

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**



**COUNCIL ORDINANCE No.**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE (MMC) TITLE 19 ZONING ORDINANCE FOR THE PURPOSE OF UPDATING AND REORGANIZING THE DOWNTOWN DESIGN REVIEW PROCESS (FILE #ZA-2022-003).**

**WHEREAS** the city's zoning code includes standards and requirements for design review in downtown Milwaukie, established in Sections 19.304, 19.508, and 19.907 as well as Subsection 19.911.6 of the MMC; and

**WHEREAS** additional guidance for the downtown design review process is provided in a separate Downtown Design Guidelines (DDG) document, which was adopted by the City Council in 2003 (Resolution 11-2003); and

**WHEREAS** an assessment of the downtown design review process has determined that there are significant gaps and inconsistencies that prevent the process from being clear and internally consistent; and

**WHEREAS** the Design and Landmarks Committee (DLC) has worked extensively to prepare amendments to the applicable provisions in the zoning code that will reorganize and improve the process for downtown design review; and

**WHEREAS** on October 25, 2022, and January 24, 2023, the Planning Commission conducted a public hearing as required by MMC Subsection 19.1008.5 and adopted a motion in support of the proposed 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 proposed amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The MMC is amended as described in Exhibit B (strikeout/underline format) and Exhibit C (clean format). This ordinance supersedes and replaces the DDG document attached as Exhibit 1 to Resolution 11-2003.

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 \_\_\_\_\_.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

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

\_\_\_\_\_  
Lisa Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Stauffer, City Recorder

\_\_\_\_\_  
Justin D. Gericke, City Attorney

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**EXHIBIT A  
Recommended Findings in Support of Approval  
File #ZA-2022-003  
Downtown Design Review 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 Title 19 Zoning to update and reorganize the provisions of the zoning code that relate to the process of downtown design review. Amendments are proposed to MMC Section 19.304 Downtown Zones, Section 19.508 Downtown Site and Building Design Standards, Section 19.907 Downtown Design Review, and Subsection 19.911.6 Building Height Variance in the Downtown Mixed Use Zone. The land use application file number is ZA-2022-003.
2. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC Section 19.902 Amendments to Maps and Ordinances
  - MMC Section 19.1008 Type V Review

The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on October 25, 2022 (continued to January 24, 2023), and March 21, 2023, as required by law.

3. MMC Section 19.902 Amendments to Maps and Ordinances

MMC 19.902 establishes the general process for amending the City's Comprehensive Plan and land use regulations within the municipal code. MMC Subsection 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 municipal code be evaluated through a Type V review per MMC Section 19.1008.

*The Planning Commission held a duly advertised public hearings on October 25, 2022 (continued to January 24, 2023), and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on March 21, 2023, and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.*

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

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

*The proposed amendments are consistent with other provisions of the Milwaukie Municipal Code, including Title 19 Zoning and Title 14 Signs.*

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

Recommended Findings in Support of Approval  
Downtown Design Review Code Amendments  
File #ZA-2022-003

Page 2 of 6  
March 21, 2023

*This standard is met.*

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

*The following goals and policies of the Comprehensive Plan support the amendments to downtown design review process:*

Section 8 – Urban Design & Land Use

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.

Goal 8.1 – Design

Use a design framework that considers location and development typology to guide urban design standards and procedures that are customized by zoning district.

Policy 8.1.1 – Downtown Milwaukie Policies

- a) Allow for a variety of dense urban uses in multi-story buildings that can accommodate a mix of commercial, retail, office, and higher density residential uses.
- b) Provide a high-quality pedestrian environment that supports safe, convenient access to the area’s multiple transportation modes.
- e) Ensure that buildings are designed with storefront windows and doors, weather protection, and details that contribute to an active, pedestrian-oriented landscape.
- f) Ensure that design standards and guidelines reflect a well-defined community vision for the downtown.

Goal 8.2 – Livability

Enhance livability by establishing urban design concepts and standards that help improve the form and function of the built environment.

Policy 8.2.4 – Public Space Design Policies

- a) Provide clear standards for the design and improvement of public spaces and streets as set forth in design objectives of adopted project plans or special area plans.
- c) Provide adequate seating in public spaces where people are intended to gather, with consideration of weather protection as appropriate.

# DRAFT ORDINANCE TO BE CONSIDERED BY THE CITY COUNCIL ON MARCH 21, 2023

Recommended Findings in Support of Approval  
Downtown Design Review Code Amendments  
File #ZA-2022-003

Page 3 of 6  
March 21, 2023

## Goal 8.3 – Process

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

### Policy 8.3.1

Use a two-track development review process to ensure that new non-residential development and redevelopment projects are well designed. Provide a clear and objective set of standards as well as an optional, discretionary track that allows for greater design flexibility provided design objectives are satisfied.

### 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 urban design, updating and reorganizing the existing downtown design review process. The standards and guidelines address elements such as building height and massing, façade transparency, weather protection, and open space. The proposed amendments clarify and strengthen the two-track review process (clear and objective versus discretionary) and the community's design vision for downtown as expressed in the existing code and related ancillary documents.*

*This standard is met.*

- (3) MMC Subsection 19.902.5.B.3 requires that the proposed amendments be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*The proposed amendments are consistent with the Metro Urban Growth Management Functional Plan. A detailed analysis of the Functional Plan will be provided if requested.*

*This standard is met.*

- (4) MMC Subsection 19.902.5.B.4 requires that the proposed amendments be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*The proposed amendments are consistent with the following relevant statewide planning goals:*

## Goal 1 – Citizen Involvement

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

Recommended Findings in Support of Approval  
Downtown Design Review Code Amendments  
File #ZA-2022-003

Page 4 of 6  
March 21, 2023

*The City has an adopted and acknowledged amendment process and has followed that process in making the proposed amendments. Public hearings on the proposed amendments have been held and public notice was published prior to each hearing. In addition, the Planning Commission members are appointed by an elected City Council, following an open and public selection process.*

**Goal 2 Land Use Planning**

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

*The City's zoning code has an established process for reviewing the design of downtown development as part of the larger development review framework. The proposed amendments update and reorganize the existing standards and guidelines for downtown design to make the review process, whether clear and objective or discretionary, more comprehensible and internally consistent.*

*This standard is met.*

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

*The proposed amendments are not inconsistent with any relevant federal regulations.*

*This standard is met.*

*The City Council finds that the proposed amendments to MMC Section 19.304 (Downtown Zones), Section 19.508 (Downtown Site and Building Design Standards), Section 19.907 (Downtown Design Review), and Subsection 19.911.6 (Building Height Variance in the Downtown Mixed Use Zone) are consistent with the applicable approval criteria for zoning text amendments as established in MMC 19.902.5.B.*

*The City Council finds that the proposed zoning text amendments are approvable in accordance with the applicable procedures and standards of MMC 19.902.*

**4. MMC Section 19.1008 Type V Review**

MMC 19.1008 establishes the procedures and requirements for Type V review, which is the process for legislative actions. The City Council, Planning Commission, Planning Manager, or any individual may initiate a Type V application.

*The amendments were initiated by the Planning Manager on August 1, 2022.*

- a. MMC Subsection 19.1008.3 establishes the public notice requirements for Type V review.

- (1) MMC Subsection 19.1008.3.A General Public Notice

MMC 19.1008.3.A establishes the requirements for public notice.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (a) MMC Subsection 19.1008.3.A.1 requires opportunity for public comment.

*The Planning Commission had work sessions about the proposed code amendment language on August 9, and September 27, 2022. Proposed code amendments were first posted on the application webpage on August 1, 2022, and have been updated since as needed. On August 9, 2022, staff emailed Neighborhood District Association (NDA) leaders with information about the proposed amendments and a link to the August 9 Planning Commission meeting page.*

- (b) MMC 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 October 25, 2022, hearing was posted as required on September 23, 2022. A notice of the City Council's March 21, 2023, hearing was posted as required on February 17, 2023.*

- (c) MMC 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 properties broadly in the downtown but do not reduce the permissible uses or development opportunities for those properties. Notice was not sent to individual property owners.*

- (2) MMC Subsection 19.1008.3.B DLCD Notice

MMC 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 September 20, 2022.*

- (3) MMC Subsection 19.1008.3.C Metro Notice

MMC Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 35 days prior to the first evidentiary hearing.

*Notice of the proposed amendments was sent to Metro on September 20, 2022.*

- (4) MMC Subsection 19.1008.3.D Property Owner Notice (Measure 56)

MMC 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 not affect the permissible uses of land. The proposed amendments simply update and reorganize the existing downtown design review process.*

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

Recommended Findings in Support of Approval  
Downtown Design Review Code Amendments  
File #ZA-2022-003

Page 6 of 6  
March 21, 2023

b. MMC Subsection 19.1008.4 Type V Decision Authority

MMC 19.1008.4 establishes that the City Council is the review authority for Type V applications and may approve, approve with conditions, amend, deny, or take no action on a Type V application after a public hearing.

*The City Council held a public hearing to consider this application on March 21, 2023, and approved the proposed amendments as presented.*

c. MMC Subsection 19.1008.5 Type V Recommendation and Decision

MMC 19.1008.5 establishes the procedures for review and a decision on Type V applications. The process includes an initial evidentiary hearing by the Planning Commission and a recommendation to the City Council, followed by a public hearing and decision by the City Council.

*The Planning Commission held an initial evidentiary hearing on October 25, 2022 (continued to January 24, 2023), and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on March 21, 2023, and approved the proposed amendments as presented.*

*The City Council finds that the applicable requirements of MMC 19.1000 have been met.*



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**EXHIBIT B**

(~~strikeout~~/underline format)

**19.304 DOWNTOWN ZONES**

**19.304.1 Purpose**

The downtown zones are Downtown Mixed Use Zone DMU and Open Space Zone OS. The zones are shown on Figure 19.304-1. These zones implement the Town Center and Public land use designations in the Milwaukie Comprehensive Plan. The downtown zones implement the Downtown and Riverfront Land Use Framework Plan and Milwaukie Comprehensive Plan.

The downtown and riverfront area is envisioned as the focus of the community. Two zones are designated to distinguish between areas intended for public open space and those intended for downtown development. Specific use, development, and design standards are adopted for the downtown zones to assure an active, attractive, and accessible environment for shoppers, employees, and residents.

A. Downtown Mixed Use (DMU)

The Downtown Mixed Use Zone provides for a wide range of uses—including retail, office, commercial, and residential—that will bring visitors to the downtown to live, work, shop, dine, and recreate. The desired character for this zone is a pedestrian-friendly and vibrant urban center, with a prominent main street and connections to the riverfront, and which includes buildings that are built to the right-of-way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots.

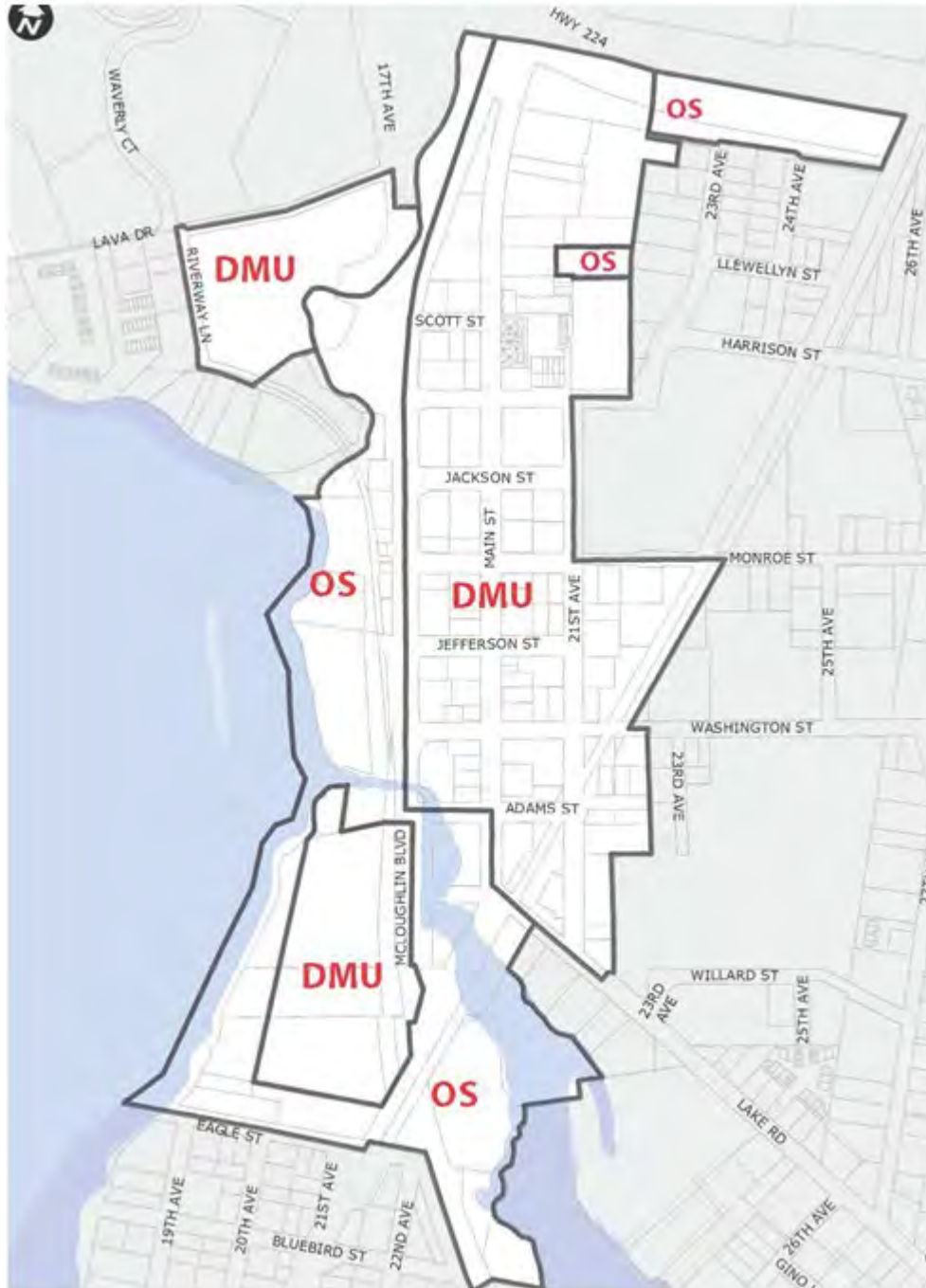
B. Open Space (OS)

The Open Space Zone provides a specific zone to accommodate open space, park, and riverfront uses. The Open Space Zone is generally applied to lands that are in public ownership along the Willamette River, Kellogg Creek, Spring Creek, and Johnson Creek in the downtown area. The desired character for the Open Space Zone includes parkland, open space, and riverfront amenities.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

MMC 19.304—Downtown Zones  
March 21, 2023 version (~~strikeout~~/underline format)

**Figure 19.304-1**  
**Downtown Zoning**



[Click here to enter text.](#)

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**19.304.2 Uses**

**A. Permitted Uses**

Uses allowed in the downtown zones are listed in Table 19.304.2 with a “P.” These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

**B. Conditional Uses**

Uses listed in Table 19.304.2 as “CU” are permitted only as conditional uses in conformance with Section 19.905. Type III review is required to establish a new CU or for major modification of an existing CU. Type I review is required for a minor modification of an existing CU.

**C. Nonconforming Uses, Structures, and Development**

Existing structures and uses that do not meet the standards for the downtown zones may continue in existence. Alteration or expansion of a nonconforming use, structure, or development that brings the use, structure, or development closer to compliance may be allowed through a Type II downtown design review pursuant to Section 19.907. Alteration or expansion of a nonconforming use or structure that does not bring the use or structure closer to compliance may be allowed through a Type III Variance pursuant to Section 19.911. Except where otherwise stated in this section, the provisions of Chapter 19.800 Nonconforming Uses and Development apply.

**D. Prohibited Uses**

Uses listed in Table 19.304.2 with an “N,” or uses not listed below, are prohibited as new uses. In addition, drive-through facilities are prohibited in the downtown zones.

**E. Accessory Uses**

Uses that are accessory to a primary use are allowed if they comply with all development standards. Accessory uses include but are not limited to restrooms in City parks and refreshment stands at the library.

**F. Similar Uses**

Similar uses not listed in Table 19.304.2 may be allowed through a Director determination pursuant to Section 19.903.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

<b>Table 19.304.2 Uses Allowed in Downtown Zones</b>			
<b>Uses and Use Categories</b>	<b>DMU</b>	<b>OS</b>	<b>Standards/ Additional Provisions</b>
<b>Residential</b>			
Boarding house	CU	N	<b>Section 19.905</b> Conditional Uses
<del>Rowhouse</del> <u>Townhouse</u>	P	N	<b>Subsection 19.304.3.A.1</b> Downtown residential use limitations <b>Figure 19.304-2</b> <u>Downtown Residential Use Limitations</u> <b>Subsection 19.505.5</b> <del>Rowhouses</del> <u>Townhouses</u>
Multifamily	P	N	<b>Figure 19.304-2</b> <del>Ground-Floor Residential Permitted Downtown Residential Use Limitations</del> <b>Subsection 19.304.3.A.1</b> Downtown residential use limitations <b>Subsection 19.505.3</b> <del>Multifamily Housing</del>
Live/work units	P	N	<b>Subsection 19.304.3.A.1</b> Downtown residential use limitations <b>Subsection 19.505.6</b> Live/Work Units
Second-story housing	P	N	<b>Section 19.508</b> Downtown Site and Building Design Standards
Senior and retirement housing	P	N	<b>Subsection 19.304.3.A.1</b> Downtown residential use limitations <b>Subsection 19.505.3</b> <del>Multifamily Housing</del>
<b>Commercial</b>			
Traditional office  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.  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/CU	N	<b>Subsection 19.304.3.A.3</b> Commercial use limitations <b>Section 19.905</b> Conditional Uses

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

<b>Table 19.304.2 CONTINUED Uses Allowed in Downtown Zones</b>			
<b>Uses and Use Categories</b>	<b>DMU</b>	<b>OS</b>	<b>Standards/ Additional Provisions</b>
<b>Commercial CONTINUED</b>			
<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, 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/CU	N	<p><b>Subsection 19.304.3.A.2</b> Main Street limitations</p> <p><b>Subsection 19.304.3.A.3</b> Commercial use limitations</p> <p><b>Subsection 19.509.2</b> Security and odor control for certain marijuana business</p> <p><b>Section 19.905</b> Conditional Uses</p> <p>Note: Production, processing, packaging, and assembly uses must meet the standards listed below under Manufacturing.</p>
<p>Eating and drinking establishment</p> <p>Eating and drinking establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeaway.</p> <p>Examples include restaurants, delicatessens, retail bakeries, taverns, brewpubs, coffee shops, concession stands, wine bars, and espresso bars.</p>	P/CU	CU	<p><b>Subsection 19.304.3.A.3</b> Commercial use limitations</p> <p><b>Section 19.905</b> Conditional Uses</p>
<p>Indoor recreation</p> <p>Indoor recreation consists of facilities providing active recreational uses of a primarily indoor nature.</p> <p>Examples include gyms; dance studios; tennis, racquetball, and soccer centers; recreational centers; skating rinks; bowling alleys; arcades; shooting ranges; and movie theaters.</p>	P/CU	N	<p><b>Subsection 19.304.3.A.3</b> Commercial use limitations</p> <p><b>Section 19.905</b> Conditional Uses</p>

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

<b>Table 19.304.2 CONTINUED Uses Allowed in Downtown Zones</b>			
<b>Uses and Use Categories</b>	<b>DMU</b>	<b>OS</b>	<b>Standards/ Additional Provisions</b>
<b>Commercial CONTINUED</b>			
<p>Retail-oriented sales</p> <p>Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.</p> <p>Examples include stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media.</p>	P/CU	P/CU	<p><b>Subsection 19.304.3.A.3</b> Commercial use limitations <b>Section 19.905</b> Conditional Uses</p>
<p>Personal/business services</p> <p>Personal/business services are involved in providing consumer services.</p> <p>Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.</p>	P/CU	N	<p><b>Subsection 19.304.3.A.3</b> Commercial use limitations <b>Section 19.905</b> Conditional Uses</p>
<p>Repair-oriented</p> <p>Repair-oriented uses are establishments providing product repair of consumer and business goods.</p> <p>Examples include repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, office equipment, tailors and seamstresses, shoe repair, locksmiths, upholsterers, and some automobile service and repair.</p>	P/CU	N	<p><b>Subsection 19.304.3.A.3</b> Commercial use limitations <b>Section 19.905</b> Conditional Uses</p>
<p>Day care</p> <p>Day care is the provision of regular child care, with or without compensation, to 4 or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all State requirements.</p> <p>Examples include nursery schools, before- and after-school care facilities, and child development centers.</p>	P	N	<p><b>Subsection 19.304.3.A.5</b> Day care limitation</p>

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

<b>Table 19.304.2 CONTINUED Uses Allowed in Downtown Zones</b>			
<b>Uses and Use Categories</b>	<b>DMU</b>	<b>OS</b>	<b>Standards/ Additional Provisions</b>
<b>Commercial CONTINUED</b>			
<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	<p><b>Section 19.905</b> Conditional Uses (for vacation rentals only)</p>
<p>Parking facility</p> <p>Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a parking facility.</p> <p>Examples include short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking.</p>	CU	P	<p><b>Subsection 19.304.3.A.6</b> OS Zone parking limitations</p> <p><b>Section 19.905</b> Conditional Uses</p> <p><b>Chapter 19.600</b> Off-Street Parking and Loading</p>
<p>Marijuana retailer</p> <p>Marijuana retailer means a state-licensed business that sells or distributes marijuana and marijuana-derived products to consumers. A marijuana retailer may sell or distribute recreational or medical marijuana.</p>	P/CU	N	<p><b>Subsection 19.509.1</b> Standards for Marijuana Retailers</p>
<b>Manufacturing</b>			
<p>Manufacturing and production</p> <p>Uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used.</p> <p>Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; marijuana processors; weaving or production of textiles or apparel; woodworking, including cabinet makers; manufacture or assembly of machinery, equipment, instruments (including musical instruments), vehicles, appliances, precision items, and other electrical items; and production of artwork and toys.</p>	P	N	<p><b>Subsection 19.304.3.A.8</b> Manufacturing and production limitations</p> <p><b>Subsection 19.509.2</b> Security and odor control for certain marijuana businesses</p>

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

<b>Table 19.304.2 CONTINUED Uses Allowed in Downtown Zones</b>			
<b>Uses and Use Categories</b>	<b>DMU</b>	<b>OS</b>	<b>Standards/ Additional Provisions</b>
<b>Institutional</b>			
Parks and open space  Parks and open space uses are lands focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few buildings.  Examples include parks, public squares, plazas, recreational trails, botanical gardens, farmers markets, boat launching areas, nature preserves, and community gardens.	P	P	
Community service uses	CSU	CSU	<b>Section 19.904</b> Community Service Uses
<b>Accessory and Other</b>			
Accessory use	P	P	<b>Subsection 19.304.2.E</b> Accessory Uses <b>Section 19.503</b> Accessory Uses
Home occupation	P	N	<b>Section 19.507</b> Home Occupation Standards
Short-term rentals	P	P	<b>Section 19.507</b> Home Occupation Standards

P = Permitted.

N = Not permitted.

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

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

**19.304.3 Use Limitations, Restrictions, and Provisions**

**A. Use Limitations and Restrictions**

The following provisions describe the limitations for uses listed in Table 19.304.2.

1. Residential uses are permitted throughout downtown Milwaukie, subject to the following limitations and as shown in Figure 19.304-2.
  - a. Along Main Street south of the intersection with Scott Street, as shown in Figure 19.304-2, residential dwellings are only allowed on the second floor or above; they are not permitted on the ground floor. Lobbies for upper-level dwellings are allowed



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

MMC 19.304—Downtown Zones  
March 21, 2023 version (~~strikeout~~/underline format)

Page 9 of 30

on the ground floor only if a commercial use is located along a majority of the property's street frontage.

- b. ~~Lobbies for upper-level dwellings are allowed on the ground floor only if a commercial use is located along a majority of the property's street frontage.~~ Along Main Street nNorth of the intersection with Scott Street and on all other streets, residential dwellings and/or lobbies are permitted anywhere on the ground floor along Main Street.
- c. Live/work units and ~~rowhouses~~-townhouses are not permitted on Main Street.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**Figure 19.304-2  
Downtown Residential Use Limitations**



2. Production-related office uses are not permitted on the ground floor along Main Street.
3. Commercial uses are permitted throughout downtown, subject to the following limitations:
  - a. In the ~~Downtown Mixed Use DMU Zone~~, the following uses are limited to 20,000 sq ft in floor area per use on the ground floor.
    - (1) Traditional office
    - (2) Eating/drinking establishments

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (3) Indoor recreation
  - (4) Retail-oriented sales
  - (5) Personal-service-oriented
  - (6) Repair-oriented
- b. In the ~~Open Space~~ OS Zone, retail-oriented sales are limited to 20,000 sq ft in floor area per use on the ground floor.
  - c. Uses listed in Subsections 19.304.3.A.3.a-b that are larger than 20,000 sq ft in floor area on the ground floor may be approved through a conditional use review pursuant to Section 19.905.
  - d. In the DMU Zone, production-related office uses are limited to 20,000 sq ft in total area.
  - e. Uses listed in Subsection 19.304.3.A.3.d that are larger than 20,000 sq ft in total area may be approved through conditional use review pursuant to Section 19.905.
- 4. Automobile/motor vehicle repair (excluding body and fender repair and painting) is permitted in the ~~Downtown Mixed Use~~ DMU Zone only when conducted within a completely enclosed building.
  - 5. Day care and childcare uses are limited to 5,000 sq ft.
  - 6. Parking facilities in the ~~Open Space~~ OS Zone are limited to surface lots that are intended primarily for the users of the related park or open space.
  - 7. Manufacturing and production uses are limited to 5,000 sq ft in floor area per use on the ground floor and are only permitted when associated with, and accessory to, a related retail-oriented sales or eating/drinking establishment use. For purposes of this subsection, manufacturing and production involve goods that are sold or distributed beyond or outside of the associated on-site eating or drinking establishment or retail trade use. For example, a brewing facility that distributes or sells its products elsewhere would be considered a manufacturing and production use, while a restaurant kitchen that prepares food that is purchased on-site would not be considered manufacturing or production. Marijuana production is prohibited.

**B. Use Provisions**

- 1. The limit of 4 consecutive ~~rowhouses~~ townhouses established in Subsection 19.505.5.D does not apply in the DMU Zone. In the DMU Zone, there is no limit on the number of consecutive ~~rowhouses~~ townhouses.

**19.304.4 Development Standards**

In the downtown zones, the development standards in Table 19.304.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Subsection 19.304.5.

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

The development standards address several issues of particular importance to maintaining the appropriate character for the downtown. Table 19.304.4 summarizes some of the development

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

standards that apply downtown. Development standards are presented in full in Subsection 19.304.5.

<b>Table 19.304.4 Downtown Zones—Summary of Development Standards</b>			
<b>Standard</b>	<b>DMU</b>	<b>OS</b>	<b>Standards/ Additional Provisions</b>
<b>A. Lot Standards</b>			
1. Minimum lot size (sq ft)	750	None	
2. Minimum street frontage (ft)	15	None	<b>Section 19.201</b> Definitions
<b>B. Development Standards</b>			
1. Floor area ratio a. Minimum b. Maximum	0.5:1–1:1 4-6:1 (FAR bonus available)	None None	<b>Section 19.201</b> Definitions <b>Subsection 19.304.5.A</b> Floor Area Ratios <b>Figure 19.304-3</b> Minimum Floor Area Ratios <b>Subsection 19.611.4</b> Incentives for Provision of Structured Parking
2. Building height (ft) a. Minimum b. Maximum	25 45– <del>69</del> <u>55</u> (height bonus available)	None 15	<b>Subsection 19.304.5.B</b> Building Height <b>Figure 19.304-4</b> Base Maximum Building Heights <del><b>Subsection 19.304.5.I</b> Transition Measures</del> <b>Subsection 19.304.5.B.3</b> Height Bonuses <b>Section 19.510</b> Green Building Standards <b>Subsection 19.911.6</b> Building Height Variance in the Downtown Mixed Use Zone
<del>3. Flexible ground floor space</del>	<del>Yes, where applicable</del>	<del>None</del>	<del><b>Subsection 19.304.5.C</b> Flexible Ground-Floor Space</del>
43. Street setbacks/build to lines (ft) a. Minimum street setback <del>b. Maximum street setback</del> <del>eb. Side and rear setbacks</del>	0 10–20 None	0 None None	<del><b>Figure 19.304-5</b> First-Floor Build-To Lines</del> <del><b>Subsection 19.304.5.DC</b> Street Setbacks/Build To Lines</del> <del><b>Subsection 19.304.5.I</b> Transition Measures</del> <b>Subsection 19.501.2</b> Yard Exceptions

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

<b>Table 19.304.4 CONTINUED Downtown Zones—Summary of Development Standards</b>			
Standard	DMU	OS	Standards/ Additional Provisions
<b>B. Development Standards CONTINUED</b>			
<del>5.</del> Frontage occupancy requirements	<del>50–90%</del>	None	<b>Subsection 19.304.5.E</b> Frontage Occupancy Requirements <b>Figure 19.304-6</b> Minimum Frontage Occupancy
<del>6.</del> Primary entrances	Yes	Ne	<b>Subsection 19.304.5.F</b> Primary Entrances
<del>74.</del> Off-street parking required	Yes, where applicable	Yes, where applicable	<b>Subsection 19.304.5.GD</b> Off-Street Parking <b>Chapter 19.600</b> Off-Street Parking and Loading
<del>8.</del> Open space	Yes, where applicable	Yes, where applicable	<b>Subsection 19.304.5.H</b> Open Space <b>Subsection 19.508.4.G</b> Open Space/Plazas
<del>9.</del> Transition measures	Yes, where applicable	Ne	<b>Subsection 19.304.5.I</b> Transition Measures <b>Subsection 19.504.6</b> Transition Area Measures
<b>C. Other Standards</b>			
1. Residential density requirements (dwelling units per acre)			<b>Subsection 19.202.4</b> Density Calculations <b>Subsection 19.304.5.JE</b> Residential Density <b>Subsection 19.501.4</b> Density Exceptions
a. <del>Rowhouses-Townhouses</del> and live/work units			
(1) Minimum	<del>40-25</del>	None <u>n/a</u>	
(2) Maximum	None	None <u>n/a</u>	
b. Stand-alone multifamily			
(1) Minimum	30	None <u>n/a</u>	
(2) Maximum	None	None <u>n/a</u>	
c. Mixed-use buildings	None	None <u>n/a</u>	
2. Signs	Yes	Yes	<b>Section 14.16.060</b> Downtown Zones

Table 19.304.4 is supplemented by the explanation of the development standards provided in Subsection 19.304.5 below, and the following figures:

Figure 19.304-3 Minimum Floor Area Ratios

Figure 19.304-4 Base Maximum Building Heights

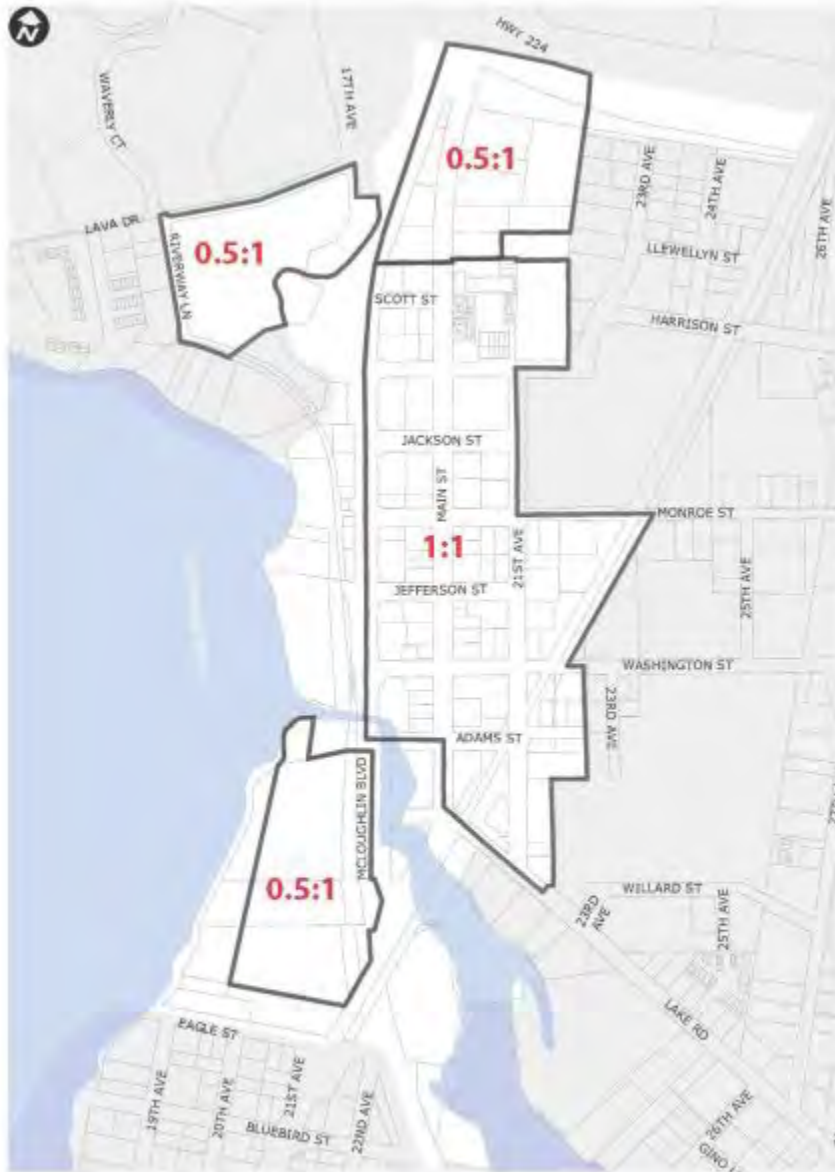
Figure 19.304-5 First-Floor Build-To Lines

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

MMC 19.304—Downtown Zones  
March 21, 2023 version (~~strikeout~~/underline format)

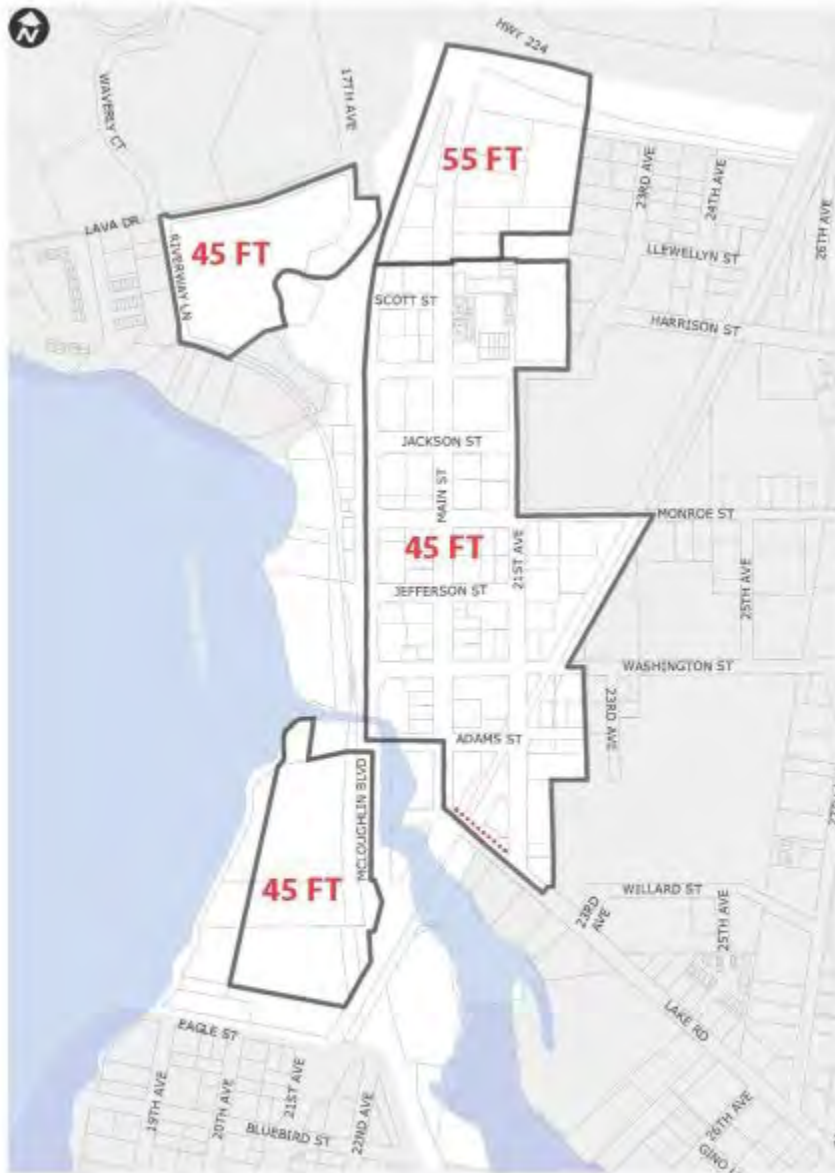
Figure 19.304-6 Minimum Frontage Occupancy

**Figure 19.304-3  
Minimum Floor Area Ratios**



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**Figure 19.304-4  
Base Maximum Building Heights**



*[delete the four following existing maps]*

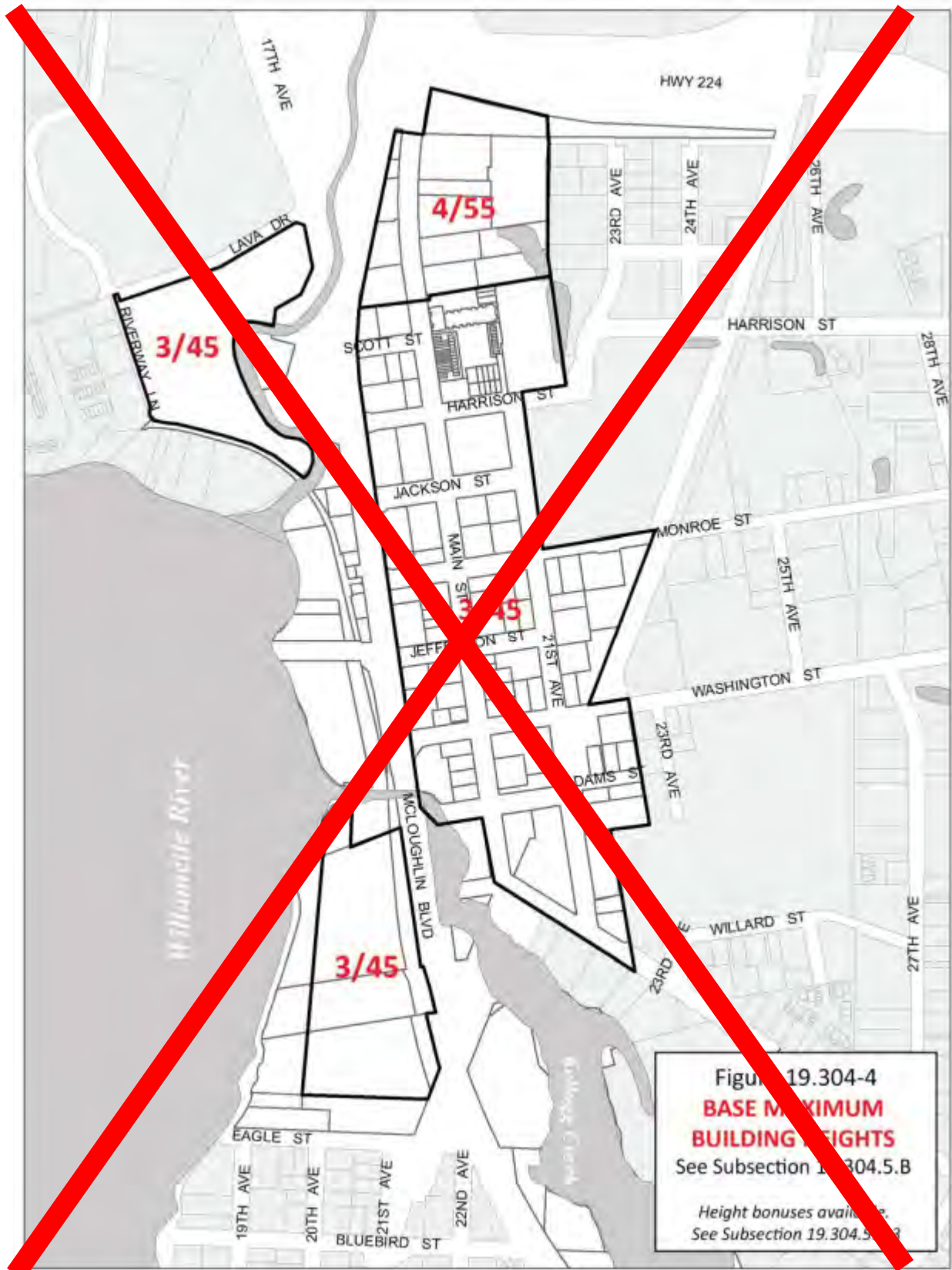
**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**





**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

MMC 19.304—Downtown Zones  
March 21, 2023 version (~~strikeout~~/underline format)



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

MMC 19.304—Downtown Zones  
March 21, 2023 version (~~strikeout~~/underline format)



[Click here to enter text.](#)

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**



[Click here to enter text.](#)

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**19.304.5 Detailed Development Standards**

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.304.4.

**A. Floor Area Ratios**

1. Intent

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum floor area ratios help to ensure that the intensity of development is controlled and that more intense forms are confined to appropriate areas of the downtown. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

2. Standards

- a. The minimum floor area ratios in Subsection 19.304.4.B.1 apply to all nonresidential building development. Stand-alone residential densities are controlled by minimum density requirements.
- b. Required minimum floor area ratios ~~shall be~~ are calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.
- d. FAR bonuses are available for provision of structured parking per Subsection 19.611.4.

3. Exemptions

The following are exempt from the minimum floor area ratio requirement.

- a. Parking facilities
- b. Public parks and plazas

**B. Building Height**

1. Intent

Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. A minimum building height is established to ensure that the traditional building scale for the downtown area is maintained.

2. Standards

- a. The minimum building height standards apply to new commercial, office, residential, and mixed-use buildings.
- b. Minimum building heights are specified in Table 19.304.4. The minimum building height of 25 ft ~~shall~~ must be met along all street frontages for a depth of at least 25 ft from the front of the building.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- c. Base maximum building heights are specified in Figure 19.304-4. Height bonuses are available for buildings that meet the standards of Subsection 19.304.5.B.3.

3. Height Bonuses

To incentivize the provision of additional public amenities or benefits beyond those required by the baseline standards, height bonuses are available for buildings that include desired public amenities or components; increase downtown vibrancy; and/or help meet sustainability goals.

A building can utilize up to ~~2~~two of the development incentive bonuses of this subsection, for a total of ~~2 stories or~~ 24 ft of additional height, ~~whichever is less,~~ above the height maximum specified in Figure 19.304-4.

Height bonuses cannot be applied within 50 ft of the moderate density residential (R-MD) zone.

a. Residential

New buildings that devote at least one story or 25% of the gross floor area to residential uses are permitted ~~4 additional story or~~ an additional 12 ft of building height, ~~whichever is less.~~ The residential height bonus cannot be used in combination with the lodging height bonus.

b. Lodging

New buildings that devote at least one story, or 25% of the gross floor area, to lodging uses are permitted ~~4 additional story, or~~ an additional 12 ft of building height, ~~whichever is less.~~ The lodging height bonus cannot be used in combination with the residential height bonus.

c. Green Building

Project proposals that receive approvals and certification as identified in Section 19.510 are permitted ~~4 additional story or~~ an additional 12 ft of building height, ~~whichever is less.~~

d. Building Height Variance

Additional building height may be approved through Type III variance review, per Subsection 19.911.6 Building Height Variance.

4. Exemptions

The following are exempt from the minimum building height standards.

- a. Additions to existing buildings.
- b. Accessory structures.
- c. Buildings with less than 1,000 sq ft of floor area.

~~G. Flexible Ground-Floor Space~~

~~1. Intent~~

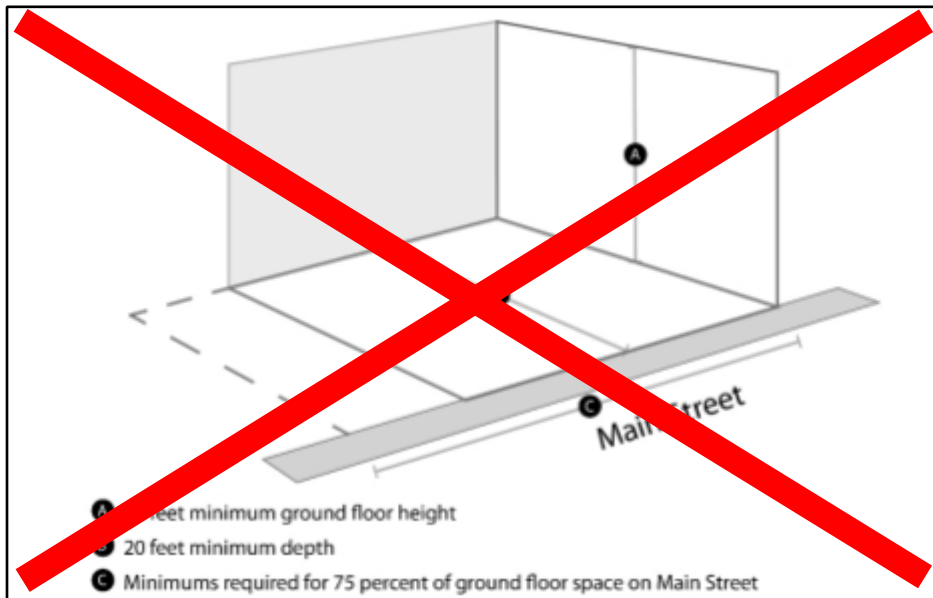
~~To ensure that new buildings in the downtown are designed and constructed to accommodate active uses such as retail and eating/drinking establishments.~~

~~2. Standards~~

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- a. ~~This standard applies to new buildings fronting Main St.~~
- b. ~~This standard is met when at least 75% of the ground floor space in a new building meets the following requirements.~~
  - (1) ~~The ground floor height must be at least 14 ft, as measured from the finished floor to the ceiling, or from the finished floor to the bottom of the structure above (as in a multistory building). The bottom of the structure above is the lowest portion of the structure and includes supporting beams, and any heating, ventilation and/or fire suppression sprinkler systems.~~
  - (2) ~~The interior floor area adjacent to Main St must be at least 20 ft deep, as measured from the inside building wall or windows facing Main St.~~

**Figure 19.304.5.C.2  
Flexible Ground Floor Space Standards**



**3. Exemptions**

~~Stand-alone residential buildings on Main St as specified in Figure 19.304-2 are exempt from this requirement.~~

**DC. Street Setbacks/Build-To-Lines**

**1. Intent**

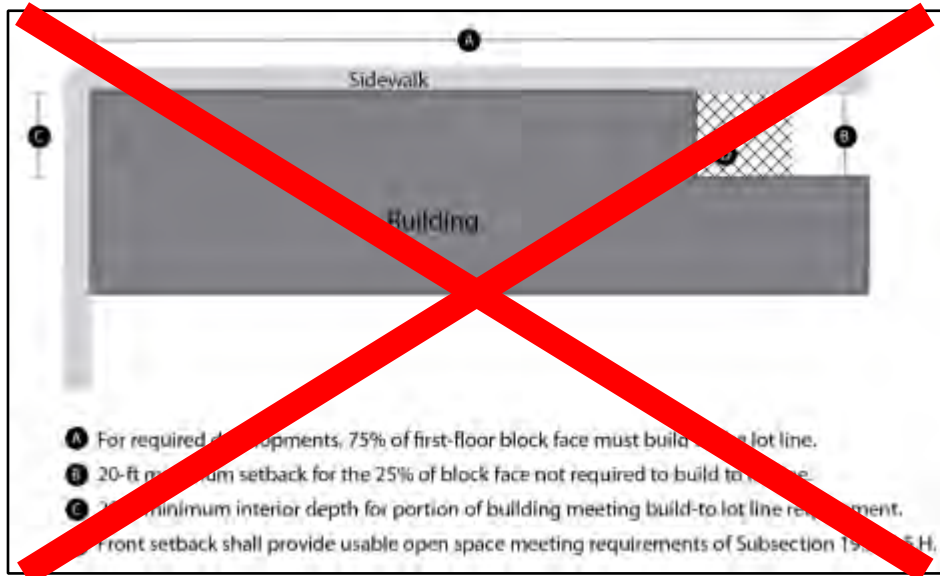
~~Buildings are allowed and encouraged to build up to the street right-of-way in the DMU Zone to ensure that the ground floors of buildings engage the street right-of-way. Required build-to-lines are used in combination with the frontage occupancy requirements of Subsection 19.304.5.E and are established in specific areas of the downtown to ensure that the ground floors of buildings engage the street right-of-way (see Figure 19.304-5). The build-to line ensures compatibility and harmony between buildings, enabling a series of different buildings to maintain or establish a continuous vertical street wall.~~

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

2. Standards

- a. No minimum street setbacks are required.
- b. Minimum setbacks are used in combination with the Site Frontage design element in Subsection 19.508.4.A.
- ~~b. First-floor build-to lines (required zero setbacks) are established for block faces identified on Figure 19.304-5. The build-to line applies to the portion of the building that is subject to the frontage occupancy requirements of Subsection 19.304.5.E as follows:
  - (1) ~~For those block faces identified on Figure 19.304-5, 75% of the first floor shall be built to the front lot line (zero setback). The remaining 25% may be set back from the front lot line a maximum of 20 ft. The front setback shall provide usable open space, such as a public plaza or pedestrian amenities, that meets the requirements of Subsection 19.304.5.H.~~~~

**Figure 19.304.5.D.2.b(1&3)  
First-Floor Build-To Lines  
for Block Faces Identified on Figure 19.304-5**



- (2) ~~For other block faces, there is no build-to line requirement and the maximum setback shall be 10 ft. The front setback shall provide usable open space that meets the requirements of Subsection 19.304.5.H.~~
- (3) ~~The portions of the building used to meet the build-to line requirement in (1) above shall have a depth of at least 20 ft.~~

3. Exemption

The DMU Zone is exempt from the clear vision area requirements of Chapter 12.24 of the Milwaukie Municipal Code, with the exception of driveway and street intersections with McLoughlin Blvd.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

~~E. Frontage Occupancy~~

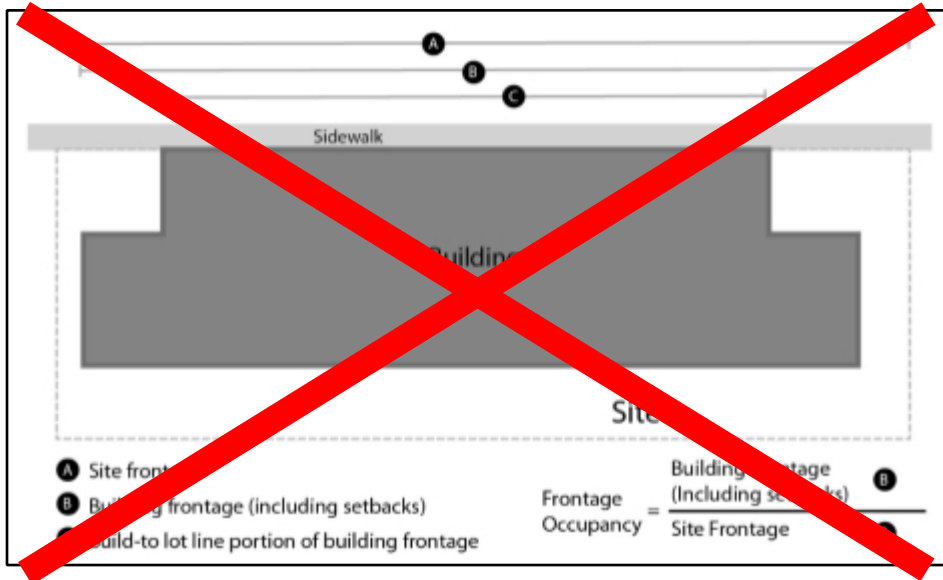
~~1. Intent~~

~~To ensure that buildings are used to create a “street wall” that contributes to a walkable and pedestrian-friendly environment.~~

~~2. Standards~~

~~Minimum frontage occupancy requirements are established for block faces identified on Figure 19.304-6. Frontage occupancy requirements are used in combination with the required build-to line of Subsection 19.304.5.D. The frontage occupancy requirements apply as follows:~~

~~**Figure 19.304.5.E.2  
Frontage Occupancy Requirements and Build-To Line**~~

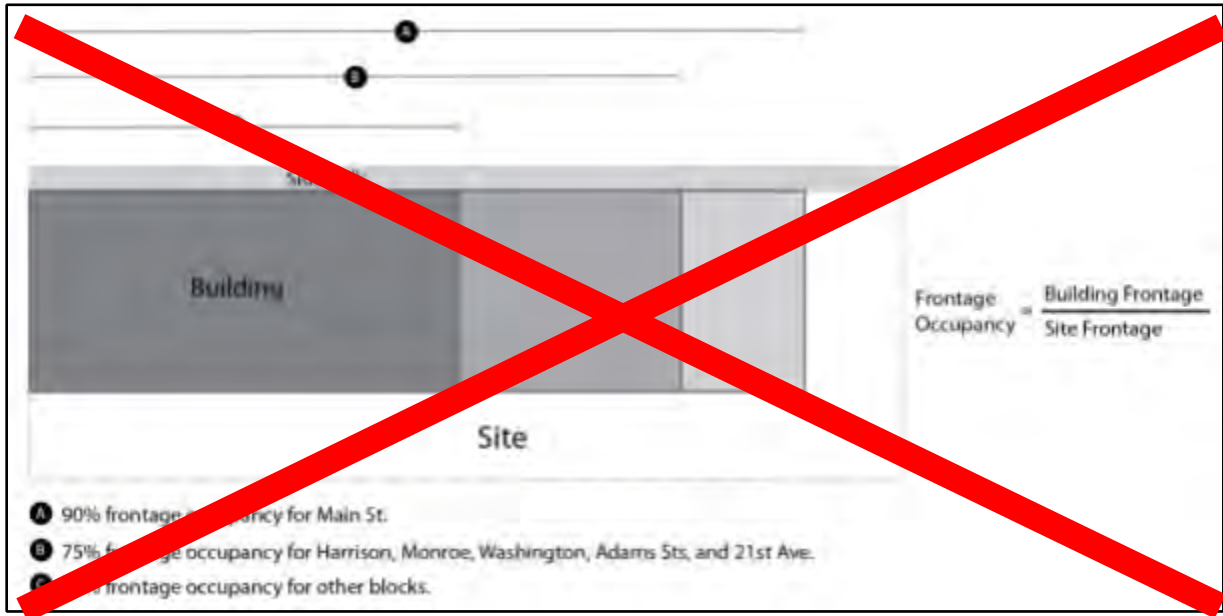


- ~~a. For block faces that front on Main St, 90% of the site frontage must be occupied by a building or buildings. If the development site has frontage on Main St and another street, the frontage occupancy requirement must be met on Main St only.~~
- ~~b. For block faces that front on Harrison, Monroe, Washington, and Adams Sts and 21st Ave, 75% of the site frontage must be occupied by a building or buildings. Except for Subsection 19.304.5.E.2.a above, if the development site has frontage on one of the streets listed here and another street, the frontage occupancy requirement must be met on the streets listed here only.~~
- ~~c. For other block faces, 50% of the site frontage must be occupied by a building or buildings. Except for Subsections 19.304.5.E.2.a-b above, if the development site has frontage on more than one street, the frontage occupancy requirement must be met on one street only.~~



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**Figure 19.304.5.E.2.a-c  
Frontage Occupancy Requirements**



- ~~d.— Building façades with recesses incorporated to comply with façade articulation requirements are considered to be occupying the site frontage if the recesses do not exceed 24 in.~~

~~F.— Primary Entrances~~

~~1.— Intent~~

~~To promote pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly-marked pedestrian walkways.~~

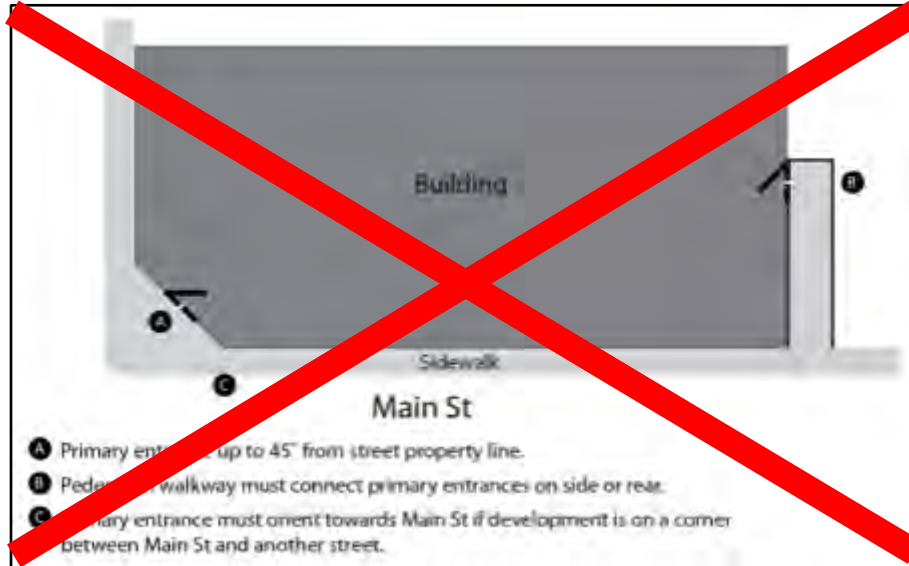
~~2.— Standards~~

- ~~a.— All new buildings shall have at least one primary entrance facing an abutting street (i.e., within 45° of the street property line) or, if the building entrance must be turned more than 45° from the street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk.~~
- ~~b.— Where a development contains multiple buildings and there is insufficient street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to plaza, courtyard, or similar pedestrian space containing pedestrian amenities. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway.~~
- ~~c.— If a development is on the corner of Main St and another street, the primary entrance shall be oriented toward Main St. If the development is on the~~

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

~~corner of McLoughlin Blvd and another street, the primary entrance may be oriented toward either street.~~

**Figure 19.304.5.F.2  
Primary Entrance Standards**



**GD. Off-Street Parking**

1. Intent

The desired character for the DMU Zone, particularly along Main Street, is defined by a continuous façade of buildings close to the street, with adjacent on-street parking.

2. Standards

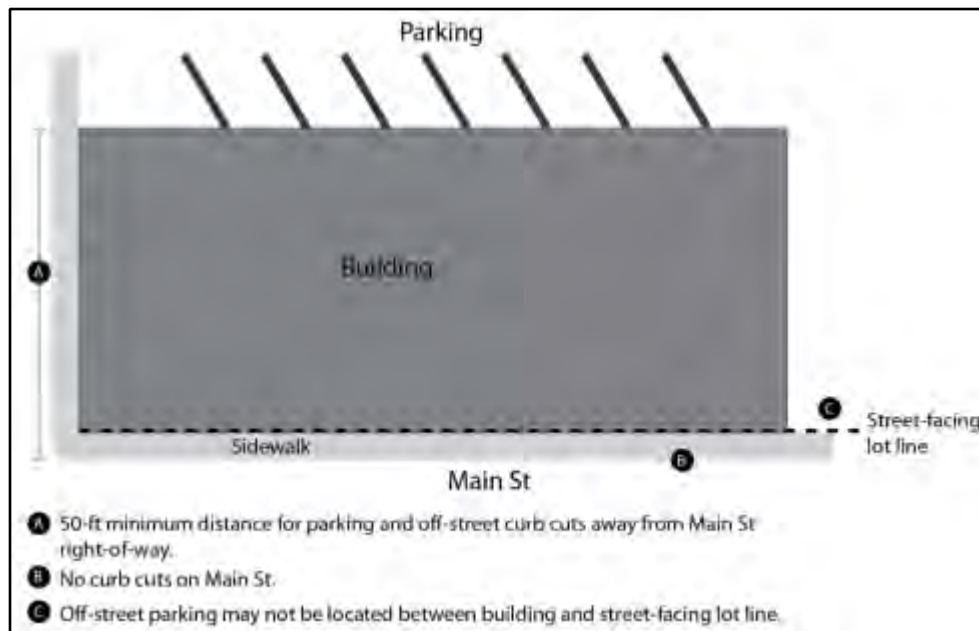
- a. Off-street parking for residential uses is required at the ratios established in Table 19.605.1. All other applicable standards of Chapter 19.600 apply.
- b. No off-street parking is required for nonresidential uses. If off-street parking is provided for nonresidential uses, the parking maximums in Table 19.605.1 ~~shall~~will apply. All other applicable standards of Chapter 19.600 ~~shall~~will also apply.
- c. Off-street surface parking lots (including curb cuts) ~~shall~~must not be located within 50 ft of the Main Street right-of-way. Off-street surface parking lots approved prior to October 31, 2015, the effective date of Ordinance #2106, are exempt from this prohibition. This exemption applies only to the property owner on file with the Clackamas County Assessor as of October 31, 2015, the effective date of Ordinance #2106, and is dissolved upon transfer of ownership.

The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main Street right-of-way only upon finding, through Type III Variance review pursuant to Section 19.911, that:

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (1) The overall project meets the intent of providing a continuous façade of buildings close to Main Street.
  - (2) The off-street parking area or curb cut is visually screened from view from Main Street.
  - (3) The community need for the off-street parking area or curb cut within 50 ft of Main Street outweighs the need to provide a continuous façade of buildings in that area.
- d. Off-street parking shall ~~shall~~ must not be located between a building and the street-facing lot line.

**Figure 19.304.5.G-D.2  
Off-Street Parking Standards**



~~3. Exemptions~~

~~All nonresidential uses are exempt from the off-street parking requirements.~~

~~H. Open Space~~

~~1. Intent~~

~~To provide amenities for downtown visitors and residents, promote livability, and help soften the effects of built and paved areas.~~

~~2. Standards~~

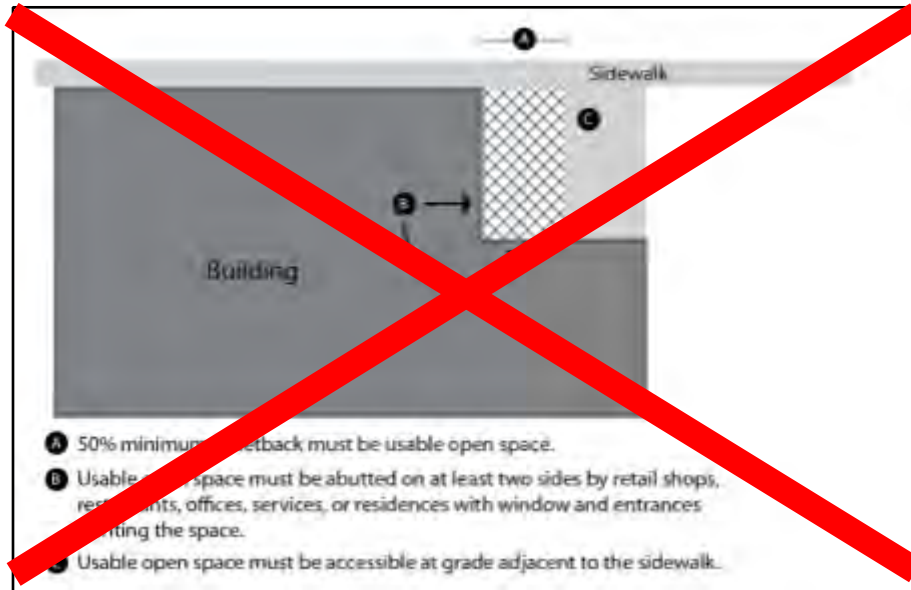
- a. ~~When a building is set back from the sidewalk, at least 50% of the setback area shall provide usable open space, such as a public plaza or pedestrian amenities, that meets the standards of this subsection. Building setbacks cannot exceed the maximum setbacks established by Subsection~~

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

~~19.304.5.D and the frontage occupancy requirements of Subsection 19.304.5.E.~~

- ~~b. Usable open space shall be abutted on at least two sides by retail shops, restaurants, offices, services, or residences with windows and entrances fronting on the space.~~
- ~~c. Usable open space must be accessible at grade adjacent to the sidewalk.~~
- ~~d. Open space may be hardscaped or landscaped, including plazas, courtyards, gardens, terraces, outdoor seating, and small parks.~~

**Figure 19.304.5.H.2  
Open Space Standards**



~~1. Transition Measures~~

~~1. Intent~~

~~To minimize impacts of commercial or mixed-use development on lower-density residential uses.~~

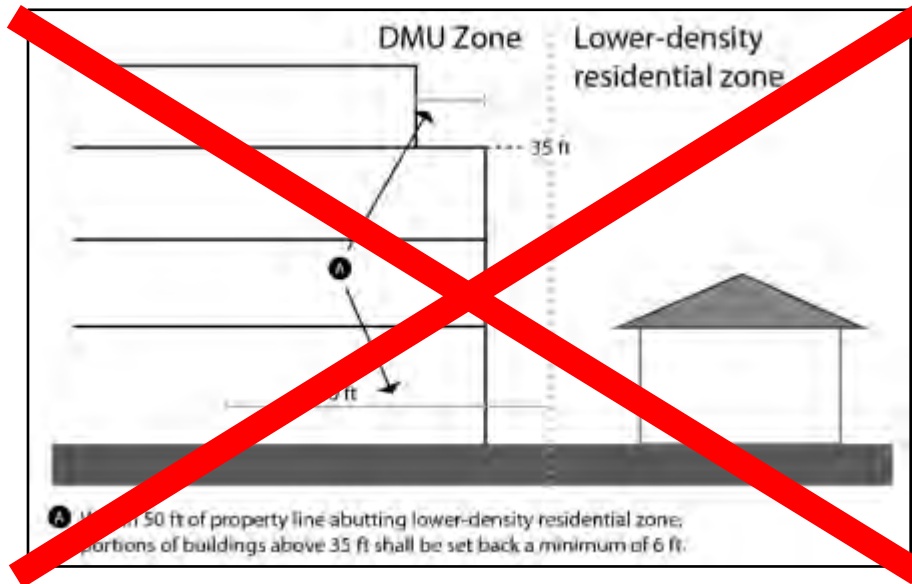
~~2. Standards~~

~~For properties north of Harrison St and located within 50 ft of a lower-density residential zone (R-10, R-7, or R-5), the transition area measures in Subsection 19.504.6 apply. In addition:~~

- ~~a. Within 50 ft of the property line abutting lower-density residential zones, buildings shall provide a step back of at least 6 ft for any portion of the building above 35 ft.~~
- ~~b. The height bonuses in Subsection 19.304.5.B.3 cannot be applied within 50 ft of a lower-density residential zone.~~

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**Figure 19.304.5.1.2  
Transition Measure Standards**



**JE. 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 10-25 units per acre. There is no maximum residential density for townhouses or live/work units.
- 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 effectively controlled by height limits.

3. Exemption

There are no minimum density requirements when residential units are developed as part of a mixed-use building.

**19.304.6 Public Area Requirements**

A. Purpose

The Public Area Requirements (PAR) implement the Downtown and Riverfront Land Use Framework Plan. The purpose of the PAR is to ensure that, as revitalization occurs in downtown, there will be a consistent and high-quality public right-of-way that establishes a safe, comfortable, contiguous pedestrian-oriented environment. Public area requirements are defined as improvements within the public right-of-way and include, but are not limited to, sidewalks, bicycle lanes, on-street parking, curb

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

extensions, lighting, street furniture, and landscaping. The PAR is implemented through Chapter 19.700 and the Milwaukie Public Works Standards.

**B. Applicability, Review Process, and Standards**

Development in downtown zones is subject to the review process and standards of Chapter 19.700 as specified in the chapter's applicability provisions. Required public improvements along rights-of-way included in the PAR ~~shall~~must be consistent with the PAR as implemented in the Milwaukie Public Works Standards.

**19.304.7 Additional Standards**

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

- A. Section 19.504 Site Design Standards
- B. Section 19.505 Building Design Standards
- C. Section 19.508 Downtown Site and Building Design Standards and Guidelines

**19.304.8 Variances**

The Planning ~~Director~~Manager or Planning Commission may authorize variances to the development standards under Subsection 19.304.4 in accordance with procedures of Section 19.911.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

Note: Although the bulk of MMC 19.508 is effectively being repealed and replaced, the introductory sections will remain largely intact. The ~~strikeout~~/underline format is used for these sections to more clearly show where minor changes are proposed.

**19.508 DOWNTOWN SITE AND BUILDING DESIGN STANDARDS AND GUIDELINES**

This section contains building design standards to be used with Type I and II downtown design reviews, as established in Section 19.907, and to provide additional direction when the Downtown Design Guidelines are applied through a Type III downtown design review process.

**19.508.1 Purpose**

The design standards and guidelines contained in this section are intended to encourage high-quality building design and construction with durable, high-quality materials that complements district development patterns, fosters human-scale design, and adds vitality. The design standards and guidelines will support the development of a cohesive, attractive, and safe downtown area and encourage private investment. The design standards and guidelines do not prescribe a particular building or architectural style. Compliance with the standards is reviewed as part of a Type I or II These standards and guidelines apply to all downtown design reviews.

**19.508.2 Applicability**

The design standards and guidelines in this section generally apply to the street-~~abutting~~-facing façades, as defined in Section 19.201, of nonresidential, mixed-use, and residential-only multifamily buildings within the downtown zones. More detailed applicability language is provided at the beginning of Any exceptions are detailed within each specific standard design element. Development is subject to the standards of this section as described below.

A. New Development

1. All new development is subject to the ~~standards~~-design elements of this section.
- ~~2. New development that does not meet one or more standards of this section is subject to Type III downtown design review per Section 19.907 and review against the purpose statement and Downtown Design Guideline(s) related to that standard.~~
2. Townhouse and live/work units, where permitted, are subject to the following design elements and additional standards:
  - a. Subsection 19.508.4.A Site Frontage.
  - b. Subsection 19.508.4.E Building Entrances.
  - c. Subsection 19.508.4.M Plazas and Usable Open Space.
  - d. Townhouses are subject to the standards of Subsection 19.505.5 Townhouses, as revised by Subsection 19.304.3.B.1.
  - e. Live/work units are subject to the standards of Subsection 19.505.6 Live/Work Units.

B. Expansions, Additions, and/or Changes to Existing Buildings or Structures

The following elements are applicable to expansions of, and/or additions to, existing buildings or structures. Elements that are applicable to expansions or additions do not apply to existing buildings unless stated below. Expansions or additions that bring the building or structure out of conformance, or further out of conformance if already nonconforming, with the applicable design standard or standards are subject to Chapter 19.800 Nonconforming Uses and Development or Section 19.907 Downtown Design Review.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

1. Expansions or additions that add 250 sq ft or less—and are not visible from the pedestrian level of adjacent streets, sidewalks, courtyards, and/or public parks or pedestrian walkways—are exempt from the design ~~standards~~ elements of Section 19.508.
2. Expansions or additions to the street-~~abutting~~ facing façade are subject to the following ~~standards~~ elements.
  - a. Subsection 19.508.4.A Site Frontage.
  - ~~a.b.~~ Subsection 19.508.4.A.2 Wall Structure and Building Façade Details, Nonresidential and Mixed-Use Buildings, for the area of expansion or addition only.
  - c. Subsection 19.508.4.C Exterior Building Materials, For Existing Buildings, only for the area of the expansion.
  - d. Subsection 19.508.4.D Façade Transparency and Activation, only for the area of expansion or addition.
  - e. Subsection 19.508.4.E Building Entrances, if the addition or expansion includes a building entry.
  - f. Subsection 19.508.4.F Windows, only for the area of expansion or addition.
  - ~~b.g.~~ Subsection 19.508.4.BG Corners, if applicable.
  - ~~e.h.~~ Subsection 19.508.4.GI Weather Protection, if the addition or expansion includes a building entry.
  - ~~d.~~ Subsection 19.508.4.D.3 Exterior Building Materials, For Existing Development, only for the area of the expansion.
  - ~~e.~~ Subsection 19.508.4.E Windows and Doors, only for the area of expansion or addition.
  - f.i. Subsection 19.508.4.FJ Roofs and Rooftop Equipment Screening, for expansions that include an additional floor, a new roof, and/or new rooftop equipment.
  - g.j. Subsection 19.508.4.GL Resident Open Space/Plazas.
  - k. Subsection 19.508.4.M Plazas and Usable Open Space.
  - l. Subsection 19.508.4.N Outdoor and Exterior Building Lighting, if the addition or expansion includes lighting.

C. Replacement of Materials

The following elements are applicable for work that would replace any of the façade materials on a building or change elements of the façade such as windows, doors, awnings, canopies, and other structural elements. The element applies only to the portion of the façade on which the new materials are installed or the structural element being replaced.

1. ~~Subsection 19.508.4.A.2.a(1)(b)~~ B.2.a(1) for replacement of more than 25% of the building façade materials.
2. ~~Subsection 19.508.4.A.2.a(2)(b)~~ B.2.a(2) for replacement of more than 25% of the building façade materials.
3. ~~Subsection 19.508.4.A.2.b~~ B.2.b, for replacement of more than 25% of the building façade materials.



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

4. Subsection 19.508.4.~~D.3~~C.2.b for existing development.

D. Other Activities

Any activity not described in Subsections 19.508.2.A-C is exempt from the design ~~standards elements~~ of this section.

**19.508.3 Review Process**

Design standards and guidelines for development in downtown Milwaukie are applied through downtown design review as established in Section 19.907. Projects subject to downtown design review are described in the applicability language in Subsection 19.907.2.

For those projects that are subject to downtown design review, ~~there are three possible review paths. Regardless of the review process,~~ the applicant must demonstrate how the applicable standards or guidelines are being met.

A. Applicants may elect to meet all of the applicable design standards for each design element in Section 19.508.4. Such projects can be reviewed through an administrative Type I downtown design review as established in Section 19.907.

B. Applicants that do not meet all of the applicable design standards may demonstrate compliance with individual design elements by meeting either the design standards or the design guidelines for a specific element. Such projects must be reviewed through a discretionary Type II or III downtown design review as established in Section 19.907.

~~A. Type I~~

~~This provides for a Type I review process using clear and quantifiable design standards. It is intended to apply limited design standards to smaller building and site renovation projects.~~

~~B. Type II~~

~~This provides for a Type II process that requires staff review utilizing clear and quantifiable design standards. It generally applies to new development and renovation/remodeling projects.~~

~~C. Type III~~

~~This provides for a discretionary Type III review process through which the Design and Landmarks Committee and Planning Commission determine substantial consistency with the Milwaukie Downtown Design Guidelines document. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility.~~

~~Designing a project to meet the quantifiable design and development standards would result in an administrative (Type I or II) review process. However, applicants, at their discretion, may choose to use the Type III process with the Design and Landmarks Committee and Planning Commission.~~

**19.508.4 Building Downtown Design Standards Elements**

All ~~buildings development~~ that meets the applicability provisions in Subsection 19.508.2 ~~shall~~must meet the following design standards or guidelines for each design element. An architectural design feature may be used to comply with more than one standard or guideline.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

*[The proposal is to repeal and replace the remainder of the existing MMC 19.508.4, so the ~~strikeout~~/underline format is not used throughout the rest of this subsection, for ease of review.]*

**A. Site Frontage**

1. Purpose

To encourage building design and site placement that enlivens the public realm and streetscape through significant building presence along site frontages and active ground-floor uses.

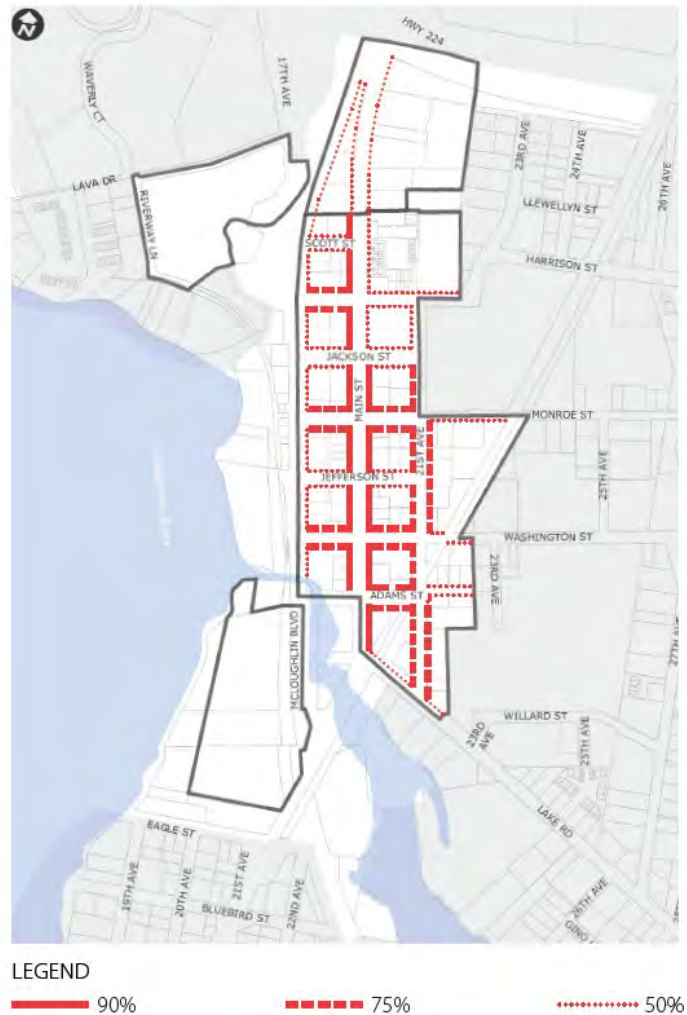
2. Design Standards

a. Frontage Occupancy

- (1) Minimum frontage occupancy requirements are established for block faces identified in Figure 19.508.4.A.2.a.(1) and detailed in Table 19.508.4.A.2.a.(1). Frontage occupancy requirements are used in combination with the required build-to line of Subsection 19.508.4.A.2.b.

**Figure 19.508.4.A.2.a.(1)**

**Minimum Frontage Occupancy**



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

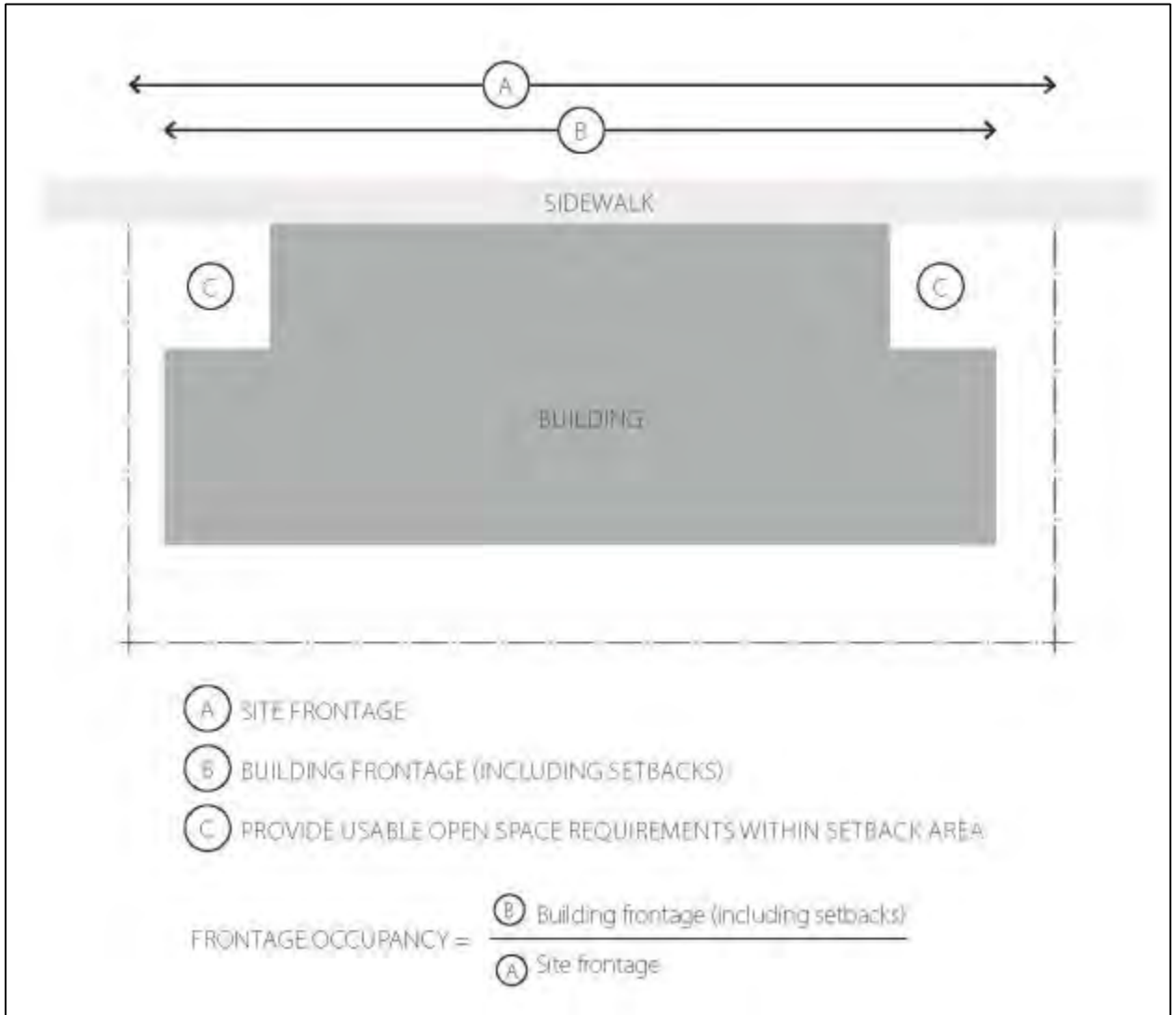
<b>Table 19.508.4.A.2.a.(1) Minimum Frontage Occupancy Requirements</b>		
<b>Block Faces<sup>1</sup></b>	<b>Minimum Frontage Occupancy Requirement</b>	<b>Notes</b>
Main Street	90%	If the development site has frontage on Main Street and another street, the frontage occupancy requirement must be met on Main Street only.
Secondary Streets (Harrison Street, Monroe Street, Washington Street, Adams Street, and 21 <sup>st</sup> Avenue)	75%	If the development site has frontage on one of the streets listed here and another street where neither frontage is on Main Street, the frontage occupancy requirement must be met on the streets listed here only.
Tertiary Streets (All others)	50%	

1. As illustrated in Figure 19.508.4.A.2.a, which controls in the instance of a conflict with the street names as listed here.

(2) Frontage occupancy is calculated as the building frontage divided by the site frontage, as illustrated in Figure 19.508.4.A.2.a.(2). The building frontage includes both portions of the building at the build-to line and portions of the building set back from the front lot line consistent with maximum setbacks, as specified in Subsection 19.508.4.A.2.b.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**Figure 19.508.4.A.2.a.(2)  
Frontage Occupancy Requirements**

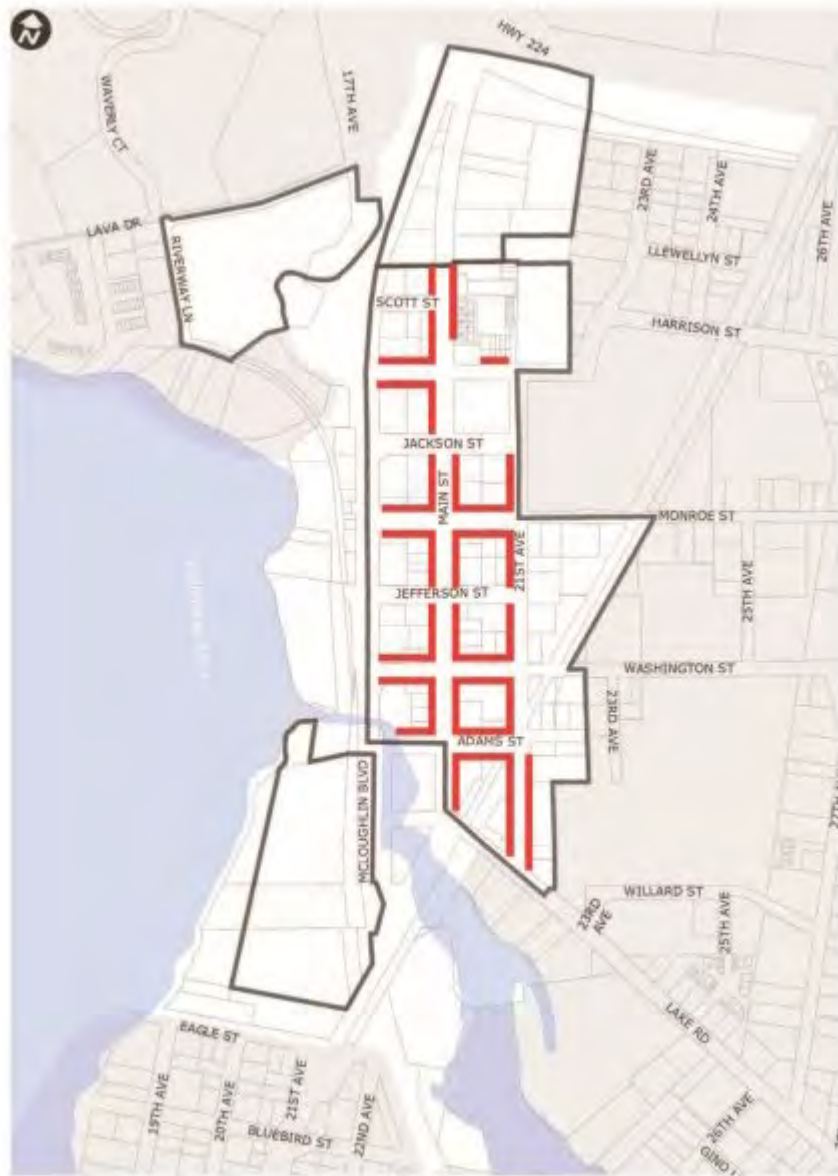


b. Build-To Lines / Street Setbacks

- (1) A build-to line as illustrated in in Figure 19.508.4.A.2.b.(1) must be met for those block faces identified in Figure 19.508.4.A.2.b as follows:

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**Figure 19.508.4.A.2.b  
First-Floor Build-to Requirements**

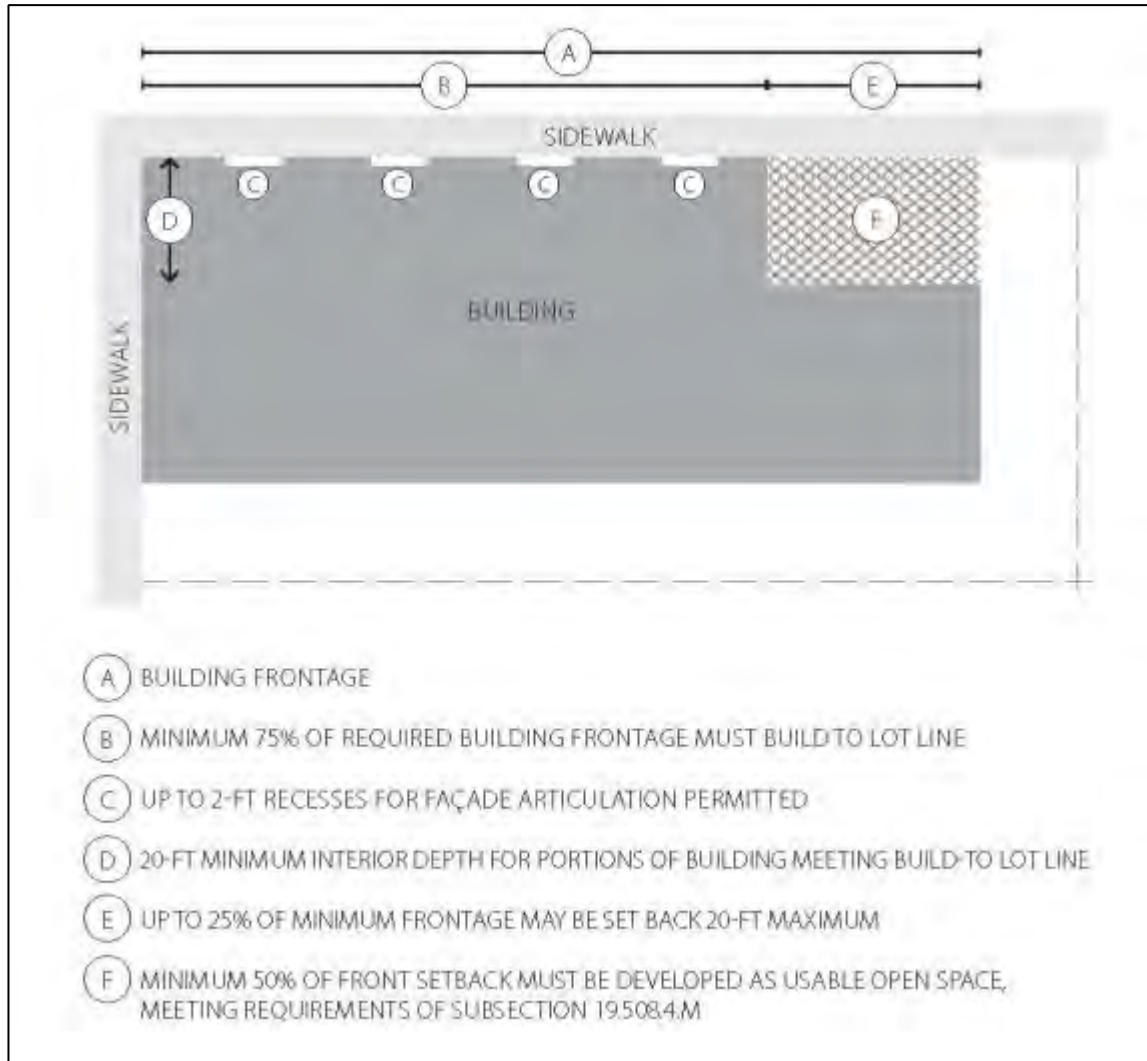


- (a) Of the minimum frontage occupancy required for the site per Subsection 19.508.4.A.2.a, a minimum of 75% of the building's first floor must be built to the front lot line with a zero-foot setback, or up to a 2-ft setback for recesses in the building façade incorporated to comply with façade articulation requirements.
- (b) The portions of the building used to meet the build-to-line requirement must have an interior depth of at least 20 ft.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (c) The remaining 25% of the first floor used to meet the build-to-line requirement may be set back from the front lot line a maximum of 20 ft. At least 50% of any front setback area must be developed as usable open space, such as a plaza or pedestrian amenities, that meets the requirements of Subsection 19.508.4.M.2.

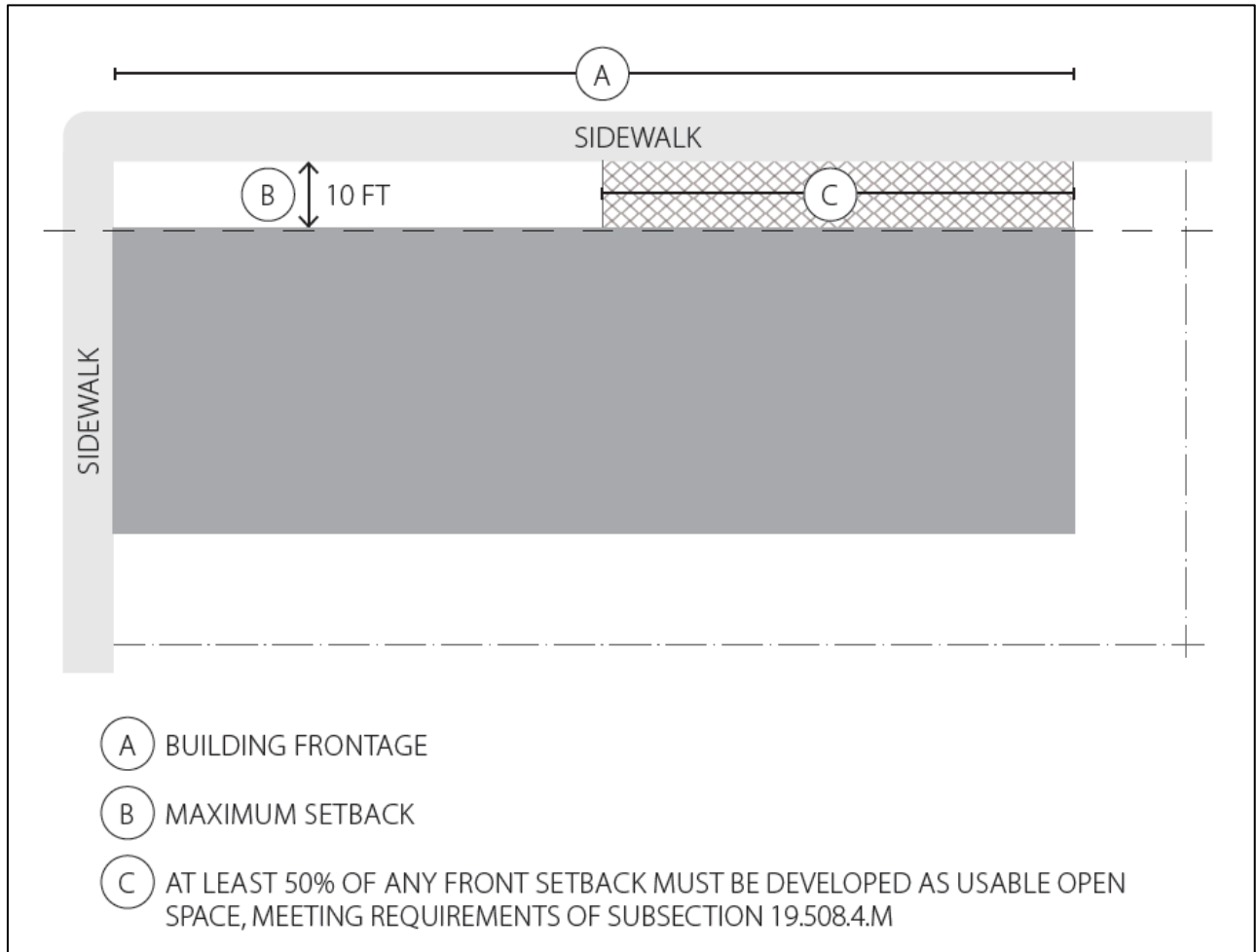
**Figure 19.508.4.A.2.b.(1)  
First-Floor Build-To Lines**



- (2) For other block faces, there is no build-to-line requirement and the maximum setback is 10 ft. At least 50% of any front setback area must be developed as usable open space, such as a plaza or pedestrian amenities, that meets the requirements of 19.508.4.M.2. (See Figure 19.508.4.A.2.b.(2).)

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**Figure 19.508.4.A.2.b.(2)  
Maximum Setbacks**



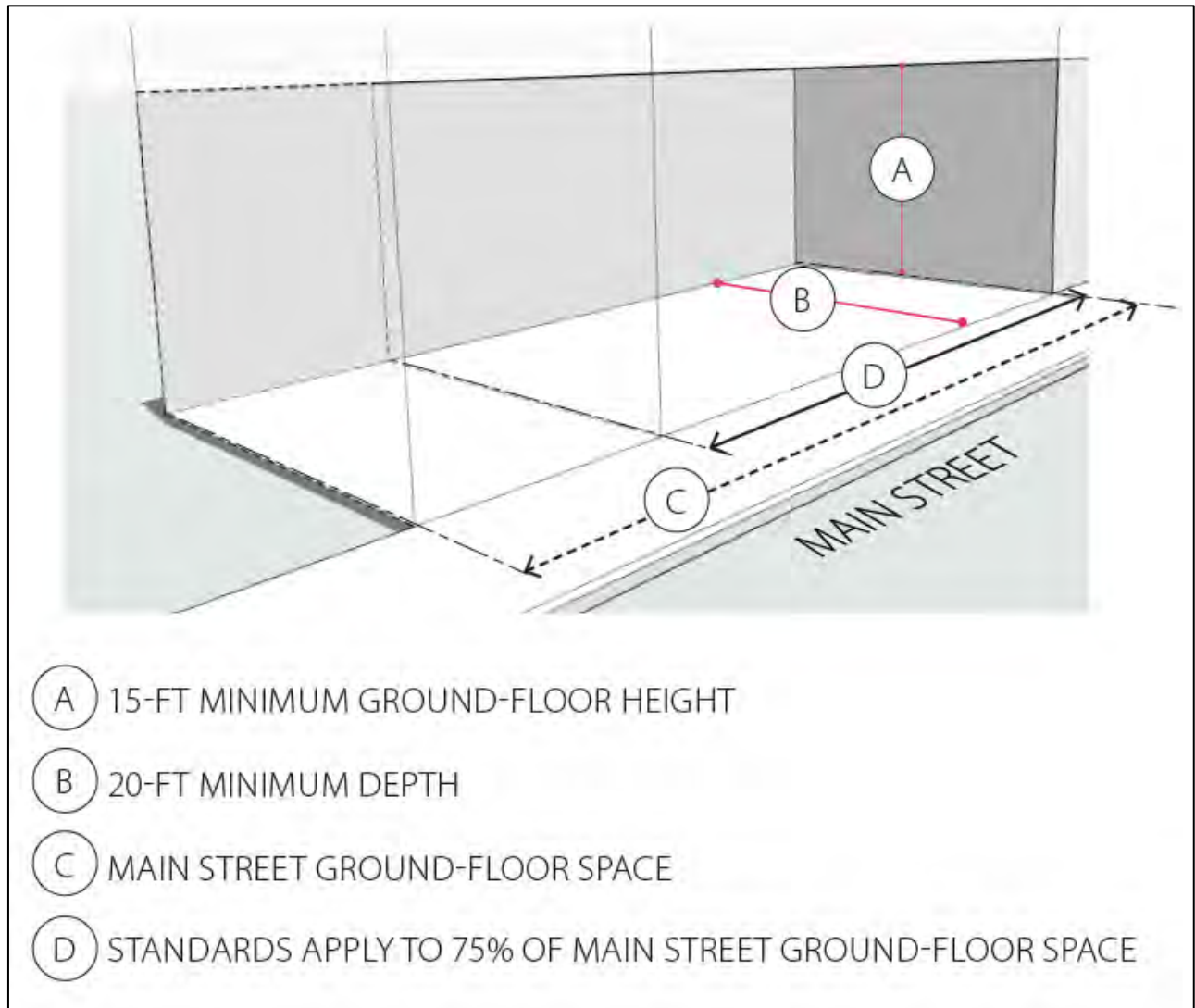
(3) The Downtown Mixed Use (DMU) zone is exempt from the clear vision area requirements of Chapter 12.24, with the exception of driveway and street intersections with McLoughlin Boulevard.

c. Active Ground-Floor Space

For new buildings fronting Main Street, excluding ground-floor residential, the following standards must be met as illustrated in Figure 19.508.4.A.2.c:

- (1) At least 75% of the ground-floor height must be at least 15 ft, as measured from the finished floor to the ceiling, or from the finished floor to the bottom of the structure above (as in a multistory building). The bottom of the structure above is the lowest portion of the structure and includes supporting beams.
- (2) At least 75% of the interior floor area adjacent to Main Street must be at least 20 ft deep, as measured from the inside building wall or windows facing Main Street.

**Figure 19.508.4.A.2.c  
Active Ground-Floor Space Standards**



**3. Design Guidelines**

- a. A strong and high-percentage presence of buildings on the site edge, and spacious active ground-floor spaces and uses should be provided to create a continuous building frontage on the street to create compatibility and harmony between buildings and to encourage pedestrian activities. Building placement along the street should contribute to a continuous street wall that integrates storefront opportunities and architectural interest along the street, and should bring buildings up to the sidewalk for pedestrian interest. The amount of building presence should be scaled to the uses and intensity of the street.
- b. Where buildings are set back from the property line and sidewalk, the setback distance should be minimized and plazas and open space should be located between the building and sidewalk edge, helping to enliven the street edge and



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

pedestrian realm. The plaza and open space area should incorporate pedestrian-scale features consistent with guidelines in Subsection 19.508.4.M.

- c. Ground floors of commercial, public, and mixed-use buildings should be flexible and offer ample space for active uses serving occupants and visitors, such as retail, service, or food service. The amount of active ground-floor space should be scaled to match the uses and intensity of the street, with the greatest amount in new buildings along Main Street. High ground-floor heights and adequate depths should provide flexible interior spaces for active uses.

**B. Wall Structure and Building Façade Detail**

1. Purpose

To add visual interest to buildings and enhance the street environment with engaging and varied wall structures. Use design features and details to break down the scale and mass of a building to create comfortable, pedestrian-friendly environments and enclosure to public areas.

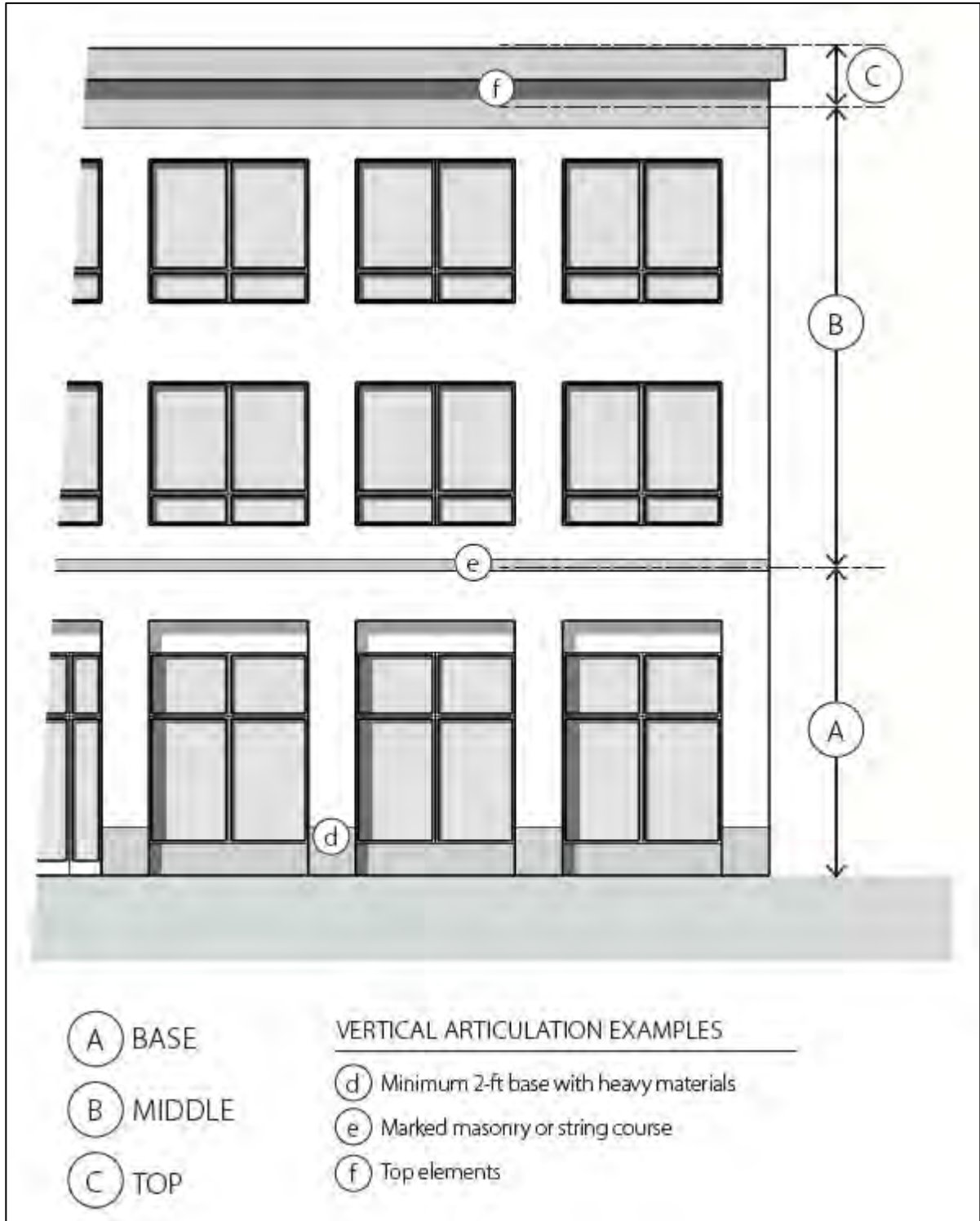
2. Design Standards

a. Vertical Articulation

Buildings of two stories and above must be divided vertically to create a defined base, middle, and top by incorporating the following elements as shown in Figure 19.508.4.B.2.a:

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

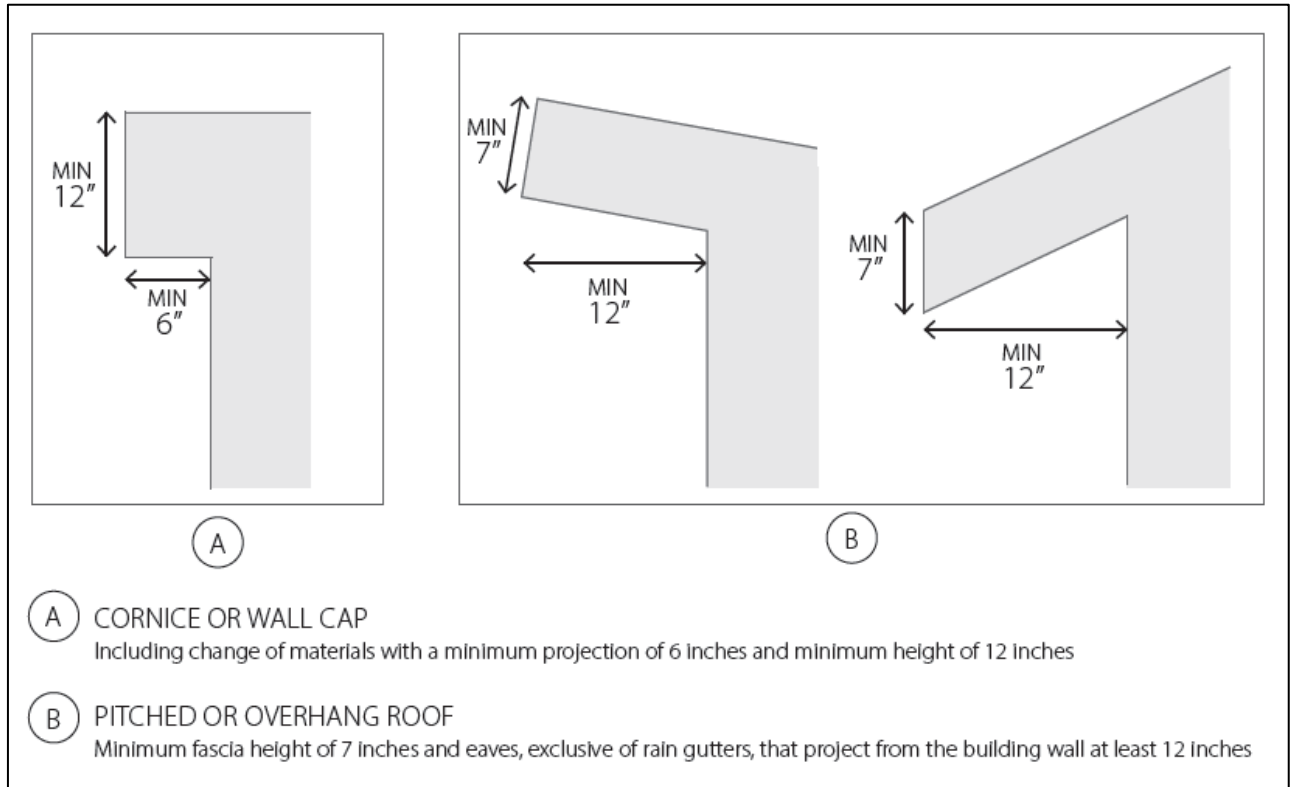
**Figure 19.508.4.B.2.a  
Vertical Articulation Features**



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (1) Base. The base of the building extends between the sidewalk and the top of the ground floor or the belt course/string course that separates the ground floor from the middle of the building. A minimum of the first 2 ft above finished grade of the ground-floor street-facing façade must be constructed of brick, stone, or concrete, excluding windows, entrances, and garage openings. The remainder of the base must meet the exterior building materials standards in Subsection 19.508.4.C.
- (2) Middle. The middle of the building between the top of the ground floor and top of the highest floor must incorporate at least one of the following elements:
  - (a) A change in exterior building materials and/or material color between the ground floor and upper floors.
  - (b) Street-facing balconies or decks at least 2 ft deep and 4 ft wide for at least 25% of the length of the building façade.
  - (c) Horizontal architectural elements such as masonry string courses, ledges, and water tables at least 8 in tall that project or recess at least 1 in from the building face and extend across a minimum of 75% of the façade length.
- (3) Top. The top of the building extends from the ceiling of the uppermost floor to the highest vertical point on the roof of the building. The building top must be distinguished from the building facades by one of the following (see Figure 19.508.4.B.2.a.(3)):

**Figure 19.508.4.B.2.a.(3)  
Façade Top Details**

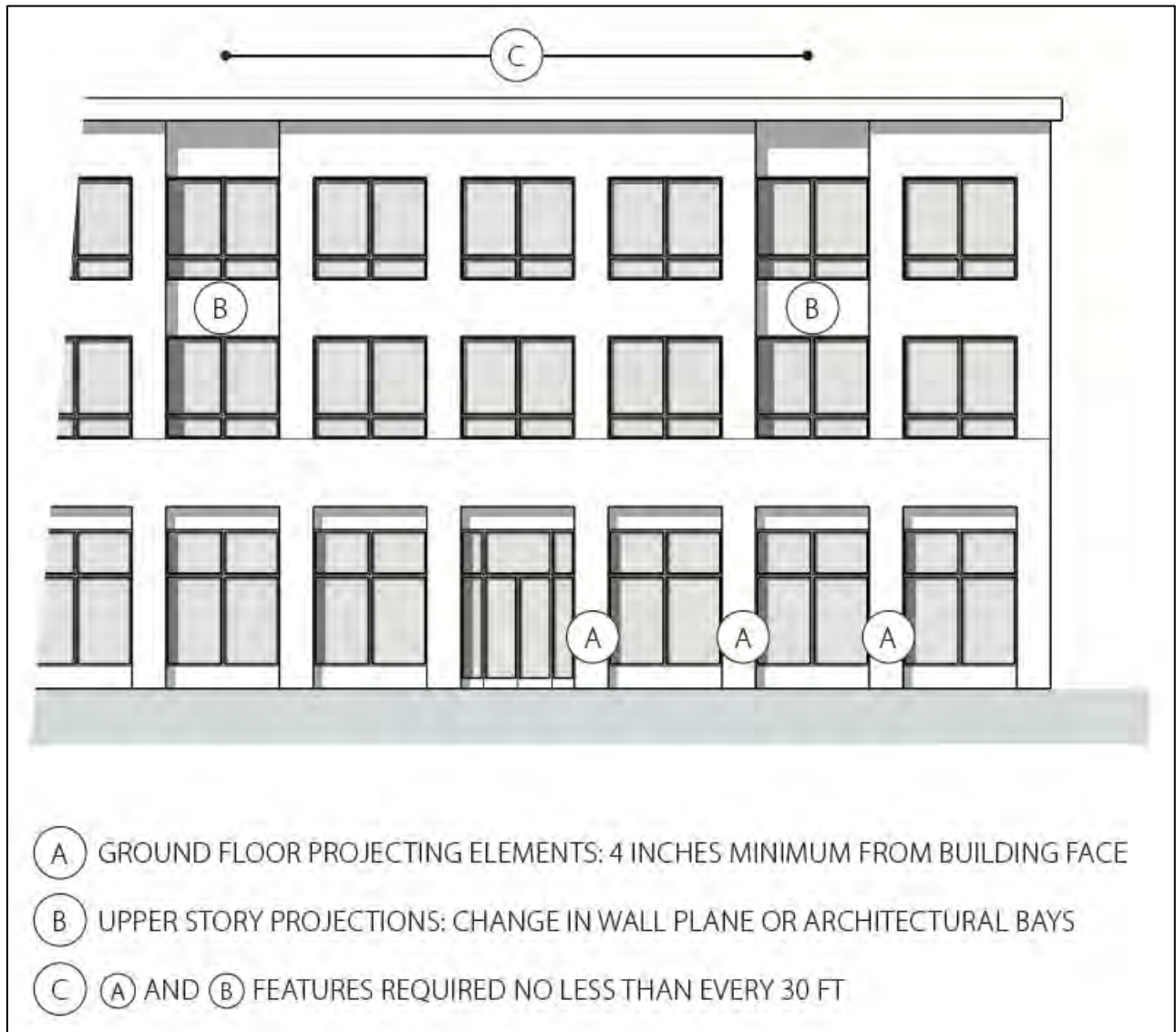


- (a) Cornice or wall cap including a change of materials with a minimum projection of 6 in and minimum height of 12 in.
  - (b) A pitched or overhang roof with a minimum fascia height of 7 in and eaves, exclusive of rain gutters, that project from the building wall at least 12 in.
- b. Horizontal Articulation
- (1) The street-facing façade must create a sense of rhythm and variation by incorporating the following as illustrated in Figure 19.508.4.B.2.b:
    - (a) The ground floor façade must include columns, piers, pilasters or revealed structural elements projecting a minimum of 4 in from the building face no less than every 30 ft.
    - (b) The upper story façade must include one of the following no less than every 30 ft:
      - (1) A change in wall plane of not less than 2 ft deep and 2 ft wide. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, pediment, coursing, column or similar architectural feature.
      - (2) Architectural bays at least 6 ft wide projecting 4 inches or more from the building face, with windows covering at least 50% of the projected wall area.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (c) As an alternative to complying with (a) and (b) separately, features meeting the requirements of either (a) or (b) may be extended vertically across all stories.
- (2) Horizontal datum lines—such as belt lines, cornices, or upper-floor windows—must line up with adjacent facades if applicable.

**Figure 19.508.4.B.2.b  
Horizontal Articulation Details**



3. Design Guidelines

- a. Street-facing façades should engage the street, achieving a distinct and high-quality treatment that contributes to the downtown as the center of the community.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- b. Building façades should create a sense of coherence through holistic and human-scale design. They should be designed with vertical divisions such as a tripartite façade of base, middle, and top, and horizontal design elements that reference traditional storefront widths and create a sense of rhythm, or an alternative design of vertical and horizontal elements that bring a human scale to the space of the street. Such vertical and horizontal architectural elements should create a coherent pattern and visual interest at a pedestrian scale, particularly for larger buildings.
- c. Buildings should avoid blank wall faces on street-facing façades, particularly on ground floors and building corners at street intersections.
- d. Building façades should integrate façade articulation techniques to add visual interest to the built environment and clearly demarcate areas of visual interest, highlighting entries or displays.
- e. Massing should be purposeful and cohesive, boldly showing depth and/or visual lightness to enrich the pedestrian zone, integrating façade articulation techniques to reduce the perceived scale of larger buildings.

**C. Exterior Building Materials**

1. Purpose

To encourage the use of high-quality building materials that highlight architectural elements, create a sense of permanence, are compatible with downtown Milwaukie and the surrounding built and natural environment, and activate the building around the pedestrian realm.

2. Design Standards

Table 19.508.4.C.2 specifies the primary, secondary, accent, and prohibited material types referenced in this standard.

<b>Table 19.508.4.C Exterior Building Materials for Street-Facing Façades</b>		
	<b>Allowed Status of Material</b> P = Primary S = Secondary A = Accent R = Review needed X = Prohibited	
<b>Material Type</b>	<b>Ground Floor (First story down to sidewalk grade)</b>	<b>Upper Floors</b>
Brick or brick veneer	P	P
Architectural concrete block or veneer	P	S
Architectural treated poured in place concrete	P	S
Tilt-up concrete walls (finished)	P	P
Pre-cast concrete	P	P
Stone veneer (natural or manufactured)	A-R	A-R
Stucco (topcoat with sand finish)	P	P

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

Exterior insulation finishing system (EIFS) or other synthetic stucco panels	P-R	P-R
Metal siding = Finished metal panels (e.g., anodized aluminum, stainless steel, copper) featuring a polished, brushed, or patina finish	P	P
Composite wall panels	P	P
Ceramic tile	A	S
Finished natural wood siding and composite wood siding	A	A
Fiber-reinforced cement siding and panels (5/16-in or thicker)	A	P
Through color reinforced cement siding and panels	A	S
Glazing (refer to Façade Transparency element)	P	P
Vinyl siding	X	X
Plywood paneling	X	X
Plastic or vinyl fencing	X	X
Chain-link fencing	X	X

a. New Buildings

The following standards are applicable to the street-facing façades of all new buildings, as well as façades facing plazas and/or open spaces.

(1) Façade coverage

(a) Table 19.508.4.C.2.a.(1) establishes façade coverage requirements.

<b>Table 19.508.4.C.2.a.(1) Façade Coverage Materials Requirements</b>			
<b>Façade Type</b>	<b>Primary Materials (Minimum)</b>	<b>Secondary Materials (Maximum)</b>	<b>Accent Materials (Maximum)</b>
Ground-floor façades	90%	n/a	10%
Upper-floor façades	65%	35%	10%

(b) The use of the following materials requires a Director’s Determination consistent with Section 19.903. The Planning Manager must consult with Design and Landmarks Commission in making the determination, and the applicant must provide materials specifications and proposed installation details to inform the determination.

- i. Materials permitted as review uses in Table 19.508.4.C.
- ii. Materials similar to the primary, secondary, and accent materials listed in Table 19.508.4.C.

(c) Materials prohibited in Table 19.508.4.C may not be used on any exterior wall, whether or not it is a street-facing façade.

(2) Ground-floor or street-level materials must wrap around to the non-street-facing façade of the building to minimum depth of 10 ft or to the edge of the abutting building, whichever is less.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- b. Existing Buildings
  - (1) Street-facing façade modifications that affect more than 50% of the existing façade area must comply with standards of Subsection 19.508.4.C.2.a for the modified portion of the façade.
  - (2) Building expansions or additions that add street-facing façade area greater than 25% of the existing façade area, as measured in square feet, or 500 sq ft of façade area, whichever is less, must meet the standards of Subsection 19.508.4.C.2.a for the façade of the building expansion or addition.
- 3. Design Guidelines
  - a. Exterior materials and finishes should be durable, long-lasting, and low-maintenance and create a sense of permanence and high quality.
  - b. Exterior materials for street-facing façades should include a palette that is visually interesting, coherent, compatible, related to its place, and observant of environmental elements of our region.
  - c. Ground-floor materials should consist primarily of a simple palette of long-lasting materials such as brick, stone, or concrete to create a sense of groundedness.
  - d. Upper-floor materials should be attractive and compatible with the dominant materials and colors used on ground-floor facades of the building. Upper-floor materials should not overwhelm ground floor materials.
  - e. Street-facing façade materials should be wrapped around the edge to non-street facing façades to create a seamless appearance.
  - f. For renovations to existing development, new and existing materials should create a unified appearance.

**D. Façade Transparency and Activation**

- 1. Purpose

To activate building interiors and exteriors by ensuring transparency through the building, allowing for daylighting of ground-floor commercial and public uses of buildings, and promoting a safe and vibrant pedestrian environment through visual and physical connections between interior and exterior spaces. To limit blank walls and promote alternatives to glazing where needed to activate façades and engage pedestrians viewing building exteriors.
- 2. Design Standards
  - a. Transparency must be created through glazing, defined here as windows and the glazed portions of doors.
  - b. Nonresidential and Mixed-Use Buildings
    - (1) Ground Floor
      - (a) Along Main Street, a minimum of 50% of the ground-floor street-facing wall area must consist of glazing.
      - (b) For all other block faces, a minimum of 40% of the ground-floor street-facing wall area must consist of glazing.

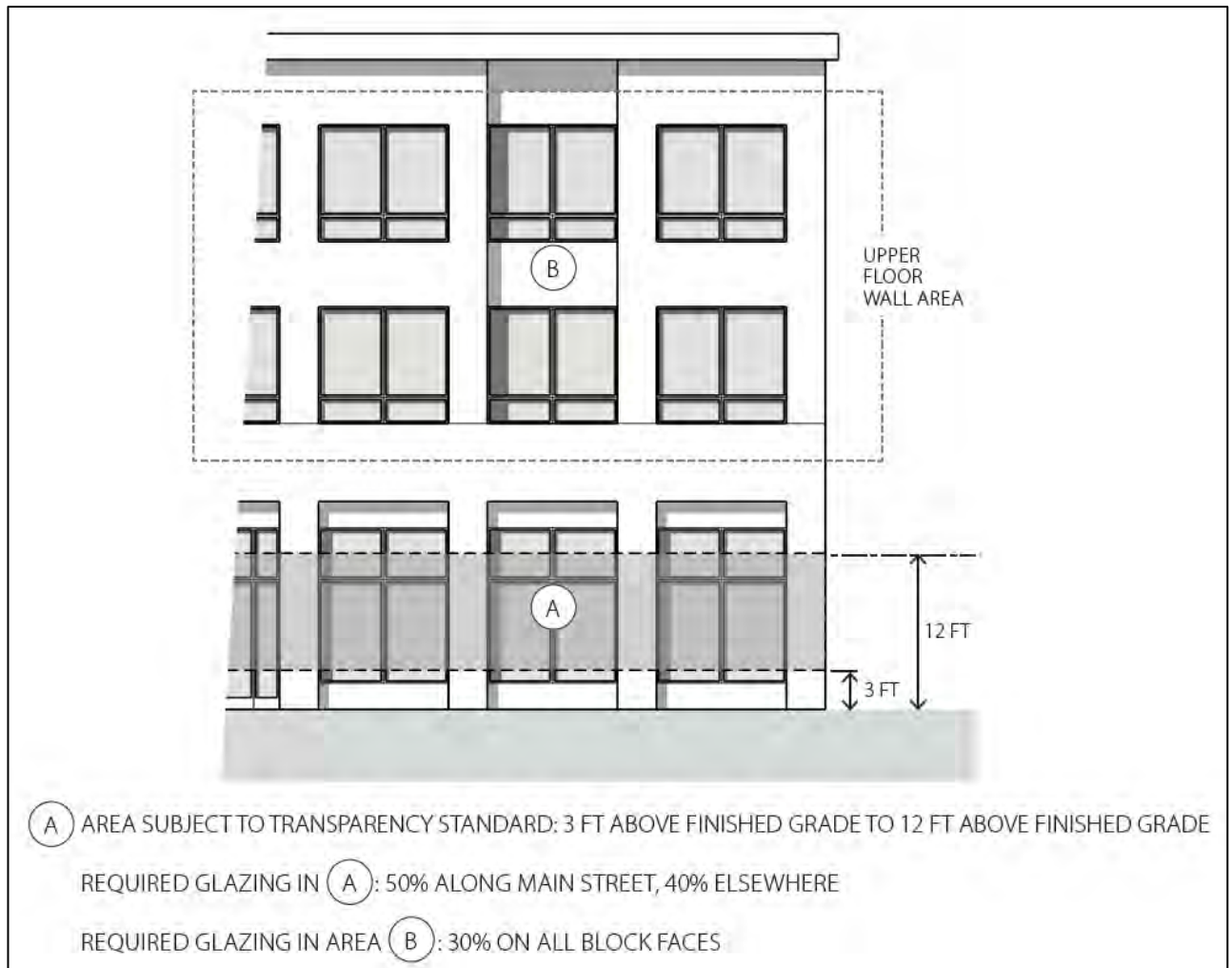


**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (c) The ground-floor street-facing wall area is defined as the area from 3 ft above finished grade to 12 ft above finished grade or to the bottom of the ceiling joists or, where there is no ceiling, to the bottom of the roof rafters of the space fronting the street, whichever is less.
- (2) Upper Floors
- Along all block faces, the following standards are applicable on street-facing upper-floor building façades:
- (a) The wall area of street-facing upper floors must include a minimum of 30% glazing.
  - (b) The required street-facing upper-floor glazing does not apply to floors where sloped roofs and dormer windows are used.

See Figure 19.508.4.D.2.b for an illustration of these standards.

**Figure 19.508.4.D.2.b  
Glazing Standards for Nonresidential and Mixed-Use Buildings**



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (3) Street-facing blank walls that contain no glazing are limited to 450 sq ft or 30 linear ft, whichever is less. In instances where a blank wall exceeds 450 sq ft or 30 linear ft, at least one of the following techniques must be employed in addition to the horizontal articulation requirements of Subsection 19.508.4.B.2.a.(2):
    - (a) Provide a landscaped planting bed(s) with plant materials capable of obscuring or screening at least 50% of the blank wall's surface area within three years.
    - (b) Provide a public art mural or original art mural, as defined in Section 20.04.020, over at least 50% of the blank wall surface.
  - (4) Blank walls on façades that are not street-facing must also employ one or more of the techniques in Subsections 19.508.4.D.2.(3)(a) and (b) if they meet any of the following criteria:
    - (a) Ground-floor blank walls that exceed 450 sq ft or 30 linear ft, whichever is less, without glazing, that are visible from an adjacent public street. A side or rear façade is considered visible if there is no intervening building, wall, fence, or landscaping with a ground-floor wall area equal to at least 50% of the ground-floor wall area of the subject building between the subject façade and the adjacent public street. Ground-floor wall area is defined as the area from finished grade to 12 ft above finished grade or to the bottom of the ceiling joists or, where there is no ceiling, to the bottom of the roof rafters, whichever is less.
    - (b) Upper-floor blank walls that exceed 750 sq ft or 50 linear ft, whichever is less, without glazing, that face, or are within 45 degrees of, a shared property line where the abutting lot has no building taller than 25 ft between the subject façade and an adjacent public street.
    - (c) Blank walls on façades facing, or within 45 degrees of, on-site pedestrian walkways, that exceed 450 sq ft or 30 linear ft, whichever is less, without glazing.
    - (d) A blank wall spanning both the ground floor and upper floors may provide a unified landscaping or mural treatment meeting the requirements of Subsections 19.508.4.D.2.(3)(a) and (b).
- c. Residential-Only Buildings
- (1) Twenty-five percent (25%) of the total street-facing façade for all floors must consist of glazing.
  - (2) Street-facing blank walls that contain no glazing are limited to 450 sq ft or 30 linear ft. In instances where a blank wall exceeds 450 sq ft or 30 linear ft, at least one of the following techniques must be employed:
    - (a) Articulate the wall with projections or recesses consistent with Subsection 19.508.4.B.2.a.(2).

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (b) Provide a landscaped planting bed or raised planter bed at least 3 ft wide in front of the wall, with plant materials that obscure or screen at least 50% of the wall's surface within three years.
  - (c) Provide artwork (mosaic, mural, sculpture, relief, etc.) over at least 50% of the blank wall surface.
- (3) Façades that are not street-facing are subject to the blank wall standards of Subsection 19.508.4.D.2.b.(4).

3. Design Guidelines

- a. Design street-facing nonresidential and mixed-use ground floors with a high percentage of glazing to create transparency and engagement at the pedestrian eye level.
- b. Design nonresidential and mixed-use street-facing upper floors with sufficient glazing coverage to create visual interest along the façade and access to views, light, and air for building inhabitants.
- c. Design residential street-facing façade glazing coverage to balance transparency and privacy for residents.
- d. Arrange glazing to provide balanced coverage of the façade and limit blank walls on both street-facing and street-visible façades. If blank walls are proposed, use alternatives to glazing such as artwork, murals, vertical landscaping, and changes in materials or articulation to create visual interest.
- e. Design window and doors to maximize transparency and flexibility for ongoing use and adaptation that can be integrate into planned and future building uses and operations, considering such future treatments as shades, curtains, security fencing, and product shelving near windows or doors.

**E. Building Entrances**

1. Purpose

To create pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.

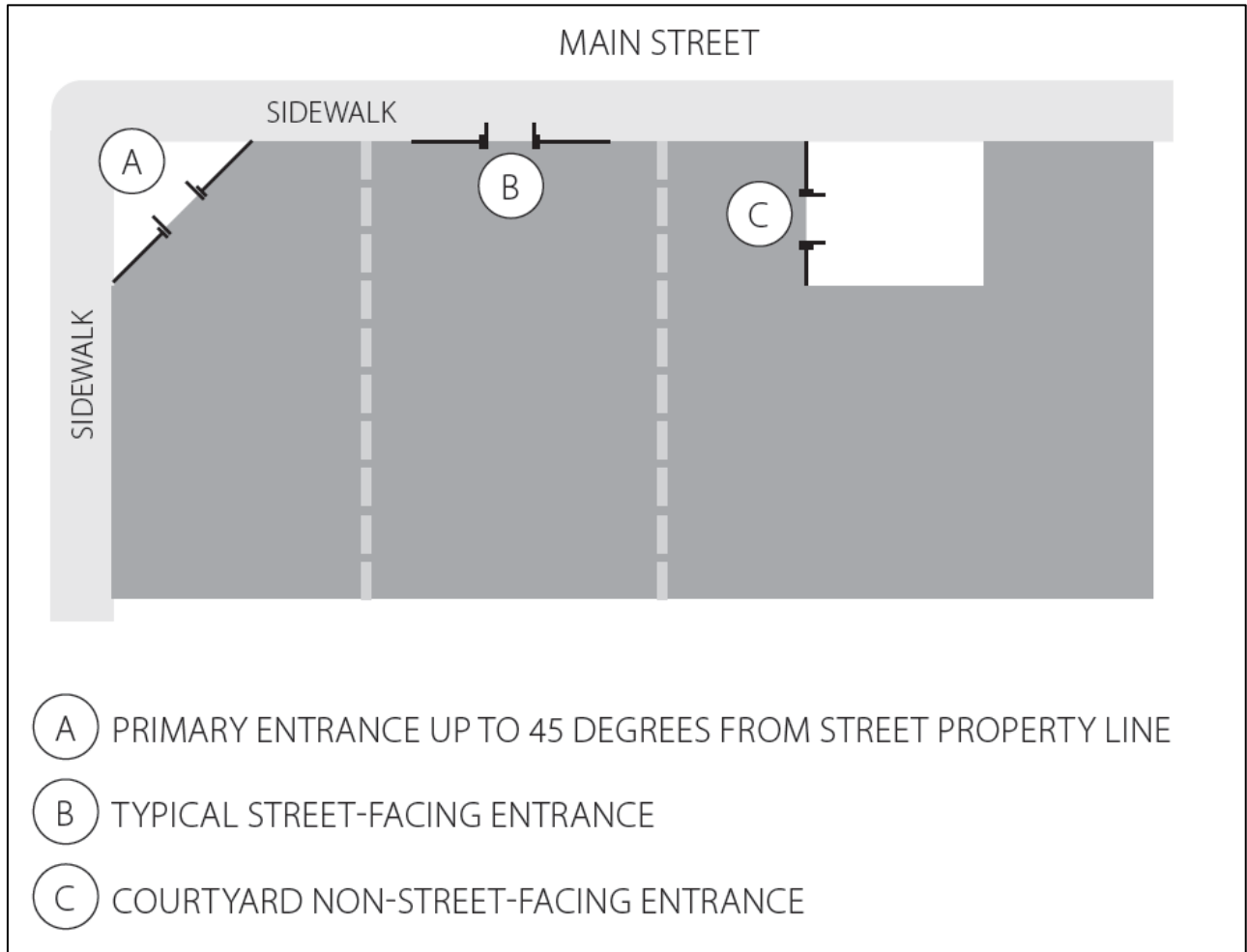
2. Design Standards

- a. All new buildings must have at least one primary entrance facing an abutting street. For purposes of this standard, “facing” means within 45 degrees of the street property line.
- b. For lots with frontage along more than one street, including multiple lots under common ownership being developed as a single site, the primary entrance must be located as follows:
  - (1) For lots with one frontage along a transit street, the primary entrance must be oriented to the transit street with the exception of Subsection 19.508.4.E.2.c.
  - (2) For lots with frontage along two transit streets, the primary entrance must be oriented to the street with higher-frequency transit service or the corner of the two streets.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (3) For lots with frontage along Main Street, the primary entrance must be oriented to Main Street or the corner of the two streets, even if the other frontage is along a transit street.
- (4) For lots without frontage on Main Street or a transit street, the primary entrance may be oriented to either street.
- c. Where a development contains multiple buildings or multiple individual storefronts or residential units and there is insufficient street frontage to meet the above entrance location standards for all buildings, storefronts, or residential units on the subject site, the primary entrances for each building, storefront, or residential unit may orient to a plaza, courtyard, or similar pedestrian space designed as usable open space meeting the standards of Subsection 19.508.4.M. When oriented this way, the primary entrances must be connected to the street by an on-site pedestrian walkway either directly or through a plaza, courtyard, or similar pedestrian space as shown in Figure 19.508.4.E.2.

**Figure 19.508.4.E.2  
Primary Entrance Locations**



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- d. For nonresidential and mixed-use buildings:
    - (1) Primary entrances for mixed-use and nonresidential buildings must be clearly defined and distinguished from other parts of the building by incorporating at least one of the following design elements:
      - (a) Recessed or projected entry.
      - (b) Entry surrounds such as arches, columns, insets, and design elements above and/or flanking the entrance.
      - (c) Transom windows above the entrance door.
    - (2) The glazed portions of doors for primary entrances must be 75% or more of the door area.
  - e. For residential-only buildings, primary entrances must:
    - (1) Incorporate one of the design elements in Subsection 19.508.4.E.2.d.(1) above;  
or
    - (2) Incorporate a covered porch, stoop, or patio with a minimum depth of 4 ft that may be elevated from sidewalk grade by no more than 8 ft.
  - f. All entrances must be lighted consistent with Subsection 19.508.4.N.
3. Design Guidelines
- a. Entryways should be sited to provide access where the highest amount of pedestrian activity is planned and where the pedestrian experience is designed to be exceptional. Primary building entries should be located along the Main Street or transit street frontage, where present, or at the corner of two such frontages for corner lots, whenever possible. Primary entries should not be oriented towards parking lots and service areas.
  - b. Building entries should be designed as prominent architectural features that are clearly defined and demarcated. Entryways should integrate features such as scale, materials, glazing, projecting or recessed forms, architectural details, and color in entryway areas, along with accent features such as lighting and landscaping to set an entry apart.
  - c. Nonresidential doors should create a strong connection to the street through the use of techniques such as storefront doors and surrounding windows with a high percentage of glazing, double doors, and large glazed sectional doors.
  - d. Residential entryways should incorporate vertical and horizontal layering by including a comfortable change of grade or entry features such as porches, terraces, stoops, or covered landings to create a connection to the street while maintaining a respectful separation for resident privacy. Residential doors should be substantial enough to suggest privacy yet still express a welcoming sense of friendly contact for those who approach and enter.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**F. Windows**

1. Purpose

To integrate windows made of high-quality materials that are compatible with the building design to create visually interesting exterior façades and that function to create sufficient interior light and enhance connections between interior and exterior spaces.

2. Design Standards

a. General Standards

- (1) Window openings must provide shadowing by recessing windows 4 in into the façade and/or incorporating exterior trim of at least 4-in reveal and of a contrasting material or color.
- (2) The following materials are approved for new window frames:
  - (a) Anodized or painted aluminum windows
  - (b) Wood
  - (c) Fiberglass
  - (d) Alternatively, frameless window systems may be used.
- (3) The use of spandrel glass is limited to floor lines and parapets.
- (4) For modification and expansion of existing buildings, replacement windows must match existing windows with respect to materials and dimensions. Alternatively, landmarks subject to Section 19.403 must comply with Subsection 19.403.5.E.4.

b. Prohibited Window Elements

For all street-facing building windows, the following window elements are prohibited:

- (1) Opaque, reflective or mirrored glazing. Opaque glazing is allowed on non-Main-Street façades as necessary for privacy (such as for bathrooms).
- (2) Glazing tinted beyond energy code requirements.
- (3) Simulated divisions (internal or applied synthetic materials).

c. Window Placement and Proportion

- (1) For nonresidential ground-floor windows, the bottom edge of windows along pedestrian walkways must be an average of no less than 1 ft and an average of no more than 3 ft above the abutting finished grade.
- (2) For all windows on street-facing façades, each window must comply with at least one of the following to create a sense of pattern and compatible design:
  - (a) Window shares the same width or height as another window on the same façade.
  - (b) The top or bottom edge of the window aligns with the top or bottom edge of another window on the same façade.

- d. For modification and expansion of existing buildings, replacement windows must match existing windows with respect to materials and dimensions. Alternatively, landmarks subject to Section 19.403 must comply with Subsection 19.403.5.E.4.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

3. Design Guidelines

- a. Window materials should be compatible with other primary wall and surface materials while providing a degree of contrast. Materials should be high quality and provide a high degree of transparency. Windows should provide shadowing through use of trim and/or recesses.
- b. Nonresidential uses should provide windows at the street level, inviting pedestrians in and providing views both in and out, maintaining transparency and visibility regardless of the time of day.
- c. Ground-floor street-facing nonresidential windows should engage with the street and connect indoor and outdoor spaces, such as through the use of operable, opening windows (e.g., sliding, pivoting, or articulating windows).
- d. Window groupings, proportions and orientation should create a sense of rhythm and pattern to provide architectural interest to the overall building composition.

**G. Corners**

1. Purpose

To create a strong architectural statement at street corners, provide opportunities for pedestrian-scale activity, establish visual landmarks, and enhance visual variety.

2. Design Standards

a. Nonresidential or Mixed-Use Buildings

On corner lots or development sites consisting of more than one lot under common ownership at the corner of two public streets—or at the corner of a street and a public area, park, or plaza—nonresidential or mixed-use buildings must incorporate at least two of the following features:

- (1) The primary entrance located within 5 ft of the corner of the building.
- (2) A lobby or retail space a minimum of 100 sq ft in floor area with 90% transparency on facing windows and entrances within 5 ft of the corner of the building.
- (3) A pedestrian canopy or marquee at least 10 ft long at the corner of the building.
- (4) A chamfered corner at least 10 ft wide with an entry on the chamfer, or a similarly dimensioned rounded or stepped corner.
- (5) Enhanced pedestrian amenities including at least two of the following three options adjacent to the public right-of-way: a minimum of 100 sq ft of special paving materials, a minimum of two pieces of street furniture such as a bench or garbage can, water fountain, and/or a minimum of 20 sq ft of landscaping or planters.
- (6) Only for corner lots with frontage along Main Street and either Harrison, Monroe, Washington or Adams Streets, a prominent architectural element including one of the following:
  - (a) Height modulation element such as tower, turret or cupola, defined as an architectural feature that projects a minimum of 5 ft and maximum of 10 ft above the surrounding building, with a minimum width of 8 ft, which has a

# DRAFT ORDINANCE TO BE CONSIDERED BY THE CITY COUNCIL ON MARCH 21, 2023

separate roof structure and is uniquely identifiable from the rest of the building. Such features are exempt from maximum height standards in 19.304.4.B provided they are not used for human occupancy.

- (b) Corner offset projecting at least 2 ft from the main façade and extending at least 10 linear ft on both sides of the corner, incorporating distinctive materials compared to the main facade and extending a minimum height of one story.
- (c) Corner inset from the building face by at least 8 ft on at least the first story and extending at least 10 linear ft on both sides of the corner, including a recessed entrance. A pedestrian canopy or marquee at least 10 ft long at the corner of the building. A chamfered corner at least 10 ft wide with an entry on the chamfer, or a similarly dimensioned rounded or stepped corner. Enhanced pedestrian amenities including at least two of the following three options adjacent to the public right-of-way: a minimum of 100 sq ft of special paving materials, a minimum of two pieces of street furniture such as a bench or garbage can, water fountain, and/or a minimum of 20 sq ft of landscaping or planters.

### 3. Design Guidelines

- a. For all nonresidential and mixed-use buildings at the corner of two public streets or at the corner of a street and a public area, park, or plaza, highlight and make the corner prominent through the use of features such as:
  - (1) Change in building material
  - (2) Window coverage pattern
  - (3) Chamfered, rounded or stepped corner
  - (4) Increased building height at the corner, potentially incorporating features such as tower, turret or cupola
  - (5) Façade articulation
  - (6) Projecting or recessed building entrances
  - (7) Canopies or marquees
  - (8) Active retail and semi-public spaces such as building lobbies
- b. Design of the corner should have a scale and character compatible with the scale of the corner and other buildings at the corner and the level of activity at the corner.
- c. For all nonresidential and mixed-use buildings, create active exterior spaces at site corners, particularly where building corners are set back, in ways that emphasize pedestrian use and encourage people to come together and gather through features such as street furnishings, special paving materials and planting materials.

## H. Building Massing and Transitions

### 1. Purpose

To promote building massing that creates compatible building scale and relationships between adjacent downtown buildings including massing variation that reflects the rhythm of traditional storefronts and breaks up the perceived massing of larger buildings, while



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

creating an inviting pedestrian realm on the street by increasing access to light and air. To provide scaled transitions to adjacent residential uses to minimize impacts of building massing.

2. Design Standards

a. Building Massing

For any street-facing portion of the building above the base maximum height as identified in Figure 19.304-4, buildings must include:

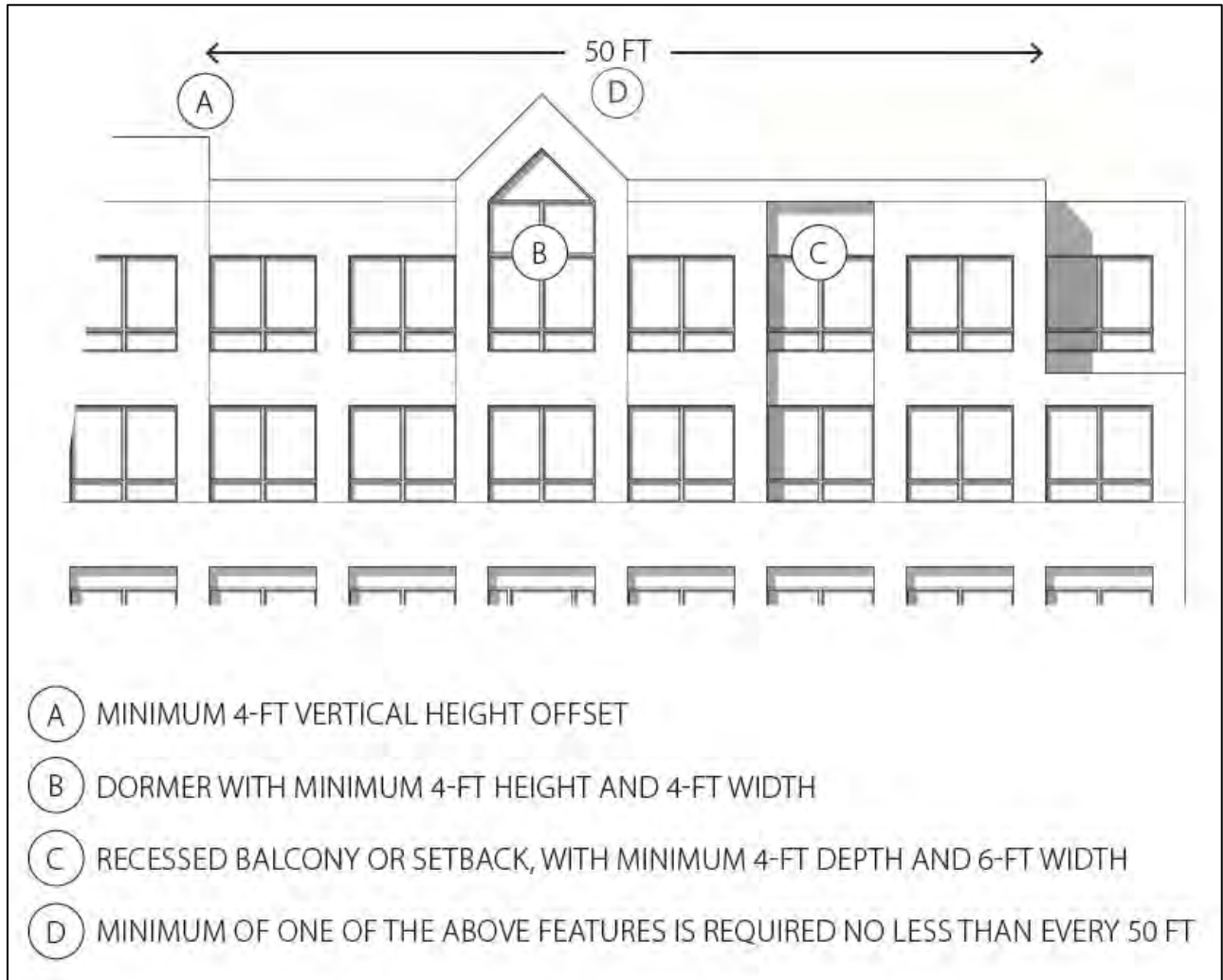
- (1) A step back of at least 6 ft along the street-facing portion of the building.
- (2) The step back area may be used for balconies, roof-top gardens, or other common or private open spaces.

b. Building Façade Height Variation

The height of building elements along street-facing façades must be varied in order to break up the overall bulk and mass of buildings as illustrated in Figure 19.508.4.H.2.b. At least one variation in height along the street-facing façade(s) ~~shall~~ must be provided for every 50-ft interval or portion thereof. Exact spacing of variations may vary provided that the total number of variations required is met and no portion of the façade exceeds 50 ft without a variation. Building façade height variation must be accomplished by using one or more of the following methods:

- (1) Vertical offset of height along the façade by minimum of 4 ft.
- (2) Dormer or other projecting element along or within 2 ft of the façade with minimum 4-ft height and 4-ft width.
- (3) Recessed balcony or step back from the façade on the upper floor with a minimum 4-ft depth and minimum 6-ft width.
- (4) Other techniques approved by the Planning Manager, shown to create variation along the top of street-facing façade through modulations in height, mass or bulk.

**Figure 19.508.4.H.2.b  
Building Façade Height Variation**



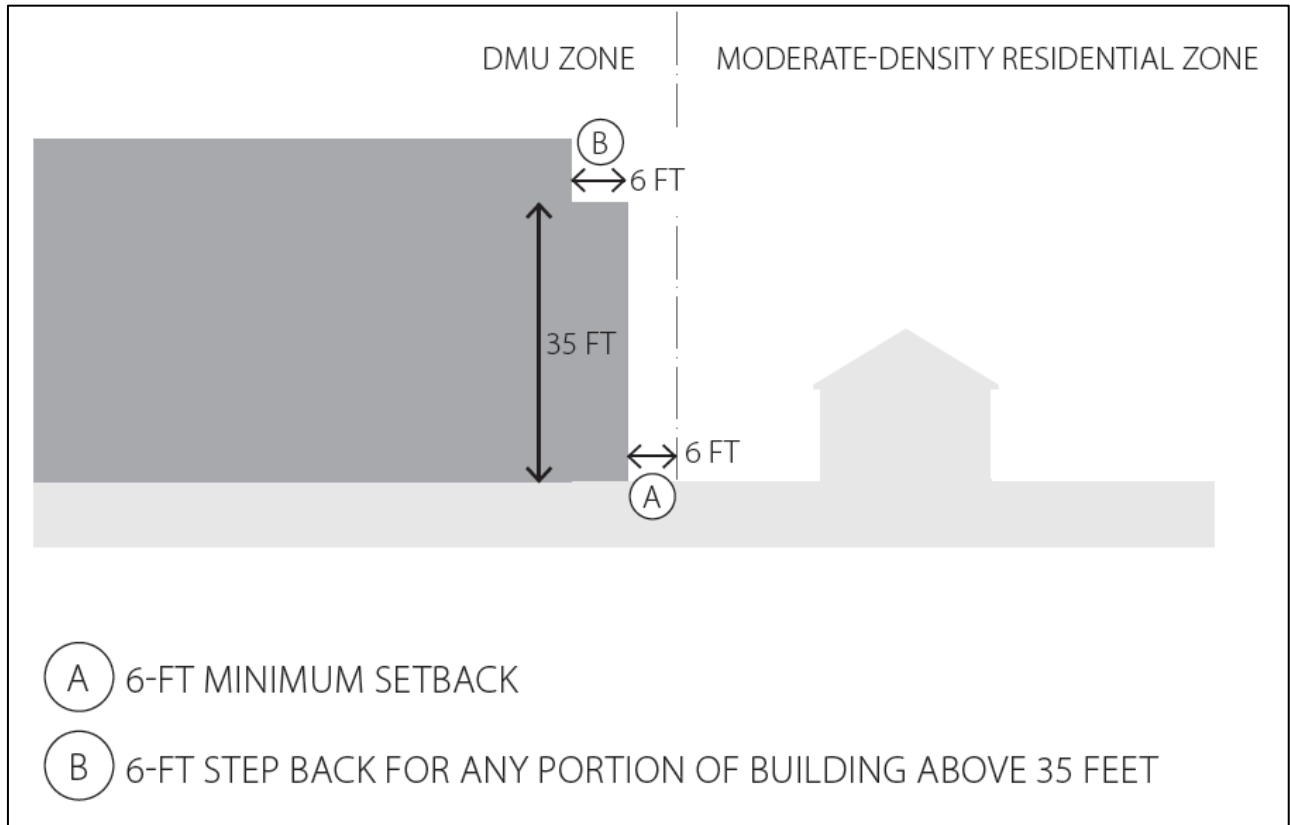
**c. Building Transitions**

For any property in the Downtown Mixed Use (DMU) zone that is north of Harrison Street and within 50 ft of the property line abutting the moderate density residential zone (R-MD), the following transition measures are required for any new building (see Figure 19.508.4.H.2.c):

- (1) The new building must be located at least 6 ft from any property line abutting a low-density residential zone. This requirement supersedes the applicability of the transition area measures provided in Subsection 19.504.6.
- (2) The new building must provide a step back of at least 6 ft for any portion of the building above 35 ft in height above grade.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**Figure 19.508.4.H.2.c  
Building Transition Measures**



3. Design Guidelines

- a. Building massing should contribute to a welcoming and pedestrian-scaled sense of enclosure and definition of the street.
- b. Buildings that utilize bonus height should mitigate impacts of additional height and mass by including step backs, façade insets, high façade permeability, and other perceived mass-reducing techniques to ensure access to light, privacy, and sky views for nearby building occupants and people on the street.
- c. Building façades should incorporate variation in height or character to break up the perceived bulk and mass of the building into pedestrian-scale components that create a sense of pattern and rhythm. Such variation should be aligned with horizontal articulation elements to create a harmonious design. (See Subsection 19.508.4.B.3.)
- d. For buildings abutting the moderate density residential zone, building setbacks, step backs, façade articulation, landscaping, fencing, and/or transition measures should be deployed to blend building massing between downtown and any adjacent residentially zoned neighborhoods to reduce perceived mass of buildings.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**I. Weather Protection**

1. Purpose

To create an all-season pedestrian environment shielded from the elements, whether by the building structure itself or with added-on features such as awnings and canopies, that is integrated with rather than obscures the building design. Overhead protection encourages window shopping and lingering, and weather protection features can provide interest and detail to a façade as well as create outdoor sidewalk seating areas for restaurants and cafés.

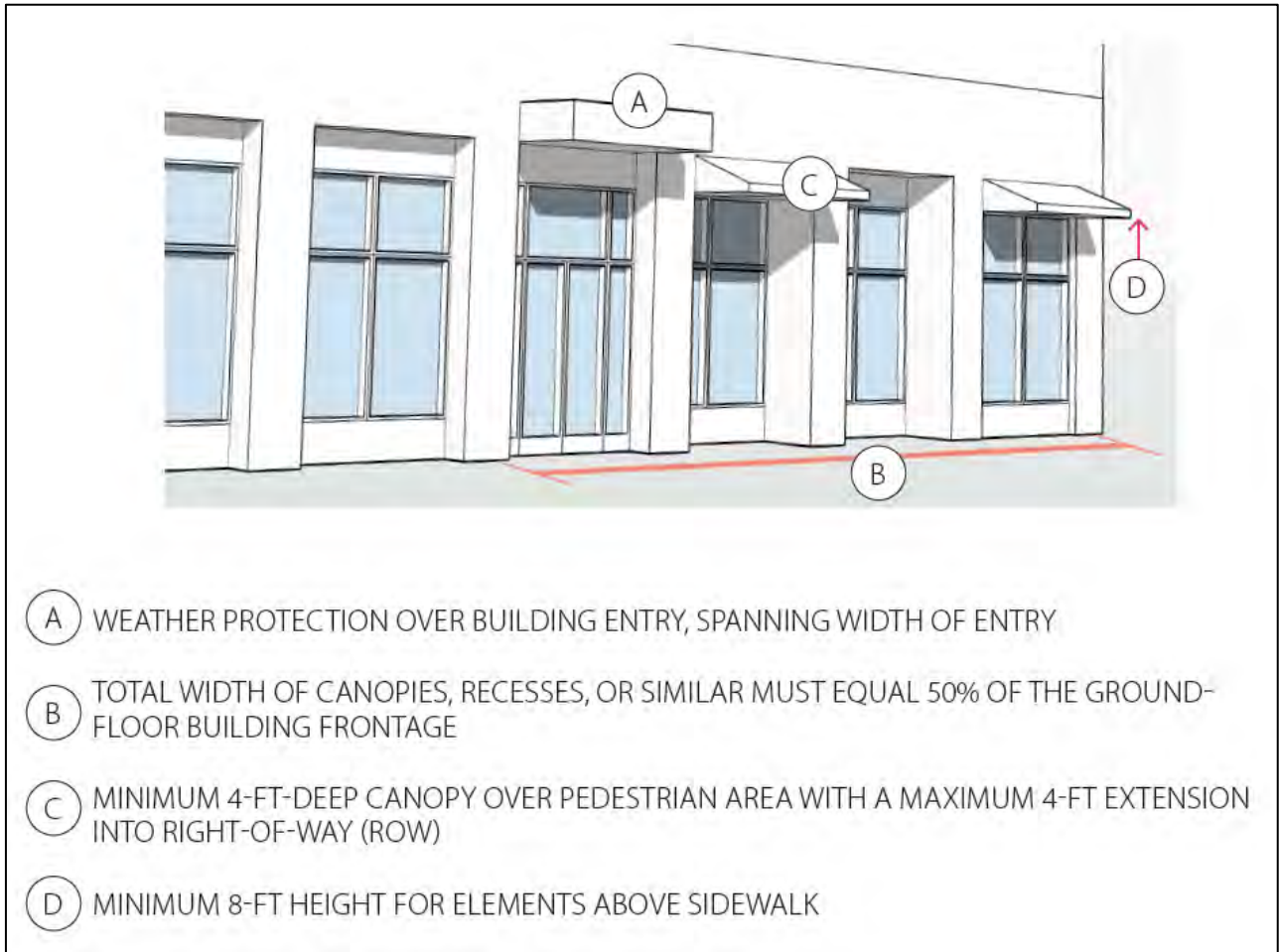
2. Design Standards

a. Minimum Weather Protection Coverage

- (1) All ground-floor building entries must be protected from the weather by awnings, canopies, marquees, recesses, or similar weather protection.
- (2) Awnings, canopies, marquees, recesses, or similar weather protection must be provided along at least 50% of the ground-floor elevation(s) of a nonresidential or mixed-use building where the building abuts a sidewalk, plaza, courtyard, or similar pedestrian space designed as usable open space meeting the standards of Subsection 19.508.4.M, or on-site pedestrian walkway.
- (3) Weather protection used to meet this section must extend at least 4 ft over the pedestrian area but no more than 4 ft into the right-of-way. Balconies and recesses meeting these dimensional requirements can be counted toward this requirement.
- (4) Weather protection used to meet the above standards must be at least 8 ft above the finished grade, including any valance.

See Figure 19.508.4.1.2.a for an illustration of these standards.

**Figure 19.508.4.1.2.a  
Weather Protection Requirements**



**b. Weather Protection Materials, Design, and Details**

**(1) Materials**

- (a) Awnings must be constructed of a non-vinyl cloth or canvas with a matte finish or a material similar in appearance and texture.
- (b) Canopies must be constructed of rigid plastic, metal, glass, or a material similar in appearance and texture.
- (c) Marquees must be constructed of metal, glass, wood, or a material similar in appearance and texture.
- (d) Vinyl or any similar flexible plastic sheet material is prohibited for all weather protection features.
- (e) The structure or frame materials for awnings and canopies must be aluminum or steel.

# DRAFT ORDINANCE TO BE CONSIDERED BY THE CITY COUNCIL ON MARCH 21, 2023

- (2) Awnings or canopies must be attached directly above an entry or window. Awning and canopy width must not exceed the width of the entry or associated window opening and may not extend over more than one storefront opening. Marquees must be attached to the building directly above the entrance and may extend past the entrance.
- (3) For awnings and canopies, only lighting that illuminates the building and/or sidewalk is allowed. Awnings and canopies must not be illuminated from below or internally.
- (4) Any signage on awnings, canopies or marquees must be consistent with requirements of Subsection 14.16.060.C.

### 3. Design Guidelines

- a. Along the ground floor, buildings should protect pedestrians from inclement weather and provide shade in the summer through use of awnings, canopies, marquees, or elements of the building structure itself such as recesses or balconies. The total amount of awning, canopy, and/or marquee coverage along a façade should provide adequate weather protection for pedestrians without overly shadowing the sidewalk.
- b. Awnings, canopies, and marquees should be placed over all building entrances and storefront windows or other similar locations and integrated with other entryway design features. (See Subsection 19.508.4.E.) The total amount of awning, canopy and/or marquee coverage along a façade should provide adequate weather protection for pedestrians without overly shadowing the sidewalk.
- c. The design of awnings, canopies, marquees, and elements of the building structure should be an integral and well-proportioned component of the building façade. Awnings, canopies and marquees should not obscure or negatively impact the character-defining features of the subject building.
- d. Canopies and awnings should be sized to match individual entrances and storefront windows. They should be placed directly above such features and should not extend outside the piers and lintel of the storefront opening. A single awning or canopy spanning across multiple commercial storefronts and that obscures character-defining features is strongly discouraged.
- e. Weather protection features should be well proportioned relative to the sidewalks. Features should not be so project so far into the public right-of-way as to detract from street trees, light fixtures, or street furniture, but should extend far enough to provide coverage for pedestrians at entrances and windows. Features should provide adequate vertical clearance for pedestrian movement.
- f. Awnings, canopies, and marquees should be of high-quality materials and should not include vinyl.
- g. Awning or canopy lighting, if provided, should highlight the building or illuminate the sidewalk and should not illuminate awnings or canopies from below or internally.

### J. Roofs and Rooftop Equipment Screening

#### 1. Purpose

To create a visually interesting feature at the top of the building that enhances the quality and character of the building and complements the building design, while reducing or

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

eliminating the visual impact of rooftop equipment on the street pedestrian environment by providing screening or other concealing design features that also contribute to the high-quality design and visual interest of the building.

2. Design Standards

a. Rooftop Design

- (1) The roof of a building must follow one (or a combination) of the following forms:
  - (a) Flat roof (less than 1/12 pitch) or low-slope roof (between 1/12 and 4/12 pitch)
  - (b) Hip roof
  - (c) Gabled roof
  - (d) Dormers
  - (e) Shed roof
- (2) Roofs are subject to the following standards as applicable:
  - (a) All flat or low-slope roofs must be architecturally treated or articulated with a parapet wall that projects vertically above the roofline at least 12 in and/or a cornice that projects from the building face at least 6 in. See Figure 19.508.4.B.2.a(3).
  - (b) All hip or gabled roofs exposed to view from adjacent public streets and properties must have a minimum 4/12 pitch.
  - (c) Sloped roofs with a 4/12 pitch or higher must have eaves, exclusive of rain gutters, that project from the building wall at least 12 in.
  - (d) When an addition to an existing structure, or a new structure, is proposed in an existing development, the roof forms for the new structure(s) must have the same slope and be constructed of the same materials as the existing roofing.

b. Rooftop Equipment Screening

- (1) The following rooftop elements do not require screening:
  - (a) Solar panels, wind generators, and green roof features.
  - (b) Equipment under 2 ft high, if set back a minimum of 10 ft from the outer edge of the roof.
- (2) If visible from public street view, elevator mechanical equipment or a mechanical penthouse may not extend above the height limit by more than 16 ft, and must use a consistent exterior building material for the mechanical shaft or penthouse.
- (3) Satellite dishes, communications equipment, and all other roof-mounted mechanical equipment must be set back a minimum of 10 ft from the roof edge and must be screened from public street view. For purposes of this standard, “public street view” means the pedestrian level from across the adjacent public street and does not include views from adjacent buildings. If necessary, screening from public street view must be achieved by one of the following

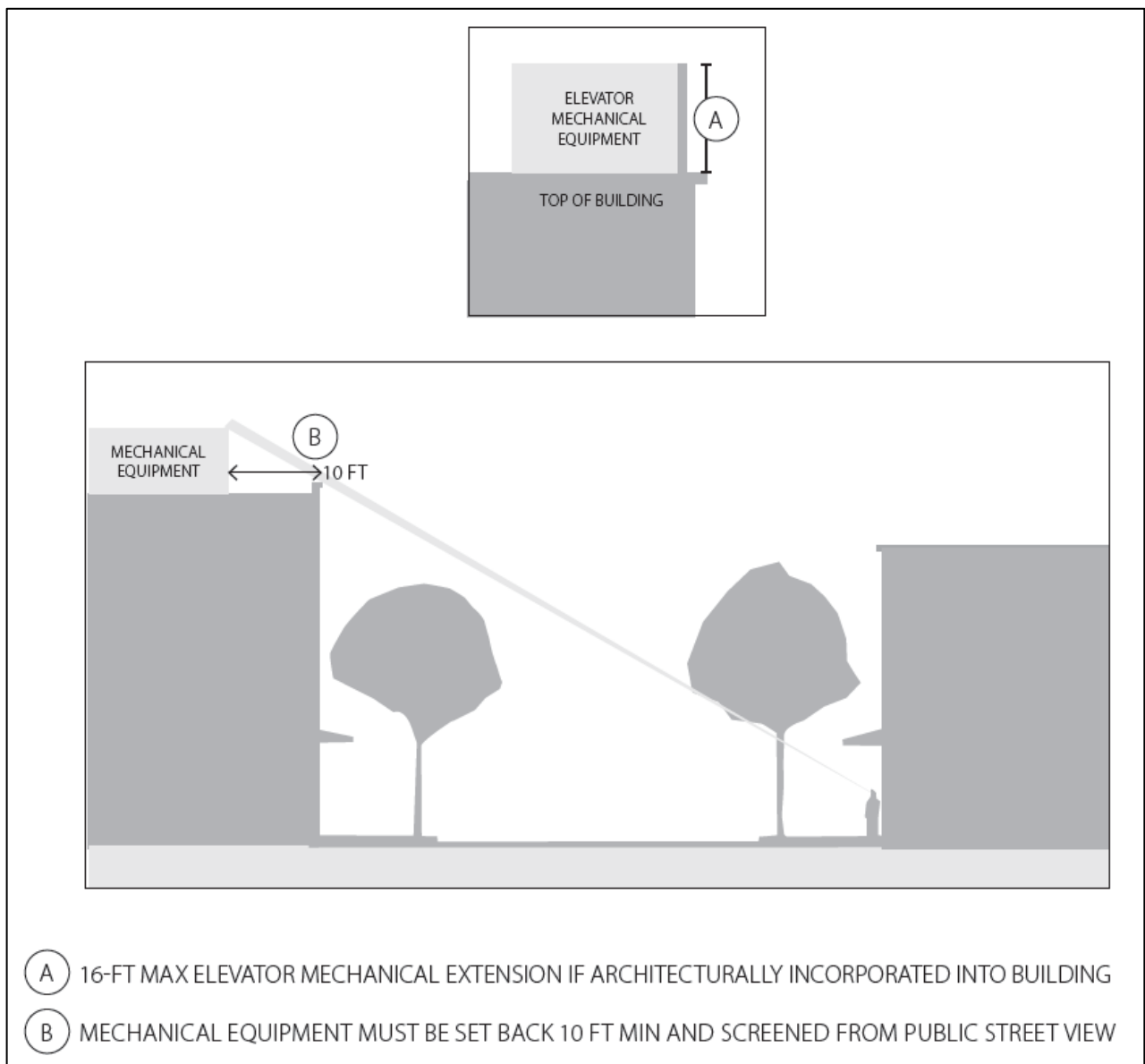
**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

methods that is at least as tall as the tallest part of the equipment being screened:

- (a) A screen around the equipment that is made of an exterior building material used on other portions of the building, or masonry.
  - (b) Vertical green roof features or regularly maintained, dense foliage that forms an opaque barrier year-round when planted.
- (4) Required screening will not be included in the building's maximum height calculation.

See Figure 19.508.4.J.2.b for an illustration of these standards.

**Figure 19.508.4.J.2.b  
Rooftop Equipment Screening**





**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

3. Design Guidelines

- a. Building rooflines should enliven the pedestrian experience and be of visual interest, with detail and variation that will create a skyline composed of interesting forms and shadows. Building silhouette should be compatible with those of other buildings along the existing streetscape.
- b. Roof shape, surface materials, colors, mechanical equipment and other penthouse functions should all be integrated into the overall building design and should be considered an additional façade to complement the building's design.
- c. Roof mounted mechanical equipment should be hidden from public street view by parapets, screening walls, vertical landscaping or green roof features, enclosures installed as an integral part of the architectural composition, strategic placement, or similar treatments. If such treatments are not practicable, mechanical units may be painted in lieu of screening with muted, neutral colors that make the equipment visually subordinate to the building and any adjacent buildings.

**K. Service Areas (Screening)**

1. Purpose

To preserve well-designed building frontages and pedestrian environments by minimizing the potential negative impacts of service areas on visual design and circulation while maintaining sufficiently accessible and functional loading, waste collection, utility, and other service areas.

2. Design Standards

Service areas include external utility structures, loading docks, recycling facilities, trash containers, and other similar areas; they exclude off-street parking areas which are subject to Subsection 19.304.5.C.

- a. Service areas must be located for access from the most minor street.
- b. Screening must be established on all sides of service areas, except where an opening is required for access. If access is possible only on a side that is visible from a public street, a solid gate or door is required.
- c. Landscaping, structural elements, painting, and/or murals or other public art must be used to screen service areas that are located along a public street frontage. The required screening must result in an opaque barrier to a minimum height of 6 ft.
- d. Where structural forms of screening are utilized, the materials must match the primary or secondary building materials and colors as described in Subsection 19.508.4.C.
- e. For new buildings, waste collection areas must be located within the building itself rather than a stand-alone waste enclosure.
- f. Residential-only multifamily and mixed-use buildings must meet the recycling area standards of Table 19.505.3.D.10.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

3. Design Guidelines

- a. Service areas, loading docks, waste enclosures, external utility structures, and other similar features should be located away from pedestrian areas, public street frontages especially Main Street, or at a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.
- b. Whenever possible, all sides of service areas, loading docks, waste enclosures, and other outbuildings should be screened and concealed. Solid gates or doors should be used on sides requiring access.
- c. Screening, fencing, landscaping, decorative walls, or other treatments should be used to provide screening, using materials and designs compatible with the primary building they serve. Screening should be of a height, width, and opacity necessary to sufficiently screen all equipment and service areas.
- d. Waste collection areas should be located and designed to minimize visual, odor, and noise nuisances, and should be integrated into the building. If separate waste collection enclosures are utilized, they ~~shall~~must be screened, covered with a roof or be self-contained.
- e. Residential-only multifamily and mixed-use buildings should provide recycling areas that are appropriately sized to accommodate the amount of recyclable materials generated by residents. Areas should be located such that they provide convenient access for residents and for waste and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that they are not prominent features viewed from the street.

**L. Resident Open Space**

1. Purpose

To promote livability in the downtown environment by providing open space amenities within the development site for use by residents.

2. Design Standards

- a. The following standards apply to mixed-use buildings and residential-only multifamily buildings with four or more units.
- b. Fifty (50) sq ft of resident open space is required for each dwelling unit. The open space may be developed entirely as private open space or common open space, or it may be a combination of the two types of open space. Usable open space required by Subsection 19.508.4.A.2.b that meets the design standards of Subsection 19.508.4.M.2 may also be counted towards the resident open space requirement.
- c. Private Open Space
  - (1) Private open space, if provided, must be contiguous to the unit it serves ~~shall~~must be directly accessible from the interior of the dwelling unit.
  - (2) Private open space may be provided in the form of a porch, deck, balcony, patio, terrace, or other private outdoor area.
  - (3) Areas used for entrances or exits will not be considered as private open space except where such entrances or exits are for the sole use of the unit they serve.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (4) Balconies, decks, porches and patios must have a minimum depth of 4 ft and may project up to a minimum of 4 ft into the public right-of-way.

d. Common Open Space

- (1) Common open space, if provided, must be at least 15 ft by 15 ft in dimension and may be provided in the form of decks, shared patios, plazas, courtyards, landscaped areas, roof gardens, recreation rooms, lobbies, or other gathering spaces created strictly for the occupants and not associated with storage or circulation.
- (2) Outdoor common open space areas must integrate amenities such as tables, benches, movable seating, trees, shrubs, landscaping areas or planters, garden plots, and/or fountains.
- (3) Outdoor common open space must be lighted as required by Subsection 19.508.4.N.
- (4) When provided at ground level, outdoor common open space must be abutted on at least one side by the building, with at least 1 window and 1 door to access the space; and must be bordered on at least one other side by fencing or walls less than 42 in high, landscaping strip or planters at least 2 ft wide, site furnishings, or other building walls.
- (5) Regardless of location (ground-level or above), where any building wall abuts an outdoor common open space, the wall must include at least 1 window or door with a minimum of 50% glazing.

3. Design Guidelines

- a. Building design should incorporate ample open space opportunities for residents with a mix of private and/or common open spaces to provide access to outdoor recreation, scenic amenity, or shared outdoor space for people to gather.
- b. Any private open spaces should be scaled to enhance usability by residents and have direct access from the dwelling unit and should be visually and/or physically separate from common areas.
- c. Any common open spaces should be inviting and enhance opportunities for use by residents. These spaces should be human-scaled, accessible, durable, attractive, and secure.
- d. Any common open spaces should integrate amenities for residents' use and enjoyment, including landscaping in outdoor spaces.
- e. Any common open spaces should be well-defined by surrounding buildings, walls, fences, landscaping, or other techniques to provide visual definition for the space. Adjacent buildings should incorporate transparent windows and doors to provide physical and visual access to the space and should include active use areas that front the open space.

**M. Plazas and Usable Open Space**

1. Purpose

To ensure that downtown plazas and open spaces are designed for usability and a variety of activities during all hours and seasons; provide amenities for downtown visitors,

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

businesses, and residents; promote livability; and help soften the effects of built and paved areas.

2. Design Standards

Open spaces such as plazas, courtyards, gardens, terraces, outdoor seating, small parks, and similar spaces, including usable open space provided to meet the standards of Subsection 19.508.4.A.2.b, must meet the following standards.

- a. Where any building wall abuts an open space, the wall must include at least one window or door with a minimum of 50% glazing.
- b. Usable open space must be directly accessible at grade adjacent to the public sidewalk.
- c. Hardscaping in open spaces must utilize concrete or unit paving and may not use asphalt or gravel surfacing.
- d. Landscaping must be integrated into open spaces to meet the following:
  - (1) A minimum of 10% of the open space area must be landscaped areas incorporating trees, shrubs, and ground cover.
  - (2) No more than 20% of this landscaped area can be covered in mulch or bark dust. This requirement excludes mulch or bark dust under the canopy of trees or shrubs.
  - (3) Nuisance species listed in the Milwaukie Native Plant List are prohibited.
- e. Open spaces must provide at least 3 ft of seating area (e.g., bench, ledge, etc.) or one individual seat, including movable seating for outdoor seating areas, per 60 sq ft of plaza or open space area.
- f. Open spaces must be lighted as required by Element N (Outdoor and Exterior Building Lighting).

3. Design Guidelines

- a. Plazas and open spaces should be inviting and create opportunities for a variety of uses.
- b. Plazas and open spaces should avoid separation from the street by visual barriers or significant change of grade. Plazas and open spaces should create visual and physical connections to abutting buildings.
- c. Plazas and open spaces should be human-scaled, accessible, durable, and attractive, and should enhance users' comfort and enjoyment by integrating features such as:
  - (1) Pedestrian amenities such as water features, drinking fountains, and/or distinctive paving or artwork
  - (2) Permanent or movable seating
  - (3) Weather protection, especially weather protection that can be moved or altered to accommodate conditions
  - (4) Transitional zones along building edges to allow for outdoor eating areas and a planted buffer

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

(5) Lighting

- d. Plazas and open spaces should create visual interest by including a mix of hardscape and landscape elements such as trees, shrubs, and plants.
- e. Landscaping in plazas and open spaces should be integrated to provide shade for hardscaped areas and to provide visual interest and texture.
- f. Buildings adjacent to plazas and open spaces should incorporate transparent windows and doors to provide physical and visual access to the space and should include active use areas that front the open space.
- g. Plazas and open space should be designed to integrate sustainability and enhance the relationship to the natural environment, including consideration of the sun angle at noon and the wind pattern in the design of the space and incorporation of water treatment features such as rain gardens.

**N. Outdoor and Exterior Building Lighting**

1. Purpose

To incorporate outdoor and exterior building lighting that increases pedestrian comfort, accentuates design and architectural features, enhances safety, and minimizes light pollution (both spill and casting or glare).

2. Design Standards

- a. Lighting must be designed to comply with the following standards:
  - (1) Primary building entrances required in Subsection 19.508.4.E must have a minimum illumination of 2.0 foot-candles.
  - (2) All other building entrances and areas underneath weather protection elements described in Element I (Weather Protection) must have a minimum illumination of 1.0 foot-candles.
  - (3) Common open spaces for residents subject to Subsection 19.508.4.L must be lighted with pedestrian-scaled lighting (no more than 14 ft in height) at a level at least 1.0 foot-candles throughout the space.
  - (4) Plazas and usable open space subject to Subsection 19.508.4.M must be lighted with pedestrian-scaled lighting (no more than 14 ft in height) at a level at least 2.0 foot-candles throughout the space.
  - (5) If off-street parking areas are present, lighting must comply with standards in 19.606.3.F.
- b. Lighting luminaires must have a cutoff angle of 90 degrees or greater to ensure that lighting is directed downward, except as provided for up-lighting of flags and permitted building-mounted signs.
- c. Lighting must not cause a light trespass of more than 0.5 footcandles measured vertically at all shared property lines of the site, with the exception of property lines along public right-of-way.
- d. Flashing or strobe lights, fluorescent tube lights, and security spotlights are prohibited on building exteriors.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

3. Design Guidelines

- a. Exterior lighting should be used to articulate the building elements, including (but not limited to) entrances, common open spaces for residents, plazas and usable open space, signage, canopies, cornices, storefronts, and other architectural features. Lighting levels of entrances, areas underneath weather protection elements, and all open spaces should be pedestrian scale and provide a sense of safety.
- b. All lighting should be designed to prevent unnecessary illumination of adjacent sites, with the exception of adjacent sidewalks within a public-right-of-way where illumination is desired. As a rule of thumb, lighting levels should be no greater than necessary to provide for pedestrian safety, property or business identification, and crime prevention.
- c. Flashing or strobe lights, fluorescent tube lights, and security spotlights are strongly discouraged from use on building exteriors.

**19.508.5 Variances**

Variations cannot be granted for the design ~~standards elements~~ of Section 19.508. Projects that ~~cannot~~ must meet the design standards and/or guidelines in this section ~~must be reviewed through a Type III downtown design review and demonstrate compliance with the Milwaukie Downtown Design Guidelines, pursuant to Section 19.907.~~

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**19.907 DOWNTOWN DESIGN REVIEW**

**19.907.1 Purpose**

Downtown design review is intended to achieve the following purposes:

- A. Preserve and enhance the character of downtown Milwaukie.
- B. Ensure a degree of order, harmony, and quality in the downtown, providing buildings and projects that are attractive individually yet contribute to a downtown that is distinctive as a whole.
- C. Ensure that new development, and alterations or enlargement of existing development, are consistent with the downtown site and building design standards and guidelines of Section 19.508 ~~or Downtown Design Guidelines~~.
- D. Implement the vision of the Downtown and Riverfront Land Use Framework Plan.
- E. Provide a design review process that allows applicants to choose standards or more flexible discretionary guidelines.

**19.907.2 Applicability**

Applications for downtown design review shall be processed through a Type I, II, or III procedure, in accordance with Chapter 19.1000, as follows:

A. Exemptions

Downtown design review does not apply to the following projects:

- 1. Demolition, unless listed on the City of Milwaukie Historic Resource Inventory and subject to the standards of Section 19.403.
- 2. Building additions of less than 250 sq ft that are not visible from streets, sidewalks, courtyards, public parks, and/or pedestrian walkways.
- 3. Maintenance, restoration, and repair of a building in a manner that is consistent with previous approvals and/or necessary for safety. Examples include paint retouching, and other routine upkeep of the building exterior, and in-kind restoration or replacement of damaged materials. Maintenance, restoration, and repair does not include replacement of materials due to obsolescence.
- 4. Minor building or site upgrades needed to bring an existing development into compliance with the Americans with Disabilities Act.
- 5. Exterior painting and weatherproofing.
- 6. Any exterior project that doesn't require a building permit.
- 7. Interior remodeling.
- 8. Minor site improvements, including, but not limited to, installation of benches, trash cans, bicycle racks, informational kiosks, site lighting, signs, and other similar improvements as determined by the Planning Director. A guide for determining whether a proposed improvement is exempt shall be the consideration of whether there are any applicable design standards provided in Section 19.508.
- 9. In City parks, improvements that are consistent with an approved master plan.
- 10. Fences and/or retaining walls, which are subject to Subsection 19.502.2.B, including the standards for commercial zone fencing in Subsection 19.502.2.B.1.b.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

B. Type I

The following projects are subject to Type I downtown design review:

- ~~1. Demolition or replacement of less than 25% of the surface area of any exterior wall or roof.~~
- ~~2. Addition, elimination, or change in location of windows that does not decrease the overall percentage of window coverage.~~
- ~~3. Addition, elimination, or change in location of entry doors and loading doors.~~
- ~~4. Addition of new, or change to existing, awnings, canopies, and other mounted structures to an existing façade.~~
- ~~5. For commercial and mixed-use developments, modification of up to 15% of on-site landscaping with no reduction of the overall landscaping percentage. Modification refers to changing the hardscape elements and the location of required landscaped areas and/or trees.~~
- ~~6. Modification of an off-street parking area with no reduction in parking spaces or increase in paved area, including restriping.~~
- ~~7. Addition of new fences and/or retaining walls of 4 ft height or less.~~
- ~~8. Change of existing grade.~~
- ~~9. An increase in floor area proposed for a nonresidential use of less than 10% up to a maximum of 2,000 sq ft.~~
- ~~10. A reduction in the area reserved for common open space and/or usable open space which does not reduce the open space area below the minimum required or which reduces the open space area by less than 10%. Reduction of the open space area below the minimum required requires variance review per Chapter 19.911.~~
- ~~11. A new stand-alone multifamily residential building or addition that meets the objective design standards in Table 19.505.3.D. Applicants may elect to process a stand-alone residential building through Type II downtown design review if the applicant prefers to meet the design standards of Section 19.508.~~
1. New development and expansions or modifications of existing development that meet the applicable downtown design standards of Section 19.508.

C. Type II

The following projects are subject to Type II downtown design review:

- ~~1. New development that meets the design standards of Section 19.508.~~
- ~~2~~1. Demolition or replacement of more-less than 25% of the surface area of any exterior wall or roof that does not meet the applicable standards of Section 19.508.
- ~~3~~2. Addition, elimination, or change in location of windows that decreases the overall percentage of window coverage and that does not meet the applicable standards of Section 19.508.
- ~~4. For commercial and mixed-use developments, modification of more than 15% of on-site landscaping or modification that results in a reduction of overall landscaping percentage.~~



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

~~Modification refers to changing the hardscape elements and the location of required landscaped areas and/or trees.~~

- ~~5. Modification of an off-street parking area that results in a reduction in parking spaces and/or an increase in paved area.~~
- ~~6. Addition of new fences and/or retaining walls more than 4 ft high.~~
- ~~7. An increase in floor area proposed for a nonresidential use by ~~more~~less than 10% or 2,000 sq ft, whichever is greater.~~
- ~~8. A reduction in the area reserved for common open space and/or usable open space ~~which~~that reduces the open space area below the minimum required or by 10% or ~~more~~less.~~
- ~~9. An increase in the height of an existing building up to the maximum height.~~
- ~~10. A reduction in the area reserved for common open space and/or usable open space which reduces the open space area below the minimum required or reduces the open space area by more than 10%.~~
- ~~11. A new stand-alone multifamily residential building or addition that satisfies the design guidelines in Table 19.505.3.D. An applicant may elect to process a stand-alone residential building through Type II downtown design review if the applicant prefers to meet the design standards of Section 19.508.~~

D. Type III

The following projects are subject to Type III downtown design review:

1. Any project, at the applicant's option.
2. A project, addition, or expansion that ~~is unable~~ proposes to meet one or more of the design standards ~~guidelines~~ of Section 19.508 in lieu of complying with the design standards of Section 19.508 because additional design flexibility is desired.
3. A project that does not fit the applicability for Type I or II review.
- ~~4. A stand-alone multifamily residential building, if applicants elect to process through Type III downtown design review rather than Type I or II Development Review because additional design flexibility is desired.~~

**19.907.3 Review Process**

A. General Provisions

Downtown design review generally includes review of the proposed structure(s) and site improvements for compliance with applicable design standards and/or guidelines. For expansions or modifications of existing development, the review is limited to the modified portions of the site or structure and any other site improvements that may be affected by the proposed modifications.

B. Review Types

To achieve the purpose of the downtown design standards and guidelines, there are three downtown design review processes through which to apply for approval:

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

1. Type I

The ministerial review track provides for a Type I review process pursuant to Section 19.1004 using the design standards in Section 19.508. ~~It is generally intended for smaller building and site renovation projects, as listed in Subsection 19.907.2.B.~~

2. Type II

The administrative review track provides for a Type II process pursuant to Section 19.1005 that requires staff review utilizing the design standards and applicable guidelines in Section 19.508. ~~It generally applies to new development and renovation/remodeling projects, as listed in Subsection 19.907.2.C.~~

3. Type III

The discretionary review track provides for a Type III review process pursuant to Section 19.1006, through which the Design and Landmarks Committee and Planning Commission determine substantial consistency compliance with the purpose statement of the relevant standard or standards and the Milwaukie Downtown Design Guidelines downtown design guidelines in Section 19.508. ~~It generally applies to new development and renovation/remodeling projects, as listed in Subsection 19.907.2.D.~~

C. Review Options

Designing a project to the design standards would result in a Type I ~~or II~~ review process. However, applicants, at their option, may choose to use Type III discretionary review.

Through Type II or III review, applicants can address downtown design review requirements through a combination of satisfying certain design standards in Section 19.508 and, in instances where they elect not to utilize design standards, satisfying ~~the purpose statement of the applicable standard or standards and the applicable design guidelines in Section 19.508~~ instead. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable design guidelines only.

**19.907.4 Application**

Applications for downtown design review shall be filed with the Planning Department on forms prescribed by the Planning ~~Director~~ Manager. The applicant shall demonstrate compliance with applicable zoning criteria. In addition to all information specified on the “Submittal Requirements” and “Site Plan Requirements” forms, each application for downtown design review shall be accompanied by the following information:

~~A. Completed downtown design review checklist (for Type III only).~~

BA. Written statement that describes the following:

1. For Type I ~~and II~~ downtown design review, how the proposal is consistent with applicable downtown design standards in Section 19.508.
2. For Type II and III Design Review, how the proposal meets applicable design standards and/or design guidelines in the Milwaukie Downtown Design Guidelines document Section 19.508.

~~CB.~~ Footprints of surrounding buildings, including driveways and pedestrian connections.

~~DC.~~ Location, dimension, and setbacks of all proposed buildings, structures, walls, and fences.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

~~ED~~. Dimensioned building elevations indicating height, exterior materials, colors, and details of exterior architectural features, such as cornices, windows, and trim.

~~FE~~. A streetscape drawing showing the relationship of the proposed project to adjacent buildings.

~~GE~~. Frontage improvements in the public right-of-way per the Public Works Standards.

**19.907.5 Approval Criteria**

A. Type I Downtown Design Review

An application for Type I downtown design review ~~shall~~will be approved when all of the following criteria have been met:

1. Compliance with Title 19.
2. Compliance with applicable design standards in Section 19.508 and any prior land use approvals.

B. Type II Downtown Design Review

An application for Type II downtown design review ~~shall~~will be approved when all of the following criteria have been met:

1. Compliance with Title 19.
2. Compliance with applicable design standards and/or design guidelines in Section 19.508.

C. Type III Downtown Design Review

An application for Type III downtown design review ~~shall~~will be approved when all of the following criteria have been met:

1. Compliance with Title 19.
2. Compliance with applicable design standards in Section 19.508.
3. ~~Substantial consistency with the purpose statement of the applicable design standard and the applicable Downtown Design Guideline(s)~~ Compliance with the applicable design guidelines in Section 19.508 being utilized in place of the applicable design standard(s).

**19.907.6 Report and Recommendation by Design and Landmarks Committee**

The Design and Landmarks Committee ~~shall~~will hold a public meeting and prepare a downtown design review report for Type III applications pursuant to Section 19.1011. The Planning Commission shall consider the findings and recommendations contained in the downtown design review report during a public hearing on the proposal.

**19.907.7 Variances**

A. Variances cannot be granted for the downtown design standards of Section 19.508.

Applications unable to meet one or more standards must meet the applicable downtown design guideline(s) in Subsection 19.508.4 instead and use the Type III discretionary downtown design review process.

B. ~~For applications using the Type III downtown design review process, variances will only be allowed for the development standards and design standards that are not met. Variances to the design guidelines themselves will not be granted. Variances can be granted for the~~ downtown development standards of Section 19.304 unless otherwise specified, through the variance review process in Section 19.911.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

MMC 19.911.6—Building Height Variance in the Downtown Mixed Use Zone  
March 21, 2023 version (~~strikeout~~/underline format)

Page 1 of 1

**19.911 VARIANCES**

**19.911.6 Building Height Variance in the Downtown Mixed Use Zone**

A. Intent

To provide a discretionary option for variances to maximum building heights in the Downtown Mixed Use Zone to reward buildings of truly exceptional design that respond to the specific context of their location and provide desired public benefits and/or amenities.

B. Applicability

The Type III building height variance is an option for proposed buildings that exceed the maximum heights or stories allowed through the bonuses specified in Figure 19.304-4, Subsection 19.304.5.B.3, and Section 19.510.

C. Review Process

The building height variance shall be subject to Type III review and approval by the Design and Landmarks Committee and the Planning Commission, in accordance with Chapter 19.907 and Section 19.1011. The building height variance shall be consolidated with downtown design review.

1. Because the building height variance provides substantial flexibility and discretion, additional time will be required for public input and technical evaluation of the proposal. To use this option, the applicant shall sign a waiver of the 120-day decision requirement.
2. The applicant may request design advice from the Design and Landmarks Committee prior to submitting an application. Design advice requests provide the opportunity to assess approval potential prior to committing excessive time or money to detailed design plans.
3. Design advice requests may not be made for a specific project or site with an active land use review application.
4. A special application fee may be required to use this Type III option to allow the City to contract with a registered architect to assist in the review of the height variance application.

D. Approval Criteria

The approval authority may approve, approve with conditions, or deny the building height variance based on the following approval criteria:

1. ~~Substantial consistency~~ Compliance with the Downtown Design Guidelines ~~downtown design guidelines in Subsection 19.508.4.~~
2. The proposed height variance will result in a project that is exceptional in the quality of detailing, appearance and materials or creates a positive unique relationship to other nearby structures, views or open space.
3. The proposed height variance preserves important views to the Willamette River, limits shadows on public open spaces and ensures step downs and transitions to neighborhoods at the edge of the Downtown Mixed Use Zone.
4. The proposed height variance will result in a project that provides public benefits and/or amenities beyond those required by the base zone standards and that will increase downtown vibrancy and/or help meet sustainability goals.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**EXHIBIT C**

(clean format)

**19.304 DOWNTOWN ZONES**

**19.304.1 Purpose**

The downtown zones are Downtown Mixed Use Zone DMU and Open Space Zone OS. The zones are shown on Figure 19.304-1. These zones implement the Town Center and Public land use designations in the Milwaukie Comprehensive Plan. The downtown zones implement the Downtown and Riverfront Land Use Framework Plan and Milwaukie Comprehensive Plan.

The downtown and riverfront area is envisioned as the focus of the community. Two zones are designated to distinguish between areas intended for public open space and those intended for downtown development. Specific use, development, and design standards are adopted for the downtown zones to assure an active, attractive, and accessible environment for shoppers, employees, and residents.

**A. Downtown Mixed Use (DMU)**

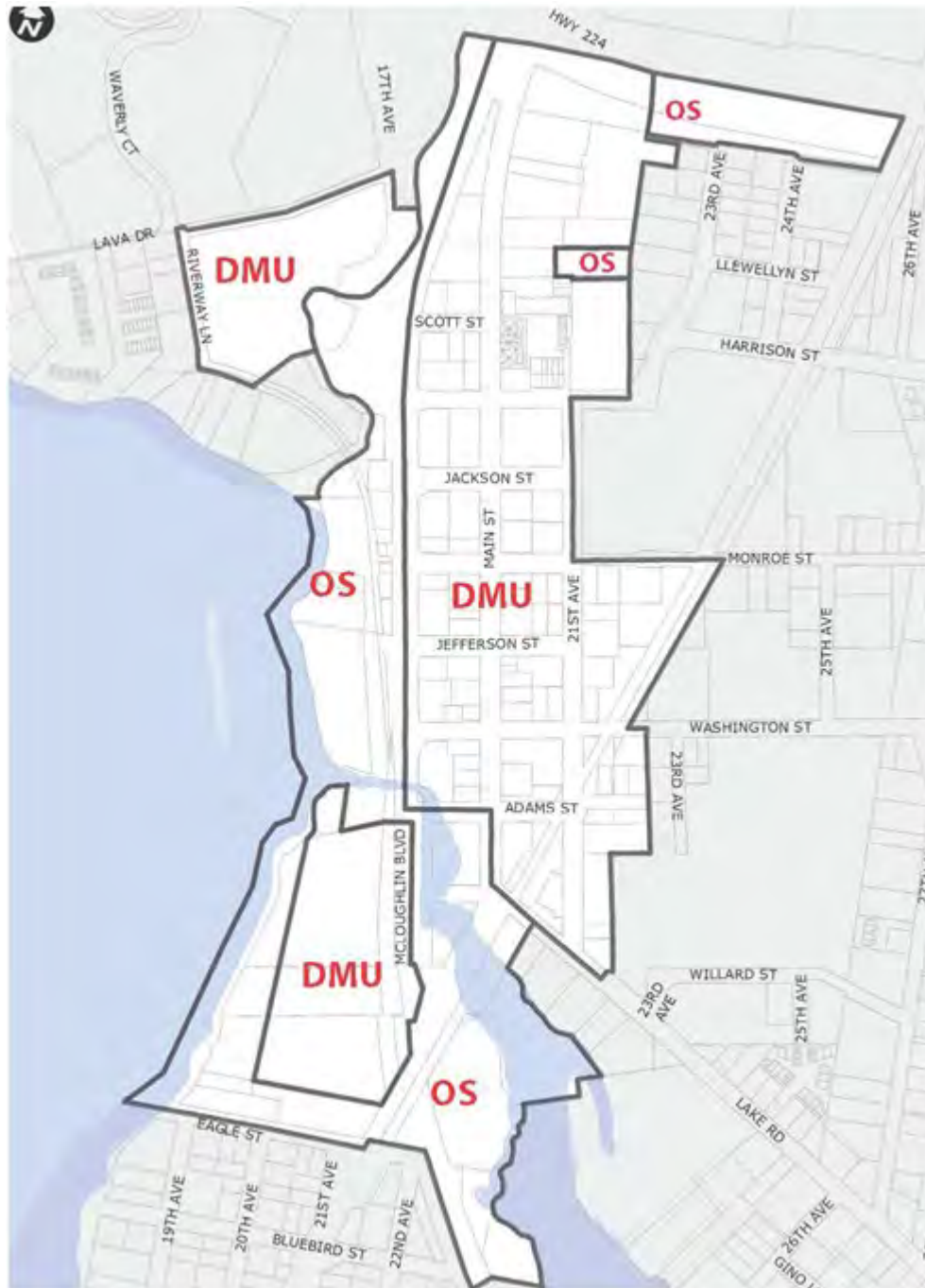
The Downtown Mixed Use Zone provides for a wide range of uses—including retail, office, commercial, and residential—that will bring visitors to the downtown to live, work, shop, dine, and recreate. The desired character for this zone is a pedestrian-friendly and vibrant urban center, with a prominent main street and connections to the riverfront, and which includes buildings that are built to the right-of-way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots.

**B. Open Space (OS)**

The Open Space Zone provides a specific zone to accommodate open space, park, and riverfront uses. The Open Space Zone is generally applied to lands that are in public ownership along the Willamette River, Kellogg Creek, Spring Creek, and Johnson Creek in the downtown area. The desired character for the Open Space Zone includes parkland, open space, and riverfront amenities.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**Figure 19.304-1  
Downtown Zoning**



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**19.304.2 Uses**

**A. Permitted Uses**

Uses allowed in the downtown zones are listed in Table 19.304.2 with a “P.” These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

**B. Conditional Uses**

Uses listed in Table 19.304.2 as “CU” are permitted only as conditional uses in conformance with Section 19.905. Type III review is required to establish a new CU or for major modification of an existing CU. Type I review is required for a minor modification of an existing CU.

**C. Nonconforming Uses, Structures, and Development**

Existing structures and uses that do not meet the standards for the downtown zones may continue in existence. Alteration or expansion of a nonconforming use, structure, or development that brings the use, structure, or development closer to compliance may be allowed through a Type II downtown design review pursuant to Section 19.907. Alteration or expansion of a nonconforming use or structure that does not bring the use or structure closer to compliance may be allowed through a Type III Variance pursuant to Section 19.911. Except where otherwise stated in this section, the provisions of Chapter 19.800 Nonconforming Uses and Development apply.

**D. Prohibited Uses**

Uses listed in Table 19.304.2 with an “N,” or uses not listed below, are prohibited as new uses. In addition, drive-through facilities are prohibited in the downtown zones.

**E. Accessory Uses**

Uses that are accessory to a primary use are allowed if they comply with all development standards. Accessory uses include but are not limited to restrooms in City parks and refreshment stands at the library.

**F. Similar Uses**

Similar uses not listed in Table 19.304.2 may be allowed through a Director determination pursuant to Section 19.903.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

<b>Table 19.304.2 Uses Allowed in Downtown Zones</b>			
<b>Uses and Use Categories</b>	<b>DMU</b>	<b>OS</b>	<b>Standards/ Additional Provisions</b>
<b>Residential</b>			
Boarding house	CU	N	<b>Section 19.905</b> Conditional Uses
Townhouse	P	N	<b>Subsection 19.304.3.A.1</b> Downtown residential use limitations <b>Figure 19.304-2</b> Downtown Residential Use Limitations <b>Subsection 19.505.5</b> Townhouses
Multifamily	P	N	<b>Figure 19.304-2</b> Downtown Residential Use Limitations <b>Subsection 19.304.3.A.1</b> Downtown residential use limitations
Live/work units	P	N	<b>Subsection 19.304.3.A.1</b> Downtown residential use limitations <b>Subsection 19.505.6</b> Live/Work Units
Second-story housing	P	N	<b>Section 19.508</b> Downtown Site and Building Design Standards
Senior and retirement housing	P	N	<b>Subsection 19.304.3.A.1</b> Downtown residential use limitations
<b>Commercial</b>			
<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/CU	N	<b>Subsection 19.304.3.A.3</b> Commercial use limitations <b>Section 19.905</b> Conditional Uses



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

<b>Table 19.304.2 CONTINUED Uses Allowed in Downtown Zones</b>			
<b>Uses and Use Categories</b>	<b>DMU</b>	<b>OS</b>	<b>Standards/ Additional Provisions</b>
<b>Commercial CONTINUED</b>			
<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, 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/CU	N	<p><b>Subsection 19.304.3.A.2</b> Main Street limitations</p> <p><b>Subsection 19.304.3.A.3</b> Commercial use limitations</p> <p><b>Subsection 19.509.2</b> Security and odor control for certain marijuana business</p> <p><b>Section 19.905</b> Conditional Uses</p> <p>Note: Production, processing, packaging, and assembly uses must meet the standards listed below under Manufacturing.</p>
<p>Eating and drinking establishment</p> <p>Eating and drinking establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeaway.</p> <p>Examples include restaurants, delicatessens, retail bakeries, taverns, brewpubs, coffee shops, concession stands, wine bars, and espresso bars.</p>	P/CU	CU	<p><b>Subsection 19.304.3.A.3</b> Commercial use limitations</p> <p><b>Section 19.905</b> Conditional Uses</p>
<p>Indoor recreation</p> <p>Indoor recreation consists of facilities providing active recreational uses of a primarily indoor nature.</p> <p>Examples include gyms; dance studios; tennis, racquetball, and soccer centers; recreational centers; skating rinks; bowling alleys; arcades; shooting ranges; and movie theaters.</p>	P/CU	N	<p><b>Subsection 19.304.3.A.3</b> Commercial use limitations</p> <p><b>Section 19.905</b> Conditional Uses</p>

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

<b>Table 19.304.2 CONTINUED Uses Allowed in Downtown Zones</b>			
<b>Uses and Use Categories</b>	<b>DMU</b>	<b>OS</b>	<b>Standards/ Additional Provisions</b>
<b>Commercial CONTINUED</b>			
<p>Retail-oriented sales</p> <p>Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.</p> <p>Examples include stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media.</p>	P/CU	P/CU	<p><b>Subsection 19.304.3.A.3</b> Commercial use limitations <b>Section 19.905</b> Conditional Uses</p>
<p>Personal/business services</p> <p>Personal/business services are involved in providing consumer services.</p> <p>Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.</p>	P/CU	N	<p><b>Subsection 19.304.3.A.3</b> Commercial use limitations <b>Section 19.905</b> Conditional Uses</p>
<p>Repair-oriented</p> <p>Repair-oriented uses are establishments providing product repair of consumer and business goods.</p> <p>Examples include repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, office equipment, tailors and seamstresses, shoe repair, locksmiths, upholsterers, and some automobile service and repair.</p>	P/CU	N	<p><b>Subsection 19.304.3.A.3</b> Commercial use limitations <b>Section 19.905</b> Conditional Uses</p>
<p>Day care</p> <p>Day care is the provision of regular child care, with or without compensation, to 4 or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all State requirements.</p> <p>Examples include nursery schools, before- and after-school care facilities, and child development centers.</p>	P	N	<p><b>Subsection 19.304.3.A.5</b> Day care limitation</p>

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

<b>Table 19.304.2 CONTINUED Uses Allowed in Downtown Zones</b>			
<b>Uses and Use Categories</b>	<b>DMU</b>	<b>OS</b>	<b>Standards/ Additional Provisions</b>
<b>Commercial CONTINUED</b>			
<p>Commercial lodging Commercial lodging includes for-profit residential facilities where tenancy is typically less than 1 month. Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments. Does not include senior and retirement housing.</p>	P/CU	N	<b>Section 19.905</b> Conditional Uses (for vacation rentals only)
<p>Parking facility Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a parking facility. Examples include short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking.</p>	CU	P	<b>Subsection 19.304.3.A.6</b> OS Zone parking limitations <b>Section 19.905</b> Conditional Uses <b>Chapter 19.600</b> Off-Street Parking and Loading
<p>Marijuana retailer Marijuana retailer means a state-licensed business that sells or distributes marijuana and marijuana-derived products to consumers. A marijuana retailer may sell or distribute recreational or medical marijuana.</p>	P/CU	N	<b>Subsection 19.509.1</b> Standards for Marijuana Retailers
<b>Manufacturing</b>			
<p>Manufacturing and production Uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; marijuana processors; weaving or production of textiles or apparel; woodworking, including cabinet makers; manufacture or assembly of machinery, equipment, instruments (including musical instruments), vehicles, appliances, precision items, and other electrical items; and production of artwork and toys.</p>	P	N	<b>Subsection 19.304.3.A.8</b> Manufacturing and production limitations <b>Subsection 19.509.2</b> Security and odor control for certain marijuana businesses

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

<b>Table 19.304.2 CONTINUED Uses Allowed in Downtown Zones</b>			
<b>Uses and Use Categories</b>	<b>DMU</b>	<b>OS</b>	<b>Standards/ Additional Provisions</b>
<b>Institutional</b>			
Parks and open space  Parks and open space uses are lands focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few buildings.  Examples include parks, public squares, plazas, recreational trails, botanical gardens, farmers markets, boat launching areas, nature preserves, and community gardens.	P	P	
Community service uses	CSU	CSU	<b>Section 19.904</b> Community Service Uses
<b>Accessory and Other</b>			
Accessory use	P	P	<b>Subsection 19.304.2.E</b> Accessory Uses <b>Section 19.503</b> Accessory Uses
Home occupation	P	N	<b>Section 19.507</b> Home Occupation Standards
Short-term rentals	P	P	<b>Section 19.507</b> Home Occupation Standards

P = Permitted.

N = Not permitted.

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

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

**19.304.3 Use Limitations, Restrictions, and Provisions**

**A. Use Limitations and Restrictions**

The following provisions describe the limitations for uses listed in Table 19.304.2.

1. Residential uses are permitted throughout downtown Milwaukie, subject to the following limitations and as shown in Figure 19.304-2.
  - a. Along Main Street south of the intersection with Scott Street, residential dwellings are only allowed on the second floor or above; they are not permitted on the ground floor. Lobbies for upper-level dwellings are allowed on the ground floor only if a commercial use is located along a majority of the property’s street frontage.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

MMC 19.304—Downtown Zones  
March 21, 2023 version (clean format)

Page 9 of 20

- b. Along Main Street north of the intersection with Scott Street and on all other streets, residential dwellings and/or lobbies are permitted anywhere on the ground floor along Main Street.
- c. Live/work units and townhouses are not permitted on Main Street.

[Click here to enter text.](#)



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (3) Indoor recreation
  - (4) Retail-oriented sales
  - (5) Personal-service-oriented
  - (6) Repair-oriented
- b. In the OS Zone, retail-oriented sales are limited to 20,000 sq ft in floor area per use on the ground floor.
  - c. Uses listed in Subsections 19.304.3.A.3.a-b that are larger than 20,000 sq ft in floor area on the ground floor may be approved through a conditional use review pursuant to Section 19.905.
  - d. In the DMU Zone, production-related office uses are limited to 20,000 sq ft in total area.
  - e. Uses listed in Subsection 19.304.3.A.3.d that are larger than 20,000 sq ft in total area may be approved through conditional use review pursuant to Section 19.905.
- 4. Automobile/motor vehicle repair (excluding body and fender repair and painting) is permitted in the DMU Zone only when conducted within a completely enclosed building.
  - 5. Day care and childcare uses are limited to 5,000 sq ft.
  - 6. Parking facilities in the OS Zone are limited to surface lots that are intended primarily for the users of the related park or open space.
  - 7. Manufacturing and production uses are limited to 5,000 sq ft in floor area per use on the ground floor and are only permitted when associated with, and accessory to, a related retail-oriented sales or eating/drinking establishment use. For purposes of this subsection, manufacturing and production involve goods that are sold or distributed beyond or outside of the associated on-site eating or drinking establishment or retail trade use. For example, a brewing facility that distributes or sells its products elsewhere would be considered a manufacturing and production use, while a restaurant kitchen that prepares food that is purchased on-site would not be considered manufacturing or production. Marijuana production is prohibited.

**B. Use Provisions**

- 1. The limit of 4 consecutive townhouses established in Subsection 19.505.5.D does not apply in the DMU Zone. In the DMU Zone, there is no limit on the number of consecutive townhouses.

**19.304.4 Development Standards**

In the downtown zones, the development standards in Table 19.304.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Subsection 19.304.5.

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

The development standards address several issues of particular importance to maintaining the appropriate character for the downtown. Table 19.304.4 summarizes some of the development standards that apply downtown. Development standards are presented in full in Subsection 19.304.5.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

<b>Table 19.304.4 Downtown Zones—Summary of Development Standards</b>			
<b>Standard</b>	<b>DMU</b>	<b>OS</b>	<b>Standards/ Additional Provisions</b>
<b>A. Lot Standards</b>			
1. Minimum lot size (sq ft)	750	None	
2. Minimum street frontage (ft)	15	None	<b>Section 19.201</b> Definitions
<b>B. Development Standards</b>			
1. Floor area ratio a. Minimum b. Maximum	0.5:1–1:1 4-6:1 (FAR bonus available)	None None	<b>Section 19.201</b> Definitions <b>Subsection 19.304.5.A</b> Floor Area Ratios <b>Figure 19.304-3</b> Minimum Floor Area Ratios <b>Subsection 19.611.4</b> Incentives for Provision of Structured Parking
2. Building height (ft) a. Minimum b. Maximum	25 45–55 (height bonus available)	None 15	<b>Subsection 19.304.5.B</b> Building Height <b>Figure 19.304-4</b> Base Maximum Building Heights <b>Subsection 19.304.5.B.3</b> Height Bonuses <b>Section 19.510</b> Green Building Standards <b>Subsection 19.911.6</b> Building Height Variance in the Downtown Mixed Use Zone
3. Street setbacks (ft) a. Minimum street setback b. Side and rear setbacks	0 None	0 None	<b>Subsection 19.304.5.C</b> Street Setbacks <b>Subsection 19.501.2</b> Yard Exceptions

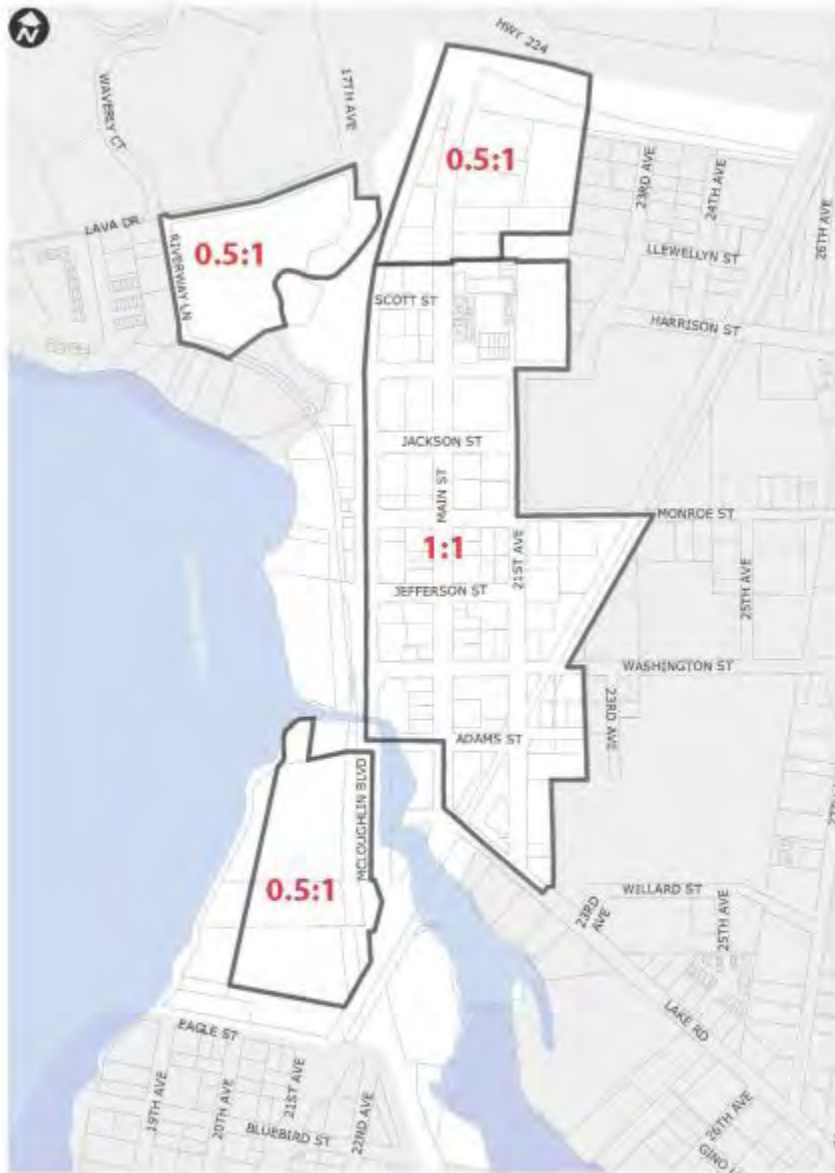


**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

<b>Table 19.304.4 CONTINUED Downtown Zones—Summary of Development Standards</b>			
<b>Standard</b>	<b>DMU</b>	<b>OS</b>	<b>Standards/ Additional Provisions</b>
<b>B. Development Standards CONTINUED</b>			
4. Off-street parking required	Yes, where applicable	Yes, where applicable	<b>Subsection 19.304.5.D</b> Off-Street Parking <b>Chapter 19.600</b> Off-Street Parking and Loading
<b>C. Other Standards</b>			
1. Residential density requirements (dwelling units per acre)			<b>Subsection 19.202.4</b> Density Calculations <b>Subsection 19.304.5.E</b> Residential Density <b>Subsection 19.501.4</b> Density Exceptions
a. Townhouses and live/work units			
(1) Minimum	25	n/a	
(2) Maximum	None	n/a	
b. Stand-alone multifamily			
(1) Minimum	30	n/a	
(2) Maximum	None	n/a	
c. Mixed-use buildings	None	n/a	
2. Signs	Yes	Yes	<b>Section 14.16.060</b> Downtown Zones

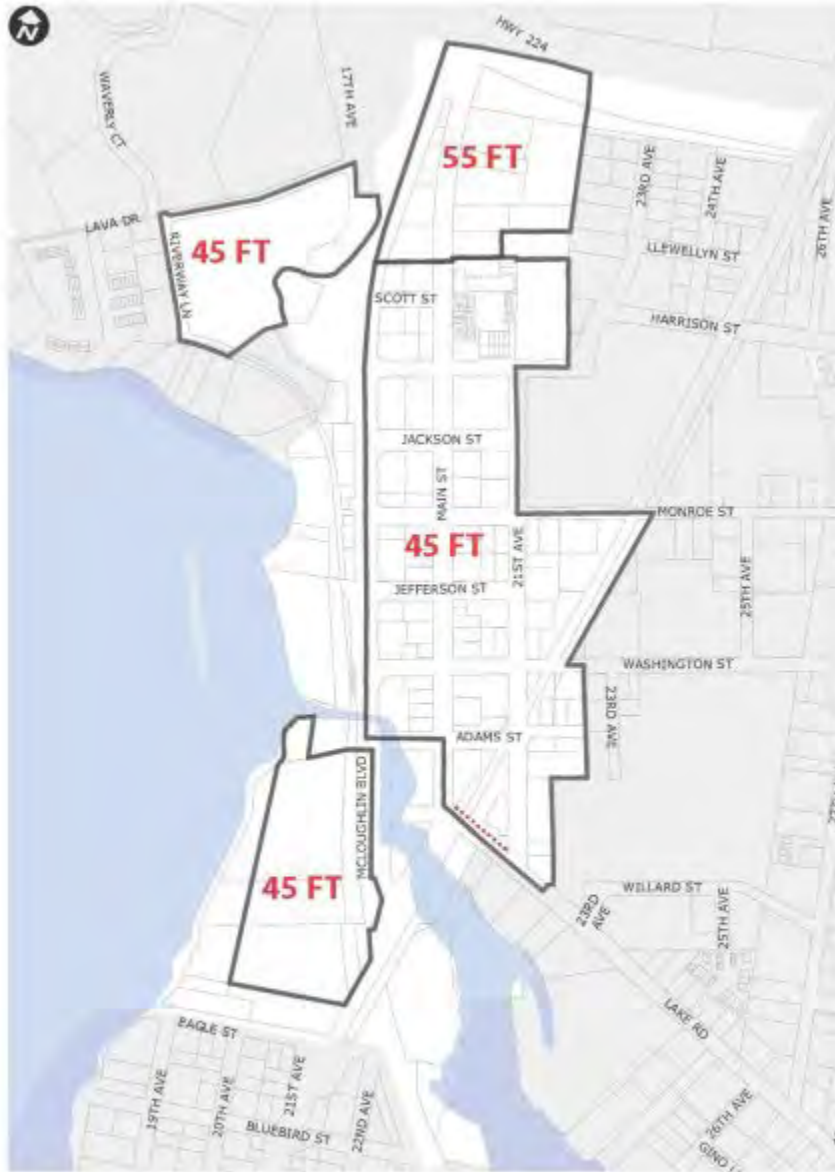
**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**Figure 19.304-3  
Minimum Floor Area Ratios**



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**Figure 19.304-4  
Base Maximum Building Heights**



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**19.304.5 Detailed Development Standards**

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.304.4.

**A. Floor Area Ratios**

**1. Intent**

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum floor area ratios help to ensure that the intensity of development is controlled and that more intense forms are confined to appropriate areas of the downtown. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

**2. Standards**

- a. The minimum floor area ratios in Subsection 19.304.4.B.1 apply to all nonresidential building development. Stand-alone residential densities are controlled by minimum density requirements.
- b. Required minimum floor area ratios are calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.
- d. FAR bonuses are available for provision of structured parking per Subsection 19.611.4.

**3. Exemptions**

The following are exempt from the minimum floor area ratio requirement.

- a. Parking facilities
- b. Public parks and plazas

**B. Building Height**

**1. Intent**

Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. A minimum building height is established to ensure that the traditional building scale for the downtown area is maintained.

**2. Standards**

- a. The minimum building height standards apply to new commercial, office, residential, and mixed-use buildings.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- b. Minimum building heights are specified in Table 19.304.4. The minimum building height of 25 ft must be met along all street frontages for a depth of at least 25 ft from the front of the building.
- c. Base maximum building heights are specified in Figure 19.304-4. Height bonuses are available for buildings that meet the standards of Subsection 19.304.5.B.3.

3. Height Bonuses

To incentivize the provision of additional public amenities or benefits beyond those required by the baseline standards, height bonuses are available for buildings that include desired public amenities or components; increase downtown vibrancy; and/or help meet sustainability goals.

A building can utilize up to two of the development incentive bonuses of this subsection, for a total of 24 ft of additional height above the height maximum specified in Figure 19.304-4.

Height bonuses cannot be applied within 50 ft of the moderate density residential (R-MD) zone.

a. Residential

New buildings that devote at least one story or 25% of the gross floor area to residential uses are permitted an additional 12 ft of building height. The residential height bonus cannot be used in combination with the lodging height bonus.

b. Lodging

New buildings that devote at least one story or 25% of the gross floor area to lodging uses are permitted an additional 12 ft of building height. The lodging height bonus cannot be used in combination with the residential height bonus.

c. Green Building

Project proposals that receive approvals and certification as identified in Section 19.510 are permitted an additional 12 ft of building height.

d. Building Height Variance

Additional building height may be approved through Type III variance review, per Subsection 19.911.6 Building Height Variance.

4. Exemptions

The following are exempt from the minimum building height standards.

- a. Additions to existing buildings.
- b. Accessory structures.
- c. Buildings with less than 1,000 sq ft of floor area.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**C. Street Setbacks**

1. Intent

Buildings are allowed and encouraged to build up to the street right-of-way in the DMU Zone to ensure that the ground floors of buildings engage the street right-of-way.

2. Standards

- a. No minimum street setbacks are required.
- b. Minimum setbacks are used in combination with the Site Frontage design element in Subsection 19.508.4.A.

3. Exemption

The DMU Zone is exempt from the clear vision area requirements of Chapter 12.24 of the Milwaukie Municipal Code, with the exception of driveway and street intersections with McLoughlin Blvd.

**D. Off-Street Parking**

1. Intent

The desired character for the DMU Zone, particularly along Main Street, is defined by a continuous façade of buildings close to the street, with adjacent on-street parking.

2. Standards

- a. Off-street parking for residential uses is required at the ratios established in Table 19.605.1. All other applicable standards of Chapter 19.600 apply.
- b. No off-street parking is required for nonresidential uses. If off-street parking is provided for nonresidential uses, the parking maximums in Table 19.605.1 will apply. All other applicable standards of Chapter 19.600 will also apply.
- c. Off-street surface parking lots (including curb cuts) must not be located within 50 ft of the Main Street right-of-way. Off-street surface parking lots approved prior to October 31, 2015, the effective date of Ordinance #2106, are exempt from this prohibition. This exemption applies only to the property owner on file with the Clackamas County Assessor as of October 31, 2015, the effective date of Ordinance #2106, and is dissolved upon transfer of ownership.

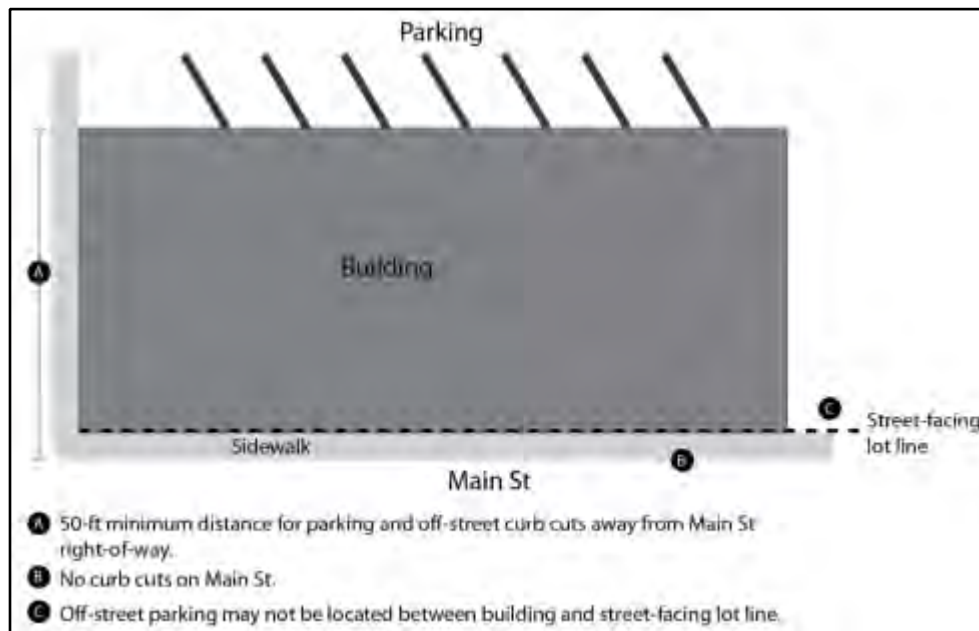
The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main Street right-of-way only upon finding, through Type III Variance review pursuant to Section 19.911, that:

- (1) The overall project meets the intent of providing a continuous façade of buildings close to Main Street.
- (2) The off-street parking area or curb cut is visually screened from view from Main Street.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (3) The community need for the off-street parking area or curb cut within 50 ft of Main Street outweighs the need to provide a continuous façade of buildings in that area.
- d. Off-street parking must not be located between a building and the street-facing lot line.

**Figure 19.304.5.D.2  
Off-Street Parking Standards**



**E. 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. There is no maximum residential density for townhouses or live/work units.
- b. Minimum densities for stand-alone multifamily dwellings and senior/retirement housing in the DMU Zone are 30 units per acre. Maximum residential densities are effectively controlled by height limits.

**3. Exemption**

There are no minimum density requirements when residential units are developed as part of a mixed-use building.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**19.304.6 Public Area Requirements**

A. Purpose

The Public Area Requirements (PAR) implement the Downtown and Riverfront Land Use Framework Plan. The purpose of the PAR is to ensure that, as revitalization occurs in downtown, there will be a consistent and high-quality public right-of-way that establishes a safe, comfortable, contiguous pedestrian-oriented environment. Public area requirements are defined as improvements within the public right-of-way and include, but are not limited to, sidewalks, bicycle lanes, on-street parking, curb extensions, lighting, street furniture, and landscaping. The PAR is implemented through Chapter 19.700 and the Milwaukie Public Works Standards.

B. Applicability, Review Process, and Standards

Development in downtown zones is subject to the review process and standards of Chapter 19.700 as specified in the chapter's applicability provisions. Required public improvements along rights-of-way included in the PAR must be consistent with the PAR as implemented in the Milwaukie Public Works Standards.

**19.304.7 Additional Standards**

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

A. Section 19.504 Site Design Standards

B. Section 19.505 Building Design Standards

C. Section 19.508 Downtown Site and Building Design Standards and Guidelines

**19.304.8 Variances**

The Planning Manager or Planning Commission may authorize variances to the development standards under Subsection 19.304.4 in accordance with procedures of Section 19.911.



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**19.508 DOWNTOWN SITE AND BUILDING DESIGN STANDARDS AND GUIDELINES**

**19.508.1 Purpose**

The design standards and guidelines contained in this section are intended to encourage high-quality building design and construction that complements district development patterns, fosters human-scale design, and adds vitality. The design standards and guidelines will support the development of a cohesive, attractive, and safe downtown area and encourage private investment. The design standards and guidelines do not prescribe a particular building or architectural style. These standards and guidelines apply to all downtown design reviews.

**19.508.2 Applicability**

The design standards and guidelines in this section generally apply to the street-facing façades, as defined in Section 19.201, of nonresidential, mixed-use, and residential-only multifamily buildings within the downtown zones. Any exceptions are detailed within each specific design element. Development is subject to the standards of this section as described below.

**A. New Development**

1. All new development is subject to the design elements of this section.
2. Townhouse and live/work units, where permitted, are subject to the following design elements and additional standards:
  - a. Subsection 19.508.4.A Site Frontage.
  - b. Subsection 19.508.4.E Building Entrances.
  - c. Subsection 19.508.4.M Plazas and Usable Open Space.
  - d. Townhouses are subject to the standards of Subsection 19.505.5 Townhouses, as revised by Subsection 19.304.3.B.1.
  - e. Live/work units are subject to the standards of Subsection 19.505.6 Live/Work Units.

**B. Expansions, Additions, and/or Changes to Existing Buildings or Structures**

The following elements are applicable to expansions of, and/or additions to, existing buildings or structures. Elements that are applicable to expansions or additions do not apply to existing buildings unless stated below. Expansions or additions that bring the building or structure out of conformance, or further out of conformance if already nonconforming, with the applicable design standard or standards are subject to Chapter 19.800 Nonconforming Uses and Development or Section 19.907 Downtown Design Review.

1. Expansions or additions that add 250 sq ft or less—and are not visible from the pedestrian level of adjacent streets, sidewalks, courtyards, and/or public parks or pedestrian walkways—are exempt from the design elements of Section 19.508.
2. Expansions or additions to the street-facing façade are subject to the following elements.
  - a. Subsection 19.508.4.A Site Frontage.
  - b. Subsection 19.508.4.A Wall Structure and Building Façade Details, for the area of expansion or addition only.
  - c. Subsection 19.508.4.C Exterior Building Materials, For Existing Buildings, only for the area of the expansion.

# DRAFT ORDINANCE TO BE CONSIDERED BY THE CITY COUNCIL ON MARCH 21, 2023

- d. Subsection 19.508.4.D Façade Transparency and Activation, only for the area of expansion or addition.
- e. Subsection 19.508.4.E Building Entrances, if the addition or expansion includes a building entry.
- f. Subsection 19.508.4.F Windows, only for the area of expansion or addition.
- g. Subsection 19.508.4.G Corners, if applicable.
- h. Subsection 19.508.4.I Weather Protection, if the addition or expansion includes a building entry.
- i. Subsection 19.508.4.J Roofs and Rooftop Equipment Screening, for expansions that include an additional floor, a new roof, and/or new rooftop equipment.
- j. Subsection 19.508.4.L Resident Open Space.
- k. Subsection 19.508.4.M Plazas and Usable Open Space.
- l. Subsection 19.508.4.N Outdoor and Exterior Building Lighting, if the addition or expansion includes lighting.

## C. Replacement of Materials

The following elements are applicable for work that would replace any of the façade materials on a building or change elements of the façade such as windows, doors, awnings, canopies, and other structural elements. The element applies only to the portion of the façade on which the new materials are installed or the structural element being replaced.

- 1. Subsection 19.508.4.B.2.a(1) for replacement of more than 25% of the building façade materials.
- 2. Subsection 19.508.4.B.2.a(2) for replacement of more than 25% of the building façade materials.
- 3. Subsection 19.508.4.B.2.b, for replacement of more than 25% of the building façade materials.
- 4. Subsection 19.508.4.C.2.b for existing development.

## D. Other Activities

Any activity not described in Subsections 19.508.2.A-C is exempt from the design elements of this section.

## 19.508.3 Review Process

Design standards and guidelines for development in downtown Milwaukie are applied through downtown design review as established in Section 19.907. Projects subject to downtown design review are described in the applicability language in Subsection 19.907.2.

For those projects that are subject to downtown design review, the applicant must demonstrate how the applicable standards or guidelines are being met.

- A. Applicants may elect to meet all of the applicable design standards for each design element in Section 19.508.4. Such projects can be reviewed through an administrative Type I downtown design review as established in Section 19.907.
- B. Applicants that do not meet all of the applicable design standards may demonstrate compliance with individual design elements by meeting either the design standards or the

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

design guidelines for a specific element. Such projects must be reviewed through a discretionary Type II or III downtown design review as established in Section 19.907.

**19.508.4 Downtown Design Elements**

All development that meets the applicability provisions in Subsection 19.508.2 must meet the following design standards or guidelines for each design element. A design feature may be used to comply with more than one standard or guideline.

**A. Site Frontage**

1. Purpose

To encourage building design and site placement that enlivens the public realm and streetscape through significant building presence along site frontages and active ground-floor uses.

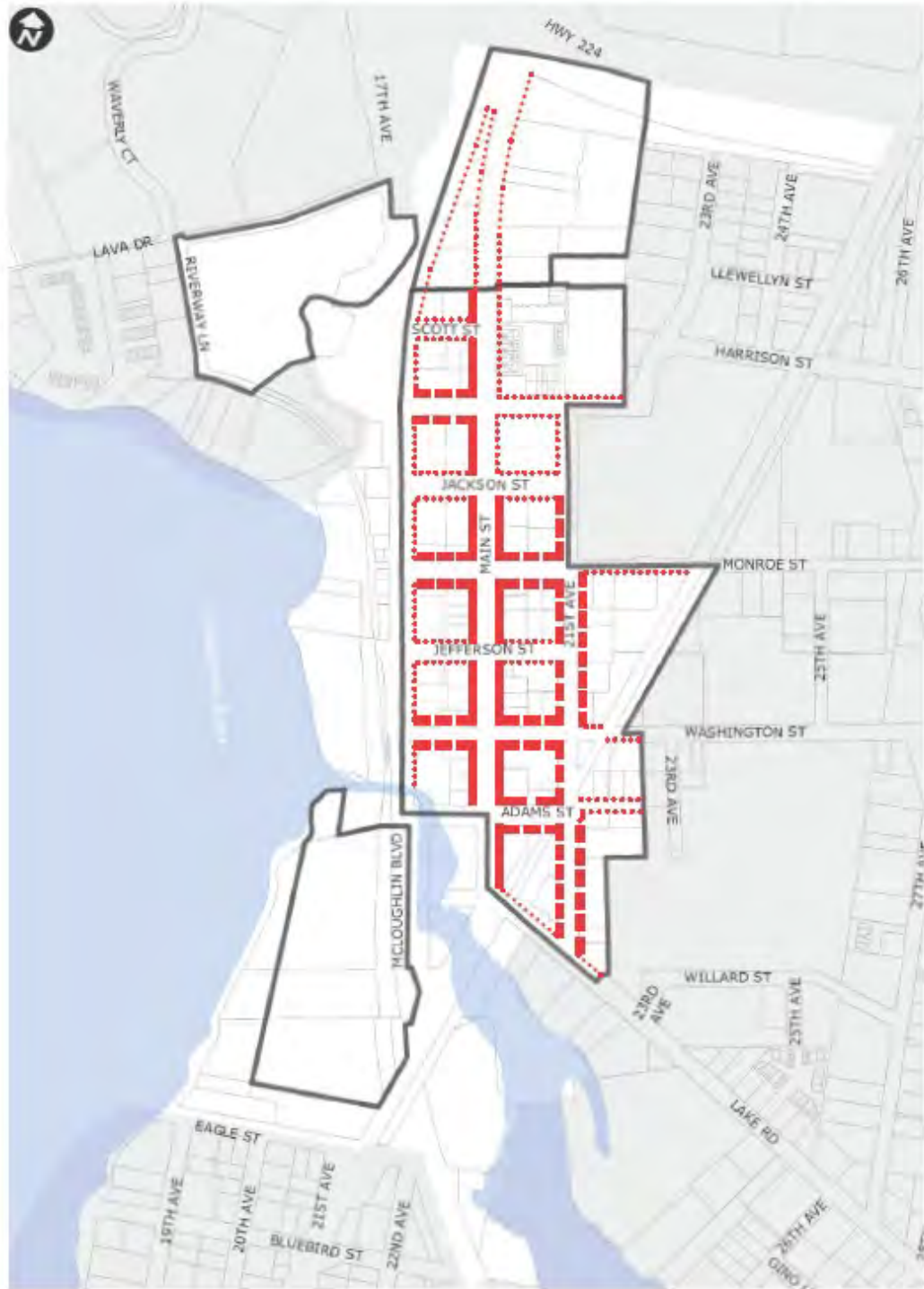
2. Design Standards

a. Frontage Occupancy

- (1) Minimum frontage occupancy requirements are established for block faces identified in Figure 19.508.4.A.2.a.(1) and detailed in Table 19.508.4.A.2.a.(1). Frontage occupancy requirements are used in combination with the required build-to line of Subsection 19.508.4.A.2.b.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**Figure 19.508.4.A.2.a.(1)  
Minimum Frontage Occupancy**



**LEGEND**

— 90%

- - - 75%

..... 50%

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

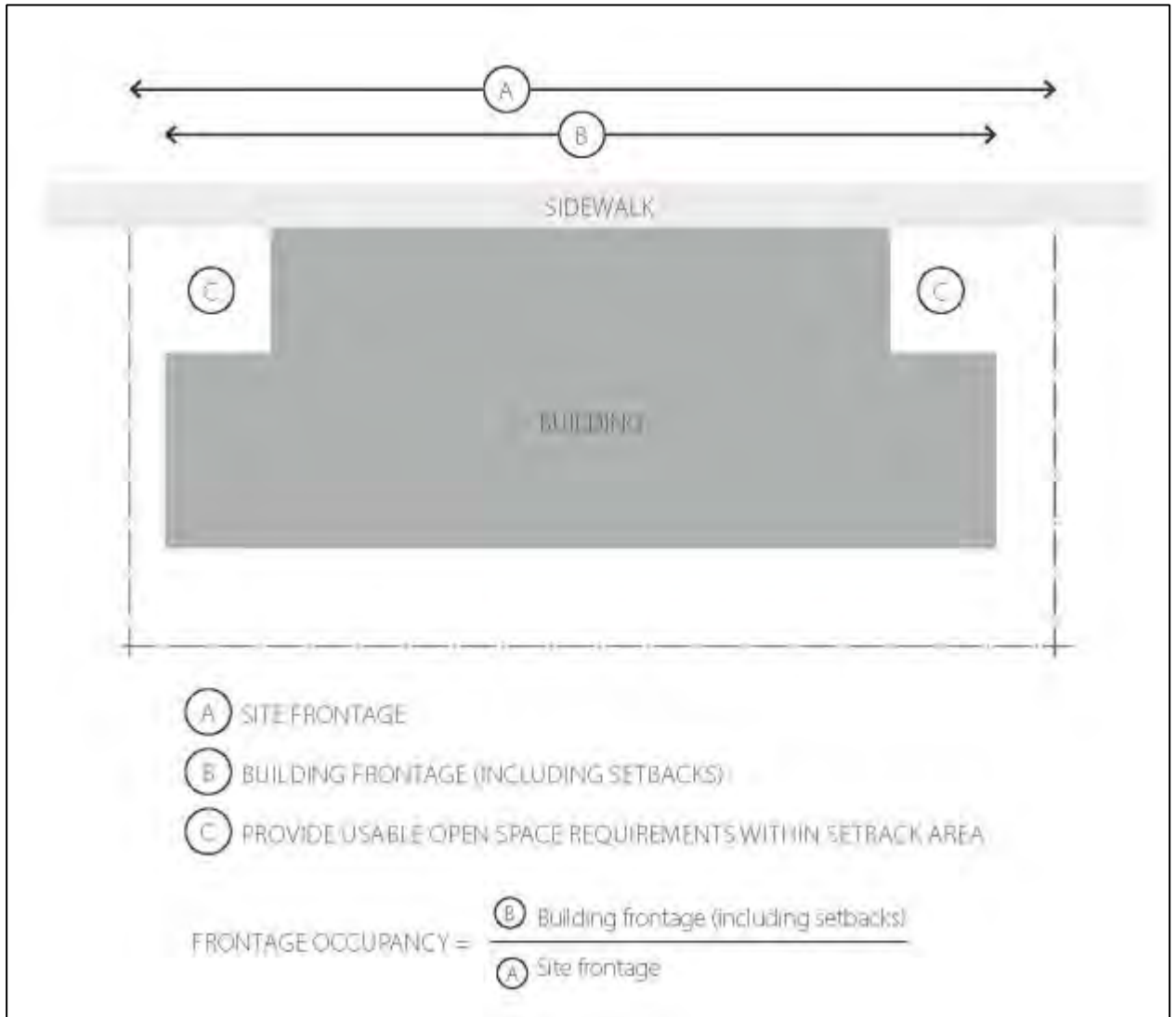
<b>Table 19.508.4.A.2.a.(1) Minimum Frontage Occupancy Requirements</b>		
<b>Block Faces<sup>1</sup></b>	<b>Minimum Frontage Occupancy Requirement</b>	<b>Notes</b>
Main Street	90%	If the development site has frontage on Main Street and another street, the frontage occupancy requirement must be met on Main Street only.
Secondary Streets (Harrison Street, Monroe Street, Washington Street, Adams Street, and 21 <sup>st</sup> Avenue)	75%	If the development site has frontage on one of the streets listed here and another street where neither frontage is on Main Street, the frontage occupancy requirement must be met on the streets listed here only.
Tertiary Streets (All others)	50%	

1. As illustrated in Figure 19.508.4.A.2.a, which controls in the instance of a conflict with the street names as listed here.

(2) Frontage occupancy is calculated as the building frontage divided by the site frontage, as illustrated in Figure 19.508.4.A.2.a.(2). The building frontage includes both portions of the building at the build-to line and portions of the building set back from the front lot line consistent with maximum setbacks, as specified in Subsection 19.508.4.A.2.b.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**Figure 19.508.4.A.2.a.(2)  
Frontage Occupancy Requirements**

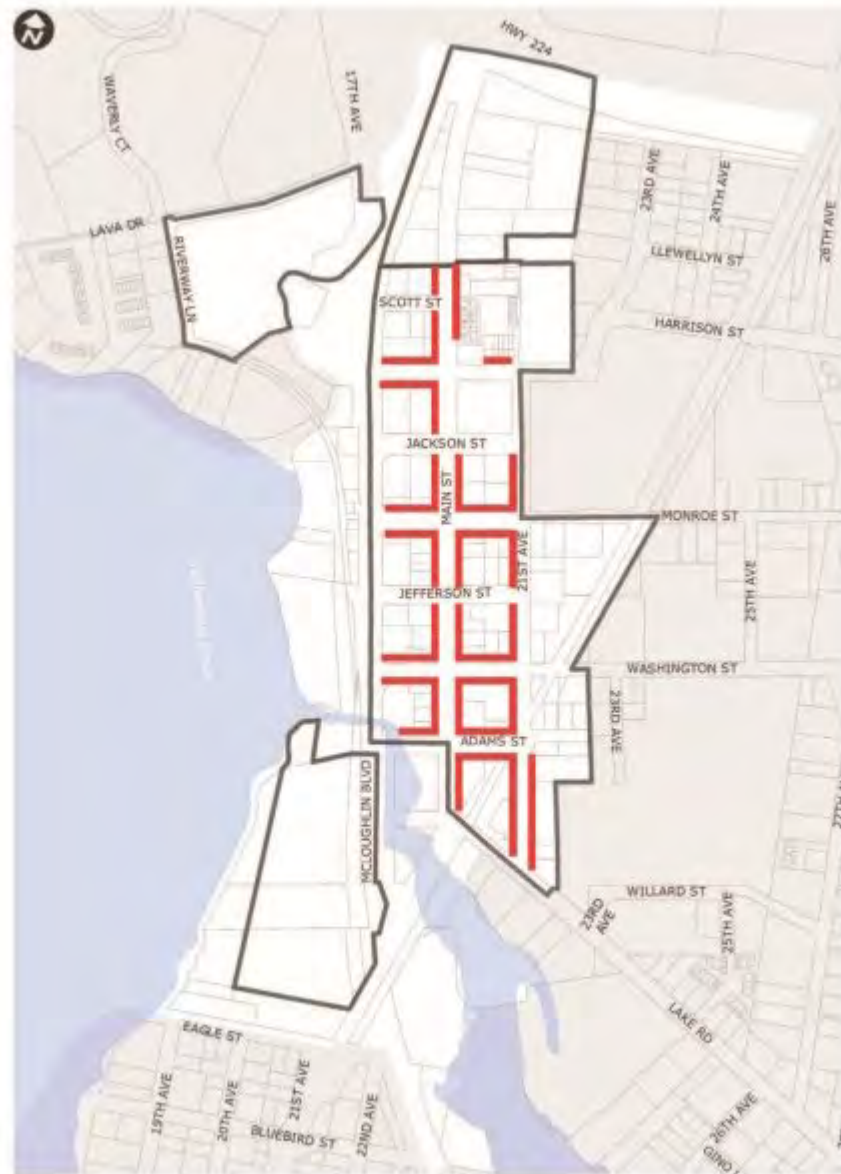


**b. Build-To Lines / Street Setbacks**

- (1) A build-to line as illustrated in in Figure 19.508.4.A.2.b.(1) must be met for those block faces identified in Figure 19.508.4.A.2.b as follows:

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**Figure 19.508.4.A.2.b  
First-Floor Build-to Requirements**



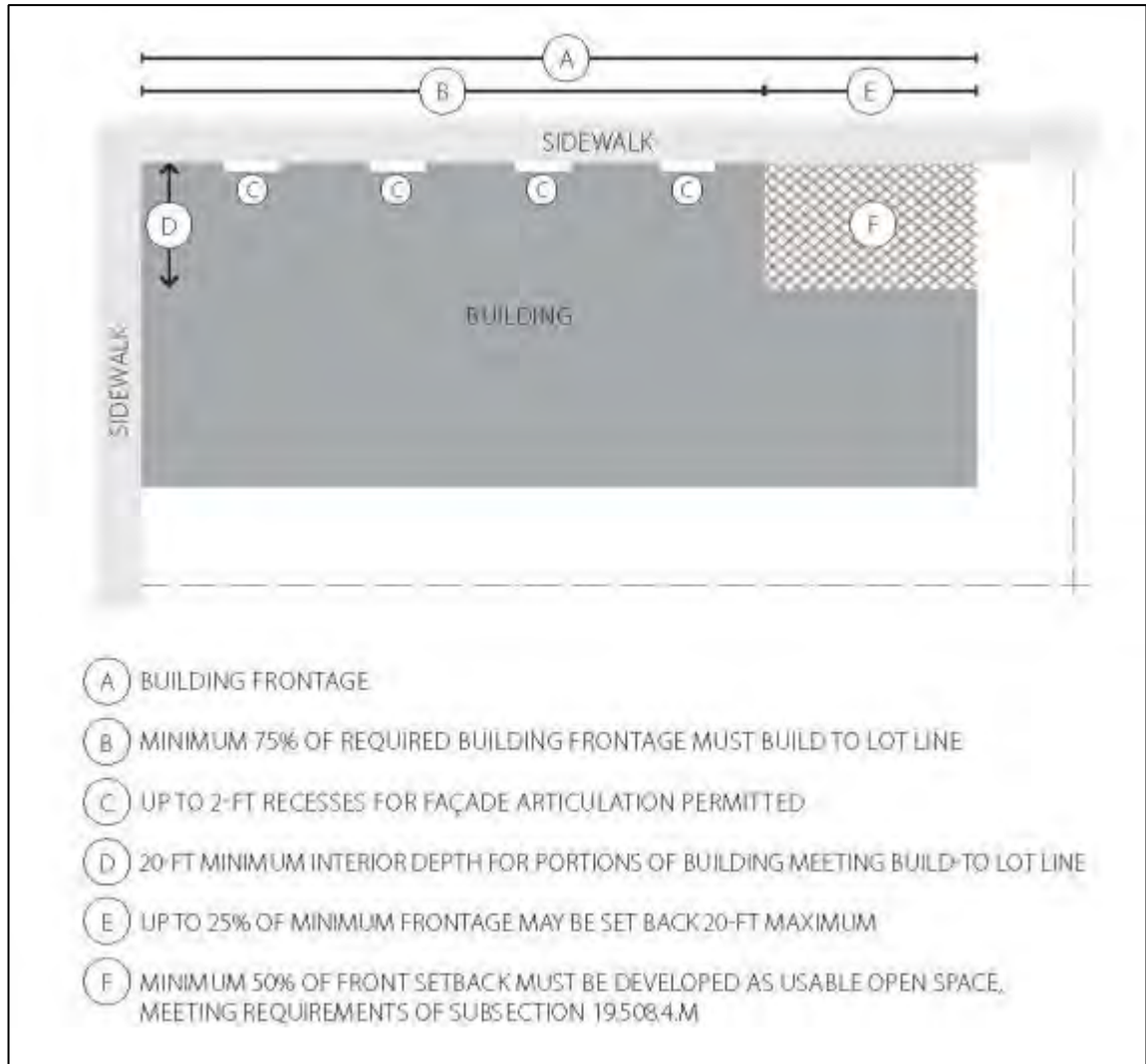
- (a) Of the minimum frontage occupancy required for the site per Subsection 19.508.4.A.2.a, a minimum of 75% of the building's first floor must be built to the front lot line with a zero-foot setback, or up to a 2-ft setback for recesses in the building façade incorporated to comply with façade articulation requirements.
- (b) The portions of the building used to meet the build-to-line requirement must have an interior depth of at least 20 ft.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (c) The remaining 25% of the first floor used to meet the build-to-line requirement may be set back from the front lot line a maximum of 20 ft. At least 50% of any front setback area must be developed as usable open space, such as a plaza or pedestrian amenities, that meets the requirements of Subsection 19.508.4.M.2.

**Figure 19.508.4.A.2.b.(1)**

**First-Floor Build-To Lines**

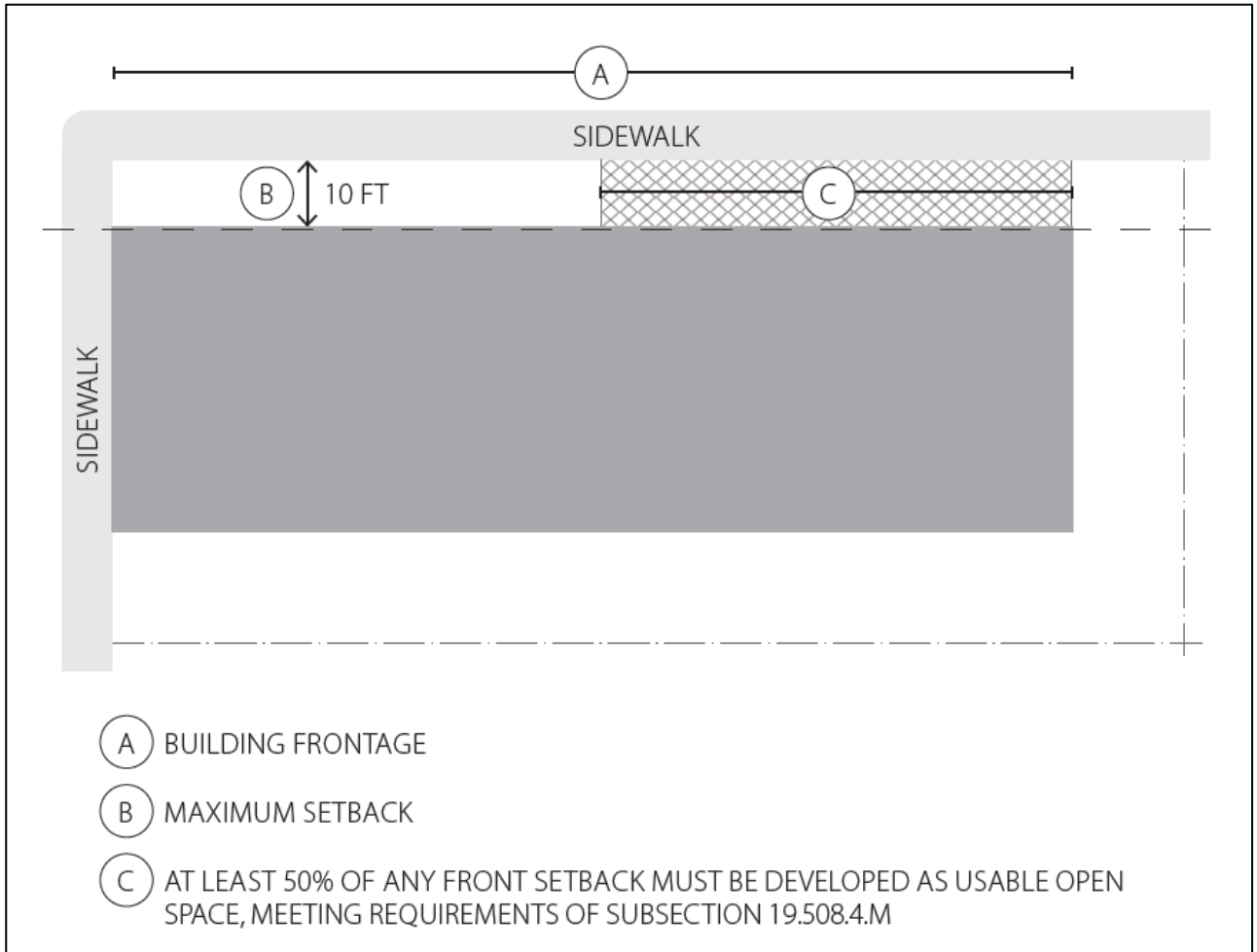


- (2) For other block faces, there is no build-to-line requirement and the maximum setback is 10 ft. At least 50% of any front setback area must be developed as usable open space, such as a plaza or pedestrian amenities, that meets the requirements of 19.508.4.M.2. (See Figure 19.508.4.A.2.b.(2).)



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**Figure 19.508.4.A.2.b.(2)  
Maximum Setbacks**



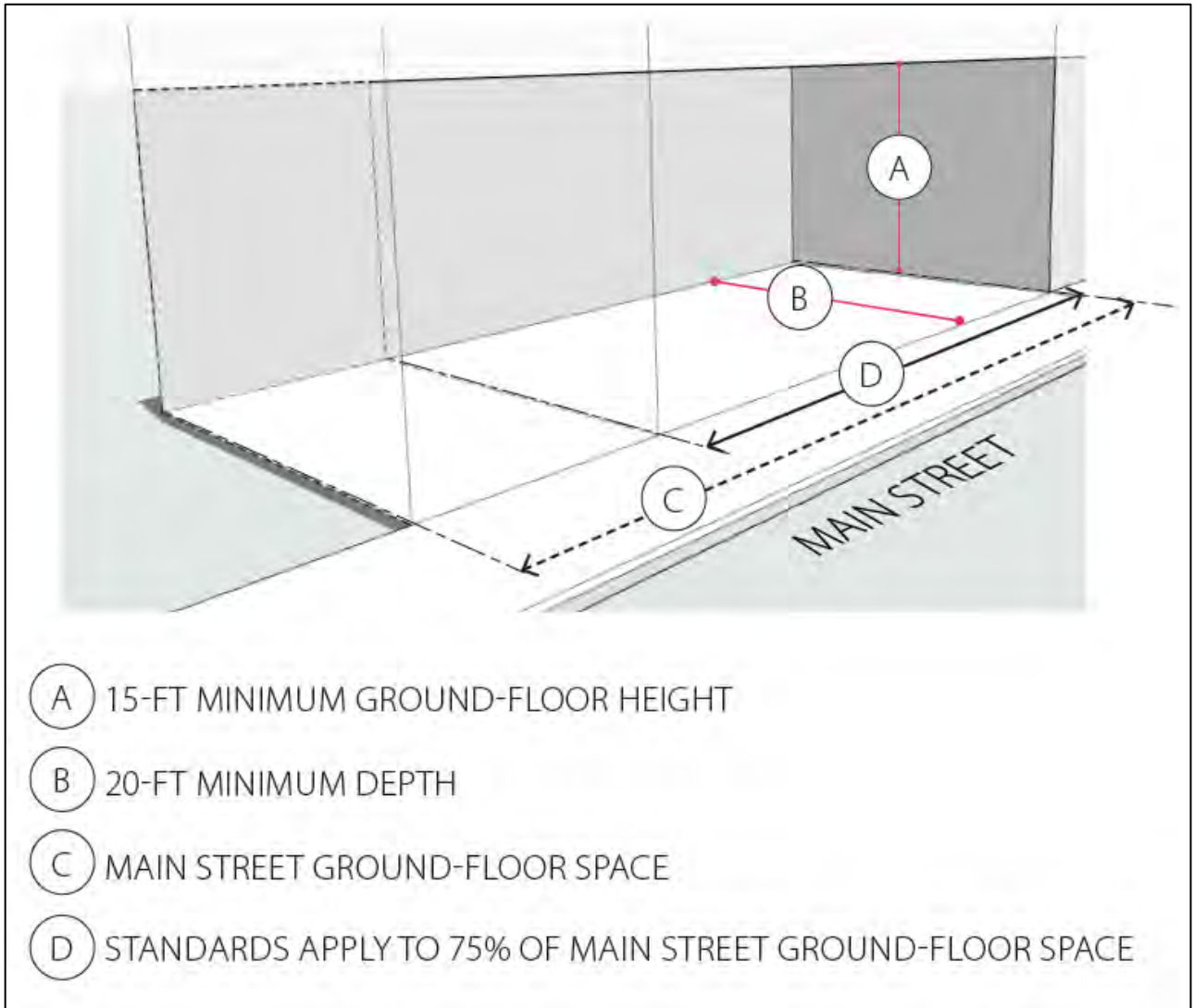
(3) The Downtown Mixed Use (DMU) zone is exempt from the clear vision area requirements of Chapter 12.24, with the exception of driveway and street intersections with McLoughlin Boulevard.

c. Active Ground-Floor Space

For new buildings fronting Main Street, excluding ground-floor residential, the following standards must be met as illustrated in Figure 19.508.4.A.2.c:

- (1) At least 75% of the ground-floor height must be at least 15 ft, as measured from the finished floor to the ceiling, or from the finished floor to the bottom of the structure above (as in a multistory building). The bottom of the structure above is the lowest portion of the structure and includes supporting beams.
- (2) At least 75% of the interior floor area adjacent to Main Street must be at least 20 ft deep, as measured from the inside building wall or windows facing Main Street.

**Figure 19.508.4.A.2.c  
Active Ground-Floor Space Standards**



3. Design Guidelines

- a. A strong and high-percentage presence of buildings on the site edge, and spacious active ground-floor spaces and uses should be provided to create a continuous building frontage on the street to create compatibility and harmony between buildings and to encourage pedestrian activities. Building placement along the street should contribute to a continuous street wall that integrates storefront opportunities and architectural interest along the street, and should bring buildings up to the sidewalk for pedestrian interest. The amount of building presence should be scaled to the uses and intensity of the street.
- b. Where buildings are set back from the property line and sidewalk, the setback distance should be minimized and plazas and open space should be located between the building and sidewalk edge, helping to enliven the street edge and

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

pedestrian realm. The plaza and open space area should incorporate pedestrian-scale features consistent with guidelines in Subsection 19.508.4.M.

- c. Ground floors of commercial, public, and mixed-use buildings should be flexible and offer ample space for active uses serving occupants and visitors, such as retail, service, or food service. The amount of active ground-floor space should be scaled to match the uses and intensity of the street, with the greatest amount in new buildings along Main Street. High ground-floor heights and adequate depths should provide flexible interior spaces for active uses.

**B. Wall Structure and Building Façade Detail**

1. Purpose

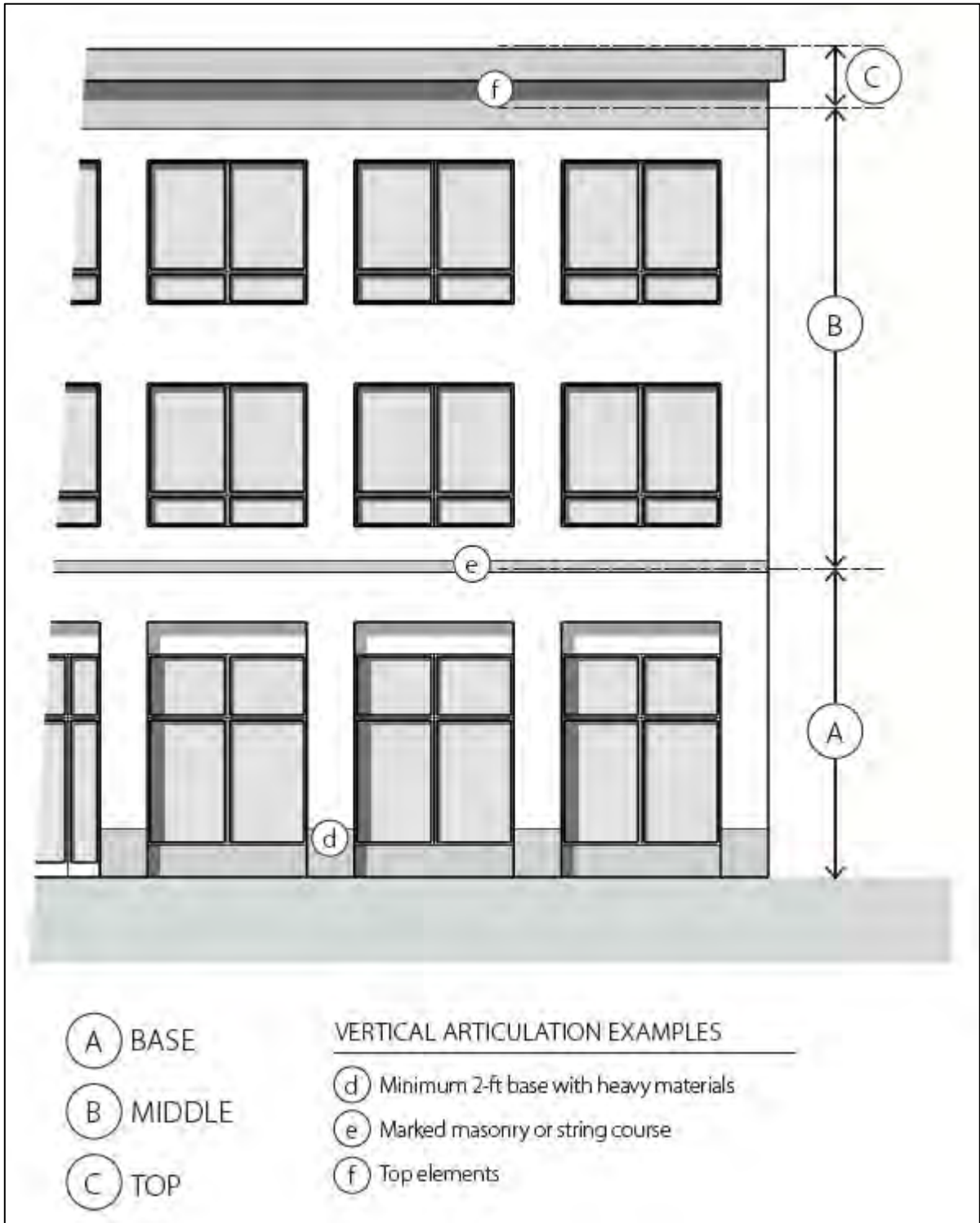
To add visual interest to buildings and enhance the street environment with engaging and varied wall structures. Use design features and details to break down the scale and mass of a building to create comfortable, pedestrian-friendly environments and enclosure to public areas.

2. Design Standards

a. Vertical Articulation

Buildings of two stories and above must be divided vertically to create a defined base, middle, and top by incorporating the following elements as shown in Figure 19.508.4.B.2.a:

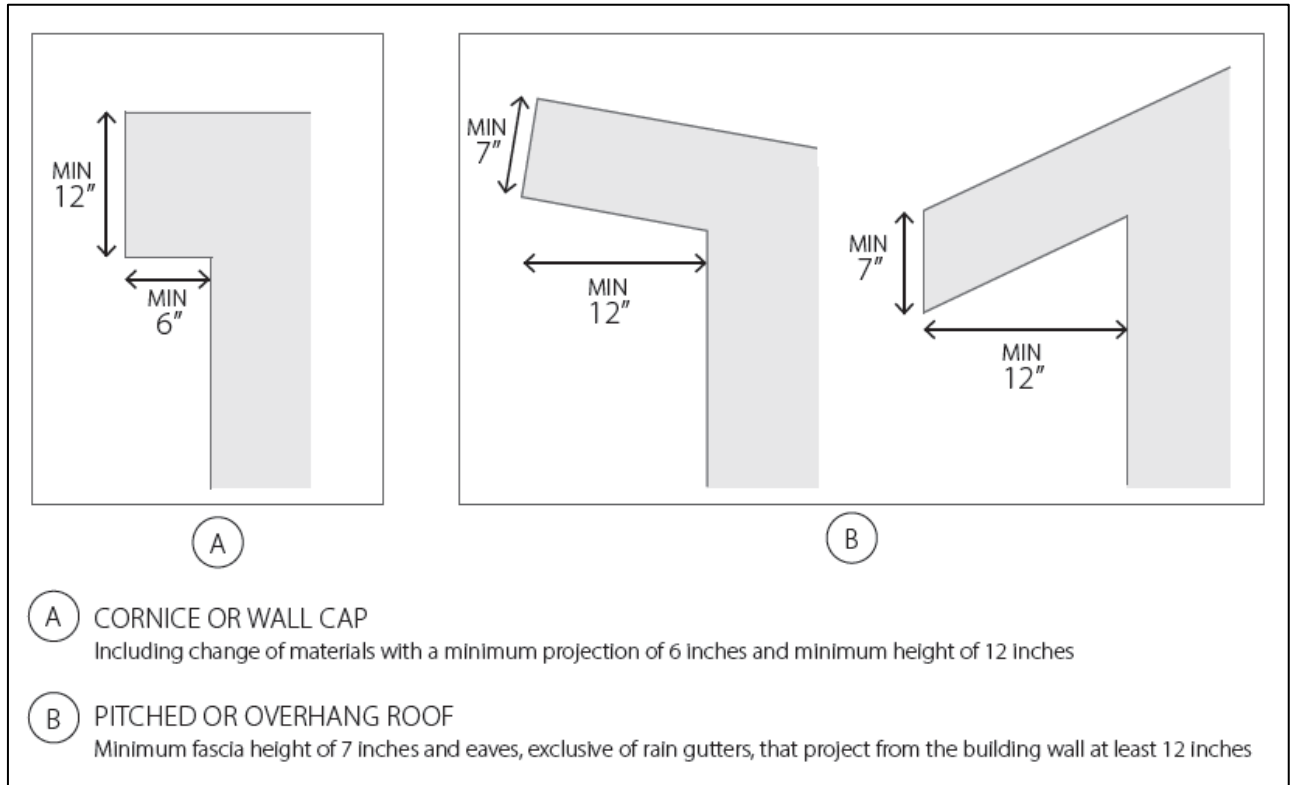
**Figure 19.508.4.B.2.a  
Vertical Articulation Features**



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (1) Base. The base of the building extends between the sidewalk and the top of the ground floor or the belt course/string course that separates the ground floor from the middle of the building. A minimum of the first 2 ft above finished grade of the ground-floor street-facing façade must be constructed of brick, stone, or concrete, excluding windows, entrances, and garage openings. The remainder of the base must meet the exterior building materials standards in Subsection 19.508.4.C.
- (2) Middle. The middle of the building between the top of the ground floor and top of the highest floor must incorporate at least one of the following elements:
  - (a) A change in exterior building materials and/or material color between the ground floor and upper floors.
  - (b) Street-facing balconies or decks at least 2 ft deep and 4 ft wide for at least 25% of the length of the building façade.
  - (c) Horizontal architectural elements such as masonry string courses, ledges, and water tables at least 8 in tall that project or recess at least 1 in from the building face and extend across a minimum of 75% of the façade length.
- (3) Top. The top of the building extends from the ceiling of the uppermost floor to the highest vertical point on the roof of the building. The building top must be distinguished from the building facades by one of the following (see Figure 19.508.4.B.2.a.(3)):

**Figure 19.508.4.B.2.a.(3)  
Façade Top Details**

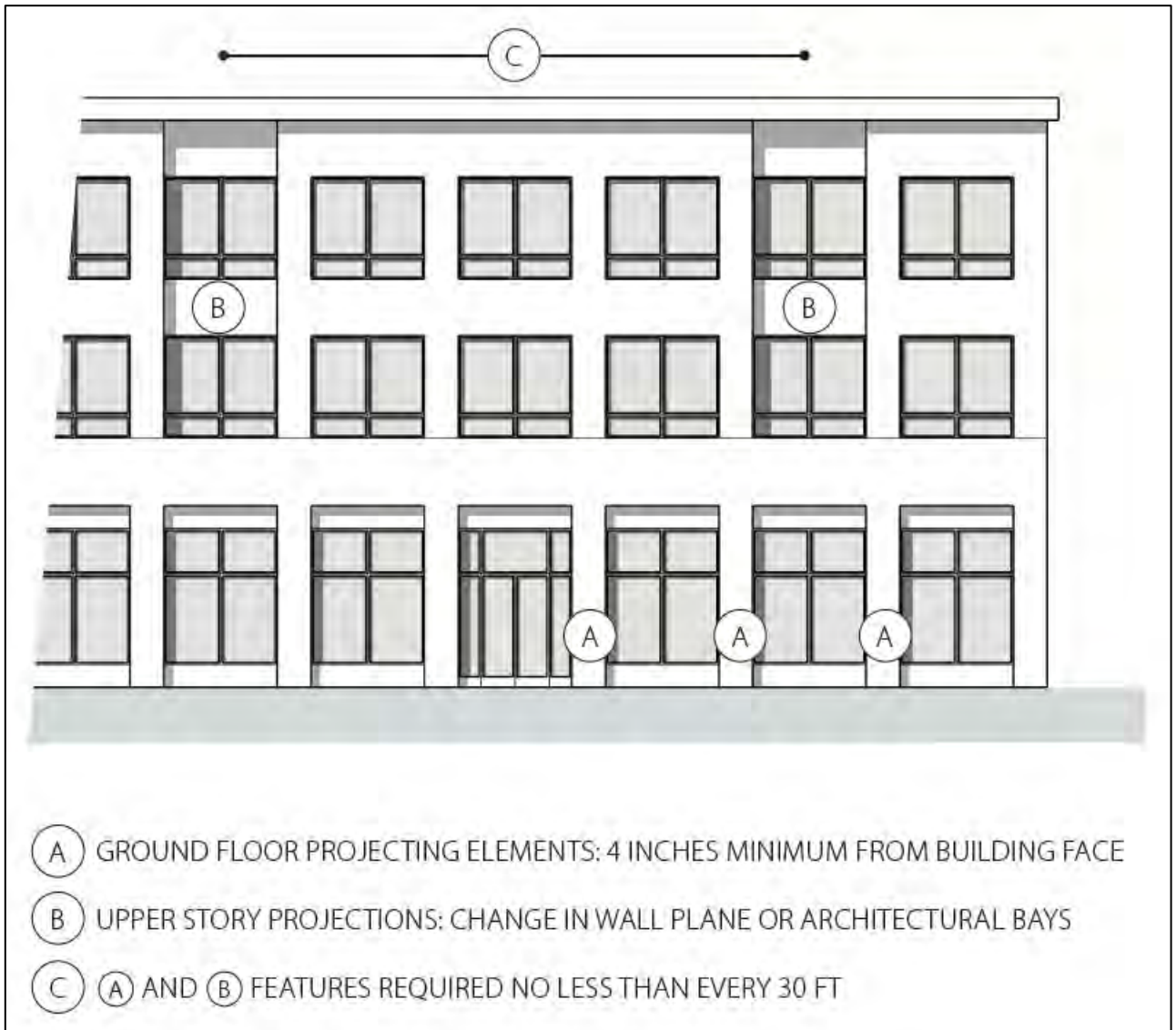


- (a) Cornice or wall cap including a change of materials with a minimum projection of 6 in and minimum height of 12 in.
  - (b) A pitched or overhang roof with a minimum fascia height of 7 in and eaves, exclusive of rain gutters, that project from the building wall at least 12 in.
- b. Horizontal Articulation
- (1) The street-facing façade must create a sense of rhythm and variation by incorporating the following as illustrated in Figure 19.508.4.B.2.b:
    - (a) The ground floor façade must include columns, piers, pilasters or revealed structural elements projecting a minimum of 4 in from the building face no less than every 30 ft.
    - (b) The upper story façade must include one of the following no less than every 30 ft:
      - (1) A change in wall plane of not less than 2 ft deep and 2 ft wide. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, pediment, coursing, column or similar architectural feature.
      - (2) Architectural bays at least 6 ft wide projecting 4 inches or more from the building face, with windows covering at least 50% of the projected wall area.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (c) As an alternative to complying with (a) and (b) separately, features meeting the requirements of either (a) or (b) may be extended vertically across all stories.
- (2) Horizontal datum lines—such as belt lines, cornices, or upper-floor windows—must line up with adjacent facades if applicable.

**Figure 19.508.4.B.2.b  
Horizontal Articulation Details**



3. Design Guidelines

- a. Street-facing façades should engage the street, achieving a distinct and high-quality treatment that contributes to the downtown as the center of the community.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- b. Building façades should create a sense of coherence through holistic and human-scale design. They should be designed with vertical divisions such as a tripartite façade of base, middle, and top, and horizontal design elements that reference traditional storefront widths and create a sense of rhythm, or an alternative design of vertical and horizontal elements that bring a human scale to the space of the street. Such vertical and horizontal architectural elements should create a coherent pattern and visual interest at a pedestrian scale, particularly for larger buildings.
- c. Buildings should avoid blank wall faces on street-facing façades, particularly on ground floors and building corners at street intersections.
- d. Building façades should integrate façade articulation techniques to add visual interest to the built environment and clearly demarcate areas of visual interest, highlighting entries or displays.
- e. Massing should be purposeful and cohesive, boldly showing depth and/or visual lightness to enrich the pedestrian zone, integrating façade articulation techniques to reduce the perceived scale of larger buildings.

**C. Exterior Building Materials**

1. Purpose

To encourage the use of high-quality building materials that highlight architectural elements, create a sense of permanence, are compatible with downtown Milwaukie and the surrounding built and natural environment, and activate the building around the pedestrian realm.

2. Design Standards

Table 19.508.4.C.2 specifies the primary, secondary, accent, and prohibited material types referenced in this standard.

<b>Table 19.508.4.C Exterior Building Materials for Street-Facing Façades</b>		
	<b>Allowed Status of Material</b> P = Primary S = Secondary A = Accent R = Review needed X = Prohibited	
<b>Material Type</b>	<b>Ground Floor (First story down to sidewalk grade)</b>	<b>Upper Floors</b>
Brick or brick veneer	P	P
Architectural concrete block or veneer	P	S
Architectural treated poured in place concrete	P	S
Tilt-up concrete walls (finished)	P	P
Pre-cast concrete	P	P
Stone veneer (natural or manufactured)	A-R	A-R
Stucco (topcoat with sand finish)	P	P



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

Exterior insulation finishing system (EIFS) or other synthetic stucco panels	P-R	P-R
Metal siding = Finished metal panels (e.g., anodized aluminum, stainless steel, copper) featuring a polished, brushed, or patina finish	P	P
Composite wall panels	P	P
Ceramic tile	A	S
Finished natural wood siding and composite wood siding	A	A
Fiber-reinforced cement siding and panels (5/16-in or thicker)	A	P
Through color reinforced cement siding and panels	A	S
Glazing (refer to Façade Transparency element)	P	P
Vinyl siding	X	X
Plywood paneling	X	X
Plastic or vinyl fencing	X	X
Chain-link fencing	X	X

a. New Buildings

The following standards are applicable to the street-facing façades of all new buildings, as well as façades facing plazas and/or open spaces.

(1) Façade coverage

(a) Table 19.508.4.C.2.a.(1) establishes façade coverage requirements.

<b>Table 19.508.4.C.2.a.(1) Façade Coverage Materials Requirements</b>			
<b>Façade Type</b>	<b>Primary Materials (Minimum)</b>	<b>Secondary Materials (Maximum)</b>	<b>Accent Materials (Maximum)</b>
Ground-floor façades	90%	n/a	10%
Upper-floor façades	65%	35%	10%

(b) The use of the following materials requires a Director’s Determination consistent with Section 19.903. The Planning Manager must consult with Design and Landmarks Commission in making the determination, and the applicant must provide materials specifications and proposed installation details to inform the determination.

- i. Materials permitted as review uses in Table 19.508.4.C.
- ii. Materials similar to the primary, secondary, and accent materials listed in Table 19.508.4.C.

(c) Materials prohibited in Table 19.508.4.C may not be used on any exterior wall, whether or not it is a street-facing façade.

(2) Ground-floor or street-level materials must wrap around to the non-street-facing façade of the building to minimum depth of 10 ft or to the edge of the abutting building, whichever is less.

# DRAFT ORDINANCE TO BE CONSIDERED BY THE CITY COUNCIL ON MARCH 21, 2023

- b. Existing Buildings
  - (1) Street-facing façade modifications that affect more than 50% of the existing façade area must comply with standards of Subsection 19.508.4.C.2.a for the modified portion of the façade.
  - (2) Building expansions or additions that add street-facing façade area greater than 25% of the existing façade area, as measured in square feet, or 500 sq ft of façade area, whichever is less, must meet the standards of Subsection 19.508.4.C.2.a for the façade of the building expansion or addition.

### 3. Design Guidelines

- a. Exterior materials and finishes should be durable, long-lasting, and low-maintenance and create a sense of permanence and high quality.
- b. Exterior materials for street-facing façades should include a palette that is visually interesting, coherent, compatible, related to its place, and observant of environmental elements of our region.
- c. Ground-floor materials should consist primarily of a simple palette of long-lasting materials such as brick, stone, or concrete to create a sense of groundedness.
- d. Upper-floor materials should be attractive and compatible with the dominant materials and colors used on ground-floor facades of the building. Upper-floor materials should not overwhelm ground floor materials.
- e. Street-facing façade materials should be wrapped around the edge to non-street facing façades to create a seamless appearance.
- f. For renovations to existing development, new and existing materials should create a unified appearance.

## D. Façade Transparency and Activation

### 1. Purpose

To activate building interiors and exteriors by ensuring transparency through the building, allowing for daylighting of ground-floor commercial and public uses of buildings, and promoting a safe and vibrant pedestrian environment through visual and physical connections between interior and exterior spaces. To limit blank walls and promote alternatives to glazing where needed to activate façades and engage pedestrians viewing building exteriors.

### 2. Design Standards

- a. Transparency must be created through glazing, defined here as windows and the glazed portions of doors.
- b. Nonresidential and Mixed-Use Buildings
  - (1) Ground Floor
    - (a) Along Main Street, a minimum of 50% of the ground-floor street-facing wall area must consist of glazing.
    - (b) For all other block faces, a minimum of 40% of the ground-floor street-facing wall area must consist of glazing.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (c) The ground-floor street-facing wall area is defined as the area from 3 ft above finished grade to 12 ft above finished grade or to the bottom of the ceiling joists or, where there is no ceiling, to the bottom of the roof rafters of the space fronting the street, whichever is less.
- (2) Upper Floors
- Along all block faces, the following standards are applicable on street-facing upper-floor building façades:
- (a) The wall area of street-facing upper floors must include a minimum of 30% glazing.
  - (b) The required street-facing upper-floor glazing does not apply to floors where sloped roofs and dormer windows are used.

See Figure 19.508.4.D.2.b for an illustration of these standards.

**Figure 19.508.4.D.2.b  
Glazing Standards for Nonresidential and Mixed-Use Buildings**



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (3) Street-facing blank walls that contain no glazing are limited to 450 sq ft or 30 linear ft, whichever is less. In instances where a blank wall exceeds 450 sq ft or 30 linear ft, at least one of the following techniques must be employed in addition to the horizontal articulation requirements of Subsection 19.508.4.B.2.a.(2):
    - (a) Provide a landscaped planting bed(s) with plant materials capable of obscuring or screening at least 50% of the blank wall's surface area within three years.
    - (b) Provide a public art mural or original art mural, as defined in Section 20.04.020, over at least 50% of the blank wall surface.
  - (4) Blank walls on façades that are not street-facing must also employ one or more of the techniques in Subsections 19.508.4.D.2.(3)(a) and (b) if they meet any of the following criteria:
    - (a) Ground-floor blank walls that exceed 450 sq ft or 30 linear ft, whichever is less, without glazing, that are visible from an adjacent public street. A side or rear façade is considered visible if there is no intervening building, wall, fence, or landscaping with a ground-floor wall area equal to at least 50% of the ground-floor wall area of the subject building between the subject façade and the adjacent public street. Ground-floor wall area is defined as the area from finished grade to 12 ft above finished grade or to the bottom of the ceiling joists or, where there is no ceiling, to the bottom of the roof rafters, whichever is less.
    - (b) Upper-floor blank walls that exceed 750 sq ft or 50 linear ft, whichever is less, without glazing, that face, or are within 45 degrees of, a shared property line where the abutting lot has no building taller than 25 ft between the subject façade and an adjacent public street.
    - (c) Blank walls on façades facing, or within 45 degrees of, on-site pedestrian walkways, that exceed 450 sq ft or 30 linear ft, whichever is less, without glazing.
    - (d) A blank wall spanning both the ground floor and upper floors may provide a unified landscaping or mural treatment meeting the requirements of Subsections 19.508.4.D.2.(3)(a) and (b).
- c. Residential-Only Buildings
- (1) Twenty-five percent (25%) of the total street-facing façade for all floors must consist of glazing.
  - (2) Street-facing blank walls that contain no glazing are limited to 450 sq ft or 30 linear ft. In instances where a blank wall exceeds 450 sq ft or 30 linear ft, at least one of the following techniques must be employed:
    - (a) Articulate the wall with projections or recesses consistent with Subsection 19.508.4.B.2.a.(2).

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (b) Provide a landscaped planting bed or raised planter bed at least 3 ft wide in front of the wall, with plant materials that obscure or screen at least 50% of the wall's surface within three years.
  - (c) Provide artwork (mosaic, mural, sculpture, relief, etc.) over at least 50% of the blank wall surface.
- (3) Façades that are not street-facing are subject to the blank wall standards of Subsection 19.508.4.D.2.b.(4).

3. Design Guidelines

- a. Design street-facing nonresidential and mixed-use ground floors with a high percentage of glazing to create transparency and engagement at the pedestrian eye level.
- b. Design nonresidential and mixed-use street-facing upper floors with sufficient glazing coverage to create visual interest along the façade and access to views, light, and air for building inhabitants.
- c. Design residential street-facing façade glazing coverage to balance transparency and privacy for residents.
- d. Arrange glazing to provide balanced coverage of the façade and limit blank walls on both street-facing and street-visible façades. If blank walls are proposed, use alternatives to glazing such as artwork, murals, vertical landscaping, and changes in materials or articulation to create visual interest.
- e. Design window and doors to maximize transparency and flexibility for ongoing use and adaptation that can be integrate into planned and future building uses and operations, considering such future treatments as shades, curtains, security fencing, and product shelving near windows or doors.

**E. Building Entrances**

1. Purpose

To create pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.

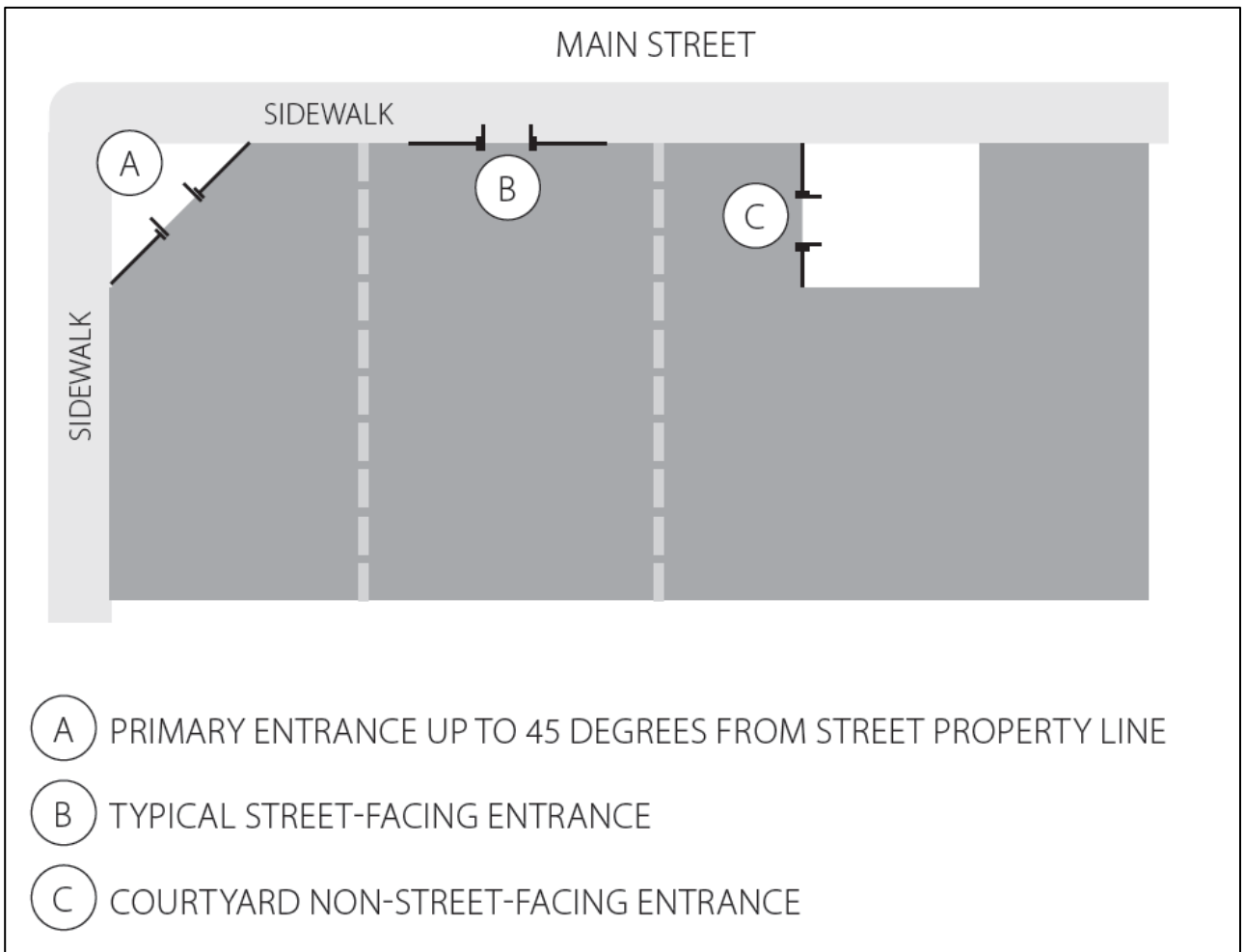
2. Design Standards

- a. All new buildings must have at least one primary entrance facing an abutting street. For purposes of this standard, “facing” means within 45 degrees of the street property line.
- b. For lots with frontage along more than one street, including multiple lots under common ownership being developed as a single site, the primary entrance must be located as follows:
  - (1) For lots with one frontage along a transit street, the primary entrance must be oriented to the transit street with the exception of Subsection 19.508.4.E.2.c.
  - (2) For lots with frontage along two transit streets, the primary entrance must be oriented to the street with higher-frequency transit service or the corner of the two streets.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (3) For lots with frontage along Main Street, the primary entrance must be oriented to Main Street or the corner of the two streets, even if the other frontage is along a transit street.
- (4) For lots without frontage on Main Street or a transit street, the primary entrance may be oriented to either street.
- c. Where a development contains multiple buildings or multiple individual storefronts or residential units and there is insufficient street frontage to meet the above entrance location standards for all buildings, storefronts, or residential units on the subject site, the primary entrances for each building, storefront, or residential unit may orient to a plaza, courtyard, or similar pedestrian space designed as usable open space meeting the standards of Subsection 19.508.4.M. When oriented this way, the primary entrances must be connected to the street by an on-site pedestrian walkway either directly or through a plaza, courtyard, or similar pedestrian space as shown in Figure 19.508.4.E.2.

**Figure 19.508.4.E.2  
Primary Entrance Locations**



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- d. For nonresidential and mixed-use buildings:
    - (1) Primary entrances for mixed-use and nonresidential buildings must be clearly defined and distinguished from other parts of the building by incorporating at least one of the following design elements:
      - (a) Recessed or projected entry.
      - (b) Entry surrounds such as arches, columns, insets, and design elements above and/or flanking the entrance.
      - (c) Transom windows above the entrance door.
    - (2) The glazed portions of doors for primary entrances must be 75% or more of the door area.
  - e. For residential-only buildings, primary entrances must:
    - (1) Incorporate one of the design elements in Subsection 19.508.4.E.2.d.(1) above;  
or
    - (2) Incorporate a covered porch, stoop, or patio with a minimum depth of 4 ft that may be elevated from sidewalk grade by no more than 8 ft.
  - f. All entrances must be lighted consistent with Subsection 19.508.4.N.
3. Design Guidelines
- a. Entryways should be sited to provide access where the highest amount of pedestrian activity is planned and where the pedestrian experience is designed to be exceptional. Primary building entries should be located along the Main Street or transit street frontage, where present, or at the corner of two such frontages for corner lots, whenever possible. Primary entries should not be oriented towards parking lots and service areas.
  - b. Building entries should be designed as prominent architectural features that are clearly defined and demarcated. Entryways should integrate features such as scale, materials, glazing, projecting or recessed forms, architectural details, and color in entryway areas, along with accent features such as lighting and landscaping to set an entry apart.
  - c. Nonresidential doors should create a strong connection to the street through the use of techniques such as storefront doors and surrounding windows with a high percentage of glazing, double doors, and large glazed sectional doors.
  - d. Residential entryways should incorporate vertical and horizontal layering by including a comfortable change of grade or entry features such as porches, terraces, stoops, or covered landings to create a connection to the street while maintaining a respectful separation for resident privacy. Residential doors should be substantial enough to suggest privacy yet still express a welcoming sense of friendly contact for those who approach and enter.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**F. Windows**

1. Purpose

To integrate windows made of high-quality materials that are compatible with the building design to create visually interesting exterior façades and that function to create sufficient interior light and enhance connections between interior and exterior spaces.

2. Design Standards

a. General Standards

- (1) Window openings must provide shadowing by recessing windows 4 in into the façade and/or incorporating exterior trim of at least 4-in reveal and of a contrasting material or color.
- (2) The following materials are approved for new window frames:
  - (a) Anodized or painted aluminum windows
  - (b) Wood
  - (c) Fiberglass
  - (d) Alternatively, frameless window systems may be used.
- (3) The use of spandrel glass is limited to floor lines and parapets.
- (4) For modification and expansion of existing buildings, replacement windows must match existing windows with respect to materials and dimensions. Alternatively, landmarks subject to Section 19.403 must comply with Subsection 19.403.5.E.4.

b. Prohibited Window Elements

For all street-facing building windows, the following window elements are prohibited:

- (1) Opaque, reflective or mirrored glazing. Opaque glazing is allowed on non-Main-Street façades as necessary for privacy (such as for bathrooms).
- (2) Glazing tinted beyond energy code requirements.
- (3) Simulated divisions (internal or applied synthetic materials).

c. Window Placement and Proportion

- (1) For nonresidential ground-floor windows, the bottom edge of windows along pedestrian walkways must be an average of no less than 1 ft and an average of no more than 3 ft above the abutting finished grade.
- (2) For all windows on street-facing façades, each window must comply with at least one of the following to create a sense of pattern and compatible design:
  - (a) Window shares the same width or height as another window on the same façade.
  - (b) The top or bottom edge of the window aligns with the top or bottom edge of another window on the same façade.

- d. For modification and expansion of existing buildings, replacement windows must match existing windows with respect to materials and dimensions. Alternatively, landmarks subject to Section 19.403 must comply with Subsection 19.403.5.E.4.



# DRAFT ORDINANCE TO BE CONSIDERED BY THE CITY COUNCIL ON MARCH 21, 2023

## 3. Design Guidelines

- a. Window materials should be compatible with other primary wall and surface materials while providing a degree of contrast. Materials should be high quality and provide a high degree of transparency. Windows should provide shadowing through use of trim and/or recesses.
- b. Nonresidential uses should provide windows at the street level, inviting pedestrians in and providing views both in and out, maintaining transparency and visibility regardless of the time of day.
- c. Ground-floor street-facing nonresidential windows should engage with the street and connect indoor and outdoor spaces, such as through the use of operable, opening windows (e.g., sliding, pivoting, or articulating windows).
- d. Window groupings, proportions and orientation should create a sense of rhythm and pattern to provide architectural interest to the overall building composition.

## G. Corners

### 1. Purpose

To create a strong architectural statement at street corners, provide opportunities for pedestrian-scale activity, establish visual landmarks, and enhance visual variety.

### 2. Design Standards

#### a. Nonresidential or Mixed-Use Buildings

On corner lots or development sites consisting of more than one lot under common ownership at the corner of two public streets—or at the corner of a street and a public area, park, or plaza—nonresidential or mixed-use buildings must incorporate at least two of the following features:

- (1) The primary entrance located within 5 ft of the corner of the building.
- (2) A lobby or retail space a minimum of 100 sq ft in floor area with 90% transparency on facing windows and entrances within 5 ft of the corner of the building.
- (3) A pedestrian canopy or marquee at least 10 ft long at the corner of the building.
- (4) A chamfered corner at least 10 ft wide with an entry on the chamfer, or a similarly dimensioned rounded or stepped corner.
- (5) Enhanced pedestrian amenities including at least two of the following three options adjacent to the public right-of-way: a minimum of 100 sq ft of special paving materials, a minimum of two pieces of street furniture such as a bench or garbage can, water fountain, and/or a minimum of 20 sq ft of landscaping or planters.
- (6) Only for corner lots with frontage along Main Street and either Harrison, Monroe, Washington or Adams Streets, a prominent architectural element including one of the following:
  - (a) Height modulation element such as tower, turret or cupola, defined as an architectural feature that projects a minimum of 5 ft and maximum of 10 ft above the surrounding building, with a minimum width of 8 ft, which has a

# DRAFT ORDINANCE TO BE CONSIDERED BY THE CITY COUNCIL ON MARCH 21, 2023

separate roof structure and is uniquely identifiable from the rest of the building. Such features are exempt from maximum height standards in 19.304.4.B provided they are not used for human occupancy.

- (b) Corner offset projecting at least 2 ft from the main façade and extending at least 10 linear ft on both sides of the corner, incorporating distinctive materials compared to the main facade and extending a minimum height of one story.
- (c) Corner inset from the building face by at least 8 ft on at least the first story and extending at least 10 linear ft on both sides of the corner, including a recessed entrance. A pedestrian canopy or marquee at least 10 ft long at the corner of the building. A chamfered corner at least 10 ft wide with an entry on the chamfer, or a similarly dimensioned rounded or stepped corner. Enhanced pedestrian amenities including at least two of the following three options adjacent to the public right-of-way: a minimum of 100 sq ft of special paving materials, a minimum of two pieces of street furniture such as a bench or garbage can, water fountain, and/or a minimum of 20 sq ft of landscaping or planters.

### 3. Design Guidelines

- a. For all nonresidential and mixed-use buildings at the corner of two public streets or at the corner of a street and a public area, park, or plaza, highlight and make the corner prominent through the use of features such as:
  - (1) Change in building material
  - (2) Window coverage pattern
  - (3) Chamfered, rounded or stepped corner
  - (4) Increased building height at the corner, potentially incorporating features such as tower, turret or cupola
  - (5) Façade articulation
  - (6) Projecting or recessed building entrances
  - (7) Canopies or marquees
  - (8) Active retail and semi-public spaces such as building lobbies
- b. Design of the corner should have a scale and character compatible with the scale of the corner and other buildings at the corner and the level of activity at the corner.
- c. For all nonresidential and mixed-use buildings, create active exterior spaces at site corners, particularly where building corners are set back, in ways that emphasize pedestrian use and encourage people to come together and gather through features such as street furnishings, special paving materials and planting materials.

## H. Building Massing and Transitions

### 1. Purpose

To promote building massing that creates compatible building scale and relationships between adjacent downtown buildings including massing variation that reflects the rhythm of traditional storefronts and breaks up the perceived massing of larger buildings, while

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

creating an inviting pedestrian realm on the street by increasing access to light and air. To provide scaled transitions to adjacent residential uses to minimize impacts of building massing.

2. Design Standards

a. Building Massing

For any street-facing portion of the building above the base maximum height as identified in Figure 19.304-4, buildings must include:

- (1) A step back of at least 6 ft along the street-facing portion of the building.
- (2) The step back area may be used for balconies, roof-top gardens, or other common or private open spaces.

b. Building Façade Height Variation

The height of building elements along street-facing façades must be varied in order to break up the overall bulk and mass of buildings as illustrated in Figure 19.508.4.H.2.b. At least one variation in height along the street-facing façade(s) must be provided for every 50-ft interval or portion thereof. Exact spacing of variations may vary provided that the total number of variations required is met and no portion of the façade exceeds 50 ft without a variation. Building façade height variation must be accomplished by using one or more of the following methods:

- (1) Vertical offset of height along the façade by minimum of 4 ft.
- (2) Dormer or other projecting element along or within 2 ft of the façade with minimum 4-ft height and 4-ft width.
- (3) Recessed balcony or step back from the façade on the upper floor with a minimum 4-ft depth and minimum 6-ft width.
- (4) Other techniques approved by the Planning Manager, shown to create variation along the top of street-facing façade through modulations in height, mass or bulk.

**Figure 19.508.4.H.2.b  
Building Façade Height Variation**



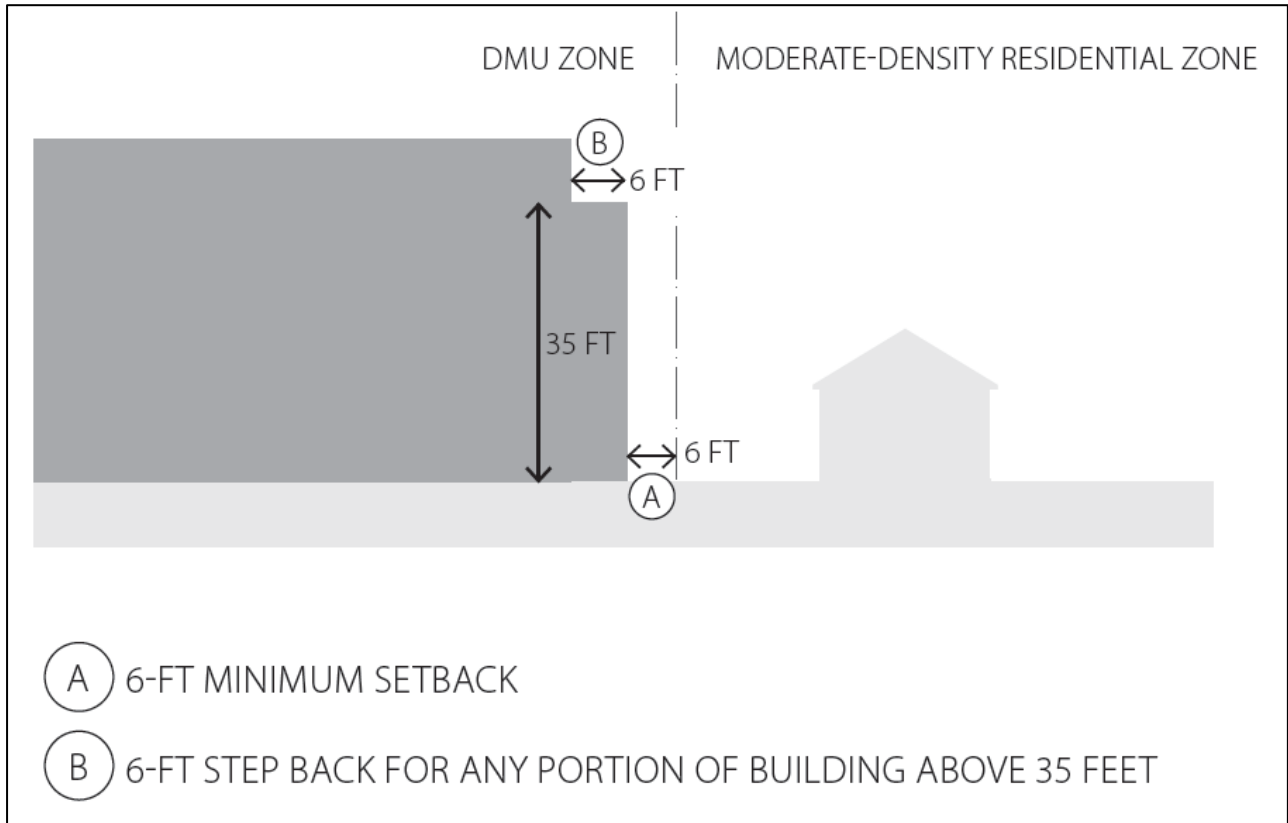
**c. Building Transitions**

For any property in the Downtown Mixed Use (DMU) zone that is north of Harrison Street and within 50 ft of the property line abutting the moderate density residential zone (R-MD), the following transition measures are required for any new building (see Figure 19.508.4.H.2.c):

- (1) The new building must be located at least 6 ft from any property line abutting a low-density residential zone. This requirement supersedes the applicability of the transition area measures provided in Subsection 19.504.6.
- (2) The new building must provide a step back of at least 6 ft for any portion of the building above 35 ft in height above grade.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**Figure 19.508.4.H.2.c  
Building Transition Measures**



**3. Design Guidelines**

- a. Building massing should contribute to a welcoming and pedestrian-scaled sense of enclosure and definition of the street.
- b. Buildings that utilize bonus height should mitigate impacts of additional height and mass by including step backs, façade insets, high façade permeability, and other perceived mass-reducing techniques to ensure access to light, privacy, and sky views for nearby building occupants and people on the street.
- c. Building façades should incorporate variation in height or character to break up the perceived bulk and mass of the building into pedestrian-scale components that create a sense of pattern and rhythm. Such variation should be aligned with horizontal articulation elements to create a harmonious design. (See Subsection 19.508.4.B.3.)
- d. For buildings abutting the moderate density residential zone, building setbacks, step backs, façade articulation, landscaping, fencing, and/or transition measures should be deployed to blend building massing between downtown and any adjacent residentially zoned neighborhoods to reduce perceived mass of buildings.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**I. Weather Protection**

1. Purpose

To create an all-season pedestrian environment shielded from the elements, whether by the building structure itself or with added-on features such as awnings and canopies, that is integrated with rather than obscures the building design. Overhead protection encourages window shopping and lingering, and weather protection features can provide interest and detail to a façade as well as create outdoor sidewalk seating areas for restaurants and cafés.

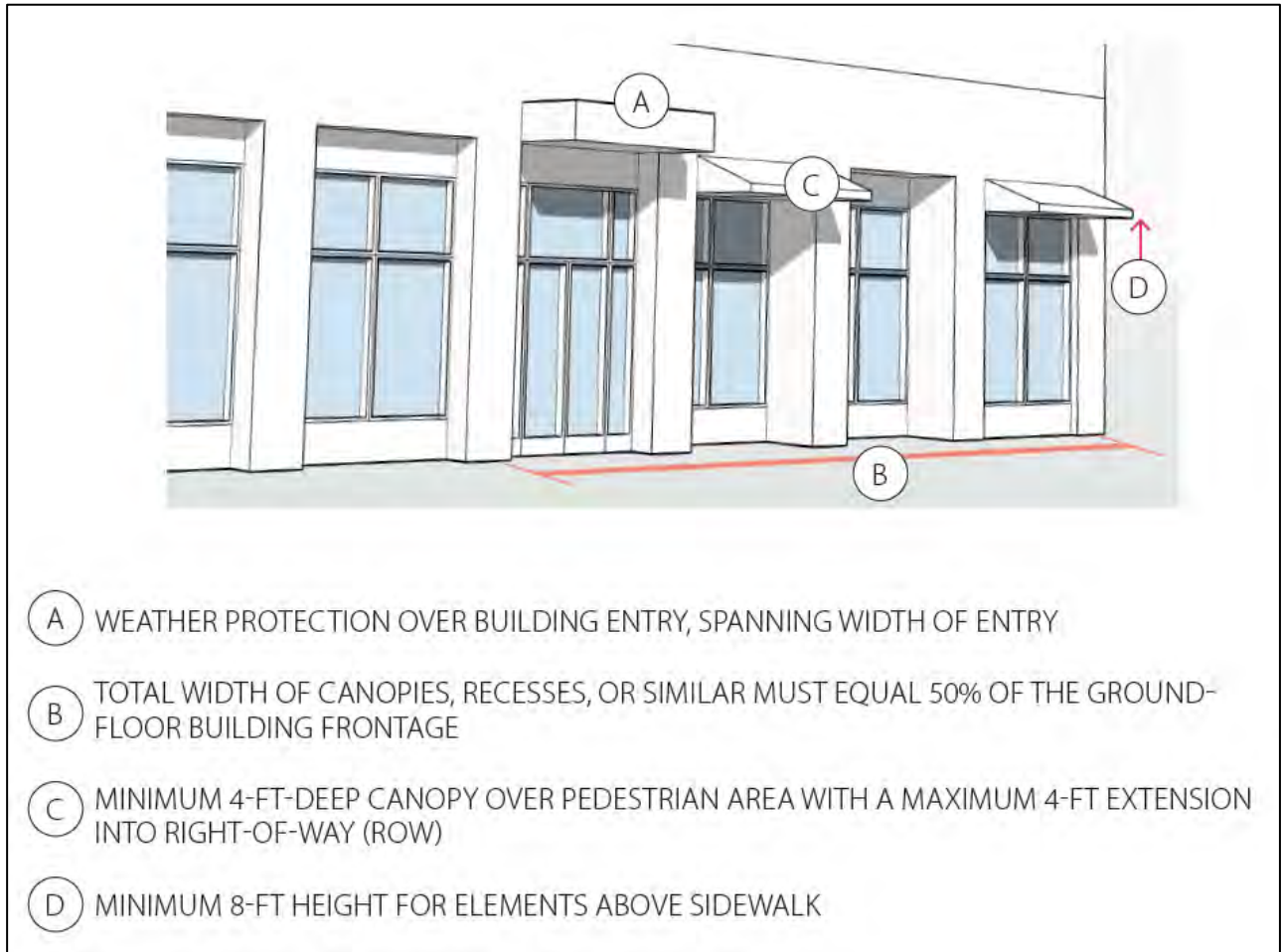
2. Design Standards

a. Minimum Weather Protection Coverage

- (1) All ground-floor building entries must be protected from the weather by awnings, canopies, marquees, recesses, or similar weather protection.
- (2) Awnings, canopies, marquees, recesses, or similar weather protection must be provided along at least 50% of the ground-floor elevation(s) of a nonresidential or mixed-use building where the building abuts a sidewalk, plaza, courtyard, or similar pedestrian space designed as usable open space meeting the standards of Subsection 19.508.4.M, or on-site pedestrian walkway.
- (3) Weather protection used to meet this section must extend at least 4 ft over the pedestrian area but no more than 4 ft into the right-of-way. Balconies and recesses meeting these dimensional requirements can be counted toward this requirement.
- (4) Weather protection used to meet the above standards must be at least 8 ft above the finished grade, including any valance.

See Figure 19.508.4.I.2.a for an illustration of these standards.

**Figure 19.508.4.1.2.a  
Weather Protection Requirements**



**b. Weather Protection Materials, Design, and Details**

**(1) Materials**

- (a) Awnings must be constructed of a non-vinyl cloth or canvas with a matte finish or a material similar in appearance and texture.
- (b) Canopies must be constructed of rigid plastic, metal, glass, or a material similar in appearance and texture.
- (c) Marquees must be constructed of metal, glass, wood, or a material similar in appearance and texture.
- (d) Vinyl or any similar flexible plastic sheet material is prohibited for all weather protection features.
- (e) The structure or frame materials for awnings and canopies must be aluminum or steel.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (2) Awnings or canopies must be attached directly above an entry or window. Awning and canopy width must not exceed the width of the entry or associated window opening and may not extend over more than one storefront opening. Marquees must be attached to the building directly above the entrance and may extend past the entrance.
- (3) For awnings and canopies, only lighting that illuminates the building and/or sidewalk is allowed. Awnings and canopies must not be illuminated from below or internally.
- (4) Any signage on awnings, canopies or marquees must be consistent with requirements of Subsection 14.16.060.C.

**3. Design Guidelines**

- a. Along the ground floor, buildings should protect pedestrians from inclement weather and provide shade in the summer through use of awnings, canopies, marquees, or elements of the building structure itself such as recesses or balconies. The total amount of awning, canopy, and/or marquee coverage along a façade should provide adequate weather protection for pedestrians without overly shadowing the sidewalk.
- b. Awnings, canopies, and marquees should be placed over all building entrances and storefront windows or other similar locations and integrated with other entryway design features. (See Subsection 19.508.4.E.) The total amount of awning, canopy and/or marquee coverage along a façade should provide adequate weather protection for pedestrians without overly shadowing the sidewalk.
- c. The design of awnings, canopies, marquees, and elements of the building structure should be an integral and well-proportioned component of the building façade. Awnings, canopies and marquees should not obscure or negatively impact the character-defining features of the subject building.
- d. Canopies and awnings should be sized to match individual entrances and storefront windows. They should be placed directly above such features and should not extend outside the piers and lintel of the storefront opening. A single awning or canopy spanning across multiple commercial storefronts and that obscures character-defining features is strongly discouraged.
- e. Weather protection features should be well proportioned relative to the sidewalks. Features should not be so project so far into the public right-of-way as to detract from street trees, light fixtures, or street furniture, but should extend far enough to provide coverage for pedestrians at entrances and windows. Features should provide adequate vertical clearance for pedestrian movement.
- f. Awnings, canopies, and marquees should be of high-quality materials and should not include vinyl.
- g. Awning or canopy lighting, if provided, should highlight the building or illuminate the sidewalk and should not illuminate awnings or canopies from below or internally.

**J. Roofs and Rooftop Equipment Screening**

**1. Purpose**

To create a visually interesting feature at the top of the building that enhances the quality and character of the building and complements the building design, while reducing or



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

eliminating the visual impact of rooftop equipment on the street pedestrian environment by providing screening or other concealing design features that also contribute to the high-quality design and visual interest of the building.

2. Design Standards

a. Rooftop Design

- (1) The roof of a building must follow one (or a combination) of the following forms:
  - (a) Flat roof (less than 1/12 pitch) or low-slope roof (between 1/12 and 4/12 pitch)
  - (b) Hip roof
  - (c) Gabled roof
  - (d) Dormers
  - (e) Shed roof
- (2) Roofs are subject to the following standards as applicable:
  - (a) All flat or low-slope roofs must be architecturally treated or articulated with a parapet wall that projects vertically above the roofline at least 12 in and/or a cornice that projects from the building face at least 6 in. See Figure 19.508.4.B.2.a(3).
  - (b) All hip or gabled roofs exposed to view from adjacent public streets and properties must have a minimum 4/12 pitch.
  - (c) Sloped roofs with a 4/12 pitch or higher must have eaves, exclusive of rain gutters, that project from the building wall at least 12 in.
  - (d) When an addition to an existing structure, or a new structure, is proposed in an existing development, the roof forms for the new structure(s) must have the same slope and be constructed of the same materials as the existing roofing.

b. Rooftop Equipment Screening

- (1) The following rooftop elements do not require screening:
  - (a) Solar panels, wind generators, and green roof features.
  - (b) Equipment under 2 ft high, if set back a minimum of 10 ft from the outer edge of the roof.
- (2) If visible from public street view, elevator mechanical equipment or a mechanical penthouse may not extend above the height limit by more than 16 ft, and must use a consistent exterior building material for the mechanical shaft or penthouse.
- (3) Satellite dishes, communications equipment, and all other roof-mounted mechanical equipment must be set back a minimum of 10 ft from the roof edge and must be screened from public street view. For purposes of this standard, “public street view” means the pedestrian level from across the adjacent public street and does not include views from adjacent buildings. If necessary, screening from public street view must be achieved by one of the following

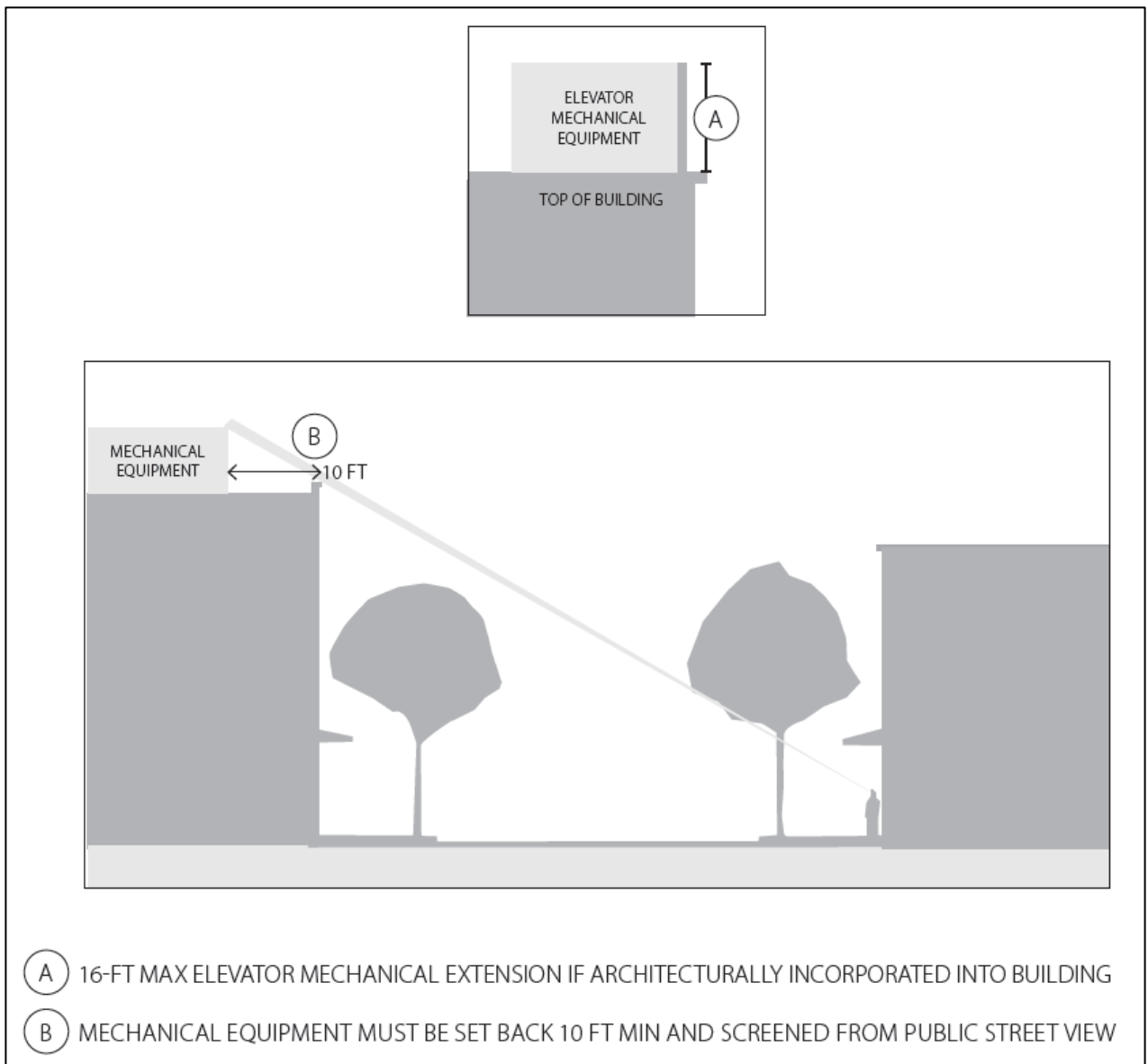
**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

methods that is at least as tall as the tallest part of the equipment being screened:

- (a) A screen around the equipment that is made of an exterior building material used on other portions of the building, or masonry.
  - (b) Vertical green roof features or regularly maintained, dense foliage that forms an opaque barrier year-round when planted.
- (4) Required screening will not be included in the building's maximum height calculation.

See Figure 19.508.4.J.2.b for an illustration of these standards.

**Figure 19.508.4.J.2.b  
Rooftop Equipment Screening**



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

3. Design Guidelines

- a. Building rooflines should enliven the pedestrian experience and be of visual interest, with detail and variation that will create a skyline composed of interesting forms and shadows. Building silhouette should be compatible with those of other buildings along the existing streetscape.
- b. Roof shape, surface materials, colors, mechanical equipment and other penthouse functions should all be integrated into the overall building design and should be considered an additional façade to complement the building's design.
- c. Roof mounted mechanical equipment should be hidden from public street view by parapets, screening walls, vertical landscaping or green roof features, enclosures installed as an integral part of the architectural composition, strategic placement, or similar treatments. If such treatments are not practicable, mechanical units may be painted in lieu of screening with muted, neutral colors that make the equipment visually subordinate to the building and any adjacent buildings.

**K. Service Areas (Screening)**

1. Purpose

To preserve well-designed building frontages and pedestrian environments by minimizing the potential negative impacts of service areas on visual design and circulation while maintaining sufficiently accessible and functional loading, waste collection, utility, and other service areas.

2. Design Standards

Service areas include external utility structures, loading docks, recycling facilities, trash containers, and other similar areas; they exclude off-street parking areas which are subject to Subsection 19.304.5.C.

- a. Service areas must be located for access from the most minor street.
- b. Screening must be established on all sides of service areas, except where an opening is required for access. If access is possible only on a side that is visible from a public street, a solid gate or door is required.
- c. Landscaping, structural elements, painting, and/or murals or other public art must be used to screen service areas that are located along a public street frontage. The required screening must result in an opaque barrier to a minimum height of 6 ft.
- d. Where structural forms of screening are utilized, the materials must match the primary or secondary building materials and colors as described in Subsection 19.508.4.C.
- e. For new buildings, waste collection areas must be located within the building itself rather than a stand-alone waste enclosure.
- f. Residential-only multifamily and mixed-use buildings must meet the recycling area standards of Table 19.505.3.D.10.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

3. Design Guidelines

- a. Service areas, loading docks, waste enclosures, external utility structures, and other similar features should be located away from pedestrian areas, public street frontages especially Main Street, or at a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.
- b. Whenever possible, all sides of service areas, loading docks, waste enclosures, and other outbuildings should be screened and concealed. Solid gates or doors should be used on sides requiring access.
- c. Screening, fencing, landscaping, decorative walls, or other treatments should be used to provide screening, using materials and designs compatible with the primary building they serve. Screening should be of a height, width, and opacity necessary to sufficiently screen all equipment and service areas.
- d. Waste collection areas should be located and designed to minimize visual, odor, and noise nuisances, and should be integrated into the building. If separate waste collection enclosures are utilized, they must be screened, covered with a roof or be self-contained.
- e. Residential-only multifamily and mixed-use buildings should provide recycling areas that are appropriately sized to accommodate the amount of recyclable materials generated by residents. Areas should be located such that they provide convenient access for residents and for waste and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that they are not prominent features viewed from the street.

**L. Resident Open Space**

1. Purpose

To promote livability in the downtown environment by providing open space amenities within the development site for use by residents.

2. Design Standards

- a. The following standards apply to mixed-use buildings and residential-only multifamily buildings with four or more units.
- b. Fifty (50) sq ft of resident open space is required for each dwelling unit. The open space may be developed entirely as private open space or common open space, or it may be a combination of the two types of open space. Usable open space required by Subsection 19.508.4.A.2.b that meets the design standards of Subsection 19.508.4.M.2 may also be counted towards the resident open space requirement.
- c. Private Open Space
  - (1) Private open space, if provided, must be contiguous to the unit it serves must be directly accessible from the interior of the dwelling unit.
  - (2) Private open space may be provided in the form of a porch, deck, balcony, patio, terrace, or other private outdoor area.
  - (3) Areas used for entrances or exits will not be considered as private open space except where such entrances or exits are for the sole use of the unit they serve.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

- (4) Balconies, decks, porches and patios must have a minimum depth of 4 ft and may project up to a minimum of 4 ft into the public right-of-way.

d. Common Open Space

- (1) Common open space, if provided, must be at least 15 ft by 15 ft in dimension and may be provided in the form of decks, shared patios, plazas, courtyards, landscaped areas, roof gardens, recreation rooms, lobbies, or other gathering spaces created strictly for the occupants and not associated with storage or circulation.
- (2) Outdoor common open space areas must integrate amenities such as tables, benches, movable seating, trees, shrubs, landscaping areas or planters, garden plots, and/or fountains.
- (3) Outdoor common open space must be lighted as required by Subsection 19.508.4.N.
- (4) When provided at ground level, outdoor common open space must be abutted on at least one side by the building, with at least 1 window and 1 door to access the space; and must be bordered on at least one other side by fencing or walls less than 42 in high, landscaping strip or planters at least 2 ft wide, site furnishings, or other building walls.
- (5) Regardless of location (ground-level or above), where any building wall abuts an outdoor common open space, the wall must include at least 1 window or door with a minimum of 50% glazing.

3. Design Guidelines

- a. Building design should incorporate ample open space opportunities for residents with a mix of private and/or common open spaces to provide access to outdoor recreation, scenic amenity, or shared outdoor space for people to gather.
- b. Any private open spaces should be scaled to enhance usability by residents and have direct access from the dwelling unit and should be visually and/or physically separate from common areas.
- c. Any common open spaces should be inviting and enhance opportunities for use by residents. These spaces should be human-scaled, accessible, durable, attractive, and secure.
- d. Any common open spaces should integrate amenities for residents' use and enjoyment, including landscaping in outdoor spaces.
- e. Any common open spaces should be well-defined by surrounding buildings, walls, fences, landscaping, or other techniques to provide visual definition for the space. Adjacent buildings should incorporate transparent windows and doors to provide physical and visual access to the space and should include active use areas that front the open space.

**M. Plazas and Usable Open Space**

1. Purpose

To ensure that downtown plazas and open spaces are designed for usability and a variety of activities during all hours and seasons; provide amenities for downtown visitors,

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

businesses, and residents; promote livability; and help soften the effects of built and paved areas.

2. Design Standards

Open spaces such as plazas, courtyards, gardens, terraces, outdoor seating, small parks, and similar spaces, including usable open space provided to meet the standards of Subsection 19.508.4.A.2.b, must meet the following standards.

- a. Where any building wall abuts an open space, the wall must include at least one window or door with a minimum of 50% glazing.
- b. Usable open space must be directly accessible at grade adjacent to the public sidewalk.
- c. Hardscaping in open spaces must utilize concrete or unit paving and may not use asphalt or gravel surfacing.
- d. Landscaping must be integrated into open spaces to meet the following:
  - (1) A minimum of 10% of the open space area must be landscaped areas incorporating trees, shrubs, and ground cover.
  - (2) No more than 20% of this landscaped area can be covered in mulch or bark dust. This requirement excludes mulch or bark dust under the canopy of trees or shrubs.
  - (3) Nuisance species listed in the Milwaukie Native Plant List are prohibited.
- e. Open spaces must provide at least 3 ft of seating area (e.g., bench, ledge, etc.) or one individual seat, including movable seating for outdoor seating areas, per 60 sq ft of plaza or open space area.
- f. Open spaces must be lighted as required by Element N (Outdoor and Exterior Building Lighting).

3. Design Guidelines

- a. Plazas and open spaces should be inviting and create opportunities for a variety of uses.
- b. Plazas and open spaces should avoid separation from the street by visual barriers or significant change of grade. Plazas and open spaces should create visual and physical connections to abutting buildings.
- c. Plazas and open spaces should be human-scaled, accessible, durable, and attractive, and should enhance users' comfort and enjoyment by integrating features such as:
  - (1) Pedestrian amenities such as water features, drinking fountains, and/or distinctive paving or artwork
  - (2) Permanent or movable seating
  - (3) Weather protection, especially weather protection that can be moved or altered to accommodate conditions
  - (4) Transitional zones along building edges to allow for outdoor eating areas and a planted buffer

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

(5) Lighting

- d. Plazas and open spaces should create visual interest by including a mix of hardscape and landscape elements such as trees, shrubs, and plants.
- e. Landscaping in plazas and open spaces should be integrated to provide shade for hardscaped areas and to provide visual interest and texture.
- f. Buildings adjacent to plazas and open spaces should incorporate transparent windows and doors to provide physical and visual access to the space and should include active use areas that front the open space.
- g. Plazas and open space should be designed to integrate sustainability and enhance the relationship to the natural environment, including consideration of the sun angle at noon and the wind pattern in the design of the space and incorporation of water treatment features such as rain gardens.

**N. Outdoor and Exterior Building Lighting**

1. Purpose

To incorporate outdoor and exterior building lighting that increases pedestrian comfort, accentuates design and architectural features, enhances safety, and minimizes light pollution (both spill and casting or glare).

2. Design Standards

- a. Lighting must be designed to comply with the following standards:
  - (1) Primary building entrances required in Subsection 19.508.4.E must have a minimum illumination of 2.0 foot-candles.
  - (2) All other building entrances and areas underneath weather protection elements described in Element I (Weather Protection) must have a minimum illumination of 1.0 foot-candles.
  - (3) Common open spaces for residents subject to Subsection 19.508.4.L must be lighted with pedestrian-scaled lighting (no more than 14 ft in height) at a level at least 1.0 foot-candles throughout the space.
  - (4) Plazas and usable open space subject to Subsection 19.508.4.M must be lighted with pedestrian-scaled lighting (no more than 14 ft in height) at a level at least 2.0 foot-candles throughout the space.
  - (5) If off-street parking areas are present, lighting must comply with standards in 19.606.3.F.
- b. Lighting luminaires must have a cutoff angle of 90 degrees or greater to ensure that lighting is directed downward, except as provided for up-lighting of flags and permitted building-mounted signs.
- c. Lighting must not cause a light trespass of more than 0.5 footcandles measured vertically at all shared property lines of the site, with the exception of property lines along public right-of-way.
- d. Flashing or strobe lights, fluorescent tube lights, and security spotlights are prohibited on building exteriors.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

3. Design Guidelines

- a. Exterior lighting should be used to articulate the building elements, including (but not limited to) entrances, common open spaces for residents, plazas and usable open space, signage, canopies, cornices, storefronts, and other architectural features. Lighting levels of entrances, areas underneath weather protection elements, and all open spaces should be pedestrian scale and provide a sense of safety.
- b. All lighting should be designed to prevent unnecessary illumination of adjacent sites, with the exception of adjacent sidewalks within a public-right-of-way where illumination is desired. As a rule of thumb, lighting levels should be no greater than necessary to provide for pedestrian safety, property or business identification, and crime prevention.
- c. Flashing or strobe lights, fluorescent tube lights, and security spotlights are strongly discouraged from use on building exteriors.

**19.508.5 Variances**

Variances cannot be granted for the design elements of Section 19.508. Projects must meet the design standards and/or guidelines in this section.



**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**19.907 DOWNTOWN DESIGN REVIEW**

**19.907.1 Purpose**

Downtown design review is intended to achieve the following purposes:

- A. Preserve and enhance the character of downtown Milwaukie.
- B. Ensure a degree of order, harmony, and quality in the downtown, providing buildings and projects that are attractive individually yet contribute to a downtown that is distinctive as a whole.
- C. Ensure that new development, and alterations or enlargement of existing development, are consistent with the downtown site and building design standards and guidelines of Section 19.508.
- D. Implement the vision of the Downtown and Riverfront Land Use Framework Plan.
- E. Provide a design review process that allows applicants to choose standards or more flexible discretionary guidelines.

**19.907.2 Applicability**

Applications for downtown design review shall be processed through a Type I, II, or III procedure, in accordance with Chapter 19.1000, as follows:

A. Exemptions

Downtown design review does not apply to the following projects:

- 1. Demolition, unless listed on the City of Milwaukie Historic Resource Inventory and subject to the standards of Section 19.403.
- 2. Building additions of less than 250 sq ft that are not visible from streets, sidewalks, courtyards, public parks, and/or pedestrian walkways.
- 3. Maintenance, restoration, and repair of a building in a manner that is consistent with previous approvals and/or necessary for safety. Examples include paint retouching, and other routine upkeep of the building exterior, and in-kind restoration or replacement of damaged materials. Maintenance, restoration, and repair does not include replacement of materials due to obsolescence.
- 4. Minor building or site upgrades needed to bring an existing development into compliance with the Americans with Disabilities Act.
- 5. Exterior painting and weatherproofing.
- 6. Any exterior project that doesn't require a building permit.
- 7. Interior remodeling.
- 8. Minor site improvements, including, but not limited to, installation of benches, trash cans, bicycle racks, informational kiosks, site lighting, signs, and other similar improvements as determined by the Planning Director. A guide for determining whether a proposed improvement is exempt shall be the consideration of whether there are any applicable design standards provided in Section 19.508.
- 9. In City parks, improvements that are consistent with an approved master plan.
- 10. Fences and/or retaining walls, which are subject to Subsection 19.502.2.B, including the standards for commercial zone fencing in Subsection 19.502.2.B.1.b.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

B. Type I

The following projects are subject to Type I downtown design review:

1. New development and expansions or modifications of existing development that meet the applicable downtown design standards of Section 19.508.

C. Type II

The following projects are subject to Type II downtown design review:

1. Demolition or replacement of less than 25% of the surface area of any exterior wall or roof that does not meet the applicable standards of Section 19.508.
2. Addition, elimination, or change in location of windows that decreases the overall percentage of window coverage and that does not meet the applicable standards of Section 19.508.
3. An increase in floor area proposed for a nonresidential use by less than 10% or 2,000 sq ft, whichever is greater.
4. A reduction in the area reserved for common open space and/or usable open space that reduces the open space area below the minimum required or by 10% or less.

D. Type III

The following projects are subject to Type III downtown design review:

1. Any project, at the applicant's option.
2. A project, addition, or expansion that proposes to meet one or more of the design guidelines of Section 19.508 in lieu of complying with the design standards of Section 19.508 because additional design flexibility is desired.
3. A project that does not fit the applicability for Type I or II review.

**19.907.3 Review Process**

A. General Provisions

Downtown design review generally includes review of the proposed structure(s) and site improvements for compliance with applicable design standards and/or guidelines. For expansions or modifications of existing development, the review is limited to the modified portions of the site or structure and any other site improvements that may be affected by the proposed modifications.

B. Review Types

To achieve the purpose of the downtown design standards and guidelines, there are three downtown design review processes through which to apply for approval:

1. Type I

The ministerial review track provides for a Type I review process pursuant to Section 19.1004 using the design standards in Section 19.508.

2. Type II

The administrative review track provides for a Type II process pursuant to Section 19.1005 that requires staff review utilizing the design standards and applicable guidelines in Section 19.508.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

3. Type III

The discretionary review track provides for a Type III review process pursuant to Section 19.1006, through which the Design and Landmarks Committee and Planning Commission determine compliance with the downtown design guidelines in Section 19.508.

C. Review Options

Designing a project to the design standards would result in a Type I review process. However, applicants, at their option, may choose to use Type III discretionary review.

Through Type II or III review, applicants can address downtown design review requirements through a combination of satisfying certain design standards in Section 19.508 and, in instances where they elect not to utilize design standards, satisfying the applicable design guidelines in Section 19.508 instead. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable design guidelines only.

**19.907.4 Application**

Applications for downtown design review shall be filed with the Planning Department on forms prescribed by the Planning Manager. The applicant shall demonstrate compliance with applicable zoning criteria. In addition to all information specified on the “Submittal Requirements” and “Site Plan Requirements” forms, each application for downtown design review shall be accompanied by the following information:

A. Written statement that describes the following:

1. For Type I downtown design review, how the proposal is consistent with applicable downtown design standards in Section 19.508.
2. For Type II and III Design Review, how the proposal meets applicable design standards and/or design guidelines in Section 19.508.

B. Footprints of surrounding buildings, including driveways and pedestrian connections.

C. Location, dimension, and setbacks of all proposed buildings, structures, walls, and fences.

D. Dimensioned building elevations indicating height, exterior materials, colors, and details of exterior architectural features, such as cornices, windows, and trim.

E. A streetscape drawing showing the relationship of the proposed project to adjacent buildings.

F. Frontage improvements in the public right-of-way per the Public Works Standards.

**19.907.5 Approval Criteria**

A. Type I Downtown Design Review

An application for Type I downtown design review will be approved when all of the following criteria have been met:

1. Compliance with Title 19.
2. Compliance with applicable design standards in Section 19.508 and any prior land use approvals.

B. Type II Downtown Design Review

An application for Type II downtown design review will be approved when all of the following criteria have been met:

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

1. Compliance with Title 19.
  2. Compliance with applicable design standards and/or design guidelines in Section 19.508.
- C. Type III Downtown Design Review
- An application for Type III downtown design review will be approved when all of the following criteria have been met:
1. Compliance with Title 19.
  2. Compliance with applicable design standards in Section 19.508.
  3. Compliance with the applicable design guidelines in Section 19.508 being utilized in place of the applicable design standard(s).

**19.907.6 Report and Recommendation by Design and Landmarks Committee**

The Design and Landmarks Committee will hold a public meeting and prepare a downtown design review report for Type III applications pursuant to Section 19.1011. The Planning Commission shall consider the findings and recommendations contained in the downtown design review report during a public hearing on the proposal.

**19.907.7 Variances**

- A. Variances cannot be granted for the downtown design standards of Section 19.508. Applications unable to meet one or more standards must meet the applicable downtown design guideline(s) in Subsection 19.508.4 instead and use the Type III discretionary downtown design review process.
- B. Variances can be granted for the downtown development standards of Section 19.304 unless otherwise specified, through the variance review process in Section 19.911.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MARCH 21, 2023**

**19.911 VARIANCES**

**19.911.6 Building Height Variance in the Downtown Mixed Use Zone**

**A. Intent**

To provide a discretionary option for variances to maximum building heights in the Downtown Mixed Use Zone to reward buildings of truly exceptional design that respond to the specific context of their location and provide desired public benefits and/or amenities.

**B. Applicability**

The Type III building height variance is an option for proposed buildings that exceed the maximum heights or stories allowed through the bonuses specified in Figure 19.304-4, Subsection 19.304.5.B.3, and Section 19.510.

**C. Review Process**

The building height variance shall be subject to Type III review and approval by the Design and Landmarks Committee and the Planning Commission, in accordance with Chapter 19.907 and Section 19.1011. The building height variance shall be consolidated with downtown design review.

1. Because the building height variance provides substantial flexibility and discretion, additional time will be required for public input and technical evaluation of the proposal. To use this option, the applicant shall sign a waiver of the 120-day decision requirement.
2. The applicant may request design advice from the Design and Landmarks Committee prior to submitting an application. Design advice requests provide the opportunity to assess approval potential prior to committing excessive time or money to detailed design plans.
3. Design advice requests may not be made for a specific project or site with an active land use review application.
4. A special application fee may be required to use this Type III option to allow the City to contract with a registered architect to assist in the review of the height variance application.

**D. Approval Criteria**

The approval authority may approve, approve with conditions, or deny the building height variance based on the following approval criteria:

1. Compliance with the downtown design guidelines in Subsection 19.508.4.
2. The proposed height variance will result in a project that is exceptional in the quality of detailing, appearance and materials or creates a positive unique relationship to other nearby structures, views or open space.
3. The proposed height variance preserves important views to the Willamette River, limits shadows on public open spaces and ensures step downs and transitions to neighborhoods at the edge of the Downtown Mixed Use Zone.
4. The proposed height variance will result in a project that provides public benefits and/or amenities beyond those required by the base zone standards and that will increase downtown vibrancy and/or help meet sustainability goals.