

PROPOSED CODE AMENDMENTS: HIGH DENSITY RESIDENTIAL ZONES CONSOLIDATION

City Council Public Hearing
December 6, 2022

Vera Kolas, Senior Planner
Adam Heroux, Associate Planner



REVIEW SCHEDULE

Planning Commission	Date	Purpose
Work session	June 28	Consolidate definitions
Work session	August 9	Boarding house definitions
Work session	August 23	Uses, process, consolidation
PUBLIC HEARING	September 27	Recommendation to Council to Approve
City Council		
Work session	October 18	Discuss proposed amendments
PUBLIC HEARING	November 15	Opened Hearing; Deliberation
Cont. PUBLIC HEARING	Tonight	Adopt amendments



TWO CONSOLIDATION APPROACHES UNDER DISCUSSION

- From 5 High Density Residential zones to:
 - 3 zones, or
 - 1 zone



3 ZONE CONSOLIDATION

Legend



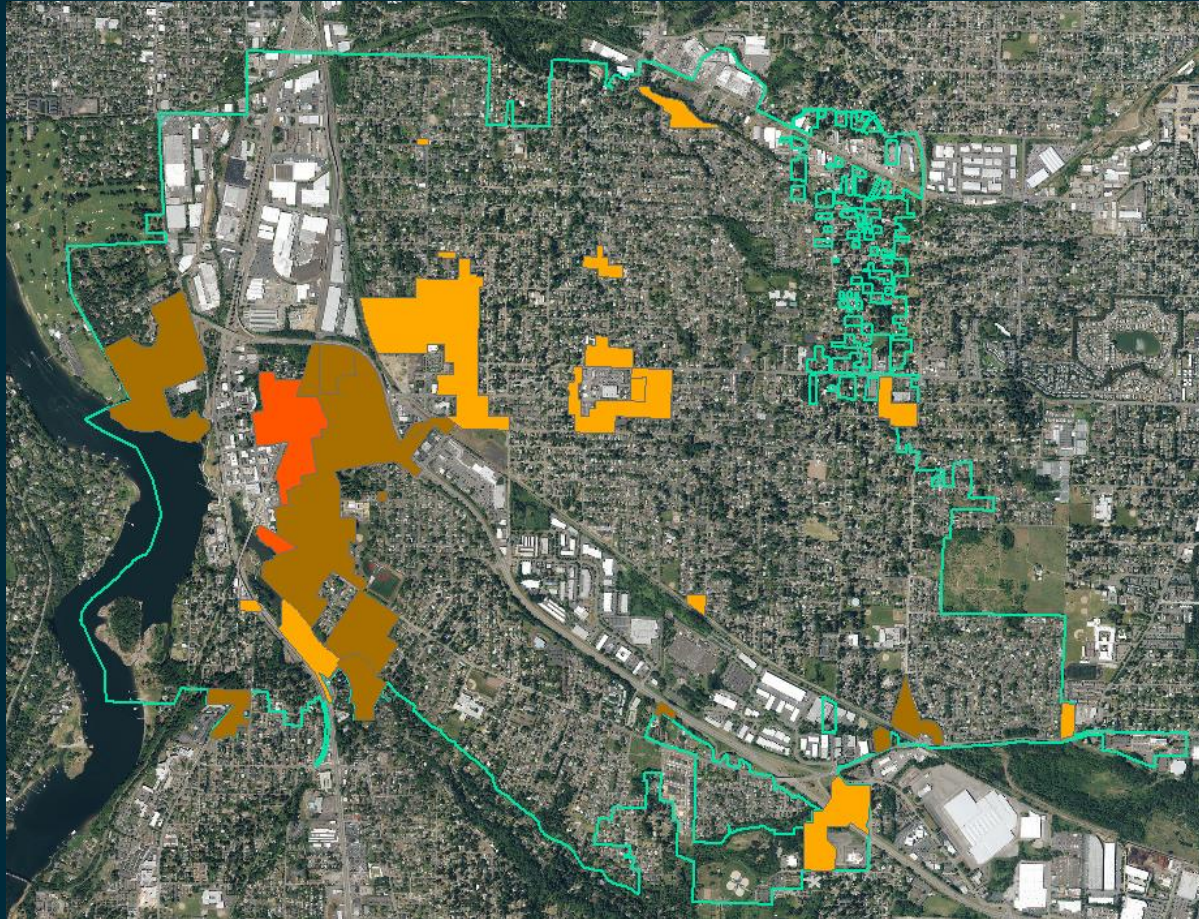
New R3



New R2



R-1-B



3 ZONE CONSOLIDATION

Residential Uses	R3	R2	R1B
Single Detached Dwelling	P	P	P
Duplex	P	P	P
Triplex	P	P	P
Quadplex	P	P	P
Townhouse/Rowhouse	P	P	P
Cottage Cluster	P	P	P
Adult foster/care homes	P	P	P
Accessory Dwelling Unit	P	P	P
Manufactured Dwelling Park	III	N	N
Multi-unit Development	P	P	P
Single Room Occupancy	P	P	P
Residential Care Facility			
Assisted Living	P	P	P
Nursing Facility			
Memory care community			
Commercial Uses			
Personal/Business Services	L	L	P
Office	L/CU	L/CU	P
Production related office			
Professional and administrative office			
Hotel or motel	CU	CU	CU
Bed and breakfast or vacation rental	CU	CU	CU
Accessory and Other Uses			
Accessory Use	P	P	P
Agricultural or horticultural	P	P	P
Community Service Use	CSU	CSU	CSU
Home occupation	P	P	P
Short-term rental	P	P	P

R3 = R3, R2.5

R2 = R2, R1

R1B = R1B



3 ZONE

DEVELOPMENT STANDARDS

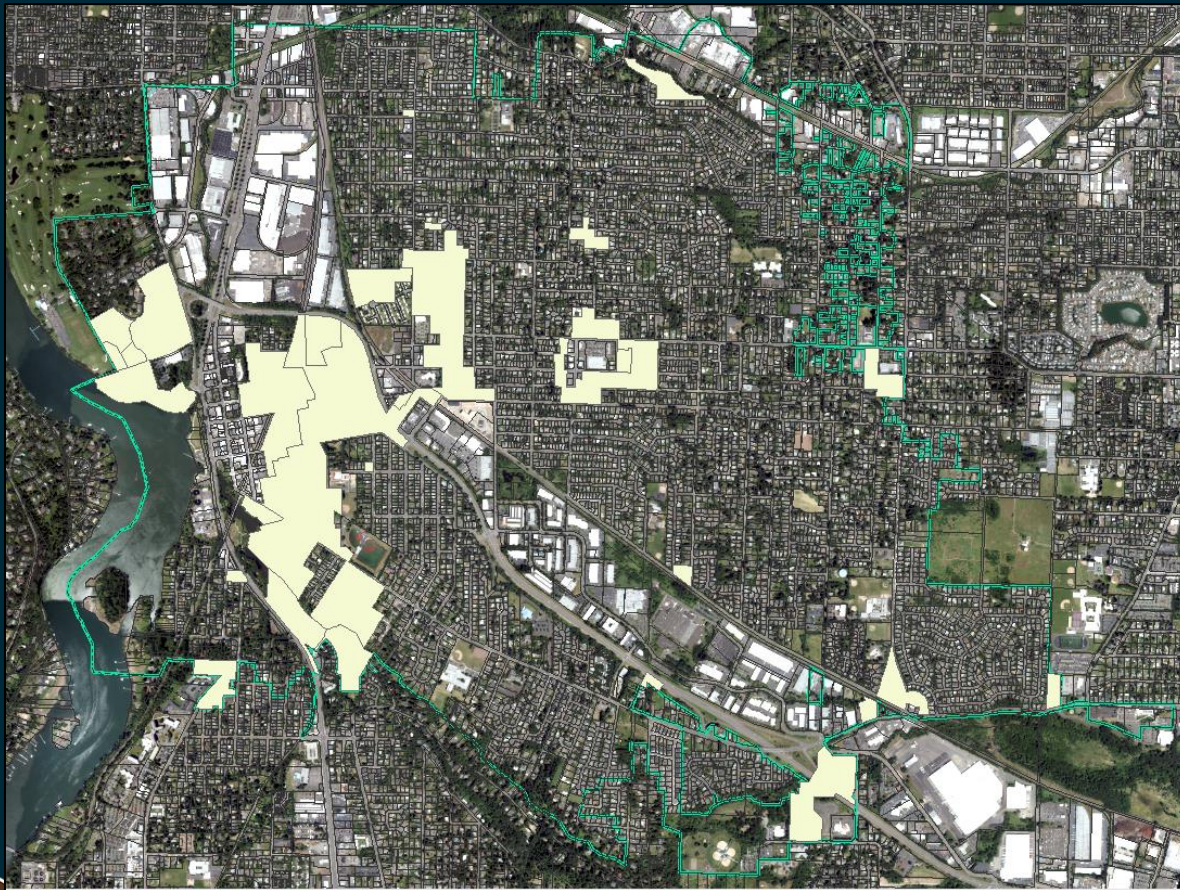
- Non-residential buildings would be subject to specific design standards.

Standard	Existing Code				
	R3	R2.5	R2	R1	R1B
Max Building height	35 ft	35 ft	45 ft	45 ft	45 ft
Max lot coverage	40%	40%	45%	45%	50%
Min vegetation density (du/ac)	35%	35%	15%	15%	15%
min.	11.6	11.6	11.6	25	25
max.	14.5	17.4	17.4	32	32

Table 5.
Proposed Consolidation

Standard	R3	R2	R1B
Max Building height	35 ft	45 ft	45 ft
Max lot coverage	40%	45%	50%
Min vegetation density (du/ac)	35%	15%	15%
min.	11.6	25	25
max.	17.4	32	32





FULL CONSOLIDATION



FULL CONSOLIDATION

Full Consolidation	Existing Code					
	HDR	R3	R2.5	R2	R1	R1B
Residential Uses						
Single Detached Dwelling	P	P	P	P	P	P
Duplex	P	P	P	P	P	P
Triplex	P	P	P	P	P	P
Quadplex	P	P	P	P	P	P
Townhouse/Rowhouse	P	P	P	P	P	P
Cottage Cluster	P	P	P	P	P	P
Adult foster/care homes	P	P	P	P	P	P
Accessory Dwelling Unit	P	P	P	P	P	P
Manufactured Dwelling						
Park	III	III	N	N	N	N
Multi-unit Development	P	CU	CU	P	P	P
Single Room Occupancy	P	CU	CU	CU	CU	CU
Residential Care Facility	P	CU	CU	P	P	P
Assisted Living						
Nursing Facility						
Memory care community						
Commercial Uses						
Personal/Business Services	P	N	N	N	N	N
Office	P	CU	CU	CU	CU	P
Hotel or motel	CU	N	N	N	N	CU
Bed and breakfast or vacation rental	CU	CU	CU	CU	CU	CU
Accessory and Other Uses						
Accessory Use	P	P	P	P	P	P
Agricultural or horticultural	P	P	P	P	P	P
Community Service Use	CSU	CSU	CSU	CSU	CSU	CSU
Home occupation	P	P	P	P	P	P
Short-term rental	P	P	P	P	P	P

Key differences

Key differences



FULL CONSOLIDATION

	Full Consolidation			Existing Code		
Standard	HDR	R3	R2.5	R2	R1	R1B
Max Building height	45 ft	35 ft	35 ft	45 ft	45 ft	45 ft
Side yard height plane	25 ft/45 degrees	20 ft/45 degrees	20 ft/45 degrees	25 ft/45 degrees	25 ft/45 degrees	25 ft/45 degrees
Max lot coverage	50%	40%	40%	45%	45%	50%
Min vegetation	15%	35%	35%	15%	15%	15%
Density (du/ac)						
min.	25	11.6	11.6	11.6	25	25
max.	32	14.5	17.4	17.4	32	32

- Non-residential buildings would be subject to specific design standards, just like in the GMU and NMU zones.



R-1-B AREA (5-FT MIN FRONT YARD SETBACK)

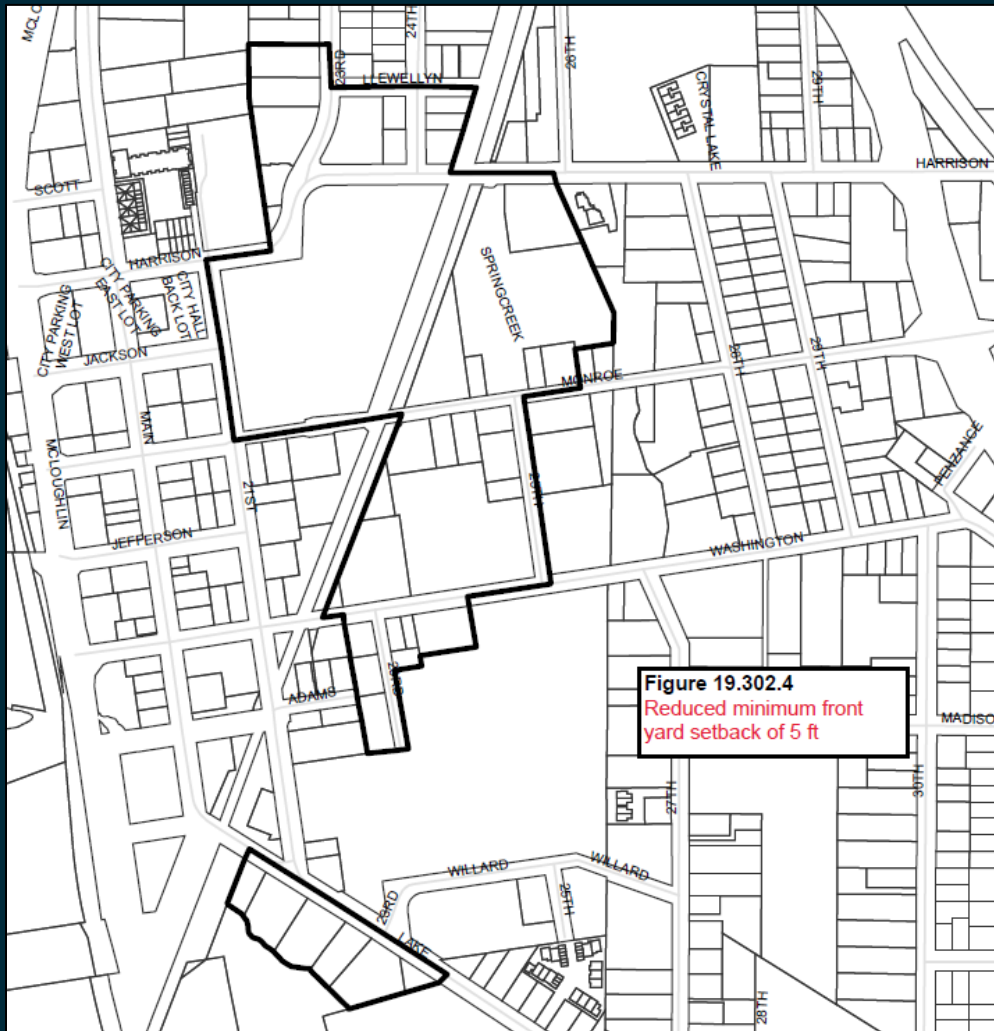


Figure 19.302.4
Reduced minimum front
yard setback of 5 ft



DECISION-MAKING OPTIONS

1. 3-zone consolidation:

- a. As originally proposed; **or**
- b. With 5-ft minimum front yard setback in the R-1-B zone

2. Full consolidation:

- a. Same standards apply across the zone, including the 20-ft front yard setback; **or**
- b. With R-1-B area identified with min. 5-ft front yard setbacks; **or**
- c. With min. 5-ft front yard setbacks across the zone



Questions?



END OF PRESENTATION



2-ZONE CONSOLIDATION

	HDR	R3
Residential Uses		
Single Detached Dwelling	P	P
Duplex	P	P
Triplex	P	P
Quadplex	P	P
Townhouse/Rowhouse	P	P
Cottage Cluster	P	P
Adult foster/care homes	P	P
Accessory Dwelling Unit	P	P
Manufactured Dwelling		
Park	III	III
Multi-unit Development	P	P
Single Room Occupancy	P	P
Residential Care Facility	P	P
Assisted Living		
Nursing Facility		
Memory care community		
Commercial Uses		
Personal/Business Services	P	L/CU
Office	P	L/CU
Hotel or motel	CU	N
Bed and breakfast or vacation rental	CU	CU
Accessory and Other Uses		
Accessory Use	P	P
Agricultural or horticultural	P	P
Community Service Use	CSU	CSU
Home occupation	P	P
Short-term rental	P	P

Key differences



2-ZONE CONSOLIDATION

Standard	HDR	R3	
Max Building height	45 ft	35 ft	
Side yard height plane	25 ft/45 degrees	20 ft/45 degrees	
Max lot coverage	50%	40%	
Min vegetation	15%	35%	
Density (du/ac)			
	min.	25	11.6
	max.	32	17.4

- Commercial buildings would be subject to specific design standards, just like in the GMU and NMU zones.



APPROVAL CRITERIA (TYPE V CODE AND MAP AMENDMENTS)

- Demonstrated need for the amendments
- Consistency with:
 1. Other parts of Milwaukie Municipal Code
 2. Goals/policies of Comp Plan
 3. Metro Urban Growth Management Functional Plan
 4. State statutes and Statewide Planning Goals
 5. Relevant federal regulations
- Amendment to map is compatible with surrounding area:
 1. Location and character
 2. Expected changes in the development pattern
 3. Predominant land use pattern



NOVEMBER 15 PUBLIC HEARING

Provide option for full consolidation into 1 HDR zone with R-1-B maintained for 5-ft front yard setbacks.



WHY UPDATE MILWAUKIE'S HIGH DENSITY ZONES?

- City council priority
- Remove barriers & bias from the code
- Update outdated terminology
- Streamline overly complicated use categories and review processes



Residential Use Type	Current Definition
Residential Home	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.
Congregate Housing Facility	A multi-dwelling-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.
Senior and Retirement Housing	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.
Nursing or Convalescent Home	<i>This term is not defined anywhere in the Milwaukie Municipal Code. It is referenced, however, in the Community Service Use section with specific standards in 19.904.8</i>
Boarding House	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-dwelling unit. Lodging capacity is subject to provisions of the Uniform Building Code.



ISSUES WITH ALLOWED USES

- Outdated terms
- Inconsistent review processes

Table 19.302.2 (partial)

High Density Residential Uses Allowed

Use	R-3	R-2.5	R-2	R-1	R-1-B
Multi-unit	CU	CU	P	P	P
Residential home	P	P	P	P	P
Congregate housing facility	CU	CU	P	P	P
Senior and retirement housing	CU	CU	CU	P	P
Boarding house	CU	CU	CU	CU	CU
Community Service Use	CSU	CSU	CSU	CSU	CSU



Proposed Terms		Proposed Definition
Adult foster/care homes		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.
Residential care facility		A 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.
Residential Care Facility Types	Assisted living facility	is a licensed setting providing housing and care services to six or more people. A registered nurse is on staff or under contract. The nurse does not have to be there all the time. Caregivers do not need to be certified, but they are trained in providing care services.
	Nursing facility	gives licensed 24-hour supervised nursing care. Licensed nursing facilities' caregivers must be certified as nursing assistants; the State Board of Nursing must approve their training. Nurses and certified nurse aides provide personal, therapeutic, and nutritional care.
	Memory care community	is an environment where staff care for people with dementia who have needs that require a more secure setting. Each setting is licensed by the state as a residential care, assisted living or nursing facility. The state also requires memory care facilities to train staff to care for residents with dementia and provide specialized services.

SINGLE ROOM OCCUPANCY (SRO)

Residential Use Type	Proposed Definition
Single Room Occupancy Housing	<p>A building wherein five (5) 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 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. SRO developments are permitted outright in all residential zones that permit multi-unit development. In each case, density standards of the zone shall determine number of units allowed.</p>



CHANGES IN TERMINOLOGY

Current Use Type	New Definition	New Use Type
Residential Home	Adult foster/care home	Adult foster care/home
Congregate Housing Facility	Assisted Living	Residential Care Facility
Senior and Retirement Housing	Assisted Living	Residential Care Facility
Nursing or Convalescent Home	Nursing Facility, Memory Care Community	Residential Care Facility
Boarding House	Single Room Occupancy	Single Room Occupancy



EXISTING CODE – PERMITTED USES (WITH REVISED USES)

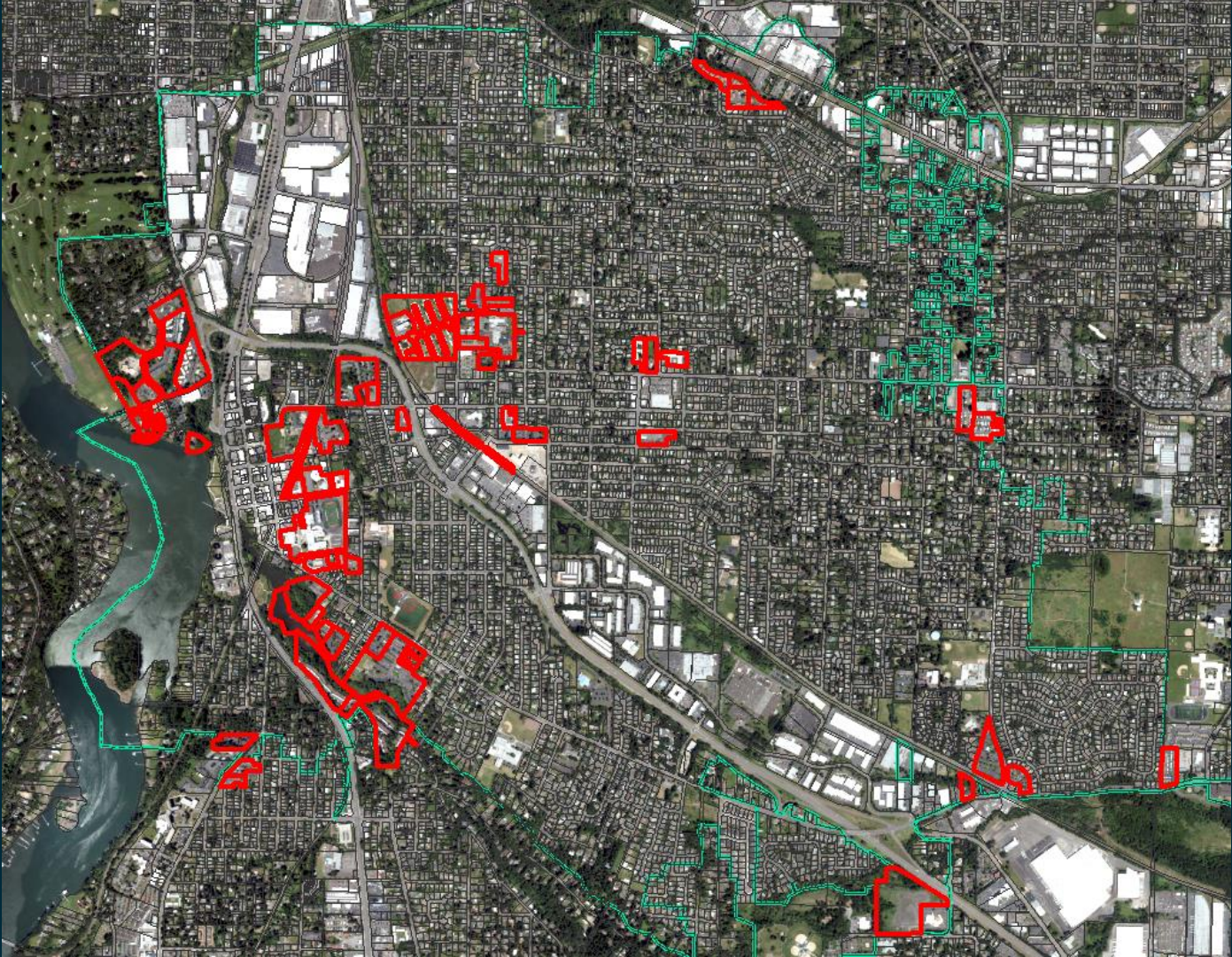
Residential Uses	Table 3. Existing Code (with new uses)				
	R3	R2.5	R2	R1	R1B
Single Detached Dwelling	P	P	P	P	P
Duplex	P	P	P	P	P
Triplex	P	P	P	P	P
Quadplex	P	P	P	P	P
Townhouse/Rowhouse	P	P	P	P	P
Cottage Cluster	P	P	P	P	P
Adult foster/care homes	P	P	P	P	P
Accessory Dwelling Unit	P	P	P	P	P
Manufactured Dwelling Park	III	N	N	N	N
Multi-unit Development	CU	CU	P	P	P
Single Room Occupancy Housing	CU	CU	CU	CU	CU
Residential Care Facility	CU	CU	P	P	P
<i>Assisted Living</i>	-	-			
<i>Nursing Facility</i>	-	-			
<i>Memory care community</i>	-	-			
	-	-			
Commercial Uses					
Office	CU	CU	CU	CU	P
Hotel or motel	N	N	N	N	CU
Bed and breakfast or vacation rental	CU	CU	CU	CU	CU
Accessory and Other Uses					
Accessory Use	P	P	P	P	P
Agricultural or horticultural	P	P	P	P	P
Community Service Use	CSU	CSU	CSU	CSU	CSU
Home occupation	P	P	P	P	P
Short-term rental	P	P	P	P	P



REVISED SRO DEFINITION

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. ~~SRO developments are permitted outright in all residential zones that permit multi-unit development. In each case, density standards of the zone shall determine number of units allowed.~~





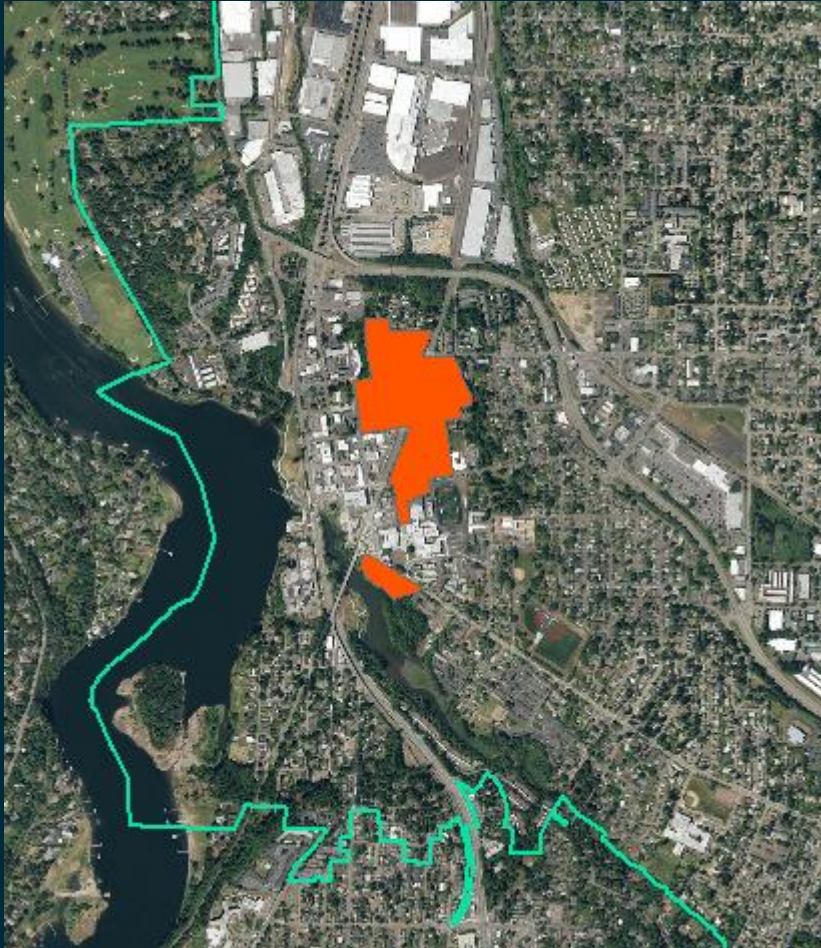
HOUSING PRODUCED BY ZONE 2000-2020

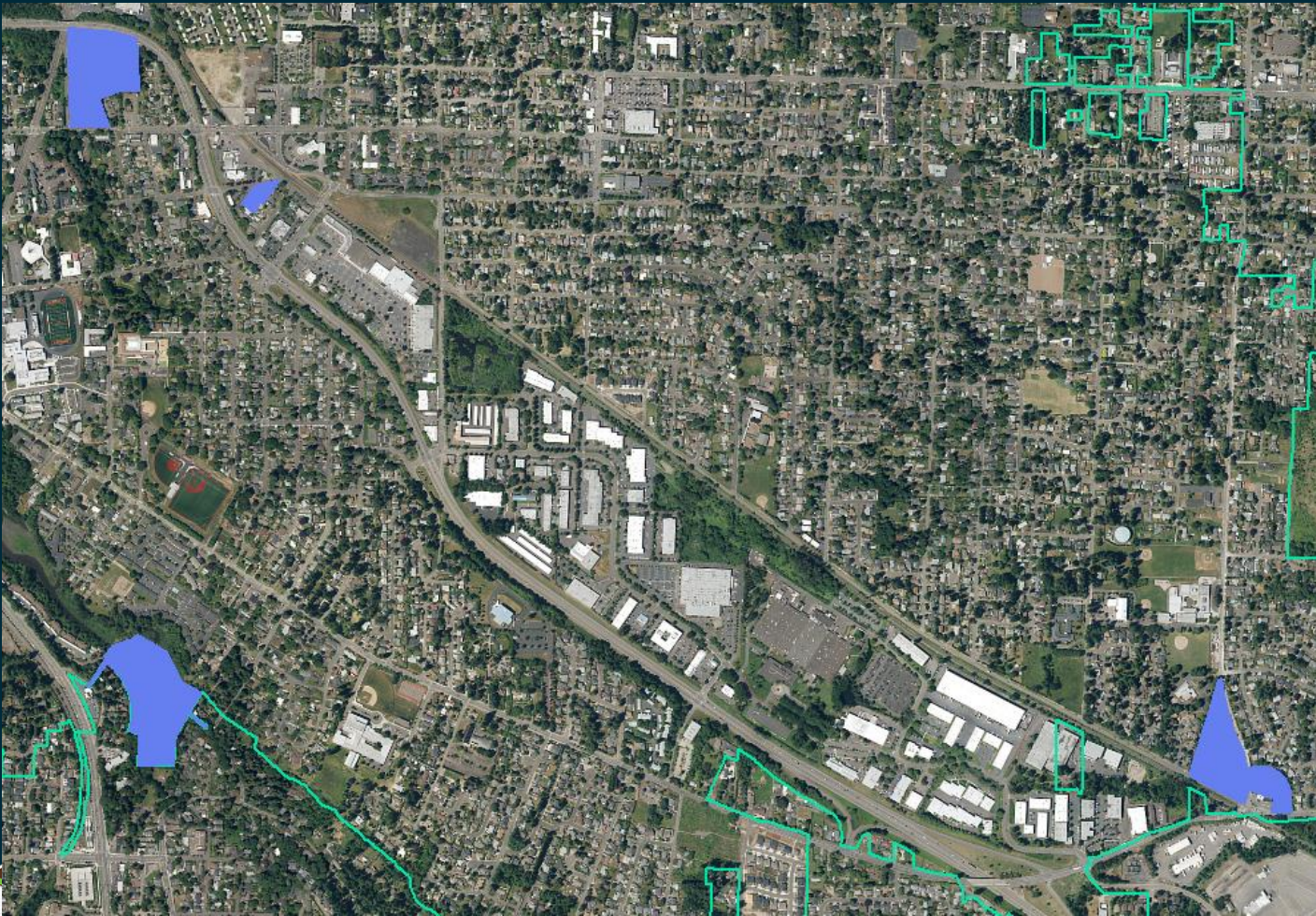
Zones	Single Dwelling Units			Multi Dwelling Units			Total, Combined			
	Units	Acres	Net Density	Units	Acres	Net Density	Units	Acres	Net Density	
Downtown Mixed Use	DMU	13	0	36.4	192	2	92.5	205	2.4	84.3
Neighborhood Mixed Use	NMU	1	0	5.6	2	0	11.1	3	0.4	8.4
High Density Residential	R-2	5	1	4.4	4	0	11.6	9	1.5	6.0
High Density Residential	R-3	6	1	8.2	4	0	14.0	10	1.0	9.9
Moderate Density Residential	R-MD	285	58	5.0	11	3	3.4	296	60.8	4.9
Total		310	60	5.2	213	6	34.6	523	66	7.9

Source: RLIS & Regional Multifamily Database, Compiled by ECONW in 08/2022



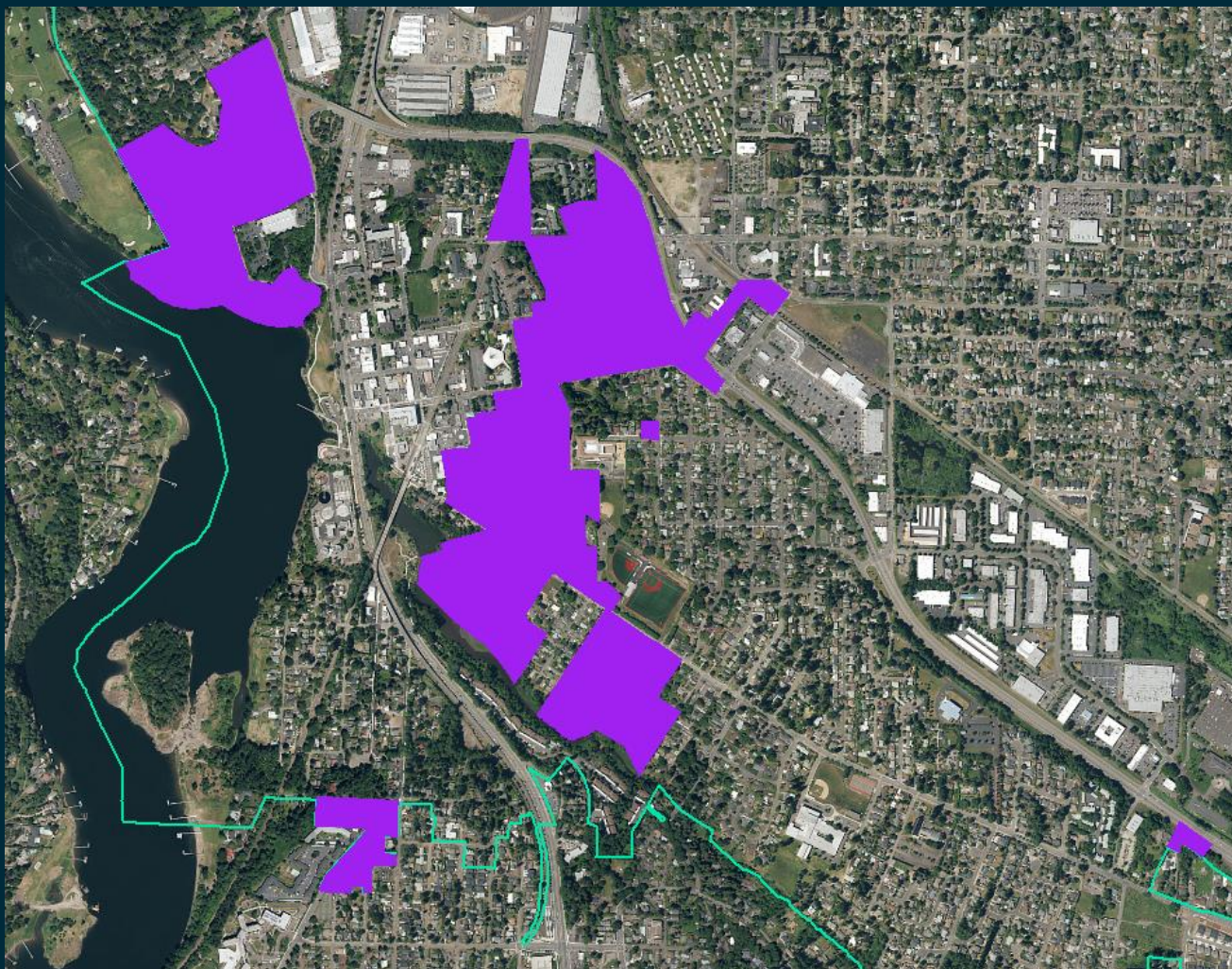
R-1-B ZONE





EXISTING R-1 ZONE





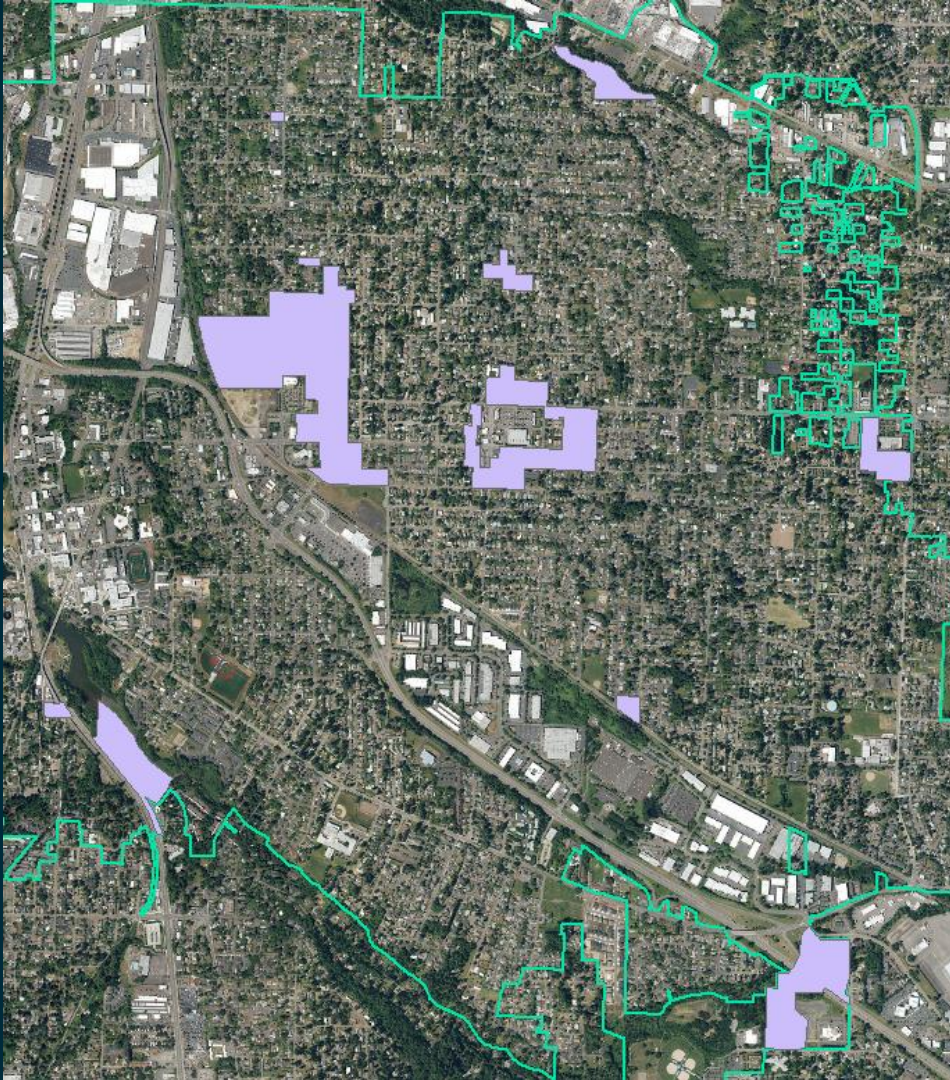
EXISTING R-2 ZONE



EXISTING R-2.5 ZONE



EXISTING R-3 ZONE



PROPOSED CONSOLIDATION - SUMMARY

	Proposed Zones	R3	R2	R1-B	TOTAL
SIZE	Total Acres <i>43,560 sqft = 1 acre</i>	124.6	175.5	30.2	330.3
	Average Taxlot Area <i>Sq Ft</i>	22,250	20,834	32,898	22,204
	Total Taxlots	243 <i>38%</i>	366 <i>56%</i>	39 <i>6%</i>	648
LAND USES	Single Detached Dwelling	175 <i>72%</i>	180 <i>49%</i>	17 <i>44%</i>	372 <i>57%</i>
	Two or more dwellings	30 <i>12%</i>	154 <i>42%</i>	4 <i>10%</i>	188 <i>29%</i>
	Commercial	23 <i>9%</i>	11 <i>3%</i>	14 <i>36%</i>	38 <i>6%</i>



PLANNING COMMISSION RECOMMENDATION

Council should find ways to preserve and protect manufactured home parks

State Law (ORS 90.645-660)

- Closure of a park requires notice to state
- 1 year notice to tenants
- Payment to tenants – depending on size of home
- Tax credits
- Prohibits a city from enforcing any local regulation adopted after 7/1/2007
 - Options:
 - Create a new zone for manufactured dwellings
 - Implement a local agency “toolkit” – Com Dev department



DEVELOPMENT STANDARDS

- Eliminate “minimum site size” requirements for multi-unit development:

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



WHAT ARE 'BOARDING HOUSES'?

Residential Use Type	Current Definition
Boarding House	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-dwelling unit. Lodging capacity is subject to provisions of the Uniform Building Code.



HISTORY OF 'SINGLE ROOM OCCUPANCY' DWELLINGS

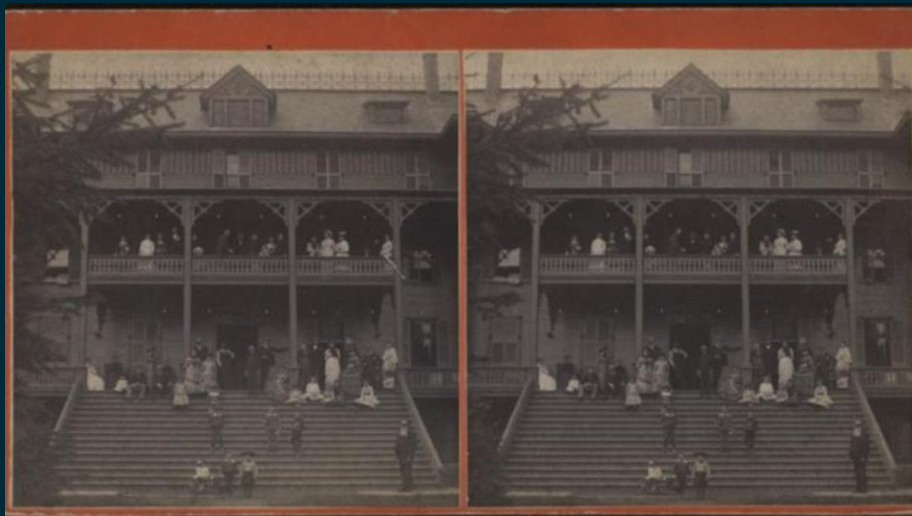
- The term “SRO” emerged in the mid-1800s to describe low-cost residential hotels, boarding houses, rooming houses, lodging houses, and the renting out of rooms in private apartments.
- Shared kitchen & eating facilities, sometimes bathrooms
- Separated units
- Often included other services

Alabama munitions plant workers eating dinner at their boarding house. U.S. Farm Security Administration/Library of Congress. 1941



HISTORY OF 'SINGLE ROOM OCCUPANCY' DWELLINGS

- **Bedrock of affordable housing** for laborers in American cities
- **Upscale SROs** also provided housing for people of **middle and higher incomes**
- Emergence of **affordable single family homes** in suburbs **shifted the demographics** and income levels of SRO residents



*A Boarding House in 1860's New York City
New York Public Library Digital Collections*



HOUSING CHOICE OF LAST RESORT

- **Bottom of the market affordability** due to decreased demand
- **Increased stigmatization** of poverty, single person households, disability, and mental illness
- Inadequate **services**, problematic **design elements**, chaotic **high-contact living**
- Many US cities **banned SROs**
- U.S. lost **2 million+ SRO units** since 1970



Jackson House in Tampa, FL. Closed in 1989 and remodeled into a museum



NEW & IMPROVED SROs

- Efforts to **preserve existing SROs** are meant to reduce houselessness and stabilize residents
- Portland is developing **new affordable SROs** that improve upon the historical SRO model
- Cities like Seattle are developing new **market-rate SROs** akin to adult dorm living
- New SROs are sometimes **motel conversions**



Joyce Hotel purchased by the Portland Housing Bureau to preserve units



NEW & EXISTING SRO EXAMPLES



PROPOSED AMENDMENT: OFFICE USES

- **Currently, there are 3 Office types:**
 - **Production-related office**
 - **Professional and administrative office**
 - **Traditional office**
- **Proposal:**
 - **Production-related office**
 - **Combine the others into: Professional and administrative office**
- **Make changes throughout code for consistency**

