlake Development, owner Gerald Rowlett

[WWW.WestlakedevelopmentLLC.com](http://WWW.WestlakedevelopmentLLC.com)

503-698-5912

1<sup>st</sup> 100% Made in America Home in the Pacific Northwest

Please contact if you would like more details than provided below

## **How does this apply?**

**See attached table**

BASIS OF COMPARISON	CURRENTLY PROPOSED OR NON CHANGED	100% MADE IN AMERICA
ECONOMICS	addresses new economics of the 21st Century, new standards of ADU's, duplexes, and cottage clusters provide living spaces for younger adults living with parents, older adults who need more care, extra income for existing homeowners	creates jobs in Milwaukie, Clackamas County, Oregon, and the Nation. Changes economics of 21st Century from scrimping, struggling, and foreclosure to prosperity, home ownership, and discretionary income
QUALITY OF FOOD AND HEALTH	CSD, greenhouses, sustained living	jobs create dental and medical plans, decreasing depression, improving pride, honor, and self esteem. Jobs provide for the purchase of quality foods, not quantity foods. Labor Laws are adhered to and practiced
IMPROVING ENVIRONMENT	Cisterns, windmills, and solar orientaion	manufactured using high standards of energy creation and consumption, EPA laws are enforced, transportation is strictly monitored for pollution, less traveled miles uses less energy consumption
INCREASING PROPERTY VALUES	standards of excellence, varity and choice, oppourtunies for unique structures and neighborly compliance	choice of spending 10% more on house to help economy, leaqds to smaller footprints while increases property value and affluence. Promotes home ownership and more local jobs, better quality and better manufactured products last longer and in need of less repair
QUALITY OF LIFE	standards for citizens, a neighbor, a neighborhood, and a city	not just for pride for homeowner but also spreads to communties, regions, and even a country

**THIS IS TO NOTIFY YOU THAT THE CITY IS CONSIDERING ADOPTION OF LAND USE REGULATIONS THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY**

(Land Use File #ZA-11-03)



**MILWAUKIE**  
*Dogwood City of the West*

**WHY THE CITY IS SENDING THIS NOTICE**

State law requires cities to inform property owners about proposed land use regulation changes that may affect what development projects can be constructed on their property. You are receiving this notice because you are the owner of residentially zoned property in the City, or a property that is in residential use, and the proposed changes to the City's residential development and design standards potentially affect every residential property in Milwaukie.

**HOW THE PROPOSED REGULATIONS MIGHT AFFECT YOUR PROPERTY**

The land use regulations will revise the standards for residential development and design. If you are considering development or redevelopment of a residential property in the City, the proposed regulations may affect the standards the project is subject to and the process it would have to go through to gain approval.

**WHY THE CITY IS PROPOSING NEW REGULATIONS**

The City currently has design standards for new single-family homes, but there has been neighborhood concern about new infill housing (and significant additions) not being compatible with existing housing in height or scale. In addition, the City doesn't have design standards for multifamily housing and doesn't allow certain kinds of housing that many property owners want, such as detached accessory dwelling units (i.e. granny flats or mother-in-law suites), rowhouses, and cottage clusters. In response to these community concerns, City Council directed staff to address these issues through this project. As a result, the City is proposing to change its land use regulations, which are located in Title 19 of the Milwaukie Municipal Code, to revise the City's residential development and design standards.

**THE PUBLIC PROCESS TO DATE**

City Council directed the City's Planning Department to begin this project in 2009. These proposed regulations are the result of an 18-month long project to update the City's residential development and design standards. To date, City staff has conducted online surveys; interviews with community members; hosted stakeholder focus groups with Neighborhood District Association leaders and developers; held a Housing Choices Workshop and a project Open House; and provided 13 staff updates to the Planning Commission and City Council. In February 2011, staff convened a 10-member project steering committee to guide the project policy.

A full description of public outreach activities to date is located at <http://www.ci.milwaukie.or.us/planning/community-involvement-and-outreach>. Although a great deal of work has been done, the project is ongoing and there are still opportunities for participation and comment.

**HOW TO LEARN MORE ABOUT THE PROPOSED REGULATIONS**

- The City will be hosting an informal question and answer session about the proposed amendments on **Thursday, February 16, from 3:30 to 6:30 p.m. in the City Hall Conference Room, 2<sup>nd</sup> floor**. If this time does not work for you, contact staff to set up another time to discuss the proposal.
- Project information is available at <http://www.ci.milwaukie.or.us/planning/residential-development-standards-update-project>.
- The proposed regulations, all supporting documents, and all applicable City ordinances are available for review at the Johnson Creek Facility (6101 SE Johnson Creek Blvd) or online at: <http://www.ci.milwaukie.or.us/planning/residential-development-standards-update-project>. Copies of the materials can be obtained at a reasonable cost.

**WHO TO CONTACT WITH QUESTIONS**

Li Alligood, Assistant Planner  
Planning Department  
6101 SE Johnson Creek Blvd; Milwaukie, OR 97206  
Email: [alligoodl@ci.milwaukie.or.us](mailto:alligoodl@ci.milwaukie.or.us)  
Phone: 503-786-7627

*We need an ordinance prohibiting those ugly tents springing up to cover cars & RVs. Oswego and Butte, have done this last year -*  
*Mark Bennett*

**SUMMARY OF PROPOSED CHANGES**

- The regulations apply to new single-family houses and new multifamily buildings, as well as some additions to existing residential buildings.
- Density standards (the number of dwelling units permitted per acre) will not change. Rather, the regulations will provide additional tools to shape the design and form of multifamily development where it is already allowed.
- Proposed revisions to single-family standards include:
  - o Establishing a maximum percentage of a house's façade that can be composed of a garage to make sure that garages do not dominate the front of the house.
  - o Requiring additional design features on the street-facing walls of new houses to make sure that new houses contribute positively to the neighborhood and pedestrian environment.
  - o Compatibility standards to make sure new houses respect existing houses.
  - o Permitting detached accessory dwelling units in all residential zones. This would allow a property owner to have a smaller house in the rear of the lot, or an apartment above a detached garage.
- Proposed revisions to multifamily standards include:
  - o Establishing design standards for multifamily residential development. This would require new multifamily development to meet site and building design standards.
  - o Allow cottage cluster and rowhouse development in the zones where multifamily development is already allowed.
- Proposed revisions to accessory structure standards include:
  - o Allowances for larger accessory structures with additional setbacks. Currently, accessory structures cannot exceed 500 square feet for a typical lot in the City.
  - o Prohibiting tarps and other fabric structures where they can be seen from the sidewalk or street.
  - o A new section for sustainability-related accessory structures, such as rainwater cisterns and wind mills.

**HOW TO COMMENT ON THE PROPOSED REGULATIONS**

The Milwaukie Planning Commission will hold a public hearing on the proposed changes (Land Use File #ZA-11-03) at the date, time, and location listed below:

**Date:** Tuesday, February 28, 2012  
**Time:** 6:30 p.m.  
**Location:** Milwaukie City Hall – 10722 SE Main Street – Council Chambers, 2nd floor

The materials provided to the Planning Commission for the hearing will be available at 8:00 a.m. on Wednesday, **February 15, 2012**, at the Planning Department (6101 SE Johnson Creek Blvd), Ledding Library (local information shelf), City Hall (10722 SE Main St), and online at <http://www.ci.milwaukie.or.us/planning/planning-commission-50>. If the Planning Commission recommends approval, the proposed regulations will be considered for adoption by the Milwaukie City Council at a future public hearing.

**The Planning Commission is interested in hearing your comments on this proposal.** You are invited to attend any or all of the hearings and/or submit written comments to the Planning Department at [alligoodl@ci.milwaukie.or.us](mailto:alligoodl@ci.milwaukie.or.us) before the hearing begins. You may also submit written comments or present verbal testimony at any or all of the hearings.

*The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.*

\*\*\*\*\*AUTO\*\*5-DIGIT 97222  
 J FLOYD & ELAINE M BENNETT  
 12101 SE 36TH AVE  
 MILWAUKIE OR 97222-6907

*Note enclosed -*  
 To -  
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 6101 SE Johnson Creek Blvd.  
 Milwaukie, Oregon 97206



## Alligood, Li

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**From:** Linda Hedges <linda@hammy.org>  
**Sent:** Friday, February 10, 2012 9:53 AM  
**To:** Marquardt, Ryan  
**Cc:** Mary Weaver  
**Subject:** HCNDA questions  
**Attachments:** Comments on proposed Res Standards.doc

Hi Ryan

Our NDA Board met the other day and I have attached a list of questions we had relating to the Residential Standards Update. I have to admit, I thought someone from your office was coming to talk about Residential Standards and not Commercial uses, so we didn't even talk about that. However, you have your slot on our agenda, so if people have questions about any of the topics your staff are working on right now, they will have an opportunity to ask. See you Monday night! (or someone).

Linda Hedges

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The best car safety device is a rear-view mirror with a cop in it.

February 13, 2012

TO: City of Milwaukie Planning staff

From: Hector Campbell NDA Leadership Team

RE: comments on proposed Residential Design and Development Standards

1. Do the proposed standards address maintenance of houses in foreclosure? We believe there should be some way to address maintenance so that health and safety issues are not caused by broken water pipes, unrepaired roofs, broken toilets or sinks, all which could contribute to the growth of mold, or electrical disrepair, or unsecured doors, garages or windows, which could contribute to injury or to squatters. Without requiring the lien holder to remodel the property, some provision should be created to hold the lien holder responsible for lawn mowing, and maintenance effecting security, safety and health within the property.
2. Do the standards specify which "fowl" are to be allowed? Some "fowl", such as geese, peacocks, emus or turkeys, would be undesirable if allowed to be farmed in a family plot. We suggest that you use specific language such as "chickens, game hens, or guinea hens".

3. Do the standards address the number of beehives allowed? Notification of neighbors? Someone whose family member is allergic to bee stings should be able to object to the location of hives adjacent to their dwelling, therefore, neighbor notification should be required. Also, a cap of "X" (some relatively small number) should be placed on the total number of hives allowed, and some restrictions should be placed so that hives are not able to be located adjacent to sidewalks or public access areas.
4. Do the standards address sufficiently the prohibition against dumpsters, RVs, tent coverings, boats, broken-down vehicles, commercial vehicles, and trailers on residential properties?
5. We have concerns that by approving the addition of Detached Dwelling units, these units may adversely affect surrounding property owners' enjoyment of their own property. What restrictions are placed upon the use of these dwellings? When someone builds one to house a relative, and later the whole property is sold, what, if anything, would keep the subsequent owner from using it as a rental unit? Could the area upon which the DDU was placed be subdivided and sold as an individual property at R5?
6. Proposed options could include: a) choosing all USA produced products: LEED upper-level certified product use for a high percentage of the building; and c) to strive for a much higher percentage of housing that incorporates sustainable choices
7. Should the policies incorporate a requirement upon house sellers for full disclosure of existing oil tanks, underground rain cisterns, or septic tanks, even if decommissioned?

What requirement should be placed on the seller for decommissioning and removing wind turbines or windmills or solar panels if the new owner does not intend to use them?  
Or of making safe old oil tanks or septic tanks.

8. Relating to the standards allowing small businesses to be built or open on arterial roads: we support small home-sized structures that meet parking standards, with no drive-thru or fast food outlets or gas stations. We would especially support a small coffeehouse, bed and breakfast establishments or bakeries or delis.
9. We have a concern that, as Railroad Avenue is considered an arterial, these standards would possibly be applied to this street, but because of the nature of this street, this could create safety and parking issues.

## Alligood, Li

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**From:** james knight <jknight367@gmail.com>  
**Sent:** Tuesday, February 14, 2012 1:12 PM  
**To:** Alligood, Li  
**Subject:** Milwaukie detached ADU proposal

Hi Li, I sent this letter to you via post but I thought I'd email you a copy also in case it helps you in keeping a record. Thanks, James

To: Li Alligood, Assistant Planner  
Planning Department  
6101 SE Johnson Creek Boulevard  
Milwaukie, OR 97206

Dear Milwaukie Planning Department,

It is my understanding that you are considering a rule change that would allow for detached accessory dwelling units within the city limits.

As a resident of Milwaukie I wish to express that I am very much in favor of such a rule change. I think there are many social, financial, and ecological benefits to ADUs and the more we can encourage or favor them the better.

To fully take advantage of those benefits I would like to see you do all you can to make it easy for homeowners to convert existing permitted structures such as garages, shops, guest houses, etc to detached ADUs. An example would be to have less stringent standards in regards to distance to property lines than you might for a new built structure. These already existing structures provide the least financial burdens, are a more sustainable use of resources, and will have the least impact on the environment. Thus I believe they deserve special consideration.

I appreciate that you are taking up this proposed rule change. I assume you are probably already aware of the many benefits of ADUs but if not I am willing to communicate mine and others views on the subject.

Thank you for considering my opinion on this matter.

Sincerely,  
James Knight  
10987 SE 28th Ave  
Milwaukie, Or. 97222  
[jknight367@gmail.com](mailto:jknight367@gmail.com)

February 12, 2012

Dear City of Milwaukie Planning Commission,

Thank you for working on standards for new structures as ADU's.

Will you also consider regulations for existing ADU's? Is there a way for people to use space and resources they already have to add housing options to the city? Can already existing structures be grandfathered in to the codes so there can be creative use of space? We ask you to make it possible to make unused space available to those who are looking for more affordable housing.

So, things don't get out of hand and go willy-nilly, provisions could be added to the zoning ordinance, for example limiting one ADU per main dwelling unit. Or maybe a maximum percentage of the building to be altered for a tenant could be specified.

Thanks you for considering our requests.

Sincerely,

Wes and Sandra Burch  
11388 SE 45<sup>th</sup> Ave  
Milwaukie, OR 97222

## Alligood, Li

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**From:** wholinghands@gmail.com on behalf of Darshan Yoriko Takui  
<darshanyoriko@takui.net>  
**Sent:** Thursday, February 16, 2012 8:06 AM  
**To:** Alligood, Li  
**Subject:** Milwaukie ADU Lette

Dear Planning Department,

I have received information that you are proposing new regulations for multifamily housing.

I would like to express my opinion that I favor allowing for detached accessory dwelling units and for formulating the regulations to make it possible to convert existing external structures such as garages, artist studios, and the like to dwelling units. These latter structures can provide the easiest avenue to creating more alternative housing without having to use up more green space.

You might also consider grandfathering in any nonconforming dwellings that have already been used for some time, and naming them conforming.

Thank you for your consideration,

Yoriko Takui  
11861 SE 28th Ave.  
Milwaukie, Or. 97222

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'One cannot see well except with the heart, the essential is invisible to the eyes.'  
"The Little Prince" by Saint Exupery

<http://www.takui.net/yoriko/>

From: [Ray Bryan](#)  
To: [Alligood, Li](#)  
Subject: Residential Standards  
Date: Thursday, February 16, 2012 7:35:46 AM

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Li,

Thank you very much for the answers to my questions. I would prefer that this email be added to the record, rather than the questions that I asked yesterday. Unfortunately Thursday's open house conflicts with the Portland Milwaukie light rail CAC meeting so I will not be able to attend.

To begin, I need to acknowledge the time, outreach, and effort by the planning department in doing this project. The citizens of Milwaukie are very fortunate to have a planning department that is knowledgeable, thoughtful, and very accessible to the public.

I would also like to thank the residents that served on the advisory committee and those that attended the outreach sessions.

I have one concern with the detached accessory dwellings part of this project and I have a second concern not addressed in this code change, but related to the goals I hope this project achieves.

My first concern is when detached units are being built in the back yards of properties in existing neighborhoods. I believe the code needs to protect the adjacent properties from the negative impacts.

My understanding is that changes in the code will allow for larger structures in the backyards of some properties, and that other than set backs, there is not any provision for mitigating the impacts to the properties next door. Those impacts include light, noise, cars and the presence of people added to the environment that was previously private.

I am fully supportive of the need for these accessory units, but I don't think their presence should negatively impact the properties next door. Minimally if cars are driving to the unit there should be a sight obscuring fence such a required by flag lots. I also think that inclusion of the neighboring property owners on the process would help. Variables such as elevation can impact the intrusiveness of a development as well.

Finally, thanks to our elected officials and talented staff we are finally going to have improved design standards, standards for multifamily housing, and a clear and concise code. What I find missing to complete this picture is something that requires a minimum standard of maintenance. I am not asking that it be added to this project, but what good do all these standards accomplish if something can be started and not finished, completed but not maintained, or not properly managed?

Thank you,  
Ray Bryan

## Alligood, Li

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**From:** Linda Hedges <linda@hammy.org>  
**Sent:** Wednesday, February 15, 2012 7:46 PM  
**To:** Alligood, Li  
**Subject:** Fw: Residential Standards

> Li - I just want to raise one issue that has come to my attention,  
> that I wonder if the Residential Standards project can/should address.  
> You perhaps know about the house on 27th near Monroe next door to Ray  
> Bryan and Perry Chambers. This house has been being remodeled for  
> several years. The homeowner stopped before he completed the remodel  
> and has left it in a horrible state ever since. This is devaluing the  
> property of the homes around it and is ugly as hell. The yard is not  
> finished and the muddy runoff is a source of pollution in the  
> stormwater system. There are other houses around town that are in a  
> poor state and/or have been burned and left standing. It really needs  
> to be addressed. This is not addressed under the city's nuisance  
> ordinance. If you are going to set standards, then it seems reasonable to address existing housing and the state of  
> repair or disrepair.

> Thanks,  
> Linda Hedges  
> co-Chair Hector Campbell NDA

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The best car safety device is a rear-view mirror with a cop in it.

To: City of Milwaukee  
From: Phyllis M. Mazzarella  
Date: February 16, 2012  
Subject: Residential Standards + ADU's

I am a strong proponent of Accessory Dwelling Units.

As the population of Baby Boomers ready for retirement, some will need income of some type since their retirement funds are down a non-existent, lost their house & foreclosure, live below the poverty level post devaluation and high unemployment bill necessitate less expensive and more plentiful places to live.

ADU's are a win-win for the owners who might lose their homes and those that already have a desperate need for housing that still allows them to eat.

To penalize new owners by not allowing them to rent property that after 50 years or more is a hazard seems wrong and unjust. How many individuals have perished in their apartments over garages or in basements? "Grandfather" these multiple & space saving living quarters.

Many thanks to all involved.

Phyllis M. Mazzarella  
10987 SE 5th Ave Apt B  
Milwaukee, WI 53222  
pmazzarella2011@gmail.com



RESIDENTIAL STANDARDS OPEN HOUSE  
Q&A SESSION  
FEB. 16, 2012

### COMMENT CARD

(Use backside if needed)

1. Which project recommendation do you support the most? Why?

Turning garage's separate from home  
into Living Area

2. Which project recommendation are you most concerned about? Why?

3. Which project recommendation do you still have questions about? Why?

4. Did we miss anything?

#### Contact Information (optional):

Name: Downa Miskow Email: \_\_\_\_\_

Property Address: 3521 SE Sellwood

Would you like e-mail updates about this project? Yes  No  Already receiving

**THANK YOU!**



RESIDENTIAL STANDARDS OPEN HOUSE  
Q&A SESSION  
FEB. 16, 2012

**COMMENT CARD**  
(Use backside if needed)

1. Which project recommendation do you support the most? Why?

Changes to allowed accessory dwelling units. I have a small house located on a large lot at the end of a cul de sac, so ~~my~~ my back yard isn't visible from the street + far from other houses. I'd love to put in a small dwelling for my mother in law, who is starting to need more support.

2. Which project recommendation are you most concerned about? Why?

Changes to conditional uses. It could open the door for issues with parking in areas that have little to start with + ~~can~~ could bring more non-city residents into residential areas, which could be a potential safety issue.

3. Which project recommendation do you still have questions about? Why?

I'm trying to learn more about the changes to ADUs as its something my husband and I have been considering.

4. Did we miss anything?

No - I was impressed at all the information provided and the opportunities for questions + answers one to one.

**Contact Information (optional):**

Name: Kathy Mayers Email: kmayers@gmail.com

Property Address: 12215 SE 69th Ct, Milwaukie 97222

Would you like e-mail updates about this project? Yes  No  Already receiving

**THANK YOU!**



RESIDENTIAL STANDARDS OPEN HOUSE  
Q&A SESSION  
FEB. 16, 2012

**COMMENT CARD**  
(Use backside if needed)

1. Which project recommendation do you support the most? Why?

REDUCTION OF PVC TYPE STRUCTURES

2. Which project recommendation are you most concerned about? Why? OFF STREET  
PARKING TO AVOID BUILDUP ON STREET FROM ADU'S.

3. Which project recommendation do you still have questions about? Why?

4. Did we miss anything? VERY HELPFUL  
THE INTENT SEEMS GOOD.

**Contact Information (optional):**

Name: BERNIE STOUT Email: \_\_\_\_\_

Property Address: 4647 SE ADA LN.

Would you like e-mail updates about this project? Yes  No  Already receiving

**THANK YOU!**



**COMMENT CARD**  
(Use backside if needed)

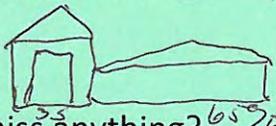
1. Which project recommendation do you support the most? Why?

2. Which project recommendation are you most concerned about? Why?

~~Under 5 out of 15 recommendations~~  
Section 19, 505, C4 H - Horizontal lap.....  
only wood, Hardie Plank, or..... Hardie Plank  
should read Fiber Cement

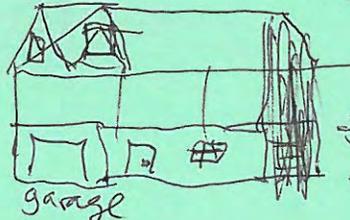
3. Which project recommendation do you still have questions about? Why?

Garage standards - restrictions of lineal footage  
allows for 16' garage  
no restriction on garage height.  
Hardie Plank is a specific brand name like Kleenex or Q-tip. ~~more~~ better explanation is



4. Did we miss anything?

would like to see total % of facade for garages.  
Allows for 2 story homes w/a garage below.



Contact Information (optional):

Name: Greg / Frank Hever Email: \_\_\_\_\_

Property Address: 5822 SE Harrison St

Would you like e-mail updates about this project? Yes  No  Already receiving

**THANK YOU!**



RESIDENTIAL STANDARDS OPEN HOUSE  
Q&A SESSION  
FEB. 16, 2012

**COMMENT CARD**  
(Use backside if needed)

1. Which project recommendation do you support the most? Why?

2. Which project recommendation are you most concerned about? Why?

19.502.2A.2.9 An outright ban on structures seems extreme. Many people use them and, for the most part, the structures ~~down~~ are in good repair. Taking complaints

~~3. Which project recommendation do you still have questions about? Why?~~

about the structures in a case by case approach seems more constructive. A ban with fines in place could inflame neighborhood disputes instead of resolving bad feelings.

~~4. Did we miss anything?~~

Maybe wording in the amendment requiring structures to be in good ~~repair~~ repair would be useful.

Contact Information (optional):

Name: KAREN OLSEN Email: \_\_\_\_\_

Property Address: 11106 SE STANLEY AVE MILWAUKIE

Would you like e-mail updates about this project? Yes  No  Already receiving

**THANK YOU!**

February 17, 2012

Dr. Allegood, Assistant Planner  
Planning Dept.  
6101 S.E. Johnson Creek Blvd.  
Milwaukie, Oregon 97206

RECEIVED  
FEB 22 2012  
CITY OF MILWAUKIE  
PLANNING DEPARTMENT

I wish to comment on the proposed regulation to prohibit the use of tarps and fabric structures on private property.

Tarps are used and needed to protect often very expensive motorhomes, fifth wheels and trailers. Prohibiting a protective tarp can cause expensive damage from the sun, rain and any other inclement weather we might have.

Tarps are an important means of covering and protection for those who cannot place their vehicles behind their homes or garages.

Please do not prohibit tarps on private property.

Robert Pophe  
10936 SE Wood Ave.  
Milwaukie, Oregon  
97222

503-786-4693

## Alligood, Li

---

**From:** Marty Stiven <mstiven@stivenplanning.com>  
**Sent:** Thursday, February 23, 2012 9:45 AM  
**To:** Marquardt, Ryan; Mangle, Katie; Alligood, Li  
**Cc:** David Mealey  
**Subject:** North Clackamas Chamber of Commerce  
**Attachments:** North Clackamas Newsletter.htm

Ryan, Katie and Li, David Meeley has been working with the North Clackamas Chamber and they are in support of the proposed code changes that allow professional offices as conditional uses in the low density zones, as currently proposed. I have attached their most recent newsletter that includes a small article indicating their support. The newsletter contains a link to the full article. Let me know if you are unable to open the link.

Thanks, Marty

--

***Marty Stiven***  
***STIVEN Planning and Development Services, LLC***  
***8 North State Street, Suite 200***  
***Lake Oswego, OR 97034***  
***Office: 503.607.0677***  
***Cell: 503.351.8301***  
***Email: [mstiven@stivenplanning.com](mailto:mstiven@stivenplanning.com)***

## **Milwaukie considers conditional use changes for business**

If new amendments to Milwaukie's Zoning Code are passed by the Planning Commission and Council more neighborhood amenities such as dentists, insurance offices and similar uses may be seen in low density residential areas.

The Chamber Board of Directors supported, by vote, the proposal to permit offices as conditional uses in certain neighborhoods and with maximum square footage. The proposal, which is working its way through the Planning Commission and then Council, will include only arterial streets as identified in the Transportation System Plan, such as King Road, Lake Road, Linwood and few others. The maximum square footage permitted under the conditional use would be 2,000 square feet, unless the Planning Commission approves a larger space in an existing building.

The Chamber's support message to the Planning Commission focuses on the opportunities the conditional use amendments would make for both existing and new businesses along those areas. It is expected this would provide a path for formalizing existing office uses that may not meet the strict definition "home occupations". This could result in the conversion of some house to office and personal service business use.

*Reprinted from:  
Member News of the  
North Clackamas Chamber of Commerce  
For the week of February 22 – 28, 2012*

Liz Allgood - Assistant Planner.

It was good meeting you at City Hall on Feb 16.

We discussed the fabric cover car-part I have, and many other people have also. I would like to still have the use of it, because the trees eat off the paint from a vehicle very much so. Please keep me posted as to what is going to happen on this matter.

Sincerely

Ward Hill

P.O. Box 68404

Portland, Ore 97268

RECEIVED

FEB 23 2012

CITY OF MILWAUKIE  
PLANNING DEPARTMENT

**Alligood, Li**

---

**From:** Wade Cavin <wadecavin@live.com>  
**Sent:** Sunday, February 26, 2012 3:06 PM  
**To:** Alligood, Li  
**Subject:** ADU Proposal

As a resident of Milwaukie, I support a more flexible policy for ADU's in Milwaukie. The issues of housing costs, use of property and commuting all point toward the ability to use city lots in a way that help people in many ways. I hope that the vote this week will help with that.

Sincerely,

Wade Cavin  
P.O. Box 22103  
Milwaukie, OR 97269

## Alligood, Li

---

**From:** Li Alligood <lialligood@gmail.com>  
**Sent:** Tuesday, February 28, 2012 8:45 AM  
**To:** Alligood, Li  
**Subject:** Fwd: Residential Community

Hi Darlene,

Thank you very much for following these issues and for submitting these comments. The proposal is still very much under discussion, and your perspective is valuable. We will share your email with the Planning Commission so they may consider it when making their recommendation to Council.

Thanks again for getting in touch,

Katie Mangle  
Planning Director  
City of Milwaukie

---

**From:** darlene albertson [mailto:[djalber@msn.com](mailto:djalber@msn.com)]  
**Sent:** Monday, February 27, 2012 08:17 PM  
**To:** Mangle, Katie  
**Subject:** Residential Community

I have been watching your Planning Committee meetings on Channel 30. We have lived here in the area for 40+ years and cannot believe that even adding small private structures/homes for business use would be allowed-from a Dr. office, etc. Keep Milwaukie as it is today and has been in the past!!! Any changes just allows more crime, etc. Right now you can feel comfortable just walking our streets during the day-why add more concerns with additional code changes and/or small business establishments??? Right now our Police Force is doing an excellent job of keeping our City/Streets safe-why not keep it this way-we are a "SMALL" Town, and people move here because of it-WE want to keep it this way-RESIDENTIAL-NOT more small Business groups-concentrate on improving the Roads NOT adding more possibilities that would be negative. Unable to attend any of your meetings, but do want to express concerns over what the Planning Comm. is purposing. D. Albertson

---

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**MILWAUKIE SUSTAINABILITY:** Please consider the impact on the environment before printing a paper copy of this message.

Received at PC / CC  
Public Hearing  
Date: 2/28/12  
By: L. Allgood

Milwaukie Residential Design Standards

I appreciate the time and effort that went into this project, by the staff, steering committee and residents who attended the open houses. I appreciate the goals of the project. I can't say that I have really grasped all the impacts this will have.

Personally I have everything to gain and almost nothing to lose with these changes. The lot on one side of our home already contains a duplex and detached ADU. The lot on the other side has an addition that is under construction. We have a large back yard and also own a rental house in the R-2 zoning.

I have concerns for the property owners like myself who bought home in Milwaukie. I think there is a reasonable expectation that those resident's property values, sleeping habits and quality of life should not be negatively impacted by development that occurs on their neighbors lots.

My concern is regarding, detached accessory dwellings being built in the backyards of existing neighborhoods. The terms consistently used to describe these structures have been "granny flats" and "mother in-laws apartments". Those terms do not imply large two story buildings these code changes will allow.

I live next to a two story detached ADU and there is not a day goes by that I wish it was not there. I recognize that many property owners want to build detached ADU's and desire for a clear and easily understood code. I believe that detached ADU's can be built in a way that does not negatively impact the privacy and property values of the people who live next door, by protecting them negative impacts that include light from the dwelling, light from cars, noise, and the presence of people looking into what was once a private area of your home and yard.

I do not believe that the code as written does any of that. As I understand it (correct me if I am wrong) the only requirement is a set back from the property line.

It is impossible for the code to reflect the nuisances of elevation, existing vegetation, and respectful design. That is why I think allowing two story structures outright without mitigation is a big mistake. For single story structures at the very least a sight obscuring fence should be required like there is with flag lots. When the proposed dwelling is over one story then there needs to be another level of review where the property owners next to the development have a chance to weigh in.

In support of my conclusions I offer this letter. As I mentioned I live next to a property that has an addition under construction. After nearly three years of waiting for it to be finished I made a public records request. One of the documents I received was a letter from planning staff that told the person requesting the building permit that their permit was on hold. I turns out that the building as planned was too tall. Any building more than 3 feet over two stories was required to be set back an additional one foot for every 3 feet over two stories. The addition as planned was substantially over the 3 foot mark.

In this letter the city tells the developer they have two options. Set the building back one more foot, or pile additional soil around the foundation so that it is less than 3 feet over two stories. The addition was built without the additional set back. This is not a process that I feel good about. While I am happy that we have a city staff that is helpful and flexible, who is representing the person who buys a home in Milwaukie, and just wants to live and raise a family with the reasonable assumption that he or she has made a secure investment. We are not represented at any level we only have the code to protect us. For that reason I urge you to adopt a restrictive code and a process so the negative impacts can be mitigated.

My second concern is with the changes allowing dry cleaners and other personal use businesses in residential areas zoned R3 and lower by a type III review. Those zones cover much of the Historic Milwaukie area. As I mentioned we own a house on 29<sup>th</sup> and Washington. Last time that house was up for rent, our first phone call was from someone who wanted to relocate their photography studio there. We had to turn her down and recommended that she look downtown. Which she did and opened a nice place in a newly renovated building. She later thanked us for the suggestion.

My point being: don't we want to fill the vacancies in the downtown before we open up more space? Do we want the demand for retail space to increase so that existing ground floor office and warehouse space will convert to retail? I am not saying that someday our rental home would not be suitable for a photography studio, lawyer office, or acupuncturist practice, but I am not sure that Milwaukie is ready for that. I also know that this change has not been discussed at the neighborhood level. I consider myself fairly aware of the goings on and had now idea this proposal was part of the design standards code.

Finally, I appreciate those citizens who are hoping for maintenance standards and I understand this may not be the right place in the code. However, I think it would be a good idea to explore.

Thank you,  
Ray Bryan



## Serving the North Clackamas Region Since 1955

*A Member-Driven Organization Committed to a Vibrant Business Environment*

Received at PC / CC  
Public Hearing  
Date: 2/28/12  
By: L. Allgood

February 21, 2012

Lisa Batey, Chair  
City of Milwaukie Planning Commission  
10722 SE Main St  
Milwaukie, OR 97222-7606

### **RE: Milwaukie Zoning Code Amendments**

Chair Batey and commissioners:

The North Clackamas County Chamber of Commerce wishes to go on the record in support of amendments to the city's zoning code that will allow expanded professional office/business uses on residentially zoned properties thru the conditional use application process.

Specifically, we feel it appropriate that these professional office/business uses be:

- o Limited in size, perhaps on the order of 2,000 sq.ft , unless otherwise authorized,
- o Be located on arterial streets as identified in the city or county transportation system plan,
- o Not require the business owner/operator to reside on the property, and
- o Be subject to the city's conditional use permit application process

We appreciate the opportunity to provide comment and your consideration of this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Wilda Parks".

Wilda Parks, ACE  
Vice President External Affairs

Cochinit' E.30

Received at PC / CC  
Public Hearing  
Date: 2/28/12  
By: Li Allisgood

**100 % MADE IN THE USA**

**Milwaukie Residential Code  
Addition**

# CONCEPT

- As seen on ABC's Diane Sawyer's Made in America News Series
- All permanent material inside and outside is manufactured in the USA
- Living Model:
  - 1<sup>st</sup> in Pacific Northwest
  - Westlake Development-Gerald Rowlett
  - Lake Grove, Clackamas, Oregon
  - [www.westlakedevelopmentllc.com](http://www.westlakedevelopmentllc.com)

# WHERE TO ADD AND ADMINISTER

- Proposed Amendment to 19.505.1.C4
- **Current:**
- 4. Detailed Design
- All buildings shall include at least 5 of the following features on any street-facing façade. See Figure 19.505.1.C.4 for illustration of detailed design elements.
- **Proposed:**
- 4. Detailed Design
- All buildings shall include at least 5 of the following features on any street-facing façade or 4 of the following features on any street-facing façade and proven documentation of 100% Made in America Home. See Figure 19.505.1.C.4 for illustration of detailed design elements and 19.505.1.C.4.p
- With the addition of:
- **Proposed:**
- 19.505.1.C.4.p- For Final Occupancy Permit, the permitted address much submit the required details for proof of 100% Made In America Home to the Final Occupancy Permit Issuer
- Required details:
- Typed list with following information
  - Description of all material or product remaining at time of final occupancy
    - on tax lot
    - for the structure
    - inside the structure
  - Manufacture of material or product remaining at time of final occupancy (brand)
  - City and State of manufacturing
- Receipts for above products with the following guidelines
  - Supplier's name
  - Supplier's address
  - Organized and coordinated with typed list
  - Legible



# WHY IN RESIDENTIAL CODE?

BASIS OF COMPARISON	CURRENTLY PROPOSED OR NON CHANGED	100% MADE IN AMERICA
ECONOMICS	addresses new economics of the 21st Century, new standards of ADU's, duplexes, and cottage clusters provide living spaces for younger adults living with parents, older adults who need more care, extra income for existing homeowners	creates jobs in Milwaukie, Clackamas County, Oregon, and the Nation. Changes economics of 21st Century from scrimping, struggling, and foreclosure to prosperity, home ownership, and discretionary income
QUALITY OF FOOD AND HEALTH	CSA, greenhouses, sustained living	jobs create dental and medical plans, decreasing depression, increasing pride, honor, and self esteem. Jobs provide for the purchase of quality foods, not quantity foods. Labor Laws are adhered to and practiced improving
IMPROVING ENVIRONMENT	Cisterns, windmills, and solar orientation	manufactured using high standards of energy creation and consumption, EPA laws are enforced, transportation is strictly monitored for pollution, less traveled miles uses less energy consumption

**INCREASING PROPERTY  
VALUES**

standards of excellence, variety and choice, opportunities for unique structures and neighborly compliance

choice of spending 10% more on house to help economy, leads to smaller footprints while increases property value and affluence.  
Promotes home ownership and more local jobs, better quality and better manufactured products last longer and in need of less repair

**QUALITY OF LIFE**

standards for citizens, a neighbor, a neighborhood, and a city

not just for pride for homeowner but also spreads to communities, regions, and even a country

# BENEFITS

- 1<sup>st</sup> City in America to officially recognize 100% Made in America
- Little to no cost to Milwaukie- up to builder or home buyer to verify products origin
- Potential income for City- as time goes by a data base of products and suppliers could be sold
- Affluence- buyers are willing to spend more on smaller imprint of house
- Sense of Community- buyers care about neighbors, community, and country. They are willing to make a difference.
- Almost all Americans who want to improve America- love baseball!!

# NEGATIVES

- Code 19.502.2D will need to be enforced
- News Media may take up valuable Planning Commissioners, City Councilors, and City of Milwaukee employees already stretched time
- MTV may become the #1 rated channel Tuesday nights
- Mayor Ferguson will need more candy for the Milwaukee Daze Parade
- Grady Wheeler may need an assistant

# AND THE LAST NEGATIVE

Google

may just ask

*Did you mean Milwaukee  
Not Milwaukeee?*

## Alligood, Li

---

**From:** Wade Cavin <wadecavin@live.com>  
**Sent:** Thursday, March 08, 2012 9:36 PM  
**To:** Alligood, Li  
**Subject:** RE: [Planning Commission Meeting Packets] March 13, 2012

Dear Li Alligood, Assistant Planner

I hope that Milwaukie will adopt planning measures that will allow more additional dwellings on owner's properties that may be used for second residences, in-law apartments and living quarters for relatives. Thank you for your work on this topic.

Sincerely,

Wade Cavin  
P.O. Box 22103  
Milwaukie, OR 97269

---

Subject: FW: [Planning Commission Meeting Packets] March 13, 2012  
Date: Tue, 6 Mar 2012 14:44:59 -0800  
From: [AlligoodL@ci.milwaukie.or.us](mailto:AlligoodL@ci.milwaukie.or.us)

Hello Residential Development Standards Update Project interested persons:

See below for the agenda and supporting materials for the March 13, 2012, Planning Commission hearing on the proposed amendments to the City's residential development standards. Please note that the RDS project is the second hearing on the agenda.

Public comments will be taken at the hearing, or you can submit them in writing to me by e-mail or postal mail prior to the hearing. You can also watch the hearing live on Channel 30 (in Milwaukie) or at <http://www.ci.milwaukie.or.us/meetings> during and a day or two after the hearing.

Thanks,

Li Alligood  
Assistant Planner  
City of Milwaukie Planning Department  
6101 SE Johnson Creek Blvd  
Milwaukie, OR 97206  
P 503-786-7627  
F 503-774-8236  
[alligoodl@ci.milwaukie.or.us](mailto:alligoodl@ci.milwaukie.or.us)

*\* Please let me know if you would like to be removed from this list.*

---

**From:** webmaster@ci.milwaukie.or.us [mailto:webmaster@ci.milwaukie.or.us] **On Behalf Of** Milwaukie Planning Commission Meeting Packet  
**Sent:** Tuesday, March 06, 2012 2:34 PM

**To:** Alligood, Li

**Subject:** [Planning Commission Meeting Packets] March 13, 2012

## March 13, 2012

The Agenda and E-Packet for the next Planning Commission meeting is available on the City website at the below link.

If you have any questions with regard to this meeting or have trouble accessing the link, please call the Planning Department at (503) 786-7600 or email [martina@ci.milwaukie.or.us](mailto:martina@ci.milwaukie.or.us).

Thank you.

<http://www.ci.milwaukie.or.us/planning/planning-commission-52>

[Unsubscribe from this newsletter](#)

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**MILWAUKIE SUSTAINABILITY:** Please consider the impact on the environment before printing a paper copy of this message.

## Alligood, Li

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**From:** Stephan Lashbrook <stephan.lashbrook@yahoo.com>  
**Sent:** Friday, March 09, 2012 10:46 AM  
**To:** Alligood, Li; Mangle, Katie  
**Cc:** lisa lashbrook; Stephan Lashbrook  
**Subject:** Sample code language for neighborhood compatibility  
**Attachments:** LO Code Sections -- development compatibility.docx

Li and Katie:

At the end of my testimony at the last Planning Commission hearing I offered to provide sample language from other codes that might help to address neighborhood compatibility issues. I have had very little time to devote to this over the last couple of weeks, but I did copy some language from the Lake Oswego Code that should be helpful.

I am not suggesting that the language from the L.O. Code should be "cut-and-spliced" directly into the Milwaukie Code. Rather, I would hope the Planning Commission and City Council would see it as a source of ideas that might be used to further their consideration of these issues.

Please note that I just selected certain subsections from the L.O. Code, as I did not want to replicate long pages of text. One could reasonably argue that those Code sections should be read in full for the complete meaning, but I was only trying to provide examples that I think are useful.

I have underlined passages that I considered to be especially relevant and then offered my notes in italics at the end of each section.

I really do hope this is helpful and that the Planning Commission will take some time to review this language. Unfortunately, I will be at a meeting in Wilsonville on Tuesday night and will not be able to attend the next hearing in Milwaukie. Please call me if you have questions about any of this in advance of the hearing.

Thanks.

Stephan Lashbrook  
4342 SE Rockwood Street  
(503) 659-8620

**Lake Oswego Code**  
**(not copied in full)**  
**Article 50.20**  
**Flag Lots.** Revised 12/11

**50.20.030 Building and Site Design Standards.** Revised 12/11

1. Building Orientation: The reviewing authority shall require the following:

...Buildings shall be oriented to provide the maximum separation and privacy from existing dwellings on abutting lots outside of the partition site. The reviewing authority may require conditions of approval to include measures such as specific building locations, increased setbacks, additional height restrictions, location and orientation of windows and other openings...

...3. Maximum Structure Height. The height of a single-family residential structure and any accessory structures on a flag lot shall not exceed:

a. For flag lots created after August 14, 2003, the taller of:

i. 22 feet, or

ii. The average height of all dwellings on properties abutting the development site, as determined prior to the time of creation of the flag lot. Where there is no dwelling on the abutting property or where a dwelling is located more than 100 feet away from the development site, then the maximum height permitted in the underlying zone shall be used for calculating the average....

[Appendix 50.20.030 \(5\)\(a\)](#).

...Setback Requirements

b. Where a flag lot abuts a lot in a residential district of lower density, the greater setback requirements of the more restrictive district shall apply for those yards which have abutting property lines....

*Although the standards quoted above apply to new flag lot development, they are relevant to a discussion of neighborhood compatibility for detached accessory dwelling units (ADUs) in three ways:*

*First, by allowing for special conditions of approval in order to assure neighborhood compatibility;*

*Second, by setting height limits based on surrounding development on abutting lots or within 100 feet; and*

*Third, by setting special setbacks based on the zoning of adjacent lots.*

*While I favor allowing ADUs generally without a discretionary review process, I also believe there are times (such as new structures near property lines or where structures over one story are proposed) when a discretionary review is the best way to assure that neighborhood compatibility is assured. This should not require a variance but should be allowed through an administrative review process.*

## **Article 50.72**

### **Residential Infill Design Review Standards.**

#### **50.72.020 Authorization and Criteria.**

...2. The City Manager may grant exceptions to the applicable requirements listed in subsection (1) above, if the applicant demonstrates that the proposed residential dwelling or accessory structure design results in development that is equal to or better than development that would meet the clear and objective standards listed in subsection (1) above, for the applicable zone.

iii. Criteria. The City Manager may permit a residential dwelling or accessory structure design to exceed or vary from the standards listed in subsection (2)(c)(i) above when a more compatible, positive relationship between a residential dwelling or accessory structure and the scale, character and privacy of its neighbors can be demonstrated in other ways. The City Manager will evaluate that relationship by considering the degree to which a proposed design offers features that enhance perceived scale, character and privacy relative to adjoining properties. That review will include consideration of:

1. Distance and visibility from adjoining properties;
2. Preservation of existing trees and features of perceived value to adjoining properties;
3. Topography;
4. Perceived building height, form, proportion, massing and orientation relative to adjoining properties;
5. Treatment of elevations exposed to adjoining properties;
6. Perceived sight lines to and from windows, decks and outdoor living spaces;
7. Fencing or screening; and
8. Landscaping.

3. When applying the criteria for compatibility of residential dwelling or accessory structure size, relationship to the street, and relationship to neighbors as set forth in subsection (2) above, the City Manager shall consider the pattern and character of development of all lots within 200 feet of the subject site...

*These infill design requirements from the Lake Oswego Code could help the City of Milwaukie to determine appropriate development standards for new residential development in two ways:*

*First, by allowing the developer/builder/owner to make arguments explaining how a proposed building design could be “equal to or better than” development allowed through the clear and objective standards of the code. This builds in much-needed flexibility that is often missing in code language.*

*Second, by considering existing development within 200 feet of a proposed development it clearly informs both developers and neighbors about the extent to which neighborhood compatibility will be considered. This could be used to determine appropriate lot coverage, building heights, setbacks or other development standards, if the Planning Commission and City Council feel that those things need to be regulated in the interests of neighborhood compatibility.*

Milwaukie Design Standards for Single Family Homes  
3/13/2012

Received at (PC) / CC  
Public Hearing  
Date: 3/13/12  
By: RWM

I am speaking as someone who has been a home builder building homes in and around Milwaukie for 42 years. I am addressing only the design standards for single family detached homes.

First, I want to state for the record again, that I do not understand why you want any design standards at all. When you have design standards, they become someones idea of what looks good, or doesn't look good. They are subjective. What looks good to one person may not look good to another. I believe that you should eliminate single family detached home design standards from the code.

Since the last hearing, I talked with 3 home designers about the proposed standards. They all thought that the standards were way to limiting and that it would cause all homes to have a similar look, particularly because of the 4 items in the articulation area. They felt that realistically, most homes would use only two of them, the 2' offset and the front porch.

Since the last hearing, I also researched design standards of other jurisdictions in the area.

- Clackamas county - no design standards
- Happy Valley - no design standards
- Gladstone - no design standards
- Oregon City - has design standards that give much more flexibility in design
- Portland - has three easy standards that do not limit design.

At the last hearing I was asked if I had any particular suggestions of changes to this proposal. First, I would recommend that the "Articulation" part be eliminated. This is the most restrictive to design.

If the "Articulation" requirement remains, I would recommend adding a 5<sup>th</sup> item - a minimum 4' wide dormer.

#### 19.505.C.2 - Eyes on the Street

15% is often very hard to meet because of strict engineering requirements in the building codes. *I would recommend this change to 12%.*

#### 19.505.C.2.b - windows in garage doors

If its ok to count windows in garage walls, then it should be ok to count windows in garage doors. A window is a window. *I would recommend changing this to read "windows in garage doors counts toward eyes on the street standard".*

#### 19505.C.4.h - horizontal lap siding

I think it is not a good idea to name particular products that can or cannot be used to satisfy this item or any item. We don't know what kind of products are coming in the future. *I would recommend changing this item to read "horizontal lap siding between 3" to 7" in width (the visible portion once installed)".*

#### 19.505.2 - Garage & Carport Standards

First I would say that if you meet all of the other design criteria, that the garage will not be an issue. These criterias will require plenty of design interest built into the home. *I would recommend eliminating "19.595.2".*

If garage standards are to remain in the design criteria, then I think the allowed width should be no less than 50% as proposed. I also believe there should be some way to allow up to 60% of the width of the home if the home met a couple extra detailed design features.

Thank you,

Steve Smelser  
PO Box 1069, Clackamas, OR 97015  
srsmelser@q.com

Oregon City design standards are much easier to work with. They break theirs down to three areas as follows:

1. The main entrance must be within 45 degrees of facing the street, or it must have a covered porch of at least 60 sq. ft..
2. Garage standards - they have eight options that allow the garage to be up to 60% of the width of the home and to extend up to 8' in front of the home. Depending on the particular option one chooses, you would have to meet a different number of their 23 menu design details.
3. Design details - they have a list of 23 design details. You have to meet at least five of the 23, or more depending on the garage setup.

Thank you,

Steve Smelser  
PO Box 1069, Clackamas, OR 97015  
srsmelser@q.com

## Main Entrances-

New or modified main entrances shall meet one of the following requirements:

- Face the street; *or*
- Be at an angle up to 45 degrees from the street; *or*  
Approximate Angle \_\_\_\_\_
- Open to a covered porch that is at least 60 square feet and is a minimum depth of 5 feet deep on the front or street side corner of the lot.  
Total Size \_\_\_\_\_  
Total Depth \_\_\_\_\_

## Garage-Residential Design Options-

Please use your building plans and the information from page 5 to determine which option best fits your home.

- If there is *no garage attached to the house*, please ensure the front of the home plan includes:  
5 elements from List A on page 7
- If *the garage is not located on the front of the house*, please ensure the front of the home plan includes:  
5 elements from List A on page 7
- If *the garage is up to 50% of the length of the front of the home and the garage does not project in front of the living space of the home*, please ensure the front of the home plan includes:  
6 elements from List A on page 7
- If *the garage is up to 60% of the length of the front of the home and the garage is recessed 2 feet or more from the living space of the home*, please ensure the front of the home plan includes:  
7 elements from List A on page 7
- If *the garage is up to 60% of the length of the front of the home and the garage extends up to 4 feet in front of the living space of the home*, please ensure the front of the home plan includes:  
a. 8 elements from List A on page 7; and  
b. 1 element from List B on page 8
- If *the garage is up to 50% of the length of the front of the home and the garage extends up to 8 feet in front of the living space of the home*, please ensure the front of the home plan includes:  
a. 9 elements from List A on page 7; and  
b. 1 element from List B on page 8
- If *the garage is side oriented and extends up to 32 feet in front of the living space of the home*, please ensure the front of the home plan includes:  
a. 6 elements from List A on page 7; and  
b. Windows occupy a minimum of 15% of the street-facing garage wall
- If *the home is 24 feet wide or less*, please ensure all of the following:
  - a. The garage does not extend closer to the street than the furthest forward living space on the front facade; and
  - b. A maximum garage width of 12 feet; and
  - c. 6 elements from List A on page 7; and
  - d. 1 of the following:
    - i. Interior living area above the garage is provided. The living area must be set back no more than 4 feet from the street-facing garage wall; or
    - ii. A covered balcony above the garage is provided. The covered balcony must be at least the same length as the street-facing garage wall, at least 6 feet deep and accessible from the interior living area of the dwelling unit; or
    - iii. The garage is rear loaded.

List A-

- | Front     | Side (If Corner Lot)   |
|-----------|--|
| 1. _____  | Dormers (Projecting structures built out from a sloping roof housing a vertical window).   |
| 2. _____  | Gable roof (A roof sloping downward in two parts from a central ridge, to form a gable at each end) <u>or</u><br>Hip roof (A roof having sloping ends and sides meeting at an inclined projecting angle).  |
| 3. _____  | Building face with 2 or more offsets of 16-inches or greater.<br>Number of offsets _____   |
| 4. _____  | A roof overhang of 16-inches or greater.<br>Size of roof overhang _____  |
| 5. _____  | Recessed entry at least 2 feet behind the front façade and a minimum 8 feet wide.<br>Distance entry recessed from the front façade _____<br>Width of entry _____   |
| 6. _____  | A minimum 60 square-foot covered front porch that is a minimum 5 feet deep; <u>or</u><br>A minimum 40 square-foot covered porch with railings that is a minimum of 5 feet deep and elevated entirely a minimum of 18 inches.<br>Total Size of porch _____<br>Total Depth _____<br>Elevation of porch _____       |
| 7. _____  | Bay window that extends a minimum of 12-inches outward from the main wall of a building and forming a bay or alcove in a room within.<br>Extension of bay window _____   |
| 8. _____  | <u>Page 4</u> Windows and main entrance doors that occupy a minimum of 15% of the lineal length of the home (not including the roof and excluding any windows in a garage door).<br>A. Length of Wall _____<br>B. Linear length of windows _____<br>C. Divide line B by line A _____<br>D. Multiply by 100 _____ |
| 9. _____  | Window grids in all windows (excluding windows in the garage door or front door)   |
| 10. _____ | Window trim, a minimum 4-inches in width<br>Width of trim _____  |
| 11. _____ | Window trim, a minimum 4-inches in width, on <u>all elevations</u> of the house.<br>Width of trim _____<br><b>Worth 2 elements.</b>  |
| 12. _____ | Wood, clad wood, or fiberglass windows on all of the elevations.<br><b>Worth 2 elements.</b>   |
| 13. _____ | Windows recessed a minimum of two inches from the facade on all of the elevations.<br><b>Worth 2 elements.</b>   |
| 14. _____ | Front balcony that projects from the wall of the building and is enclosed by a railing or parapet.   |
| 15. _____ | Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of 60 square feet of the street facade.<br>Square feet of shakes, shingles, brick, stone or other similar decorative materials _____   |
| 16. _____ | All garage doors are 9-feet in width or less   |
| 17. _____ | All garage doors wider than 9-feet are designed to resemble 2 smaller garage doors;  |
| 18. _____ | There are a minimum of two windows in each garage door;  |
| 19. _____ | A third garage door is recessed a minimum of 2 feet from the living space.   |
| 20. _____ | A window over the garage door that is a minimum of 12 square feet with a minimum of 4-inch window trim.<br>Window Size _____<br>Trim Size _____  |
| 21. _____ | There is no attached garage onsite;  |
| 22. _____ | The living space of the dwelling is within 5 feet of the front yard setback  |
| 23. _____ | The driveway is composed entirely of pervious pavers or porous pavement.   |

List B-

Please check one if directed on page 6.

- \_\_\_\_\_ A minimum 60 square-foot covered front porch that is a minimum 5 feet deep; or  
A minimum 40 square-foot covered porch with railings that is a minimum of 5 feet deep and elevated entirely a minimum of 18 inches.  
Total Size of porch \_\_\_\_\_  
Total Depth \_\_\_\_\_  
Elevation of porch \_\_\_\_\_
- \_\_\_\_\_ A 2-level façade directly over the garage with a window a minimum of 12 square feet with a minimum of 4-inch window trim.  
Window Size \_\_\_\_\_  
Trim Size \_\_\_\_\_

The city of Portland has a fairly simple design code.

1. The main entrance must be within 8' of the longest street facing wall and be within 45 degrees of the street or open onto a porch of at least 25 square feet in area.
2. Must have windows or doors equal to 15% of the street facing facade.
3. Garage is limited to 50% of the length of the street facing facade and can be up to 6' in front under certain conditions.

Thank you,

Steve Smelser  
PO Box 1069, Clackamas, OR 97015  
srsmelser@q.com

## Main entrance

**At least one main entrance of each structure must be within 8 feet of the longest street-facing wall of the dwelling unit; and either: face the street; be at an angle of up to 45 degrees from the street; or open onto porch that is at least 25 square feet in area, has at least one entrance facing the street, and has a roof.**

1. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added;
2. On sites with more than one street frontage, the applicant may choose on which frontage to meet the standards.

## Windows on street facing facades

**At least 15 percent of the area of each facade that faces a street lot line must be windows or main entrance doors.**

1. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard.
2. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard.
3. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line.
4. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added.

## Garage width

**The length of the garage wall facing the street may be up to 50 percent the length of the street facing building facade. Where the street-facing facade of a unit is less than 22 feet long, an attached garage is not allowed as part of that facade.**

1. As an exception, a garage wall facing the street may be up to 12 feet long if there is living area or a covered balcony above the garage.
2. Dwellings on lots that were created by a land division submitted after July 1, 2002 and do not meet the minimum width standard of the zone, may not use the exception stated in #1 above.
3. On corner lots, only one street-facing garage wall must meet the standards of this paragraph.

## Garage setback

**A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.**

1. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing facade on which the main entrance is located.
2. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if the street-facing garage wall is 40 percent or less of the length of the building facade, and there is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet and have a solid roof not more than 12 feet above the floor of the porch.

## Alligood, Li

---

**From:** Justin Wood <justinw@hbapdx.org>  
**Sent:** Monday, March 19, 2012 10:05 AM  
**To:** Alligood, Li  
**Subject:** RE: HBA - Design Standard Comments

Li, please submit this as my statement to the planning commission –

*In reviewing the testimony from the last planning commission meeting, I believe Mr. Smelser has made a good case for several changes that should be considered. I believe the setbacks and floor area ratios are generally acceptable and consistent with neighboring jurisdictions. However, design standards in many cases hamper the ability to create a variety of housing choices in a neighborhood. Many of the beautiful older neighborhoods throughout our area were built with no design standards whatsoever and this allowed us to have a diverse neighborhood without cookie cutter homes side by side. Typically the more design standards placed on new homes, the harder you will make it for a diversity of housing stock. I would caution the City to be careful in the amount of design standards it implements, as it will eliminate variety and choice.*

*After talking some more with Mr. Smelser today, he brings up a very good point. If there are 4 options and a new home must choose 2 – a front balcony and a bay window are far more expensive than a front porch or a 2' offset. So basically every home will choose the porch and offset as it will be the most cost effective option. This further illustrates the point regarding having all homes look the same.*

Thanks,

Justin Wood

Government & Builder Relations Manager  
Home Builders Association of Metro Portland  
(503) 684-1880  
(503) 684-0588 fax  
(503) 997-7966 cell

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**From:** Alligood, Li [mailto:AlligoodL@ci.milwaukie.or.us]  
**Sent:** Monday, March 19, 2012 8:43 AM  
**To:** Justin Wood  
**Subject:** RE: HBA - Design Standard Comments

Hi Justin,

I'm not at liberty to revise your comment, but if you would like to revise it yourself I would be happy to share them with the Planning Commission.

Thanks,

RECEIVED

MAR 26 2012

CITY OF MILWAUKIE  
PLANNING DEPARTMENT

## "FAMILY FRIENDLY DEVELOPMENT"

### What it is:

A brand of superior multi-family development which contains sufficient amenities, services, and opportunities designed to attract families and seniors who seek safe, physically and emotionally nurturing long-term living environments.

Developers would be granted bonus density increases only after providing a wide range of amenities that are customarily found in single family communities.

### Why we need them:

The current approach to development amounts to in realistic terms little more than people warehousing. We have paid greater attention to the appearance of a building and the uniform building safety standards, permitted materials, siting, location, size, setbacks, windows, proportions, roof slopes, acceptable landscaping, slope, hard-scape, and wild life habitat. Little attention has been paid to the critical importance of human habitat.

### The Advantages:

#### Lenders:

- \* Are attracted to better quality developments.
- \* These are lower risk ventures.
- \* Currently timely with greater need for rental units for families who have been forced from their single-family environments.

#### Owners/Builders/Developers:

- \* Greater profit
- \* Less overhead due to reduced building damage in rental units
- \* Fewer legal and management problems
- \* Lower vacancy rates and turnover
- \* Increase in density over that which would otherwise be permitted.

#### City:

- \* Protects and enhances the City's reputation
- \* Protects & enhances the City's financial investment in new development & improvements.
- \* Protects value of surrounding private property
- \* Keeps tax costs down such as fire & police and other social services.
- \* Prevents blighted pockets in neighborhoods

#### Tenants:

- \* Safer environment for children, women, & elderly
- \* Physically & emotionally nurturing
- \* Convenient and appropriate on-site activities
- \* Opportunity to be a part of a community

- \* Offers an enriched family-oriented environment
- \* Provides for purposeful, well-rounded living.
- \* Offers inter-generational community
- \* Reduces transportation needs
- \* Provides a less stressful, low-impact environment
- \* Makes long term living a positive experience
- \* Provides for children's special needs

Current Milwaukie residents:

- \* Protects home & business values
- \* Fewer drug & social problems; less noise, crime
- \* Will create a more positive attitude regarding change & growth.
- \* Provides for housing for our own populace
- \* Promotes tenants to be more involved in the community and its activities

Social:

- \* Less depression spanning all groups of tenants
- \* Family activities support every age group
- \* Sense of belonging to the community supports mental and physical health, and longevity

How we do it:

Provide a density bonus to only those developers prepared to design and build healthy social and physical living environments. This is the single way that developers could qualify for a density bonus.

Consideration for lower income people could be done with this formula because of the greater number of units and the higher subsequent rent that could be generated. The City could then specify a percentage of units for lower income families and seniors.

Discussions with developers have agreed with this proposal, citing that an enlarged development could translated to significantly higher revenue for the owners.

The amenities required in this plan are mostly extensions of construction components already required, e.g.: wider sidewalks and landscaping. High level amenities are based on each age group and their respective needs.

Management:

Would require owners to hire trained, experienced managers who have gone through a city certification process, similar to the training provided in Gresham.

Managers would screen prospective tenants for financial, criminal, driving, etc. for tight landlord-tenant contracts. Would seek tenants who desire an extended family atmosphere.

City cost to administer:

Paid for by annual or semi-annual multi-family property owner license fees. Fee based on sliding density scale; increased units will create increased funding to maintain the program.

The Amenities:

Landscaping / Open Space:

- \* All outdoor amenities should be counted as "open space".
- \* Open space should be put into productive gardens, edible trees (e.g. apple), and raised beds to serve all ages and abilities including those in wheelchairs.
- \* Tenants to be able to grow fruits, vegetables, and flowers in community gardens or assigned spaces.

Community Room:

- \* For use by tenants for receptions, memorials, community dinners, classes, non-profit organization meetings (e.g. scouts, clubs, and community organizations).
- \* Space for library (donated books) & reading areas
- \* Community computer
- \* Multi-purpose (e.g. living room style) seating for small social gatherings
- \* Senior- and handicap-friendly environment
- \* Kitchen facilities available for use by tenants.

Exercise Room:

- \* Basic bike, weights, and walking equipment.
- \* Adequate floor space for activities such as yoga, tai chi, floor exercising, etc.
- \* Space to be proportionate to planned tenant density. Space can be single location or combined multiple locations (e.g. workout room separate from floor exercise room).

Vehicles:

- \* Space available for community share vehicles (e.g. Zip car).
- \* Re-charging stations available minimum every 20 spaces for charging electric cars.
- \* Secured bicycle lockers.
- \* Covered parking space for 1-day repairs or maintenance.
- \* Car wash bay with hose and water recovery to gardens.
- \* Parking space for car pools originating in development.

Recycling:

- \* Covered, fenced, recycling bin area for metal, paper, & glass.
- \* Compost equipment to be available.

Children:

- \* Fenced play yards visible from all family units.
- \* Multiple play yards, based on density levels.
- \* Multi-age appropriate play equipment for sliding, swinging, climbing, crawling, wading, and digging.

- \* Sandbox with cat cover.
- \* Playhouse
- \* Space for tenants to place kiddie wading pools. Faucets for nearby hoses.
- \* Extra wide sidewalks for peddle cars, scooters, skates, small bikes.
- \* Children sized picnic tables & chairs
- \* Sunshade via gazebo or trees

Youth:

- \* Basketball hoop & concrete pad. Half-court minimum size; can be used for other social activities as well.
- \* Age-appropriate play yard equipment.

Family:

- \* Picnic tables
- \* In-ground bar-be-que pits in designated picnic areas.
- \* Pet-friendly recommended.
- \* All units facing playground area

Seniors / Handicapped:

- \* Minimum % of units built to senior / handicap safety & accessibility requirements (e.g. lower counters, tub / shower hand rails, emergency call button hooked into Police Dept, etc.)
- \* All units ground floor without steps
- \* Private patio with room for multiple chairs
- \* Wide, lighted sidewalks to all areas.
- \* Park-type benches

Cost Recovery for Developer:

Depending on the size of the development, the return on added investment for the required amenities can be achieved in relatively short time.

Conclusion:

As the City is required to grow, it's up to us to decide how we will do it and how much attention we'll give to being a friendly-friendly community where people will seek to live.

Milwaukie is already an economically diversified community with large numbers of low income, handicapped, and elderly developments. What's missing are developments specifically for families and multi-generational cooperation.

There are numerous studies that high-density developments without these types of proposed amenities inevitably create higher likelihood of drugs, depression, mental illness and alcoholism amongst the inhabitants. This in turn develops into higher levels of crime rates and lowering of property values in the area. One study showed that for every \$1 dollar spent in providing social & recreational amenities saves \$5 in needed

police and public services. What is known is that tenants who feel secure in their neighborhoods will become part of a community and patronize local businesses. The requirement to provide minimum social amenities within a high-density development improves the lives not only of the inhabitants but also of the surrounding neighborhoods, community, and businesses at large.

Thank you for your consideration.

Jean Baker  
503-659-4070

## Alligood, Li

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**From:** Maria Shepard <sheparddioni@hotmail.com>  
**Sent:** Tuesday, March 27, 2012 8:11 AM  
**To:** Alligood, Li  
**Cc:** Mangle, Katie  
**Subject:** RE: Residential Development Standards Project - 2nd Public Hearing Update

Hi Li,

That would be fine. I'm concerned that even though the NDA's were given an overview of the residential standards project, some neighborhoods may not fully understand what the impacts are of allowing offices or personal services in residential zones. I know that the map shown at the Planning Commission of what could be allowed was alarming to me and needs to have more community discussion.

Thanks, Dion

---

Subject: RE: Residential Development Standards Project - 2nd Public Hearing Update  
Date: Mon, 26 Mar 2012 09:47:00 -0700  
From: AlligoodL@ci.milwaukie.or.us  
To: sheparddioni@hotmail.com  
CC: MangleK@ci.milwaukie.or.us

Hello Dion,

Would you like your e-mail to be shared with the Planning Commission as a public comment?

Li Alligood  
Assistant Planner  
City of Milwaukie Planning Department  
6101 SE Johnson Creek Blvd  
Milwaukie, OR 97206  
P 503-786-7627  
F 503-774-8236  
alligoodl@ci.milwaukie.or.us

---

**From:** Maria Shepard [mailto:sheparddioni@hotmail.com]  
**Sent:** Thursday, March 15, 2012 9:20 AM  
**To:** Alligood, Li; ray1bryan2@gmail.com; Mangle, Katie  
**Subject:** RE: Residential Development Standards Project - 2nd Public Hearing Update

Hi Li,

I was suprised to see the proposal at the Planning Commission meeting to essentially create mixed use on arterial streets throughout the city not just in areas that are currently zoned for it. There's a project that is currently looking at 32nd and the area around 42nd but the map shown at the planning comission includes considerably more land. I am not sure that other NDA's are aware of the other areas since there hasn't been any discussion at the leadership meeting, or if residents in the affected areas know about it based on the low number of people that attended the planning commission meetings.

As I recall the residential development standards project was not supposed to be increasing density, but in reviewing the

tables compared to the comp plan it does. Also in combining zoning to make it easier for planning and developers it resembles the Metro document for model code for infill development.

Is this part of a larger plan to follow a Metro mandate?

Dion

---

Subject: Residential Development Standards Project - 2nd Public Hearing Update

Date: Wed, 14 Mar 2012 08:45:25 -0700

From: [AlligoodL@ci.milwaukie.or.us](mailto:AlligoodL@ci.milwaukie.or.us)

CC: [MangleK@ci.milwaukie.or.us](mailto:MangleK@ci.milwaukie.or.us); [MarquardtR@ci.milwaukie.or.us](mailto:MarquardtR@ci.milwaukie.or.us); [wheelerg@ci.milwaukie.or.us](mailto:wheelerg@ci.milwaukie.or.us); [hamleym@ci.milwaukie.or.us](mailto:hamleym@ci.milwaukie.or.us)

Hello Steering Committee members, NDA leaders, and Interested Persons:

You are receiving this e-mail because you have been involved with or have submitted comments about the proposed amendments to the City's residential development standards ([land use file #ZA-11-03](#)).

At their meeting last night, the Planning Commission voted to continue the public hearing on the proposed amendments to **Tuesday, March 27**. The meeting begins at 6:30pm and is held in the City Hall Council Chambers.

For more information:

- Hearing information (agenda and supporting information) will be available [here](#) on the afternoon of Tuesday, March 27, and will be available for viewing at Ledding Library, City Hall, the Public Safety Building, and Johnson Creek facility on Wednesday, March 21.
- Materials from the March 13, 2012, public hearing are available [here](#).
- Materials from the February 28, 2012, public hearing are available [here](#).
- General project information, including the current draft proposal, is available [here](#).

Feel free to contact me with any questions about the proposal or the process.

Thanks,

Li Alligood

Assistant Planner

City of Milwaukie Planning Department

6101 SE Johnson Creek Blvd

Milwaukie, OR 97206

P 503-786-7627

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[alligoodl@ci.milwaukie.or.us](mailto:alligoodl@ci.milwaukie.or.us)

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**MILWAUKIE SUSTAINABILITY:** Please consider the impact on the environment before printing a paper copy of this message.

After attending the last Planning Commission meeting I was thinking very much about two issues. One was the fact of dilapidated temporary structures that seemed to be acting as permanent accessory structures, especially used to house RVs and such, often in the front yard. The second was the amount of setback you needed in your backyard.

Towards the end of the last meeting, Planning Director Mangle said, "We live in a city."

This did certainly get me to thinking.

Where I raised my family in Chicago, we lived in a world of 1' setbacks and if you put up a solid 6' fence, it was nobody's business what went on behind. I built a deck and a "tree" fort on a handshake 0' setback with my northern neighbor and had to get a zoning variance when I wanted to roof over a second floor deck on a 3' setback to the south, even though the garage I built only had a 1' setback on the south. The standard Chicago lot is 25'x100'.

There were 10 kitchens and dining rooms [out of the 34-unit courtyard building] that looked right down on my backyard from one lot over, about 35' south and up to a third story high. I acknowledge my definition and sense of privacy and such probably differs much from my neighbors here.

Now Milwaukie is a suburban-type city, but a city nonetheless. There is an intersection between property rights and living cheek by jowl with other citizens. Citizens that, for instance, may want to run their chickens in their front yards instead of mowing, or shabbily stash white goods or other heavy metal objects in their frontages, should expect the approbation of their neighbors. There are certain lifestyles that are more appropriate for more rural parts of Clackamas County. "We live in a city."

A true purpose of government is to regulate "neighborhood effects." When I was young, I rented out a house in Cincinnati. The off-the-shelf lease you bought from the stationery store had a standard clause that prohibited parking cars on blocks in the front yard. Behind the house, go to town.

I think at least 90% of the citizens in Milwaukie really want their neighbors to maintain their frontage. It's sort of like the broken windows theory of policing. If the neighbor's frontage goes to hell, there will be more problems down the road. And, it affects neighboring owners financially, so there is a harm.

Here's where I will say that I support the abolition of year-round temporary structures on people's frontage. If it's really temporary, you can pitch a tent in your front yard for a month for whatever purpose. However, as has been averred in some testimony, that because of Oregon weather you want to cover your RV or whatever for over half the year, then it is not really temporary and you need to have a legal accessory structure.

I could see a one-year compliance period, where it may be easier to get a variance on the location of the structure, assuming the neighbors sign off. I would also make it inexpensive to comply. The slide Chairman Batey showed with the gable roof, shingles and gutters could even be thought of as a bit spendy. How about just a nice orange metal sloping roof against the brown PT? Good color scheme and it's cheap, cheap, cheap. The city could offer a generic plan that emphasizes compliance at the least cost.

In a city, we have a fundamental right to insist on some community standards in the frontage.

[But also, if you should want to put a smallish greenhouse in your front lawn, because that's where you get the sun, it should be allowed as a version of landscaping. Greenhouses and front lawn gardening add to the charm of the neighborhood, especially since they are rare.]

Which brings me to a second point. Many of us in Milwaukie have small lots and our lot is our homestead. What we can do in our backyards should never be infringed by the neighbor's desires, within reason and certain setbacks. By living in a city our neighbors have already conceded that we have full rights to our land and they to theirs and we have to fairly compromise. I'll bet most back yards are already fenced or hedge-ed.

If the minimum main house setback is 5', then 5' almost all around should be the rule. Small structures, 3', fine. If I am set back 10' for an outbuilding in a corner, you have sort of taken the two 10' swathes behind it, because now that they're behind the outbuilding they are no longer "in the yard." My little lot is mine, my neighbor's is theirs. Don't change the 3' and 5' rule. My little corner of the Ardenwald has many 1' and 3' setbacks for garages and I've seen some close-to-zero-lot line-outbuildings and we seem to get along fine.

However, putting a new dwelling unit on a single family lot is entirely a horse of a different color. Please set the rules for setbacks and orientation of ADUs in a unique way. They are a completely new use and the privacy of the neighbors must be valued as highly as the rights of the landowner seeking the ADU, again, within reason. I have a lot of confidence in the Planning Commission to do the right thing on this but I would urge them to not over think this. Try to guaranty privacy and, because it is a new use, promise to revisit it soon, say, after the first 10-15 implementations or some such thing.

Thank you.

Russ Stoll

## Alligood, Li

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**From:** Mangle, Katie  
**Sent:** Wednesday, April 11, 2012 10:00 AM  
**To:** Alligood, Li  
**Cc:** Marquardt, Ryan  
**Subject:** Fw: Meeting Tonight

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**From:** darlene albertson [mailto:djalber@msn.com]  
**Sent:** Tuesday, April 10, 2012 08:36 PM  
**To:** Mangle, Katie  
**Subject:** Meeting Tonight

I would just like to voice my opinion on the Tarp covers over RV's, Auto's, etc. in the side yard/front yard. 100 percent in favor of the purpose amendment not to "allow them" Not only are they an "eye sore" it brings down the neighborhood and any neighbors living on the street. Actually, it is about time something has been done about this type of problem! In past years, yes, we have owned a motor home but yet out of respect for the neighborhood we had it parked/stored elsewhere. There is nothing more to bringing down a neighborhood than seeing the temporary type car ports/canvas coverings, etc. in a front yard and/or driveway. Anyway, "PLEASE" pass this Ordinance-it will be a blessing to all of us that live in Milwaukie. Darlene Albertson

**Alligood, Li**

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**Subject:** FW: Letter in support of non permanent structure limitations

----- Forwarded message -----

From: **Mary King** <[maryking@spiritone.com](mailto:maryking@spiritone.com)>

Date: Thu, Apr 19, 2012 at 2:51 PM

Subject: Letter in support of non permanent structure limitations

To: Lisa Batey <[lisabatey@msn.com](mailto:lisabatey@msn.com)>

Cc: Nick Harris <[jh6432@gmail.com](mailto:jh6432@gmail.com)>

April 19, 2012

Milwaukie Planning Commission

RE: residential design standards/ accessory structures

19.502.2

Commissioners:

I am writing to express my support for the new residential standards section dealing with non permanent outside structures, i.e. tarp covered garages/storage rooms. 19;502.2

In my opinion, these tarped structures are eyesores which, when allowed to function as "permanent" structures, devalue property values and destroy the residential appearance of neighborhoods. Yards were not designed to be permanent parking lots for excess material possessions such as motor homes and boats, nor overflow storage rooms for things that won't fit inside a house.

I take pride in being a good neighbor. I keep my home looking reasonably neat and well kept, and though in the 35 years I have lived here, there has never been a car parked in my garage on a regular basis because the garage is full of "stuff", I would never ask my neighbors to look at a bright blue tarp covered accessory structure, either for my car or for my "stuff"

Codes are not government intervention, they are common sense rules to guarantee the safety of citizens and provide guidelines so that one citizen's living standard will not be damaged by the choices of another. Codes do not take away basic freedoms or rights, (may I tell you how sick I am of that mantra?) they do provide rules (horrors, that word,too) for the benefit of all.

Please do not be bullied into changing this part of the code.

I know how hard you all work and I appreciate what you do so very much. When I was on Council, we had an equally fabulous planning commission on whose recommendations I relied heavily for land use decisions.

Questions~

Are you going to grandfather in existing accessory structures?

Have you considered requiring the tarps to be dark green or tan? If not, please consider it, it would certainly look better.

Thank You

Mary K. King, Former City Councilor

9877 SE 33rd Avenue Milwaukie

[503-654-2969](tel:503-654-2969) cell [503-880-6529](tel:503-880-6529)

[maryking@spiritone.com](mailto:maryking@spiritone.com)

## Alligood, Li

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**From:** Mangle, Katie  
**Sent:** Tuesday, April 24, 2012 7:01 AM  
**To:** Alligood, Li  
**Cc:** Marquardt, Ryan  
**Subject:** Fw: RDS 4/24/12 Comments  
**Attachments:** Klein RDS Comments 3.24.12.pages; ATT10915624.htm

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**From:** Jeff Klein [mailto:jeff@jkws.com]  
**Sent:** Tuesday, April 24, 2012 03:27 AM  
**To:** Lisa Batey <lisabatey@msn.com>; Mangle, Katie  
**Cc:** Russ E Stoll <russell@designameri.com>; Nick Harris <jh6432@gmail.com>; Chris Wilson <soilchem@aol.com>; Mark Gamba <mark@markgamba.com>; clareleanne@gmail.com <clareleanne@gmail.com>; Scott Churchill ((E-mail)) <monroestreetassociates@earthlink.net>; Beth Lynn Kelland <LinwoodNA@msn.com>; Lisa Gunion-Rinker <lisa.gunion-rinker@bayer.com>; Matt Rinker <MattRinker@Hotmail.com>; Pepi Anderson <pepi.anderson6@gmail.com>; Mary Weaver <saltriversucker1@comcast.net>; Linda Hedges <linda@hammy.org>  
**Subject:** RDS 4/24/12 Comments

Chair Batey,

Please add this letter to the written comments portion of the Residential Design Standards.

For the most part I am in agreement to the RDS clean up that has been needed for some time. Since it's open for discussion I have concerns for the current zoning and the proposed additions as it pertains to the Murphy and McFarlan (sp) sites (section 19.303 and sub sections 19.404.9). To my knowledge for the past 10 years those sites have remained empty. In that time neither the current owners, their representatives or prospective developers have come to Planning Commission stating the current zoning or code requirements were preventing development of those sites. Yet those sites continue to be a point of interest for Community Development. Why?

During the budget process last year the Community Development Director repeatedly urged the Budget Committee to allow approximately \$60k in economic development funds to be spent on those two areas. Yet when Naomi's Garden Supply was looking at locating on the Murphy site they were met with less than enthusiasm when they approached the city (albeit my knowledge of that is second hand).

Several years ago the Community Development staff was assisting Clackamas County HUD in redesigning the Hillside Manor area (property due north to the Murphy site) and was, at best, misleading in their representation regarding the number of proposed units. At the time there was discussion to include the Murphy site to accommodate this growth. Once the true number of units was discussed and the vastness of the development revealed the project became dead in the water, sorta.

I bring up these past examples because it shows the efforts to develop those properties and the importance to make sure the correct developmental review is allowed for those sites that enhances the community rather than fills a vacant property.

So why is the correct development so important to those sites? Both are located on the main routes for the majority of the residents in Milwaukie. Harrison (which I'm not sure is even classified as paved any longer), Monroe, Oak and 37th are four of the five accesses off Hwy 224 with Harmony being the other. Hopefully I don't need to address what the county would like to do with Harmony. Nor would I need to state what will be happening to Johnson Creek Blvd once light rail comes from the north. The only other access points are King and JCB from the east. The Neighborhoods of Ardenwald, Lewelling, Linwood and Hector Campbell would be affected downstream by large development or the "nearly anything allowed" under the ROC zone.

Currently there is little to no bike lanes, sidewalks are spotty at best and the streets themselves are beyond acceptable on all these access points. With Milwaukie's rich history of going with the quick development and kicking the responsibility of infrastructure maintenance and upgrades "down the road", it does not bode well for those affected neighborhoods if a large scale development were to take place at either of those site anytime soon.

There are too many possibilities for this area for unchecked development of an ROC zone. What if Hillside Manor were to be sold by the county and combined with the Murphy site, or vice versa? A retirement facility has always been discussed for the McFarlan site. Realizing that ambulances frequent retirement facilities and always bring along a fire engine with them what affects would that

have on the surrounding residential access? What infrastructure is in place now that would enhance any development and what would need to be done if it were to happen? Would you want more or less review on those areas?

The ROC zoning for those site is too permissive. No one has come before Planning Commission representing an interest in those areas for more than a decade. Restrictive zoning isn't the issue, it's access to the sites and financial feasibility. I urge you and the commission to restrict the ROC zones to allow the commission the opportunity to better review proposed development rather than having staff review something that is allowed outright. Development for development sake is wrong. Remember the Gramor project. We did the city and surrounding residential neighbors no favors by making development less restrictive.

Thank you,

Jeff Klein

503 653-8639

## Alligood, Li

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**From:** Steve Smelser <srsmselser@q.com>  
**Sent:** Thursday, April 26, 2012 6:25 PM  
**To:** Alligood, Li  
**Subject:** design standards

Hi Li,

I was watching the video of the March 27th planning commission meeting as I was not able to attend. Commissioner Fochs (?) made a statement that she checked with Clackamas County and the City of Portland regarding design standards and that they both had more standards than I stated.

She is wrong. Clackamas County does not have any design standards. They have zoning and setback requirements like everyone, but there are no design standards for single family homes. In the last two years, I have built two homes in Clackamas County (and many more in previous years), and have never had to meet any design standards for windows, garages, facades or articulation. We do have to meet setback requirements and as every jurisdiction they have maximum height restrictions. That is all I have ever had to meet.

She also stated that Portland has more requirements than I listed. I have built at least one new home in Portland in each of the last 4 years. The list that I presented to the planning commission is the only design list I had to meet in Portland. As I said in my testimony, they do have some additional requirements on narrow lots (25' wide), and they do have additional requirements in certain overlay zones. The areas of Portland that I have built must meet only the list I presented.

Thank you,

Steve Smelser  
[srsmselser@q.com](mailto:srsmselser@q.com)

July 25, 2012

To: Milwaukie City Council

Re: Residential Design Standard in the Proposed Code

From: Steve Smelser  
Steve Smelser Homes, Inc.  
PO Box 1069  
Clackamas, Or 97015  
503-803-4068  
[srsmelser@q.com](mailto:srsmelser@q.com)

To the City Council,

I am a homebuilder who has been building homes in and around Milwaukie since 1970. I am opposed to the Residential Design Standards for single family homes. People should be able to build a home that fits their lifestyle and not what someone else wants them to build.

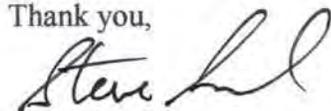
What makes a nice looking home to one person can be totally different to another. Each person should be free to build the home design of their choice as long as the lot is a legal lot and they fit setback, height & lot coverage requirements.

Objective #3 - Residential land use: Design - says, '*design standards are to encourage a desirable living environment by allowing flexibility in design...*'. Flexibility comes from freedom. As soon as you adopt the first design criteria, you start to move away from flexibility. The more design criteria there are, the less flexibility and variety there is.

Clackamas County, Happy Valley and Gladstone have no design requirements. All that need to be done is to meet setbacks, height limits and lot coverage limits. Portland has some requirements but not nearly the amount Milwaukie is proposing. Oregon City has a highly flexible garage criteria and a list of 23 detail items from which you must choose five (or more depending on the garage setup). *(I have attached copies of Portland's and Oregon City's requirements.)*

***I think all residential design criteria for single family homes should be stricken and eliminated from the code.***

Thank you,



Steve Smelser



# ZONING CODE

## INFORMATION GUIDE

### Base Zone Design Standards (BZDs)

- The following is a summary of the base zone design standards. For complete information on these standards refer to Chapters 33.110, 33.120, 33.130 and 33.140 of the Zoning Code.
- The base zone design standards are not the only regulations that apply to your site. Please review the zoning map at [www.portlandmaps.com](http://www.portlandmaps.com) and the Zoning Code at [www.portlandonline.com/bds/zoningcode](http://www.portlandonline.com/bds/zoningcode).
- Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more is exempt from these standards.
- Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from these standards.

#### Main entrance

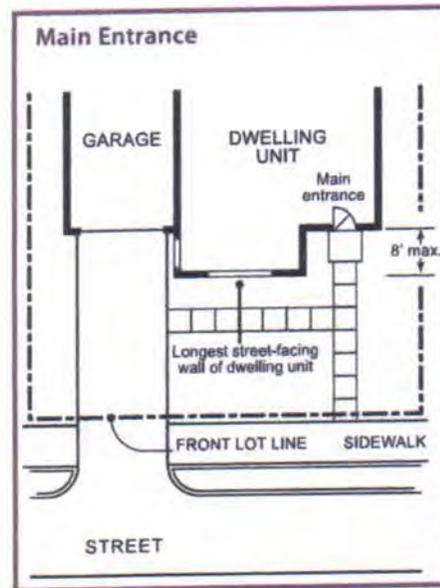
**At least one main entrance of each structure must be within 8 feet of the longest street-facing wall of the dwelling unit;** and either: face the street; be at an angle of up to 45 degrees from the street; or open onto porch that is at least 25 square feet in area, has at least one entrance facing the street, and has a roof.

1. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added;
2. On sites with more than one street frontage, the applicant may choose on which frontage to meet the standards.

#### Windows on street facing facades

**At least 15 percent of the area of each facade that faces a street lot line must be windows or main entrance doors.**

1. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard.
2. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard.
3. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line.
4. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added.



## Garage width

The length of the garage wall facing the street may be up to 50 percent the length of the street facing building façade. Where the street-facing façade of a unit is less than 22 feet long, an attached garage is not allowed as part of that façade.

1. As an exception, a garage wall facing the street may be up to 12 feet long if there is living area or a covered balcony above the garage.
2. Dwellings on lots that were created by a land division submitted after July 1, 2002 and do not meet the minimum width standard of the zone, may not use the exception stated in #1 above.
3. On corner lots, only one street-facing garage wall must meet the standards of this paragraph.

## Garage setback

A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.

1. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.
2. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if the street-facing garage wall is 40 percent or less of the length of the building façade, and there is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet and have a solid roof not more than 12 feet above the floor of the porch.

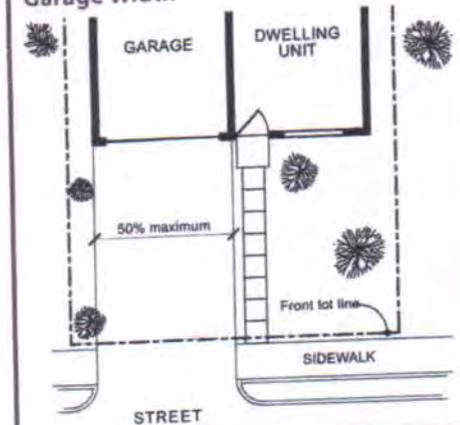
For more information visit or call the Planning and Zoning Staff in the Development Services Center at 1900 SW 4th Avenue, Suite 1500, 503-823-7526

Current Zoning Code is available at [www.portlandonline.com/bds/zoningcode](http://www.portlandonline.com/bds/zoningcode)

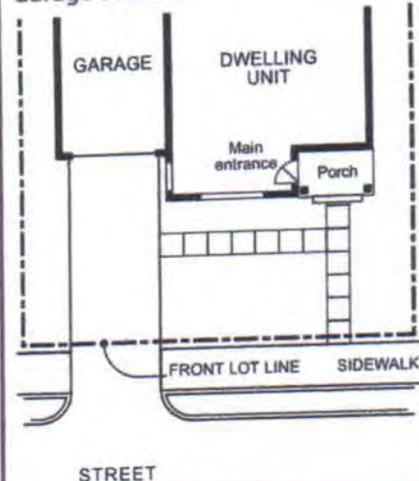
All Information is Subject to Change.

BASE ZONE DESIGN STANDARDS

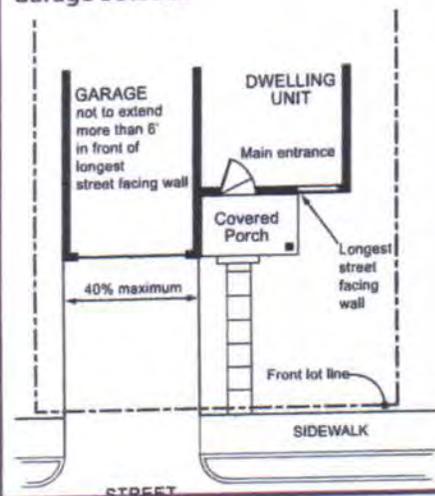
Garage Width



Garage Setback



Garage Setback



**Main Entrances-**

*New or modified main entrances shall meet one of the following requirements:*

- Face the street; *or*
- Be at an angle up to 45 degrees from the street; *or*  
Approximate Angle \_\_\_\_\_
- Open to a covered porch that is at least 60 square feet and is a minimum depth of 5 feet deep on the front or street side corner of the lot.  
Total Size \_\_\_\_\_  
Total Depth \_\_\_\_\_

**Garage-Residential Design Options-**

*Please use your building plans and the information from page 5 to determine which option best fits your home.*

- If there is *no garage attached to the house*, please ensure the front of the home plan includes:  
5 elements from List A on page 7
- If the garage is *not located on the front of the house*, please ensure the front of the home plan includes:  
5 elements from List A on page 7
- If the garage is *up to 50% of the length of the front of the home and the garage does not project in front of the living space of the home*, please ensure the front of the home plan includes:  
6 elements from List A on page 7
- If the garage is *up to 60% of the length of the front of the home and the garage is recessed 2 feet or more from the living space of the home*, please ensure the front of the home plan includes:  
7 elements from List A on page 7
- If the garage is *up to 60% of the length of the front of the home and the garage extends up to 4 feet in front of the living space of the home*, please ensure the front of the home plan includes:  
a. 8 elements from List A on page 7; and  
b. 1 element from List B on page 8
- If the garage is *up to 50% of the length of the front of the home and the garage extends up to 8 feet in front of the living space of the home*, please ensure the front of the home plan includes:  
a. 9 elements from List A on page 7; and  
b. 1 element from List B on page 8
- If the garage is *side oriented and extends up to 32 feet in front of the living space of the home*, please ensure the front of the home plan includes:  
a. 6 elements from List A on page 7; and  
b. Windows occupy a minimum of 15% of the street-facing garage wall
- If the home is *24 feet wide or less*, please ensure all of the following:  
a. The garage does not extend closer to the street than the furthest forward living space on the front facade; and  
b. A maximum garage width of 12 feet; and  
c. 6 elements from List A on page 7; and  
d. 1 of the following:  
i. Interior living area above the garage is provided. The living area must be set back no more than 4 feet from the street-facing garage wall; *or*  
ii. A covered balcony above the garage is provided. The covered balcony must be at least the same length as the street-facing garage wall, at least 6 feet deep and accessible from the interior living area of the dwelling unit; *or*  
iii. The garage is rear loaded.

# Oregon City design requirements page 2

**List A-**

- From Side (If Corner Lot)
1. \_\_\_\_\_ Dormers (Projecting structures built out from a sloping roof housing a vertical window).
  2. \_\_\_\_\_ Cable roof (A roof sloping downward in two parts from a central ridge, to form a gable at each end) or  
Hip roof (A roof having sloping ends and sides meeting at an inclined projecting angle).
  3. \_\_\_\_\_ Building face with 2 or more eights of 16-inches or greater.  
Number of eights \_\_\_\_\_
  4. \_\_\_\_\_ A roof overhang of 16-inches or greater.  
Size of roof overhang \_\_\_\_\_
  5. \_\_\_\_\_ Recessed entry at least 2 feet behind the front façade and a minimum 8 feet wide.  
Distance entry recessed from the front façade \_\_\_\_\_  
Width of entry \_\_\_\_\_
  6. \_\_\_\_\_ A minimum 60 square-foot covered front porch that is a minimum 3 feet deep; or  
A minimum 40 square-foot covered porch with railings that is a minimum of 3 feet deep and elevated entirely a minimum of 18 inches.  
Total Size of porch \_\_\_\_\_  
Total Depth \_\_\_\_\_  
Elevation of porch \_\_\_\_\_
  7. \_\_\_\_\_ Bay window that extends a minimum of 12-inches outward from the main wall of a building and forming a bay or alcove in a room within.  
Extension of bay window \_\_\_\_\_
  8. \_\_\_\_\_ Page 4 Windows and main entrance doors that occupy a minimum of 15% of the linear length of the house (not including the roof and excluding any windows in a garage door).  
A. Length of Wall \_\_\_\_\_  
B. Linear length of windows \_\_\_\_\_  
C. Divide line B by line A \_\_\_\_\_  
D. Multiply by 100 \_\_\_\_\_
  9. \_\_\_\_\_ Window grids in all windows (excluding windows in the garage door or front door)
  10. \_\_\_\_\_ Window trim, a minimum 4-inches in width  
Width of trim \_\_\_\_\_
  11. \_\_\_\_\_ Window trim, a minimum 4-inches in width, on all elevations of the house.  
Width of trim \_\_\_\_\_  
Worth 2 elements.
  12. \_\_\_\_\_ Wood, clad wood, or fiberglass windows on all of the elevations.  
Worth 2 elements.
  13. \_\_\_\_\_ Windows recessed a minimum of two inches from the facade on all of the elevations.  
Worth 2 elements.
  14. \_\_\_\_\_ Front balcony that projects from the wall of the building and is enclosed by a railing or parapet.
  15. \_\_\_\_\_ Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of 60 square feet of the street facade.  
Square feet of shakes, shingles, brick, stone or other similar decorative materials \_\_\_\_\_
  16. \_\_\_\_\_ All garage doors are 9-feet in width or less
  17. \_\_\_\_\_ All garage doors wider than 9-feet are designed to resemble 2 smaller garage doors;
  18. \_\_\_\_\_ There are a minimum of two windows in each garage door.
  19. \_\_\_\_\_ A third garage door is recessed a minimum of 2 feet from the living space.
  20. \_\_\_\_\_ A window over the garage door that is a minimum of 12 square feet with a minimum of 4-inch window trim.  
Window Size \_\_\_\_\_  
Trim Size \_\_\_\_\_
  21. \_\_\_\_\_ There is no attached garage onsite;
  22. \_\_\_\_\_ The living space of the dwelling is within 5 feet of the front yard setback.
  23. \_\_\_\_\_ The driveway is composed entirely of pervious pavers or porous pavement.

**List B-**

Please check one if directed on page 6.

1. \_\_\_\_\_ A minimum 60 square-foot covered front porch that is a minimum 3 feet deep; or  
A minimum 40 square-foot covered porch with railings that is a minimum of 3 feet deep and elevated entirely a minimum of 18 inches.  
Total Size of porch \_\_\_\_\_  
Total Depth \_\_\_\_\_  
Elevation of porch \_\_\_\_\_
2. \_\_\_\_\_ A 2-level façade directly over the garage with a window a minimum of 12 square feet with a minimum of 4-inch window trim.  
Window Size \_\_\_\_\_  
Trim Size \_\_\_\_\_

August 13, 2012

To: Milwaukie City Council

Re: Residential Design Standard in the Proposed Code

From: Steve Smelser  
Steve Smelser Homes, Inc.  
PO Box 1069  
Clackamas, OR 97015  
[srsmelser@q.com](mailto:srsmelser@q.com)

To the City Council,

I am opposed to the Residential Design Standards for single family home. I believe they should be stricken and eliminated from the code. I believe people should have freedom and flexibility to build the home of their choice.

HOWEVER, if there are going to be design standards, I have some suggestions.

1) Eliminate the Articulation section. This is the most restrictive and will cause most homes to look similar, instead of having "flexible design". In this section, there's a list of five elements of which you must incorporate two into your design.

Of the five, in 42 years of building homes, I have never put a balcony on the front of a home. I think this option would be so rarely wanted or used that its not really an option. The bay window option is also one that would rarely be wanted or used.

That leaves only three real options of which each home must choose two. Because of this, homes will start looking very similar. Flexibility and variety of design (which is Objective #3 - Residential land use: Design) will disappear.

**I would suggest moving these 5 items to the list of detailed design items that one would choose from.**

2) Eyes on the street - This is often the toughest item to comply with. If the rooms that are facing the street are the garage, the powder room and the kitchen, it is hard to make the windows bigger to deal with this requirement. Both kitchens & bathrooms have limitations that dictate the window sizes such as kitchen counter height, distance from bath tubs, etc.. In Portland, which has the 15% requirement, the only way many plans can meet it is to put windows in the garage door. Portland gives full credit for garage door windows.

If the lot is a narrow lot, or a pie shaped lot that is narrow at the front, the problem of meeting this requirement becomes even greater.

**I would recommend that the 15% be reduced to 12% and that all garage door windows count towards the total.**

3) Main entrance - This requirement is ok. Most homes already meet this standard.

4) Detailed Design - Item 'h' speaks to horizontal lap siding between 3 to 7 inches wide (the visible portion once installed). It further says that vinyl siding cannot meet this

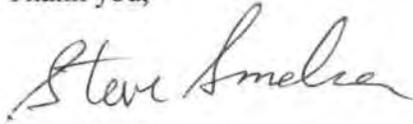
requirement even though it fits the 3 to 7 inch lap detail. I think it is very poor practice when products are prohibited because someone, somewhere, doesn't like that product. We don't know what future products will be used on side homes. It could be that some new fantastic product made of vinyl will appear. I think options should be left so that it counts if your siding lap detail is 3 to 7 inches, regardless of the product used.

**I believe only the first sentence in this design detail should remain. The second and third sentences should be eliminated.**

5) Garage standards - With the setback requirements, a lot has to be at least 55 feet wide to allow a home to be built with a 2 car garage. A 55 foot wide lot in R-7 zone, allows a home to be 40 feet wide.  $40 \text{ feet} \times 40\% = 16 \text{ feet}$  (exact size for a two car garage). So if a lot is less than 55 feet wide, the home would be less than 40 feet wide. You would not be allowed to have a two car garage. Lots of times, a pie shaped lot such as a cul-de-sac lot, would be hard to get a home wide enough for a two car garage.

**I think a two car garage should be allowed on any home 30' wide or wider.**

Thank you,



Steve Smelser

Topic	Key Points
<p><b>Single-family Development Standards</b></p>	<ul style="list-style-type: none"> <li>• Lot coverage – this standard regulates the amount of a property that can be covered by buildings, currently 30-40% maximum for most residential zones                             <ul style="list-style-type: none"> <li>○ Large lots (&gt; 2.5x the minimum lot size) have lot coverage reduced by 10 percentage points</li> <li>○ Single family dwellings have lot coverage increased by 10 percentage points; area of additional lot coverage is limited to 1-story in height</li> <li>○ Building eaves do not count as lot coverage</li> </ul> </li> <li>• Side Yard Height Limits – the building height is limited nearer to side lot lines, and allowed to increase closer to the center of the lot. Overall building height limit is unchanged.</li> <li>• Vegetation – at least 40% of front yard must be vegetated (grass or other plantings)</li> </ul>
<p><b>Single-family Design Standards</b></p>	<ul style="list-style-type: none"> <li>• Revised design standards – applies to all new development, adding 75 sq ft or more to the front façade triggers some of the standards, additions of less than 75 sq ft are exempt                             <ul style="list-style-type: none"> <li>○ Eyes on the Street – greater transparency on building face to allow views of the street from inside the building; 15% of building face must be windows or front door</li> <li>○ Articulation – requires porch, wall offset, bay window, dormer, or balcony; features help to break up blank façades</li> <li>○ Main Entrance – main entrance needs to face street or open onto a porch that faces the street</li> <li>○ Design Details – list of 16 features that add visual interest/design to a building; homes must include at least 5 of the features</li> </ul> </li> <li>• Type II discretionary review is an option to allow flexibility from design details; changes to other standards require a Type III variance approved by Planning Commission</li> </ul>
<p><b>Garages and Carports</b></p>	<ul style="list-style-type: none"> <li>• Garage or carport cannot be closer to the street than the rest of the dwelling. This applies to both attached and detached garages/carports. Exception allows a garage or carport to be up to 5 ft closer if:                             <ul style="list-style-type: none"> <li>○ A porch on the dwelling is even with the garage, or</li> <li>○ There is habitable space with windows above the garage</li> </ul> </li> <li>• Garage limited to 40% of the lineal façade of the dwelling; can be increased to 50% by including an additional design standard</li> </ul>
<p><b>Accessory Structures</b></p>	<ul style="list-style-type: none"> <li>• New rules on size and placement</li> </ul>

	<ul style="list-style-type: none"> <li>○ Accessory structures not allowed in front yard (between front of house and front lot line); exception that a structure up to 800 sq ft is allowed in a front yard if located at least 40 ft from front lot line</li> <li>○ Smaller structures (less than 10 ft tall, under 200 sq ft in area) allowed within 3 ft of side or rear property line;</li> <li>○ Medium structures (less than 15 ft tall, under 600 sq ft in area) allowed within 5 ft of side or rear property line</li> <li>○ Larger structures (up to 25 ft tall or no taller than primary structure, 75% of the primary structure's footprint) must meet setback standards for primary structures</li> <li>• Structures in side yard or street side yard that are visible from the street must use siding and roofing materials commonly used for residential structures; structures located in rear yard exempt from this standard</li> <li>• Allowance for small dwellings on large lots to have large accessory structures, intended to allow barns for agriculture</li> <li>• New standards to allow sustainability-related accessory structures such as solar panels, wind turbines, and water cisterns</li> </ul>
<p><b>Duplexes</b></p>	<ul style="list-style-type: none"> <li>• Allowed a lot coverage increase of 20 percentage points in all zones</li> <li>• Allowed outright in R1 – R5 zones (no change from current code)</li> <li>• Allowed outright in R-7 and R-10 if: <ul style="list-style-type: none"> <li>○ Duplex is on a corner lot</li> <li>○ Has at least 1 frontage on a collector or arterial street</li> </ul> </li> <li>• Allowed in other areas of R-7 and R-10 zones through Type II review (staff decision, includes public notice)</li> <li>• Basic design standards <ul style="list-style-type: none"> <li>○ The exterior of the structure needs to have a uniform appearance (i.e. no different colors, materials, building heights between the units);</li> <li>○ Corner lot duplexes need to have a building face on each street frontage</li> </ul> </li> </ul>
<p><b>Accessory Dwelling Units (ADUs)</b></p>	<ul style="list-style-type: none"> <li>• 1 ADU is allowed for a property with a single-family dwelling</li> <li>• Attached ADUs (part of the same structure as the primary dwelling) limited to 800 sq ft or 75% of primary structure. Design standards intended to maintain the appearance of 1 single-family dwelling.</li> <li>• Detached ADUs allowed <ul style="list-style-type: none"> <li>○ Administrative approval without notice allowed if the ADU is 1-story stall , not greater than 600 sq ft, and</li> </ul> </li> </ul>

**Residential Development Standards Update Project**

Revised August 10, 2012

	<p>meets same setback standards as a primary structure</p> <ul style="list-style-type: none"> <li>○ Discretionary approval with public notice required for an ADU that is 2 stories tall OR greater than 600 sq ft (maximum allowance of 800 sq ft) OR does not meet setback standards for the base zone (minimum required setback is 5 ft). Approval criteria considers location, footprint and height, and privacy impacts, and may result in changes to the proposed ADU</li> <li>○ A limited set of design standards apply to detached ADUs; screening/privacy features required in some situations</li> <li>○ Yurts allowed as a detached ADU structure subject to Building Official approval</li> </ul> <ul style="list-style-type: none"> <li>● Either ADU or primary dwelling must be occupied by the property owner</li> </ul>
<p><b>Rowhouses</b></p>	<ul style="list-style-type: none"> <li>● Allowed outright in R-3 – R-1 zones</li> <li>● Lot coverage increased by 20 percentage points for rowhouse development</li> <li>● New standard in base zones to allow narrower lot sizes for rowhouses</li> <li>● Limit of 4 consecutive rowhouses</li> <li>● Parking <ul style="list-style-type: none"> <li>○ Garages and parking not allowed in front of building unless rowhouses are on wider (30 ft) lots; limit off-street parking areas to 10 ft in width</li> <li>○ Parking must otherwise be on the back of the rowhouse, accessed by single shared driveway on the side of the rowhouses or from a side street</li> </ul> </li> <li>● Design <ul style="list-style-type: none"> <li>○ Same design standards that apply to other single-family dwellings</li> <li>○ Porch, stoop, or small flight of stairs required to provide transition between dwelling and sidewalk</li> </ul> </li> </ul>
<p><b>Cottage Clusters</b></p>	<ul style="list-style-type: none"> <li>● Allowed outright in R-3 – R-1 zones; requires a subdivision or replat</li> <li>● 4-12 cottages allowed, must also meet density requirements of zone</li> <li>● Cottages <ul style="list-style-type: none"> <li>○ 700 sq ft footprint max; 1,000 sq ft floor area; Max. height of 18 ft</li> <li>○ Setback 5-7 ft from lot lines</li> <li>○ Requires sizeable front porch; Craftsman style design for overall structure</li> </ul> </li> <li>● Site Design</li> </ul>

	<ul style="list-style-type: none"> <li>○ Cottages located surrounding common open space</li> <li>○ Parking grouped into 1-2 areas on site; separate and screened from cottages and common open space</li> <li>○ All structures set back 15 ft from rear lot line of cottage cluster site</li> <li>○ Continuous pedestrian circulation system links all areas on site</li> </ul>
<p><b>Multifamily Development and Design Standards</b></p>	<ul style="list-style-type: none"> <li>• Development Standards <ul style="list-style-type: none"> <li>○ Side yard height restrictions apply; encourages setbacks and less building mass nearer to surrounding property</li> <li>○ Height limits are lower near boundaries with lower density zones</li> <li>○ Maximum building dimension is 150 ft</li> </ul> </li> <li>• Design standards – allows objective or discretionary process for review of these standards <ul style="list-style-type: none"> <li>○ Include public and private open space</li> <li>○ Place windows, balconies so as to maintain privacy for adjacent properties</li> <li>○ Limit parking areas in front of the building</li> <li>○ Requires design details such as entryway articulation, distinction between base/upper stories, good quality building materials</li> <li>○ Establishes standards for screening, safety, landscaping, and sustainability</li> </ul> </li> </ul>
<p><b>Other</b></p>	<ul style="list-style-type: none"> <li>• Minimum/Maximum density requirements <ul style="list-style-type: none"> <li>○ Minimum/maximum density ranges in the zoning code are unchanged</li> <li>○ Minimum and maximum density regulations are now applicable to more application types <ul style="list-style-type: none"> <li>▪ In R-10, R-7, and R-5, density requirements apply to land divisions</li> <li>▪ In the R-3, R-2.5, R-2, and R-1, density requirements apply to land divisions and development that changes the number of dwelling units</li> </ul> </li> <li>○ Areas excluded from minimum density calculations are limited to the floodway; currently excluded areas are floodplain and steep slopes</li> <li>○ Areas excluded from maximum density calculation are floodplains, natural resource areas, and steep slopes; currently excluded areas are floodplains and steep slopes (same as exclusion for current minimum density requirements)</li> </ul> </li> <li>• Deletes complicated standards that require solar access calculations for all structures, retains solar access standards for lot creation</li> </ul>

**Residential Development Standards Update Project**

Revised August 10, 2012

	<ul style="list-style-type: none"><li>• Not more than 20% of required landscaped area can be barkdust</li><li>• Deletes density bonus for including affordable housing units in a development; problematic to ensure that affordable housing is provided as intended</li><li>• Beekeeping allowed as an accessory use</li></ul>
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## Design Standards for Detached ADUs

### Summary of Draft Proposed Policies

**Purpose:** To allow reasonable accommodation of accessory dwelling units (ADUs), providing affordable and decent housing while providing homeowners with alternative financial resources, thereby encouraging maintenance of existing housing stock. ADUs should not diminish the single-family character of a neighborhood, and any single-family residence containing an ADU should maintain the appearance of a single-family dwelling as viewed from the street.

**Key Assumptions:** ADUs would be permitted as an accessory to any single-family detached dwelling. The standards would apply to attached and detached ADUs. All ADUs will be subject to a Type I Review.

**These standards would apply to:** All new accessory dwelling units.

**These standards would address:**

Value/ Issue	How we would measure it	Example of a building that would be approvable	Example of a building that would NOT be approvable
<p><b>1. Number of ADUs</b></p> <p>Low-density residential areas will continue to appear as low-density residential areas.</p>	<p>No more than 1 accessory dwelling unit per lot is permitted.</p>		
<p><b>2. Detached ADU standards</b></p> <p>Promotes human-scale design, street visibility</p>	<ul style="list-style-type: none"> <li>The ADU shall be located at least 10 feet away from the front yard.</li> <li>The height of ADU shall not exceed 15-25 feet or the tallest point of the primary structure, whichever is less.</li> <li>The building footprint of the ADU shall not be larger than [75-100%] of the footprint of the primary dwelling.</li> </ul>		

**3. ADU size and design – applies to both attached and detached ADUs**

Low-density residential areas will continue to appear as low-density residential areas.  
 Any single-family residence containing an ADU should maintain the appearance of a single-family dwelling as viewed from the street.

- The size of the ADU shall not exceed 75% of the square footage of the primary dwelling, or 800 square feet, whichever is less.
- Only 1 entrance to the primary dwelling shall face the street.
- Exterior finish materials shall be the same or visually match in type, size and placement, the exterior finish materials of the primary dwelling.
- The roof pitch shall be the same as the predominant roof pitch of the primary dwelling.
- On the street-facing façade of the ADU, windows shall match, in proportion and orientation, the windows of the primary dwelling.
- If the primary dwelling has eaves, the ADU must have eaves that project the same distance from the building.
- Fire escapes or exterior stairs for access to an upper level ADU shall not be located on the front of the building.



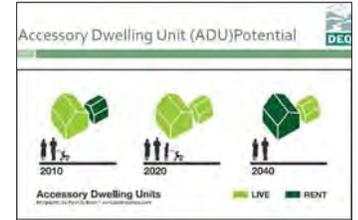
# ACCESSORY STRUCTURES

## Accessory Dwelling Units



### Benefits of an Accessory Dwelling Unit (ADU)

- Increases property values of existing single-family homes.
- Provides additional income to property owners.
- Provide housing options for family members, such as grown children or aging parents.



### Problems to Solve

- Though many Milwaukie residents want to establish ADUs, current review procedures are costly and onerous, and serve to inhibit ADU development.
- Current standards do not allow detached ADUs, such as over a detached garage.
- Current standards overly restrict the size of ADUs.
- Properties that have reached their maximum lot coverage cannot build detached ADUs.

Detached ADU above garage.



### Tools We Can Use

- **Development standards:** maximum height, setbacks, and number of ADUs on a site.
- **Design standards:** exterior materials, windows, roofs, and eaves.



Detached ADU



Attached ADU



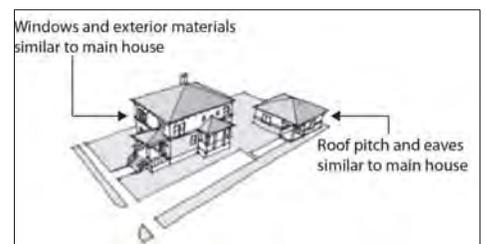
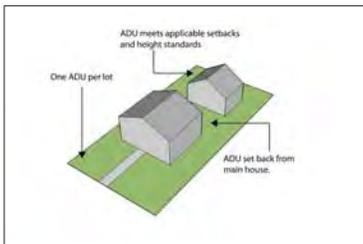
# ACCESSORY STRUCTURES

## Accessory Dwelling Units



### Key Recommendations

- **Allowable housing type.** Allow detached ADUs in all zones that allow single-family detached homes. Continue to allow attached ADUs.
- **Streamline approval process for ADUs.** Permit ADUs through a Type I staff-level review process.
- **Modify development standards for ADUs.** Allow larger detached ADUs, and develop size and lot coverage standards specific to detached ADUs. Continue to allow one ADU per property.
- **Establish design standards for detached ADUs.** Require detached ADUs to match the materials and design of the primary dwelling.



### Anticipated Results

Recommendation	Example of an ADU that would be approvable	Example of an ADU that would NOT be approvable
Development Standards for ADUs.	One ADU per lot. 	Two ADUs on one lot. 
Development Standards for Attached ADUs.	Attached ADU entrance is not on the front of the house. 	Two entrances on the front of the house. 
Design Standards for Detached ADUs	Detached ADU (rear) uses similar materials and design as the primary dwelling. 	Does not match the design or materials of the primary dwelling. 

ATTACHMENT 5

August 10, 2012

Milwaukie City Council  
10722 SE Main Street  
Milwaukie, Oregon 97222

Dear Mayor Ferguson and Councilors:

I am writing on behalf of the Milwaukie Planning Commission highlight for your attention two topics that were raised during our hearings on the code amendments for the Residential Development Standards (RDS) project, but did not fit into the package you are considering. These topics are (1) the idea of a “Made in the USA” standard that rewards homes that are built with products made only in the USA and (2) a building maintenance code section to address neighborhood blight caused by poorly-maintained buildings and temporary structures. Neither idea is best addressed through the code sections being reworked in the RDS code package, but we felt that both were important for Council to consider as follow-on projects.

The “Made in the USA” standard was brought to our attention by Greg Hemer, Chair of the Design and Landmarks Committee, in a presentation at the February 28, 2012 Planning Commission meeting.<sup>1</sup> The Planning Commission is supportive of establishing a program to incentivize construction with products made in the United States as a way to stimulate the economy, support local products, and reduce the environmental impact associated with transporting building materials. We did not support adding it to the zoning ordinance because the appropriate incentives to encourage participation were not evident in that package (we considered, e.g., credit as a housing design standard or relief from height or setback limits). Other incentives outside the zoning code may make more sense, such as reduced permit fees or a streamlined permitting track. Documenting compliance with any standard, moreover, is an extensive undertaking. A workable program will probably require some sort of outside group that monitors and attests to whether a project has indeed only used materials made in the United States.

The second issue arose from comments made by residents in surveys and other parts of the RDS process, including comments from the Hector Campbell Neighborhood District Association, calling for measures to address blight in the neighborhoods, in terms of poorly maintained structures and the use of tattered unsightly temporary structures and tarp coverings. The Planning Commission received testimony from numerous residents who supported stricter standards to ensure that buildings and properties are maintained so that they are safe, do not

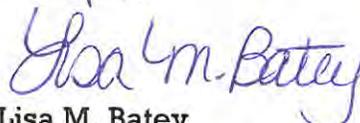
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<sup>1</sup> Mr. Hemer’s presentation begins at 1:05:30 of the video from that meeting, and is worth watching as an entertaining and informative presentation about the Made in the USA standard.

encourage trespassing, and do not adversely impact values of surrounding properties; there was also testimony from a number of residents who objected to restrictions on their use of temporary shelter structures, in particular. After extensive testimony and discussion, the Planning Commission opted against imposing new limits on temporary structures, but agreed to write this letter to encourage more strenuous enforcement of the current limits as well as development of a property maintenance code which would give code enforcement officials recourse against tattered, stained or mildewed temporary structures. Beyond the question of temporary structures, the Planning Commission supports development of code language to require maintenance of properties and disallow construction projects from dragging on for a year or longer, believing that these are important issues for neighborhood livability. These issues, however, do not seem best addressed in the package before you, but rather belong elsewhere in City code. Addressing this topic includes identifying property maintenance concerns, identifying what rules exist regarding these concerns, and determining what rules need to be added and which department should enforce them. While some of the concerns may be in the purview of the Planning Department, there are others that already exist or are more appropriately handled in the building code or nuisance code. Creating effective rules for property maintenance should involve a broader discussion amongst the NDAs and the Planning, Building, and Community Services Departments. This dialogue would expand the scope and timeline for the RDS project, and we did not believe it would be wise to delay for an issue that is important, but ultimately outside of the project's scope of improving the design of residential development. We encourage you to put such a project on your own, and our, workplans to find ways to enable the City to better address poorly maintained properties as well as properties where construction projects are started but drag on for years.

The Planning Commission has spent numerous meetings discussing and deliberating on the RDS amendments. We have covered a vast range of issues, and have given careful consideration on each one. I believe that the package you are now considering presents a comprehensive set of regulations that will improve the quality of residential development, allow more opportunity for sustainable practices, and make new development a good neighbor in our existing neighborhoods. While we ultimately decided not to include the topics noted in this letter, we feel that they are important and deserve to be considered for implementation in a form other than the zoning regulations. I thank you for your consideration of these matters.

Sincerely,



Lisa M. Batey  
on behalf of the Milwaukie Planning Commission