AGENDA

MILWAUKIE PLANNING COMMISSION
Wednesday June 20, 2012, 6:30 PM

MILWAUKIE CITY HALL
10722 SE MAIN STREET

1.0 Call to Order - Procedural Matters

2.0 Planning Commission Minutes – Motion Needed

2.1 April 24, 2012

3.0 Information Items

4.0 Audience Participation – This is an opportunity for the public to comment on any item not on the agenda

5.0 Public Hearings – Public hearings will follow the procedure listed on reverse

5.1 Summary: Residential Development Standards *continued from 4/24/12*
Applicant/Owner: City of Milwaukie
File: ZA-11-03
Staff: Ryan Marquardt

6.0 Worksession Items

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Discussion Items – This is an opportunity for comment or discussion for items not on the agenda.

9.0 Forecast for Future Meetings:

June 26, 2012	1. Public Hearing: CSU-12-03 Light Rail Downtown Station *tentative*
July 10, 2012	1. Public Hearing: NR-12-01 Crystal Creek Light Rail Review 2. Worksession: Tacoma Station Planning project

Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@ci.milwaukie.or.us. Thank You.

2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.cityofmilwaukie.org

3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.cityofmilwaukie.org

4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.

5. **TIME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.

2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.

3. **APPLICANT'S PRESENTATION.**

4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.

5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.

6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.

7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.

8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.

9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.

10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.

11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

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.

Milwaukie Planning Commission:

Lisa Batey, Chair
Nick Harris, Vice Chair
Scott Churchill
Chris Wilson
Mark Gamba
Clare Fuchs
Shaun Lowcock

Planning Department Staff:

Katie Mangle, Planning Director
Scot Siegel, Interim Planning Project Manager
Brett Kelver, Associate Planner
Ryan Marquardt, Associate Planner
Li Alligood, Assistant Planner
Alicia Martin, Administrative Specialist II

CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, April 24, 2012
6:30 PM

COMMISSIONERS PRESENT
Lisa Batey, Chair
Nick Harris, Vice Harris
Scott Churchill
Clare Fuchs
Shaun Lowcock

STAFF PRESENT
Katie Mangle, Planning Director
Ryan Marquardt, Associate Planner
Li Alligood, Assistant Planner
Damien Hall, City Attorney

COMMISSIONERS ABSENT
Chris Wilson
Mark Gamba

1.0 Call to Order – Procedural Matters*

Chair Batey called the meeting to order at 6:30 p.m. and read the conduct of meeting format into the record.

***Note**: The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at http://www.ci.milwaukie.or.us/meetings.*

2.0 Planning Commission Minutes

2.1 February 28, 2012

It was moved by Commissioner Fuchs and seconded by Commissioner Churchill to approve the February 28, 2012, Planning Commission minutes as presented. The minutes were approved unanimously.

3.0 Information Items

3.1 Introduction of Stormwater Master Plan consultant

Gary Parkin, Operations Director, introduced consultant Brown & Caldwell who was working on the Stormwater Master Plan.

Angela Wieland, Brown & Caldwell Engineer, explained the work to be done for the Master Plan.

3.2 Milwaukie Neighborhood Main Streets update

Ryan Marquardt, Associate Planner, updated the Commission on the project, noting the proposed timeline and that a group of Portland State University Urban Planning students were working with the City on the project.

4.0 Audience Participation –This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings

5.1 Summary: Royalton Place Monument Sign
Applicant/Owner: Lee Winn, Winn Architecture LLC/BDC Milwaukie LLC
Address: 5555 SE King Rd
File: CSU-12-01
Staff: Ryan Marquardt

Chair Batey opened the public hearing for CSU-12-01 and read the conduct of minor quasi-judicial hearing into the meeting record.

Ryan Marquardt, Associate Planner, presented the staff report via PowerPoint. He explained the standards for signage for CSUs and residential zones, noting the proposed sign was larger than was allowed outright thus requiring Commission approval.

Vice Chair Harris moved to approve the application CSU-12-01 for 5555 SE King Rd. Commissioner Wilson seconded the motion, which passed unanimously.

5.2 Summary: Residential Development Standards
Applicant/Owner: City of Milwaukie
File: ZA-11-03
Staff: Li Alligood and Ryan Marquardt

Chair Batey opened the public hearing for ZA-11-03 and read the conduct of continued legislative hearing into the meeting record.

Mr. Marquardt presented the staff report via PowerPoint, and reviewed the list of issues for the Commission to review. He explained Type II administrative variances per request by the Commission.

The Commission discussed nonconformities, multifamily residential sustainability standards, wind systems, Residential-Office-Commercial zone, accessory structures and accessory structure development standards. Staff were advised to revise the proposal per the direction provided.

Commission Gamba moved to continue the public hearing for ZA-11-03 to a special meeting on June 20, 2012. Commission Wilson seconded the motion, which passed unanimously.

6.0 Worksession Items – None

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Discussion Items

9.0 Forecast for Future Meetings:

May 8, 2012	1. Worksession: Tacoma Station Area Plan *tentative*
May 22, 2012	1. Worksession: Murals Project

Meeting adjourned at approximately 10:04 p.m.

Respectfully submitted,
Alicia Martin, Administrative Specialist II

_____

Lisa Batey, Chair

MILWAUKIE
Dogwood City of the West

To: **Planning Commission**

From: **Katie Mangle, Planning Director**

Ryan Marquardt, Associate Planner

Date: **June 8, 2012 for June 20, 2012, Public Hearing**

Subject: **File:** ZA-11-03, CPA-11-04

File Types: Zoning Ordinance Amendment, Comprehensive Plan Amendment

Applicant: Katie Mangle, Planning Director, City of Milwaukie

---

ACTION REQUESTED

Recommend that City Council adopt the proposed amendments to Milwaukie Comprehensive Plan Chapter 4 and Milwaukie Municipal Code Title 19 Zoning Ordinance; Title 17 Land Division Ordinance; and Title 14 Sign Ordinance with the recommended findings in support of approval (see Attachment 2 and Exhibit A).

BACKGROUND INFORMATION

A. History of Prior Actions and Discussions

- **April 24, 2012:** The Planning Commission gave staff direction on how to modify the proposal, with the intent of holding the final Planning Commission hearing on June 20.
- **April 10, 2012:** The Planning Commission took public testimony, heard a presentation from staff, asked questions of staff, and directed staff to draft revisions to the proposed amendments. The Commission continued the public hearing to April 24, 2012
- **March 27, 2012:** The Commission discussed the proposal, asked questions of staff, and directed staff to draft revisions to the proposed amendments. The Commission continued the public hearing to April 10, 2012.
- **March 13, 2012:** The Commission heard a presentation from staff and took additional public testimony. The Commission closed the public testimony portion of the hearing and continued the hearing to March 27, 2012.

- **February 28, 2012:** The Commission opened the public hearing on the application. The Commission heard presentations from staff, took public testimony, and continued the public hearing to March 13, 2012.
- **January 31, 2012:** The City Council and Commission discussed accessory structure standards, accessory dwelling unit standards, single-family design standards (specifically attached garages), and conditional uses in low-density residential zones during a joint study session.
- **January 24, 2012:** The Commission was briefed on topics in the proposed code amendments, focusing on accessory dwelling units and accessory structures.
- **January 10, 2012:** The Commission was briefed on topics in the proposed code amendments, focusing on single-family dwelling design standards, garage standards, height and mass regulations, and conditional uses in low-density residential uses.
- **December 13, 2011:** The Commission was briefed on topics in the proposed code amendments, focusing on multifamily standards, cottage cluster housing, rowhouses, and land/building ownership configurations.
- **October 25, 2011:** The Commission was briefed on the proposed code amendments for the Residential Development Standards project and identified topics for further discussion.
- **October 11, 2011:** The Commission discussed one aspect of the project: conditional uses in residential zones.
- **September 27, 2011:** The Commission discussed some aspects of the proposed multifamily design standards during a joint study session with City Council.
- **June 21, 2011:** The Commission discussed some aspects of the proposed single family design and development standards during a joint work session with City Council.
- **May 10, 2011:** The Commission received a progress report on the project and public involvement activities to date.
- **January 11, 2011:** The Commission reviewed and provided guidance on the updated public involvement plan and web-based survey.
- **October 26, 2010:** Staff provided the Commission with a project setup summary including the scope of work and project schedule.
- **March 16, 2010**: Staff provided the Commission with a copy of the intergovernmental agreement between the City and the State of Oregon that committed the City to prepare draft code amendments based on priorities that were identified in the 2009 *Smart Growth Code Assessment Final Report*.
- **August 25, 2009:** The Commission reviewed and provided concurrence on the Action Plan presented in the 2009 *Smart Growth Code Assessment Final Report*.
- **July - August 2009**: The Commission held two worksessions to discuss the consultant's code assessment findings, prepared during Phase I of the Smart Growth Code Assistance project.

B. Commission Direction to Staff

At the March 27, April 10, and April 24 2012, public hearings, the Commission discussed the proposal and provided direction to staff to modify the proposed Residential Development Standards zoning code and Comprehensive Plan amendments. The table in Attachment 1 outlines the substantive changes staff has made to the version of the amendments dated February 17, 2012 that the Commission has discussed. A document that highlights the differences between the 2/17/12 version of the amendments and the version in this packet will be posted on the project website on June 6, 2012.

As directed by the Commission, the revised proposal includes the following changes:

- Accessory Dwelling Units (ADUs)
  - Establishes a requirement that one-story detached ADUs located at the 5 ft side and rear setbacks provide screening in the form of landscaping, a 6-ft fence, or windows located in the upper 1/3 of the wall.
  - Allows accessory structures within the front yard to be converted to ADUs if they are set back at least 60 ft from the front lot line.
  - Increases the review of two-story detached ADUs that meet the base zone setback standards from Type I to Type II.
- Accessory structures
  - Modifies existing restrictions on the use of plastic or PVC, with tarp, fabric, or other similar materials. These materials are allowed for structures located in a rear yard or if they are not visible from the right of way.
  - Revises allowance for large accessory structures; height limit of 2 stories; total footprint for large accessory structures is 2500 sq ft; no individual building footprint > 1500 sq ft.
- Conditional uses
  - Removes the proposal that would allow small commercial offices as conditional uses in the R10, R7 and R5 zones.
  - Removes the proposal that would allow personal/business services as conditional uses in the R3, R2.5, R2, R1 and R1B zones.
- Design and development standards – Multifamily
  - Increases the “menu” of common open space amenities for new multifamily development, to be met on a sliding scale depending on project size.
  - Establishes a requirement for covered bicycle parking in all multifamily development, with the number of spaces to be determined by project size.
  - Expands the menu of sustainability requirements.
- Design and development standards – Single-family
  - Expands the list of options for meeting the single-family dwelling articulation requirement.
    - Revises the trigger for applying SFR design standards to home expansions:

        - Small façade expansions are exempt from full compliance with design standards; adds restriction that dwellings cannot undergo more than 1 exempt façade expansion every 5 years.
    - Increases the proposed required front yard landscaping minimum from 30% to 40%.
    - Reduces the proposed maximum width of attached garages from 50% of the façade to 40% of the façade, add provision that allows for garage widths of up to 50% by incorporating additional design standards.
    - Removes the front yard averaging provision.

COMMENTS

The following is a summary of the comments received by the City since the March 27, 2012, public hearing. See Attachment 2 for further details. Staff will continue to collect comments and will provide them to the Commission at the June 20 public hearing.

ATTACHMENTS

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. Guide to Changes of the 2/17 draft of the Residential Development Standards Code (attached)
2. Draft Ordinance (attached)

   Exhibit A: Recommended Findings in Support of Approval

   Exhibit B: Proposed Amendments – Underline/Strikeout Version

   Exhibit C: Proposed Amendments – Clean Copy
3. Proposed Code Amendments with Commentary (attached)

ATTACHMENT 1

Guide to Changes of the 2/17 draft of the Residential Development Standards Code

Page references are to Underline/strikeout version of amendments in Attachment 2, Exhibit B.

Page	Section	Revision	Notes
		Graphics	Staff is aware that not all graphics in the draft code are consistent with the text. This will be corrected in the drafts presented at the next hearing.
1-8	All	Change “single family attached” to “duplex”	Change in terminology; not all occurrences were amended in the 2/17 draft.
6	#5	Change back to “will” from “should”	Retains existing policy regarding tree preservation.
24, 30	19.301.2 table 19.302.2 table	ADUs get “P/II” in table	Indicates that they may require a Type II review in some situations.
25	19.301.2 table	Remove “office” from use table	Removes the proposal that would allow small commercial offices as conditional uses in the R10, R7 and R5 zones.
25, 31	19.301.3.A 19.302.3.A	“chicken” language conflict, better cross reference to 19.500 allowance	Wording changed to reflect current policy that allows up to 50 chickens if they are not kept commercially
25	19.301.3.B	Remove section describing “offices” as CU	Removes the proposal that would allow small commercial offices as conditional uses in the R10, R7 and R5 zones.
27-28; 35	19.301.5.C 19.302.2.D	Revise front yard vegetation to 40% from 30%, revise graphic	
30	19.302.2 table	Remove “personal/business services” from use table	Removes the proposal that would allow personal/business services as conditional uses in the R3, R2.5, R2, R1 and R1B zones.

Page	Section	Revision	Notes
46	19.501.2.A	Leave setback on Harrison at 40’	This setback is consistent with the functional classification in the TSP and associated right-of-way width
46-47	19.501.2.B	Remove front yard averaging provision	
50	19.502.2.A.1.a table	Allow Type C accessory structures at least a 15 ft height, regardless of primary structure height	Corrects an inconsistency for primary structures with a height of less than 15 ft. The 2/17 draft would allow a 15 ft Type B accessory structure, and would have limited a Type C accessory structure to the primary structure height of less than 15 ft.
51	19.502.2.A.2.a	Remove regulation limiting tarp/PVC structures; retain current design standards for accessory structures	Topic will be further explained at next hearing. Kept threshold for prohibiting metal siding at 200 sq ft, rather than the current 120 sq ft. Maintains consistency with Type A/B cutoff and threshold for building permits. Current provision requiring typical residential siding/roofing modified now applies only to structures visible from street that are the in front, side, or street side yard. Structures in rear yard are exempt from design standards.

Page	Section	Revision	Notes
51	19.502.2.A.4	Revise allowance for large accessory structures; height limit of 2 stories; total footprint for large accessory structures is 2500 sq ft; no individual building footprint > 1500 sq ft	Topic will be further explained at next hearing. 1,500 sq ft limit was at odds with allowance for Type C structures where primary structure > 2,000 sq ft. Such properties could have +1,500 sq ft accessory structures as a Type C without meeting 1 acre area requirement or 50 ft setbacks. Proposal now limits all accessory structures to 1,500 sq ft; lots >1 acre allowed 1,500 sq ft, 25 ft tall accessory structure regardless of primary structure size; limited to 2,500 sq ft of accessory structures in excess of Type C allowance. Reinserted provision in current code that allows +10,000 sq ft lots to have up to an 850 sq ft accessory structure regardless of primary structure size.
61	19.505.1.B	Reference that design standards are applicable for manufactured dwellings	
62	19.505.1.B	Dwellings cannot undergo more than exempt 1 façade expansion every 5 years	Applies to expansions that add 200 sq ft or less. Multiple expansions within 5 years are allowed if the resulting façade meets standards that would have applies if all the work was done at one time.
61-62	19.505.1.B	Revise applicability for SFR design standards; 0-75 sq ft – addition is exempt from all SFR design standards; 75-200 sq ft: addition area on its own needs to meet 15% eyes on street standard, exempt from all other SFR design; 200+: entire façade needs to meet 15% eyes on street; needs to meet articulation if expansion has at least 20 lineal ft AND the front façade length goes above 30 ft, 60 ft, etc; needs to meet main entrance standards if main entrance is affected	Detailed Design standards are not applicable for expansions, though the work cannot take the façade out of conformance. Garage conversions still have separate applicability standards.

Page	Section	Revision	Notes
62-63	19.505.1.C.1.a	Expand list of features that count for building articulation	
66-67	19.505.2.C.2	Revise maximum garage width standard to 40%; allow for 50% if additional detailed design standards are met	50% width allowed if number of detailed design increases from 5 to7 features. Added narrow garage width (35%) as a detailed design standard as a way to encourage less garage width on a façade.
71	19.505.3.B table	Expanded the list of amenities for MFR; larger development required to provide more features	
73	19.505.3.D table	Parking revised to include standards for bicycle parking	
75	19.503.3.H	Landscaping revised to include sustainable landscaping features	
77	19.505.3.K	Revise sustainability section, both the objective and discretionary process	
87	19.506.4	Add a reference in the standards for manufactured dwellings that they also need to comply with SFR standards in 19.505	
88	19.605.3.B.5	Requires covered parking in order to receive reduction in vehicle parking; requires changing facilities for reductions of >= 5 spaces	
90	19.609.2.B	Specifies parking ratio of 1 space/unit for multifamily development of 4 units or more;	
92-93	19.901 table	Type III Development Review no longer part of the proposal; ADUs may be a Type I or Type II review	

Page	Section	Revision	Notes
98-102	19.910.1	Revise ADU standards: • Type I review: attached ADUs; detached ADUs that are 5 ft from side/rear lot lines, 15 ft tall/1-story, 600 sq ft footprint • Type II review: detached ADUs that are 25 ft/2-story, meet base zone setbacks, 800 sq ft footprint • Type II criteria require compatible architectural style, appropriate massing and setbacks, and adequate privacy screening • Privacy standards apply to Type I ADUs that do not meet base zone setbacks, require privacy windows or lot perimeter screening • Conversions must meet standards for new ADUs, exception for front yard structures >60 ft from front lot line, and exceptions from design standards	This topic will be discussed in more detail at the next hearing.
104-109	19.1000	Revise DLCD notice requirements for comprehensive plan, zoning map, and zoning text amendments. Revisions due to recent state rule changes. Clarification about possible referrals for Type I reviews.	Affects only procedures for state notice. Does not change city notification process for mailings, signs, and other postings.

ATTACHMENT 2

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. LAND USE FILE ZA-11-03 AND 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 update residential development and design standards that reflect the community's vision for future development;

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 decribed 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:

_____
Pat DuVal, City Recorder

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

_____
City Attorney

Document6 (Last revised 09/18/07)

Recommended Findings in Support of Approval
Land Use Files ZA-11-03 & CPA-11-04

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.

   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. The Planning Commission finds that this criterion is met.

   B. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V Review have been met as follows:

      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. The draft amendments have been posted on the project web site since January 21, 2012. On January 27, 2012, staff e-mailed NDA leaders and interested persons with information about the hearing and a link to the draft proposed amendments. City staff presented information about the project and Planning

Commission hearing at individual February 2012 neighborhood district association (NDA) meetings, and held a Q & A session at City Hall on February 16, 2012.

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.

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 the 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. 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 on January 26, 2012, to all residential property owners in the city.

vi) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application. The Planning Commission held a duly advertised public hearing on February 28, 2012, which was continued to a date certain multiple times, and passed a motion on June 20, 2012 recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on August ___, 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.

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 a public hearing on the proposed amendments on February 28, 2012. A public hearing before City Council is tentatively scheduled for August __, 2012. Public notice was provided in accordance with MMC Subsection 19.1008.3. The Planning Commission finds that this criterion is met.

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 through additional density allowances, 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 did not identify any areas where the proposed amendments were inconsistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

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.

The Planning Commission finds that the criteria of MMC 19.902.3.B are met.

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 a public hearing on the proposed amendments on February 28, 2012. A public hearing before City Council is tentatively scheduled for August __, 2012. Public notice was provided in accordance with MMC Subsection 19.1008.3. The Planning Commission finds that this criterion is met.

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. The Planning Commission finds that this criterion is met.

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 Planning Commission finds that 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; 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 reduces the level of review required.
- Add rowhouse and cottage cluster development to the housing types allowed in multifamily zones.

The Planning Commission finds that this criterion is met.

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 identify any areas where the proposed amendments were inconsistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The Planning Commission finds that this criterion is met.

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.

The Planning Commission finds that this criterion is met.

v) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.

The Planning Commission finds that 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 development.

The Planning Commission finds that this criterion is met.

The Planning Commission finds that the criteria of MMC 19.902 are met.

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 Town Centers)	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
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	
Totals	**34.33**	**31.03**				**200**	**854**	**1,773**

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.

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 100 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.~~

~~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. Development of new multifamily projects will reduce potentially negative impacts on existing adjacent single-family development and adjacent lower density zones by measures such as reduced maximum heights, increased setbacks for large facades, building size limitations, and other design features to maintain privacy of nearby properties.

2~~3~~. 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~~4~~. 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~~5~~. 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.

5~~6~~. 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~~7~~. Specified trees will be protected during construction, in accordance with conditions attached to building permits.

7~~8~~. 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 duplex ~~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 duplex ~~single family attached~~, rowhouses, cottage cluster, 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. An additional housing unit will be allowed for the provision of affordably priced housing in residential developments. ~~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[1]
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.[2]	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.[2]	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.[3]	
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.[3]	External illumination only

[1] 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.

[2] Either 1 freestanding or 1 wall sign per street frontage is permitted.

[3] 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[1]
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 ~~apartment and condominium~~ 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 ~~apartment and condominium~~ 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 ~~apartment and condominium~~ 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.[2]	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.[3]	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.[4]	External only
Daily display sign[5]	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

[1] 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.

[2] 1 freestanding sign is permitted in addition to 1 wall sign.

[3] 1 wall sign is permitted in addition to 1 freestanding sign or 2 wall signs permitted.

[4] For awnings related to residential use, either 1 sign on an awning or 1 sign hanging beneath an awning is allowed.

[5] 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

Applications for subdivision preliminary plats or replats to create a cottage cluster housing development shall include narrative and plans necessary to show 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.~~

17.28.060 FLAG LOT DESIGN STANDARDS

A. Consistency with the Zoning Ordinance

Flag lot design shall be consistent with Subsection 19.504.8~~9~~.

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 and 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. 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 are included in the calculation of footprint. 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 ~~plot, parcel, or area of land owned by, or~~ under the lawful control and in the lawful possession of, one distinct ownership. When one owner controls an area defined by multiple adjacent legal lots or lots of record, the owner may define a lot boundary coterminous with one 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.

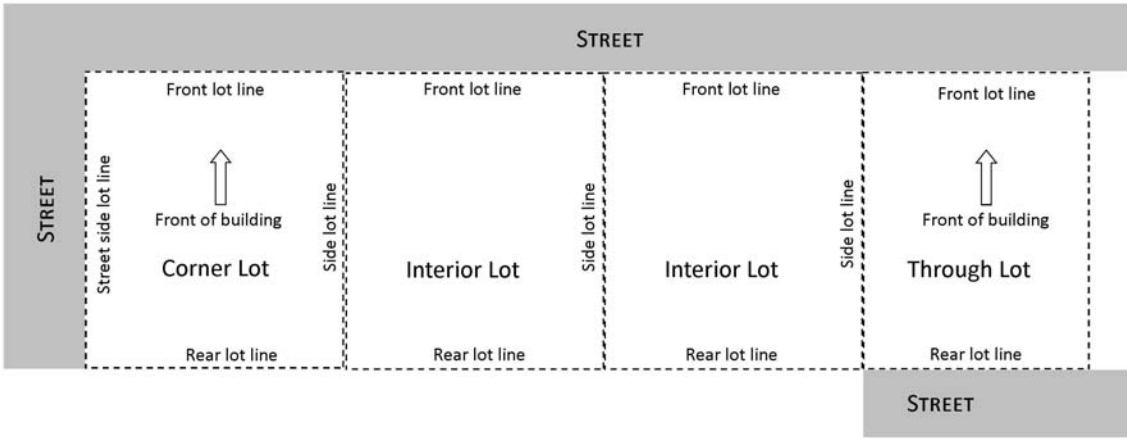
"Interior lot" means a lot other than a corner lot.

"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, that was not created through a partition or subdivision approved by the City, and that 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.

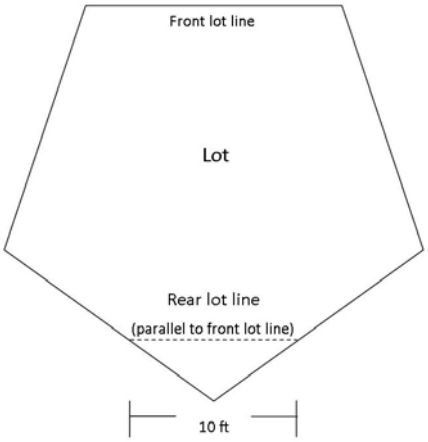
"Front lot line" means, in the case of an interior lot, the lot line separating the lot from the street other than an alley; in the case of a corner lot, a line separating the lot from the street on which the existing or contemplated development will face; and, in the case of a through lot, a line separating 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 in length within the lot parallel to and at the maximum distance from the front lot line.

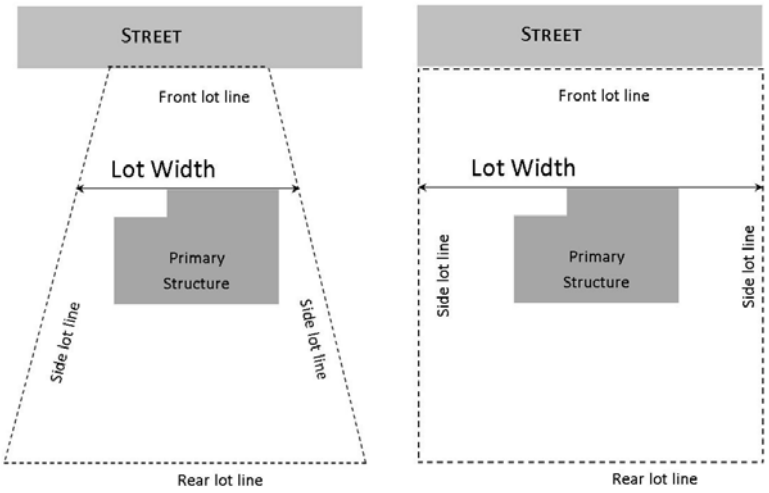
"Side lot line" means any lot line not a front or rear lot line.

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 one or more people, independent of the primary dwelling unit.

"Duplex" means a structure on one 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 one or more people. Buildings with more than one 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 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 one dwelling unit on one 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 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 one lot. Condominium lots do not count as separate lots for purposes of this definition. The dwelling units may be located in one or more structures on the lot. The dwelling units may be arranged with one dwelling unit per structure or with multiple dwelling units within a structure that are separated vertically and/or horizontally. Multifamily development includes 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 one or more common or abutting walls with at least one or more dwelling units on adjoining lots. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building. The shared or abutting walls may be any wall of the buildings, including the walls of attached garages. A rowhouse does not share common floor/ceilings with other dwelling units.

"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.

"Single-family detached dwelling" means a structure or manufactured home containing one dwelling unit that has no structural connection to adjacent units.

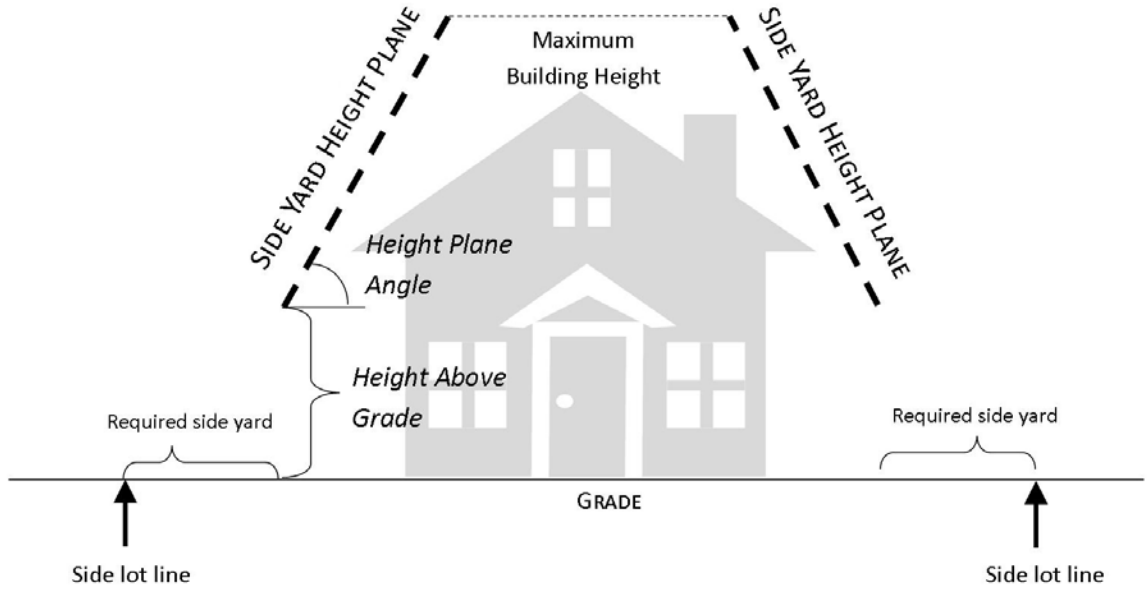
"Yurt" means a 1-story building with a circular footprint and a roof that is domed or conical with the highest point at the center of the circle. The walls and roof of a yurt are typically canvas or other flexible fabric material.

~~"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 height plane begins at a specified height above grade at the base zone minimum required yard depth and slopes upward 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.

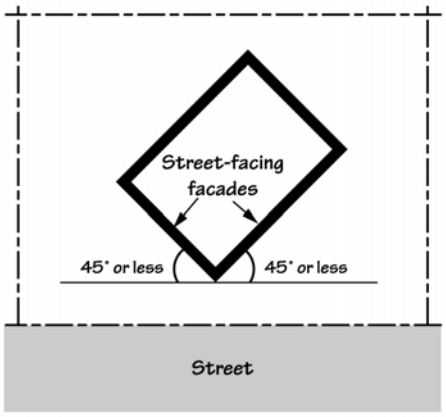
Figure 19.201-4
Side Yard Height Plane



"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 Facade



~~"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.

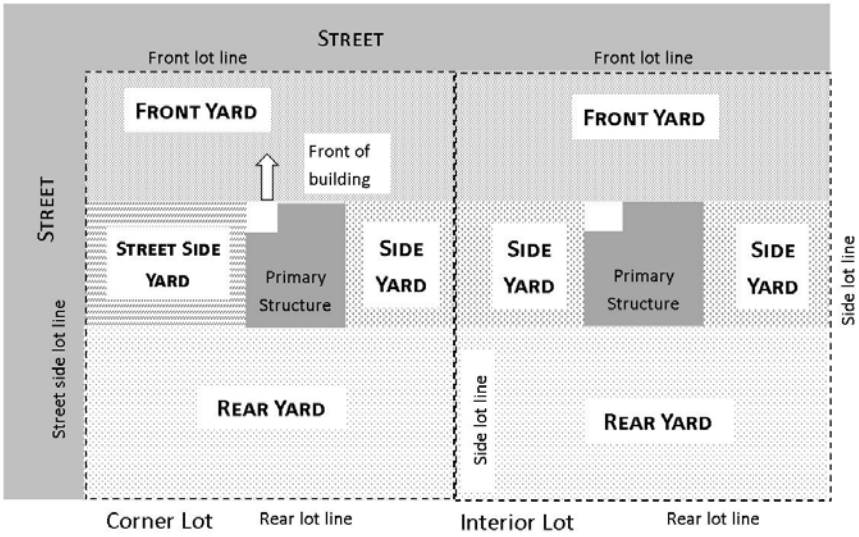
"Front yard" means a yard between side lot lines, measured horizontally and at right angles to the front lot line from the front lot line to the nearest point of the building.

"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 above the base point described in Subsection 19.202.2.B.1, below, and the top of a building described in Subsection 19.202.2.B.2, below.

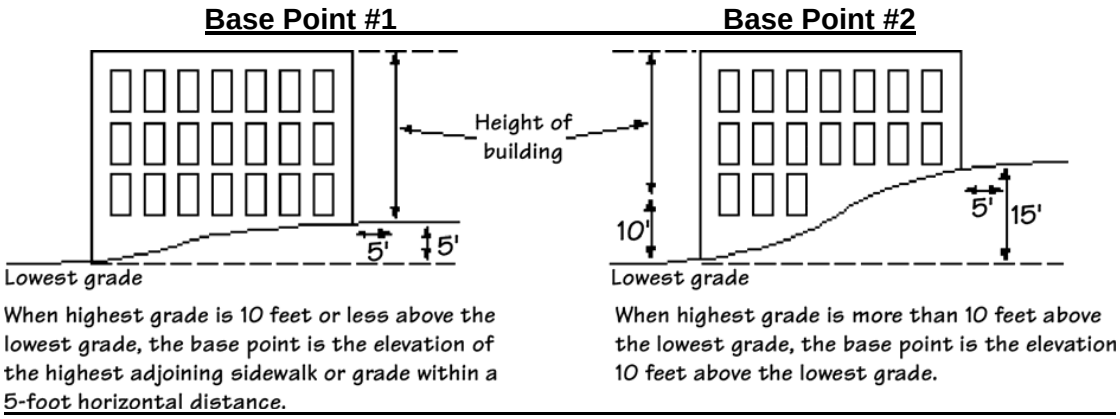
1. Base Point

   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 foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade

   b. Base point 2 is the elevation that is 10 feet higher than the lowest grade when the sidewalk or ground surface described for base point 1, above, is more than 10 feet above lowest grade.

Figure 19.202.2.B.1
Base Point Measurement



2. Top of Building

   The top of building shall be determined by 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.

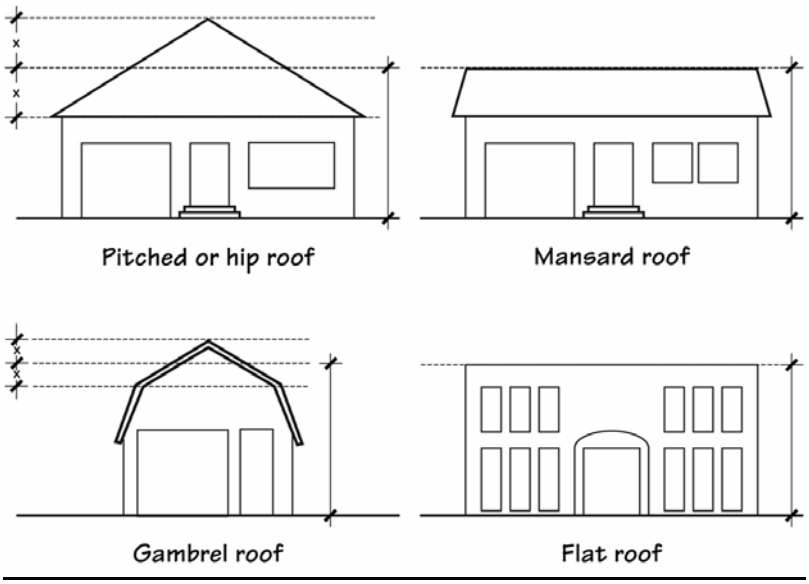
   d. Pitched or hipped roofs with a pitch steeper than 12 / 12: Measure to the highest point.

e. Gambrel roofs where both pitches are steeper than 12 / 12: Measure to the highest point.

f. Other roof shapes such as domed, vaulted, or pyramidal shapes: 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

Calculations of 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 areas 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 square feet 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 residential density are rounded based on a fraction that is truncated to two 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 square feet, 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 square feet, 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%.

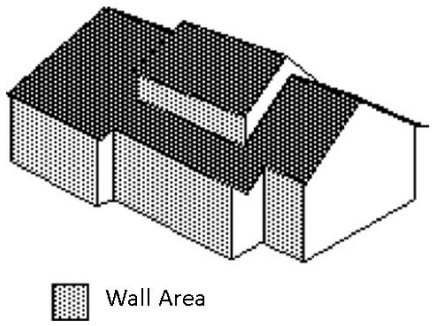
2. Density Calculation

The maximum number of dwelling units allowed is calculated by dividing the net area site 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 one 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 the Residential Zone R-10, Residential Zone R-7, and Residential Zone R-5. These zones implement the Low Density and Moderate Density residential land use designations in the Milwaukie Comprehensive Plan.

19.301.1 Purpose

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

19.301.2 Allowed Uses in Low Density Residential Zones

Uses allowed, either outright or conditionally, in the low density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. 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.

Table 19.301.2
Low Density Residential Uses Allowed

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

Accessory and Other Uses				
Accessory structures and uses	P	P	P	**Section 19.503** Accessory Uses **Subsection 19.502.2** Specific Provisions for Accessory Structures
Agricultural or horticultural use	P	P	P	**Subsection 19.301.3** Use Limitations and Restrictions
Community service uses	CSU	CSU	CSU	**Section 19.904** Community Service Uses
Home occupation	P	P	P	**Section 19.507** Home Occupation Standards

P = Permitted.

N = Not permitted.

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

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

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 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.

C. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one 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. Important 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 Section 19.201 Definitions and Section 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

Table 19.301.4
Low Density Residential Development Standards

Standard	R-10	R-7	R-5	Standards/ Additional Provisions
A. Lot Standards				
1. Minimum lot size (square feet) a. Single-family detached b. Duplex	 10,000 14,000	 7,000 14,000	 5,000 10,000	**Subsection 19.501.1** Lot Size Exceptions
2. Minimum lot width (feet)	70	60	50	
3. Minimum lot depth (feet)	100		80	

4. Minimum street frontage requirements (feet) a. Standard lot b. Flag lot c. Double flag lot			 35 25 35	
B. Development Standards				
1. Minimum yard requirements for primary structures (feet) a. Front yard b. Side yard c. Street side yard d. Rear yard	 20 10 20 20	 20 5/10 20 20	 20 5 15 20	**Subsection 19.301.5.A** Side Yards **Subsection 19.501.2** Yard Exceptions **Subsection 19.504.8** Flag Lot Design and Development Standards
2. Maximum building height for primary structures		2.5 stories or 35 feet, whichever is less		**Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions
3. Side yard height plane limit a. Height above ground at minimum required side yard depth (feet) b. Slope of plane (degrees)			20 45	**Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions
4. Maximum lot coverage (% of total lot area)		30%	35%	**Section 19.201 "Lot coverage"** definition **Subsection 19.301.5.B** Lot Coverage
5. Minimum vegetation (% of total lot area)	35%	30%	25%	**Subsection 19.301.5.C** Front Yard Minimum Vegetation **Subsection 19.504.7** Minimum Vegetation
C. Other Standards				
1. Density requirements (dwelling units per acre) a. Minimum b. Maximum	 3.5 4.4	 5.0 6.2	 7.0 8.7	**Subsection 19.301.5.D** Residential Densities **Subsection 19.501.4** Density Exceptions

19.301.5 Additional Development Standards

A. Side Yards

In the R-7 zone, one side yard shall be at least 5 feet and one side yard shall be at least 10 feet, except on a corner lot the street side yard shall be 20 feet.

B. 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 that are described by more than one of the situations below.

1. Decreased Lot Coverage for Large Lots

The 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 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 feet in height 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 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

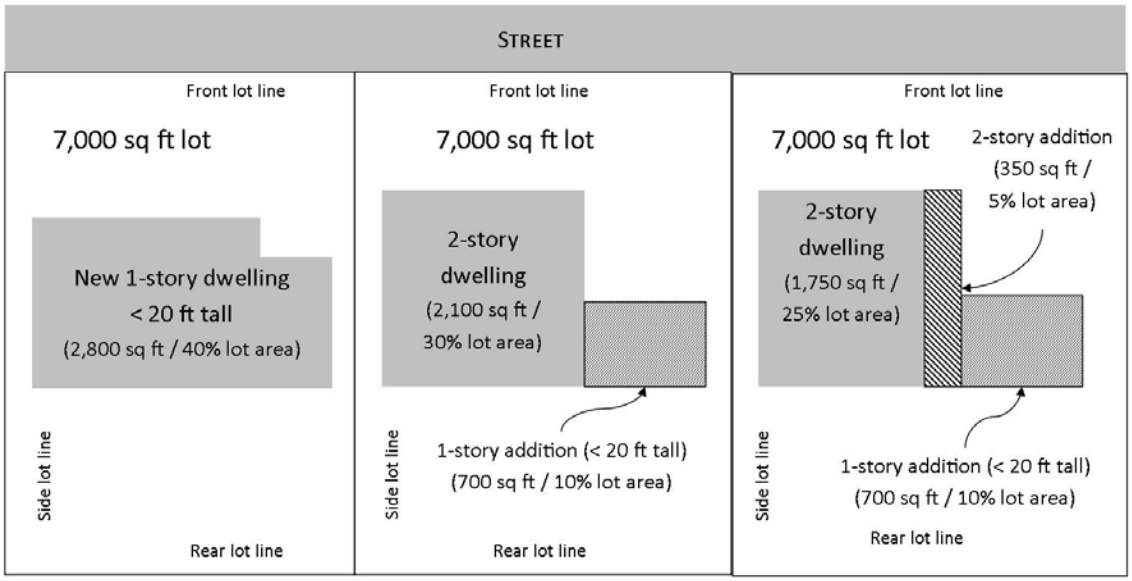


Figure 19.301.5.B.2 illustrates increased lot coverage for lots in Residential Zone R-7 based on 7,000 sq ft lot area.

3. Increased Lot Coverage for Duplexes

   The 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

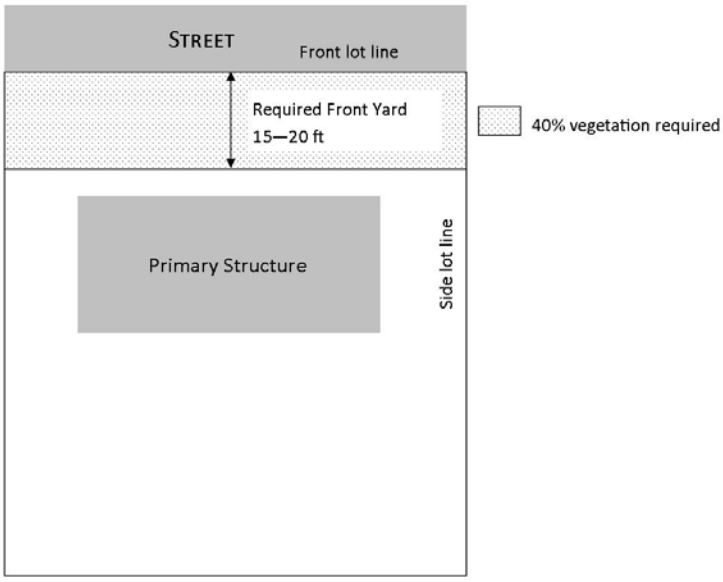
   The lot coverage percentage in Subsection 19.301.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed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

C. Front Yard Minimum Vegetation

   At least 40% of the required front yard shall be vegetated. The required front yard vegetation area counts toward the minimum required vegetation for the lot. A property may

provide less than the 40% minimum 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 division applications and replat applications that would 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 for 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 uses and 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 the Residential Zone R-3, Residential Zone R-2.5, Residential Zone R-2, Residential Zone R-1, and the Residential-Business Office Zone R-1-B. These zones implement the Medium Density and High Density residential land use designations in the Milwaukie Comprehensive Plan.

19.302.1 Purpose

The medium density residential zones are intended to create and maintain higher density residential neighborhoods 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 Density Residential Zones

Uses allowed, either outright or conditionally, in the medium density residential zones are listed in Table 19.302.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. 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.

Table 19.302.2
Medium Density Residential Uses Allowed

Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential						
Single-family detached dwelling	P	P	P	P	P	**Subsection 19.505.1** Design Standards for Single-Family Dwellings and Duplexes
Duplex	P	P	P	P	P	**Subsection 19.505.1** Design Standards for Single-Family Dwellings and Duplexes

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

P = Permitted.

N = Not permitted.
CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904.
CU = Permitted with conditional use approval subject to the provisions of Section 19.905.
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 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.

   3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one 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 density residential zones, the development standards in Table 19.302.4 apply. Important notes and/or cross references to other applicable code sections are listed in the “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 Section 19.201 Definitions and Section 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

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

3. Side yard height plane limit a. Height above ground at minimum required side yard depth (feet) b. Slope of plane (degrees)	20 45	25 45		**Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions
4. Maximum lot coverage (% of total lot area)	40%	45%	50%	**Section 19.201 "Lot coverage"** definition
5. Minimum vegetation (% 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
C. Other Standards				
1. Density requirements (dwelling units per acre) a. Minimum b. Maximum	11.6 14.5	11.6 17.4	25.0 32.0	**Subsection 19.202.4** Density Calculations **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 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 the portions of the structure that are in excess of 20 ft in height 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 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

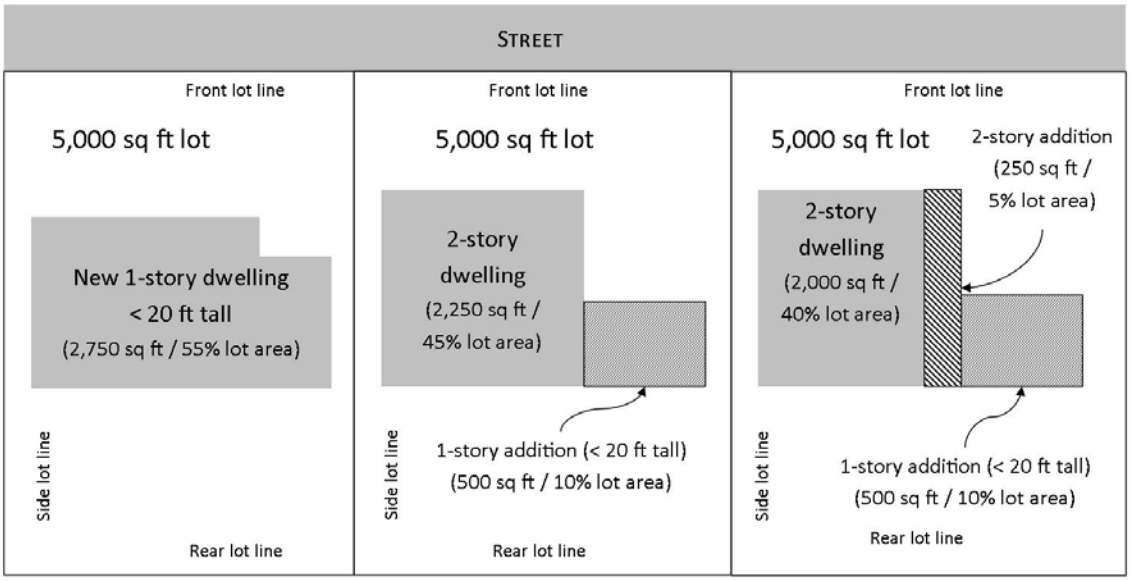


Figure 19.302.5.B.1 illustrates increased lot coverage for lots in Residential Zone R-2 based on 5,000 sq ft lot area.

2. Increased Lot Coverage for Duplexes and Rowhouses

   The 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 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.

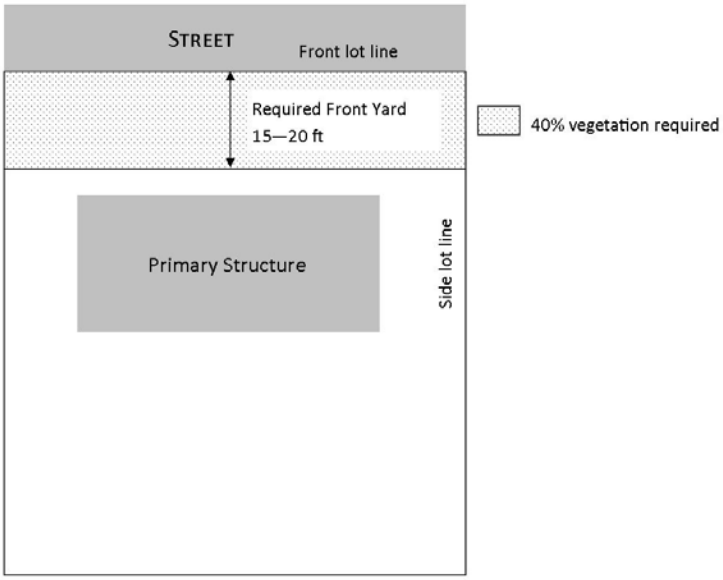
C. Minimum Vegetation

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 required front yard shall be vegetated. The required front yard vegetation area counts toward the minimum required vegetation for the lot. A property may provide less than the 40% minimum front yard vegetation requirement if it is necessary to provide additional maneuvering area as 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

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.

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 for 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 are 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.

Table 19.302.5.F.2
Minimum Site Size for Multifamily Development in the R-2, R-1, and R-1-B Zones

Units	R-2 Zone	R-1 and R-1-B Zone
1st 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 feet 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 feet 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;~~

E~~F~~. Congregate housing facility;

F~~G~~. Senior and retirement housing;

G~~H~~. Offices;

H~~I~~. Retail trade establishment such as a food store, drugstore, gift shop, hardware store selling primarily from a shelf-goods inventory;

I~~J~~. Personal service business such as a barber shop, tailor shop, or laundry and dry cleaning pickup station;

J~~K~~. Funeral home;

K~~L~~. Commercial recreation and motion picture theater;

L~~M~~. Eating establishment;

M~~N~~. Hotel or motel;

N~~O~~. Parking facility;

O~~P~~. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;

P~~Q~~. Financial institution;

Q~~R~~. Trade or commercial school;

R~~S~~. Department or furniture store;

S~~T~~. 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 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. 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.

J~~K~~. 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.~~

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.

Table 19.304.3
Downtown Zones—Uses

Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
Residential					
Single-family detached	N	N	N	N	N
~~Townhouse~~ Rowhouse	L[1]	N	N	L[1]	N
Multifamily ~~apartment/ condominium~~	L[10]	P	N	P	N
Senior and retirement housing	N	P	N	P	N
Second-floor housing	P	P	P	P	N
Commercial/Office[1]					
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
Other					
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

[1] 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 standalone 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.

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.

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 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~~.

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~~1~~. 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.

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;~~

C~~D~~. Rowhouses ~~Single-family attached small lot townhouses~~;

D~~E~~. Professional offices;

E~~F~~. 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~~G~~. Motion picture theater (adult theaters are not permitted);

G~~H~~. 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~~I~~. Brew pub which serves food;

I~~J~~. Hotel;

J~~K~~. Parking facility;

K~~L~~. Financial institution (without drive-up tellers);

L~~M~~. Trade or commercial school;

M~~N~~. Department or furniture store;

N~~O~~. Bed and breakfast;

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

P~~Q~~. Farmers' market;

Q~~R~~. Public park or community meeting area;

R~~S~~. Youth center;

S~~T~~. Day-care facilities;

T~~U~~. Any other use similar to the above and not listed elsewhere.

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 one 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.

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 ~~316~~ 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 ~~316~~, 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 in height; (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~~309~~.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:

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

Major Street	Distance from Centerline (plus yard requirements in zone)
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 that extend from a residential accessory structure located less than 5 ft from a property line shall not be closer than 18 in 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. 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 in height 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 the roof overhang or eaves do not extend more than thirty inches horizontally beyond the side yard height plane.

2. The gable end of a roof, provided that the encroachment is not more the 8 ft in height above the side yard height plane or more than 40 ft in width.

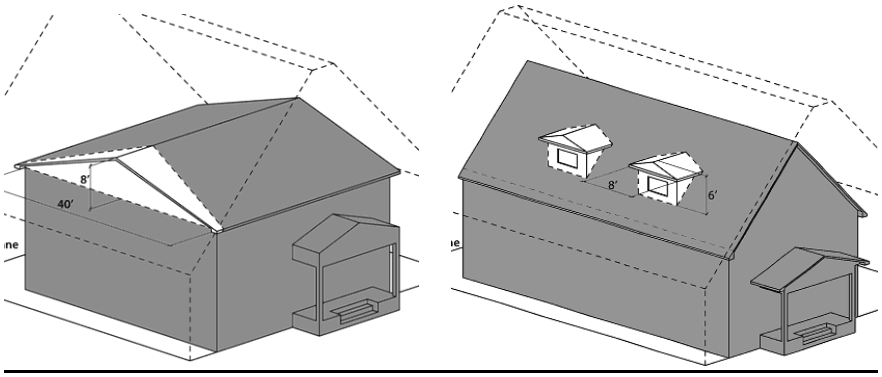
3. Dormers, with the following limitations:

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 in height above the side yard height plane or more than 8 ft in width.

c. The combined width of all dormers does not exceed fifty percent 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 "Market Action", published by the Regional Multiple Listing Service (RMLS). ~~"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 19.311 ~~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.

F. Alteration or modification of nonconforming accessory structures is subject to the provisions of Chapter 19.800 Nonconforming Uses and Development.

G. Fences, flagpoles, ~~P~~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 for a single family residence, while protecting the character of single family neighborhoods.

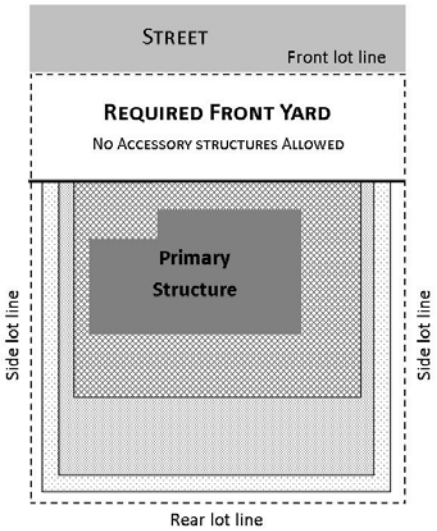
1. Development Standards

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.

Table 19.502.2.A.1.a Residential Accessory Structure Height and Footprint Standards			
Standard	**Type A**	**Type B**	**Type C**
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)
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	Base zone required front yard	Base zone required front yard	Base zone required front yard

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 ft	10 ft	200 sq ft
B	5 ft	15 ft	600 sq ft
C	Base zone yard requirements	25 ft OR height of primary structure (allowed at least 15 ft)	Lesser or 75% of primary structure OR 1,500 sq ft; 10,000 sq ft lots allowed at least 850 sq ft

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.

(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 in height 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 accessory 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 height of 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 the footprints of all accessory structures on a lot that exceed 75% of the footprint of the primary structure shall not exceed 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 above the average grade of the adjoining ground (finished elevation). An uncovered ramp with handrails that provides access from grade to the elevation of the main entrance of a residential structure is allowed to exceed 18 in. in height.

D. A standalone flagpole in a residential zone is limited to 25 ft in height and must be at least 5 ft from any lot line. A standalone flagpole in commercial or industrial zones is subject to the height limits of the base zone in which it is located, and 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 that ensure 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 the structures 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. The review of a standalone solar energy system that is not wholly supported by another structure is subject to the reviews required by applicable base zones and overlay zones.

b. The review of a solar energy system that is attached to a structure shall be as follows. If the circumstances of a property or structure are not listed below, the solar energy system is exempt from any land use review.

(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 procedures of that section for alteration of the resource.

(2) The installation of a solar energy system in downtown zones shall be exempt from Downtown Design Review per Section 19.907.

(3) The installation of a solar energy system on structures within the Willamette Greenway Zone or Natural Resource overlay is exempt from the review requirements of those zones.

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

(5) 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 standalone 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, footprint of the structure, or the peak height of the portion of the roof 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.

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 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, with any public safety agency or organization, radio transmissions, or with 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 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 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 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 foot in height is allowed for every 1 foot that the wind energy system is setback 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 square feet or less. One additional freestanding system is allowed for each 7,500 square feet of lot area above 15,000 square feet.

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~~.

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.

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.

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 [20-40]% 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.~~

19.504.~~9~~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.

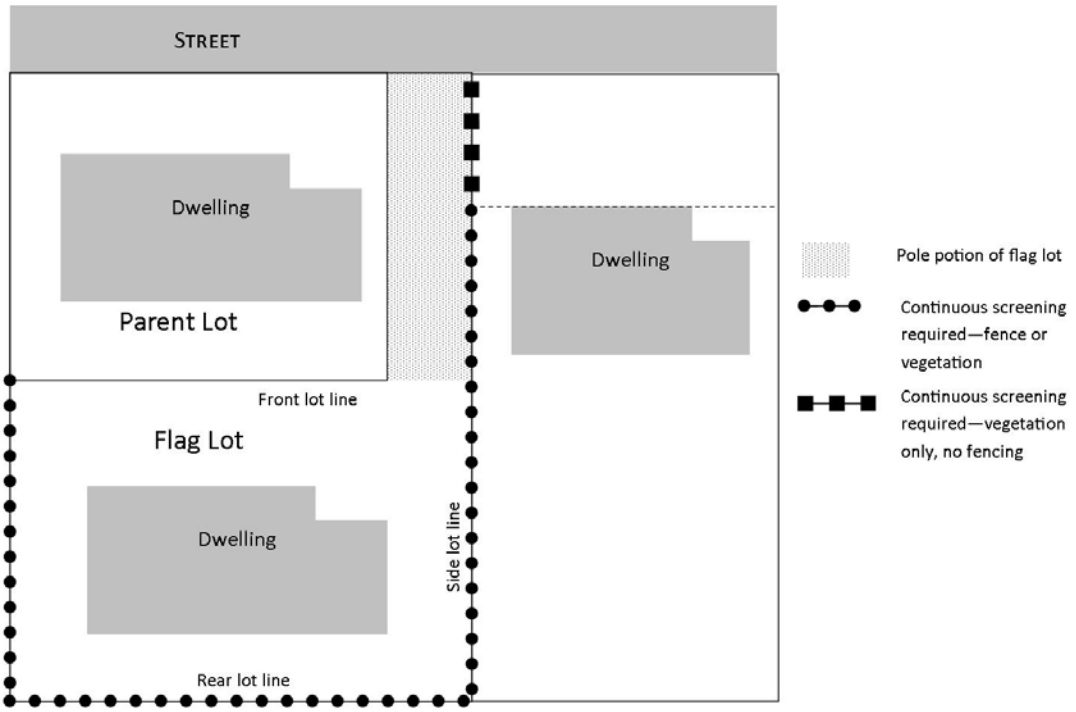
2. Impacts to neighboring lots due to use of the flag lot driveway shall be mitigated to the greatest extent practicable through screening and planting. Continuous screening along lot lines of the flag lot ~~driveway~~ abutting any neighboring lot that is not part of the parent lot from which the flag 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.~~10~~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 in width. 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.~~11~~10 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 those 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 of street-facing façade area or less 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 feet 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 in width.

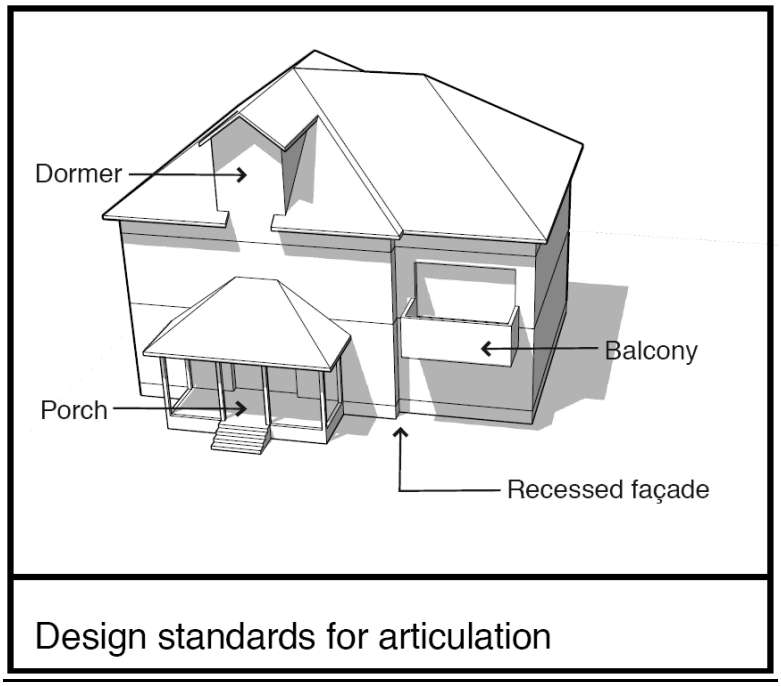
(4) Recessing a section of the façade by at least 2 ft in depth and 6 ft in length.

(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 is no more than 30 ft between two 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.

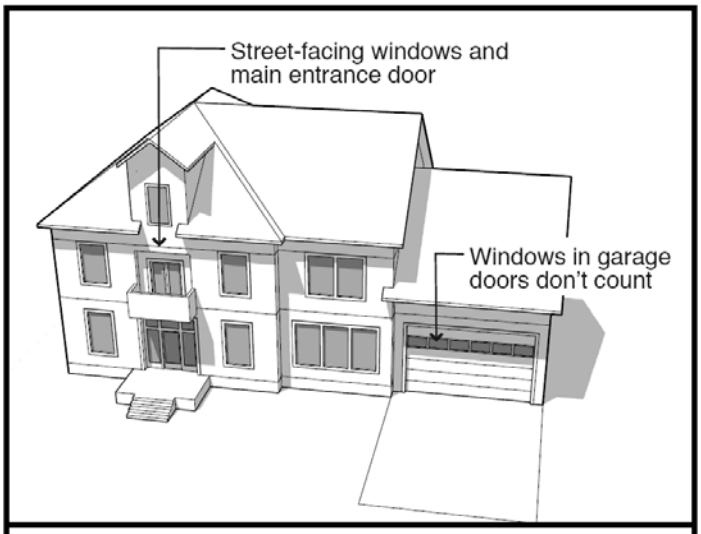
b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.

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



Design standards for eyes on the street

3. Main Entrance

Main entrances must meet the following standards. See Figure 19.505.1.C.3 for illustration of main entrances.

At least one main entrance must:

a. Be no further than 8 ft behind the longest street-facing wall of the building; and

b. Face the street, or 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:

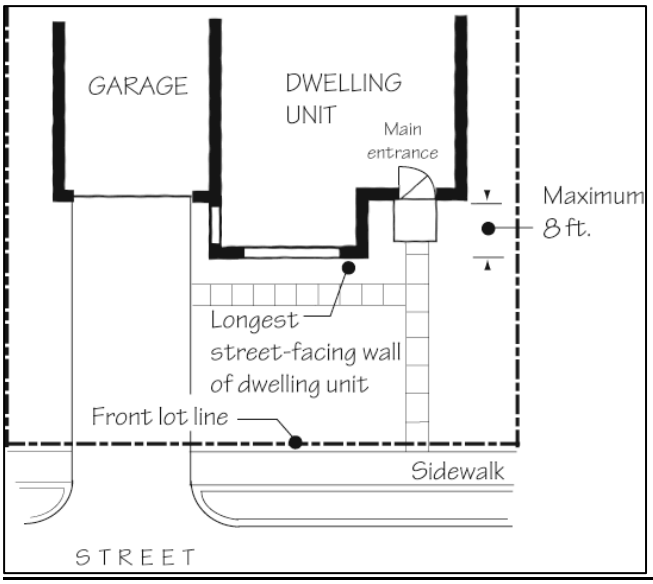
(1) Be at least 25 sq ft in area with a minimum 4 ft depth

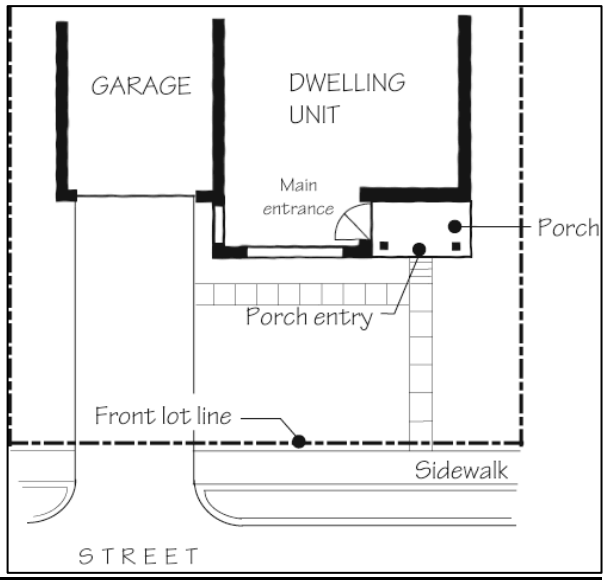
(2) Have at least one porch entry facing the street

(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 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.

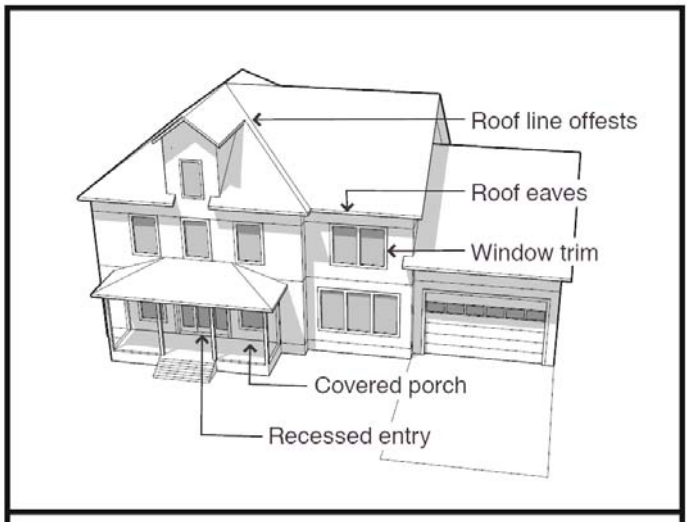
m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.

n. One roof pitch of at least 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 in depth and 5 ft in length.

p. Width of an attached garage, as measure between the inside of the garage door frame, is 35% or less of the length of the street facing façade.

Figure 19.505.1.C.4
Detailed Design Elements



Design standards for detailed design

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.

[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 façade of the garage or columns of the carport is 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:

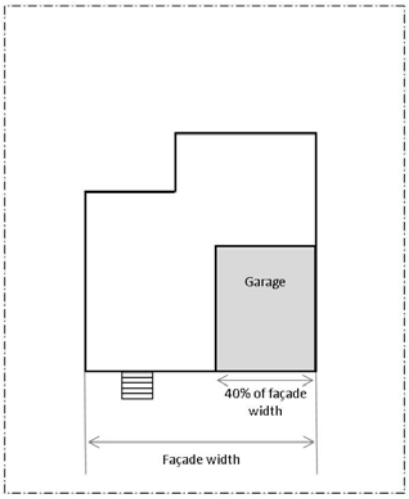
   a. A garage or carport may extend up to 5 ft in front if there is a covered front porch and the garage or carport does not extend beyond the front of the porch.

   b. A garage may extend up to 5 ft in front if the garage is part of a two-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 façade if a total of 7 Detailed Design elements in Subsection 19.505.1.C.4 are included on the street-facing façade.

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 are to facilitate the development of attractive multifamily housing that encourages multi-modal 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 three 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		
Design Element	**Design Guideline (Discretionary Process)**	**Design Standard (Objective Process)**
1. Private Open Space	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. 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.	Private open space (patios or balconies) shall be provided as follows: a. For each dwelling unit located on the ground floor, or within 5 feet of finished grade, a minimum of 96 square feet of private open space, with a minimum dimension of 5 ft. b. For each dwelling unit located more than 5 feet above finished grade, a minimum of 48 square feet of private open space. c. For each dwelling unit with private open space, the private open space shall be directly accessible from the interior of the dwelling unit. d. Private open space shall be separated from common open space and adjacent dwelling units through the use of landscaping, fencing or a wall.
2. Public Open Space	The development should provide sufficient open space for the purpose of outdoor recreation, scenic amenity, or shared outdoor space for people to gather.	Common open space shall be provided as follows: a. For buildings with more than 5 dwelling units, a minimum of 10% of the gross site area, or 750 square feet, whichever is greater, shall be designated as common open space. b. The minimum dimension for any common open space shall be 20 feet. c. Projects under 40,000 sq ft shall provide at least one of the following ~~The~~ common open space features. Projects over 40,000 sq ft shall provide at least 2 features: recreation area, Willamette Greenway buffer areas per Subsection 19.401.8 or Natural Resource areas per Section 19.402, play fields, children's play area, sport courts, gardens, permanent picnic tables, swimming pools, walking trails, pedestrian amenities, large trees, or similar items. 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. e. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, may be placed in the outdoor area.

Table 19.505.3.D CONTINUED Multifamily Design Guidelines and Standards		
Design Element	**Design Guideline (Discretionary Process)**	**Design Standard (Objective Process)**
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.	The on-site pedestrian circulation system shall include the following: 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. b. At least one pedestrian connection to an abutting street frontage for each 200 linear feet of street frontage. c. Pedestrian walkways shall be separated from vehicle parking and maneuvering areas through physical barriers such as planter strips, raised curbs, or bollards. d. Walkways shall be constructed with a hard surface material, shall be permeable for stormwater, and shall be no less than 5 ft in width. 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. 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.

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: 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. 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. c. All garages that are part of the same structure that contains dwelling units shall be located at least 4 feet behind the front building façade. d. For developments with greater than 40,000 sq ft, 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. (1) The parking area shall be inside a building or sheltered to provide complete, year-round protection from precipitation. (2) Entrance to the parking area shall be secured by lock so that only residents have access to the area. (3) The area shall have permanently mounted bicycle racks or hangers that allow the bicycle frame to be locked to the rack or hanger. (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. (5) The parking area shall have an average illumination of at least 1.0 ft candles. (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.
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.	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. b. Building entrances shall be emphasized through the use of features or elements such as recesses, projections, corner entry, or landscape treatments. 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 feet from the required setback line. 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 feet from the required setback line.

Table 19.505.3.D CONTINUED Multifamily Design Guidelines and Standards		
Design Element	**Design Guideline (Discretionary Process)**	**Design Standard (Objective Process)**
6. Building Façade Design	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. Windows and doors should be designed to create depth and shadows and to emphasize wall thickness and give expression to residential buildings. Windows should be used to provide articulation to the façade and visibility into the street. Building facades shall be compatible with adjacent building façades. Garage doors shall be integrated into the design of the larger façade in terms of color, scale, materials, and building style.	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: (1) Incorporating elements such as porches or decks into the wall plane. (2) Recessing the building a minimum of 2 feet in depth by 6 feet in length. (3) Extending an architectural bay at least 2 feet from the primary street-facing façade. b. Windows shall occupy a minimum of 25% of the total street-facing façade. 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. d. To avoid long, monotonous, uninterrupted walls, buildings shall incorporate exterior wall off-sets, projections and/or recesses. At least 1 foot of horizontal variation shall be used at intervals of 40 feet or less along the building's primary façade on the ground floor level. e. Blank, windowless walls in excess of seven hundred fifty (750') square feet are prohibited when facing a public street unless required by the Building Code. In instances where a blank wall exceeds seven hundred fifty (750') square feet, it shall be articulated or intensive landscaping shall be provided. f. Garage doors shall be painted to match the color or color palette used on the rest of the buildings.

Table 19.505.3.D CONTINUED Multifamily Design Guidelines and Standards		
Design Element	**Design Guideline (Discretionary Process)**	**Design Standard (Objective Process)**
7. Building Materials	Buildings should be constructed with architectural materials that provide a sense of permanence and high quality. Street-facing façades shall consist predominantly of a simple palette of long-lasting materials such as brick, stone, stucco, wood siding, and wood shingles. A hierarchy of building materials shall be incorporated that are durable and reflect a sense of permanence and quality of development. Split-faced block and gypsum reinforced fiber concrete (for trim elements) shall only be used in limited quantities. Fencing shall be durable, maintainable, and attractive.	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: (1) Vinyl PVC siding (2) T-111 Plywood (3) Exterior insulation finishing (EIFS) (4) Corrugated metal (5) Plain concrete or concrete block (6) Spandrel glass (7) Sheet pressboard b. The following fence materials are prohibited: (1) Plastic or vinyl (2) Chain link
8. Landscaping	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. 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. Existing mature, healthy trees should be preserved when possible.	a. For every 2,000 square feet of site area, one tree shall be planted or one existing tree shall be preserved. (1) New trees must be listed as a native trees in the Milwaukie Native Plant List. (2) Preserved tree(s) must be at least 6 inches in diameter at breast height (DBH) and cannot be listed a nuisance species per the Milwaukie Native Plant List. 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. 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 feet in height along the abutting property line. Landscaping used for screening must attain the 6 ft height within 24 months of planting. d. For projects greater than 40,000 sq ft: (1) Any irrigation system shall minimize water use by incorporating a rain sensor, rotor irrigation heads, or a drip irrigation system. (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.

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 screening of rooftop equipment 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 it provides convenient access for residents and for waste and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that the area is not a prominent feature viewed from the street.	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 either by roof or weatherproof lids. d. 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. 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 all recycling collection areas. h. Review and comment for all recycling collection areas 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	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.	In order to promote more sustainable development, multifamily developments shall incorporate the following elements: a. Building orientation that does not preclude utilization of solar panels, or an eco-roof on at least 20% of the total roof surfaces. b. Windows that are operable by building occupants c. Window orientation, natural shading, and/or sunshades to limit summer sun and to allow for winter sun penetration. d. Projects with greater than 40,000 square feet of floor area shall meet at least 2 of the following: (1) A vegetated ecoroof for a minimum of 30% of the total roof surface (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 Solar Reflectance Index (SRI) of 29 or higher of the roof has a roof pitch greater than 3:12; (3) A system that collects rainwater for reuse on-site (e.g., site irrigation) for a minimum of 50% of the total roof surface; (4) An integrated solar panel system for a minimum of 30% of the total roof or building surface. (5) Orient 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. (6) Locate the windows 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.
12. Privacy Considerations	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.	In order to protect the privacy of adjacent properties, multifamily developments shall incorporate the following elements: a. The placement of balconies above the first story shall not create a direct line of sight into the living space or the back yard of adjacent residential properties. 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.

Table 19.505.3.D CONTINUED Multifamily Design Guidelines and Standards		
Design Element	**Design Guideline (Discretionary Process)**	**Design Standard (Objective Process)**
13. Safety	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: Natural Surveillance – Areas where people and their activities can be readily observed. Natural Access Control- Guide how people come to and from a space through careful placement of entrances, landscaping, fences, and lighting. Territorial Reinforcement – Increased definition of space improves proprietary concern and reinforces social control.	a. Visible Dwelling Front. At least 70% of the street or common open space frontage shall be visible from the following areas on one 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 window sill. b. All outdoor common open space 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. c. Uses on the site shall be illuminated as follows: (1) Parking and loading areas – 0.5 foot-candle minimum (2) Walkways – 0.5 foot-candle minimum and average of 1.5 foot-candles. (3) Building entrances – 1.0 foot-candle minimum with an average of 3.5 foot-candles, except that secondary entrances may have an average of 2.0 foot-candles. d. Maximum illumination at the property line shall not exceed one-half (0.5) foot candle. However, where a site abuts a non-residential district, maximum illumination at the property line shall not exceed one (1) foot candle. e. Developments shall use full cut-off lighting fixtures to avoid off site lighting, night sky pollution and shining lights into residential units.

19.505.4 Design Standards for Cottage Cluster Housing

A. Purpose

These standards area 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 limit for all structures shall not exceed 18 feet. Cottages or amenity buildings having pitched roofs with a minimum slope of 6 / 12 may extend up to 25 feet 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 in depth.

(2) Trim around windows and doors shall be at least 3 in in width and 5/8 in in depth.

(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 in width 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 semi-public 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 one side.

c. Private Open Space

Each cottage shall have a private open 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 one 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 away 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 one 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 feet of the street. If the angle is less than 45 degrees, the parking area must be at least 20 feet 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 two areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.

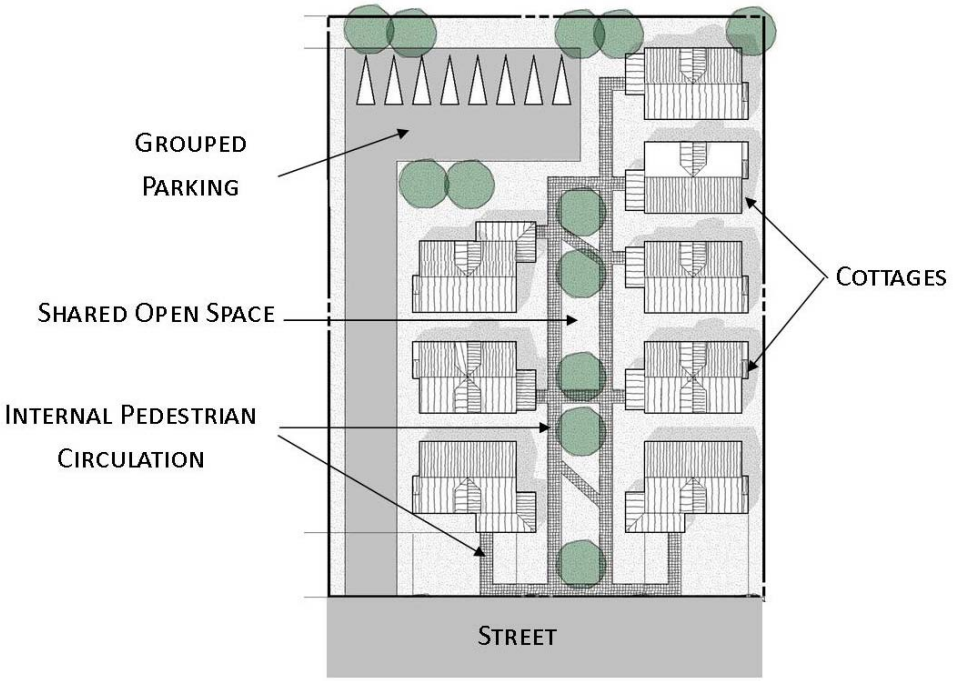
(4) Parking spaces may be located within a garage. Garages in a cottage cluster may not contain more than 4 parking spaces, must be at least 10 ft away from any cottage dwelling, and must match the materials, trim, and roof pitch of the cottages. The interior height of a garage shall not exceed 8 ft in height.

(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 feet in height. Fences along the perimeter of the development may be up to 6 feet in height, 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 one 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 that are not each on their own lot are subject to either the standards for 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 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 at with a depth of at least 6 ft. The porch may encroach into the required front yard, but 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 feet.
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.

Table 19.505.5.E.4
Minimum Site Size for Rowhouse Development in the R-2, R-1, and R-1-B Zones

Number of Rowhouses	R-2 Zone	R-1 and R-1-B Zone
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

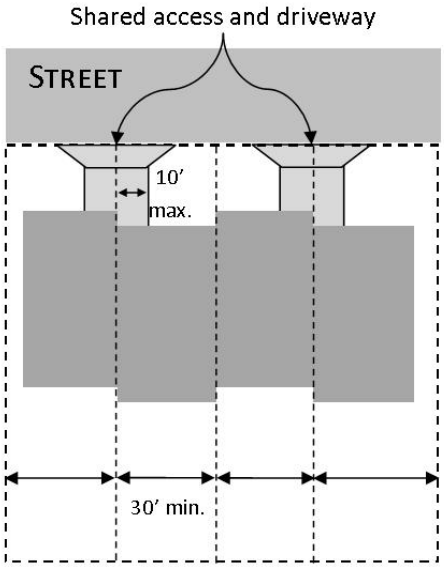
F. Driveway Access and Parking

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 in width 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

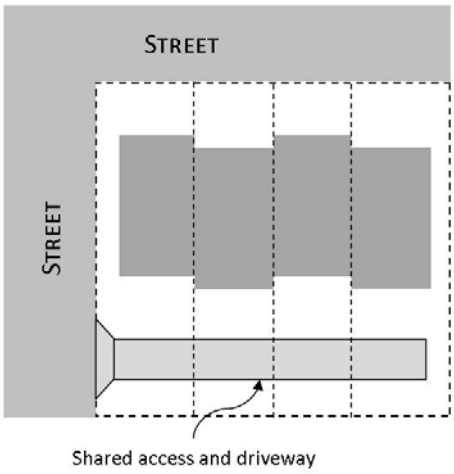


2. The following rules apply to driveways and parking areas for rowhouse developments that do not meet all of the standards in Subsection 19.505.5.F.1.

   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.

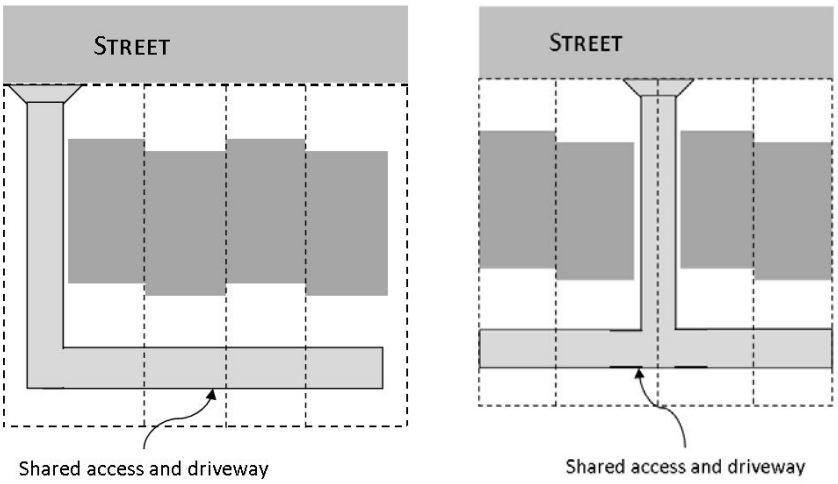
   b. Rowhouse development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The Engineering Director may alter this requirement based on street classifications, access spacing, or other provisions of Chapter 12.16 Access Management. See Figure 19.505.5.F.2.b.

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.~~2~~6 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.~~

C~~E~~. 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.~~

D~~F~~. The unit shall comply with the definition for manufactured home as identified in this section.

E~~G~~. 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

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.

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.

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 19.504.9~~10~~ 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~~10~~.

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~~10~~.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 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.

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.

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.

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 in length 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.

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 one 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.

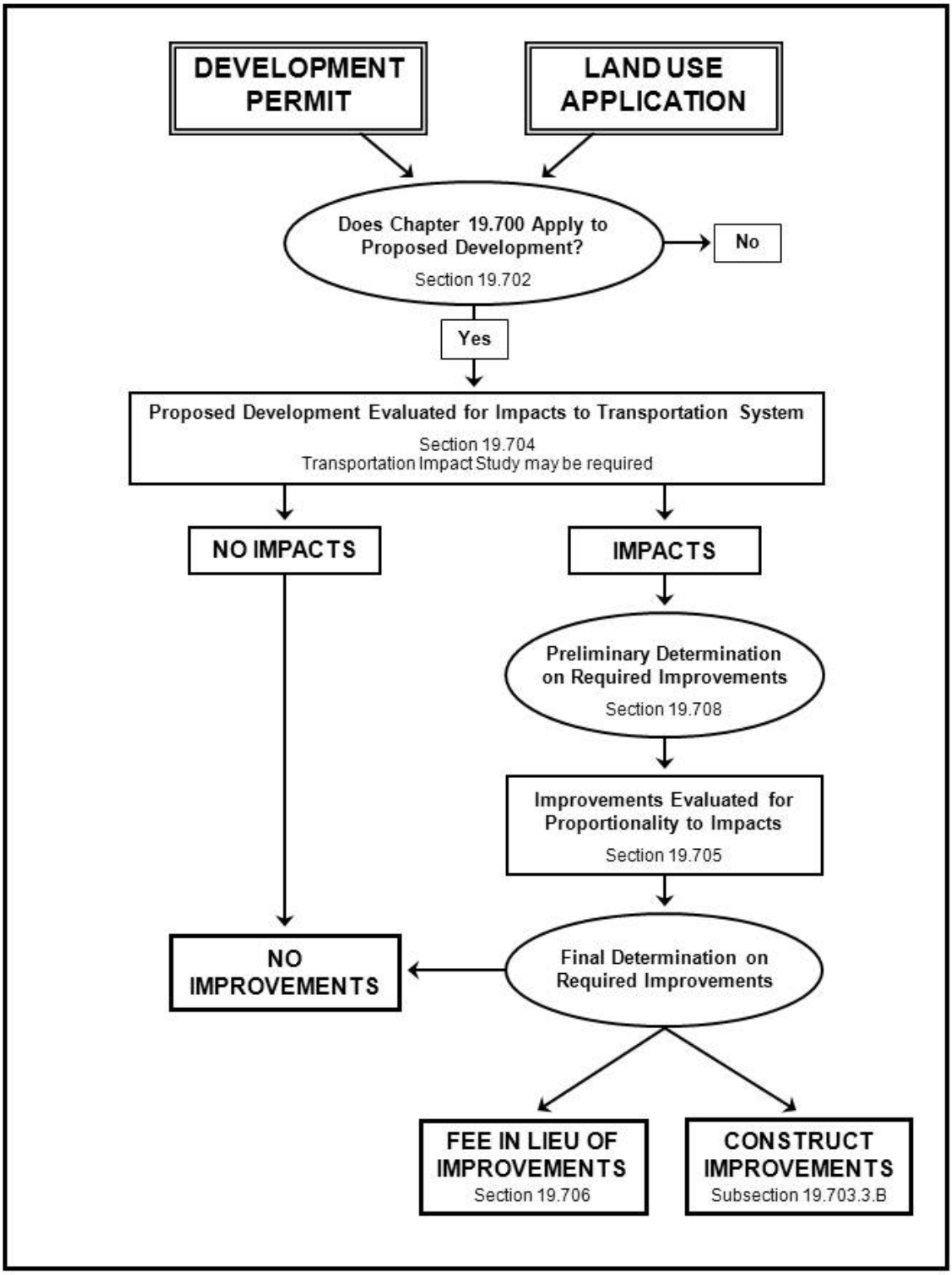
3. Multifamily residential development with 4 or more units.

CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS

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~~310~~.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.

Table 19.901
Land Use Applications

Application Type	Municipal Code Location	Review Types
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[1]
Zoning Text Amendment	Subsection 19.902.5	V
Zoning Map Amendment	Subsection 19.902.6	III, V[2]
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

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~~s~~ 19.500	
Barbed Wire Fencing	Subsection 19.502.2.B.1.b-c	II
Bee Colony	Subsection 19.503.1.D	III
~~Multifamily Recycling Area~~	~~Subsection 19.504.8~~	~~I~~
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~~317~~	IV
Residential Dwellings:	Section 19.910	
Accessory Dwelling Unit ~~(Type 1)~~	Subsection 19.910.1	I,II
Duplex ~~Accessory Dwelling Unit (Type 2)~~	Subsection 19.910.2	II ~~III~~
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

[1] Level of review determined by City Attorney per Section 19.902.4.A.

[2] 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:

A~~1~~. 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~~2~~. Specific standards for the proposed uses as found in Subsections 19.904.7-11are met;

C~~3~~. The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses;

D~~4~~. The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood; and

E~~5~~. 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. 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.~~

F~~G~~. 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.

G~~H~~. 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.

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~~310~~.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~~310~~.

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~~310~~.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~~310~~.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:

C. Major Exterior Alterations

~~A m~~Major exterior alterations, as defined in Subsection 19.304~~310~~.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:

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~~310~~.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~~310~~.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.

19.907.9 Variances to Development Standards

The Planning Commission may authorize variances to the development standards under Subsection 19.304~~310~~.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~~310~~.6.C, in accordance with the following procedures.

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~~310~~.6.C subject to the following criteria:

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~~

~~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 Criteria

1. An application for an accessory dwelling unit reviewed through a Type I Review shall be approved if the following are met.

   a. An accessory dwelling unit is an allowed use in the base zones and any applicable overlay zones 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 are met.

   a. The criteria 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 square feet or 75% of the floor area of the primary structure, whichever is less. The measurements are based on what the floor area of the primary dwelling unit and the accessory dwelling unit would be 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 square feet 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.

Table 19.910.1.E.4.b
Footprint, Height and Required Yards for Detached Accessory Dwelling Units

Level of Review	Type I	Type II
Maximum Structure Footprint	600 sq ft	800 sq ft
Maximum Structure Height	15', limited to 1 story	25', limited to 2 stories
Required Side and Rear Yard	Base zone requirement for side and rear yard	5'
Required Front Yard	10' behind front yard as defined in Section 19.201	
Required Street Side Yard	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 one 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, 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.

(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.

(a) The wall does not meet the base zone yard requirements for a primary structure.

(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 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 feet beyond the corner of the wall. The screening shall be opaque, be at least 6 ft in height, 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 shall reach 6 ft. in height 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 the conversion of a legally established existing accessory structure is allowed. The conversion must meet all

standards that apply to creation of a new detached accessory dwelling, except as modified below.

(1) The accessory structure may be located in the front yard or within 10 ft of the front yard if the structure is at least 60 ft away from the front lot line.

(2) The accessory structure does not need to comply with 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 of 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 one of the dwellings on the lot 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 one 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 increases 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 the Residential zones R-5, R-3, R-2.5 R-2, R-1, R-1-B, 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. Duplexes are allowed outright, subject to the lot size requirements for the zone, in the Residential zones R-10 and R-7 in either of the following situations. For these properties, 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. Duplexes in the Residential zones R-10 and R-7 that are not eligible as an outright allowed use under Subsection 19.910.2.C.1.b are allowed through a Type II Review per Section 19.1005.

   d. Duplexes in the Limited Commercial Zone C-L are allowed through a Type II Review per Section 19.1005.

2. For additions or modifications to existing duplexes, 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 the Residential zones R-10 and 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 that exists 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.

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 19.1005-8.

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, and 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.

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.

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.

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.

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.

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.

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.

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.

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~~G~~. 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 ~~15-day~~ appeal period for the Land Use Board of Appeals.

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~~.

19.1008.5 Type V Recommendation and Decision

~~A.~~ The following procedures apply to applications evaluated through a Type V review.

A ~~1~~. 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. 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) at least 20 days prior to the appeal hearing.

19.1010.6 Specific Provisions for Appeal of a Type III Decision

B. 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, at least 20 days prior to the appeal hearing.

19.1011 DESIGN REVIEW MEETINGS

19.1011.2 Design Review Meeting Notice Requirements

B. The mailed public notice shall meet the requirements of Subsection~~s~~ 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 other information regarding the 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.

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~~.

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.

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 Town Centers)	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
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	
Totals	**34.33**	**31.03**				**200**	**854**	**1,773**

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.

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. Development of new multifamily projects will reduce potentially negative impacts on existing adjacent single-family development and adjacent lower density zones by measures such as 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 duplex . 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 duplex , rowhouses, cottage cluster, 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. An additional housing unit will be allowed for the provision of affordably priced housing in residential developments. 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[1]
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.[2]	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.[2]	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.[3]	
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.[3]	External illumination only

[1] 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.

[2] Either 1 freestanding or 1 wall sign per street frontage is permitted.

[3] 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[1]**
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.[2]	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.[3]	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.[4]	External only

Daily display sign[5]	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

[1] 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.

[2] 1 freestanding sign is permitted in addition to 1 wall sign.

[3] 1 wall sign is permitted in addition to 1 freestanding sign or 2 wall signs permitted.

[4] For awnings related to residential use, either 1 sign on an awning or 1 sign hanging beneath an awning is allowed.

[5] 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

Applications for subdivision preliminary plats or replats to create a cottage cluster housing development shall include narrative and plans necessary to show 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.

17.28.060 FLAG LOT DESIGN STANDARDS

A. Consistency with the Zoning Ordinance

Flag lot design shall be consistent with Subsection 19.504.8.

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 and 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. 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 are included in the calculation of footprint. 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, one distinct ownership. When one owner controls an area defined by multiple adjacent legal lots or lots of record, the owner may define a lot boundary coterminous with one 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.

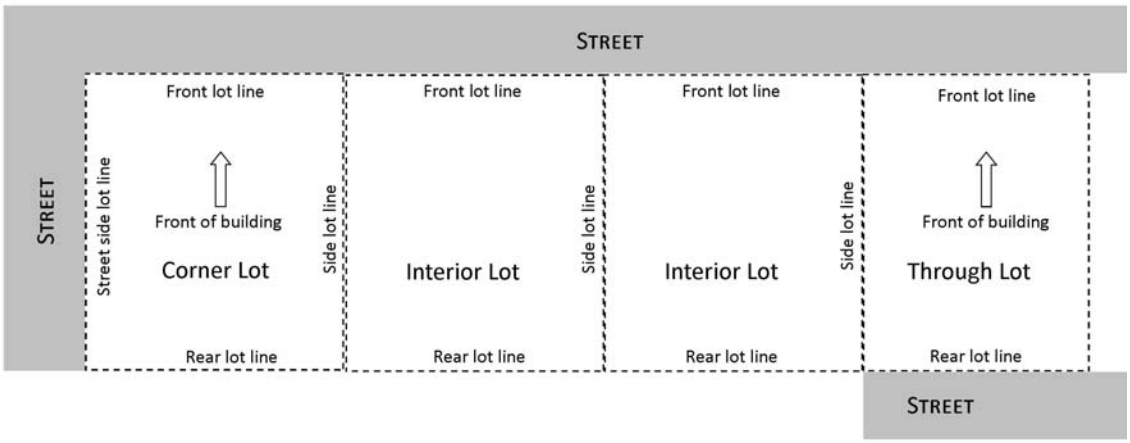
"Interior lot" means a lot other than a corner lot.

"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, that was not created through a partition or subdivision approved by the City, and that 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

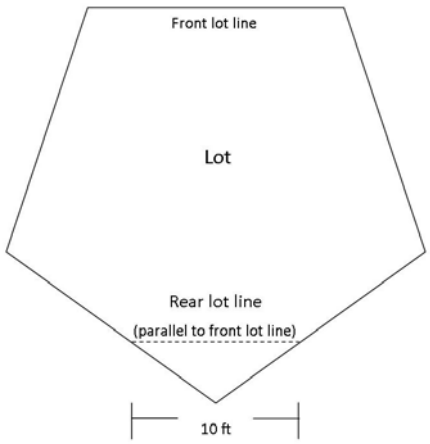


"Lot coverage" means the amount of area covered by building(s) on a lot expressed as a percentage of the total lot area. Lot coverage includes open structures, such as pole barns; building features such as patio covers, roofed porches, and decks; or similar features with a surface height of more than 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.

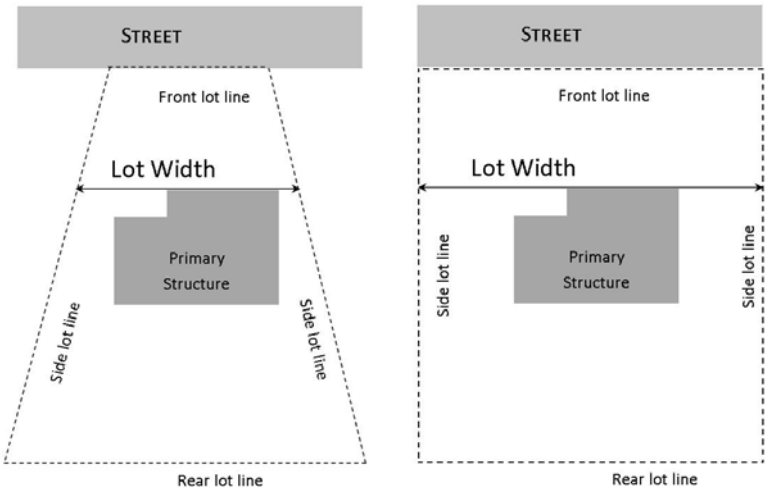
> "Front lot line" means, in the case of an interior lot, the lot line separating the lot from the street other than an alley; in the case of a corner lot, a line separating the lot from the street on which the existing or contemplated development will face; and, in the case of a through lot, a line 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 in length 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 one or more people, independent of the primary dwelling unit.

"Duplex" means a structure on one 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 one or more people. Buildings with more than one 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 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 one dwelling unit on one 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 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 one lot. Condominium lots do not count as separate lots for purposes of this definition. The dwelling units may be located in one or more structures on the lot. The dwelling units may be arranged with one dwelling unit per structure or with multiple dwelling units within a structure that are separated vertically and/or horizontally. Multifamily development includes 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 one or more common or abutting walls with at least one or more dwelling units on adjoining lots. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building. The shared or abutting walls may be any wall of the buildings, including the walls of attached garages. A rowhouse does not share common floor/ceilings with other dwelling units.

"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.

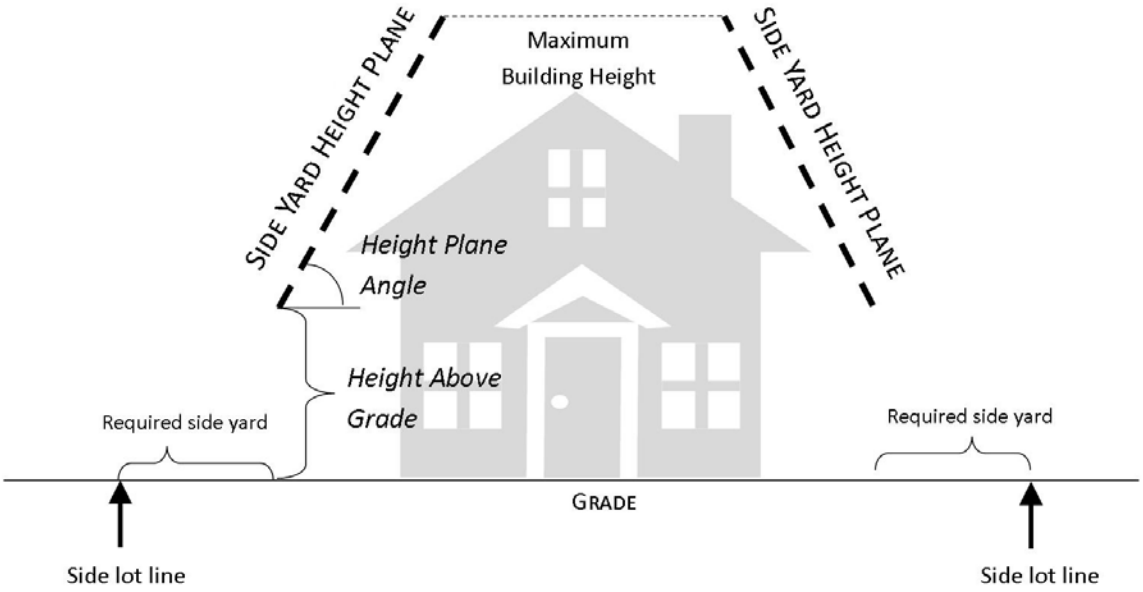
"Residential trailer" means a manufactured dwelling that was constructed prior to January 1, 1962.

"Single-family detached dwelling" means a structure or manufactured home containing one dwelling unit that has 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 height plane begins at a specified height above grade at the base zone minimum required yard depth and slopes upward 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.

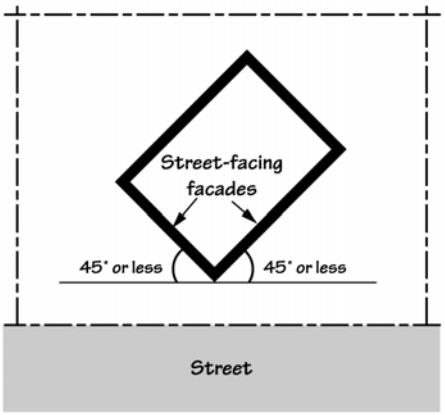
Figure 19.201-4
Side Yard Height Plane



"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 Facade



"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.

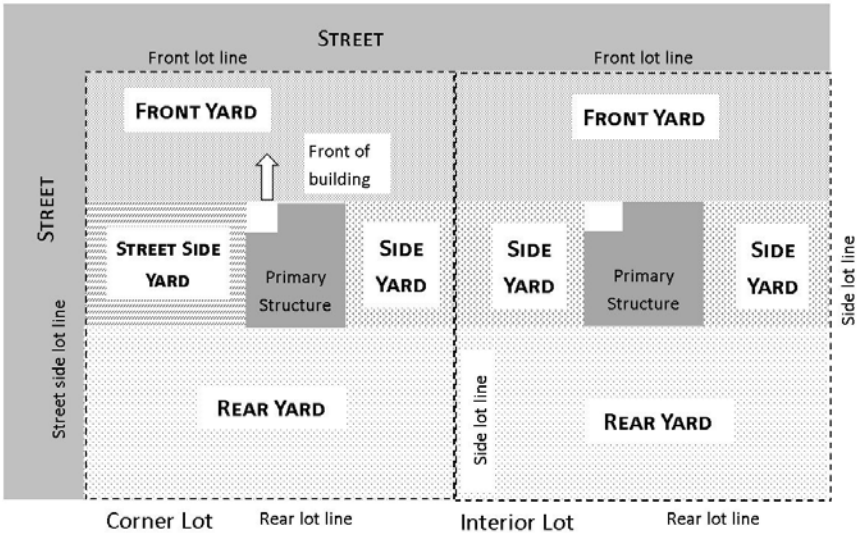
"Front yard" means a yard between side lot lines, measured horizontally and at right angles to the front lot line from the front lot line to the nearest point of the building.

"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 above the base point described in Subsection 19.202.2.B.1, below, and the top of a building described in Subsection 19.202.2.B.2, below.

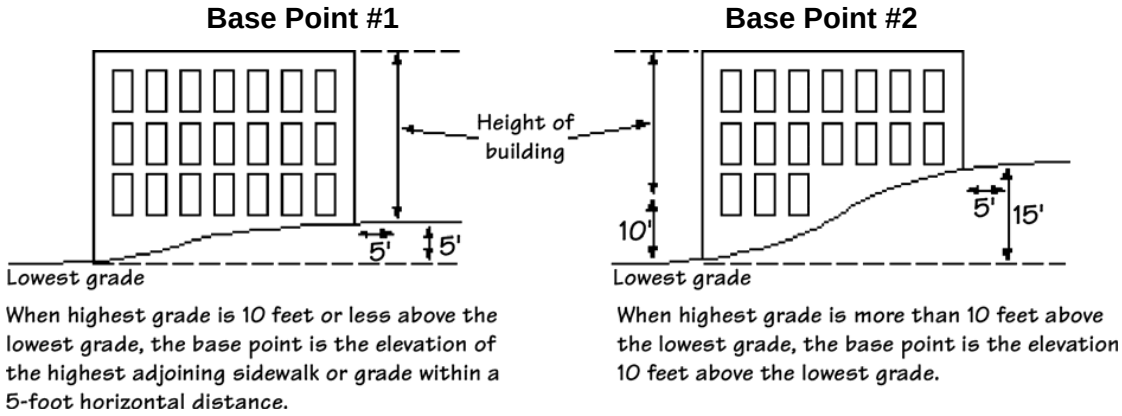
1. Base Point

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 foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade

b. Base point 2 is the elevation that is 10 feet higher than the lowest grade when the sidewalk or ground surface described for base point 1, above, is more than 10 feet above lowest grade.

Figure 19.202.2.B.1
Base Point Measurement



2. Top of Building

The top of building shall be determined by 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.

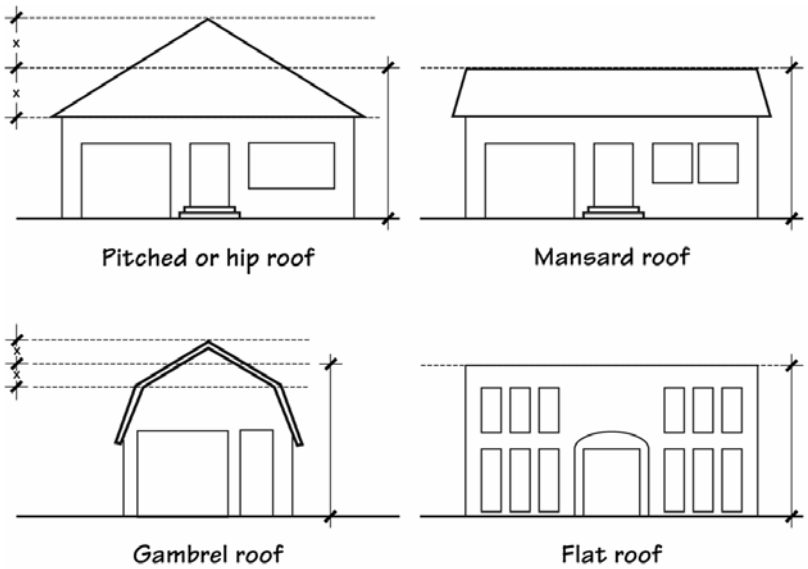
d. Pitched or hipped roofs with a pitch steeper than 12 / 12: Measure to the highest point.

e. Gambrel roofs where both pitches are steeper than 12 / 12: Measure to the highest point.

f. Other roof shapes such as domed, vaulted, or pyramidal shapes: 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

Calculations of 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 areas 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 square feet 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 residential density are rounded based on a fraction that is truncated to two 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 square feet, 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 square feet, 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

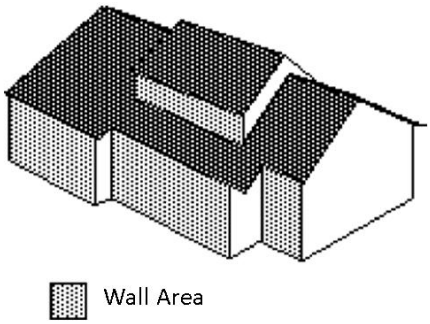
   The maximum number of dwelling units allowed is calculated by dividing the net area site by the maximum allowed dwelling unit density in the applicable base zone in Chapter 19.300.

19.202.5 Façade Area

The area of a building façade is the sum of all wall areas above grade that are visible on one 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 the Residential Zone R-10, Residential Zone R-7, and Residential Zone R-5. These zones implement the Low Density and Moderate Density residential land use designations in the Milwaukie Comprehensive Plan.

19.301.1 Purpose

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

19.301.2 Allowed Uses in Low Density Residential Zones

Uses allowed, either outright or conditionally, in the low density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. 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.

Table 19.301.2
Low Density Residential Uses Allowed

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

Accessory and Other Uses				
Accessory structures and uses	P	P	P	**Section 19.503** Accessory Uses **Subsection 19.502.2** Specific Provisions for Accessory Structures
Agricultural or horticultural use	P	P	P	**Subsection 19.301.3** Use Limitations and Restrictions
Community service uses	CSU	CSU	CSU	**Section 19.904** Community Service Uses
Home occupation	P	P	P	**Section 19.507** Home Occupation Standards

P = Permitted.

N = Not permitted.

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

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

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 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.

C. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one 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. Important 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 Section 19.201 Definitions and Section 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

Table 19.301.4
Low Density Residential Development Standards

Standard	R-10	R-7	R-5	Standards/ Additional Provisions
A. Lot Standards				
1. Minimum lot size (square feet) a. Single-family detached b. Duplex	 10,000 14,000	 7,000 14,000	 5,000 10,000	**Subsection 19.501.1** Lot Size Exceptions
2. Minimum lot width (feet)	70	60	50	
3. Minimum lot depth (feet)	100		80	

4. Minimum street frontage requirements (feet) a. Standard lot b. Flag lot c. Double flag lot			 35 25 35	
B. Development Standards				
1. Minimum yard requirements for primary structures (feet) a. Front yard b. Side yard c. Street side yard d. Rear yard	 20 10 20 20	 20 5/10 20 20	 20 5 15 20	**Subsection 19.301.5.A** Side Yards **Subsection 19.501.2** Yard Exceptions **Subsection 19.504.8** Flag Lot Design and Development Standards
2. Maximum building height for primary structures	2.5 stories or 35 feet, whichever is less			**Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions
3. Side yard height plane limit a. Height above ground at minimum required side yard depth (feet) b. Slope of plane (degrees)			 20 45	**Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions
4. Maximum lot coverage (% of total lot area)		30%	35%	**Section 19.201 "Lot coverage"** definition **Subsection 19.301.5.B** Lot Coverage
5. Minimum vegetation (% of total lot area)	35%	30%	25%	**Subsection 19.301.5.C** Front Yard Minimum Vegetation **Subsection 19.504.7** Minimum Vegetation
C. Other Standards				
1. Density requirements (dwelling units per acre) a. Minimum b. Maximum	 3.5 4.4	 5.0 6.2	 7.0 8.7	**Subsection 19.301.5.D** Residential Densities **Subsection 19.501.4** Density Exceptions

19.301.5 Additional Development Standards

A. Side Yards

In the R-7 zone, one side yard shall be at least 5 feet and one side yard shall be at least 10 feet, except on a corner lot the street side yard shall be 20 feet.

B. 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 that are described by more than one of the situations below.

1. Decreased Lot Coverage for Large Lots

The 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 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 feet in height 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 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

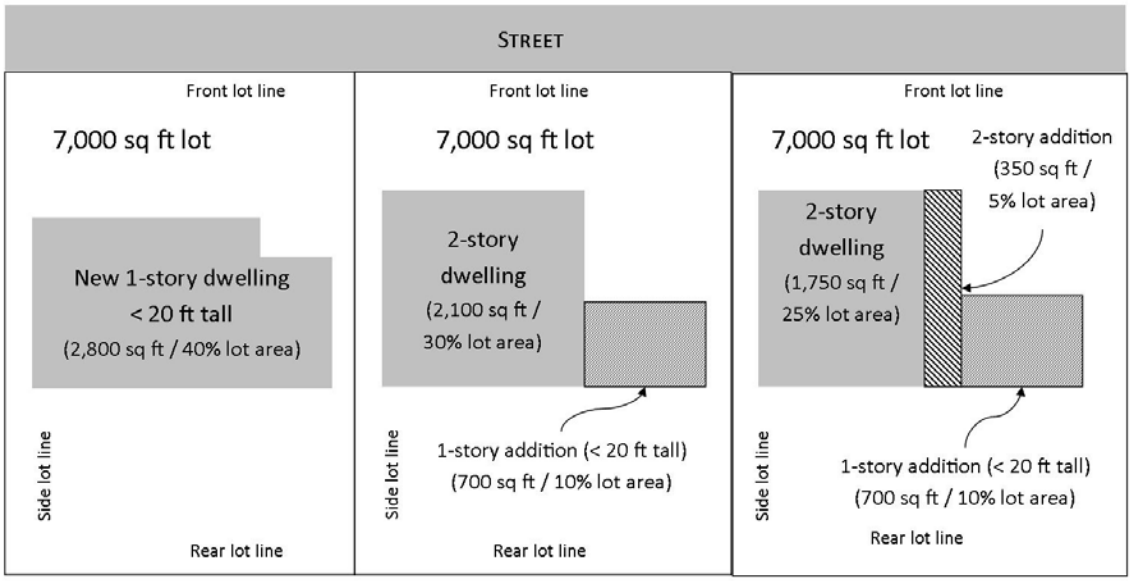


Figure 19.301.5.B.2 illustrates increased lot coverage for lots in Residential Zone R-7 based on 7,000 sq ft lot area.

3. Increased Lot Coverage for Duplexes

   The 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

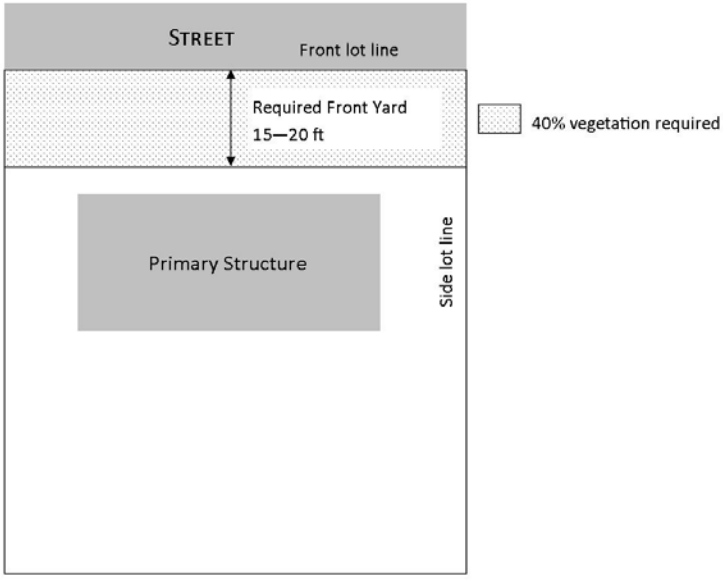
   The lot coverage percentage in Subsection 19.301.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed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

C. Front Yard Minimum Vegetation

   At least 40% of the required front yard shall be vegetated. The required front yard vegetation area counts toward the minimum required vegetation for the lot. A property may

provide less than the 40% minimum 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 division applications and replat applications that would 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 for 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 uses and 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 the Residential Zone R-3, Residential Zone R-2.5, Residential Zone R-2, Residential Zone R-1, and the Residential-Business Office Zone R-1-B. These zones implement the Medium Density and High Density residential land use designations in the Milwaukie Comprehensive Plan.

19.302.1 Purpose

The medium density residential zones are intended to create and maintain higher density residential neighborhoods 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 Density Residential Zones

Uses allowed, either outright or conditionally, in the medium density residential zones are listed in Table 19.302.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. 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.

Table 19.302.2
Medium Density Residential Uses Allowed

Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential						
Single-family detached dwelling	P	P	P	P	P	**Subsection 19.505.1** Design Standards for Single-Family Dwellings and Duplexes
Duplex	P	P	P	P	P	**Subsection 19.505.1** Design Standards for Single-Family Dwellings and Duplexes

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

P = Permitted.

N = Not permitted.
CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904.
CU = Permitted with conditional use approval subject to the provisions of Section 19.905.
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 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
   3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one 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 density residential zones, the development standards in Table 19.302.4 apply. Important notes and/or cross references to other applicable code sections are listed in the “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 Section 19.201 Definitions and Section 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

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

3. Side yard height plane limit a. Height above ground at minimum required side yard depth (feet) b. Slope of plane (degrees)	20 45	25 45		**Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions
4. Maximum lot coverage (% of total lot area)	40%	45%	50%	**Section 19.201 "Lot coverage"** definition
5. Minimum vegetation (% 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
C. Other Standards				
1. Density requirements (dwelling units per acre) a. Minimum b. Maximum	11.6 14.5	11.6 17.4	25.0 32.0	**Subsection 19.202.4** Density Calculations **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 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 the portions of the structure that are in excess of 20 ft in height 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 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

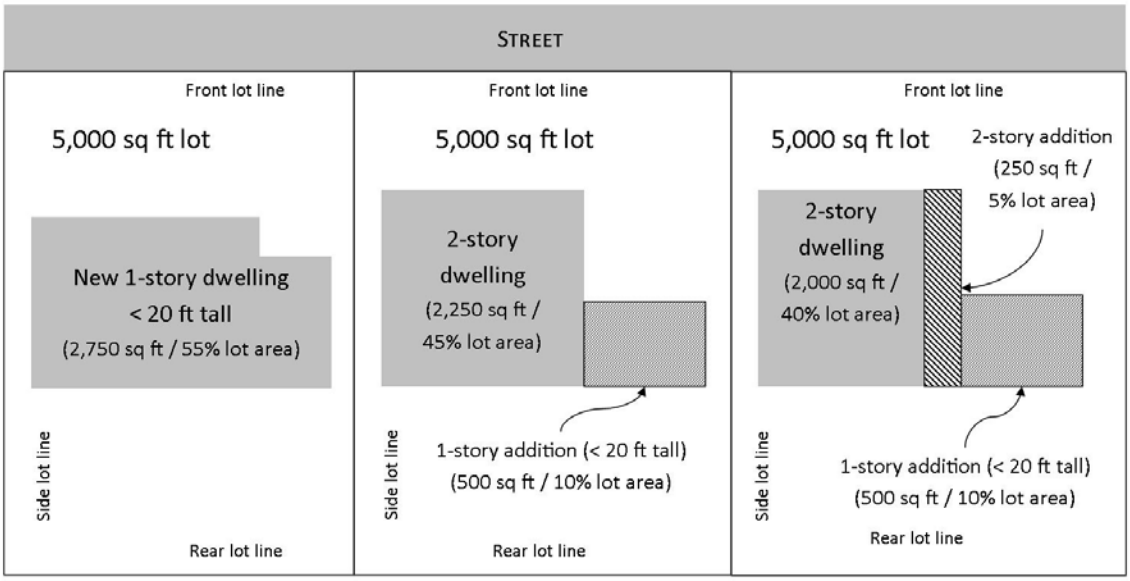


Figure 19.302.5.B.1 illustrates increased lot coverage for lots in Residential Zone R-2 based on 5,000 sq ft lot area.

2. Increased Lot Coverage for Duplexes and Rowhouses

   The 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 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.

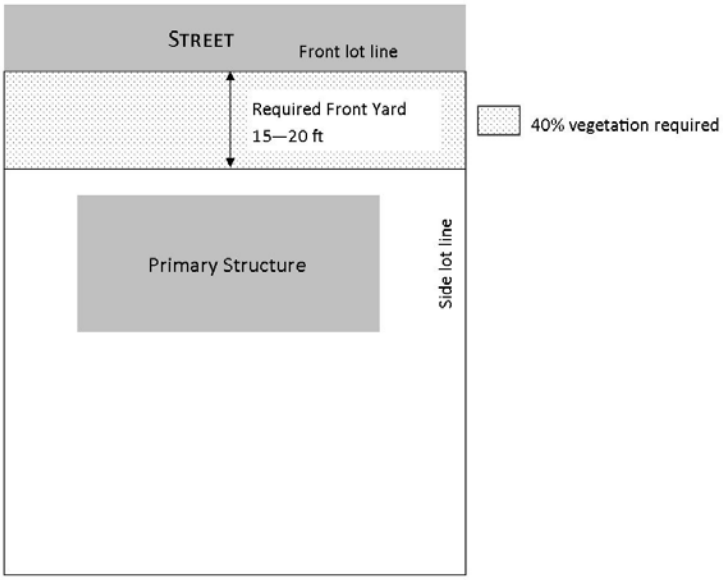
C. Minimum Vegetation

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 required front yard shall be vegetated. The required front yard vegetation area counts toward the minimum required vegetation for the lot. A property may provide less than the 40% minimum front yard vegetation requirement if it is necessary to provide additional maneuvering area as 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

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.

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 for 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 are 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.

Table 19.302.5.F.2
Minimum Site Size for Multifamily Development in the R-2, R-1, and R-1-B Zones

Units	R-2 Zone	R-1 and R-1-B Zone
1st 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 feet 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 feet 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;

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. 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.

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.

19.303.4 Prohibited Uses

The following uses and their accessory uses are prohibited: Adult entertainment business.

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)

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.

Table 19.304.3
Downtown Zones—Uses

Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
Residential					
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
Commercial/Office[1]					
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
Other					
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

[1] 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.

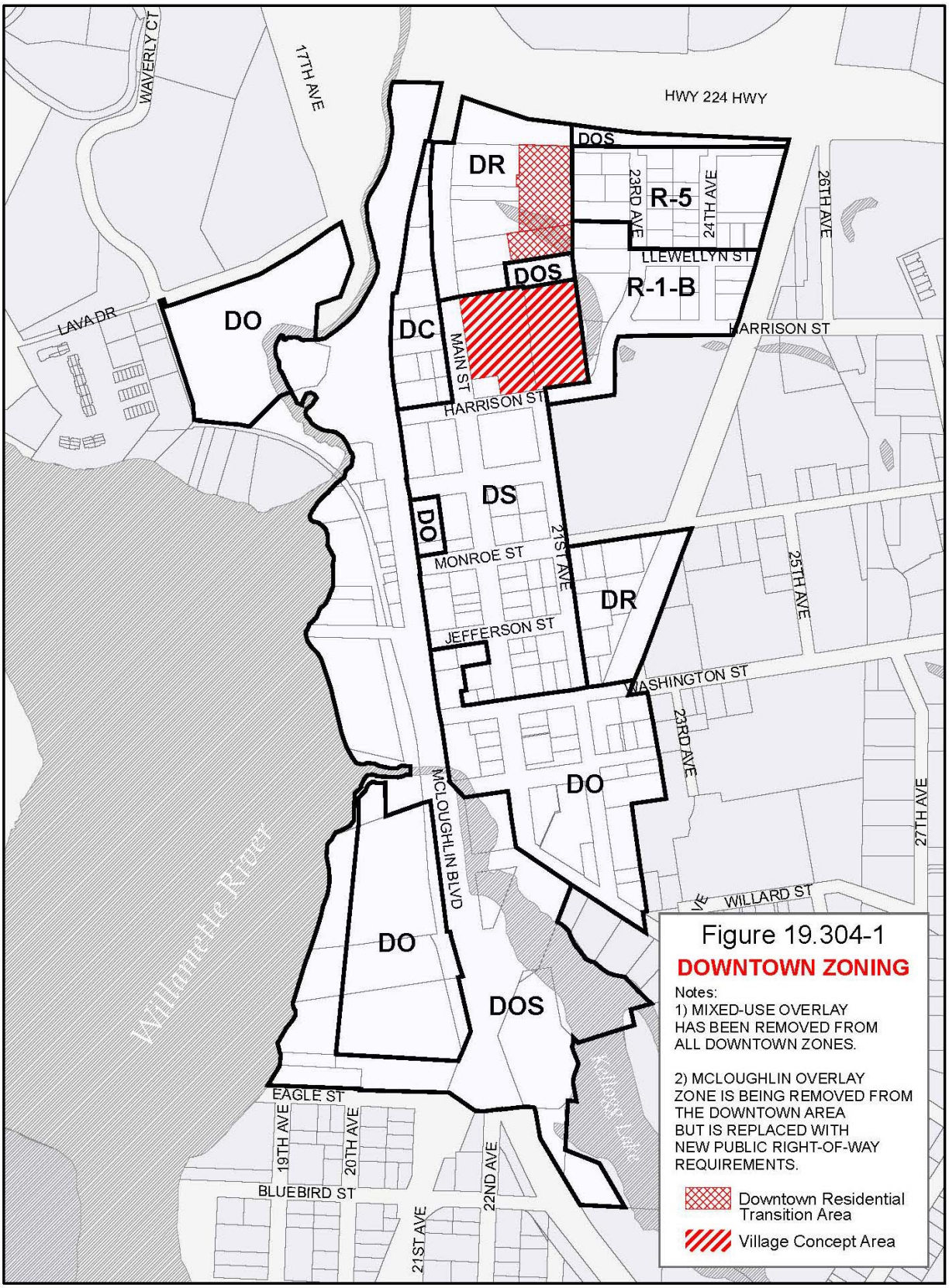
F. Similar Uses

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.


WAVERLY CT
17TH AVE
HWY 224 HWY
DOS
DR
23RD AVE
R-5
24TH AVE
26TH AVE
LLEWELLYN ST
DOS
R-1-B
LAVA DR
DO
DC
MAIN ST
HARRISON ST
HARRISON ST
DS
DO
MONROE ST
21ST AVE
DR
25TH AVE
JEFFERSON ST
WASHINGTON ST
23RD AVE
DO
MCLOUGHLIN BLVD
27TH AVE
WILLARD ST
Willamette River
DO
DOS
EAGLE ST
19TH AVE
20TH AVE
22ND AVE
BLUEBIRD ST
21ST AVE
Figure 19.304-1
DOWNTOWN ZONING
Notes:
1) MIXED-USE OVERLAY HAS BEEN REMOVED FROM ALL DOWNTOWN ZONES.
2) MCLOUGHLIN OVERLAY ZONE IS BEING REMOVED FROM THE DOWNTOWN AREA BUT IS REPLACED WITH NEW PUBLIC RIGHT-OF-WAY REQUIREMENTS.
Downtown Residential Transition Area
Village Concept Area

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.

Table 19.304.4
Downtown Zones—Development Standards

Standard	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
1. Minimum lot size	750 sq ft	10,000 sq ft	5,000 sq ft	750/5,000 sq ft [1]	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′[2]	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[3]	Yes	Yes
11. Landscaping	None	10%	None	15%	20%

[1] 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.

[2] Setbacks are required only where the DR zone abuts a lower-density residential zone.

[3] 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

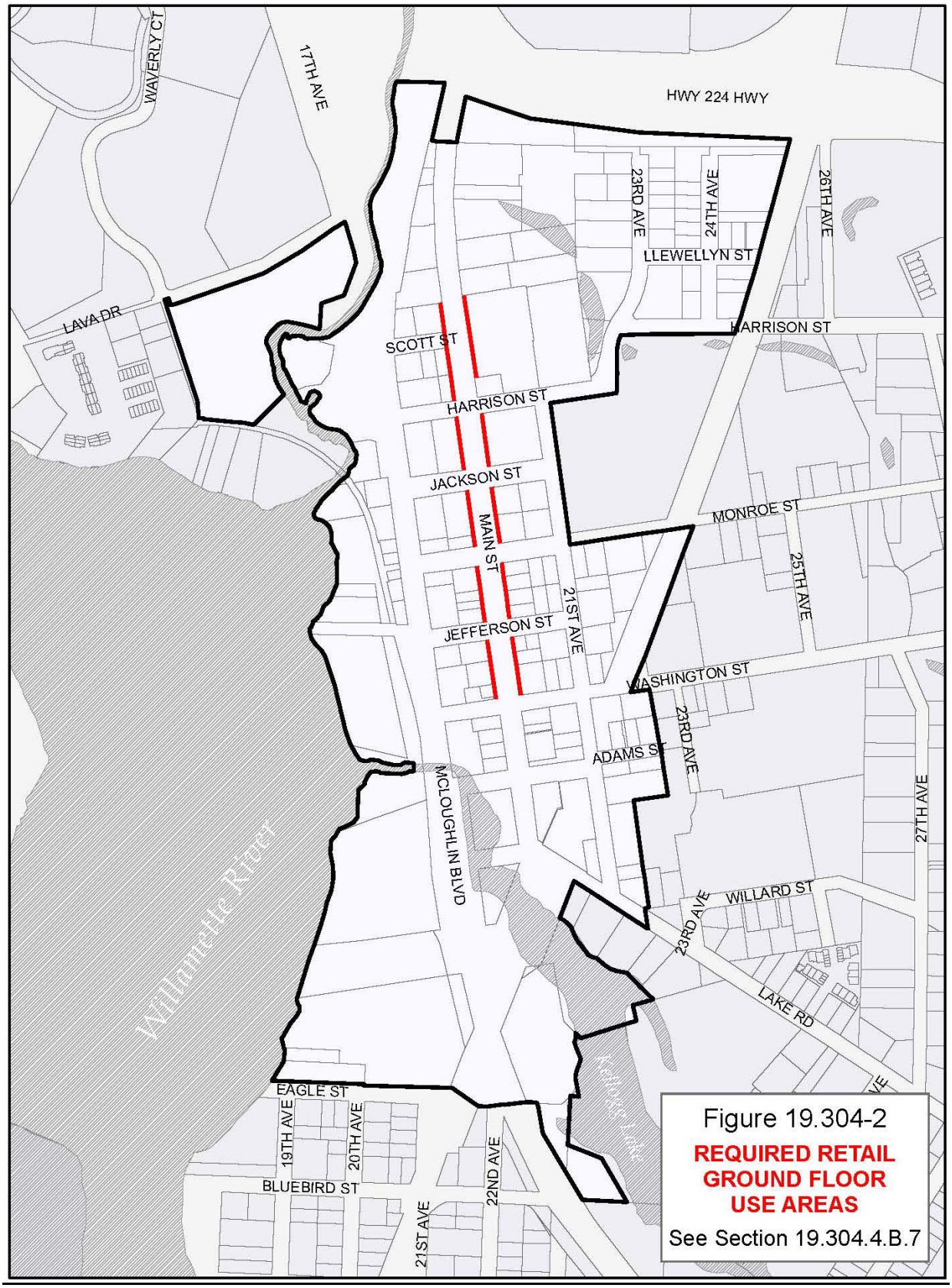
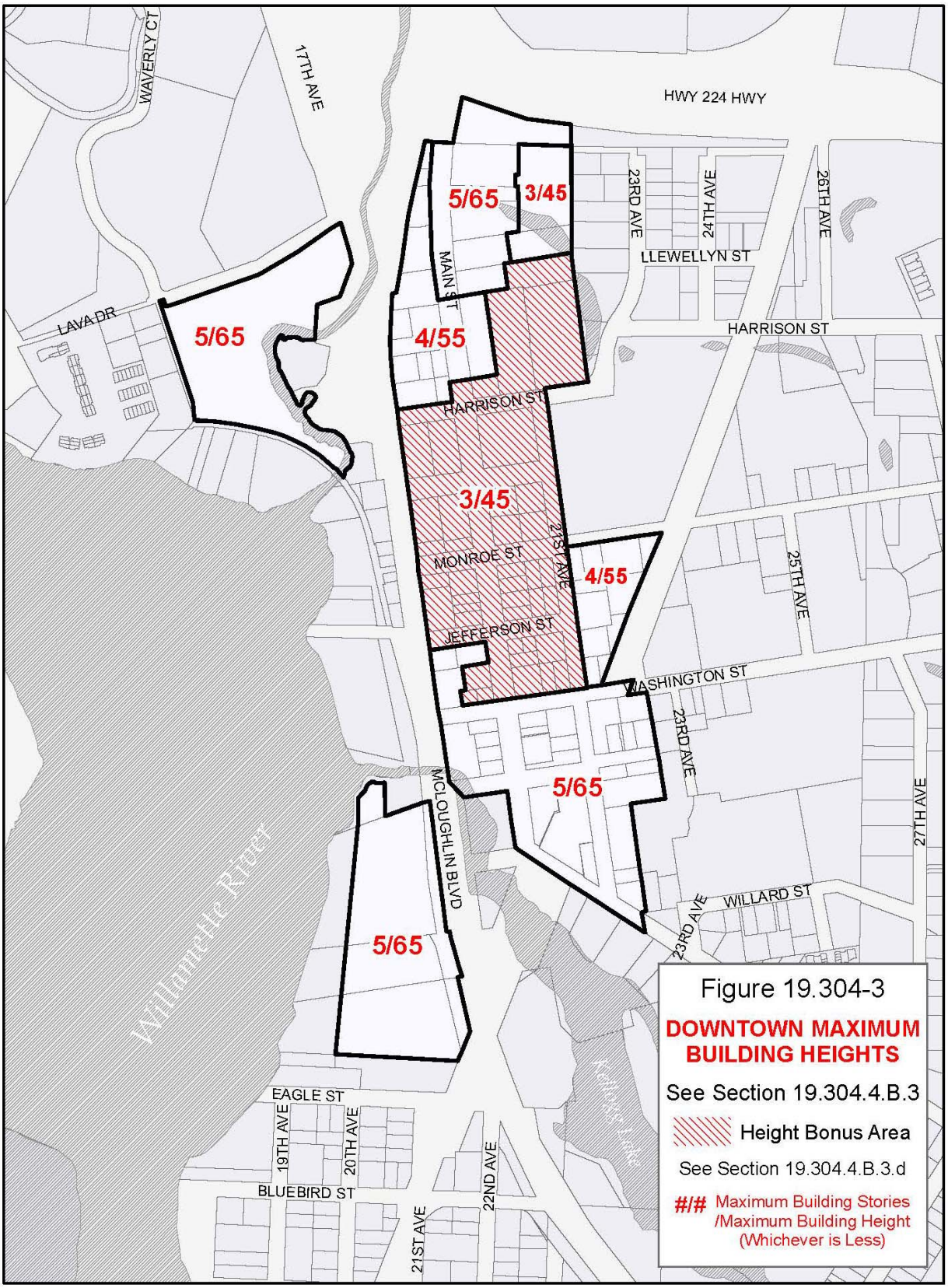
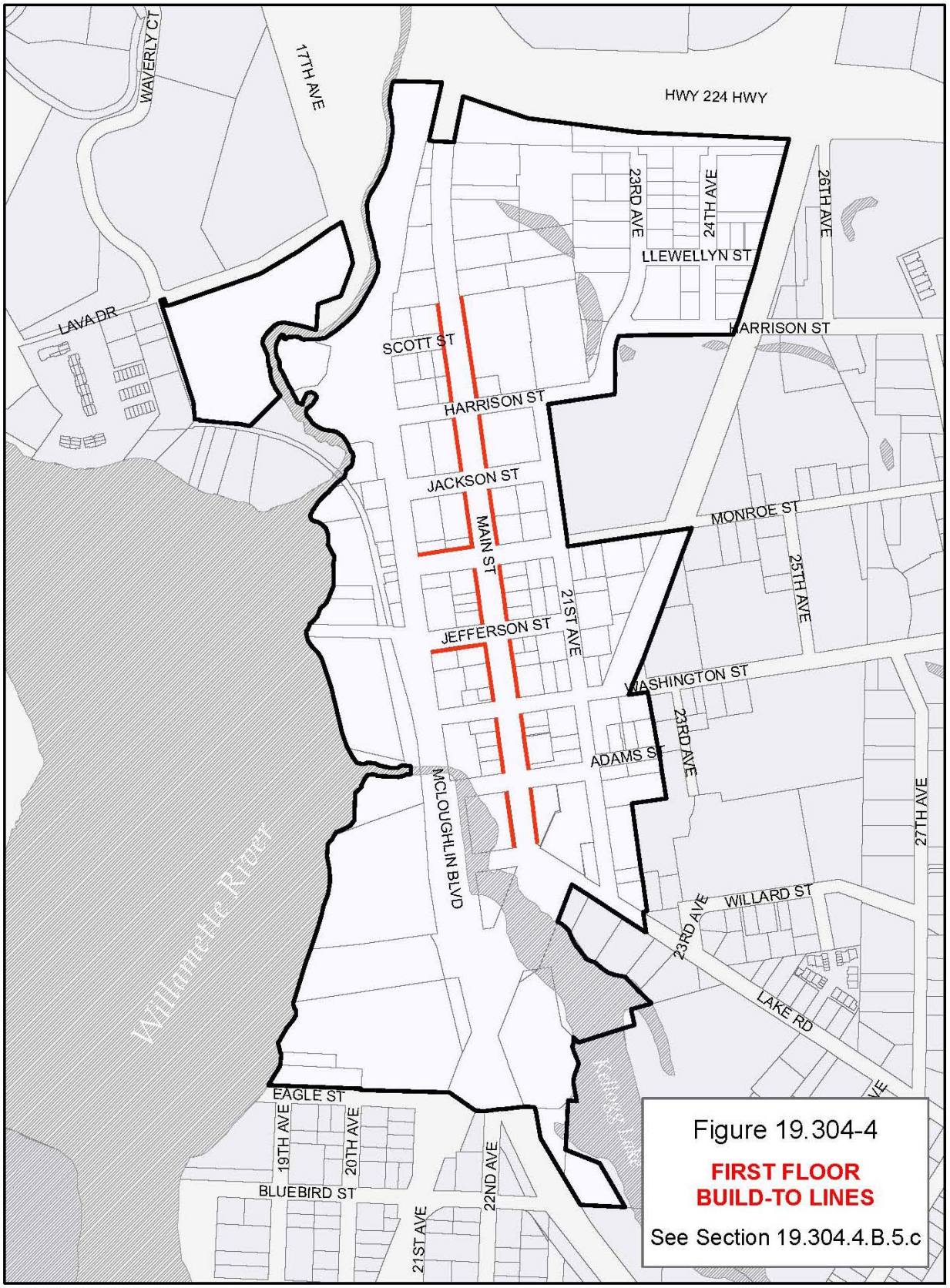


Figure 19.304-2

REQUIRED RETAIL GROUND FLOOR USE AREAS

See Section 19.304.4.B.7


WAVERLY CT
17TH AVE
HWY 224 HWY
5/65
3/45
23RD AVE
24TH AVE
26TH AVE
LLEWELLYN ST
MAIN ST
LAVA DR
5/65
4/55
HARRISON ST
HARRISON ST
3/45
21ST AVE
MONROE ST
4/55
25TH AVE
JEFFERSON ST
WASHINGTON ST
23RD AVE
5/65
MCLOUGHLIN BLVD
27TH AVE
WILLARD ST
23RD AVE
Willamette River
5/65
EAGLE ST
19TH AVE
20TH AVE
22ND AVE
BLUEBIRD ST
21ST AVE
Figure 19.304-3
DOWNTOWN MAXIMUM BUILDING HEIGHTS
See Section 19.304.4.B.3
Height Bonus Area
See Section 19.304.4.B.3.d
#/# Maximum Building Stories /Maximum Building Height (Whichever is Less)


WAVERLY CT
17TH AVE
HWY 224 HWY
23RD AVE
24TH AVE
26TH AVE
LLEWELLYN ST
LAVA DR
HARRISON ST
SCOTT ST
HARRISON ST
JACKSON ST
MAIN ST
MONROE ST
25TH AVE
21ST AVE
JEFFERSON ST
WASHINGTON ST
23RD AVE
ADAMS ST
MCLOUGHLIN BLVD
27TH AVE
WILLARD ST
23RD AVE
LAKE RD
Willamette River
EAGLE ST
19TH AVE
20TH AVE
BLUEBIRD ST
22ND AVE
21ST AVE
Figure 19.304-4
FIRST FLOOR
BUILD-TO LINES
See Section 19.304.4.B.5.c

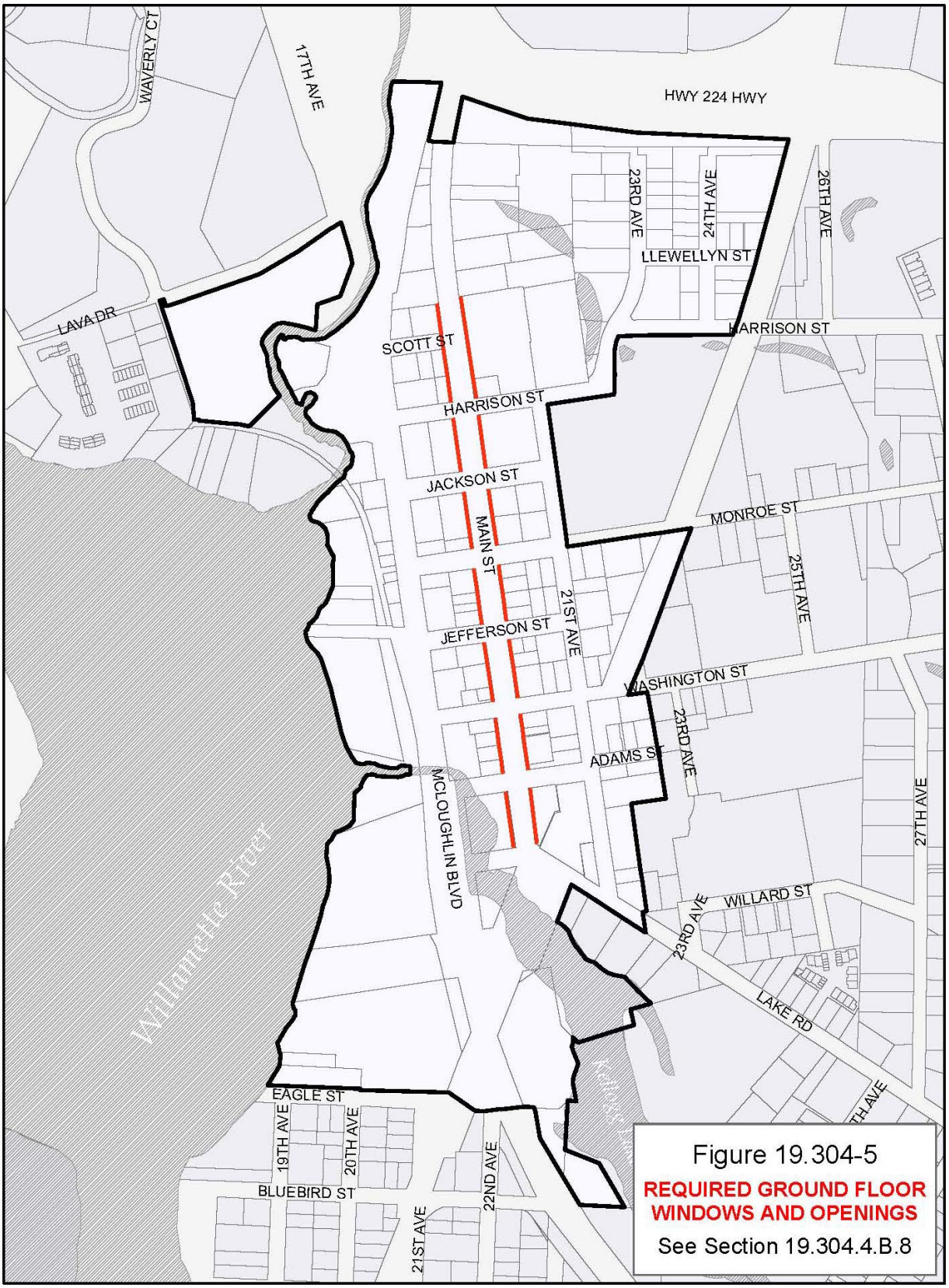


Figure 19.304-5
REQUIRED GROUND FLOOR WINDOWS AND OPENINGS
See Section 19.304.4.B.8

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 Milwaukie 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 standalone 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 upholstering;
   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.

19.311.6 Planning Commission Review of Preliminary Development Plan and Program

A. Conditional approval by Planning Commission

Following the meeting, or any continuance thereof, the Planning Commission shall notify the applicant whether, in its opinion, the provisions of this chapter have been satisfied, or advise of any deficiencies.

B. Upon approval in principle of the preliminary development plan and program by the Planning Commission, with or without modifications, the owner-applicant shall, within 6 months, file with the City a final development plan and program and an application for a change of zone classification.

19.311.7 Final Development Plan and Program

The final development plan and program shall contain information as required by resolution of the Planning Commission.

19.311.8 Subdivision Plat

A. If the planned development will involve the subdivision of land as defined in City land division regulations, the owner-applicant shall prepare and submit a preliminary subdivision plat along with information required by said ordinance to be considered at the same time as the final development plan and program.

B. The final subdivision plat shall be submitted within 1 year subsequent to approval of the planned development zone by Council.

19.311.9 Application for Zone Change

Together with submittal of the final plan and development program, the owner-applicant shall submit an application for a zone change to apply the PD Zone to the subject property.

19.311.10 Planning Commission Action on Final Development Plan and Program

A. Upon receipt of the final development plan and program, zone change application, and preliminary subdivision plat, where applicable, notice shall be given and the Planning Commission shall hold a public hearing per Section 19.1007 Type IV Review. If the final development plan and program is found to be in compliance with previous approval and with the intent and requirements of this title, it shall recommend the same, together with appropriate documents and conditions, to the City Council for adoption.

B. It shall at the same time recommend the change to PD Zone in accordance with the provisions of Section 19.902. The approved final development plan and program shall be the basis upon which the change in zone is made. It shall at the same time approve the preliminary subdivision plat in accordance with the Milwaukie land division Regulations.

C. If the land upon which the change to PD Zone is sought is not within the boundaries of the City, the Planning Commission may approve the zone change and recommend it to the City Council to become effective when the land becomes annexed to the City; or continue the public hearing for the purpose of suitably amending the proposal; or disapprove the proposed developments and abandon hearings and proceedings thereon.

19.311.11 Council Action on Final Development Plan and Program

A. Upon receipt of Planning Commission recommendations as set forth above, the final development plan and program and zone change application shall be considered by the City Council per Section 19.1007 Type IV Review.

B. Following the consideration, the Council may adopt an ordinance applying the PD Zone to the subject property and, in so doing, shall adopt the approved final development plan and program as the standards and requirements for said zone. Council, by said ordinance, shall also accept or reject all or part of the dedications of public facilities, land, and open space.

C. If the proposed PD Zone is contiguous to, but not within, the City boundaries, the City Council shall delay final action until the land is officially annexed to the City.

D. The Council may also continue consideration and refer the matter back to the Planning Commission with recommendations for amendment thereof, or reject the proposals and abandon further hearings and proceedings thereon.

19.311.12 Filing of Approved Final Plan and Program

Following action to amend the Zoning Ordinance and prior to its effective date, the owner-applicant shall file with the City a conformed and approved final development plan and program, together with all pertinent documents approved as to form by the City Attorney.

19.311.13 Recording of Notice of Final Development Plan

Each owner of property so rezoned shall execute a notice prepared by the City which acknowledges that the final development plan and program approved by the City Council constitutes zoning for the property. Such notice shall contain a legal description of the property and reference to the certified copy of the final development plan and program filed in the office of the City Recorder. Said notices shall be recorded in the office of the County Recorder of Clackamas County.

19.311.14 Development Improvement Prohibited Pending Compliance

No excavation, grading, construction, improvement, or building shall begin, and no permits therefor shall be issued, within the PD Zone until all provisions of this article including execution and filing of required documents, all requirements of the City Land Division Ordinance and Building Code, and all requirements of the final development plan and program have been complied with, unless approved by the Planning Commission.

19.311.15 Variations from Final Development Plan and Program

A. Proposed changes which do not meet these criteria shall be processed in the same manner as for a new planned development.

B. The development may vary from the approved final plan and program so long as it is consistent with any subsequent subdivision plat approved by the Planning Commission and does not alter total density, ratio of dwelling unit types, boundaries of the planned development, or location or area of public spaces.

C. Where changes in a subdivision plat are not required, an application for approval of variations to the recorded final plan and program may be submitted in writing. Such variations may be approved by the City staff provided they do not alter dwelling unit densities, alter dwelling unit type ratios, increase or change the type or location of commercial or residential structures, change the boundaries of the planned development, or change the location and area of public open spaces and recreational areas.

19.311.16 Expiration of Planned Development Zone

If, within 6 months of its effective date, substantial construction or development in the PD Zone has not occurred in compliance with the approved final development plan and program and schedule for stage completion, the Planning Commission may initiate a review of the PD Zone and hold a public hearing to determine whether its continuation in whole or in part is in the public interest. Notification and hearing shall be in accordance with Section 19.1007 Type IV Review. If found not to be, the Planning Commission shall recommend to the City Council that the PD Zone be removed by appropriate amendment to the Zoning Ordinance and property changed back to original zoning.

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 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.

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 one 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.

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 in height; (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 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

Major Street	Distance from Centerline (plus yard requirements in zone)
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 that extend from a residential accessory structure located less than 5 ft from a property line shall not be closer than 18 in 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. 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 in height above the average grade.

3. The porch is at least 5 ft from the front lot line.

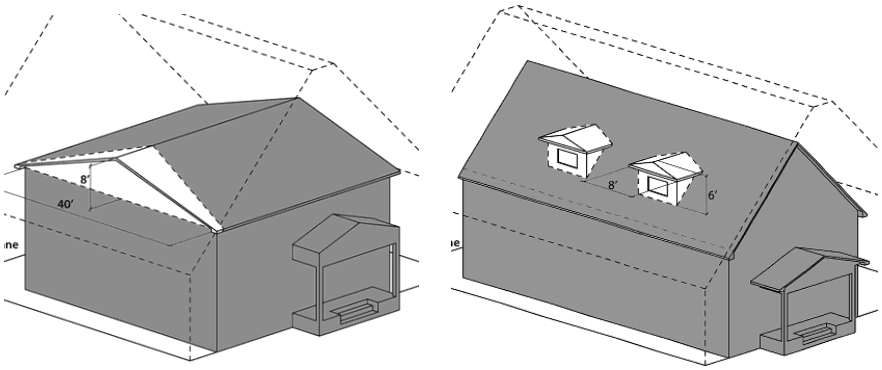
19.501.3 Building Height and Side Yard Height Plane Exceptions

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 the roof overhang or eaves do not extend more than thirty inches horizontally beyond the side yard height plane.
2. The gable end of a roof, provided that the encroachment is not more the 8 ft in height above the side yard height plane or more than 40 ft in width.
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 in height above the side yard height plane or more than 8 ft in width.
   c. The combined width of all dormers does not exceed fifty percent 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

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 “Market Action”, published by the Regional Multiple Listing Service (RMLS). . Overall project density may not exceed the allowable density plus 10%. The planned unit development density increase specified in Section 19.311 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. 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.

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 for a single family residence, while protecting the character of single family neighborhoods.

1. Development Standards

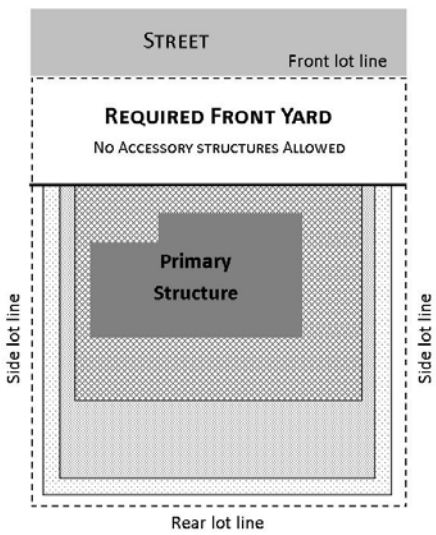
a. Height and Footprint

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.

Table 19.502.2.A.1.a
Residential Accessory Structure Height and Footprint Standards

Standard	Type A	Type B	Type C
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)
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	Base zone required front yard	Base zone required front yard	Base zone required front yard

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 ft	10 ft	200 sq ft
B	5 ft	15 ft	600 sq ft
C	Base zone yard requirements	25 ft OR height of primary structure (allowed at least 15 ft)	Lesser or 75% of primary structure OR 1,500 sq ft; 10,000 sq ft lots allowed at least 850 sq ft

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.

(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 in height 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 accessory 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 height of 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 the footprints of all accessory structures on a lot that exceed 75% of the footprint of the primary structure shall not exceed 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 above the average grade of the adjoining ground (finished elevation). An uncovered ramp with handrails that provides access from grade to the elevation of the main entrance of a residential structure is allowed to exceed 18 in. in height.

D. A standalone flagpole in a residential zone is limited to 25 ft in height and must be at least 5 ft from any lot line. A standalone flagpole in commercial or industrial zones is subject to the height limits of the base zone in which it is located, and 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 that ensure 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 the structures 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. The review of a standalone solar energy system that is not wholly supported by another structure is subject to the reviews required by applicable base zones and overlay zones.

b. The review of a solar energy system that is attached to a structure shall be as follows. If the circumstances of a property or structure are not listed below, the solar energy system is exempt from any land use review.

(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 procedures of that section for alteration of the resource.

(2) The installation of a solar energy system in downtown zones shall be exempt from Downtown Design Review per Section 19.907.

(3) The installation of a solar energy system on structures within the Willamette Greenway Zone or Natural Resource overlay is exempt from the review requirements of those zones.

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

(5) 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 standalone 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, footprint of the structure, or the peak height of the portion of the roof 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.

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 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, with any public safety agency or organization, radio transmissions, or with 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 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 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 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 foot in height is allowed for every 1 foot that the wind energy system is setback 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 square feet or less. One additional freestanding system is allowed for each 7,500 square feet of lot area above 15,000 square feet.

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 .

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.

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.

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 [20-40]% 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.

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

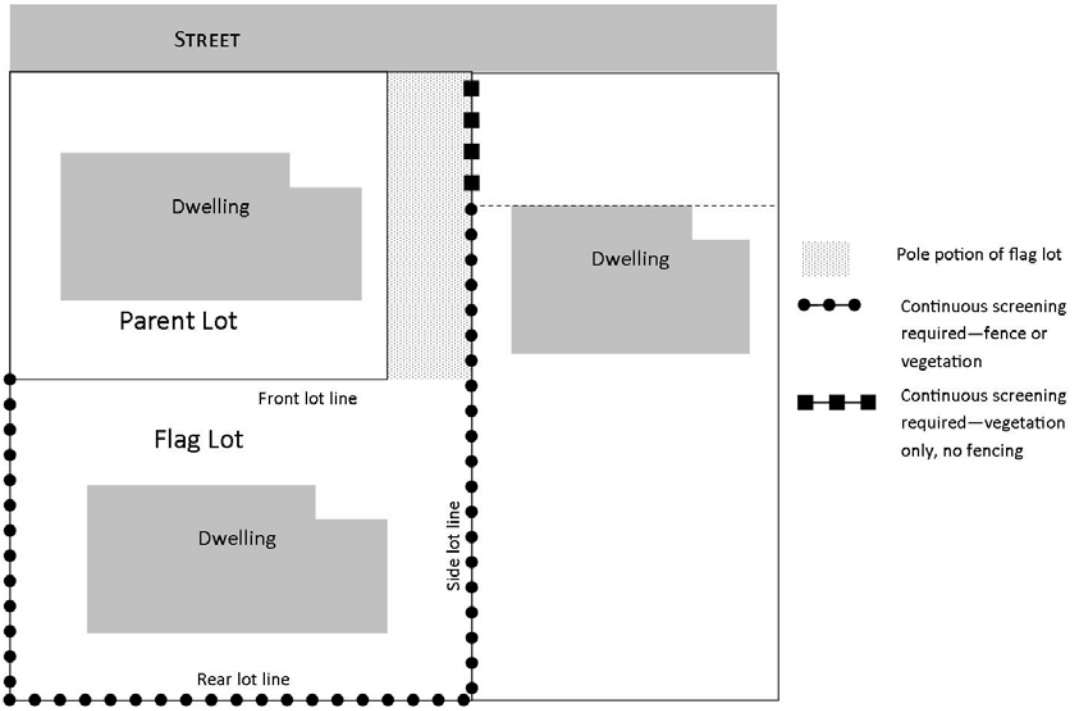
from which the flag lot was created is required as described below. See Figure 19.504.8.E.

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 in width. 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 of street-facing façade area or less 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 feet 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 in width.

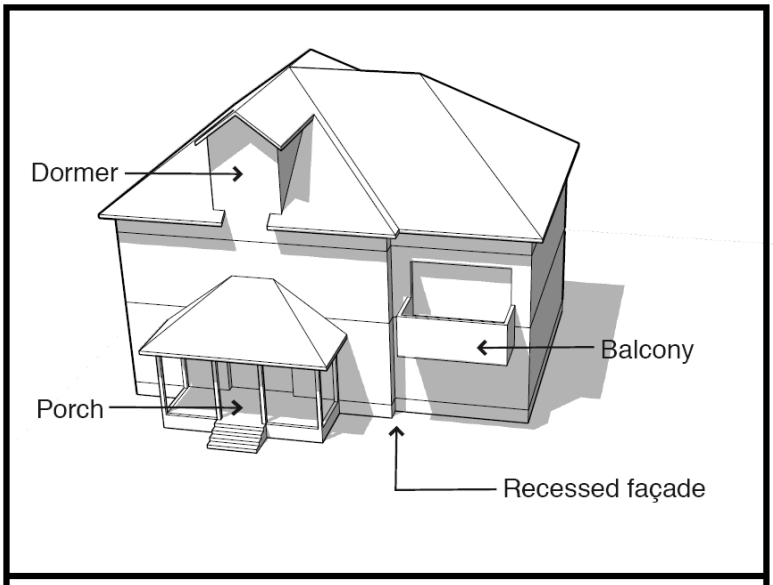
(4) Recessing a section of the façade by at least 2 ft in depth and 6 ft in length.

(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 is no more than 30 ft between two 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



Design standards for 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.

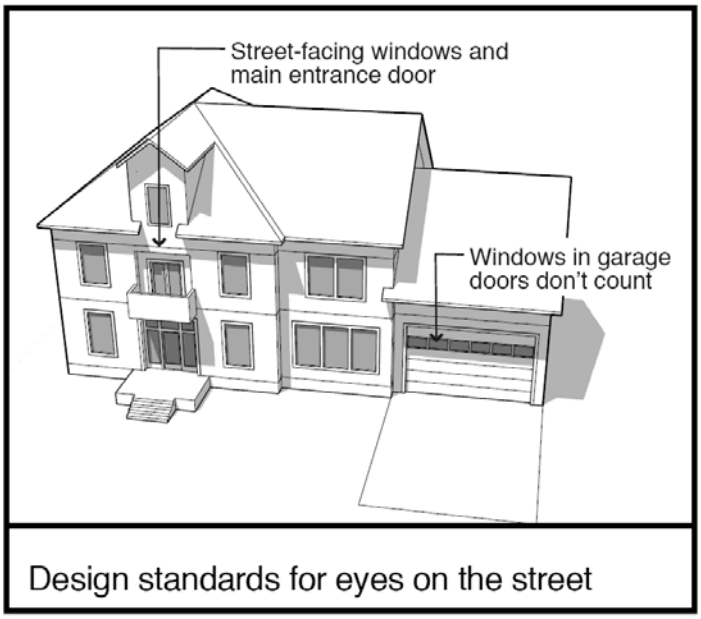
   b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.

   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

   Main entrances must meet the following standards. See Figure 19.505.1.C.3 for illustration of main entrances.

   At least one main entrance must:

   a. Be no further than 8 ft behind the longest street-facing wall of the building; and

   b. Face the street, or 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:

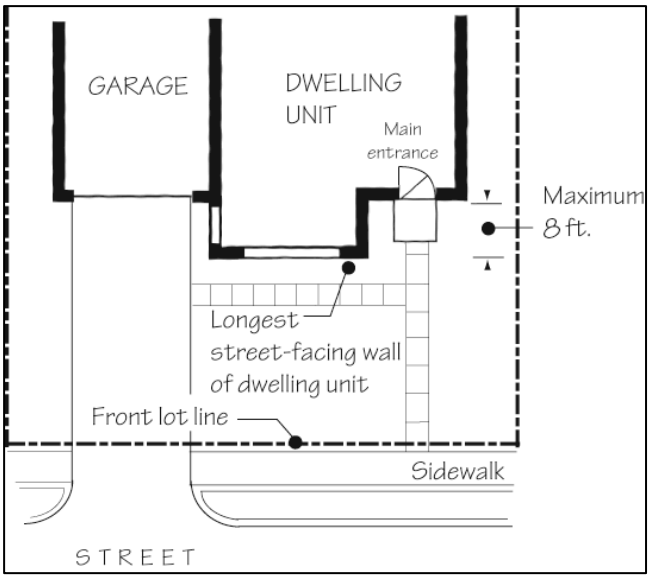
      (1) Be at least 25 sq ft in area with a minimum 4 ft depth

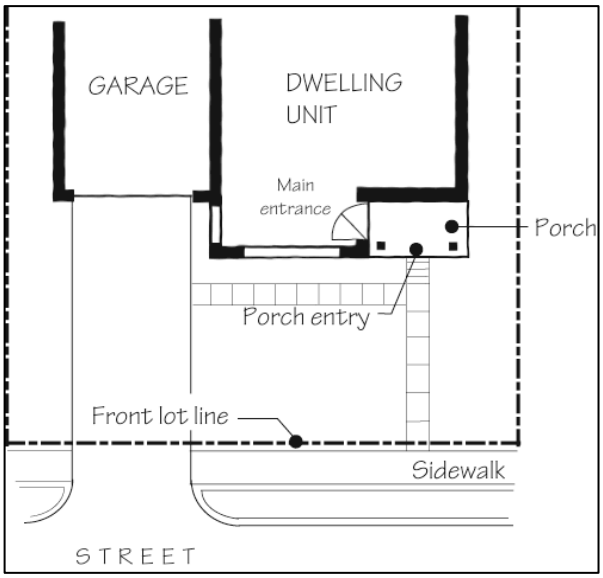
      (2) Have at least one porch entry facing the street

      (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 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.

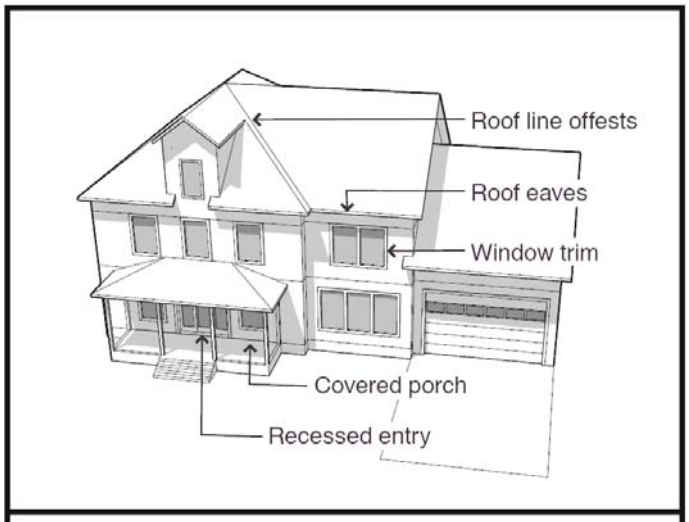
   m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.

n. One roof pitch of at least 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 in depth and 5 ft in length.

p. Width of an attached garage, as measure between the inside of the garage door frame, is 35% or less of the length of the street facing façade.

Figure 19.505.1.C.4
Detailed Design Elements



Design standards for detailed design

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.

[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 façade of the garage or columns of the carport is 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:

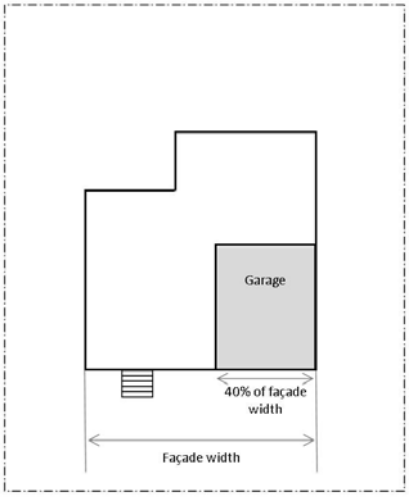
   a. A garage or carport may extend up to 5 ft in front if there is a covered front porch and the garage or carport does not extend beyond the front of the porch.

   b. A garage may extend up to 5 ft in front if the garage is part of a two-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 façade if a total of 7 Detailed Design elements in Subsection 19.505.1.C.4 are included on the street-facing façade.

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 are to facilitate the development of attractive multifamily housing that encourages multi-modal 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 three 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		
Design Element	**Design Guideline (Discretionary Process)**	**Design Standard (Objective Process)**
1. Private Open Space	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. 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.	Private open space (patios or balconies) shall be provided as follows: a. For each dwelling unit located on the ground floor, or within 5 feet of finished grade, a minimum of 96 square feet of private open space, with a minimum dimension of 5 ft. b. For each dwelling unit located more than 5 feet above finished grade, a minimum of 48 square feet of private open space. c. For each dwelling unit with private open space, the private open space shall be directly accessible from the interior of the dwelling unit. d. Private open space shall be separated from common open space and adjacent dwelling units through the use of landscaping, fencing or a wall.
2. Public Open Space	The development should provide sufficient open space for the purpose of outdoor recreation, scenic amenity, or shared outdoor space for people to gather.	Common open space shall be provided as follows: a. For buildings with more than 5 dwelling units, a minimum of 10% of the gross site area, or 750 square feet, whichever is greater, shall be designated as common open space. b. The minimum dimension for any common open space shall be 20 feet. c. Projects under 40,000 sq ft shall provide at least one of the following common open space features. Projects over 40,000 sq ft shall provide at least 2 features: recreation area, Willamette Greenway buffer areas per Subsection 19.401.8 or Natural Resource areas per Section 19.402, play fields, children's play area, sport courts, gardens, permanent picnic tables, swimming pools, walking trails, pedestrian amenities, large trees, or similar items. 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. e. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, may be placed in the outdoor area.

Table 19.505.3.D CONTINUED Multifamily Design Guidelines and Standards		
Design Element	**Design Guideline (Discretionary Process)**	**Design Standard (Objective Process)**
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.	The on-site pedestrian circulation system shall include the following: 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. b. At least one pedestrian connection to an abutting street frontage for each 200 linear feet of street frontage. c. Pedestrian walkways shall be separated from vehicle parking and maneuvering areas through physical barriers such as planter strips, raised curbs, or bollards. d. Walkways shall be constructed with a hard surface material, shall be permeable for stormwater, and shall be no less than 5 ft in width. 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. 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.

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: 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. 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. c. All garages that are part of the same structure that contains dwelling units shall be located at least 4 feet behind the front building façade. d. For developments with greater than 40,000 sq ft, 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. (1) The parking area shall be inside a building or sheltered to provide complete, year-round protection from precipitation. (2) Entrance to the parking area shall be secured by lock so that only residents have access to the area. (3) The area shall have permanently mounted bicycle racks or hangers that allow the bicycle frame to be locked to the rack or hanger. (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. (5) The parking area shall have an average illumination of at least 1.0 ft candles. (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.
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.	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. b. Building entrances shall be emphasized through the use of features or elements such as recesses, projections, corner entry, or landscape treatments. 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 feet from the required setback line. 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 feet from the required setback line.

Table 19.505.3.D CONTINUED Multifamily Design Guidelines and Standards		
Design Element	**Design Guideline (Discretionary Process)**	**Design Standard (Objective Process)**
6. Building Façade Design	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. Windows and doors should be designed to create depth and shadows and to emphasize wall thickness and give expression to residential buildings. Windows should be used to provide articulation to the façade and visibility into the street. Building facades shall be compatible with adjacent building façades. Garage doors shall be integrated into the design of the larger façade in terms of color, scale, materials, and building style.	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: (1) Incorporating elements such as porches or decks into the wall plane. (2) Recessing the building a minimum of 2 feet in depth by 6 feet in length. (3) Extending an architectural bay at least 2 feet from the primary street-facing façade. b. Windows shall occupy a minimum of 25% of the total street-facing façade. 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. d. To avoid long, monotonous, uninterrupted walls, buildings shall incorporate exterior wall off-sets, projections and/or recesses. At least 1 foot of horizontal variation shall be used at intervals of 40 feet or less along the building's primary façade on the ground floor level. e. Blank, windowless walls in excess of seven hundred fifty (750') square feet are prohibited when facing a public street unless required by the Building Code. In instances where a blank wall exceeds seven hundred fifty (750') square feet, it shall be articulated or intensive landscaping shall be provided. f. Garage doors shall be painted to match the color or color palette used on the rest of the buildings.

Table 19.505.3.D CONTINUED Multifamily Design Guidelines and Standards		
Design Element	**Design Guideline (Discretionary Process)**	**Design Standard (Objective Process)**
7. Building Materials	Buildings should be constructed with architectural materials that provide a sense of permanence and high quality. Street-facing façades shall consist predominantly of a simple palette of long-lasting materials such as brick, stone, stucco, wood siding, and wood shingles. A hierarchy of building materials shall be incorporated that are durable and reflect a sense of permanence and quality of development. Split-faced block and gypsum reinforced fiber concrete (for trim elements) shall only be used in limited quantities. Fencing shall be durable, maintainable, and attractive.	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: (1) Vinyl PVC siding (2) T-111 Plywood (3) Exterior insulation finishing (EIFS) (4) Corrugated metal (5) Plain concrete or concrete block (6) Spandrel glass (7) Sheet pressboard b. The following fence materials are prohibited: (1) Plastic or vinyl (2) Chain link
8. Landscaping	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. 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. Existing mature, healthy trees should be preserved when possible.	a. For every 2,000 square feet of site area, one tree shall be planted or one existing tree shall be preserved. (1) New trees must be listed as a native trees in the Milwaukie Native Plant List. (2) Preserved tree(s) must be at least 6 inches in diameter at breast height (DBH) and cannot be listed a nuisance species per the Milwaukie Native Plant List. 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. 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 feet in height along the abutting property line. Landscaping used for screening must attain the 6 ft height within 24 months of planting. d. For projects greater than 40,000 sq ft: (1) Any irrigation system shall minimize water use by incorporating a rain sensor, rotor irrigation heads, or a drip irrigation system. (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.

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 screening of rooftop equipment 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 it provides convenient access for residents and for waste and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that the area is not a prominent feature viewed from the street.	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 either by roof or weatherproof lids. d. 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. 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 all recycling collection areas. h. Review and comment for all recycling collection areas 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	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.	In order to promote more sustainable development, multifamily developments shall incorporate the following elements: a. Building orientation that does not preclude utilization of solar panels, or an eco-roof on at least 20% of the total roof surfaces. b. Windows that are operable by building occupants c. Window orientation, natural shading, and/or sunshades to limit summer sun and to allow for winter sun penetration. d. Projects with greater than 40,000 square feet of floor area shall meet at least 2 of the following: (1) A vegetated ecoroof for a minimum of 30% of the total roof surface (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 Solar Reflectance Index (SRI) of 29 or higher of the roof has a roof pitch greater than 3:12; (3) A system that collects rainwater for reuse on-site (e.g., site irrigation) for a minimum of 50% of the total roof surface; (4) An integrated solar panel system for a minimum of 30% of the total roof or building surface. (5) Orient 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. (6) Locate the windows 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.
12. Privacy Considerations	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.	In order to protect the privacy of adjacent properties, multifamily developments shall incorporate the following elements: a. The placement of balconies above the first story shall not create a direct line of sight into the living space or the back yard of adjacent residential properties. 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.

Table 19.505.3.D CONTINUED Multifamily Design Guidelines and Standards		
Design Element	**Design Guideline (Discretionary Process)**	**Design Standard (Objective Process)**
13. Safety	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: Natural Surveillance – Areas where people and their activities can be readily observed. Natural Access Control- Guide how people come to and from a space through careful placement of entrances, landscaping, fences, and lighting. Territorial Reinforcement – Increased definition of space improves proprietary concern and reinforces social control.	a. Visible Dwelling Front. At least 70% of the street or common open space frontage shall be visible from the following areas on one 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 window sill. b. All outdoor common open space 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. c. Uses on the site shall be illuminated as follows: (1) Parking and loading areas – 0.5 foot-candle minimum (2) Walkways – 0.5 foot-candle minimum and average of 1.5 foot-candles. (3) Building entrances – 1.0 foot-candle minimum with an average of 3.5 foot-candles, except that secondary entrances may have an average of 2.0 foot-candles. d. Maximum illumination at the property line shall not exceed one-half (0.5) foot candle. However, where a site abuts a non-residential district, maximum illumination at the property line shall not exceed one (1) foot candle. e. Developments shall use full cut-off lighting fixtures to avoid off site lighting, night sky pollution and shining lights into residential units.

19.505.4 Design Standards for Cottage Cluster Housing

A. Purpose

These standards area 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 limit for all structures shall not exceed 18 feet. Cottages or amenity buildings having pitched roofs with a minimum slope of 6 / 12 may extend up to 25 feet 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 in depth.

(2) Trim around windows and doors shall be at least 3 in in width and 5/8 in in depth.

(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 in width 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 semi-public 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 one side.

c. Private Open Space

Each cottage shall have a private open 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 one 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 away 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 one 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 feet of the street. If the angle is less than 45 degrees, the parking area must be at least 20 feet 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 two areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.

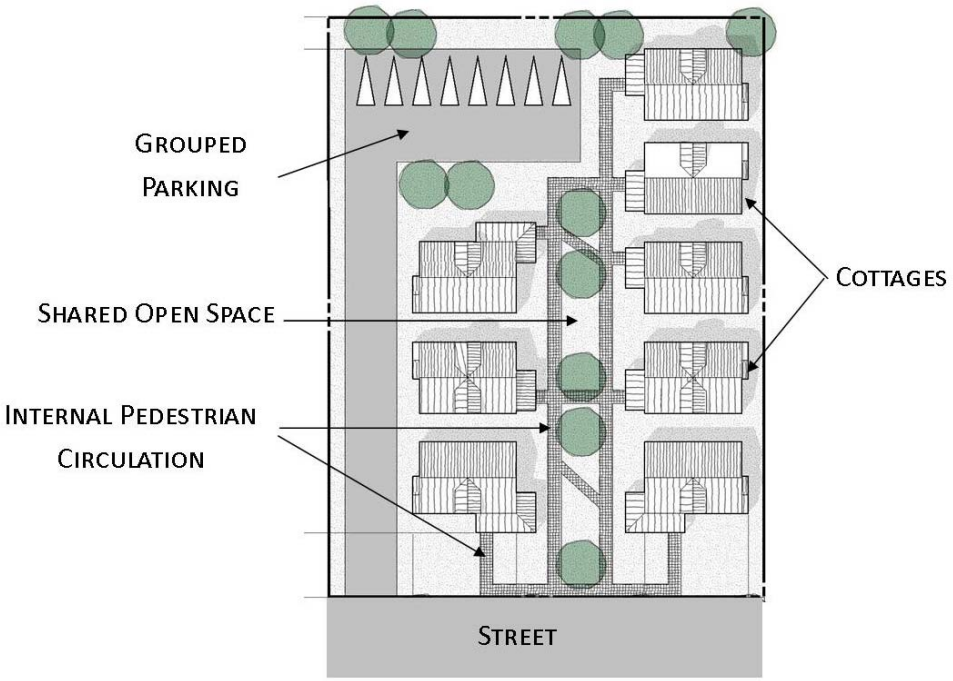
(4) Parking spaces may be located within a garage. Garages in a cottage cluster may not contain more than 4 parking spaces, must be at least 10 ft away from any cottage dwelling, and must match the materials, trim, and roof pitch of the cottages. The interior height of a garage shall not exceed 8 ft in height.

(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 feet in height. Fences along the perimeter of the development may be up to 6 feet in height, 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 one 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 that are not each on their own lot are subject to either the standards for 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 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 at with a depth of at least 6 ft. The porch may encroach into the required front yard, but 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 feet.
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.

Table 19.505.5.E.4
Minimum Site Size for Rowhouse Development in the R-2, R-1, and R-1-B Zones

Number of Rowhouses	R-2 Zone	R-1 and R-1-B Zone
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

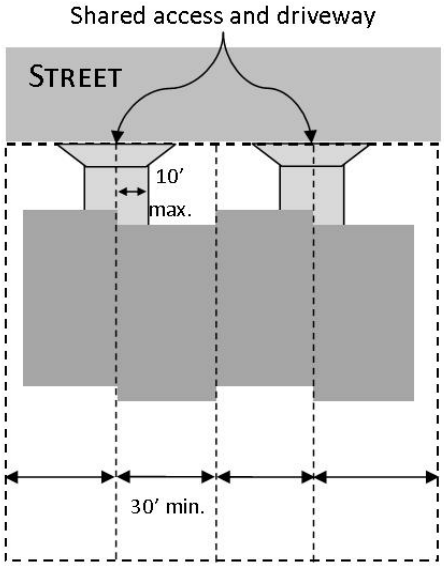
F. Driveway Access and Parking

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 in width 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

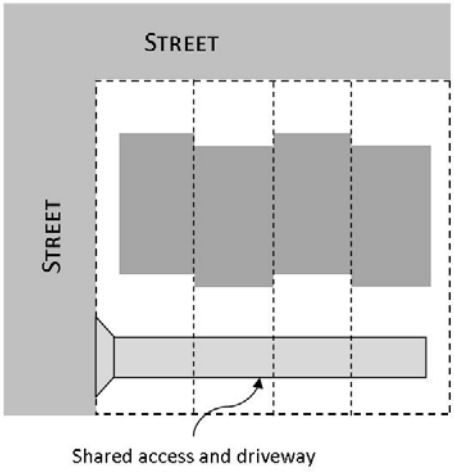


2. The following rules apply to driveways and parking areas for rowhouse developments that do not meet all of the standards in Subsection 19.505.5.F.1.

   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.

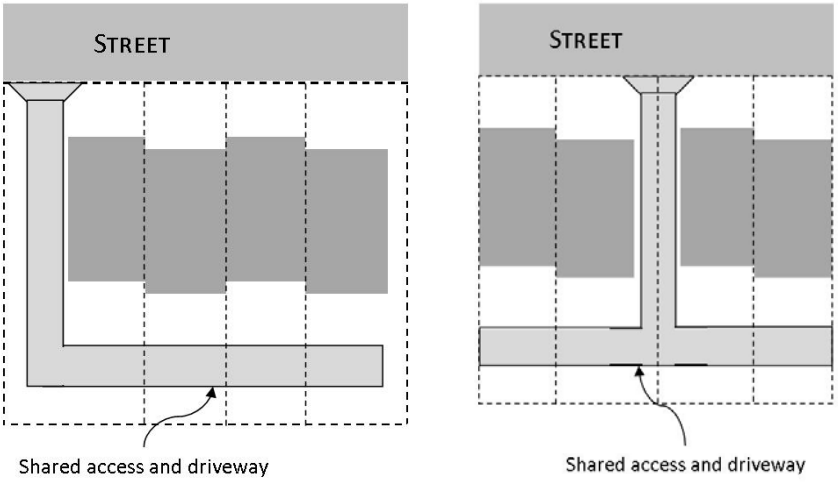
   b. Rowhouse development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The Engineering Director may alter this requirement based on street classifications, access spacing, or other provisions of Chapter 12.16 Access Management. See Figure 19.505.5.F.2.b.

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.

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

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.

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.

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.

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.

C. Parking Surface Materials

Parking of vehicles shall only be allowed on surfaces described in Subsection 19.607.1.C.

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.

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 in length 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.

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 one space per unit.

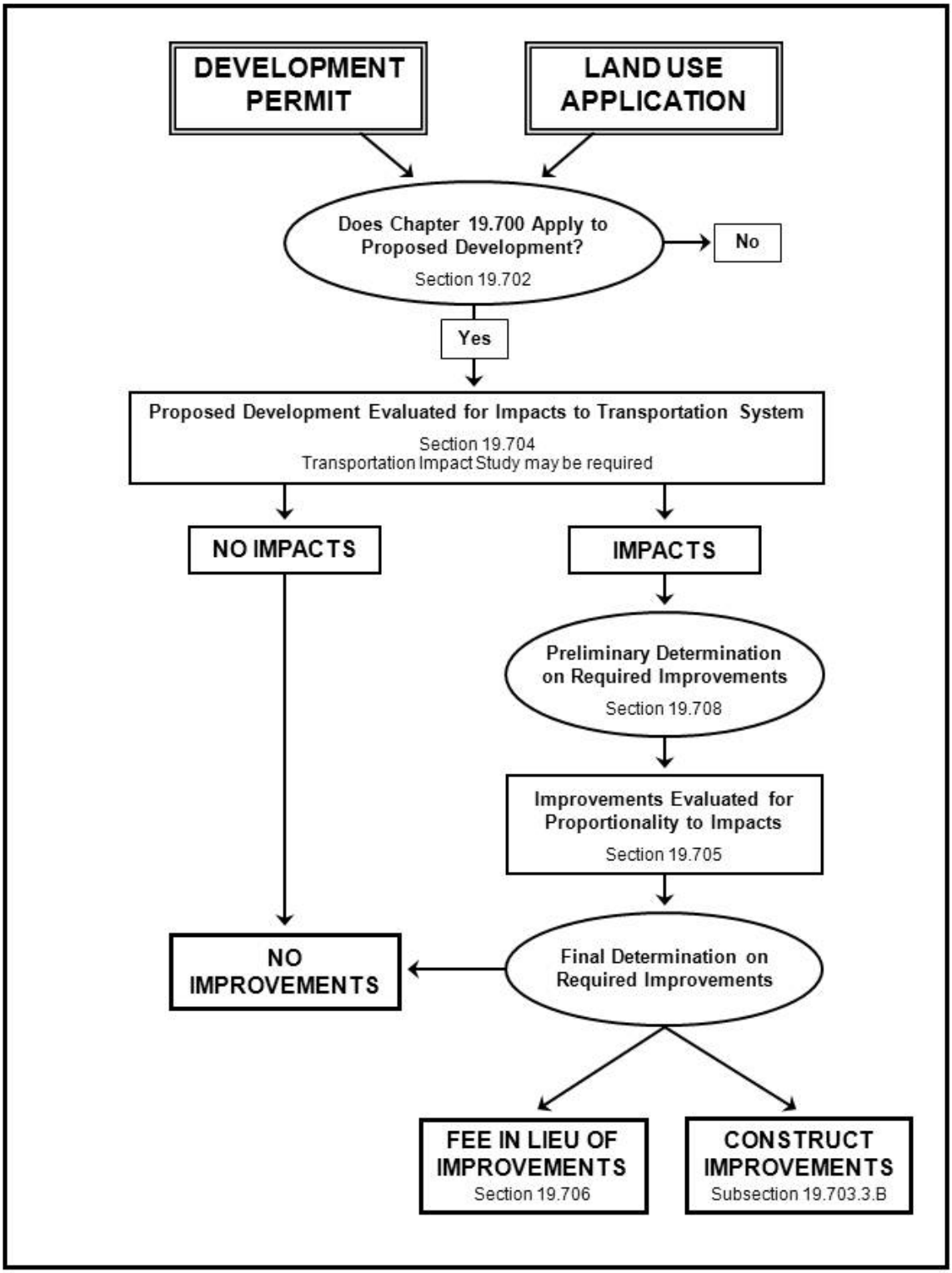
B. Covered or enclosed bicycle parking. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:

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


DEVELOPMENT PERMIT
LAND USE APPLICATION
Does Chapter 19.700 Apply to Proposed Development?
Section 19.702
No
Yes
Proposed Development Evaluated for Impacts to Transportation System
Section 19.704
Transportation Impact Study may be required
NO IMPACTS
IMPACTS
Preliminary Determination on Required Improvements
Section 19.708
Improvements Evaluated for Proportionality to Impacts
Section 19.705
NO IMPROVEMENTS
Final Determination on Required Improvements
FEE IN LIEU OF IMPROVEMENTS
Section 19.706
CONSTRUCT IMPROVEMENTS
Subsection 19.703.3.B

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.

Table 19.901
Land Use Applications

Application Type	Municipal Code Location	Review Types
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[1]
Zoning Text Amendment	Subsection 19.902.5	V
Zoning Map Amendment	Subsection 19.902.6	III, V[2]
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

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

[1] Level of review determined by City Attorney per Section 19.902.4.A.
[2] 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 19.904.7-11are 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.

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.

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:

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:

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.

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.

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:

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 Criteria

1. An application for an accessory dwelling unit reviewed through a Type I Review shall be approved if the following are met.

   a. An accessory dwelling unit is an allowed use in the base zones and any applicable overlay zones 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 are met.

a. The criteria 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 square feet or 75% of the floor area of the primary structure, whichever is less. The measurements are based on what the floor area of the primary dwelling unit and the accessory dwelling unit would be 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 square feet 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.

Table 19.910.1.E.4.b
Footprint, Height and Required Yards for Detached Accessory Dwelling Units

Level of Review	Type I	Type II
Maximum Structure Footprint	600 sq ft	800 sq ft
Maximum Structure Height	15', limited to 1 story	25', limited to 2 stories
Required Side and Rear Yard	Base zone requirement for side and rear yard	5'
Required Front Yard	10' behind front yard as defined in Section 19.201	
Required Street Side Yard	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 one 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, 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.

(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.

(a) The wall does not meet the base zone yard requirements for a primary structure.

(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 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 feet beyond the corner of the wall. The screening shall be opaque, be at least 6 ft in height, 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 shall reach 6 ft. in height 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 the conversion of a legally established existing accessory structure is allowed. The conversion must meet all standards that apply to creation of a new detached accessory dwelling, except as modified below.

(1) The accessory structure may be located in the front yard or within 10 ft of the front yard if the structure is at least 60 ft away from the front lot line.

(2) The accessory structure does not need to comply with 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 of 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 one of the dwellings on the lot 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 one 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 increases 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 the Residential zones R-5, R-3, R-2.5 R-2, R-1, R-1-B, 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. Duplexes are allowed outright, subject to the lot size requirements for the zone, in the Residential zones R-10 and R-7 in either of the following situations. For these properties, 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. Duplexes in the Residential zones R-10 and R-7 that are not eligible as an outright allowed use under Subsection 19.910.2.C.1.b are allowed through a Type II Review per Section 19.1005.

d. Duplexes in the Limited Commercial Zone C-L are allowed through a Type II Review per Section 19.1005.

2. For additions or modifications to existing duplexes, 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 the Residential zones R-10 and 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 that exists 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.

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 19.1005-8.

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, and 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.

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.

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.

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.

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.

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.

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.

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.

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 .

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:

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. 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) at least 20 days prior to the appeal hearing.

19.1010.6 Specific Provisions for Appeal of a Type III Decision

B. 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, at least 20 days prior to the appeal hearing.

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 other information regarding the 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.

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.

Repeal Section 19.1204 Solar Balance Point.

Repeal Section 19.1205 Solar Access Permit.

ATTACHMENT 3

MILWAUKIE
Dogwood City of the West

Residential Development Standards Proposed Code Amendments

June 1, 2012

File No. ZA-11-03, CPA-11-04

Comprehensive Plan

Chapter 4 – Land Use

Municipal Code - Title 14, Sign Ordinance

Section 14.16.010, Residential Zone

Municipal Code - Title 17, Land Division Ordinance

Chapter 17.16, Application Requirements and Procedures
Chapter 17.28, Design Standards

Title 19 Zoning Ordinance

Chapter 19.200, Definitions and Measurements
Chapter 19.300, Base Zones
Chapter 19.400, Overlay Zones and Special Areas
Chapter 19.500, Supplementary Development Regulations
Chapter 19.600, Off-Street Parking and Loading
Chapter 19.700, Public Facility Improvements
Chapter 19.900, Land Use Applications
Chapter 19.1000, Review Procedures
Chapter 19.1200, Solar Access Protection

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

Acknowledgements

Milwaukie City Council

Jeremy Ferguson, Mayor
Greg Chaimov. Council President
David Hedges
Joe Loomis
Mike Miller

Milwaukie Planning Commission

Lisa Batey, Chair
Nick Harris, Vice Chair
Scott Churchill
Clare Fuchs
Mark Gamba
Russ Stoll
Chris Wilson

Project Steering Committee

David Aschenbrenner
Jean Baker
Lisa Batey
Mark Gamba
Greg Hemer
Joe Loomis
Stephen McMurtrey
Jim Perrault
Dion Shepard
Terry Whistler

Interviewees and Focus Group Participants

Pepi Anderson
Mary Bradshaw
Ray Bryant
David Burdick
Gene Dieringer
Pat Dieringer
Bryan Dorr
Peter Drake
John Ellis
Sara Garrett
Chantelle Gamba
Linda Hedges
Gary Hubbard
Tracy Hubbard
Shirley Kaufmann
Mary King
Paul Klein
Greg McGowan
David Mealy
Mark Meek
Gary Michael
Jim Mishler
Eleanor Nelson
Ernie Platt
Leslie Schokner
Brett Schulz
Dale Smelser
Steve Smelser
Sarah Smith
Mary Weaver
Daryl Winand

Project Staff

Katie Mangle, Planning Director
Susan P. Shanks, Senior Planner
Ryan Marquardt, AICP, Associate Planner
Li Alligood, Assistant Planner
Marcia Hamley, Administrative Specialist II
Beth Ragel, Program Services Coordinator

Project Consultants

Mary Dorman, AICP, Angelo Planning Group
Serah Breakstone, AICP, Angelo Planning Group
Marcy McInelly, AIA, Urbsworks
Joseph Ready, AIA, LEED AP

This project was funded in part by a grant from the Oregon Department of Transportation's Transportation Growth Management Program.

Reader Guide

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

Amendments
Unless otherwise noted in the document, underlined text is proposed text, and ~~strikethrough~~ text is existing code language proposed for deletion.
Sections 19.301 and 19.302 are not shown in underline/~~strikeout~~ text since the amendments for these sections would repeal and replace several sections of existing code.
Additions to the Comprehensive Plan are shown in doubleunderline to differentiate it from existing underlined text.

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

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

COMMENTARY

COMPREHENSIVE PLAN

CHAPTER 4 — LAND USE

RESIDENTIAL LAND USE AND HOUSING ELEMENT

- There are amendments throughout Chapter 4 to use the term 'duplex' instead of 'single-family attached' and 'rowhouse' instead of 'townhouse'. There are also amendments to define multifamily as 3 dwellings on a single lot, and erase distinctions about multifamily apartments and multifamily condominiums. These wording changes would make the Comprehensive Plan consistent with housing terms used in the zoning code.
- Objective #2, Policy 5 – the clause stating that "high density projects shall not cause traffic to move through adjacent lower density designated areas" is deleted. This phrase is reflected in the current R1 and R2 zones as a threshold for allowing smaller lot sizes per dwelling unit. There is virtually no way to assure that traffic from a particular development will not travel through lower density areas. The City will review traffic impacts of new developments and require transportation improvements or other mitigation as appropriate.
- Objective #3, Policy 1 – deletion of a standard that driveway access for less than 4 units not be allowed on an arterial street. This topic is covered by Engineering Department regulations in Title 12 of the Municipal Code. Concerns about access points can be addressed through a traffic study if necessary. The Comprehensive Plan is not an appropriate place for this type of standard.

- Objective #3, Policy 2 – This policy deals with transition measures between multifamily development and lower density development. The existing policy is prescriptive about what transition measures should be used. The proposed amendments capture the spirit of having transition measures without being as specific about how they are achieved. The proposed multifamily development standards in the Zoning Ordinance contain the specific standards that implement these policy objectives.

- Objective #3, Policy 5 – This removes specific development standards from the Comprehensive. Plan. Standards in the Zoning Ordinance that require open space and the quality of open space will not be deleted.

- Objective #4, Policy 6 and 7 – These policies are proposed for deletion. The references to a Design Review function are out-of-sync with the City's development

review process. Single-family and duplex housing are intended to be reviewed at a staff level against clear and objective standards. Multifamily housing is required to have an option for clear and objective review. The City does not now, nor does it intend to have, a Design Review function for most housing development. It also does not have neighborhood-specific design or compatibility standards. Further, the design standards proposed in the zoning code are intended to be style-neutral, whereas the Comprehensive Plan policy encourages specific architecture styles. The language in these policies is not consistent with the city's legal requirements in processing residential building permits or with the intent of the design and development standards.

- Objective #5, Policy 2 - The basic policy of allowing increased density for inclusion of affordable housing units is being retained. The policy has specific standards that are more appropriate for the Zoning Ordinance. It also references an out-of-date publication. The Zoning Ordinance will contain the correct and up-to-date reference.

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 Town Centers)	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
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	
Totals	**34.33**	**31.03**				**200**	**854**	**1,773**

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.

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 100 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.~~

~~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. Development of new multifamily projects will reduce potentially negative impacts on existing adjacent single-family development and adjacent lower density zones by measures such as reduced maximum heights, increased setbacks for large facades, building size limitations, and other design features to maintain privacy of nearby properties.

2~~3~~. 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~~4~~. 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~~5~~. 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.

5~~6~~. 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~~7~~. Specified trees will be protected during construction, in accordance with conditions attached to building permits.

7~~8~~. 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 duplex ~~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 duplex ~~single family attached~~, rowhouses, cottage cluster, 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. An additional housing unit will be allowed for the provision of affordably priced housing in residential developments. ~~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.

COMMENTARY

TITLE 14, SIGN ORDINANCE

The proposed amendments to Title 14 are changes in terminology from using the term 'multifamily' rather than the more specific terms or 'apartment' and 'condominium'. These changes would make the Sign Ordinance consistent with the terms in the Zoning Ordinance.

Underline/Strikeout Amendments

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[1]
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.[2]	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.[2]	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.[3]	

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.[3]	External illumination only

[1] 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.

[2] Either 1 freestanding or 1 wall sign per street frontage is permitted.

[3] 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[1]
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 ~~apartment and condominium~~ 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 ~~apartment and condominium~~ 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 ~~apartment and condominium~~ 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.[2]	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.[3]	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.[4]	External only
Daily display sign[5]	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

[1] 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.

[2] 1 freestanding sign is permitted in addition to 1 wall sign.

[3] 1 wall sign is permitted in addition to 1 freestanding sign or 2 wall signs permitted.

[4] For awnings related to residential use, either 1 sign on an awning or 1 sign hanging beneath an awning is allowed.

[5] 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.

COMMENTARY

TITLE 17, LAND DIVISION ORDINANCE

The amendments to the land division ordinance are to allow cottage cluster development. Cottage clusters may include lots or parcels that are substandard with regard to size and area that may also be land-locked. The proposed amendments to Title 17 would allow these lots so long as they are developed as part of a cottage luster development. While allowance for differently-configured lots would be allowed, cottage clusters would be subject to the overall maximum dwelling densities that apply to standard developments.

17.28.040 General Lot Design

These amendments specifically exempt cottage cluster lots from the lot design standards. This is done because the land patterns in cottage cluster developments are fundamentally different in style from standard residential development. Another change is to move a provision from Subsection A into the introductory provisions for this section. This move clarifies that units of land not created for development are exempt from all standards in the section; not just the standards in Subsection A.

17.28.070 Flag Lot Limitations

The intent of this prohibition, enacted in 2002, was to prohibit flag lots in new subdivisions. Many areas of Milwaukie are in subdivisions that were platted many decades ago, sometimes with very large lots. The regulation was not intended to prohibit flag lot partitions in these older large-lot subdivisions, so long as the lots have sufficient area and dimensions to meet current lot standards for a flag lot partition. The amendments make it clear that the flag lot prohibition applies only to newly platted subdivisions.

Underline/Strikeout Amendments

Municipal Code Title 17 Land Division

CHAPTER 17.16 APPLICATION REQUIREMENTS AND PROCEDURES

17.16.080 COTTAGE CLUSTER DEVELOPMENT

Applications for subdivision preliminary plats or replats to create a cottage cluster housing development shall include narrative and plans necessary to show 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.~~

17.28.060 FLAG LOT DESIGN STANDARDS

A. Consistency with the Zoning Ordinance

Flag lot design shall be consistent with Subsection 19.504.8~~9~~.

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.

COMMENTARY

TITLE 19 ZONING

CHAPTER 19.200

DEFINITIONS AND MEASUREMENTS

19.201 Definitions

Some new or revised definitions are proposed to ensure that terms defined in Chapter 19.200 are kept current and remain consistent with other proposed amendments to the zoning code. The amendments also add figures that illustrate and explain the terms used in the code.

In particular, the following changes or additions are proposed:

- Definitions related to dwellings are reorganized.
    - In the current code, all definitions related to different forms a dwelling unit could take are grouped under the term "dwelling", which is not intuitive for people looking for this information. These terms are proposed to be grouped instead under the heading of 'Residential Structures and Uses' heading.
    - Some existing definitions (e.g., Manufactured dwelling) are moved to be under this heading.
    - Specific definitions for each housing type would be modified to add clarity and specificity when needed, and to be consistent with the proposed amendments to Chapter 19.300 and 19.500.
- New definitions for terms introduced to the zoning code for the first time by the proposed amendments:
    - Cistern
    - Duplex
    - Cottage
    - Eave
    - Footprint
    - Fowl
    - Lot of Record and Legal Lot
    - Rowhouse
    - Solar energy system
    - Side yard Height Plane
    - Street Facing Façade
    - Wind energy system
    - Yurt

- Some definitions are proposed to be deleted because they are either not currently used in the zoning code, or would no longer be used as a result of the proposed amendments:
    - Dormitory
    - Type 1 and 2 accessory dwelling – replaced with new definition for "Accessory dwelling unit" to support the proposed policy for such dwellings.
    - Townhouse
- The definition of "Lot coverage" is proposed to change so that eaves are no longer counted toward overall lot coverage. This would have the effect of encouraging eaves as an architectural feature. Including eaves in the calculation of lot coverage has been an unintended incentive for builders to reduce or eliminate eaves to maximize the amount of floor area within a structure.
- The definition of footprint is new, even though this is a term already used in the code. It refers to the area covered by an individual building.
- Lot of Record and Legal Lot are terms common to nearly all zoning codes. These terms are used to differentiate units of land that were created legally with proper city and county approval; units of land that were created before city and county approval were needed, and are therefore recognized as legal; and any other unit of land that does not have legal rights as a buildable property.
- Side Yard Height Plane – this is a new definition that controls the mass of a building along a side lot line. The height plane is a height limit that slopes upward from the side setback line toward the middle of the lot. Portions of a building nearer to the side lot line must be shorter in height, while taller portions of a building are allowed further toward the interior of a lot.
- A definition of Yurt has been added. A yurt is allowed as an accessory dwelling unit, and the definition explains the characteristics of this type of structure.

19.202 Measurements

19.202.2 Vertical Measurements

The revisions to this section would change how the City measures building height and clarify some existing policies.

The current definition does not adequately address height limits on lots with significant slopes. The proposed definition is modeled after the Oregon Transportation Growth Management (TGM) program's Model Development Code for Small Cities and the City of Portland's regulations.

B.1 Exterior Height, Base point

The proposed definition would not change the height measurement for flat lots. On lots with a greater slope, the proposed definition would measure the building height starting from a point 10 ft above the lowest point on the lot. This will prevent buildings from being overly-tall on the downslope side of the lot, which can make a structure very tall in comparison to structures further down the slope.

B.2 Exterior Height, Top of building

The proposed amendments would not change how the City measures building height; it would add more direction on how to apply the existing methodology to more roof types.

19.202.3 Density Calculations

Milwaukie has implemented standards for minimum and maximum density for many years. This section of code is a new section that explains specifically how this standard is calculated. The rules for rounding density results are similar to those used in Portland.

There are changes to what parts of a property are or are not included in the calculation. Areas such as floodways, dedicated park or open space, and right-of-way area are excluded from both minimum and maximum density calculations. These areas are truly unbuildable and, as such, should not be excluded from these calculations.

Floodplains, which are currently deducted from density calculations, are not deducted under the proposed amendments, since they can be built on.

Maximum density also deducts floodplains and floodways, and slopes in excess of 25%. These are areas that can be built upon, but are constrained. The policy of excluding these areas from the calculation of maximum density helps to protect these sensitive lands by not setting a maximum density number that assumes development on them.

Lastly, a provision has been added that guarantees a legally platted lot at least 1 dwelling unit, regardless of the minimum density calculations. The development would still need to meet other applicable development regulations.

The overall effect of these changes will vary on a property-by-property basis. In the current zoning ordinance, there are about 197 acres of land on private property that are exempted for purposes of determining the minimum and maximum density.

The revised regulations would exclude approximately 4 acres of land on private property in the city from the minimum density calculations. Overall, this would result in a higher minimum number of dwelling units or lots required. The revised regulations would exclude approximately 200 acres of land on private property within the city from the maximum density calculations. This would result in a lower number of dwelling units or lots allowed than under the current regulations.

UNDERLINE/STRIKEOUT AMENDMENTS

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 and 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. 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 are included in the calculation of footprint. 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 ~~plot, parcel, or area of land owned by, or~~ under the lawful control and in the lawful possession of, one distinct ownership. When one owner controls an area defined by multiple adjacent legal lots or lots of record, the owner may define a lot boundary coterminous with one 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.

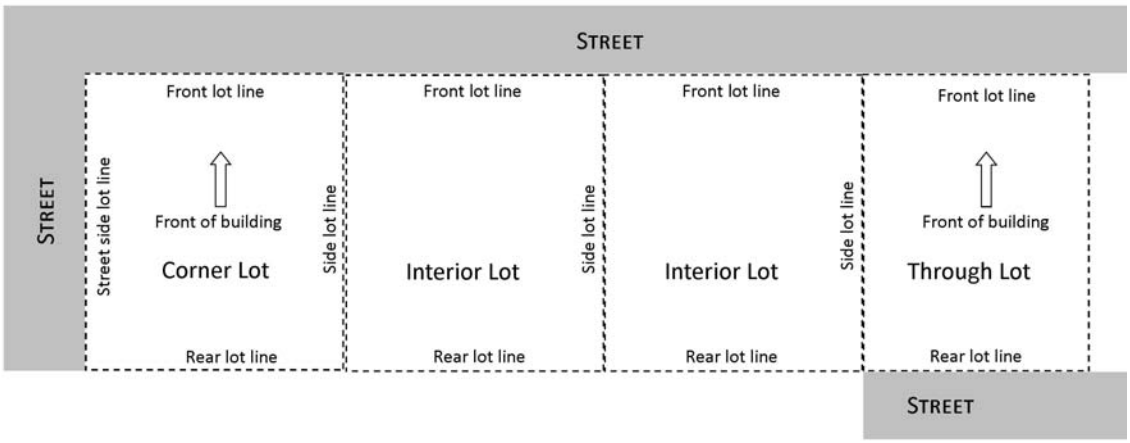
"Interior lot" means a lot other than a corner lot.

"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, that was not created through a partition or subdivision approved by the City, and that 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.

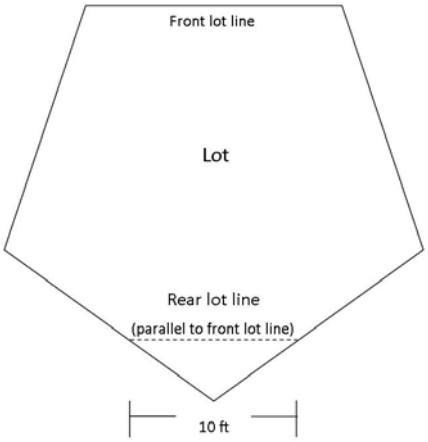
"Front lot line" means, in the case of an interior lot, the lot line separating the lot from the street other than an alley; in the case of a corner lot, a line separating the lot from the street on which the existing or contemplated development will face; and, in the case of a through

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 in length within the lot parallel to and at the maximum distance from the front lot line.

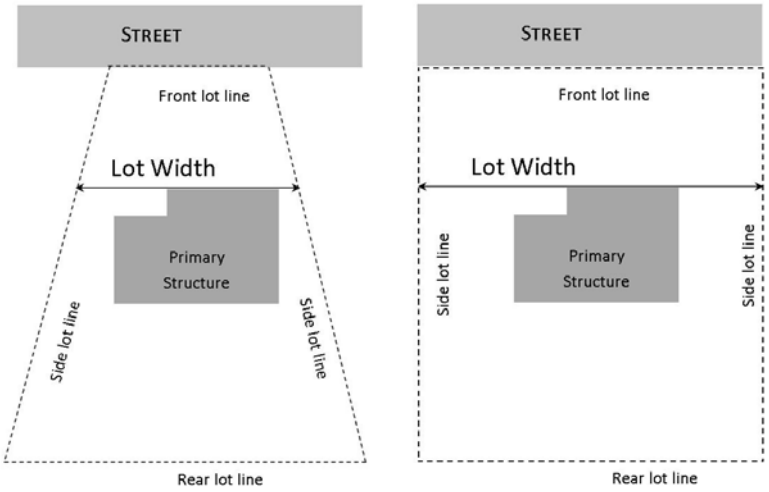
"Side lot line" means any lot line not a front or rear lot line.

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 one or more people, independent of the primary dwelling unit.

"Duplex" means a structure on one 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 one or more people. Buildings with more than one 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 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 one dwelling unit on one 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 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 one lot. Condominium lots do not count as separate lots for purposes of this definition. The dwelling units may be located in one or more structures on the lot. The dwelling units may be arranged with one dwelling unit per structure or with multiple dwelling units within a structure that are separated vertically and/or horizontally. Multifamily development includes 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 one or more common or abutting walls with at least one or more dwelling units on adjoining lots. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building. The shared or abutting walls may be any wall of the buildings, including the walls of attached garages. A rowhouse does not share common floor/ceilings with other dwelling units.

"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.

"Single-family detached dwelling" means a structure or manufactured home containing one dwelling unit that has no structural connection to adjacent units.

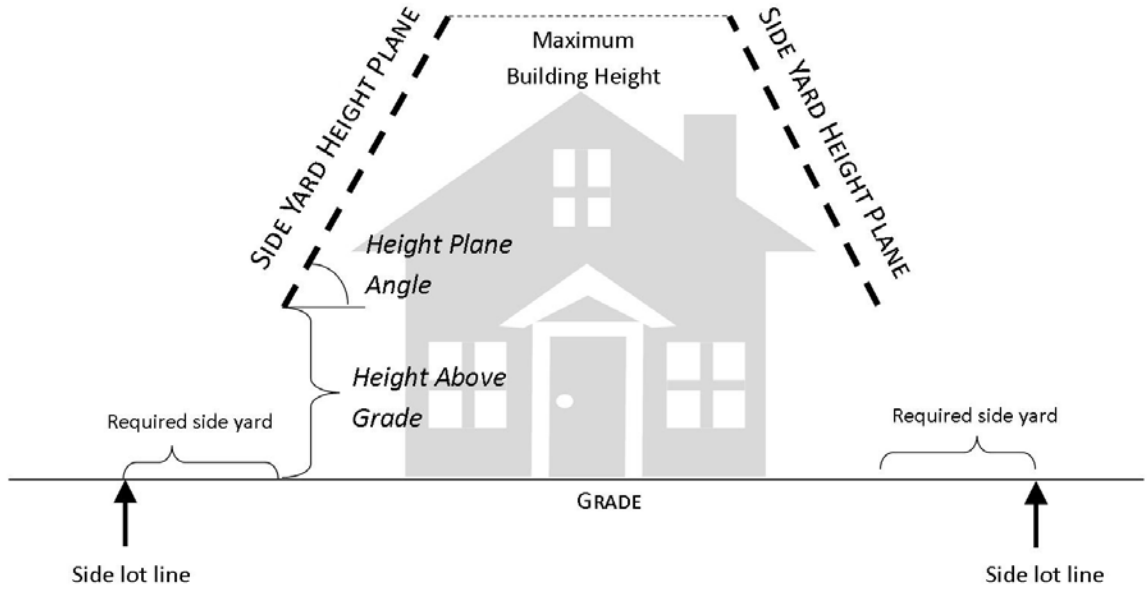
"Yurt" means a 1-story building with a circular footprint and a roof that is domed or conical with the highest point at the center of the circle. The walls and roof of a yurt are typically canvas or other flexible fabric material.

~~"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 height plane begins at a specified height above grade at the base zone minimum required yard depth and slopes upward 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.

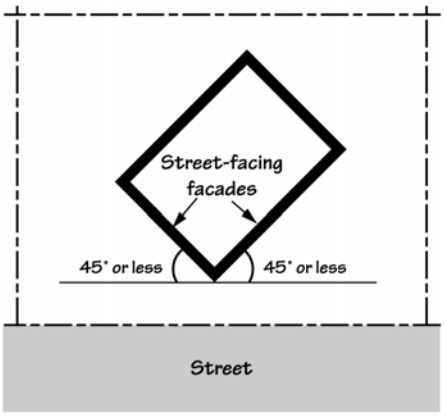
Figure 19.201-4
Side Yard Height Plane



"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 Facade



~~"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.

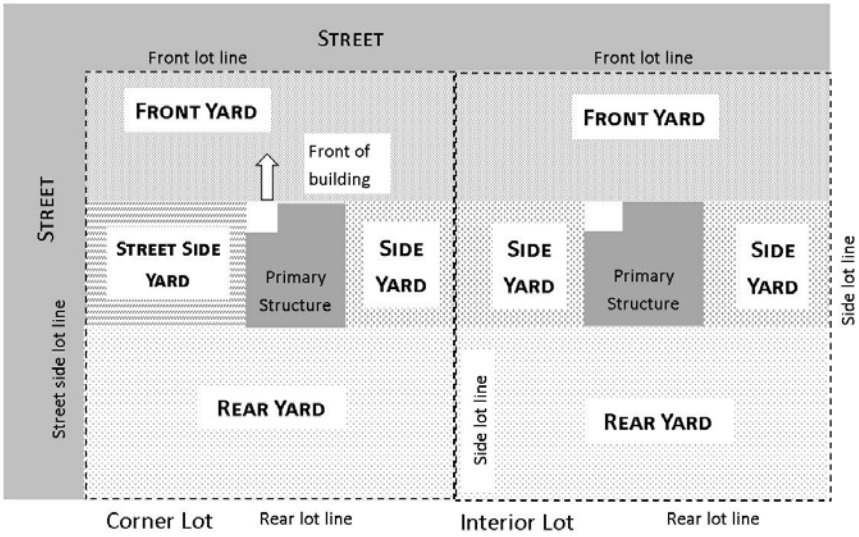
"Front yard" means a yard between side lot lines, measured horizontally and at right angles to the front lot line from the front lot line to the nearest point of the building.

"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 above the base point described in Subsection 19.202.2.B.1, below, and the top of a building described in Subsection 19.202.2.B.2, below.

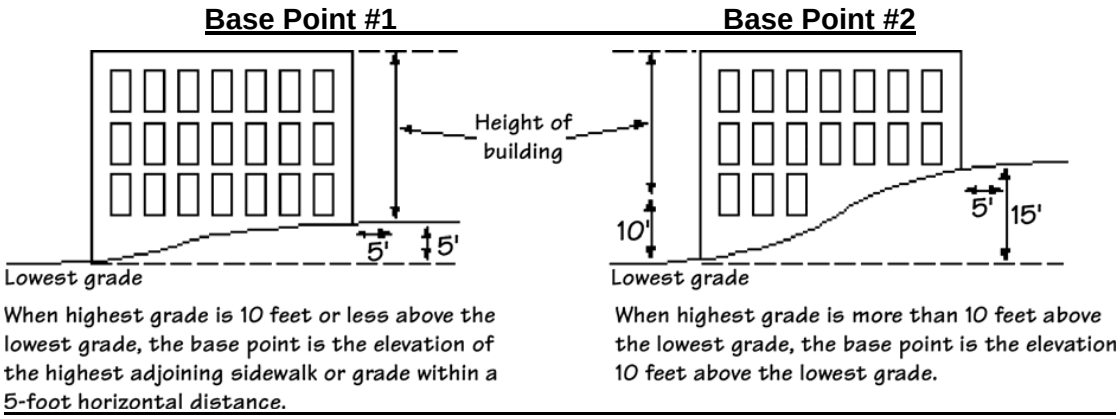
1. Base Point

   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 foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade

   b. Base point 2 is the elevation that is 10 feet higher than the lowest grade when the sidewalk or ground surface described for base point 1, above, is more than 10 feet above lowest grade.

Figure 19.202.2.B.1
Base Point Measurement



2. Top of Building

   The top of building shall be determined by 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.

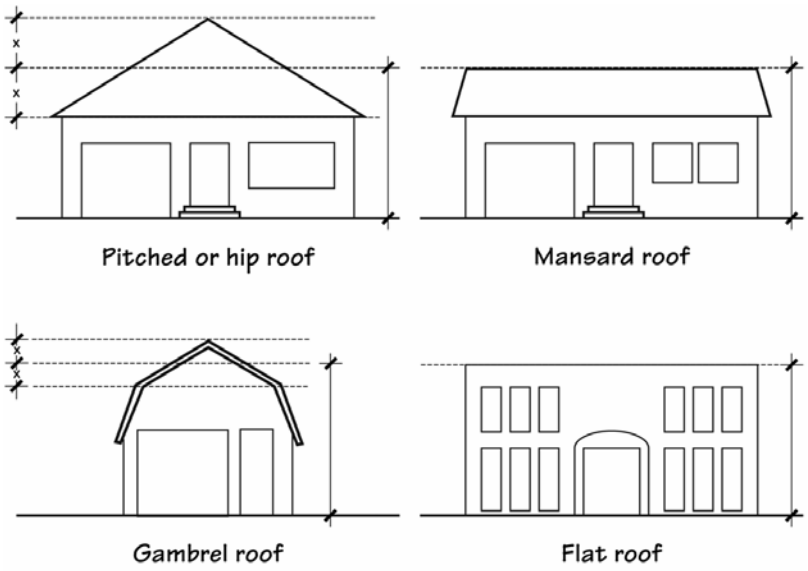
   d. Pitched or hipped roofs with a pitch steeper than 12 / 12: Measure to the highest point.

e. Gambrel roofs where both pitches are steeper than 12 / 12: Measure to the highest point.

f. Other roof shapes such as domed, vaulted, or pyramidal shapes: 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

Calculations of 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 areas 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 square feet 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 residential density are rounded based on a fraction that is truncated to two 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 square feet, 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 square feet, 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%.

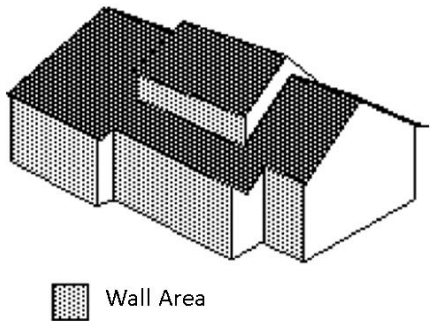
2. Density Calculation

The maximum number of dwelling units allowed is calculated by dividing the net area site 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 one 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



COMMENTARY

CHAPTER 19.300

BASE ZONES

19.301 Low Density Residential Zones

Overview

The following pages contain recommended amendments to the base zone use and development standards for the City's low density zones: R-10, R-7 and R-5 zones. The amendments are intended primarily to streamline and simplify the lists of allowed uses and development standards. In addition to some proposed changes in the regulations, staff believes that it is critical to change the formatting of the current code, for the reasons described below.

The most significant changes proposed for these zones pertain to organization and formatting. The current code lists each of the zones individually, and describes the policies for each zone in a repetitive narrative format. The proposed amendments group the three zones together into one "Low Density Residential Zones" section. Information for all three zones is presented in tables; one table lists allowed uses and the other contains basic development standards.

Due to the significant re-formatting of this section of the code, staff is recommending that the existing sections 19.301 (R-10), 10.302 (R-7), and 19.303 (R-5) be repealed and replaced with one new section 19.301 (Low Density Residential Zones). Therefore the proposed amendments for this section do not include underline/ strikeout notations. The policy changes included in the proposal are instead described in detail in this Commentary document.

This reformatting solves multiple problems with the current code:

1. Each zone occupies 2 pages of its own section in the MMC.
2. The development standards are described in a series of paragraphs. The reformatting puts these standards in a table so they are easier to read.
3. Comparing the uses and standards in multiple zones requires leafing through multiple pages. The reformatted code groups similar zoning categories together so that uses and standards can be compared on the same page.
4. The base zone standards presented in these zones are the key standards applied to a development. However, there are other sections which are not referenced within the base zones that exempt, modify, or augment these standards. It is difficult to find

these sections without an exhaustive review of hundreds of pages of code or talking to Planning Department staff.

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

19.301.1 Purpose

This is proposed new language to clarify the purpose of the low density residential zones, as generally established by the Comprehensive Plan.

19.301.2 Allowed Uses in Low Density Residential Zones

New language states that similar uses may be allowed through a Director's Determination.

Table 19.301.2

- This new table of allowed uses lists the uses allowed outright or conditionally in each zone, and includes a column for comments or cross reference to applicable standards. No changes are proposed to the use categories or allowances except as described below.
- Four uses that have always been allowed in residential zones, but were not listed in the base zone sections, have been added to the use list to present a more complete list of uses that may be allowed in these zones. These uses are: home occupations, accessory uses and structures, mobile home parks, and community service uses.
- The table uses the term "Duplex" where the current code uses "single-family attached dwelling". In the current code, all residential base zones include lot and development standards for interior single-family attached dwellings. "Single-family attached dwellings," however, is defined as a duplex, which logically eliminates the possibility of an interior single-family unit. The reformatted code does not include the standards for interior single-family attached dwellings since they are effectively prohibited by the current definitions.
- The review process for permitting accessory dwelling units (ADU) would change. Currently, a small ADU requires a Type II Review and a larger ADU requires a Type III Review as a conditional use, including a Planning Commission hearing. The proposed code would make an ADU either a Type I or Type II review. See the code and commentary for Chapter 19.900 for further details.
- "Temporary real estate office in a subdivision" has been deleted from the list of conditionally allowed uses. Given the lack of large sub-divisible property in and around the city, it seems highly unlikely that there would ever be a subdivision sizeable enough to need its own real estate office.

- One modification is proposed for agricultural/horticultural use regulations. The prohibition on a retail sales office remains, and a separate phrase states that home occupation uses are allowed in conjunction with a dwelling on a site with horticultural/agricultural uses. The intent is to allow Community Supported Agriculture (CSA) or similar arrangements. Direct retail sales would still be prohibited; however, an office associated with wholesale distribution or distribution of food to CSA members would be allowed. Some revisions are also proposed to clarify the city's policy on keeping chickens.

19.301.4 Development Standards

Table 19.301.4 Low Density Residential Development Standards

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

- 19.301.4.A.2 – current side yard setbacks for the R-10 and R-7 zone do not take building height into account. The default side yard setbacks for these zones would remain unchanged.
- 19.301.4.B.3 – the side yard height plane would require portions of the building over 20 ft in height to either slope away from the lot line at a 45 degree angle or use stepback or increased setbacks to make taller portions of the building further from the side lot lines. This standard helps to control building mass and maintain solar access for neighboring properties.
- 19.301.4.B.1 – Lots that are more than 2.5 times the minimum lot size would have a smaller allowable lot coverage. This is to prevent very large structures that are out of scale with development on smaller lots in the zone.
- 19.301.4.B.2 – allowed lot coverage is increased for additions to an existing single-family dwelling, residential home or duplex. The allowance is intended to make it easier for homeowners to expand and upgrade their current residences. The allowed increase is 10 percentage points over the base zone standard. However, the portions of the building that exceed the allowed lot coverage are limited to 20 ft in height/ 1-story. All other vegetation and setback standards must be met.

  This allowance is similar to what was allowed by the Home Improvement Exception variance. The cost for the variance was approximately $800 and took 4-6 weeks for approval. The proposed lot coverage increase would be allowed outright.
- 19.301.4.B.3 – Lot Coverage for Duplexes. A duplex would be allowed an increase in lot coverage of 20 percentage points.

- 19.301.4.B.4 – allowed lot coverage would be increased for adding a detached accessory dwelling unit.
- 19.301.5.C – a property would be required to have a certain percentage of its front yard area as vegetation. There is an existing limit that no more than 50% of a front yard can be used for parking, but no requirement that any portions needs to have vegetation.
- Currently, the density regulations apply only to applications reviewed by the Planning Commission. This exempts some applications that should be reviewed, such as partitions of 3 or fewer lots, and captures other applications for which density should not be reviewed, such as building a single structure in the Willamette Greenway. The proposed code would apply to any land division application in the low density zones.

  Applying minimum density standards to land divisions would have the effect of requiring large lots to create enough lots to meet the minimum density standards. For example, an R7 lot with 22,000 sq ft would be required to create 3 lots in order to meet the minimum density standards, even if the owner's original proposal was to create only two lots. By not enforcing minimum density regulations, property owners may create lot patterns with a partition that limit or preclude future land divisions elsewhere on the property in the future. It is preferable to establish the lot and street pattern for the property as a whole, as it will result in a more efficient use of the land in the long term. A property owner may still retain control of multiple unbuilt lots after the land division and is not required to develop the lots.

  There would be an exemption from minimum density requirements if the standard cannot be met due to constraints of lot dimensions. There would be no change in how maximum density regulations are applied.
- The standards pertaining to "single-family attached interior unit" are deleted because they are not relevant in the low density residential zones. No more than 2 units could be built on one lot.

Note:

1) The R-10 - R-5 zones currently include a reference to transition area measures. This is not included in the reformat because these zones do not allow the uses that are subject to the transition area measures.

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

19.301.1 Purpose

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

19.301.2 Allowed Uses in Low Density Residential Zones

Uses allowed, either outright or conditionally, in the low density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. 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.

Table 19.301.2
Low Density Residential Uses Allowed

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

Accessory and Other Uses				
Accessory structures and uses	P	P	P	**Section 19.503** Accessory Uses **Subsection 19.502.2** Specific Provisions for Accessory Structures
Agricultural or horticultural use	P	P	P	**Subsection 19.301.3** Use Limitations and Restrictions
Community service uses	CSU	CSU	CSU	**Section 19.904** Community Service Uses
Home occupation	P	P	P	**Section 19.507** Home Occupation Standards

P = Permitted.

N = Not permitted.

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

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

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 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.

C. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one 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. Important 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 Section 19.201 Definitions and Section 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

Table 19.301.4
Low Density Residential Development Standards

Standard	R-10	R-7	R-5	Standards/ Additional Provisions
A. Lot Standards				
1. Minimum lot size (square feet) a. Single-family detached b. Duplex	 10,000 14,000	 7,000 14,000	 5,000 10,000	**Subsection 19.501.1** Lot Size Exceptions
2. Minimum lot width (feet)	70	60	50	
3. Minimum lot depth (feet)	100		80	

4. Minimum street frontage requirements (feet) a. Standard lot b. Flag lot c. Double flag lot			 35 25 35	
B. Development Standards				
1. Minimum yard requirements for primary structures (feet) a. Front yard b. Side yard c. Street side yard d. Rear yard	 20 10 20 20	 20 5/10 20 20	 20 5 15 20	**Subsection 19.301.5.A** Side Yards **Subsection 19.501.2** Yard Exceptions **Subsection 19.504.8** Flag Lot Design and Development Standards
2. Maximum building height for primary structures		2.5 stories or 35 feet, whichever is less		**Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions
3. Side yard height plane limit a. Height above ground at minimum required side yard depth (feet) b. Slope of plane (degrees)			 20 45	**Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions
4. Maximum lot coverage (% of total lot area)		30%	35%	**Section 19.201 "Lot coverage"** definition **Subsection 19.301.5.B** Lot Coverage
5. Minimum vegetation (% of total lot area)	35%	30%	25%	**Subsection 19.301.5.C** Front Yard Minimum Vegetation **Subsection 19.504.7** Minimum Vegetation
C. Other Standards				
1. Density requirements (dwelling units per acre) a. Minimum b. Maximum	 3.5 4.4	 5.0 6.2	 7.0 8.7	**Subsection 19.301.5.D** Residential Densities **Subsection 19.501.4** Density Exceptions

19.301.5 Additional Development Standards

A. Side Yards

In the R-7 zone, one side yard shall be at least 5 feet and one side yard shall be at least 10 feet, except on a corner lot the street side yard shall be 20 feet.

B. 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 that are described by more than one of the situations below.

1. Decreased Lot Coverage for Large Lots

The 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 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 feet in height 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 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

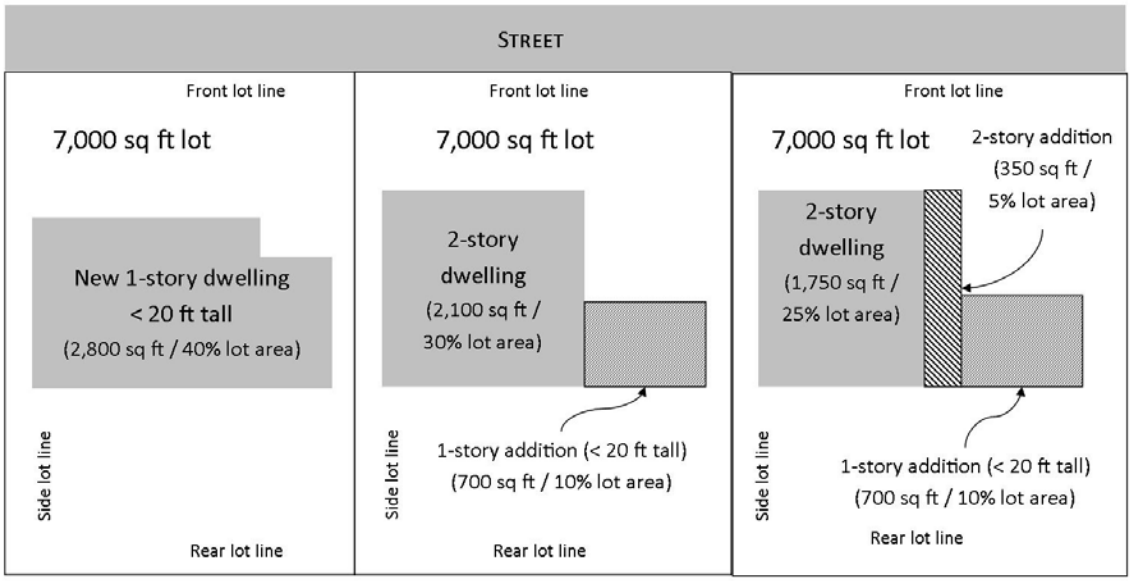


Figure 19.301.5.B.2 illustrates increased lot coverage for lots in Residential Zone R-7 based on 7,000 sq ft lot area.

3. Increased Lot Coverage for Duplexes

   The 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

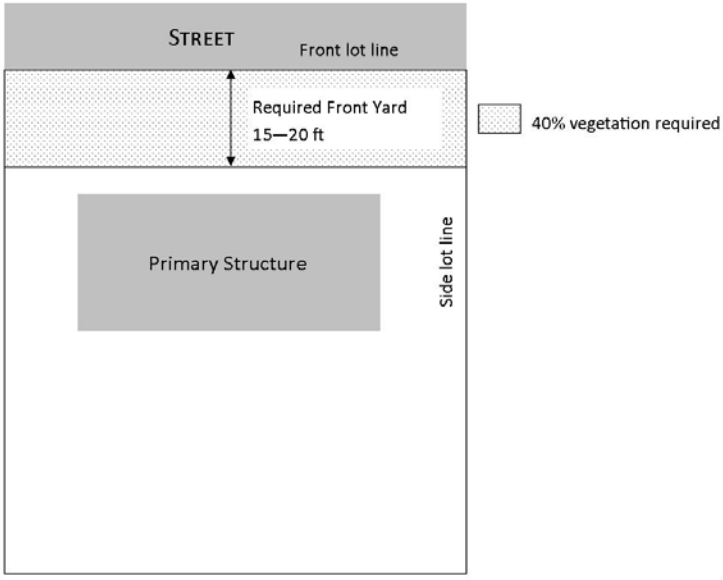
   The lot coverage percentage in Subsection 19.301.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed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

C. Front Yard Minimum Vegetation

   At least 40% of the required front yard shall be vegetated. The required front yard vegetation area counts toward the minimum required vegetation for the lot. A property may

provide less than the 40% minimum 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 division applications and replat applications that would 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 for 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 uses and 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.

COMMENTARY

19.300

BASE ZONES

19.302 Medium and High Density Residential Zones

Overview

The following pages contain recommended amendments to the R-3, R-2.5, R-2, R-1 and R-1-B zones that are intended to streamline and simplify the use lists and development standards for the higher-density residential zones. In addition to some proposed changes in the regulations, staff believes that it is critical to change the formatting of the current code, for the reasons described below.

The current code lists each of the zones individually, and describes the policies for each zone in a repetitive narrative format. The proposed amendments group the 5 zones together into one section. Information for all 5 zones is presented in tables; one table lists allowed uses and the other contains basic development standards.

Due to the significant re-formatting of this section of the code, staff is recommending that the existing sections 19.304 (R-3), 19.305 (R-2.5), 19.306 (R-2), 19.307 (R-1) and 19.308 (R-1-B) be repealed and replaced with one new section 19.302 (Medium and High Density Residential Zones). Therefore the proposed amendments for this section do not include underline/ strikeout notations. The policy changes included in the proposal are instead described below.

This reformatting solves multiple problems with the current code:

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

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

19.302.1 Purpose

This is proposed new language to clarify the purpose of the medium and high density residential zones, as established by the Comprehensive Plan.

19.302.2 Allowed Uses in Medium Density Residential Zones

New language states that similar uses may be allowed through a Director's Determination process.

Table 19.302.2

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

- Four uses that have always been allowed in residential zones, but were not listed in the base zone sections, have been added to the use list to present a more complete list of uses that may be allowed in these zones. These uses are: home occupations, accessory uses and structures, mobile home parks, and community service uses.
- The review process for permitting accessory dwelling units (ADU) would change. Currently, a small ADU requires a Type II Review and a larger ADU requires a Type III Review as a conditional use, including a Planning Commission hearing. The proposed code would make an ADU an allowed with a Type I or Type II review. See the code and commentary for Chapter 19.900 for further details.
- Rowhouses would be allowed as an outright use, subject to the standard listed in this section and the design standards in Section 19.505.5. This housing type was once allowed in Milwaukie, and then prohibited from the mid-1980s to the present. There would be a limit of no more than 4 consecutive units that share common walls.
- Cottage cluster housing would be a new type of housing allowed in Milwaukie. This type of housing has small individual houses that are built in one development and have shared open space and parking. This type of development would be subject to the standards in Subsection 19.505.4.
- Two types of uses currently listed in the code would be deleted. "Temporary real estate office in a subdivision" has been deleted from the list of conditionally allowed uses. Given the lack of large sub-divisible property in and around the city, it seems highly unlikely that there would ever be a subdivision sizeable enough to need its own real estate office.

"Marina" would also be deleted as a conditionally allowed use in the R-2, R-1, and R-1-B zones. There are very few lots in these zones that could physically accommodate this type of use. Lots in these zones that do have frontage along the Willamette River and Kellogg Creek are in the Willamette Greenway Overlay, which allows for private, non-commercial docks.

- A phrase from the current R-1 zone would be deleted. It states that "allowed commercial uses" are limited to certain sizes and locations within a structure. This seems to be a vestigial regulation since commercial uses are not currently allowed outright or conditionally in this zone. Staff does not believe that the regulation is useful to apply to new Office or and Personal/Business Service uses that would be allowed in the R1 zone.
- The current language for office uses in most of these zones includes a caveat that office uses "generate a minimal amount of traffic". This language is vague and difficult to enforce and was therefore not included in the recommended amendments. The Public Facility Improvements required in Chapter 19.700 should be sufficient to address potential traffic concerns for these types of uses. The current language also includes a lengthy list of examples of allowed offices, and the proposed code simplifies this list considerably.

19.302.3 Use Limitations and Restrictions

A. One modification is proposed for agricultural/horticultural use regulations. The prohibition on a retail sales office remains, and a separate phrase states that home occupation uses are allowed in conjunction with a dwelling on a site with horticultural/agricultural uses. The intent is to allow Community Supported Agriculture (CSA) or similar arrangements. Direct retail sales would still be prohibited; however, an office associated with wholesale distribution or distribution of food to CSA members would be allowed. Another amendment to this section clarifies the city's policy on keeping chickens.

B. The current code specifies a list of specific office uses that are allowed in each zone. The language is mostly consistent but does vary slightly from zone to zone. In addition, the R-1-B zone has two separate lists of permitted office uses; the intended difference between the lists is unclear. Listing specific office uses is not particularly useful and it is unclear if other office uses are prohibited or would require a Director's Determination. The proposed use table consistently uses the term "office, studio, or clinic". The proposed amendments would not change which uses would be allowed in the Medium and High Density residential zones, nor would it change the locations in which they are allowed.

Table 19.302.4 Medium Density Residential Development Standards

This proposed new table of development standards for the medium and high density residential zones summarizes the development standards for each zone, and includes a

column of commentary and/or additional provisions is provided to link this section with other relevant sections or chapters of the code. No changes are proposed to the use categories or allowances except as described below.

- 19.304.5.A.1. The existing lot size standards for the medium and high density zones are somewhat confusing. In order to clarify the standards and remove potential conflicts and inconsistencies, the proposed code provides 3 lot size standards: rowhouses, duplexes, and one for all other development.
- 19.302.5.A.3. The existing code does not provide a lot depth standard for the R-1-B zone. It's unclear if this was an intentional omission. The recommended amendments include a lot depth standard of 80 feet for this zone.
- 19.302.5.B.1.d. The existing code did not provide a rear setback standard for the R-2.5 zone. It's unclear if this was an intentional omission. The recommended amendments include a rear setback standard of 15 feet for this zone, which is the same as that required in the other zones in the section.
- Lot size per unit – the current code regulates multi-unit development with a density requirement (X units per acre) as well as a lot size requirement (at least X,000 sq ft per unit). This is necessary for the current code since the density requirement has limited applicability. In the proposed code, the density requirement will be more broadly applicable. As a result, lot size requirements based on the number of dwelling units would be eliminated.

  Staff has retained portions of regulations that control density based on the number of square feet per dwelling unit in order to ensure that allowed residential density is not being increased.
- Rowhouse: Since allowing rowhouses would be a new policy, all the standards for this type of housing are new. The specific design standards for rowhouses are in Subsection 19.505.5.

19.302.5 Additional Development Standards

- 19.302.5.A – side yard setbacks for single-family structures and duplexes would remain unchanged. Rowhouses would also be allowed to have no side yard so as to allow attached units.
- 19.302.4.B.3 – the side yard height plane would require portions of the building over a certain height to either slope away from the lot line at a 45 degree angle or use stepback or increased setbacks to make taller portions of the building further from the side lot lines. This standard helps to control building mass and maintain solar access for neighboring properties.
- 19.302.5.B.1 – allowed lot coverage is increased for additions to an existing single-family dwelling, residential home or duplex. The allowance is intended to make it easier for homeowners to expand and upgrade their current residences. The allowed increase is 10 percentage points over the base zone standard. However, the

portions of the building that exceed the allowed lot coverage are limited to 20 ft in height/ 1-story. All other vegetation and setback standards must be met.

This allowance is similar to what was allowed by the Home Improvement Exception variance. The cost for the variance was approximately $800 and took 4-6 weeks for approval. The proposed allowance would be allowed outright.

- 19.302.5.B.2 – Lot Coverage for Duplexes and Rowhouses. A duplex or rowhouse would be allowed an increase in lot coverage of 20 percentage points.
- 19.302.5.B.3 – allowed lot coverage would be increased for adding a detached accessory dwelling unit.
- 19.302.5.C – a property would be required to have a certain percentage of its front yard area as vegetation. There is an existing limit that no more than 50% of a front yard can be used for parking, but no requirement that any portions needs to have vegetation.
- 19.302.5.E.1 - Currently, the density regulations apply only to applications reviewed by the Planning Commission. This exempts some applications that should be reviewed, such as partitions of 3 or fewer lots or multifamily developments in zones that allow them outright. It also captures other applications for which density should not be reviewed, such as building a single structure in the Willamette Greenway. The proposed code would apply to land divisions and actions that would increase the number of dwelling units on a lot.

  Applying minimum density standards to land divisions would have the effect of requiring large lots to create enough lots to meet the minimum density standards. For example, an R2 lot with 10,000 sq ft would be required to create 3 lots in order to meet the minimum density standards, even if the owner's original proposal was to create only two lots. By not enforcing minimum density regulations, property owners may create lot patterns with a partition that limit or preclude future land divisions elsewhere on the property in the future. It is preferable to establish the lot and street pattern for the property as a whole, as it will result in a more efficient use of the land in the long term. A property owner may still retain control of multiple unbuilt lots after the land division and is not required to develop the lots.

  There would be an exemption from minimum density requirements if the standard cannot be met due to constraints of lot dimensions. There would be no change in how maximum density regulations apply.
- 19.302.5.E.2 – The current zoning code has lot area regulations that require a certain minimum lot size based on the number of dwelling units. The requirements of this table preserve those lot size requirements so that the density allowed in the proposed code is the same as it is in the current code. The R-3 and R-2.5 zones are not included in the table since they do not currently have lot size controls based on the number of dwelling units.

- 19.302.5.G.2 – multifamily structures would be limited to 150 ft between end walls of a structure. This is a new regulation to prevent overly-large multifamily structures and encourage development to be broken up into smaller sized buildings.
- 19.302.5.H – these transition measure are adapted from the existing transition measures in 19.504.6. The current transition area measures relate to setbacks and open space. The proposed measures relate to building height. Staff has revised the setback requirements for multifamily zones and believe that these standards will adequately address building separation.

CHAPTER 19.300

BASE ZONES

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

19.302.1 Purpose

The medium density residential zones are intended to create and maintain higher density residential neighborhoods 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 Density Residential Zones

Uses allowed, either outright or conditionally, in the medium density residential zones are listed in Table 19.302.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. 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.

Table 19.302.2
Medium Density Residential Uses Allowed

Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential						
Single-family detached dwelling	P	P	P	P	P	**Subsection 19.505.1** Design Standards for Single-Family Dwellings and Duplexes
Duplex	P	P	P	P	P	**Subsection 19.505.1** Design Standards for Single-Family Dwellings and Duplexes
Residential home	P	P	P	P	P	**Subsection 19.505.1** Design Standards for Single-Family Dwellings and Duplexes
Accessory dwelling unit	P/II	P/II	P/II	P/II	P/II	**Subsection 19.910.1** Accessory Dwelling Units
Manufactured dwelling parks	III	N	N	N	N	**Subsection 19.910.3** Manufactured Dwelling Parks.
Rowhouse	P	P	P	P	P	**Subsection 19.505.1** Design Standards for Single-Family Dwellings and Duplexes **Subsection 19.505.5** Standards for Rowhouses

Cottage Cluster Housing	P	P	P	P	P	**Subsection 19.505.4** Design Standards for Cottage Cluster Housing Cottage cluster land division requires Type III review
Multifamily	CU	CU	P	P	P	**Subsection 19.505.3** Design Standards for Multifamily Housing **Subsection 19.302.5.F** Residential Densities **Subsection 19.302.5.H** Building Limitations
Congregate housing facility	CU	CU	P	P	P	**Subsection 19.505.3** Design Standards for Multifamily Housing **Subsection 19.302.5.F** Residential Densities **Subsection 19.302.5.H** Building Limitations
Senior and retirement housing	CU	CU	CU	P	P	**Subsection 19.905.9.G** Senior and Retirement Housing
Boarding, lodging and rooming house	CU	CU	CU	CU	CU	
Commercial						
Office	CU	CU	CU	CU	P	**Subsection 19.302.3** Use Limitations and Restrictions
Hotel or motel	N	N	CU	CU	CU	
Bed and Breakfast	CU	CU	CU	CU	CU	
Accessory and Other Uses						
Accessory structures and uses	P	P	P	P	P	**Section 19.503** Accessory Uses
Agricultural or horticultural use	P	P	P	P	P	**Subsection 19.302.3** Use Limitations and Restrictions
Community service uses	CSU	CSU	CSU	CSU	CSU	**Section 19.904** Community Service Uses
Home occupation	P	P	P	P	P	**Section 19.507** Home Occupation Standards

P = Permitted.

N = Not permitted.

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

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

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 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one 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 density residential zones, the development standards in Table 19.302.4 apply. Important notes and/or cross references to other applicable code sections are listed in the "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 Section 19.201 Definitions and Section 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

Table 19.302.4
Medium Density Residential Development Standards

Standard	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
A. Lot Standards						
1. Minimum lot size (in square feet) 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	**Subsection 19.501.1** Lot Size Exceptions **Subsection 19.505.4** Design Standards for Cottage Cluster Housing **Subsection 19.505.5** Standards for Rowhouses
2. Minimum lot width (feet) a. Rowhouse b. All other lots	 30 50		 25 50		 20 50	
3. Minimum lot depth (feet) a. Rowhouse b. All other lots	 80 80	 75 75	 80 80		 70 80	
4. Minimum street frontage requirements (feet) 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. Development Standards						
1. Minimum yard requirements for primary structures (feet) a. Front yard b. Side yard c. Street side yard d. Rear yard					 15 See 19.302.5.A 15 15	**Subsection 19.302.5.A** Side Yards **Subsection 19.501.2** Yard Exceptions
2. Maximum building height for primary structures	2.5 stories or 35 feet, whichever is less		3 stories or 45 feet, whichever is less			**Subsection 19.302.5.E** Height Exceptions **Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions **Subsection 19.302.5.I** Transition Measures

3. Side yard height plane limit a. Height above ground at minimum required side yard depth (feet) b. Slope of plane (degrees)	20 45	25 45		**Subsection 19.501.3** Building Height and Side Yard Height Plane Exceptions
4. Maximum lot coverage (% of total lot area)	40%	45%	50%	**Section 19.201 "Lot coverage"** definition
5. Minimum vegetation (% 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
C. Other Standards				
1. Density requirements (dwelling units per acre) a. Minimum b. Maximum	11.6 14.5	11.6 17.4	25.0 32.0	**Subsection 19.202.4** Density Calculations **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 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 the portions of the structure that are in excess of 20 ft in height 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 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

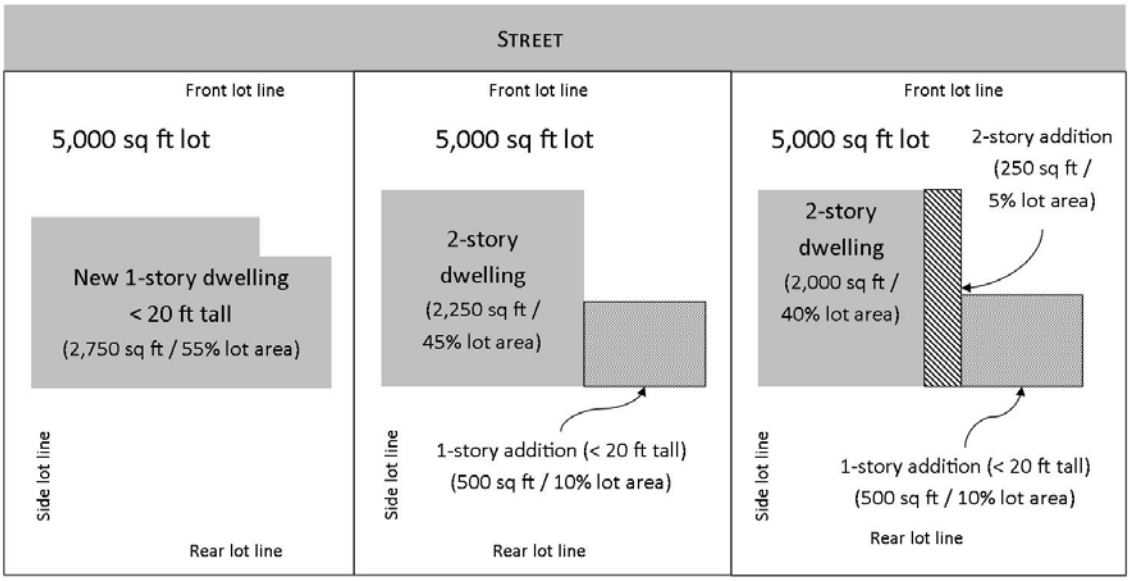


Figure 19.302.5.B.1 illustrates increased lot coverage for lots in Residential Zone R-2 based on 5,000 sq ft lot area.

2. Increased Lot Coverage for Duplexes and Rowhouses

   The 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 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.

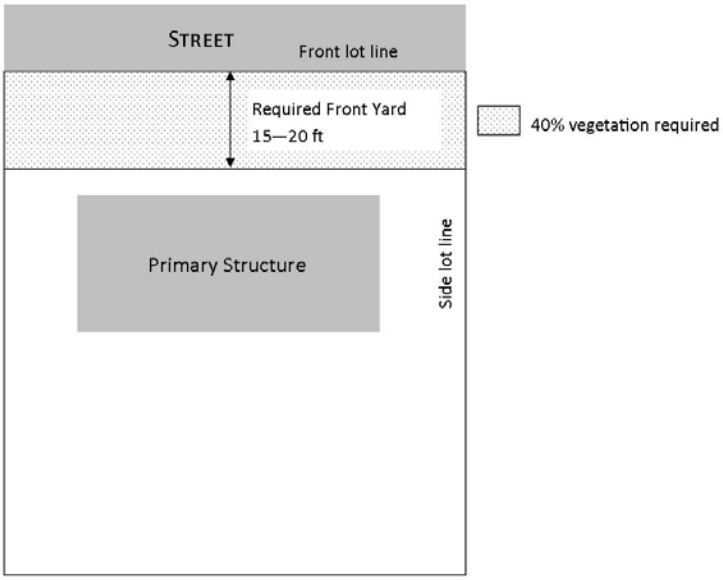
C. Minimum Vegetation

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 required front yard shall be vegetated. The required front yard vegetation area counts toward the minimum required vegetation for the lot. A property may provide less than the 40% minimum front yard vegetation requirement if it is necessary to provide additional maneuvering area as 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

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.

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 for 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 are 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.

Table 19.302.5.F.2
Minimum Site Size for Multifamily Development in the R-2, R-1, and R-1-B Zones

Units	R-2 Zone	R-1 and R-1-B Zone
1st 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 feet 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 feet 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.

COMMENTARY

CHAPTER 19.300

BASE ZONES

19.309 RESIDENTIAL-OFFICE-COMMERCIAL ZONE R-O-C

Changes to this section of code are housekeeping amendments to maintain consistent terminology in the code. It will not have any policy implications. The Mixed Use Overlay applies to all areas zoned R-O-C, and the regulations in that section override the regulations in the R-O-C zone (See MMC 19.404.10)

- Changes to terminology for duplex and multifamily dwellings
- Deletion of standards for single-family attached dwellings. This would have the effect of only allowing duplexes in the R-O-C zone and not allowing rowhouses.
- This additional height allowance is being relocated directly into the base zone chapters (19.300) from its current location in Chapter 19.500. The regulation itself is not being amended.

19.310 DOWNTOWN ZONES

Changes in terminology (rowhouse, multifamily) are the only amendments to this section of code.

19.312 LIMITED COMMERCIAL ZONE C-L

Amendments would change terminology for duplex and multifamily dwellings. There would also be a deletion of standards for single-family attached dwellings. This would have the effect of continuing the existing zoning regulations that do not allow rowhouses in the C-L zone.

UNDERLINE/STRIKEOUT AMENDMENTS

CHAPTER 19.300

USE ZONES

[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;~~

E~~F~~. Congregate housing facility;

F~~G~~. Senior and retirement housing;

G~~H~~. Offices;

H~~I~~. Retail trade establishment such as a food store, drugstore, gift shop, hardware store selling primarily from a shelf-goods inventory;

I~~J~~. Personal service business such as a barber shop, tailor shop, or laundry and dry cleaning pickup station;

J~~K~~. Funeral home;

K~~L~~. Commercial recreation and motion picture theater;

L~~M~~. Eating establishment;

M~~N~~. Hotel or motel;

N~~O~~. Parking facility;

O~~P~~. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;

P~~Q~~. Financial institution;

Q~~R~~. Trade or commercial school;

R~~S~~. Department or furniture store;

S~~T~~. 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 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. 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.

J~~K~~. 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.~~

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.

Table 19.304.3
Downtown Zones—Uses

Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
Residential					
Single-family detached	N	N	N	N	N
~~Townhouse~~ Rowhouse	L[1]	N	N	L[1]	N
Multifamily ~~apartment/ condominium~~	L[10]	P	N	P	N
Senior and retirement housing	N	P	N	P	N
Second-floor housing	P	P	P	P	N
Commercial/Office[1]					
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
Other					
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

[1] 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 standalone 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.

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.

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 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~~.

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~~1~~. 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.

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.

COMMENTARY

CHAPTER 19.400

OVERLAY ZONES AND SPECIAL AREAS

19.401 WILLAMETTE GREENWAY ZONE WG

Amendments to this section would exempt accessory structures for established uses from Willamette Greenway review. This exemption is consistent with the wording of Statewide Planning Goal 15, Willamette River Greenway, upon which the regulations in this section of code are based.

19.404 MIXED USE OVERLAY ZONE MU

Amendments to this section only affect the terminology for some housing types. There are not any policy changes proposed for this section.

UNDERLINE/STRIKEOUT AMENDMENTS

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;~~

C~~D~~. Rowhouses ~~Single-family attached small lot townhouses~~;

D~~E~~. Professional offices;

E~~F~~. 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~~G~~. Motion picture theater (adult theaters are not permitted);

G~~H~~. 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~~I~~. Brew pub which serves food;

I~~J~~. Hotel;

J~~K~~. Parking facility;

K~~L~~. Financial institution (without drive-up tellers);

L~~M~~. Trade or commercial school;

M~~N~~. Department or furniture store;

N~~O~~. Bed and breakfast;

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

P~~Q~~. Farmers' market;

Q~~R~~. Public park or community meeting area;

R~~S~~. Youth center;

S~~T~~. Day-care facilities;

T~~U~~. Any other use similar to the above and not listed elsewhere.

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 one 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.

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 ~~316~~ 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 ~~316~~, 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 in height; (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~~309~~.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.

COMMENTARY

CHAPTER 19.500

SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.501 GENERAL EXCEPTIONS

19.501.1 Lot Size Exceptions

The wording of this section is revised to allow dwellings such as cottage cluster housing and rowhouses to be built on small lots. It would retain the policy of prohibiting single-family detached dwellings on lots under 3,000 sq ft in area. The policy has been re-written to be easier to understand.

19.501.2 Yard Exceptions

A. The City requires additional setbacks for properties along some streets as a means for planning for future road widening or sidewalk construction. The additional street setbacks along parts of 40th Ave would be reduced. The current regulations require excessively wide setbacks for these streets given the street classification and desired right-of-way width called for by the Transportation System Plan.

C. A new allowance would let a covered but unenclosed porch extend 6 ft into a required setback. This allowance is meant to encourage porches since they are a desirable urban design feature that increases community safety and improves the look of a dwelling.

19.501.3 Building Height Exceptions

B. This allowance is being moved into the appropriate base zone regulations in Chapter 19.300.

A new Subsectio B is being added that provide exemptions from the side yard height plane requirement. The height plane is an imaginary plane that slopes upward from the side lot line toward the interior of a lot. A building is required to be at or below the plane's height, which helps reduce the height and mass of a building near a side lot line and allows a building to be taller nearer the center of a lot.

The exceptions in this section allow eaves, dormers, and roof gables to exceed the plane, with some limitation. Eaves are architectural features that do not substantially add to a building's mass, and should be encouraged. Dormers are beneficial features that add visual interest and help to break up expanses of roof area. Dormers below a certain size are allowed to encroach a limited amount into the height plane. Lastly, the gable ends of roofs are allowed some encroachment. This allowance maintains some flexibility for property owners to choose roof styles and orientation where the gable ends face side lot lines. If not for this exemption, the height plane regulations would otherwise provide an incentive

to build houses with gable ends that face the front lot line, which would decrease the architectural variety that might otherwise occur.

19.502 ACCESSORY STRUCTURES

19.502.1 General Provisions

A minor change to this section is to clarify the relation between the general 5 ft accessory structure setback and the provision that says "except where other requirement of this title are more restrictive." This is an unclear reference since technically most of the rear yard setback and some of the side yard setback requirements in the base zones are more restrictive. The amendments specifically lists which setbacks apply.

19.502.2 Specific Provisions for Accessory Structures

Milwaukie adopted new accessory structure regulations in 2002 that included some basic design standards and limited height and building footprint. These standards have prevented the installation of very large accessory structures, but have been seen as too limiting in many cases. The proposed amendments would make allowances for larger structures while offsetting the impacts of larger structures by requiring increased setbacks. The proposed policy changes are described below:

- The first category of accessory structures allows small structures (less than 10 ft tall and under 200 sq ft) to be setback 3 ft from a side or rear lot line. The height and footprint thresholds correspond to the thresholds for structures that require a building permit. The intent is to allow more lenient standards for structures that would be installed on a property without any required review by the City.
- The second category allows moderately sized structure (up to 15 ft tall and 600 sq ft) to be setback further from the property line. This category corresponds closely to the current regulations on accessory structures for lots under 10,000 sq ft in area. One change is that the footprint size is increased from the current 500 sq ft limit.
- The third category allows accessory structures of a larger size if the structure meets the setback requirements for the primary structure on a lot. In most residential zones, this will require a 5 ft side yard setback and 20 ft rear yard setback. The height would be limited to 25 ft or no taller than the height of the primary structure, whichever is less. The footprint would be limited to be no larger than 75% of the size of the primary structure. The maximum lot coverage standard would be applicable and may limit the overall size of an accessory structure more than the percentage limitation. The intent of this category is to allow larger accessory structures where they have increased setbacks from lot lines and are in proportion to the size and height of the primary structure on the lot.
- A provision has been made to allow large lots with small primary structures to have relatively large accessory structures. The intent is to allow barns for agricultural

uses on such lots, though the city will not regulate the actual use of the structure with regard to agricultural use.

- The walls of structures would need to be separated by at least 5 ft from other structures on the same lot. The current regulation requires a 6 ft separation from the closest point of each structure, which City staff believes is excessive.
- A section is added to clarify when a connection between a dwelling and a structure makes the accessory structure and addition, as opposed to two structures connected by a breezeway. This is important in determining whether accessory structure limitations are applicable.
- The design standards for accessory structures are expanded are mostly the same as they are in the current code. The requirement for using materials that are commonly used in residential construction would only apply to structures that are in front of the primary structure or are located in a side yard and visible from the street. Currently, this requirement applies to all accessory structures regardless of placement on the lot.

  There is no longer a specific proposal to prohibit tarp and PVC structures as there was in earlier drafts of the proposal. The current language of the code does, however, have the same basic effect through its requirement for the use of commonly used residential building materials.
- A new provision would allow flagpoles as an accessory structure, with a height limit of 25 ft in residential zones. The 15 ft height limit and prohibition on accessory structures in the front yard has been problematic for a handful of property owners that have wanted to install flag poles. The revisions allow a 25 ft pole and requires a setback of 5 ft from any property line.

19.502.3 Sustainability-Related Accessory Structures

This new section makes allowance for solar energy, wind energy, and rainwater collection systems as accessory structures. The public outreach for this project strongly supported the allowance of sustainability-related equipment. The current code does not necessarily prohibit these items; however, the current design standards and limitations may have the effect of discouraging or limiting the effectiveness of such equipment. The point of this section is to specifically allow these systems while placing appropriate limits to limit impacts to surrounding properties. New definitions are included that clarify that these systems are intended for use by individual properties, as opposed to larger scale systems that provide energy to multiple properties.

- The regulations for solar energy systems clarify the allowances, standards, and review process. These standards are modeled after regulations recently adopted by the City of Portland. The regulations make broad allowances for the installation of

solar energy systems with limited review in response to recent state laws that limit the review that jurisdictions may apply to installation of solar energy systems.

- The regulations for wind energy systems clarify the allowances, standards, and review process. The proposed regulations are modeled after regulations recently adopted by Portland and Lincoln City.
- Allowances would be made for rainwater cisterns to be located near lot lines. These regulations help clarify that such systems are an allowed use as well as establish location requirements.

19.503 ACCESSORY USES

19.503.1 General Provisions

A. Clarifies that an accessory dwelling unit is not a guesthouse, and also adds a time limit for occupation of a guesthouse. Not having a specified limit has made it difficult for the City to prevent long-term living in what is supposed to be an accessory structure occupied on a limited basis.

B. Removes a prohibition of selling items on a site that are grown in a greenhouse accessory structure. A person could maintain a greenhouse and sell items from it on a pre-arranged basis (e.g. not having a roadside stand). This type of sales would not violate the rules on home occupations and should not be prohibited.

C and D. This would remove a legally unenforceable provision from two long-standing sections of code related to animal keeping. The City cannot require that surrounding property owners consent to keeping fowl or bees before allowing a property to keep them on site. The remaining portions of these provisions would still be enforceable.

E. Change are proposed to reduce the height restrictions on amateur radio antennas. These changes are necessary in order to be consistent with state law, which limits what height restrictions a jurisdiction can place on such equipment.

19.504 SITE DESIGN STANDARDS

19.504.4 Buildings on the Same Lot

Revises a regulation that prohibits multiple dwelling structures on one lot in the R-10, 7, 5 and 3 zones. An exception would be allowed for a detached accessory dwelling unit, and for multiple dwelling structures that are part of a multifamily development in the R-3 zone.

19.504.11 Setbacks Adjacent to Transit; 19.504.10 On-Site Walkways and Circulation; 19.504.6 Transition Area Measures; 19.505.5 Building Orientation to Transit

The basic regulations in these sections are unchanged. The amendments would remove multifamily developments from the types of development to which these regulations apply. The new multifamily design standards in Subsection 19.505.3 and development standards in

Section 19.302 would address the issues covered in 19.504 in a way that is more specific to multifamily housing.

19.504.7 Minimum Vegetation

This section describes the required character of the minimum vegetation areas. The review standard is that a "maximum of area shall be for planting and a minimum for barkdust." The revision would establish maximum percentage of the required vegetation area that may be covered in bark or mulch. Having an objective standard it easier for both applicants and for staff in the design and review of landscaping areas.

19.504.9 Flag Lot Design and Development Standards

Minor amendments are proposed to the description of where fencing or vegetation is required to screen flag lot development from adjacent properties. The intent behind these standards when adopted in 2002 was to require screening along all lot lines of a flag lot except for the lot lines that abut the flag lot's "parent lot." The wording of the regulation was such that screening was only required along the side lot line abutting the flag lot driveway.

19.504.8 Multifamily Recycling Requirements

These regulations have been moved into the multifamily design standards in Subsection 19.505.3.

19.505 BUILDING DESIGN STANDARDS

19.505.1 Design Standards for Single-Family Dwellings and Duplexes

This section replaces the existing design standards for single family home construction with new design standards. Single family homes and duplexes (where allowed outright) would continue to be permitted only through a clear and objective building permit review. The same standards would apply throughout Milwaukie. The standards are style-neutral, but focus on community design goals aimed at creating safer streets and attractive, human-scale development.

B. Applicability

Currently, design standards apply only to new home construction. Single family residential (SFR) additions that exceed 200 sq ft on any street-facing facade, or remodels that convert a street-facing garage to habitable space would be required to meet the design standards. Some of the design standards are applicable for expansions of a smaller size.

C. Standards

1. Articulation. All buildings must incorporate design features that break up large expanses of blank walls. This promotes attention to detail, prohibits large blank walls and uniform boxes while still allowing flexibility in design.

2. Eyes on the Street. All buildings must provide defined entrances, and a combination of windows, porches, and/or balconies, on 15% of street-facing building face. This promotes human-scale design and street visibility.

3. Main Entrances. At least one entrance must face the street and be no more than 8' back from the longest street-facing wall. This promotes human-scale design and street visibility.

4. Detailed design. Each building must include 5 of 16 features listed on a "menu." This promotes attention to detail, human-scale design, while affording flexibility to use a variety of building styles. The "menu" approach allows a developer some flexibility to choose how a home design will meet the City's goals of achieving friendly development that addresses the public realm. Limiting the options allows staff to clearly determine, during building permit review, whether the standards are met. The design standards for new and remodeled single-family development allow a wide variety of housing styles to meet the standards. In other words, they do not prescribe a particular architectural style.

A Type II variance may be requested for relief from the Detailed Design standards. This type of variance is reviewed by staff and is less expensive and reviewed more quickly than a Type III variance, which is reviewed by the Planning Commission. A variance to the other design elements (Articulation, Eyes on the Street, and Main Entrances) requires a Type III review. A Type II variance is allowed for the Detailed Design standards as a way to allow unique and creative housing types that may not be able to incorporate the features listed as design details. A Type III variance is required for all of the other elements because the standards are important as urban design elements and are basic enough features that even unique, nontraditional dwellings should be able to meet them.

19.505.1.C.5 Duplexes

Duplex development would be subject to the single-family design standards as well as duplex-specific standards. The duplex specific standards are aimed at making the duplex structure appear as much like a single-family dwelling as possible. This includes standards to have uniform roofs, eaves, and other features for the entire building envelop, which makes the structure appear more like one cohesive unit. Entrances are also required to face separate streets if on a corner lot. If there is a single frontage, there is an allowance for the second entrance to be on the side or back.

A duplex is allowed outright in the R-5, R-3, R-2.5, R-2, R-1 and R-1-B zones. It is also allowed outright in some instances in the R-7 and R-10 zones. In other R-7 and R-10 areas, a Type II Review with public notice is required. See Section 19.910.2.

19.505.2 Garage and Carport Standards

New standards would apply to garages and carports, both attached and detached. New garages built within 50 ft of the street would be limited to prevent garages from dominating the front of a house and obscuring the path from the street to the front door.

19.505.3 Design Standards for Multifamily Housing

Milwaukie's current code does not contain any standards to regulate the design of multifamily developments. Multifamily developments tend to include larger and taller buildings, different site layouts, and a larger quantity of parking relative to typical single-family developments. As such, it is important for a community to have basic multifamily design standards to support neighborhood character and livability.

The purpose of the proposed design standards is to facilitate the development of attractive multifamily housing. The proposed regulations identify characteristics of good site and building design that, in combination, contribute to livability, safety, and sustainability; help create stronger communities; and foster a quality environment for people in and near the development.

Multifamily residential development may take many forms, such as apartment buildings or "flats", several rowhouses on one lot, garden courtyard buildings, or other multiunit residential developments. Whether occupied as rentals or condominiums, the development would be reviewed by the multifamily design standards (as long as they are on a single lot of record). The review process and standards are modeled after multifamily standards recently adopted by the City of Gresham.

These standards would address:
1. Livability: Encourages multifamily development that contributes to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private outdoor open spaces.
2. Compatibility: Encourages multifamily development that is appropriate in scale to the surrounding neighborhood and maintains the overall residential character of Milwaukie.
3. Safety and Functionality: Encourages multifamily development that is 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: Encourages multifamily development that promotes elements of sustainability such as energy conservation, preservation of trees and open space, quality building materials, and walking and biking.

B. Applicability

These standards would apply to all new multifamily residential developments with three or more dwelling units on a single lot. There are specific details that make it clear what standards apply for additions and remodels to existing multifamily development.

C. Review process

In order to comply with State law while allowing for creativity and variety, the City is proposing a two-track review process for multifamily development projects:

- Objective process: The project is reviewed by staff against clear standards (Type I review). A project must be approved if it meets all of the standards.

•Discretionary process: The project would reviewed by staff (Type II) with neighborhood notice and opportunity for input. The "discretionary" option uses design guidelines, which can be applied with some discretion. Design guidelines are intended to provide more flexibility for developers and opportunities for public review and input. A project must meet the guidelines, but can use various approaches and designs to do so.

The applicant can choose which review process they want to use. The City already has a Development Review process in place for reviewing new development that is readily adaptable for applying to multifamily development projects once design standards are adopted.

D. Design Guidelines and Standards

Table 19.505.4 - Multifamily Design Guidelines and Standards

One table contains all of the criteria for approval of multifamily development - whether the project is undergoing Objective or Discretionary review. The table is organized so the important design principles are listed in the left-hand column.

The "Design Guideline" column lists qualitative criteria that describe the qualities the development should have. The City would use these guidelines to review and help shape a proposed development. This allows some flexibility for a developer/ architect to determine the best way for a project to meet the community goals, and would allow neighbors to weigh in on whether the project meets the criteria.

The "Design Standard" column lists measurable criteria for how to objectively determine whether a project is meeting community goals. These will be a useful reference even when a project is undergoing Discretionary review.

Cumulatively, the guidelines and standards address the following aspects of a project:

- Site layout, including open spaces and circulation patterns for vehicles and pedestrians.
- Orientation of buildings and entrances to provide a pedestrian-friendly approach.
- Building massing to ensure context sensitive scale.
- Exterior building façade articulation and building materials to promote neighborhood character similar to the predominant single-family development in Milwaukie.
- Landscaping to provide a buffer between multifamily and single-family developments.
- Compatibility with adjacent lower-density development through reduced building heights and screening.
- Incorporation of energy and water-saving design features and materials.

19.505.4 Design Standards for Cottage Cluster Housing

These are specific standards that would apply to cottage cluster housing. This type of housing features small dwellings on individual lots that share commonly owned areas such as open space and parking. They are a type of multifamily development that, in some cases, may fit into an existing neighborhood better than multifamily development in large, multi-unit structures.

These standards would apply instead of the base zone development standards in Section 19.302, due to the unique style of this housing type. The proposed regulations are modeled on Metro's suggested standards for cottage cluster housing. The key points are summarized below:

- This housing type is allowed in the R-3, R-2, R-2.5, R-1, and R-1-B zones.
- Cottage cluster housing requires the site to be subdivided prior to development. This ensures that the site is properly laid out for cottage cluster housing and encourages an owner-occupied housing style. The subdivision application would be heard by the Planning Commission. However, the development following the land division would be allowed outright without further public review.
- A cottage cluster development would need to have between 4-12 cottages, and is subject to the same density standards as other residential development.
- The site layout requires the cottages to face around a central common open space.
- The parking ratio is the same as for standard single-family development. The parking area is required to be grouped, rather than having parking at each structure. It must also be separate from the common open space.
- The cottages would be limited to 700 sq ft in footprint and 1,000 sq ft in floor area. Height limits would be 18 ft. Specific development standards address lot coverage and building separation. Design standards require the cottages to generally reflect small-home, craftsman style development.

19.505.5 Standards for Rowhouses

These are specific standards that would apply to rowhouses. This typology and associated regulations are new in the code. They are subject to the development standards in the Medium and High Density sections of the code. The key points of the specific design and development regulations are listed below:

- Rowhouse developments are limited to groups of 4 or less.
- Rowhouses must meet the same design standards as single-family detached developments.
- Additional standards for rowhouses include a transition area between the sidewalk (public realm) and private realm of the dwelling. This can be either a vertical transition like a stoop or a horizontal transition like a covered porch.

- Garages and front yard parking are not allowed on rowhouses unless the rowhouse lots are 30 ft wide. This width allows for on-street parking spaces between curbs and provides larger spaces for front yards to break up the driveways.
- Lot size standards require that the site on which rowhouses would be developed does not exceed the densities currently allowed in the zoning code.
- Parking and garages for rowhouses are encouraged to be in the back yard and accessed through a single shared driveway.
- Rear yard accessory strucutres like garages are allowed to have 0 yard side yard setbacks on rowhouse lots.

UNDERLINE/STRIKEOUT AMENDMENTS

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:

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

Major Street	Distance from Centerline (plus yard requirements in zone)
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 that extend from a residential accessory structure located less than 5 ft from a property line shall not be closer than 18 in 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. 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 in height 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

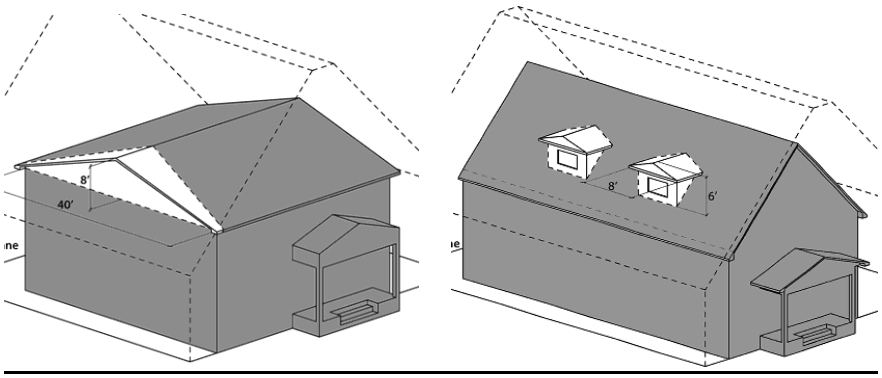
A. Projections such as chimneys, spires, domes, elevator shaft housings, flagpoles, and other similar objects not used for human occupancy are not subject to the building height and

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 the roof overhang or eaves do not extend more than thirty inches horizontally beyond the side yard height plane.
2. The gable end of a roof, provided that the encroachment is not more the 8 ft in height above the side yard height plane or more than 40 ft in width.
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 in height above the side yard height plane or more than 8 ft in width.
   c. The combined width of all dormers does not exceed fifty percent 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 "Market Action", published by the Regional Multiple Listing Service (RMLS). ~~"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 19.311 ~~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.

F. Alteration or modification of nonconforming accessory structures is subject to the provisions of Chapter 19.800 Nonconforming Uses and Development.

G. Fences, flagpoles, ~~P~~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 for a single family residence, while protecting the character of single family neighborhoods.

1. Development Standards

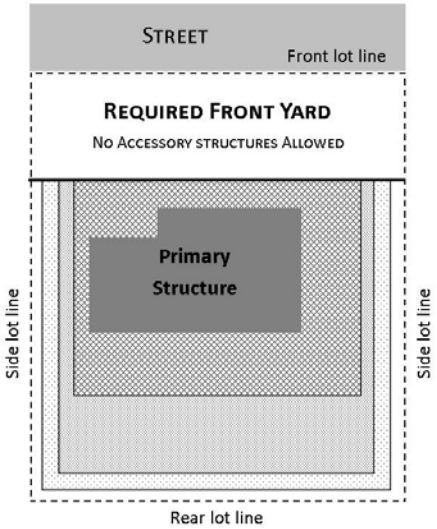
a. Height and Footprint

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.

Table 19.502.2.A.1.a
Residential Accessory Structure Height and Footprint Standards

Standard	Type A	Type B	Type C
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)
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	Base zone required front yard	Base zone required front yard	Base zone required front yard

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 ft	10 ft	200 sq ft
B	5 ft	15 ft	600 sq ft
C	Base zone yard requirements	25 ft OR height of primary structure (allowed at least 15 ft)	Lesser or 75% of primary structure OR 1,500 sq ft; 10,000 sq ft lots allowed at least 850 sq ft

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.

(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 in height 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 accessory 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 height of 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 the footprints of all accessory structures on a lot that exceed 75% of the footprint of the primary structure shall not exceed 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 above the average grade of the adjoining ground (finished elevation). An uncovered ramp with

handrails that provides access from grade to the elevation of the main entrance of a residential structure is allowed to exceed 18 in. in height.

D. A standalone flagpole in a residential zone is limited to 25 ft in height and must be at least 5 ft from any lot line. A standalone flagpole in commercial or industrial zones is subject to the height limits of the base zone in which it is located, and 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 that ensure 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 the structures 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. The review of a standalone solar energy system that is not wholly supported by another structure is subject to the reviews required by applicable base zones and overlay zones.

b. The review of a solar energy system that is attached to a structure shall be as follows. If the circumstances of a property or structure are not listed below, the solar energy system is exempt from any land use review.

(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 procedures of that section for alteration of the resource.

(2) The installation of a solar energy system in downtown zones shall be exempt from Downtown Design Review per Section 19.907.

(3) The installation of a solar energy system on structures within the Willamette Greenway Zone or Natural Resource overlay is exempt from the review requirements of those zones.

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

(5) 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 standalone 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, footprint of the structure, or the peak height of the portion of the roof 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.

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 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, with any public safety agency or organization, radio transmissions, or with 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 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 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 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 foot in height is allowed for every 1 foot that the wind energy system is setback 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 square feet or less. One additional freestanding system is allowed for each 7,500 square feet of lot area above 15,000 square feet.

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~~.

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.

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.

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 [20-40]% 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.~~

19.504.~~9~~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.

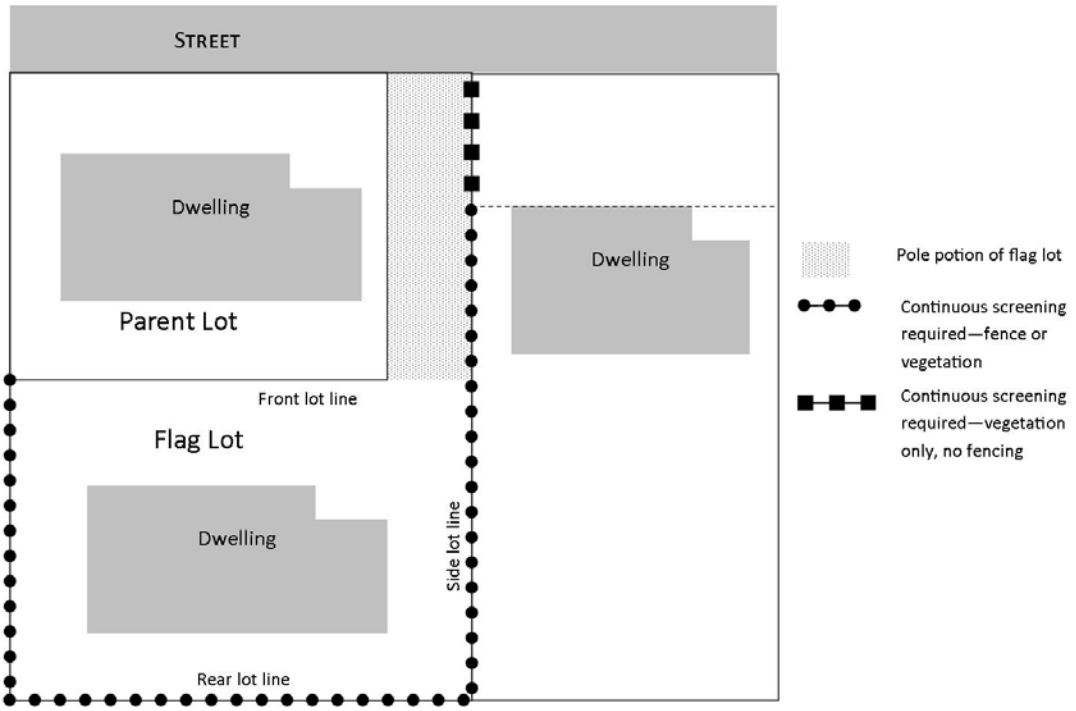
2. Impacts to neighboring lots due to use of the flag lot driveway shall be mitigated to the greatest extent practicable through screening and planting. Continuous screening along lot lines of the flag lot ~~driveway~~ abutting any neighboring lot that is not part of the parent lot from which the flag 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.~~10~~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 in width. 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.~~11~~10 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 those 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 of street-facing façade area or less 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 feet 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 in width.

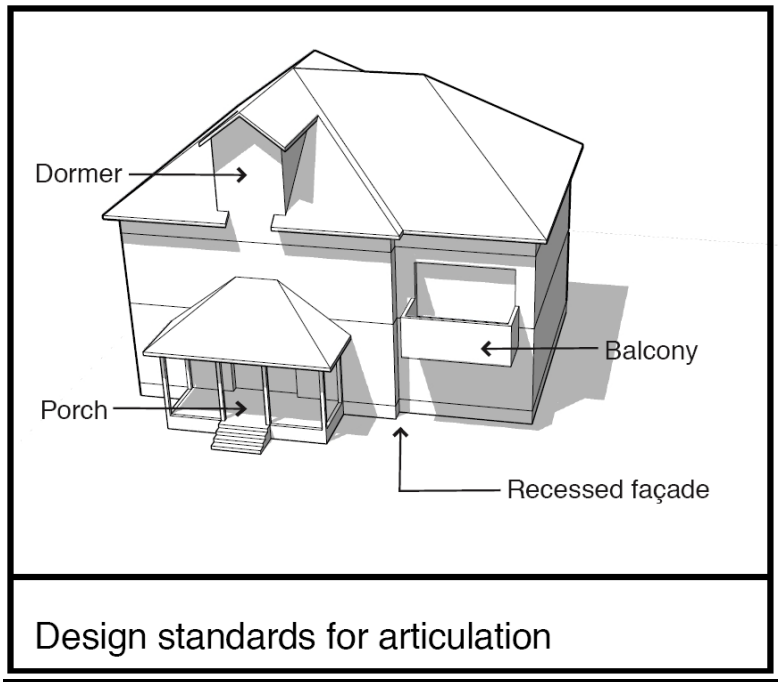
(4) Recessing a section of the façade by at least 2 ft in depth and 6 ft in length.

(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 is no more than 30 ft between two 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.

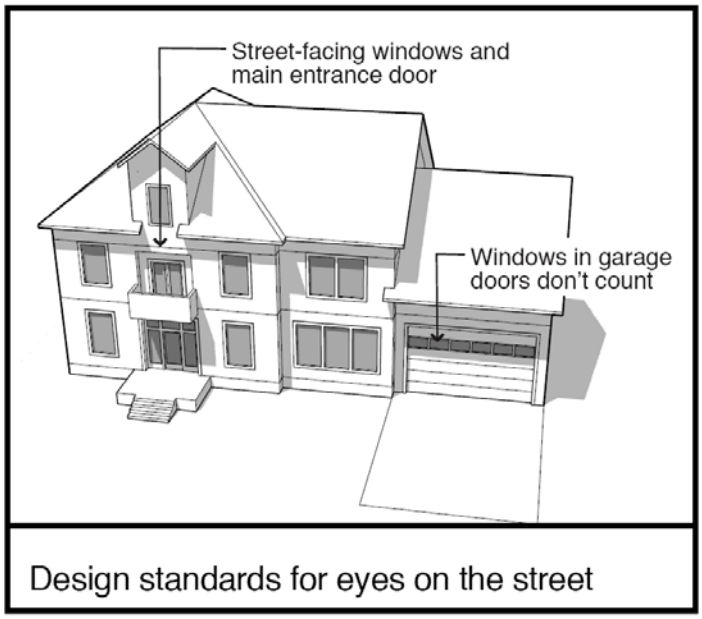
b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.

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

Main entrances must meet the following standards. See Figure 19.505.1.C.3 for illustration of main entrances.

At least one main entrance must:

a. Be no further than 8 ft behind the longest street-facing wall of the building; and

b. Face the street, or 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:

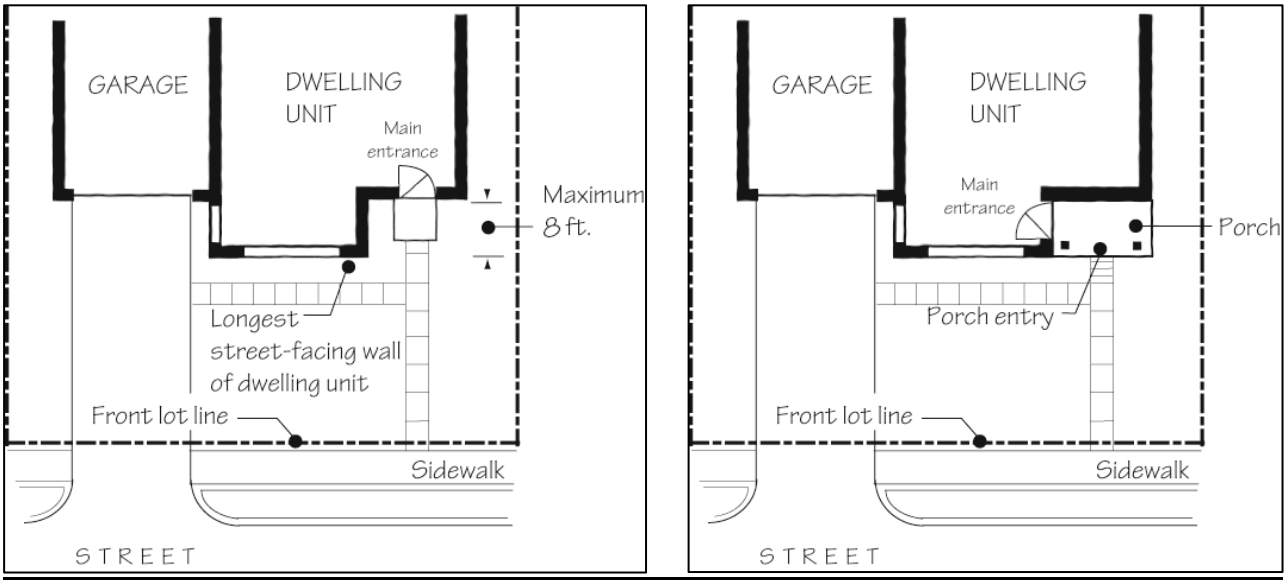
(1) Be at least 25 sq ft in area with a minimum 4 ft depth

(2) Have at least one 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 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.

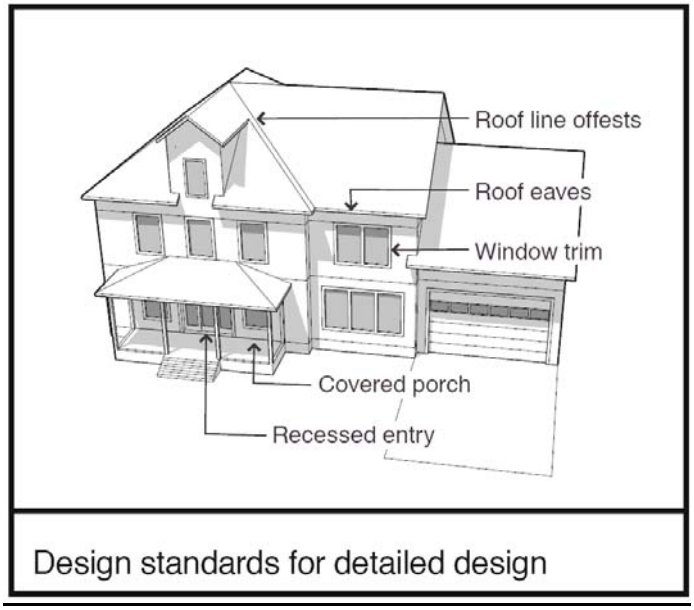
m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.

n. One roof pitch of at least 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 in depth and 5 ft in length.

p. Width of an attached garage, as measure between the inside of the garage door frame, is 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 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.

[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 façade of the garage or columns of the carport is 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:

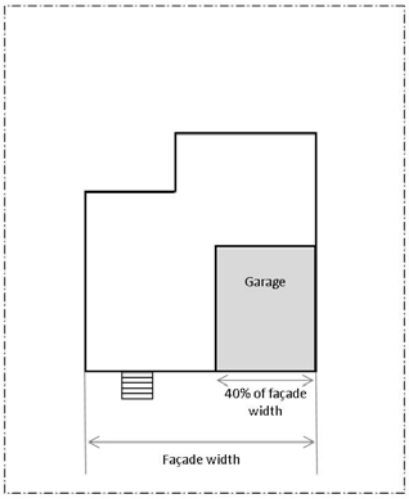
   a. A garage or carport may extend up to 5 ft in front if there is a covered front porch and the garage or carport does not extend beyond the front of the porch.

   b. A garage may extend up to 5 ft in front if the garage is part of a two-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 façade if a total of 7 Detailed Design elements in Subsection 19.505.1.C.4 are included on the street-facing façade.

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 are to facilitate the development of attractive multifamily housing that encourages multi-modal 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 three 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		
Design Element	**Design Guideline (Discretionary Process)**	**Design Standard (Objective Process)**
1. Private Open Space	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. 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.	Private open space (patios or balconies) shall be provided as follows: a. For each dwelling unit located on the ground floor, or within 5 feet of finished grade, a minimum of 96 square feet of private open space, with a minimum dimension of 5 ft. b. For each dwelling unit located more than 5 feet above finished grade, a minimum of 48 square feet of private open space. c. For each dwelling unit with private open space, the private open space shall be directly accessible from the interior of the dwelling unit. d. Private open space shall be separated from common open space and adjacent dwelling units through the use of landscaping, fencing or a wall.
2. Public Open Space	The development should provide sufficient open space for the purpose of outdoor recreation, scenic amenity, or shared outdoor space for people to gather.	Common open space shall be provided as follows: a. For buildings with more than 5 dwelling units, a minimum of 10% of the gross site area, or 750 square feet, whichever is greater, shall be designated as common open space. b. The minimum dimension for any common open space shall be 20 feet. c. Projects under 40,000 sq ft shall provide at least one of the following ~~The~~ common open space features. Projects over 40,000 sq ft shall provide at least 2 features: recreation area, Willamette Greenway buffer areas per Subsection 19.401.8 or Natural Resource areas per Section 19.402, play fields, children's play area, sport courts, gardens, permanent picnic tables, swimming pools, walking trails, pedestrian amenities, large trees, or similar items. 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. e. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, may be placed in the outdoor area.

Table 19.505.3.D CONTINUED Multifamily Design Guidelines and Standards		
Design Element	**Design Guideline (Discretionary Process)**	**Design Standard (Objective Process)**
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.	The on-site pedestrian circulation system shall include the following: 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. b. At least one pedestrian connection to an abutting street frontage for each 200 linear feet of street frontage. c. Pedestrian walkways shall be separated from vehicle parking and maneuvering areas through physical barriers such as planter strips, raised curbs, or bollards. d. Walkways shall be constructed with a hard surface material, shall be permeable for stormwater, and shall be no less than 5 ft in width. 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. 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.

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: 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. 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. c. All garages that are part of the same structure that contains dwelling units shall be located at least 4 feet behind the front building façade. d. For developments with greater than 40,000 sq ft, 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. (1) The parking area shall be inside a building or sheltered to provide complete, year-round protection from precipitation. (2) Entrance to the parking area shall be secured by lock so that only residents have access to the area. (3) The area shall have permanently mounted bicycle racks or hangers that allow the bicycle frame to be locked to the rack or hanger. (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. (5) The parking area shall have an average illumination of at least 1.0 ft candles. (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.
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.	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. b. Building entrances shall be emphasized through the use of features or elements such as recesses, projections, corner entry, or landscape treatments. 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 feet from the required setback line. 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 feet from the required setback line.

Table 19.505.3.D CONTINUED Multifamily Design Guidelines and Standards		
Design Element	**Design Guideline (Discretionary Process)**	**Design Standard (Objective Process)**
6. Building Façade Design	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. Windows and doors should be designed to create depth and shadows and to emphasize wall thickness and give expression to residential buildings. Windows should be used to provide articulation to the façade and visibility into the street. Building facades shall be compatible with adjacent building façades. Garage doors shall be integrated into the design of the larger façade in terms of color, scale, materials, and building style.	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: (1) Incorporating elements such as porches or decks into the wall plane. (2) Recessing the building a minimum of 2 feet in depth by 6 feet in length. (3) Extending an architectural bay at least 2 feet from the primary street-facing façade. b. Windows shall occupy a minimum of 25% of the total street-facing façade. 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. d. To avoid long, monotonous, uninterrupted walls, buildings shall incorporate exterior wall off-sets, projections and/or recesses. At least 1 foot of horizontal variation shall be used at intervals of 40 feet or less along the building's primary façade on the ground floor level. e. Blank, windowless walls in excess of seven hundred fifty (750') square feet are prohibited when facing a public street unless required by the Building Code. In instances where a blank wall exceeds seven hundred fifty (750') square feet, it shall be articulated or intensive landscaping shall be provided. f. Garage doors shall be painted to match the color or color palette used on the rest of the buildings.

Table 19.505.3.D CONTINUED Multifamily Design Guidelines and Standards		
Design Element	**Design Guideline (Discretionary Process)**	**Design Standard (Objective Process)**
7. Building Materials	Buildings should be constructed with architectural materials that provide a sense of permanence and high quality. Street-facing façades shall consist predominantly of a simple palette of long-lasting materials such as brick, stone, stucco, wood siding, and wood shingles. A hierarchy of building materials shall be incorporated that are durable and reflect a sense of permanence and quality of development. Split-faced block and gypsum reinforced fiber concrete (for trim elements) shall only be used in limited quantities. Fencing shall be durable, maintainable, and attractive.	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: (1) Vinyl PVC siding (2) T-111 Plywood (3) Exterior insulation finishing (EIFS) (4) Corrugated metal (5) Plain concrete or concrete block (6) Spandrel glass (7) Sheet pressboard b. The following fence materials are prohibited: (1) Plastic or vinyl (2) Chain link
8. Landscaping	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. 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. Existing mature, healthy trees should be preserved when possible.	a. For every 2,000 square feet of site area, one tree shall be planted or one existing tree shall be preserved. (1) New trees must be listed as a native trees in the Milwaukie Native Plant List. (2) Preserved tree(s) must be at least 6 inches in diameter at breast height (DBH) and cannot be listed a nuisance species per the Milwaukie Native Plant List. 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. 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 feet in height along the abutting property line. Landscaping used for screening must attain the 6 ft height within 24 months of planting. d. For projects greater than 40,000 sq ft: (1) Any irrigation system shall minimize water use by incorporating a rain sensor, rotor irrigation heads, or a drip irrigation system. (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.

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 screening of rooftop equipment 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 it provides convenient access for residents and for waste and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that the area is not a prominent feature viewed from the street.	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 either by roof or weatherproof lids. d. 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. 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 all recycling collection areas. h. Review and comment for all recycling collection areas 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	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.	In order to promote more sustainable development, multifamily developments shall incorporate the following elements: a. Building orientation that does not preclude utilization of solar panels, or an eco-roof on at least 20% of the total roof surfaces. b. Windows that are operable by building occupants c. Window orientation, natural shading, and/or sunshades to limit summer sun and to allow for winter sun penetration. d. Projects with greater than 40,000 square feet of floor area shall meet at least 2 of the following: (1) A vegetated ecoroof for a minimum of 30% of the total roof surface (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 Solar Reflectance Index (SRI) of 29 or higher of the roof has a roof pitch greater than 3:12; (3) A system that collects rainwater for reuse on-site (e.g., site irrigation) for a minimum of 50% of the total roof surface; (4) An integrated solar panel system for a minimum of 30% of the total roof or building surface. (5) Orient 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. (6) Locate the windows 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.
12. Privacy Considerations	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.	In order to protect the privacy of adjacent properties, multifamily developments shall incorporate the following elements: a. The placement of balconies above the first story shall not create a direct line of sight into the living space or the back yard of adjacent residential properties. 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.

Table 19.505.3.D CONTINUED Multifamily Design Guidelines and Standards		
Design Element	**Design Guideline (Discretionary Process)**	**Design Standard (Objective Process)**
13. Safety	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: Natural Surveillance – Areas where people and their activities can be readily observed. Natural Access Control- Guide how people come to and from a space through careful placement of entrances, landscaping, fences, and lighting. Territorial Reinforcement – Increased definition of space improves proprietary concern and reinforces social control.	a. Visible Dwelling Front. At least 70% of the street or common open space frontage shall be visible from the following areas on one 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 window sill. b. All outdoor common open space 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. c. Uses on the site shall be illuminated as follows: (1) Parking and loading areas – 0.5 foot-candle minimum (2) Walkways – 0.5 foot-candle minimum and average of 1.5 foot-candles. (3) Building entrances – 1.0 foot-candle minimum with an average of 3.5 foot-candles, except that secondary entrances may have an average of 2.0 foot-candles. d. Maximum illumination at the property line shall not exceed one-half (0.5) foot candle. However, where a site abuts a non-residential district, maximum illumination at the property line shall not exceed one (1) foot candle. e. Developments shall use full cut-off lighting fixtures to avoid off site lighting, night sky pollution and shining lights into residential units.

19.505.4 Design Standards for Cottage Cluster Housing

A. Purpose

These standards area 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 limit for all structures shall not exceed 18 feet. Cottages or amenity buildings having pitched roofs with a minimum slope of 6 / 12 may extend up to 25 feet 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 in depth.

(2) Trim around windows and doors shall be at least 3 in in width and 5/8 in in depth.

(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 in width 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 semi-public 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 one side.

c. Private Open Space

Each cottage shall have a private open 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 one 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 away 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 one 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 feet of the street. If the angle is less than 45 degrees, the parking area must be at least 20 feet 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 two areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.

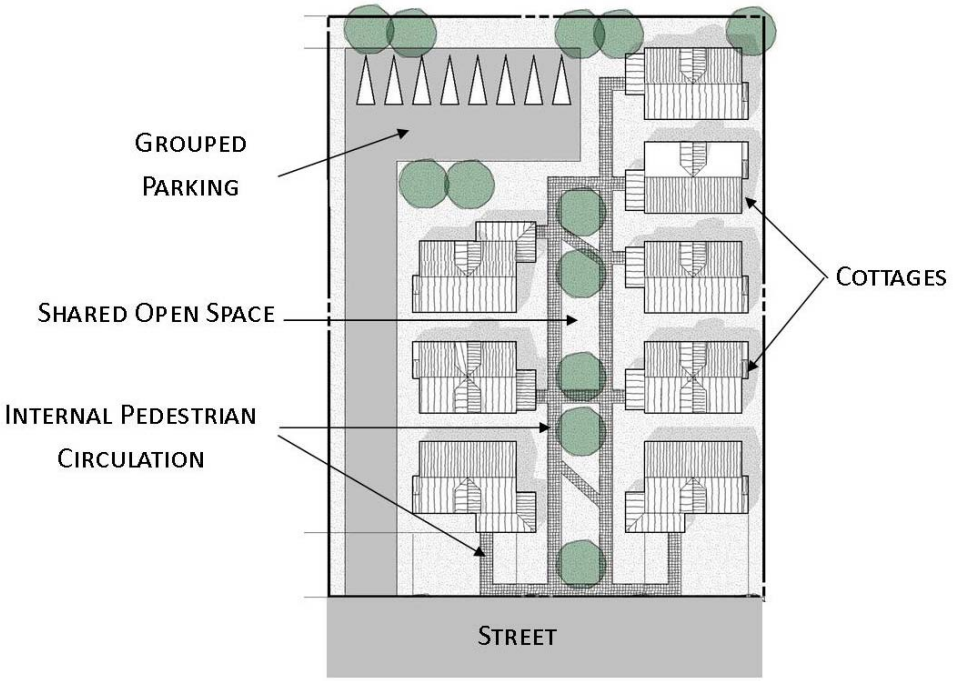
(4) Parking spaces may be located within a garage. Garages in a cottage cluster may not contain more than 4 parking spaces, must be at least 10 ft away from any cottage dwelling, and must match the materials, trim, and roof pitch of the cottages. The interior height of a garage shall not exceed 8 ft in height.

(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 feet in height. Fences along the perimeter of the development may be up to 6 feet in height, 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 one 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 that are not each on their own lot are subject to either the standards for 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 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 at with a depth of at least 6 ft. The porch may encroach into the required front yard, but 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 feet.
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.

Table 19.505.5.E.4
Minimum Site Size for Rowhouse Development in the R-2, R-1, and R-1-B Zones

Number of Rowhouses	R-2 Zone	R-1 and R-1-B Zone
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

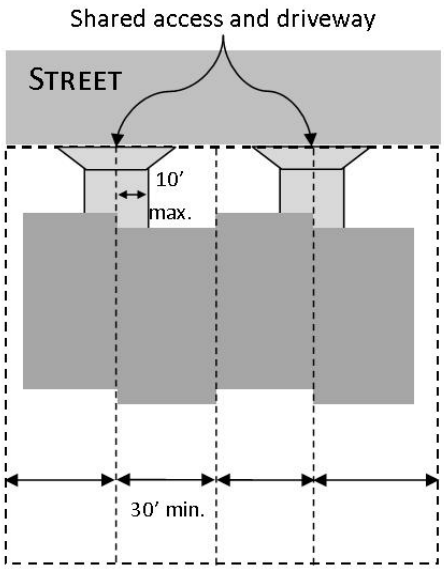
F. Driveway Access and Parking

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 in width 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

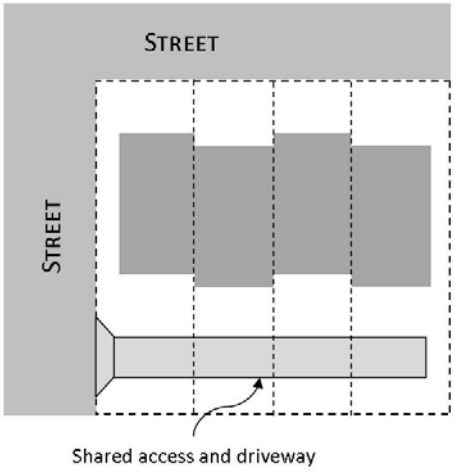


2. The following rules apply to driveways and parking areas for rowhouse developments that do not meet all of the standards in Subsection 19.505.5.F.1.

   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.

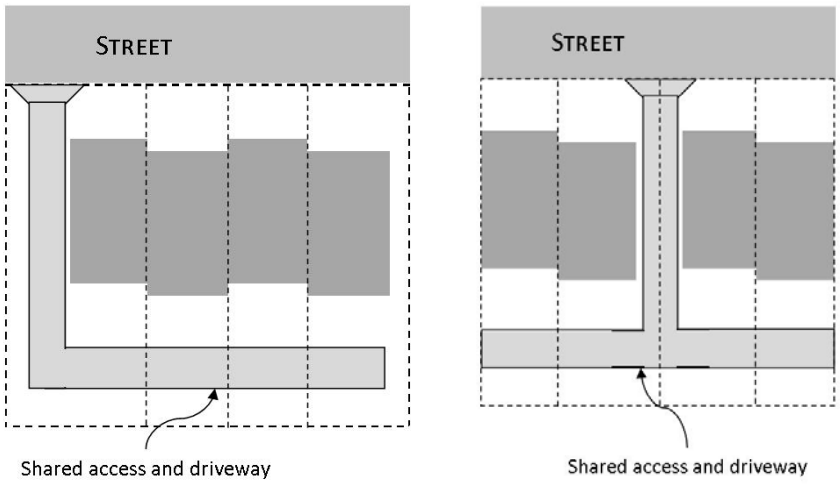
   b. Rowhouse development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The Engineering Director may alter this requirement based on street classifications, access spacing, or other provisions of Chapter 12.16 Access Management. See Figure 19.505.5.F.2.b.

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.~~2~~6 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.~~

C~~E~~. 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.~~

D~~F~~. The unit shall comply with the definition for manufactured home as identified in this section.

E~~G~~. The unit shall comply with single-family parking and paving standards as described in Chapter 19.600.

COMMENTARY

CHAPTER 19.600

OFF-STREET PARKING AND LOADING

19.606 PARKING AREA DESIGN AND LANDSCAPING

Amendments to reference new dwelling unit typologies.

19.607 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS

Amendments to reference new dwelling unit typologies, and to direct code users that off-street parking design standards for cottage cluster housing and rowhouses are found in Chapter 19.500.

UNDERLINE/STRIKEOUT AMENDMENTS

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

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 <u>covered and secured</u> 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. <u>If a reduction of 5 or more stalls is granted, then on-site changing facilities for bicyclists, including showers and lockers, are required.</u> The area of an existing parking space in an off-street parking area may be converted to bicycle parking to utilize this reduction.

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 <u>cottage clusters, rowhouses, duplexes</u> ~~single-family attached dwellings~~, single-family detached dwellings, and residential homes.

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 19.504.9~~10~~ 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~~10~~.

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~~10~~.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 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.

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.

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.

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 in length 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.

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 one 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.

COMMENTARY

CHAPTER 19.700

PUBLIC FACILITY IMPROVEMENTS

19.708 TRANSPORTATION FACILITY REQUIREMENTS

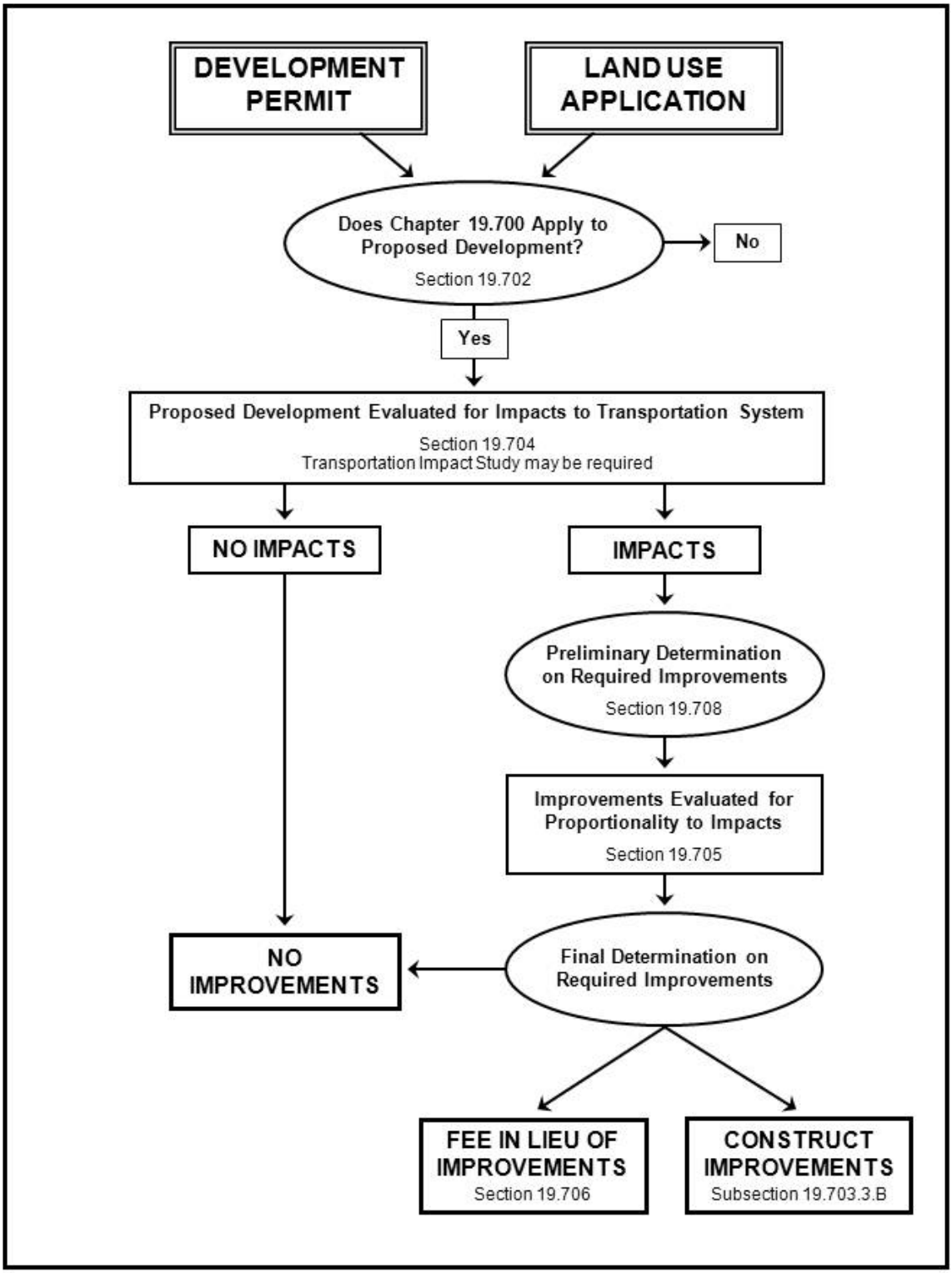
There is a reference change as a result of renumbering in Chapter 19.300 and renumbering of text in a graphic.

UNDERLINE/STRIKEOUT AMENDMENTS

CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS

19.703 REVIEW PROCESS

Figure 19.703.4
Process for Determining Transportation Facility Improvements


DEVELOPMENT PERMIT
LAND USE APPLICATION
Does Chapter 19.700 Apply to Proposed Development?
Section 19.702
No
Yes
Proposed Development Evaluated for Impacts to Transportation System
Section 19.704
Transportation Impact Study may be required
NO IMPACTS
IMPACTS
Preliminary Determination on Required Improvements
Section 19.708
Improvements Evaluated for Proportionality to Impacts
Section 19.705
NO IMPROVEMENTS
Final Determination on Required Improvements
FEE IN LIEU OF IMPROVEMENTS
Section 19.706
CONSTRUCT IMPROVEMENTS
Subsection 19.703.3.B

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~~310~~.5.

COMMENTARY

CHAPTER 19.900

LAND USE APPLICATIONS

19.901 INTRODUCTION

The proposed amendments would combine the current Type I and Type II Accessory Dwelling Unit (ADU) applications into a single ADU application. It would also add a specific application for duplexes in some locations in lower density zones where they are currently treated as conditional uses. Duplexes would still be allowed outright in higher density zones and in some instances in low density zones.

19.905 CONDITIONAL USES

Duplexes are now allowed either outright or through a Type II Review. They are no longer a conditionally permitted use, and are removed from this section. Other changes are made regarding terminology for multifamily development.

19.907 DOWNTOWN DESIGN REVIEW

The only amendments to this section are reference changes as a result of renumbering in Chapter 19.300.

19.910 RESIDENTIAL DWELLINGS

19.910.1 Accessory Dwelling Units

There are currently 2 types of accessory dwelling units (ADUs). The Type I ADU had a size limit of 600 sq ft and required a Type II staff level review. The Type II ADU allowed up to 800 sq ft and required Planning Commission approval as a conditional use. For both types, the ADU was required to be part of the same structure as the primary dwelling, which meant that detached ADUs could not be permitted.

Public input for the Residential Development Standards project has indicated support for detached ADUs as well as making the approval process less stringent. The main points of the proposed ADU regulations are summarized as follows:

- Most ADUs would be permitted through a Type I Review process (staff level review without public notice). Certain larger and taller detached ADUs would require a Type II review with notice to surrounding properties.
- There is a limit of 1 ADU per property and the primary use of the property must be a single-family detached dwelling. ADUs are not allowed for duplex properties.

- The size limits of an ADU are 800 sq ft or 75% of the floor area of the primary dwelling unit, whichever is less.
- Attached ADUs are required to have a design style and materials that are generally similar to the rest of the dwelling. A separate set of basic design standards applies to detached ADUs. Detached ADUs are not required to match the main dwelling in order to allow for more design flexibility.
- Attached ADUs have standards that prohibit the entrance for the ADU from being on the front façade of the structure. The intent is to maintain the structure's appearance as a single-family dwelling.
- Detached ADUs that meet primary structure setbacks and are 1 story tall are allowed through a Type I review. A Type II review is required if the detached ADU is 2-stories tall, greater than 600 sq ft in size, or meets only a 5 ft side and rear yard setback.
- Privacy standards require some ADUs to have windows in the top third of a wall to eliminate direct view to and from living spaces into surrounding yards or a fence or vegetative screening.
- Conversions of existing accessory structures to create an ADU are allowed so long as the structure meets required setbacks and is not in the front yard of the property. An exception is allowed if the structure being converted is at least 60 ft from the front lot line. The conversion cannot bring the structure further out of conformance with any standards.
- The parking standards for ADUs would not be changed from the current regulation, which requires a site with a primary dwelling and ADU to have at least 2 off-street parking spaces.
- ADUs do not count for purposes of density calculations. This is consistent with Metro's calculations for residential density in the region.
- Either the ADU or the primary dwelling must be occupied by the property owner. This is a current requirement for ADUs.

19.910.2 Duplexes

The purpose of this section is to establish the review and approval procedures for duplexes where they require a discretionary review. This section of code replaces the section that was deleted from the conditional use section. The key points of this section are:

- Duplexes in the R-5 through R-1/R-1-B zones are allowed outright and do not require further review. They do need to comply with the development and design standards in Chapters 19.300 and 19.500.

- In the R-7 and R-10 zones, duplexes are allowed outright on corner lots or on a collector or arterial street, and do not require further review. They do need to comply with the development and design standards in Chapters 19.300 and 19.500.
- Duplexes in the R-7, R-10, a Type II review is required (staff decision that includes public notice and comment). The criteria are that the duplex would not substantially alter land use character of the area, that the design is generally consistent with development in the area, and that the design appears as much as possible like that of a single-family dwelling.
- Duplexes in the Commercial Limited zone (C-L) also require a Type II review. The criteria include that the duplex will not create land use conflicts with existing commercial uses in the area and that it will not significantly reduce the supply of developable commercial land for the C-L zone.

19.911.Variances

One amendment is proposed for this section to allow a Type II variance to one of the 4 design elements for single-family development. See commentary for Subsection 19.505.1 for more detail.

UNDERLINE/STRIKEOUT AMENDMENTS

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.

Table 19.901
Land Use Applications

Application Type	Municipal Code Location	Review Types
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[1]
Zoning Text Amendment	Subsection 19.902.5	V
Zoning Map Amendment	Subsection 19.902.6	III, V[2]
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
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~~s~~ 19.500	
Barbed Wire Fencing	Subsection 19.502.2.B.1.b-c	II
Bee Colony	Subsection 19.503.1.D	III
~~Multifamily Recycling Area~~	~~Subsection 19.504.8~~	~~I~~
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~~317~~	IV
Residential Dwellings:	Section 19.910	
Accessory Dwelling Unit ~~(Type 1)~~	Subsection 19.910.1	I,II
Duplex ~~Accessory Dwelling Unit (Type 2)~~	Subsection 19.910.2	II ~~III~~
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

[1] Level of review determined by City Attorney per Section 19.902.4.A.

[2] 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:

A~~1~~. 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~~2~~. Specific standards for the proposed uses as found in Subsections 19.904.7-11are met;

C~~3~~. The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses;

D~~4~~. The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood; and

E~~5~~. 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. 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.~~

F~~G~~. 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.

G~~H~~. 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.

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~~310~~.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~~310~~.

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~~310~~.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~~310~~.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:

C. Major Exterior Alterations

~~A m~~Major exterior alterations, as defined in Subsection 19.304~~310~~.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:

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~~310~~.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~~310~~.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.

19.907.9 Variances to Development Standards

The Planning Commission may authorize variances to the development standards under Subsection 19.304~~310~~.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~~310~~.6.C, in accordance with the following procedures.

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~~310~~.6.C subject to the following criteria:

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 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 Criteria

1. An application for an accessory dwelling unit reviewed through a Type I Review shall be approved if the following are met.

   a. An accessory dwelling unit is an allowed use in the base zones and any applicable overlay zones 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 are met.

   a. The criteria 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 square feet or 75% of the floor area of the primary structure, whichever is less. The measurements are based on what the floor area of the primary dwelling unit and the accessory dwelling unit would be 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 square feet 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.

Table 19.910.1.E.4.b
Footprint, Height and Required Yards for Detached Accessory Dwelling Units

Level of Review	Type I	Type II
Maximum Structure Footprint	600 sq ft	800 sq ft
Maximum Structure Height	15', limited to 1 story	25', limited to 2 stories
Required Side and Rear Yard	Base zone requirement for side and rear yard	5'
Required Front Yard	10' behind front yard as defined in Section 19.201	
Required Street Side Yard	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 one 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, 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.

(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.

(a) The wall does not meet the base zone yard requirements for a primary structure.

(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 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 feet beyond the corner of the wall. The screening shall be opaque, be at least 6 ft in height, 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 shall reach 6 ft. in height 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 the conversion of a legally established existing accessory structure is allowed. The conversion must meet all standards that apply to creation of a new detached accessory dwelling, except as modified below.

(1) The accessory structure may be located in the front yard or within 10 ft of the front yard if the structure is at least 60 ft away from the front lot line.

(2) The accessory structure does not need to comply with 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 of 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 one of the dwellings on the lot 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 one 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 increases 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 the Residential zones R-5, R-3, R-2.5 R-2, R-1, R-1-B, 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. Duplexes are allowed outright, subject to the lot size requirements for the zone, in the Residential zones R-10 and R-7 in either of the following situations. For these properties, 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. Duplexes in the Residential zones R-10 and R-7 that are not eligible as an outright allowed use under Subsection 19.910.2.C.1.b are allowed through a Type II Review per Section 19.1005.

   d. Duplexes in the Limited Commercial Zone C-L are allowed through a Type II Review per Section 19.1005.

2. For additions or modifications to existing duplexes, 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 the Residential zones R-10 and 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 that exists 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.

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.

COMMENTARY

CHAPTER 19.1000

REVIEW PROCEDURES

Amendments to this chapter are changes that correct procedural steps that were not listed when this chapter was revised at the beginning of 2011. There are also some changes proposed in response to changes in state rules about notification to the state of legislative and zone change applications. These amendments do not change the basic steps of how the city processes land use applications.

UNDERLINE/STRIKOUT AMENDMENTS

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 19.1005-8.

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, and 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.

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.

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.

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.

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.

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.

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.

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.

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~~G~~. 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 ~~15-day~~ appeal period for the Land Use Board of Appeals.

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~~.

19.1008.5 Type V Recommendation and Decision

~~A.~~ The following procedures apply to applications evaluated through a Type V review.

A ~~1~~. 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. 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) at least 20 days prior to the appeal hearing.

19.1010.6 Specific Provisions for Appeal of a Type III Decision

B. 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, at least 20 days prior to the appeal hearing.

19.1011 DESIGN REVIEW MEETINGS

19.1011.2 Design Review Meeting Notice Requirements

B. The mailed public notice shall meet the requirements of Subsection~~s~~ 19.1006.3.D.2 ~~and E~~.

COMMENTARY

CHAPTER 19.1100

ANNEXATIONS AND BOUNDARY CHANGES

There are two minor amendments proposed for this chapter. The first is to specify that applicants are responsible for providing basic census information about the property proposed for annexation. The City is required to provide this information to Portland State University for purposes of their official population estimates for the state.

The second is to add an approval criterion for annexations that should be evaluated at the time of annexation. The new criterion requires that non-expedited annexations, which may entail zone changes, must meet the approval criteria for a zone change. The City already evaluates these criteria for non-expedited annexations, and the amendment does not change the way that the city processes no-expedited annexations. The amendment daylights this connection to make it easier for staff and applicants to know what approval criteria will apply to a non-expedited annexation.

UNDERLINE/STRIKEOUT AMENDMENTS

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 other information regarding the 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.

COMMENTARY

CHAPTER 19.1200

SOLAR ACCESS PROTECTION

The solar access regulations in Chapter 19.1200 have 3 major sections.

1) Regulations for lots created through a subdivision or partition. The regulations in this section are aimed at maximizing the amount of lots with a north/south orientation or have a deep enough north/south distance to provide good solar access.

2) New development in single-family zones. The regulations in this section limit the height of a structure based on its location on the lot and potential to shade surrounding properties.

3) Allows property owners to file a permit that protects solar access on their lot. The permit requires surrounding properties to maintain vegetation and structures on their own property so that they do not shade the area protected by the solar access permit.

The proposed amendments would delete items 2 and 3 from this chapter. The problems associated with these sections are:

- The solar regulations for new development are very complicated. Applications for any residential permit may require detailed information about topography, and vegetation and structure heights on the development and surrounding properties. The allowed building height is subject to complex system of formulas, adjustments and exemptions. The complexity of this section makes it difficult to inform a property owner what the height limits are for a proposed structure. It is not commensurate with the amount of information or level of review typically associated with a normal residential building permit.
- The solar regulations for new development could result in stringent regulations that would limit development to 1-story where 2-story development would be allowed.
- The solar access permit is an overly-regulatory process that limits structures and vegetation on surrounding properties to protect solar features. The permit places an obligation on properties surrounding the site for which the permit is granted to limit vegetation height and structures. The permit raises many concerns for city staff about the processing, tracking, and enforceability of these permits, as well as the equity of allowing a request by one property owner to burden multiple surrounding properties.

Staff believes that other amendments in the Residential Development Standards project will better accomplish the goal of utilizing solar energy. The residential design standards give credit to roofs that are suitable for installation of solar energy systems. The

multifamily design standards encourage use of solar energy in the building design. The side yard height plane standards require the upper portions of buildings to be sloped or stepped back, which keeps the view of the sky more open for adjacent properties. Lastly, the accessory structure standards create an explicit allowance for installation of solar energy systems and provide a streamlined approval process for their installation. Staff believes that these provisions to utilize solar energy will do more to further the goals of this chapter, and will have fewer limitations and unintended consequences than protection solar access through development limitations.

The section related to lot orientation would be maintained. The information requested in this section is typically part of a land division application and can be easily evaluated. The lot orientation regulations apply where there are multiple lot configuration options. Due to the limited and constrained developable area in Milwaukie, most land division will have few options for lot orientation and layout. As a result, staff expects that this section will have no effect for most applications. However, it is useful to have these regulations in place to allow for good solar access in instances where multiple lot layouts are under consideration.

UNDERLINE/STRIKEOUT AMENDMENTS

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.

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~~.

Repeal Section 19.1204 Solar Balance Point.

Repeal Section 19.1205 Solar Access Permit.