

**DRAFT HDR ZONES (FULL CONSOLIDATION) ORDINANCE
TO BE CONSIDERED BY THE CITY COUNCIL ON DECEMBER 6, 2022**



COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE COMPREHENSIVE PLAN RESIDENTIAL LAND USE DESIGNATIONS, MUNICIPAL CODE (MMC) TITLE 19 ZONING ORDINANCE, TITLE 14 SIGNS, AND THE ZONING MAP FOR THE PURPOSE OF ADDRESSING THE CONSOLIDATION OF THE HIGH-DENSITY RESIDENTIAL ZONES (FILE #ZA-2022-002).

WHEREAS it is the intent of the City of Milwaukie to support and promote housing opportunities and housing choice throughout the city; increase the supply of attainable housing and providing equitable access to housing for all; and streamline processes and simplify the code where possible, and

WHEREAS the proposed code amendments implement several of the goals and policies of the city' comprehensive plan related to housing, and

WHEREAS legal and public notices have been provided as required by law, and multiple opportunities for public review and input has been provided, and

WHEREAS on September 27, 2022, the Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a motion in support of the amendments, and

WHEREAS the City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

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 Milwaukie Municipal Code (MMC) is amended as described in Exhibit B (underline/strikeout version), and Exhibit C (clean version).

Section 3. Effective Date. The amendments will become effective 30 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 _____.

Mark F. Gamba, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

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EXHIBIT A**

**Findings in Support of Approval
File #ZA-2022-002; CPA-2022-001; ZC-2022-001
High Density Residential Zones Code Amendments**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, the City of Milwaukie, proposes to amend the zoning map, comprehensive plan, and make code amendments to Titles 14 and 19 related to permitted uses in the high density residential zones and additional amendments for consistency across the various code sections. The intent is to implement portions of the city's comprehensive plan. The land use application file numbers are ZA-2022-002, CPA-2022-001, and ZC-2022-001.
2. The proposed amendments relate to implementation of portions of the Comprehensive Plan related to housing in, and consolidation of, the city's high density residential zones. Creating and supporting housing opportunities has been a key goal for Council and the community. The adopted Comprehensive Plan policies call for expanded housing opportunities throughout the city and consolidation of zones where possible to simplify the code.
3. Amendments are proposed in several titles of the municipal code, as follows:
 - Milwaukie Comprehensive Plan
 - Comprehensive Plan Residential Land Use Designations
 - Municipal Code - Title 19 Zoning Ordinance
 - Chapter 19.100 – INTRODUCTORY PROVISIONS
 - Section 19.107 Zoning
 - Chapter 19.200 – DEFINITIONS AND MEASUREMENTS
 - Chapter 19.300 – BASE ZONES
 - Section 19.301 Moderate Density Residential Zone
 - Section 19.302 High Density Residential Zones
 - Section 19.303 Commercial Mixed-Use Zones
 - Section 19.304 Downtown Zones
 - Section 19.306 Limited Commercial Zones
 - Section 19.307 General Commercial Zone
 - Section 19.312 North Milwaukie Innovation Area
 - Chapter 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS
 - Section 19.505 Building Design Standards
 - Chapter 19.600 OFF-STREET PARKING
 - Chapter 19.900 LAND USE APPLICATIONS
 - Section 19.904 Community Service Uses
 - Section 19.905 Conditional Uses
 - Chapter 19.1100 ANNEXATIONS AND BOUNDARY CHANGES
 - Section 19.1104 Expedited Process
 - Municipal Code - Title 14 Signs
 - Chapter 14.04 GENERAL PROVISIONS

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o Section 14.04.030 Definitions

4. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.902 Amendments to Maps and Ordinances
 - MMC Chapter 19.1000 Review Procedures
5. Sections of the MMC not addressed in these findings are found to be not applicable to the decision on this land use application.
6. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on September 27, 2022, November 15, 2022, and December 6, 2022 as required by law.
7. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.
 - a. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Manager, or any individual.

The amendments were initiated by the Planning Manager on August 1, 2022.
 - b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V Review have been met as follows:
 - (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.

Opportunity for public comment and review has been provided as follows:

The Planning Commission had 3 work sessions about the proposed code amendment language in June and August. The current version of the draft amendments has been posted on the application webpage since August 25, 2022. On August 29, 2022 staff e-mailed NDA leaders with information about the hearing and a link to the draft proposed amendments. On September 1, 2022, the city posted information about the public hearing on social media.
 - (2) 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 September 27, 2022 hearing was posted as required on August 25, 2022. A notice of the City Council's November 15, 2022 hearing was posted as required on October 13, 2022.
 - (3) Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

The proposed amendments will apply to all high density residential properties in the city, not a discrete geographic area. Individual notice was not required.

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- (4) Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to DLCD on August 23, 2022.

- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 45 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to Metro on August 23, 2022.

- (6) 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 will apply to all high density residential properties in the city but do not reduce the permissible uses or development opportunities on the properties.

- (7) 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 September 27, 2022, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on November 15, 2022 and December 6, 2022 and approved the amendments.

8. MMC 19.902 Amendments to Maps and Ordinances

- a. MMC 19.902.3 establishes requirements for amendments to the text of the Milwaukie Comprehensive Plan. The City Council finds that these requirements have been met as follows.

- (1) 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 duly advertised public hearing on September 27, 2022, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on November 15, 2022 and December 6, 2022 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (2) MMC Subsection 19.902.3.B contains approval criteria for changes to the text of the Milwaukie Comprehensive Plan.

- (a) 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 only amendments proposed to the text of the comprehensive plan are in the section related to residential land use designations. The proposed amendments

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reflect the proposed zoning map amendments that consolidate the high density residential zones.

- (b) 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 and regulations that encourage a variety of high-quality, attractive residential development throughout the city. As noted above, the only text amendment to the comprehensive plan consolidates the residential land use designations to reflect the proposed zoning map amendments.

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

The proposed amendments confirm the community's vision for broad housing choice throughout the city. As noted above, the only text amendment to the comprehensive plan consolidates the residential land use designations to reflect the proposed zoning map amendments.

- (d) 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 amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies related to residential capacity.

The Metro Urban Growth Management Functional Plan includes a number of titles that address various aspects of the region's goals and policies for urban development.

- (a) *Title 1 Housing Capacity*

The proposed amendments continue to provide opportunities for high density housing development in the city's high density residential zones.

- (b) *Title 7 Housing Choice*

The proposed amendments will continue to provide the opportunity for much-needed high density housing in the city's high density zones. The amendments also reduce barriers to the development of multi-unit housing, residential care facilities, and single room occupancy housing within these zones. The proposed amendments will support Metro's policies for expanding housing choice with a needed housing type in Milwaukie.

The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies. Additional findings specific to the UGMFP are

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included with these findings. The proposed code amendments are in compliance with Metro's Functional Growth Management Plan.

- (e) 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.

DLCD has not identified any areas where the proposed amendments are inconsistent with State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule. Additional findings have been prepared demonstrating compliance with the Statewide Planning Goals.

- b. MMC 19.902.4 establishes requirements for amendments to the maps of the Milwaukie Comprehensive Plan. The City Council finds that these requirements have been met as follows.

- (1) MMC Subsection 19.902.4.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 duly advertised public hearing on September 27, 2022 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on November 15, 2022 and December 6, 2022 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (2) MMC Subsection 19.902.4.B contains approval criteria for changes to the text of the Milwaukie Comprehensive Plan.

- (a) 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.

Changes to the maps of the Milwaukie Comprehensive Plan must be evaluated against the approval criteria in Subsection 19.902.3.B. A quasi-judicial map amendment shall be approved if these criteria are met. A legislative map amendment may be approved if these criteria are met.

The findings for compliance with MMC 19.902.3.B apply to the findings for these map amendments as well. Refer to the findings above for compliance with this code section.

- 9. MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.

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

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The Planning Commission held a duly advertised public hearing on September 27, 2022 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on November 15, 2022 and December 6, 2022 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (1) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.

- (a) MMC Subsection 19.905.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

The proposed amendments coordinate and are consistent with other provisions of the Milwaukie Municipal Code.

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

The goals and policies of the Comprehensive Plan support the amendments to consolidate the high density zones and the allow multi-unit housing by right.

- (c) Section 7 – Housing:

Provide safe, affordable, stable housing for Milwaukie residents of every socioeconomic status and physical ability within dwellings and neighborhoods that are entirely equitable, delightfully livable, and completely sustainable.

- (a) Goal 7.1 – Equity:

Enable and encourage housing options that meet the needs of all residents, with a specific focus on uplifting historically disenfranchised communities and eliminating disparities for populations with special needs or lower incomes.

- (i) Policy 7.1.1:

Provide the opportunity for a wider range of rental and ownership housing choices in Milwaukie, including additional middle housing types in low and medium density zones.

- (ii) Policy 7.1.2:

Establish development standards that regulate size, shape, and form and are not exclusively focused on regulating density.

- (iii) Policy 7.1.3:

Promote zoning and code requirements that remove or prevent potential barriers to home ownership and rental opportunities for people of all ages and abilities, including historically marginalized or

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vulnerable populations such as people of color, aging populations, and people with low incomes.

(b) Goal 7.2 – Affordability:

Provide opportunities to develop housing that is affordable at a range of income levels.

(i) Policy 7.2.2:

Allow and encourage the development of housing types that are affordable to low or moderate-income households, including middle housing types in low and medium density zones as well as larger apartment and condominium developments in high-density and mixed-use zones.

(ii) Policy 7.2.4:

Provide a simplified permitting process for the development of accessory dwelling units (ADUs) or conversion of single-unit homes into duplexes or other middle housing types.

(d) Section 8 – Urban Design and Land Use Goals and Policies:

Promote the design of private development and public spaces and facilities to enhance community livability, environmental sustainability, social interaction, and multimodal connectivity and support the unique function of Milwaukie neighborhoods as the centers of daily life.

(a) Goal 8.3 – Process:

Provide a clear and straight forward design review process for development in Milwaukie along with incentives to achieve desired outcomes.

(i) Policy 8.3.2:

Ensure that a clear and objective process is available for all housing types that meet design standards, provide adequate open space, and fit into the community, while offering an alternative discretionary path for projects that cannot meet these standards.

The proposed amendments implement sections of the comprehensive plan related to multi-unit housing. The amendments propose to consolidate the existing five high density residential zones into one zone, simplify the review process for multi-unit housing in the new consolidation, re-define residential care facilities to use state-accepted terminology and allow them outright where multi-unit housing is permitted,

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and redefine boarding houses using a more widely used term, single room occupancy, and allowing this use where multi-unit housing is permitted. The amendments simplify the code and also help to move the city closer to realizing its goal of providing “safe, affordable, stable housing for Milwaukie residents of every socioeconomic status and physical ability”.

- (e) 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 amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies related to residential capacity.

The Metro Urban Growth Management Functional Plan includes a number of titles that address various aspects of the region’s goals and policies for urban development.

- (i) *Title 1 Housing Capacity*

The proposed amendments will provide additional opportunities for multi-unit housing development throughout the city’s high density residential zones.

- (ii) *Title 7 Housing Choice*

The proposed amendments will provide additional opportunities for multi-unit development and group housing, as well as residential care facilities in the city’s high density residential zone, and will support Metro’s policies for expanding housing choice with a needed housing type in Milwaukie.

The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies. The proposed code amendments are in compliance with Metro’s Functional Growth Management Plan.

- (f) 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. The DLCD did not identify any areas where the proposed amendments were inconsistent with State statutes and administrative rules. Additional findings have been prepared demonstrating compliance with the Statewide Planning Goals.

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

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The City Council finds that the Federal Fair Housing Amendments Act of 1988 is relevant to the proposed amendments. The proposed amendments provide a clear and objective review process for middle housing development in the residential zones.

- b. MMC 19.902.6 establishes requirements for amendments to the Zoning Map. The City Council finds that these requirements have been met as follows.

- (1) MMC Subsection 19.902.6.A states that changes to the Zoning Map shall be evaluated through either a Type III or a Type V review.

The Zoning Map amendments involve all properties zoned R-3, R-2.5, R-2, R-1, and R-1-B, as well as commercially zoned properties for terminology clarifications. The amendments are legislative in nature and subject to Type V review.

The Planning Commission held a duly advertised public hearing on September 27, 2022, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on November 15, 2022 and December 6, 2022, and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (2) MMC Subsection 19.902.6.B contains approval criteria for changes to the Zoning Map.

- (a) The proposed amendment is compatible with the surrounding area based on the following factors:

- i. Site location and character of the area.

The proposed zoning map amendments are a consolidation of the existing R-3, R-2.5, R-2, R-1, and R-1-B zones into one zone: HDR. The zone remains high density residential in nature, with amendments related to the land use review process, terminology, and the addition of personal service uses.

- ii. Predominant land use pattern and density of the area.

As noted above, the proposed zoning map amendments affect the R-3, R-2.5, R-2, R-1, and R-1-B zones which are currently predominantly residential in nature at a high density with limited permitted commercial uses. The consolidation of this zone reflects the intent of the comprehensive plan to simplify the zoning code.

- iii. Expected changes in the development pattern for the area.

Given that the amendments consolidate existing high density zones, and propose some changes to the land use review process for some uses, the change in development pattern in some areas may include a modest increase. The intent of the amendments package is to consolidate and simplify the code and review processes, but not make significant changes to allowed uses.

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- (b) The need is demonstrated for uses allowed by the proposed amendment.

Per the City's 2016 Housing Needs Analysis (HNA), Milwaukie currently has a range of housing types, including single dwelling detached and attached homes, duplexes, multi-unit, and mixed-use developments, and has sufficient capacity to provide for needed housing during the next 20 years. The HNA includes the City's buildable lands inventory (BLI) for housing within the UGB, showing that the city has sufficient zoned capacity to meet the projected housing needs over the next 20 years. Relevant findings from the HNA include:

(i) *The projected growth in the number of non-group households over 20 years (2016-2036) is roughly 1,070 households, with accompanying population growth of 2,150 new residents. The supply of buildable land includes properties zoned to accommodate a variety of housing types. Single dwelling residential zones with larger minimum lot sizes will accommodate single dwelling detached housing. Medium density residential zones will accommodate single dwelling attached homes (e.g., townhomes or rowhouses, duplexes and triplexes) and multi-family and mixed-use zones can accommodate high density housing.*

(iii) *Over the next 20 years, Milwaukie is likely to be attractive to younger adults seeking relatively affordable housing near transportation options and employment centers. Some in this generation are already starting families and will be well into middle age during the 20-year planning period. More of these households may move from areas like central Portland to communities like Milwaukie for more attainable housing, more space, and schools.*

The availability is shown of suitable alternative areas with the same or similar zoning designation.

Staff has interpreted this criterion to mean that the finding shall show that there is no suitable alternative area with the same or similar zoning designation.

As noted above the proposed zoning map amendments would consolidate the existing five high density residential zones to one high density zone to simplify the code and make modest adjustments to streamline land use review.

- (c) The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.

The public transportation facilities, public utilities, and services in the high density residential zones are adequate to support the proposed amendments. The subject properties are already being used for, or are zoned for, residential development. The proposed amendments may increase the demand on the facilities, utilities, or services in the area, which have been planned for.

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- (d) The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

The proposed amendment is unlikely to intensify the development potential of the high density residential zones. Any increase in development will likely be modest and not in a manner that would result in a failure level of service on the city's transportation system. The city's TSP anticipates residential development in these zones and the TSP is being fully revised in 2022-2023.

- (e) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

The subject areas are designated for residential development and will continue to be designated as such. The goals and policies of the Comprehensive Plan for residential development are noted above in Finding 9 and the primary purpose of the amendments is to implement the comprehensive plan as it relates to housing and simplification of the code. The proposed amendment is consistent with those goals and policies.

- (f) The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

See Finding 8.a.(1)(d) above.

- (g) The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

See Finding 8.a.(1)(e) above.

Attachment 1.a.1

UGMFP Findings for Milwaukie Code Amendments for High Density Residential Zones

The Metro Urban Growth Management Functional Plan (UGMFP) provides tools to meet regional goals and objectives adopted by Metro Council, including the 2040 Growth Concept and the Regional Framework Plan. Under the Metro Charter, the City of Milwaukie's Comprehensive Plan and implementing ordinances are required to comply and be consistent with the UGMFP. The UGMFP consists of 11 code titles with policies and compliance procedures for the following topics:

- Title 1: Housing Capacity
- Title 7: Housing Choice
- Title 8: Compliance Procedures

Metro requires "substantial compliance" with requirements in the UGMFP. Per the definition in Title 10, "substantial compliance" means that the City's zoning code conforms with the purposes of the performance standards in the functional plan "on the whole." Any failure to meet individual performance standard requirements is considered technical or minor in nature.

Based on the findings described below, the proposed code amendments related to consolidation of the city's high density residential zones substantially comply with all applicable titles of the Urban Growth Management Functional Plan.

Title 1: Housing Capacity

Finding: Title 1 of the UGMFP is intended to promote efficient land use within the Metro urban growth boundary (UGB) by increasing the capacity to accommodate housing. Metro's 2020 Compliance Report concluded that Milwaukie is in compliance for the City's Title 1 responsibilities.

Milwaukie has established minimum densities in its Zoning Code (Title 19 of the Municipal Code) (Code) for each residential base zone. These minimum and maximum densities comply with Title 1 for all zones where dwelling units are authorized. The proposed code updates are primarily related to consolidation of the high density residential zones from five zones to one zone, updating of outdated definitions of residential care facilities, and streamlining of land use review processes in these zones. No changes or reduction to the areas zoned for high density residential uses are proposed and, in some cases, the permitted densities are increased. The amendments are intended to increase the supply of attainable housing, and provide equitable access and housing choice for all. The findings demonstrating compliance with city code requirements include information from the Housing Needs Analysis evaluating housing capacity and demonstrate how the proposed

code amendments support compact, dense development, especially in the city's high-density residential zones.

Based on the findings above, the proposed amendments are consistent with Title 1.

Title 7: Housing Choice

Finding:

Title 7 is designed to ensure the production of affordable housing within the UGB. Under Title 7, the City is required to ensure that its Comprehensive Plan and implementing ordinances include strategies to: ensure the production of a diverse range of housing types, maintain the existing supply of affordable housing, increase opportunities for new affordable housing dispersed throughout the City, and increase opportunities for households of all income levels to live in affordable housing (3.07.730). Metro's 2020 Compliance Report concluded that Milwaukie is in compliance for the City's Title 7 responsibilities.

The local code findings, based on the City's 2016 Housing Needs Analysis (HNA), include findings that demonstrate that Milwaukie currently has a range of housing types, including single dwelling detached and attached homes, duplexes, multi-family, and mixed-use developments, and has sufficient capacity to provide for needed housing during the next 20 years. The City plans to update the HNA in 2022 to further solidify these findings. The findings also illustrate how the proposed code amendments implement the policies in the new comprehensive plan that promote a diverse range of housing types, with a focus on housing affordability, equity, sustainability, and livability. The proposed amendments allow a variety of housing options for households of all incomes, ages and living patterns, sited in a dispersed manner throughout the high density zones to help ensure access to services, community amenities, and employment centers. A mix of housing types combined with the higher densities will support development of smaller units with lower land costs and increased opportunities for transit, all of which can facilitate more affordable housing.

In addition to the recently adopted comprehensive plan which has multiple policies supporting housing affordability, equity and choices, the City has conducted several recent planning efforts aimed at addressing similar goals. The *Milwaukie Housing Affordability Strategy* and *Equitable Housing Policy & Implementation Plan* identify a variety of specific strategies to further these goals, many of which are already being implemented by the City and its local and regional partners. The proposed code amendments are the result of an evaluation of the existing zoning ordinance to reduce barriers to and encourage the development of smaller, potentially more affordable housing types. Multi-unit development, residential care facilities, and single room occupancy housing are now proposed to be permitted by right in all high density residential zones in the city.

Based on the findings above, the proposed amendments are consistent with Title 7.

Title 8: Compliance Procedures

Finding: Title 8 establishes a process for ensuring compliance with requirements of the UGMFP. An amendment to the City comprehensive plan or land use regulations is deemed to comply with the UGMFP only if the City provided notice to Metro as required by section 3.07.820(a). The City of Milwaukie provided Metro a set of draft code amendments on August 31, 2021, which was more than 35 days prior to the first evidentiary hearing, which was held on September 27, 2022.

Based on the findings above, the proposed amendments are consistent with Title 8.

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Attachment 1.a.2

Statewide Findings for Milwaukie Plan and Code Amendments – Consolidation of High Density Residential Zones

This memo summarizes the consistency of the proposed code amendments with the following statewide goals, as well as key Oregon Revised Statutes (ORSs) and Oregon Administrative Rules (OARs):

- Goal 1: Citizen Involvement
- Goal 2: Land Use Planning
- Goal 10: Housing
- Goal 11: Public Facilities
- Goal 12: Transportation
- Goal 13: Energy
- Goal 14: Growth Management

Other Statewide Planning Goals are not directly applicable to the proposed code amendments. Goals related to agriculture and forestry do not apply to land intended for future urbanization within the urban growth boundary. Additionally, the proposed amendments do not involve land or resources designated as part of Oregon's coastal zone.

Consistency with the applicable goals is a requirement for any amendment to a City's land use ordinances.

Based on the findings described below, the proposed code amendments comply with the applicable Statewide Goals and associated ORS and OAR provisions.

Goal 1: Citizen Involvement

Finding: Goal 1 requires the City to employ an appropriately-scaled involvement program to ensure the opportunity for meaningful public involvement throughout the land use planning process. Goal 1 requires the City to incorporate six key components in its public involvement program:

- Citizen Involvement: An officially-recognized committee for public involvement broadly representative of geographic areas and interests related to land use and land-use decisions to provide for widespread public involvement;
 - Communication: Mechanisms for effective two-way communication between the public and elected/appointed officials;
 - Influence: Opportunities for the public to be involved in all phases of the planning and decision-making process including developing, evaluating, and amending plans;
 - Technical Information: Access to technical information used in the decision-making process, provided in an accessible and understandable format;
-

- Feedback Mechanisms: Programs to ensure that members of the public receive responses from policy-makers and that a written record for land-use decisions is created and made accessible; and,
- Financial Support: Adequate resources allocated for the public involvement program as an integral component of the planning budget.

Following is a summary of activities undertaken by the City to support the proposed code amendments related to consolidation of the high density residential zones.

Planning Commission and City Council Updates

City staff conducted three worksessions with the City’s Planning Commission and City Council to review the status of the work and solicit feedback on key issues.

The specific proposed code language was posted with a code commentary on the City’s website on August 26, 2022. Prior to the public hearings the Planning Commission had 3 work sessions about the proposed code amendment language in July and August 2022. These meetings also were open to the public and were recorded and available for public viewing after the meetings. A work session with the City Council was held before the City Council hearing on the amendments. Specific notice of the draft amendments and the September 27, 2022 public hearing was as follows: email notices were sent to all Neighborhood District Association members, members of the middle housing code project steering committee, and to everyone who registered on the Engage Milwaukie platform as part of the middle housing code project. The current version of the draft amendments has been posted on the application webpage since August 26, 2022.

Based on the findings above, the Zoning Code update is consistent with Oregon Statewide Planning Goal 1.

Goal 2: Land Use Planning

Goal 2. To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: Goal 2 requires the City to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The proposed plan and code amendments are related directly to implementation of the city’s comprehensive plan as it relates to the consolidation of the city’s high density residential zones. Only changes that reduce the required level of land use review for a limited number of residential uses are proposed that impact the land use planning process or policy framework within the city.

Goal 2 does not apply to the proposed amendments.

Goal 10: Housing

Goal 10: To provide for the housing needs of citizens of the state.

Finding: Goal 10 requires the City to maintain and plan for an adequate land supply to accommodate at least 20 years of future growth, providing flexibility in housing location, type, and density to ensure the availability and prices of housing units are commensurate with the needs and financial capabilities of Oregon households. Comprehensive plans are required to include an analysis of community housing needs by type and affordability, an assessment of housing development potential, and an inventory of residential land; contain policies for residential development and supportive services based on that analysis that increase the likelihood that needed housing types will be developed; and provide for an adequate supply of a variety of housing types consistent with identified policies and meeting minimum density and housing mix requirements (established by OAR 660, Division 007).

The City’s 2016 Housing Needs Analysis (HNA), included findings that demonstrate that Milwaukie currently has a range of housing types, including single-family detached and attached homes, duplexes, multi-family, and mixed-use developments, and has sufficient capacity to provide for needed housing during the next 20 years.

In 2017 the City adopted its Community Vision which includes the following statement about housing:

“Milwaukie invests in housing options that provide affordability, high quality development and good design, promoting quality living environments. It maintains the small neighborhood feel through creative use of space with housing options that embrace community inclusion and promotes stability.”

In order to realize the full vision for the community the next step was to complete a full overhaul of its Comprehensive Plan which was adopted in 2020. The housing component of the plan is critical to realizing the vision and Council has made housing a top priority of the City for the last several years.

In addition to the updated Comprehensive Plan policies supporting housing affordability, equity and choices, the City has conducted several recent planning efforts aimed at addressing similar goals, including the following.

The **Milwaukie Housing Affordability Strategy (MHAS)** was adopted by the Milwaukie City Council in 2018 after the Council identified housing affordability as its number one priority for the 2017–2018 biennium. The MHAS is a blueprint for providing equitable affordable housing opportunities and is intended to help increase the amount of affordable housing in the City. It serves as an overarching framework, combining existing land uses, needs assessments, housing

policy analysis, and an analysis of best practices from peer cities. The MHAS includes a total of 31 proposed actions or programs focused around the following three goals:

- Develop New Units
- Prevent Displacement and Keep Affordable Units Affordable
- Connect People to Existing Affordable Housing

The **Milwaukie Housing Equity Policy Implementation Plan (EHPIP)** was prepared in 2019 with funding provided through a grant from the Oregon Department of Land Conservation and Development. The EHPIP builds on the work conducted for the MHAS, as well as other housing affordability and equity initiatives in Milwaukie. It identifies a variety of specific strategies to further these goals, with a strong focus on how they will promote geographic, racial, and income equity in Milwaukie. The EHPIP also includes a cross-referencing of EHPIP strategies with draft Comprehensive Plan goals and policies.

The proposed code amendments implement a variety of goals and policies related to housing and will support consistency with Statewide Planning Goal 10. By increasing density in some high density zones, streamlining the land use review process for multi-unit development, single room occupancy housing, and residential care facilities, housing choice and opportunities to expand housing options are made possible.

Additionally, the City plans to update the HNA in 2022 when the city can further consider the impacts of the proposed code amendments related to high density housing on land capacity.

The proposed amendments relate to implementation of portions of the Comprehensive Plan related to housing in, and consolidation of, the city's high density residential zones. Creating and supporting housing opportunities has been a key goal for Council and the community. The adopted Comprehensive Plan policies call for expanded housing opportunities throughout the city and consolidation of zones where possible to simplify the code. The amendments also reduce barriers to the development of multi-unit housing, residential care facilities, and single room occupancy housing within these zones.

The proposed amendments implement comprehensive plan policies related to housing affordability and equity by allowing for a variety of housing options for households of all incomes, ages and living patterns. Housing is sited in a dispersed manner throughout the City to help ensure access to services, community amenities, and employment centers. A mix of housing types combined with the higher densities will support development of smaller units with lower land costs and increased opportunities for transit, all of which can facilitate more affordable housing.

The city's Community Development Department will continue to work on ways to assist in the development of housing, provide incentives for regulated affordable housing development, provide incentives for the retention or conversion of existing affordable housing supply, and provide incentives and reduce barriers within the development code.

Based on the findings above, the Comprehensive Plan Amendment is consistent with Statewide Planning Goal 10.

Goal 11: Public Facilities

Goal 11: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Goal 11 requires the City to “plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” The City of Milwaukie coordinates with several other local service providers to ensure timely, orderly and efficient arrangement and provision of public services to serve development within the City of Milwaukie and its planning area between the city limits and UGB. The City of Milwaukie provides planning and zoning services inside the city limits, as well as provision of water, conveyance of wastewater, transportation facilities on city-owned facilities, law enforcement, and library services. The City is already in compliance with Goal 11 and the preparation and adoption of updated specific facility master plans for water, wastewater and stormwater are underway at this time.

Goal 11 is not applicable to the proposed code amendments related to consolidation of the high density residential zones.

Goal 12: Transportation

Goal 12: To provide and encourage a safe, convenient and economic transportation system.

Finding: Goal 12 and the State Transportation Planning Rule (TPR; OAR 660, Division 012) require cities to provide and encourage a safe, convenient, and economic transportation system. Together, they require the City to develop and maintain a Transportation System Plan (TSP), which must be incorporated as part of the Comprehensive Plan. A local TSP acts as a guiding policy document for long-term transportation planning and presents the City's goals and policies while outlining and prioritizing proposed improvements for pedestrian, bicycle, public transit, motor vehicle, and freight systems; downtown parking; and neighborhood traffic management.

The city was in compliance with Goal 12 prior to these code amendments and with the planned update to the TSP in 2022-2023 reflecting the proposed code amendments for the high density zones consolidation, the proposal is consistent with Goal 12 Transportation and the Transportation Planning Rule.

Goal 13: Energy

Goal 13: To conserve energy.

Finding: Goal 13 requires that any spatial changes to future patterns of allowed land uses must conserve energy.

The city's Comprehensive Plan is already in compliance with Goal 13 and the proposed code amendments provide greater opportunities for more compact development and efficient use of land which will result in a reduction in energy consumption, including in transportation and utilities.

The proposed code amendments, related to consolidation of the high density residential zones, are consistent with Statewide Planning Goal 13.

Goal 14: Growth Management

Goal 14: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The entirety of the city and its Municipal Planning Area (MPA) is located within the Urban Growth Boundary (UGB). As such, the proposed amendments will not result in the transition of any land from rural to urban uses or result in population or employment growth outside of the UGB.

The proposed amendments are directly related to the consolidation of the high density residential zones, which will enhance community livability, environmental sustainability, social interaction, and multimodal connectivity and support the unique function of Milwaukee neighborhoods as the centers of daily life.

Goal 14 does not directly apply to the proposal but the amendments are consistent with Goal 14.

Underline/Strikeout Amendments

Title 14 Signs

14.040.030 Definitions

“Residential zones” means the R-MD, ~~R-3, R-2.5, R-2,~~ and ~~R-1-B~~ HDR Residential Zones as defined in the Zoning Ordinance.

~~“Residential-Business-Office-Zone~~ High Density Residential Business Zone” means the ~~R-1-B~~ B Zone, as defined in the Zoning Ordinance.

14.16.010 MODERATE DENSITY RESIDENTIAL ZONE

No sign shall be installed or maintained in ~~an~~ the ~~R~~ R-MD 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 <u>Moderate Density Residential Zones</u> | | | | |
|---|---|--|---|----------------------------|
| 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 unit <u>family unit</u> 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 unit <u>family unit</u> 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 unit <u>family unit</u> 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 | |

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| | | | | |
|---------------------------------------|--|---|-------------------------------------|----------------------------|
| 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.

(Ord. 2051 § 2, 2012; Ord. 2001 § 2, 2009; Ord. 1965 §§ 2, 3, 2006; Ord. 1733 § 1(1) (Exh. A), 1993)

14.16.020 ~~RESIDENTIAL-BUSINESS OFFICE~~ HIGH DENSITY RESIDENTIAL ZONE

No sign shall be installed or maintained in an ~~R-1-B~~ the HDR 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 <u>High Density Residential Zone HDR</u> Residential-Business Office Zone R-1-B | | | | |
|--|---|---|------------------------|---------------------------------|
| Sign Type | Area | Height | Number | Illumination¹ |
| 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 unit 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 unit 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 unit properties | Max. display surface is 25% of awning area, up to a max. of 32 SF. | | 1 per street frontage. | External only |

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| | | | | |
|--|--|---|-------------------------------------|---------------|
| 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 ³ | 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. ⁴ | 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. ⁵ | External only |
| Daily display sign ⁶ | 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 One freestanding sign is permitted in addition to one wall sign.

³ In addition to the sign size limitations of this chapter, if an original art mural permitted under Title 20 occupies a wall where a wall sign has been proposed, the size of the wall sign shall be limited such that the total area of the original art mural plus the area of the wall sign does not exceed the maximum allowed.

⁴ One wall sign is permitted in addition to one freestanding sign or 2 wall signs permitted.

⁵ For awnings related to residential use, either one sign on an awning or one sign hanging beneath an awning is allowed.

⁶ 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.

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(Ord. 2110 § 2 (Exh. G), 2015; Ord. 2078 § 2 (Exh. B), 2014; Ord. 2051 § 2, 2012; Ord. 2001 § 2, 2009; Ord. 1965 §§ 2, 3, 2006; Ord. 1917 § 3 (Exh. B), 2003; Ord. 1916 § 3 (Exh. B), 2003; Ord. 1880 § 6 (Exh. A), 2000; Ord. 1733 § 1(1) (Exh. A), 1993)

Title 19 Zoning Ordinance

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.107.1 Zone Classifications

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

| Table 19.107.1 Classification of Zones | |
|---|-------------------------|
| Zone Description | Abbreviated Description |
| Base Zones | |
| Residential | R-MD |
| Residential | HDR |
| Residential | R-2.5 |
| Residential | R-2 |
| Residential | R-4 |
| Residential-Business Office | R-1-B |
| Downtown Mixed Use | DMU |
| Open Space | OS |
| Neighborhood Commercial | C-N |
| Limited Commercial | C-L |
| General Commercial | C-G |
| Community Shopping Commercial | C-CS |
| Manufacturing | M |
| Business Industrial | BI |
| Planned Development | PD |
| Tacoma Station Area Mixed Use | MUTSA |
| General Mixed Use | GMU |
| North Milwaukie Employment | NME |
| Neighborhood Mixed Use | NMU |
| Overlay Zones | |
| Willamette Greenway | WG |
| Historic Preservation | HP |
| Flex Space | FS |
| Aircraft Landing Facility | L-F |

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

~~“Boarding house” means a building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily, by persons paying consideration for sleeping purposes where meals may or may not be provided, and which is not occupied as a single-family unit. Lodging capacity is subject to provisions of the Uniform Building Code.~~

~~“Congregate housing facility” means a multidwelling unit, permanent housing center with individual or common housekeeping facilities and services provided for residents who require or desire a more supportive living environment than typically available to residents in traditional apartment or single-family residential housing. These facilities may provide regular on-premises supervision by registered medical staff or care providers. Occupants of these facilities may include the elderly, disabled, handicapped, or other persons as defined in the Federal Fair Housing Amendments Act of 1988. Congregate housing facilities are permitted outright in all residential zones that permit multifamily apartments, and they require conditional use approval in those residential zones that allow multifamily uses conditionally. In each case, density standards of the zone shall determine number of units allowed.~~

Office:

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

“Professional and administrative office” means professional, executive, management, or administrative offices of firms or organizations, including government, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

~~“Traditional office” means offices that are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic. Examples include: professional services such as lawyers, architects, or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate~~

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~~agents; sales offices; government offices and public utility offices; and medical and dental clinics.~~

Residential Uses and Structures:

“Adult foster/care homes” means a dwelling unit operated to provide a permanent residence and licensed care for up to five people who are elderly, disabled, handicapped, or otherwise require such a residence.

“Single room occupancy housing (SRO)” means a building wherein nine (9) or more rooms are offered for rent and where rooms, individually or collectively, do not constitute separate dwellings. Each room is without a kitchen, but access must be provided to a shared cooking and eating facility. Each room may have provision for counter-top appliances and refrigerator. The toilet/bath may be private or shared with other room(s). SRO developments are designed to be occupied by long-term residents on a monthly or longer basis. For calculating residential density, four SRO rooms are equal to 1 dwelling unit with fractions rounded up.

“Multi-unit development” means a structure that contains five or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-unit development includes structures commonly called garden apartments, apartments, and condominiums. Residential care facilities are considered a type of multi-unit development.

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

~~“Senior and retirement housing” means a multiunit dwelling where persons who are of retirement age reside. Activity levels, including traffic generation and parking of cars, are generally lower than for other types of housing. Common facilities for eating and activities may be provided; nursing care, medical supplies, and personal services may be provided on a limited basis. One person may own the entire complex, or each dwelling unit may be owned separately as in a condominium.~~

“Residential care facility” means a licensed living facility for more than five (5) non-related persons, which provides specialized care, supervision, treatment or training, or a combination of these for residents. This use classification includes, but is not limited to assisted living facilities, nursing facilities, and memory care facilities.

“Temporary or transitional facility” means a facility which ~~may~~ provides temporary or transitional services to families or individuals, including lodging where the average stay is 60 days or less. Such facilities shall be classified as community service uses and may include shelters, community counseling centers, rehabilitation centers, and detention and detoxification facilities.

CHAPTER 300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONE

| Table 19.301.2 Moderate Density Residential Uses Allowed | | |
|--|-----------|---|
| Use | R-MD | Standards/Additional Provisions |
| Residential Uses | | |
| Single detached dwelling | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Duplex | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Triplex | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Quadplex | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Townhouse | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.5 Standards for Townhouses |
| Cottage Cluster | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.4 Cottage Cluster Housing |
| Residential home <u>Adult foster/care home</u> | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Accessory dwelling unit | P | Subsection 19.910.1 Accessory Dwelling Units |
| Manufactured dwelling park | III | Subsection 19.910.3 Manufactured Dwelling Parks. |
| Senior and retirement housing <u>Residential care facility</u> <u>Examples include:</u> <u>assisted living, nursing facilities, and memory care communities</u> | CU CSU | Subsection 19.905.9.G Senior and Retirement Housing Subsection 19.904.8 <u>Specific Standards for Residential Care Facilities</u> |

19.302 HIGH DENSITY RESIDENTIAL ZONES

The high density residential zones are is Residential Zone ~~HDR, R-3, Residential Zone R-2.5,~~ Residential Zone R-2, Residential Zone R-1, and Residential-Business Office Zone R-1B. These ~~This zone zones~~ implements the high density residential land use designations in the Milwaukie Comprehensive Plan.

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19.302.1 Purpose

The high density residential zone is 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 the High Density Residential Zones

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

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

| Table 19.302.2 High Density Residential Uses Allowed | | | | | | |
|---|------------|--------------|------------|------------|--------------|--|
| Use | R-3 | R-2.5 | R-2 | R-1 | R-1-B | Standards/ Additional Provisions |
| Residential Uses | | | | | | |
| Single detached dwelling | P | P | P | P | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Duplex | P | P | P | P | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Triplex | P | P | P | P | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Quadplex | P | P | P | P | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Residential home | P | P | P | P | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Accessory dwelling unit | P | P | P | P | P | Subsection 19.910.1 Accessory Dwelling Units |
| Manufactured dwelling park | H | N | N | N | N | Subsection 19.910.3 Manufactured Dwelling Parks |
| Townhouse | P | P | P | P | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.5 Standards for Townhouses |

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| | | | | | | |
|-----------------|---|---|---|---|---|---|
| Cottage cluster | P | P | P | P | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.4 Cottage Cluster Housing |
|-----------------|---|---|---|---|---|---|

| Table 19.302.2 CONTINUED High Density Residential Uses Allowed | | | | | | |
|---|------------|--------------|------------|------------|--------------|--|
| Use | R-3 | R-2.5 | R-2 | R-1 | R-1-B | Standards/ Additional Provisions |
| Residential Uses CONTINUED | | | | | | |
| Multi-unit Housing | CU | CU | P | P | P | Subsection 19.505.3 Multi-Unit 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 Multi-Unit 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 house | CU | CU | CU | CU | CU | Section 19.905 Conditional Uses |
| Commercial Uses | | | | | | |
| Office | CU | CU | CU | CU | P | Subsection 19.302.3 Use Limitations and Restrictions |
| Personal/Business Services | CU | CU | CU | CU | P | |
| Hotel or motel | N | N | N | N | CU | Section 19.905 Conditional Uses |
| Bed and breakfast or vacation rental | CU | CU | CU | CU | CU | Section 19.905 Conditional Uses |
| Accessory and Other Uses | | | | | | |
| Accessory use | 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 use | CSU | CSU | CSU | CSU | CSU | Section 19.904 Community Service Uses |
| Home occupation | P | P | P | P | P | Section 19.507 Home Occupation Standards |
| Short-term rental | P | P | P | P | P | Section 19.507 Home Occupation Standards |

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| Table 19.302.2 High Density Residential Uses Allowed | | |
|--|------------|--|
| Use | HDR | Standards/ Additional Provisions |
| Residential Uses | | |
| Use | HDR | Standards/ Additional Provisions |
| <u>Single detached dwelling</u> | <u>P</u> | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| <u>Duplex</u> | <u>P</u> | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| <u>Triplex</u> | <u>P</u> | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| <u>Quadplex</u> | <u>P</u> | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| <u>Adult foster/care home</u> | <u>P</u> | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| <u>Accessory dwelling unit</u> | <u>P</u> | Subsection 19.910.1 Accessory Dwelling Units |
| <u>Manufactured dwelling park</u> | <u>III</u> | Subsection 19.910.3 Manufactured Dwelling Parks |
| <u>Townhouse</u> | <u>P</u> | Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.5 Standards for Townhouses |
| <u>Cottage cluster</u> | <u>P</u> | Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.4 Cottage Cluster Housing |
| <u>Multi-unit Housing</u> | <u>P</u> | Subsection 19.505.3 Multi-Unit Housing Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations |
| <u>Single room occupancy housing</u> | <u>P</u> | Subsection 19.505.3 Multi-Unit Housing Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations |
| <u>Residential Care Facility</u> Examples include: assisted living, nursing facilities, and | <u>P</u> | Subsection 19.505.3 Multi-Unit Housing Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations |

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| <u>memory care communities</u> | | |
| <u>Office: Production-related office and Professional and administrative office</u> | <u>P</u> | <u>Subsection 19.302.3 Use Limitations and Restrictions</u> |
| <u>Personal/Business Services</u> | <u>P</u> | <u>Subsection 19.302.3 Use Limitations and Restrictions</u> |
| <u>Hotel or motel</u> | <u>CU</u> | <u>Section 19.905 Conditional Uses</u> |
| <u>Bed and breakfast or vacation rental</u> | <u>CU</u> | <u>Section 19.905 Conditional Uses</u> |
| <u>Accessory use</u> | <u>P</u> | <u>Section 19.503 Accessory Uses</u> |
| <u>Agricultural or horticultural use</u> | <u>P</u> | <u>Subsection 19.302.3 Use Limitations and Restrictions</u> |
| <u>Community service use</u> | <u>CSU</u> | <u>Section 19.904 Community Service Uses</u> |
| <u>Home occupation</u> | <u>P</u> | <u>Section 19.507 Home Occupation Standards</u> |
| <u>Short-term rental</u> | <u>P</u> | <u>Section 19.507 Home Occupation Standards</u> |

19.302.3 Use Limitations and Restrictions

B. Office uses allowed in the high density zones are offices, studios, clinics, and other similar professional offices. Corporate offices for marijuana businesses are permitted provided that no marijuana or marijuana products associated with the business are on site. Marijuana testing labs and research facilities are not permitted office uses in these this zones.

| Table 19.302.4 | | | | | | |
|---|------------|--------------|------------|------------|--------------|--|
| High Density Residential Development Standards | | | | | | |
| Standard | R-3 | R-2.5 | R-2 | R-1 | R-1-B | Standards/ Additional Provisions |
| A. Lot Standards | | | | | | |
| <u>Minimum lot size (sq ft)</u> | | | 4,500 | | | <u>Subsection 19.501.1 Lot Size Exceptions</u> <u>Subsection 19.505.4 Cottage Cluster Housing</u> <u>Subsection 19.505.5 Townhouses</u> |

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| | | |
|---|---------------------------|---|
| Minimum lot width (ft) | 20 | - |
| Minimum lot depth (ft) | 70 | |
| Minimum street frontage requirements (ft) | - | |
| Townhouse | 20 | |
| Standard lot | 35 | |
| Flag lot | 25 | |
| Double flag lot | 25 | |
| B. Development Standards | | |
| Minimum yard requirements for primary structures (ft) | - | |
| Front yard | 20 | |
| Side yard | See Subsection 19.302.5.A | |
| Street side yard | 15 | |
| Rear yard | 15 | |
| Maximum building height for primary structures | 35 ft | 45 ft |
| | | <p>Subsection 19.302.5.E Height Exceptions</p> <p>Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions</p> <p>Subsection 19.302.5.I Transition Measures</p> |

-
-

| Table 19.302.4 – CONTINUED | | | | | | |
|--|-----|-------|-----|-----|------|-------------------------------------|
| High Density Residential Development Standards | | | | | | |
| Standard | R-3 | R-2.5 | R-2 | R-1 | R-1B | Standards/ Additional Provisions |

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|---|-----------------|-----------------|-----------------|--|
| Side yard height plane limit | - | - | - | Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions |
| Height above ground at minimum required side yard depth (ft) | 20 | 25 | 25 | |
| Slope of plane (degrees) | 45 | 45 | 45 | |
| Maximum lot coverage (percent of total lot area) | 40% | 45% | 50% | Section 19.201 "Lot coverage" definition |
| Minimum vegetation (percent of total lot area) | 35% | 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 | | | | |
| Density requirements (dwelling units per acre) | - | - | - | Subsection 19.202.4 Density Calculations Subsection 19.302.5.F Residential Densities Subsection 19.501.4 Density Exceptions |
| Minimum | 11.6 | 11.6 | 25.0 | |
| Maximum² | 14.5 | 17.4 | 32.0 | |

19.302.4 Development Standards

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

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

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

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

In the high density residential zones the following housing types are permitted on lot sizes as follows:

Between 1,500 to 2,999 sq ft: Townhouse, Cottage in a cottage cluster

Between 3,000 to 4,999 sq ft: Duplex, Triplex, and Quadplex.

Between 5,000 to 6,999 sq ft: Single Detached Dwelling, Single Detached Dwelling with up to 2 ADUs, Duplex, Triplex, and Quadplex.¹

7,000 sq ft and up: Single Detached Dwelling, Single Detached Dwelling with up to 2 ADUs, Duplex, Triplex, Quadplex, Cottage Cluster, Multi-Unit Housing.

All other uses require a minimum lot size of 5,000 sq ft.

| Table 19.302.4 | | |
|---|------------|---|
| High Density Residential Development Standards | | |
| Standard | HDR | <u>Standards/</u> Additional Provisions |
| A. Lot Standards | | |
| Minimum lot size (sq ft) | 1,500 | Subsection 19.501.1 Lot Size Exceptions Subsection 19.505.4 Cottage Cluster Housing Subsection 19.505.5 Townhouses |
| Minimum lot width (ft) | 20 | |
| Minimum lot depth (ft) | 70 | |
| Minimum street frontage requirements (ft) | | |
| Townhouse | 20 | |
| Standard lot | 35 | |
| Flag lot | 25 | |
| Double flag lot | 25 | |
| B. Development Standards | | |
| Minimum yard requirements for primary structures (ft) | - | |

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|--|---------------------------------|---|
| Front yard | 20 | |
| Side yard | See Subsection 19.302.5.A | |
| Street side yard | 15 | |
| Rear yard | 15 | |
| Maximum building height for primary structures | 45 ft | <p>Subsection 19.302.5.E Height Exceptions</p> <p>Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions</p> <p>Subsection 19.302.5.I Transition Measures</p> |
| Side yard height plane limit | 25 | Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions |
| Height above ground at minimum required side yard depth (ft) | 45 | |
| Slope of plane (degrees) | | |
| Maximum lot coverage (percent of total lot area) | 50% | Section 19.201 "Lot coverage" definition |
| Minimum vegetation (percent of total lot area) | 15% | <p>Subsection 19.504.7 Minimum Vegetation</p> <p>Subsection 19.302.5.D Front Yard Minimum Vegetation</p> <p>Subsection 19.302.5.C Minimum Vegetation</p> |
| Density requirements (dwelling units per acre) | - | Subsection 19.202.4 Density Calculations |
| Minimum | 25.0 | Subsection 19.302.5.F Residential Densities |
| Maximum ^{2, 3} | 32.0 | Subsection 19.501.4 Density Exceptions |

²Townhouses are allowed at 4 times the maximum density allowed for single detached dwellings in the same zone or 25 dwelling units per acre, whichever is less. Duplexes, triplexes, quadplexes, and cottage clusters are exempt from density maximums.

³The density for single room occupancy (SRO) developments is calculated as follows: four SRO rooms equal one dwelling unit.

Table 19.304.2 is supplemented by Figure 19.304.2. For those properties identified in Figure 19.304.2, the minimum front yard setback is 5 ft.



19.302.5 Additional Development Standards

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 detached dwelling or accessory dwelling units are exempt from the minimum and maximum density requirements. Middle housing, except for townhouses, is exempt from maximum density requirements.

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

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

~~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 |
|--------------------------------------|---------------------------------|---------------------------------|
| First Dwelling Unit | 5,000 sq ft per unit | 5,000 sq ft per unit |
| Additional Dwelling Units | 1,500 sq ft per unit | 1,400 sq ft per unit |

19.303 COMMERCIAL MIXED-USE ZONES

Table 19.303.2

Uses Allowed in Commercial Mixed-Use Zones

| Uses and Use Categories | GMU | NMU | Standards/Additional Provisions |
|-------------------------|-----|-----|---------------------------------|
| | | | |

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| Residential | | | |
|---------------------------------------|---|----|--|
| Single-family detached | N | CU | Subsection 19.505.1 Single Family Dwellings Section 19.905 Conditional Uses |
| Rowhouse ¹ | P | CU | Subsection 19.505.5 Rowhouses |
| Multifamily <u>Multi-unit Housing</u> | P | CU | Subsection 19.505.3 Multifamily <u>Multi-unit Housing</u> |
| Cottage cluster housing | P | CU | Subsection 19.505.4 Cottage Cluster Housing |
| Mixed use ² | P | P | Subsection 19.505.7 <u>Nonresidential Development</u> |
| Live/work units | P | P | Subsection 19.505.6 Live/Work Units |
| Senior and <i>retirement</i> housing | P | CU | Subsection 19.505.3 Multifamily <u>Multi-unit Housing</u> |
| | | | |

Table 19.303.2 CONTINUED

Uses Allowed in Commercial Mixed-Use Zones

| Uses and Use Categories | GMU | NMU | Standards/Additional Provisions |
|---|-----|-----|--|
| Commercial^{3, 4} CONTINUED | | | |
| <p>General office</p> <p>General office means professional, executive, management, or administrative offices of firms or organizations.</p> <p>Examples include professional services such as lawyers, architects, or accountants; financial businesses such as lenders, credit unions, or real estate agents; sales offices; offices for testing and research-related businesses (including marijuana testing and research), and medical and dental clinics.</p> <p><u>Production-related office</u></p> <p><u>Professional and administrative office</u></p> | P | P | Subsection 19.303.6.C Marijuana testing and research facilities |
| Commercial lodging. | P | P | |

| | | | |
|---|--|--|--|
| <p>Commercial lodging includes for-profit residential facilities where tenancy is typically less than one month.</p> <p>Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments. Does not include senior and retirement housing.</p> | | | |
|---|--|--|--|

19.304 DOWNTOWN ZONES

| Table 19.304.2 | | | |
|--|----------|----------|--|
| Uses Allowed in Downtown Zones | | | |
| Uses and Use Categories | DMU | OS | Standards/ Additional Provisions |
| Residential | | | |
| Boarding house | CU | N | Section 19.905 Conditional Uses |
| <u>Single room occupancy housing</u> | <u>P</u> | <u>N</u> | Subsection 19.505.3 Multi-unit Housing |
| Rowhouse | P | N | Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.5 Rowhouses |
| Multifamily <u>Multi-unit Housing</u> | P | N | Figure 19.304-2 Ground-Floor Residential Permitted Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.3 Multifamily <u>Multi-unit Housing</u> |
| Live/work units | P | N | Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.6 Live/Work Units |
| Second-story housing | P | N | Section 19.508 Downtown Site and Building Design Standards |

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|-------------------------------|---|---|---|
| Senior and retirement housing | P | N | Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.3 Multifamily <u>Multi-unit Housing</u> |
| | | | |

Table 19.304.2 CONTINUED
Uses Allowed in Downtown Zones

| Uses and Use Categories | DMU | OS | Standards/ Additional Provisions |
|--|------|----|---|
| Commercial | | | |
| <p>Commercial lodging</p> <p>Commercial lodging includes for-profit residential facilities where tenancy is typically less than 1 month.</p> <p>Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments. Does not include senior and retirement housing.</p> | P/CU | N | Section 19.905 Conditional Uses (for vacation rentals only) |
| <p>Production-related office</p> <p>Production-related office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, research, production, processing,</p> | P/CU | N | <p>Subsection 19.304.3.A.2 Main St limitations</p> <p>Subsection 19.304.3.A.3 Commercial use limitations</p> <p>Subsection 19.509.2 Security and odor control for certain marijuana business</p> |

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|--|---------------------------------------|------------------------------------|---|
| <p>packaging, or assembly of goods and products.</p> <p>Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; call centers, marijuana testing and research facilities, and medical and dental labs.</p> | | | <p>Section 19.905 Conditional Uses</p> <p>Note: Production, processing, packaging, and assembly uses must meet the standards listed below under Manufacturing.</p> |
| <p>Traditional office</p> <p>Traditional office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic.</p> <p>Examples include: professional services such as lawyers, architects, or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.</p> | <p align="center">P/CU</p> | <p align="center">N</p> | <p>Subsection 19.304.3.A.3 Commercial use limitations</p> <p>Section 19.905 Conditional Uses</p> |
| <p><u>Professional and Administrative Office</u></p> | <p align="center"><u>P/CU</u></p> | <p align="center"><u>N</u></p> | <p><u>Subsection 19.304.3.A.3 Commercial use limitations</u></p> <p><u>Section 19.905 Conditional Uses</u></p> |

19.304.5 Detailed Development Standards

J. Residential Density

1. Intent

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

2. Standards

a. Minimum densities for ~~rowhouses~~ townhouses and live/work units ~~shall be~~ are units per acre.

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

19.306 LIMITED COMMERCIAL ZONE C-L

19.306.2 Conditional Uses and Community Service 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 unit 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. Marijuana production is not permitted as an agricultural use;
- I. ~~Duplex or multifamily development~~ Middle housing or multi-unit housing;

J. ~~Adult foster/care home~~ Senior and retirement housing;

K. ~~Residential home;~~

L. ~~Congregate housing facility;~~

In a C-L Zone the following community service uses and their accessory uses are permitted subject to the provisions of Section 19.904:

A. Residential care facility

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. Production-related office; ~~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. Professional and administrative office; ~~Offices for administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, testing, scientific or statistical businesses or organizations;~~

19.312 NORTH MILWAUKIE INNOVATION AREA

Table 19.312.2

Uses Allowed in the North Milwaukie Innovation Area

| Uses and Use Categories | NME | MUTSA | Standards/Additional Provisions |
|-------------------------|-----|-------|---------------------------------|
| Commercial | | | |

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| <p>Office</p> <p>1. Production-related office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, research, production, processing, packaging, or assembly of goods and products.</p> <p>Examples include: corporate headquarters, architects, engineers, financial services or accounting firm headquarters, call offices/call centers; software and internet</p> | <p align="center">P</p> | <p align="center">P</p> | |
|--|-------------------------|-------------------------|--|

| Table 19.312.2 CONTINUED | | | |
|--|------------|--------------|--|
| Uses Allowed in the North Milwaukie Innovation Area | | | |
| Uses and Use Categories | NME | MUTSA | Standards/Additional Provisions |
| <p>content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; government and utility research offices; call centers, marijuana testing and research facilities, and medical and dental labs or research/bioscience facility.</p> <p><u>2. Professional and Administrative Office</u></p> | | | |

| Table 19.312.2 CONTINUED | | | |
|--|------------|--------------|--|
| Uses Allowed in the North Milwaukie Innovation Area | | | |
| Uses and Use Categories | NME | MUTSA | Standards/Additional Provisions |
| <p>2. Service-related office</p> <p>Traditional service-related office uses are characterized by activities that generally focus on direct in-person, customer-focused services including government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic.</p> <p>Examples include: professional services such as lawyers; financial businesses such as lenders, retail brokerage houses, bank branches, or real estate agents; sales offices; government offices and public utility offices; counseling offices; and medical and dental clinics.</p> | L | L | <p>Subsection 19.312.4.A Standards for Limited Uses</p> |

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.505 BUILDING DESIGN STANDARDS

19.505.3 Multi-unit Housing

B. Applicability

The design elements in Table 19.505.3.D in this subsection apply, as described below, to all multi-unit developments and residential care facilities ~~congregate housing developments~~ with 3 or more dwelling units on a single lot. Cottage cluster housing and rowhouses on their own lots are subject to separate standards and are therefore exempt from Subsection 19.505.3.

1. All new multi-unit or residential care facilities ~~congregate housing development~~ is subject to the design elements in this subsection.

C. Review Process

Two possible review processes are available for review of ~~multifamily~~ multi-unit or residential care facilities ~~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.

D. Design Guidelines and Standards

Applicable guidelines and standards for ~~multifamily~~ multi-unit and residential care facilities ~~congregate housing~~ are located in Table 19.505.3.D. These standards should not be interpreted as requiring a specific architectural style.

19.505.4 Cottage Cluster Housing

| Table 19.505.4.C.1 Cottage Cluster Development Standards | | |
|---|---|---|
| Standards | R-MD | R-1, R-2, R-2.5, R-3, R-1-B-HDR |
| A. Home Types | | |
| 1. Building types allowed, minimum and maximum number per cluster | Detached cottages 3 minimum 12 maximum dwelling units | Detached and Attached 3 minimum 12 maximum dwelling units |

CHAPTER 19.600 OFF-STREET PARKING

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

| Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements | | |
|--|----------------------------|-----------------------------|
| Use | Minimum Required | Maximum Allowed |
| A. Residential Uses | | |
| 1. Single detached dwellings, including manufactured homes. | 1 space per dwelling unit. | No maximum. |
| 2. Multi-Unit Dwellings | 1 space per dwelling unit. | 2 spaces per dwelling unit. |

| | | |
|--|---|--|
| | | |
| 3. Middle Housing ¹ | | |
| a. Duplexes | 0 | 1 space per dwelling unit |
| b. Triplexes | 0 | 1 space per dwelling unit |
| c. Quadplexes | 0 | 1 space per dwelling unit |
| d. Townhouses ² | 0 | 1 space per dwelling unit |
| e. Cottage Clusters | 0.5 spaces per dwelling unit | 1 space per dwelling unit |
| 4. Residential homes <u>Adult foster/care homes</u> and similar facilities allowed by right in residential zones. | 1 space per dwelling unit plus 1 space per employee on the largest shift. | Minimum required parking plus 1 space per bedroom. |
| B. Community Service and Other Public Uses | | |
| 7. <u>Residential care facilities</u> Nursing, convalescent, and extended-care facilities. | 1 space per 4 beds. | 1 space per 3 beds. |

CHAPTER 19.900 LAND USE APPLICATIONS

19.904 COMMUNITY SERVICE USES

A. Institutions—Public/Private and Other Public Facilities

1. Schools, public or private, and their accompanying sports facilities, day-care centers, private kindergartens;
2. Government office buildings for local, state, or federal government such as a City hall, courthouse, police station, or other similar buildings;
3. Hospital;
4. Cemetery;
5. ~~Nursing or convalescent home~~ Residential care facility;

~~19.904.8 Specific Standards for Nursing or Convalescent Homes~~

~~A. Public services must be adequate to serve the facility.~~

~~B. Facilities will access on arterial or collector streets.~~

~~C. Setbacks must be the greater of 25 ft or the setback of an adjacent residential zone or of the underlying zone.~~

~~D. Maximum height shall not exceed 45 ft.~~

~~E. Buffering of noise and light from adjacent streets and between adjacent properties may be required.~~

~~F. Sites which could cause hazard to disoriented patients through proximity to heavily traveled streets, water hazards, or ravines or steep slopes shall not be approved unless the applicant can satisfy the commission that safety measures will be used to prevent injury to patients.~~

~~G. On parcels surrounded by existing dwellings, additional conditions may be necessary to:~~

~~1. Mitigate the effects of traffic caused by shift changes, particularly regarding noise at night and safety of school children in transit; and/or~~

~~2. Maintain neighborhood scale, particularly regarding size of structure, width of driveway, signs, exterior lighting, and placement of parking facilities.~~

~~H. Conversion of existing dwellings may be allowed if state codes and rules can be met and the conditions of this subsection are satisfied.~~

~~I. Off-street parking must be provided as per Chapter 19.600.~~

~~J. 15% of the total site is to be landscaped~~

19.904.4410 Standards for Wireless Communications Facilities

C. Application Process

3. Type II Review

Placement, construction, or modification of WCFs not involving the construction of a new monopole, other than those activities described in Subsection 19.904.4410.C.1, are subject to Section 19.1005 Type II Review, provided that the antennas and base equipment comply with the standards contained in this subsection. Also see Table 19.904.4410.C.

4. Type III Review

All proposed new monopole towers, and projects exceeding the applicability for Type II review, are subject to Section 19.1006 Type III Review. Also see Table 19.904.4410.C.

| Table 19.904.4410.C Wireless Communication Facilities—Type and Review Process | | | | |
|--|--|---|---|---|
| Towers | | WCFs Not Involving New Tower | | |
| Zones | New Monopole Tower up to 100 Ft | Building Rooftop or Wall Mounted Antenna | Water Towers, Existing Towers, and Other Stealth Designs | On Existing Utility Pole in Row with or w/out Extensions |
| BI | III | P/I/II | P/I/II | P/I/II |
| M | III | P/I/II | P/I/II | P/I/II |
| M-TSA | III | P/I/II | P/I/II | P/I/II |
| C-N | N | P/I/II | P/I/II | P/I/II |
| C-G | N | P/I/II | P/I/II | P/I/II |
| C-L | N | P/I/II | P/I/II | P/I/II |
| C-CS | N | P/I/II | P/I/II | P/I/II |
| OS | N | P/I/II | P/I/II | P/I/II |
| DMU | N | P/I/II | P/I/II | P/I/II |
| GMU | N | P/I/II | P/I/II | P/I/II |
| NMU | N | P/I/II | P/I/II | P/I/II |
| R-1-B-HDR | N | P/I/II | P/I/II | P/I/II |
| R-1 | N | N | P/I/II | P/I/II |
| R-2 | N | N | P/I/II | P/I/II |
| R-2.5 | N | N | P/I/II | P/I/II |
| R-3 | N | N | P/I/II | P/I/II |
| R-MD | N | N | P/I/II | P/I/II |

F. Location and Size Restrictions

1. Separation for New Monopole Towers

New monopole towers may not be constructed within 1,500 ft of any preexisting tower. The Planning Commission has the authority to approve a reduction in the minimum separation requirement to not less than 1,000 ft, provided that the applicant can demonstrate the need to the satisfaction of the Planning Commission, for the distance reduction. A tower shall include any preexisting tower or any tower for which the City has issued a building permit, or for which a land use application has been filed and not denied. This distance shall be measured in a straight line from the base of the existing tower to the base of the proposed tower.

2. Height: maximum heights. Also see Table 19.904.4410.C.

a. Height Restrictions

The maximum height limitation of the monopole tower and antennas shall not exceed the following:

- (1) BI, M, NME, and MUTSA Zones: 100 ft.

(2) New towers are not permitted in the ~~R-1-B, R-1, R-2, R-2.5, R-3,~~
HDR, R-MD, GMU, NMU, C-N, C-G, C-L, OS, and DMU Zones.

d. For antennas on utility poles in the right-of-way, one 15-ft extension is permitted to the original installation by the owner. The carrier may replace the existing pole with a new utility pole not to exceed 15 ft above the height of the pole that is to be replaced. Equipment cabinets shall be attached to the utility pole. Where this is not practicable, the base equipment shall be subject to requirements of Subsection 19.904.4410.G.1.b.

G. Development Standards for All WCFs

1. Setbacks and Equipment Cabinets

a. Setbacks for new monopole towers and equipment cabinets shall be established from the property line and not the leased area. Regardless of the zone, the setbacks shall be as follows:

(5) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.4410.G.6 Landscaping and Fencing Requirements.

b. For antennas placed on existing utility pole and other support structures located in the right-of-way, the equipment cabinet shall be located on the utility pole to the greatest extent.

(3) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.4410.G.6 Landscaping and Fencing Requirements.

c. Equipment cabinets for water towers, “stealth” designs or other antenna support structures not covered by the previous subsections.

(2) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.4410.G.6 Landscaping and Fencing Requirements.

19.905 CONDITIONAL USES

19.905.9 Standards Governing Conditional Uses

~~G. Senior and Retirement Housing~~

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

HD RESIDENTIAL CODE AMENDMENTS – **FULL CONSOLIDATION** DRAFT DATE 11/17/2022

- ~~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](#).

HG. Vacation Rentals

CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES

19.1104.1 Administration and Approval Process

| Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes | | |
|--|---|---|
| County Zoning Designation | Assigned City Zoning Designation | Assigned Comprehensive Plan Land Use Designation |
| R-20 | R-MD | Low <u>Moderate</u> density residential |
| R-15 | R-MD | Low <u>Moderate</u> density residential |
| R-10 | R-MD | Low <u>Moderate</u> density residential |
| R-8.5 | R-MD | Low <u>Moderate</u> density residential |
| R-7 | R-MD | Low <u>Moderate</u> density residential |
| MR1 | R-2 <u>HDR</u> | Medium <u>High</u> density residential |
| MR2 | R-2 <u>HDR</u> | Medium <u>High</u> density residential |
| PMD | R-1-B <u>HDR</u> | High density residential |
| HDR | R-1-B <u>HDR</u> | High density residential |
| SHD | R-1 <u>HDR</u> | High density residential |

19.910.3 Manufactured Dwelling Parks

















D. Development Requirements

All manufactured dwelling parks shall meet the following minimum requirements:

HD RESIDENTIAL CODE AMENDMENTS – **FULL CONSOLIDATION** DRAFT DATE 11/17/2022

1. The minimum size of a manufactured dwelling park shall be \geq 1 acres.

**Milwaukie Comprehensive Plan
Full Consolidation Option**

-  City of Milwaukie
-  County Boundary
-  MUTSA
-  BI
-  GMU
-  C-CS
-  DMU
-  C-G
-  C-L
-  C-N
-  NMU
-  OS
-  M
-  NME
-  R-MD
-  HDR

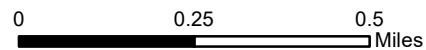


Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center

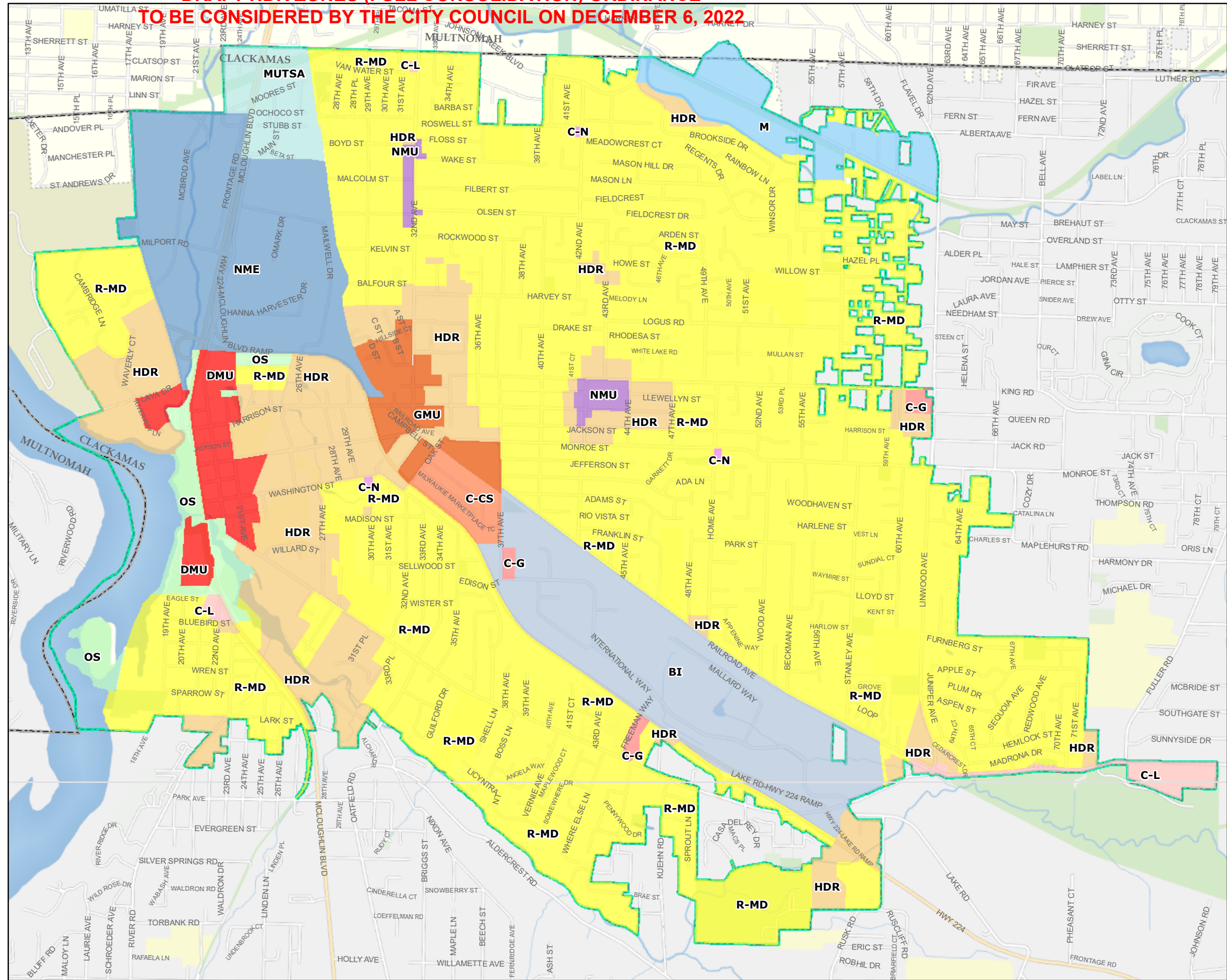
Date: Wednesday, November 16, 2022

The information depicted on this map is for general reference only. The City of Milwaukie cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated.

GIS Coordinator
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206
(503) 786-7687



**DRAFT HDR ZONES (FULL CONSOLIDATION) ORDINANCE
TO BE CONSIDERED BY THE CITY COUNCIL ON DECEMBER 6, 2022**



Clean Amendments

Title 14 Signs

14.040.030 Definitions

“Residential zones” means the R-MD and HDR Residential Zones as defined in the Zoning Ordinance.

“High Density Residential Business Zone” means the R-1-B Zone, as defined in the Zoning Ordinance.

14.16.010 MODERATE DENSITY RESIDENTIAL ZONE

No sign shall be installed or maintained in the R-MD 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 Moderate Density Residential Zone | | | | |
|---|---|--|---|----------------------------|
| 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 multi-unit 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 multi-unit 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 multi-unit 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 | |

**DRAFT HDR ZONES (FULL CONSOLIDATION) ORDINANCE
TO BE CONSIDERED BY THE CITY COUNCIL ON DECEMBER 6, 2022**
Proposed Code Amendments

EXHIBIT C

| | | | | |
|---------------------------------------|--|---|-------------------------------------|----------------------------|
| 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.

(Ord. 2051 § 2, 2012; Ord. 2001 § 2, 2009; Ord. 1965 §§ 2, 3, 2006; Ord. 1733 § 1(1) (Exh. A), 1993)

14.16.020 HIGH DENSITY RESIDENTIAL ZONE

No sign shall be installed or maintained in the HDR 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 High Density Residential Zone HDR | | | | |
|---|---|---|------------------------|---------------------------------|
| Sign Type | Area | Height | Number | Illumination¹ |
| 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 multi-unit 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 multi-unit 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 multi-unit properties | Max. display surface is 25% of awning area, up | | 1 per street frontage. | External only |

**DRAFT HDR ZONES (FULL CONSOLIDATION) ORDINANCE
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EXHIBIT C

| | | | | |
|--|--|---|-------------------------------------|---------------|
| | to a max. of 32 SF. | | | |
| 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 ³ | 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. ⁴ | 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. ⁵ | External only |
| Daily display sign ⁶ | 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 One freestanding sign is permitted in addition to one wall sign.

³ In addition to the sign size limitations of this chapter, if an original art mural permitted under Title 20 occupies a wall where a wall sign has been proposed, the size of the wall sign shall be limited such that the total area of the original art mural plus the area of the wall sign does not exceed the maximum allowed.

⁴ One wall sign is permitted in addition to one freestanding sign or 2 wall signs permitted.

⁵ For awnings related to residential use, either one sign on an awning or one sign hanging beneath an awning is allowed.

⁶ 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.

**DRAFT HDR ZONES (FULL CONSOLIDATION) ORDINANCE
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(Ord. 2110 § 2 (Exh. G), 2015; Ord. 2078 § 2 (Exh. B), 2014; Ord. 2051 § 2, 2012; Ord. 2001 § 2, 2009; Ord. 1965 §§ 2, 3, 2006; Ord. 1917 § 3 (Exh. B), 2003; Ord. 1916 § 3 (Exh. B), 2003; Ord. 1880 § 6 (Exh. A), 2000; Ord. 1733 § 1(1) (Exh. A), 1993)

Title 19 Zoning Ordinance

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.107.1 Zone Classifications

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

| Table 19.107.1 Classification of Zones | |
|---|-------------------------|
| Zone Description | Abbreviated Description |
| Base Zones | |
| Residential | R-MD |
| Residential | HDR |
| Downtown Mixed Use | DMU |
| Open Space | OS |
| Neighborhood Commercial | C-N |
| Limited Commercial | C-L |
| General Commercial | C-G |
| Community Shopping Commercial | C-CS |
| Manufacturing | M |
| Business Industrial | BI |
| Planned Development | PD |
| Tacoma Station Area Mixed Use | MUTSA |
| General Mixed Use | GMU |
| North Milwaukie Employment | NME |
| Neighborhood Mixed Use | NMU |
| Overlay Zones | |
| Willamette Greenway | WG |
| Historic Preservation | HP |
| Flex Space | FS |
| Aircraft Landing Facility | L-F |

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

Office:

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

“Professional and administrative office” means professional, executive, management, or administrative offices of firms or organizations, including government, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

Residential Uses and Structures:

“Adult foster/care homes” means a dwelling unit operated to provide a permanent residence and licensed care for up to five people who are elderly, disabled, handicapped, or otherwise require such a residence.

“Single room occupancy housing (SRO)” means a building wherein nine (9) or more rooms are offered for rent and where rooms, individually or collectively, do not constitute separate dwellings. Each room is without a kitchen, but access must be provided to a shared cooking and eating facility. Each room may have provision for counter-top appliances and refrigerator. The toilet/bath may be private or shared with other room(s). SRO developments are designed to be occupied by long-term residents on a monthly or longer basis. For calculating residential density, four SRO rooms are equal to 1 dwelling unit with fractions rounded up.

“Multi-unit development” means a structure that contains five or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-unit development includes structures commonly called garden apartments, apartments, and condominiums. Residential care facilities are considered a type of multi-unit development.

“Residential care facility” means a licensed living facility for more than five (5) non-related persons, which provides specialized care, supervision, treatment or training, or a combination of these for residents. This use classification includes, but is not limited to assisted living facilities, nursing facilities, and memory care facilities.

“Temporary or transitional facility” means a facility which provides temporary or transitional services to families or individuals, including lodging where the average stay is 60 days or less. Such facilities shall be classified as community service uses and may include shelters, community counseling centers, rehabilitation centers, and detention and detoxification facilities.

CHAPTER 300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONES

| Table 19.301.2 Moderate Density Residential Uses Allowed | | |
|---|------|--|
| Use | R-MD | Standards/Additional Provisions |
| Residential Uses | | |
| Single detached dwelling | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Duplex | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Triplex | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Quadplex | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Townhouse | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.5 Standards for Townhouses |
| Cottage Cluster | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.4 Cottage Cluster Housing |
| Adult foster/care home | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Accessory dwelling unit | P | Subsection 19.910.1 Accessory Dwelling Units |
| Manufactured dwelling park | III | Subsection 19.910.3 Manufactured Dwelling Parks. |
| Residential care facility Examples include: <i>assisted living, nursing facilities, and memory care communities</i> | CSU | Subsection 19.904.8 Specific Standards for Residential Care Facilities |

19.302 HIGH DENSITY RESIDENTIAL ZONE

The high density residential zones is Residential Zone HDR. This zone implements the high density residential land use designations in the Milwaukie Comprehensive Plan.

19.302.1 Purpose

The high density residential zone is 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 the High Density Residential Zone

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

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

| Table 19.302.2 High Density Residential Uses Allowed | | |
|---|-----|--|
| Use | HDR | Standards/ Additional Provisions |
| Residential Uses | | |
| Single detached dwelling | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Duplex | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Triplex | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Quadplex | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Adult foster/care home | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development |
| Accessory dwelling unit | P | Subsection 19.910.1 Accessory Dwelling Units |
| Manufactured dwelling park | III | Subsection 19.910.3 Manufactured Dwelling Parks |
| Townhouse | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.5 Standards for Townhouses |
| Cottage cluster | P | Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.4 Cottage Cluster Housing |

**DRAFT HDR ZONES (FULL CONSOLIDATION) ORDINANCE
TO BE CONSIDERED BY THE CITY COUNCIL ON DECEMBER 6, 2022**

Proposed Code Amendments

EXHIBIT C

| | | |
|---|-----|---|
| Multi-unit Housing | P | Subsection 19.505.3 Multi-Unit Housing Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations |
| Single room occupancy housing | P | Subsection 19.505.3 Multi-Unit Housing Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations |
| Residential Care Facility Examples include: assisted living, nursing facilities, and memory care communities | P | Subsection 19.505.3 Multi-Unit Housing Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations |
| Commercial Uses | | |
| Office: Production-related office and Professional and administrative office | P | Subsection 19.302.3 Use Limitations and Restrictions |
| Personal/Business Services | P | Subsection 19.302.3 Use Limitations and Restrictions |
| Hotel or motel | CU | Section 19.905 Conditional Uses |
| Bed and breakfast or vacation rental | CU | Section 19.905 Conditional Uses |
| Accessory use | P | Section 19.503 Accessory Uses |
| Agricultural or horticultural use | P | Subsection 19.302.3 Use Limitations and Restrictions |
| Community service use | CSU | Section 19.904 Community Service Uses |
| Home occupation | P | Section 19.507 Home Occupation Standards |
| Short-term rental | P | Section 19.507 Home Occupation Standards |

19.302.3 Use Limitations and Restrictions

B. Office uses allowed in the high density zone are offices, studios, clinics, and other similar professional offices. Corporate offices for marijuana businesses are permitted provided that no marijuana or marijuana products associated with the business are on site. Marijuana testing labs and research facilities are not permitted office uses in this zone.

19.302.4 Development Standards

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

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

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

In the high density residential zones the following housing types are permitted on lot sizes as follows:

- Between 1,500 to 2,999 sq ft: Townhouse, Cottage in a cottage cluster
- Between 3,000 to 4,999 sq ft: Duplex, Triplex, and Quadplex.
- Between 5,000 to 6,999 sq ft: Single Detached Dwelling, Single Detached Dwelling with up to 2 ADUs, Duplex, Triplex, and Quadplex.¹
- 7,000 sq ft and up: Single Detached Dwelling, Single Detached Dwelling with up to 2 ADUs, Duplex, Triplex, Quadplex, Cottage Cluster, Multi-Unit Housing.

All other uses require a minimum lot size of 5,000 sq ft.

| Table 19.302.4 | | |
|---|------------|---|
| High Density Residential Development Standards | | |
| Standard | HDR | Standards/ Additional Provisions |
| A. Lot Standards | | |
| Minimum lot size (sq ft) | 1,500 | Subsection 19.501.1 Lot Size Exceptions Subsection 19.505.4 Cottage Cluster Housing Subsection 19.505.5 Townhouses |
| Minimum lot width (ft) | 20 | |
| Minimum lot depth (ft) | 70 | |
| Minimum street frontage requirements (ft) | | |

**DRAFT HDR ZONES (FULL CONSOLIDATION) ORDINANCE
TO BE CONSIDERED BY THE CITY COUNCIL ON DECEMBER 6, 2022**

Proposed Code Amendments

EXHIBIT C

| | | |
|--|---------------------------|---|
| Townhouse | 20 | |
| Standard lot | 35 | |
| Flag lot | 25 | |
| Double flag lot | 25 | |
| B. Development Standards | | |
| Minimum yard requirements for primary structures (ft) | | |
| Front yard | 20 | |
| Side yard | See Subsection 19.302.5.A | |
| Street side yard | 15 | |
| Rear yard | 15 | |
| Maximum building height for primary structures | 45 ft | <p>Subsection 19.302.5.E Height Exceptions</p> <p>Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions</p> <p>Subsection 19.302.5.I Transition Measures</p> |
| Side yard height plane limit | 25 | Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions |
| Height above ground at minimum required side yard depth (ft) | 45 | |
| Slope of plane (degrees) | | |
| Maximum lot coverage (percent of total lot area) | 50% | Section 19.201 "Lot coverage" definition |
| Minimum vegetation (percent of total lot area) | 15% | <p>Subsection 19.504.7 Minimum Vegetation</p> <p>Subsection 19.302.5.D Front Yard Minimum Vegetation</p> <p>Subsection 19.302.5.C Minimum Vegetation</p> |

**DRAFT HDR ZONES (FULL CONSOLIDATION) ORDINANCE
TO BE CONSIDERED BY THE CITY COUNCIL ON DECEMBER 6, 2022**
Proposed Code Amendments

EXHIBIT C

| | | |
|--|------|---|
| Density requirements (dwelling units per acre) | | Subsection 19.202.4 Density Calculations |
| Minimum | 25.0 | Subsection 19.302.5.F Residential Densities |
| Maximum ^{2, 3} | 32.0 | Subsection 19.501.4 Density Exceptions |

²Townhouses are allowed at 4 times the maximum density allowed for single detached dwellings in the same zone or 25 dwelling units per acre, whichever is less. Duplexes, triplexes, quadplexes, and cottage clusters are exempt from density maximums.

³The density for single room occupancy (SRO) developments is calculated as follows: four SRO rooms equal one dwelling unit.

Table 19.304.2 is supplemented by Figure 19.304.2. For those properties identified in Figure 19.304.2, the minimum front yard setback is 5 ft.



19.302.5 Additional Development Standards

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 detached

dwelling or accessory dwelling units are exempt from the minimum and maximum density requirements. Middle housing, except for townhouses, is exempt from maximum density requirements.

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

19.303 COMMERCIAL MIXED-USE ZONES

| Table 19.303.2 | | | |
|--|-----|-----|--|
| Uses Allowed in Commercial Mixed-Use Zones | | | |
| Uses and Use Categories | GMU | NMU | Standards/Additional Provisions |
| Residential | | | |
| Single-family detached | N | CU | Subsection 19.505.1 Single Family Dwellings Section 19.905 Conditional Uses |
| Rowhouse ¹ | P | CU | Subsection 19.505.5 Rowhouses |
| Multi-unit Housing | P | CU | Subsection 19.505.3 Multifamily Multi-unit Housing |
| Cottage cluster housing | P | CU | Subsection 19.505.4 Cottage Cluster Housing |
| Mixed use ² | P | P | Subsection 19.505.7 Nonresidential Development |
| Live/work units | P | P | Subsection 19.505.6 Live/Work Units |
| | | | |
| Table 19.303.2 CONTINUED | | | |
| Uses Allowed in Commercial Mixed-Use Zones | | | |
| Uses and Use Categories | GMU | NMU | Standards/Additional Provisions |
| Commercial^{3,4} CONTINUED | | | |

**DRAFT HDR ZONES (FULL CONSOLIDATION) ORDINANCE
TO BE CONSIDERED BY THE CITY COUNCIL ON DECEMBER 6, 2022**

Proposed Code Amendments

EXHIBIT C

| | | | |
|--|---|---|--|
| Production-related office | P | P | Subsection 19.303.6.C Marijuana testing and research facilities |
| Professional and administrative office | | | |
| Commercial lodging. Commercial lodging includes for-profit residential facilities where tenancy is typically less than one month. Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments. | P | P | |

19.304 DOWNTOWN ZONES

| Table 19.304.2 | | | |
|---------------------------------------|-----|----|--|
| Uses Allowed in Downtown Zones | | | |
| Uses and Use Categories | DMU | OS | Standards/ Additional Provisions |
| Residential | | | |
| Single room occupancy housing | P | N | Subsection 19.505.3 Multi-unit Housing |
| Rowhouse | P | N | Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.5 Rowhouses |
| Multi-unit Housing | P | N | Figure 19.304-2 Ground-Floor Residential Permitted Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.3 -Multi-unit Housing |
| Live/work units | P | N | Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.6 Live/Work Units |
| Second-story housing | P | N | Section 19.508 Downtown Site and Building Design Standards |

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| | | | |
|--|-------------|----------|---|
| <p>Commercial lodging</p> <p>Commercial lodging includes for-profit residential facilities where tenancy is typically less than 1 month.</p> <p>Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments.</p> | <p>P/CU</p> | <p>N</p> | <p>Section 19.905 Conditional Uses (for vacation rentals only)</p> |
| <p>Production-related office</p> | <p>P/CU</p> | <p>N</p> | <p>Subsection 19.304.3.A.2 Main St limitations</p> <p>Subsection 19.304.3.A.3 Commercial use limitations</p> <p>Subsection 19.509.2 Security and odor control for certain marijuana business</p> <p>Section 19.905 Conditional Uses</p> <p>Note: Production, processing, packaging, and assembly uses must meet the standards listed below under Manufacturing.</p> |
| <p>Professional and Administrative Office</p> | <p>P/CU</p> | <p>N</p> | <p>Subsection 19.304.3.A.3 Commercial use limitations</p> <p>Section 19.905 Conditional Uses</p> |

19.304.5 Detailed Development Standards

J. Residential Density

1. Intent

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

2. Standards

- a. Minimum densities for townhouses and live/work units are 25 units per acre.
 - b. Minimum densities for stand-alone multifamily dwellings in the DMU Zone are 30 units per acre. Maximum residential densities are controlled by height limits.
-

19.306 LIMITED COMMERCIAL ZONE C-L

19.306.2 Conditional Uses and Community Service 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 unit 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. Marijuana production is not permitted as an agricultural use;
- I. Middle housing or multi-unit housing;
- J. Adult foster/care home

In a C-L Zone the following community service uses and their accessory uses are permitted subject to the provisions of Section 19.904:

- A. Residential care facility

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. Production-related office;
- B. Professional and administrative office;

19.312 NORTH MILWAUKIE INNOVATION AREA

| Table 19.312.2 | | | |
|--|------------|--------------|---|
| Uses Allowed in the North Milwaukie Innovation Area | | | |
| Uses and Use Categories | NME | MUTSA | Standards/Additional Provisions |
| Commercial | | | |
| Office | P | P | |
| 1. Production-related office | | | |
| 2. Professional and Administrative Office | L | L | Subsection 19.312.4.A Standards for Limited Uses |

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.505 BUILDING DESIGN STANDARDS

19.505.3 Multi-unit Housing

B. Applicability

The design elements in Table 19.505.3.D in this subsection apply, as described below, to all multi-unit developments and residential care facilities with 3 or more dwelling units on a single lot. Cottage cluster housing and rowhouses on their own lots are subject to separate standards and are therefore exempt from Subsection 19.505.3.

1. All new multi-unit or residential care facilities is subject to the design elements in this subsection.

C. Review Process

Two possible review processes are available for review of multi-unit or residential care facilities: 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.

D. Design Guidelines and Standards

Applicable guidelines and standards for multi-unit and residential care facilities are located in Table 19.505.3.D. These standards should not be interpreted as requiring a specific architectural style.

19.505.4 Cottage Cluster Housing

| Table 19.505.4.C.1 Cottage Cluster Development Standards | | |
|---|---|---|
| Standards | R-MD | HDR |
| A. Home Types | | |
| 1. Building types allowed, minimum and maximum number per cluster | Detached cottages 3 minimum 12 maximum dwelling units | Detached and Attached 3 minimum 12 maximum dwelling units |

CHAPTER 19.600 OFF-STREET PARKING

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

Table 19.605.1

| Minimum To Maximum Off-Street Parking Requirements | | |
|--|---|--|
| Use | Minimum Required | Maximum Allowed |
| A. Residential Uses | | |
| 1. Single detached dwellings, including manufactured homes. | 1 space per dwelling unit. | No maximum. |
| 2. Multi-Unit Dwellings | 1 space per dwelling unit. | 2 spaces per dwelling unit. |
| 3. Middle Housing ¹ | | |
| a. Duplexes | 0 | 1 space per dwelling unit |
| b. Triplexes | 0 | 1 space per dwelling unit |
| c. Quadplexes | 0 | 1 space per dwelling unit |
| d. Townhouses ² | 0 | 1 space per dwelling unit |
| e. Cottage Clusters | 0.5 spaces per dwelling unit | 1 space per dwelling unit |
| 4. Adult foster/care homes and similar facilities allowed by right in residential zones. | 1 space per dwelling unit plus 1 space per employee on the largest shift. | Minimum required parking plus 1 space per bedroom. |
| B. Community Service and Other Public Uses | | |
| 7. Residential care facilities | 1 space per 4 beds. | 1 space per 3 beds. |

CHAPTER 19.900 LAND USE APPLICATIONS

19.904 COMMUNITY SERVICE USES

A. Institutions—Public/Private and Other Public Facilities

1. Schools, public or private, and their accompanying sports facilities, day-care centers, private kindergartens;
2. Government office buildings for local, state, or federal government such as a City hall, courthouse, police station, or other similar buildings;
3. Hospital;
4. Cemetery;
5. -Residential care facility;

19.904.10 Standards for Wireless Communications Facilities

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EXHIBIT C

C. Application Process

3. Type II Review

Placement, construction, or modification of WCFs not involving the construction of a new monopole, other than those activities described in Subsection 19.904.4410.C.1, are subject to Section 19.1005 Type II Review, provided that the antennas and base equipment comply with the standards contained in this subsection. Also see Table 19.904.4410.C.

4. Type III Review

All proposed new monopole towers, and projects exceeding the applicability for Type II review, are subject to Section 19.1006 Type III Review. Also see Table 19.904.4410.C.

| Table 19.904.10.C Wireless Communication Facilities—Type and Review Process | | | | |
|--|--|---|---|---|
| Towers | | WCFs Not Involving New Tower | | |
| Zones | New Monopole Tower up to 100 Ft | Building Rooftop or Wall Mounted Antenna | Water Towers, Existing Towers, and Other Stealth Designs | On Existing Utility Pole in Row with or w/out Extensions |
| BI | III | P/I/II | P/I/II | P/I/II |
| M | III | P/I/II | P/I/II | P/I/II |
| M-TSA | III | P/I/II | P/I/II | P/I/II |
| C-N | N | P/I/II | P/I/II | P/I/II |
| C-G | N | P/I/II | P/I/II | P/I/II |
| C-L | N | P/I/II | P/I/II | P/I/II |
| C-CS | N | P/I/II | P/I/II | P/I/II |
| OS | N | P/I/II | P/I/II | P/I/II |
| DMU | N | P/I/II | P/I/II | P/I/II |
| GMU | N | P/I/II | P/I/II | P/I/II |
| NMU | N | P/I/II | P/I/II | P/I/II |
| HDR | N | P/I/II | P/I/II | P/I/II |

F. Location and Size Restrictions

1. Separation for New Monopole Towers

New monopole towers may not be constructed within 1,500 ft of any preexisting tower. The Planning Commission has the authority to approve a reduction in the minimum separation requirement to not less than 1,000 ft, provided that the applicant can demonstrate the need to the satisfaction of the Planning Commission, for the distance reduction. A tower shall include any preexisting tower or any tower for which the City has issued a building permit, or for which a land use application has been filed and not denied. This distance shall be

measured in a straight line from the base of the existing tower to the base of the proposed tower.

2. Height: maximum heights. Also see Table 19.904.10.C.

a. Height Restrictions

The maximum height limitation of the monopole tower and antennas shall not exceed the following:

(1) BI, M, NME, and MUTSA Zones: 100 ft.

(2) New towers are not permitted in the HDR, R-MD, GMU, NMU, C-N, C-G, C-L, OS, and DMU Zones.

d. For antennas on utility poles in the right-of-way, one 15-ft extension is permitted to the original installation by the owner. The carrier may replace the existing pole with a new utility pole not to exceed 15 ft above the height of the pole that is to be replaced. Equipment cabinets shall be attached to the utility pole. Where this is not practicable, the base equipment shall be subject to requirements of Subsection 19.904.10.G.1.b.

G. Development Standards for All WCFs

1. Setbacks and Equipment Cabinets

a. Setbacks for new monopole towers and equipment cabinets shall be established from the property line and not the leased area. Regardless of the zone, the setbacks shall be as follows:

(5) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.10.G.6 Landscaping and Fencing Requirements.

b. For antennas placed on existing utility pole and other support structures located in the right-of-way, the equipment cabinet shall be located on the utility pole to the greatest extent.

(3) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.10.G.6 Landscaping and Fencing Requirements.

c. Equipment cabinets for water towers, “stealth” designs or other antenna support structures not covered by the previous subsections.

(2) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.10.G.6 Landscaping and Fencing Requirements.

19.905 CONDITIONAL USES

19.905.9 Standards Governing Conditional Uses

G. Vacation Rentals

CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES

19.1104.1 Administration and Approval Process

| County Zoning Designation | Assigned City Zoning Designation | Assigned Comprehensive Plan Land Use Designation |
|----------------------------------|---|---|
| R-20 | R-MD | Moderate density residential |
| R-15 | R-MD | Moderate density residential |
| R-10 | R-MD | Moderate density residential |
| R-8.5 | R-MD | Moderate density residential |
| R-7 | R-MD | Moderate density residential |
| MR1 | HDR | High density residential |
| MR2 | HDR | High density residential |
| PMD | HDR | High density residential |
| HDR | HDR | High density residential |
| SHD | HDR | High density residential |

19.910.3 Manufactured Dwelling Parks

D. Development Requirements

All manufactured dwelling parks shall meet the following minimum requirements:

1. The minimum size of a manufactured dwelling park shall be 1 acre.