

# Underline/Strikeout Amendments – DISCUSSION DRAFT OCTOBER 2014

## Zoning Ordinance

### CHAPTER 19.300 BASE ZONES

#### 19.304 DOWNTOWN ZONES

##### 19.304.1 Purpose

This section of the Zoning Ordinance implements the Downtown and Riverfront Land Use Framework Plan, Milwaukie Comprehensive Plan, and Town Center Master Plan. The downtown and riverfront area is envisioned as the focus of the community. ~~Five~~ Two zones are designated to distinguish between areas intended for public open space and those intended for downtown development. ~~reflect the distinctions between different areas of the Downtown and Riverfront Land Use Framework Plan.~~ Specific development standards, public area requirements, and design standards are adopted for the downtown zones to assure an active, attractive, and accessible environment for shoppers, employees and residents.

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

The Downtown Mixed Use Zone is established to provide 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 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 is established to implement the "Public" designation of the Milwaukie Comprehensive Plan and to provide a specific zone to accommodate open space, park, and riverfront uses. The 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.

##### ~~19.304.2 Characteristics of the Downtown Zones~~

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

##### A. ~~Downtown Storefront (DS)~~

~~The Downtown Storefront Zone is established to preserve and enhance the commercial "Main Street" character of downtown Milwaukie, ensuring that new development in areas designated DS is compatible with this desired character. This zone allows a full range of~~

retail, service, business, and residential uses. Retail or restaurant uses are required as the predominant uses on the ground floors of buildings fronting on Main Street. Residential uses are allowed only on upper floors. Warehousing and industrial uses are not allowed. The desired character for this zone includes buildings that are built to the right-of-way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots. A "Village Concept Area" has been established in the DS Zone to allow a broader mix of uses on the site at the northeast corner of Main and Harrison streets. These uses include rowhouses and multifamily buildings.

### ~~B. Downtown Commercial (DC)~~

~~The Downtown Commercial Zone is established to allow auto-accommodating commercial development in the area between McLoughlin Boulevard and Main Street, north of Harrison Street. A range of retail, service, office, and residential uses is permitted to support a gradual transition to higher densities and a greater mix of uses. Boulevard enhancements will improve the visual character of McLoughlin Boulevard and provide a link to the riverfront and adjacent downtown zones. The desired character for this zone includes buildings that engage at least 1 street right-of-way and include a pedestrian-oriented entry and well-landscaped parking lots.~~

### ~~C. Downtown Office (DO)~~

~~The Downtown Office Zone is established to provide for office, entertainment, and hotel uses along high-visibility major arterial streets, as designated by the City of Milwaukie's Transportation System Plan. The desired character for this zone will vary depending on the nature of the proposed use and individual site features.~~

### ~~D. Downtown Residential (DR)~~

~~The Downtown Residential Zone is established to increase housing opportunities in close proximity to downtown shopping, transit, and open space amenities. The major types of new housing will be apartments and condominiums. Minimum densities of 30 units per acre will assure that land is used efficiently and will increase the customer base for nearby businesses. Additionally, the higher densities will support urban features such as parking under structures and durable building materials. Development at minimum densities of 10 units per acre up to a maximum of 30 units per acre will be permitted in the Downtown Residential Transition Area to provide a transition to lower-density residential zones. The desired character for the Downtown Residential Zone includes buildings located close to and oriented to the public sidewalk, with off-street parking located under or internal to building sites.~~

### ~~E. Downtown Open Space (DOS)~~

~~The Downtown Open Space Zone is established to implement the "Public" designation of the Milwaukie Comprehensive Plan and to provide a specific zone to accommodate open space, park, and riverfront uses. The Downtown Open Space Zone is generally applied to lands that are in public ownership along the Willamette River, Kellogg Creek, Spring Creek, and Johnson Creek in the downtown area. The desired character for the Downtown Open Space Zone includes parkland, open space, and riverfront amenities.~~

## **19.304.2 Uses**

### **A. Permitted Uses**

Uses allowed in the downtown zones are listed in Table 19.304.1 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 19.304.1 as "CU" are permitted only as conditional uses in conformance with Section 19.905.

Limited Uses

Uses that are allowed subject to limitations are listed in Table 19.304.3 with an "L." These uses are allowed if they comply with the limitations listed in Subsection 19.304.3.G below, and if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

C. Nonconforming Uses, Structures and Development

Existing structures and uses that do not meet the standards for a particular 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. Alteration of a nonconforming use or structure that is not in compliance with applicable standards shall be subject to the provisions of Chapter 19.800 Nonconforming Uses. For privately owned property with legal nonconforming uses and structures within the Downtown Open Space Zone, Subsection 19.803.2 is not applicable, but all other provisions of Chapter 19.800 shall apply.

D. Prohibited Uses

Uses listed in Table 19.304.1 with an "N," or uses not listed above, 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

The Planning Director, through a Type I review, may determine that a use that is not listed is considered similar to a listed an example use in Table 19.304.1. The unlisted use shall be subject to the standards applicable to the similar example listed use.

<b>Use Categories</b>	<b>Downtown Storefront</b>	<b>Downtown Commercial</b>	<b>Downtown Office</b>	<b>Downtown Residential</b>	<b>Downtown Open Space</b>
<b>Residential</b>					
Rowhouse	L[1]	N	N	L[1]	N
Multifamily	L[10]	P	N	P	N
Second-floor housing	P	P	P	P	N
Senior and retirement housing	N	P	N	P	N

## Proposed Code Amendment

<b>Commercial/Office</b>					
Automobile repair	N	Ⓒ[2]	N	N	N
Commercial recreation	P	P	P	N	N
Eating/drinking establishment	P	P	Ⓒ[3]	N	N
Financial institution	P	P	P	N	N
Hotel/motel	N	P	P	N	N
Manufacturing and production	Ⓒ[11]	Ⓒ[11]	Ⓒ[11]	Ⓒ[11]	N
Office, professional and administrative	Ⓒ[4]	P	P	Ⓒ[5]	N
Parking facility	P	P	P	N	Ⓒ[6]
Personal/business services	Ⓒ[7]	P	P	Ⓒ[5]	N
Retail trade	P	P	Ⓒ[3]	Ⓒ[5]	N
Theater	P	P	P	N	N
<b>Other</b>					
Community service uses	Ⓒ[8]	Ⓒ[8]	Ⓒ[8]	Ⓒ[8]	Ⓒ[8]
Day care/childcare	Ⓒ[9]	Ⓒ[9]	Ⓒ[9]	Ⓒ[9]	N
Marinas, boat ramp	N	N	N	N	P
Parks, plazas, open space	P	P	P	P	P

**Note:** The table below is new. Underline format is not used to make it more readable.

<b>Table 19.304.1 Downtown Zones—Uses</b>			
<b>Uses and Use Categories</b>	<b>Downtown Mixed Use</b>	<b>Open Space</b>	<b>Standards/ Additional Provisions</b>
<b>Residential Uses<sup>1</sup></b>			
Rowhouse	P	N	<b>Subsection 19.505.5</b> Standards for Rowhouses
Multifamily	P	N	<b>Subsection 19.505.3</b> Multifamily Design Standards
Live/work units	P	N	
Senior and retirement housing	P	N	<b>Subsection 19.505.3</b> Multifamily Design Standards
<b>Commercial Use Categories</b>			
<b>Traditional office.</b> Traditional Office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses are customer-based and typically expected to generate foot traffic.	P	N	

<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><b>Industrial office<sup>2</sup>.</b> Industrial Office uses are characterized by activities that, while conducted in an office-like setting, are less customer-based and do not tend to generate foot traffic. Their operations are less service-oriented than Traditional Office uses and focus on the development, testing, 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, and medical and dental labs.</p>	P	N	
<p><b>Eating and drinking establishment.</b> Eating and Drinking Establishments primarily involve the sale of prepared food and beverages for consumption on-site or take-away.</p> <p>Examples include restaurants, delicatessens, retail bakeries, taverns, brew-pubs, coffee shops, concession stands, wine bars, and espresso bars.</p>	P	CU	<b>Section 19.905</b> Conditional Uses
<p><b>Indoor recreation.</b> Indoor recreation consists of for-profit 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	N	
<p><b>Retail oriented sales<sup>3</sup>.</b> 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,</p>	P/CU	N	<b>Section 19.905</b> Conditional Uses

## Proposed Code Amendment

electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media.			
<p><b>Personal service oriented.</b> Personal service oriented firms 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	N	
<p><b>Repair oriented<sup>4</sup>.</b> 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	N	
<p><b>Day care<sup>5</sup>.</b> Day Care is the provision of regular child care, with or without compensation, to four 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>Commercial lodging.</b> Commercial Lodging includes for-profit residential facilities where tenancy is typically less than one month.</p> <p>Examples include hotels, motels, and bed-and-breakfast establishments. Does not include senior and retirement housing.</p>	P	N	
<p><b>Boarding, lodging, or rooming house.</b> Generally means a private home where lodgers rent one or more rooms for one or more nights, and sometimes for extended periods of weeks, months, and years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied. They normally provide "bed and board", that is, at least some meals as well as</p>	CU	N	<b>Section 19.905</b> Conditional Uses

accommodation.			
<p><b>Parking facility<sup>6</sup>.</b> 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 Commercial Parking facility.</p> <p>Examples include structured parking, short- and long-term fee parking facilities, commercial district shared parking lots and commercial shuttle parking.</p>	CU	P	<p><b>Section 19.905</b> Conditional Uses</p> <p><b>Chapter 19.600</b> Off-Street Parking and Loading</p>
<b>Manufacturing Uses</b>			
<p><b>Manufacturing and production<sup>7</sup>.</b> 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; 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>Institutional Uses</b>			
<p><b>Parks and open space.</b> 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.</p> <p>Examples include parks, public squares, plazas, recreational trails, botanical gardens, farmers markets, boat launching areas, nature preserves and community gardens.</p>	P	P	
<p><b>Other community service uses<sup>8</sup></b></p>	CSU	CSU	<p><b>Section 19.904</b> Community Service Uses</p>

G. Use Limitations

## Proposed Code Amendment

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

- ~~1. Townhouse development is permitted only in a limited area of the Downtown Residential Zone as identified on the Zoning Map (see "Downtown Residential Transition Area" on Figure 19.304-1). This limited use provision is intended to provide an opportunity for owned, attached housing at a minimum density of 10 units per acre. Townhouse development is permitted only in a limited area of the Downtown Storefront Zone as identified on the Zoning Map (see "Village Concept Area" on Figure 19.304-1). Townhouses shall not be located within 50 ft of the Main Street frontage, within the "Village Concept Area."~~

### Footnotes:

1. Along Main Street south of Harrison 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 the street frontage and the residential lobby is located behind the commercial use.

North of Harrison Street, residential dwellings and/or lobbies are permitted anywhere on the ground floor along Main Street.

2. Automobile/motor vehicle repair (excluding body and fender repair and painting) is permitted in the Downtown Mixed Use Zone Commercial Zone only when conducted within a completely enclosed building.

3. In the Downtown Mixed Use Zone Commercial Zone, ~~eating and drinking establishments and retail trade~~ retail sales uses are limited to ~~5,000~~ 10,000 sq ft in floor area per use on the ground floor. A retail sales use larger than 10,000 sq ft may be approved through a conditional use review pursuant to Section 19.905.

~~An additional 5,000 sq ft in floor area per use on the ground floor is allowed for manufacturing or production areas associated with, and accessory to, eating or drinking establishments or retail trade uses. 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.~~

4. Parking facilities in the Open Space Zone are limited to surface lots that are intended primarily for the users of the related park or open space.

5. A new community service use, or expansion/alteration of an existing community service use, may be permitted if approved under Section 19.904 and shall comply with the development and design standards of this section.

6. Day care and childcare uses are limited to 5,000 sq ft.

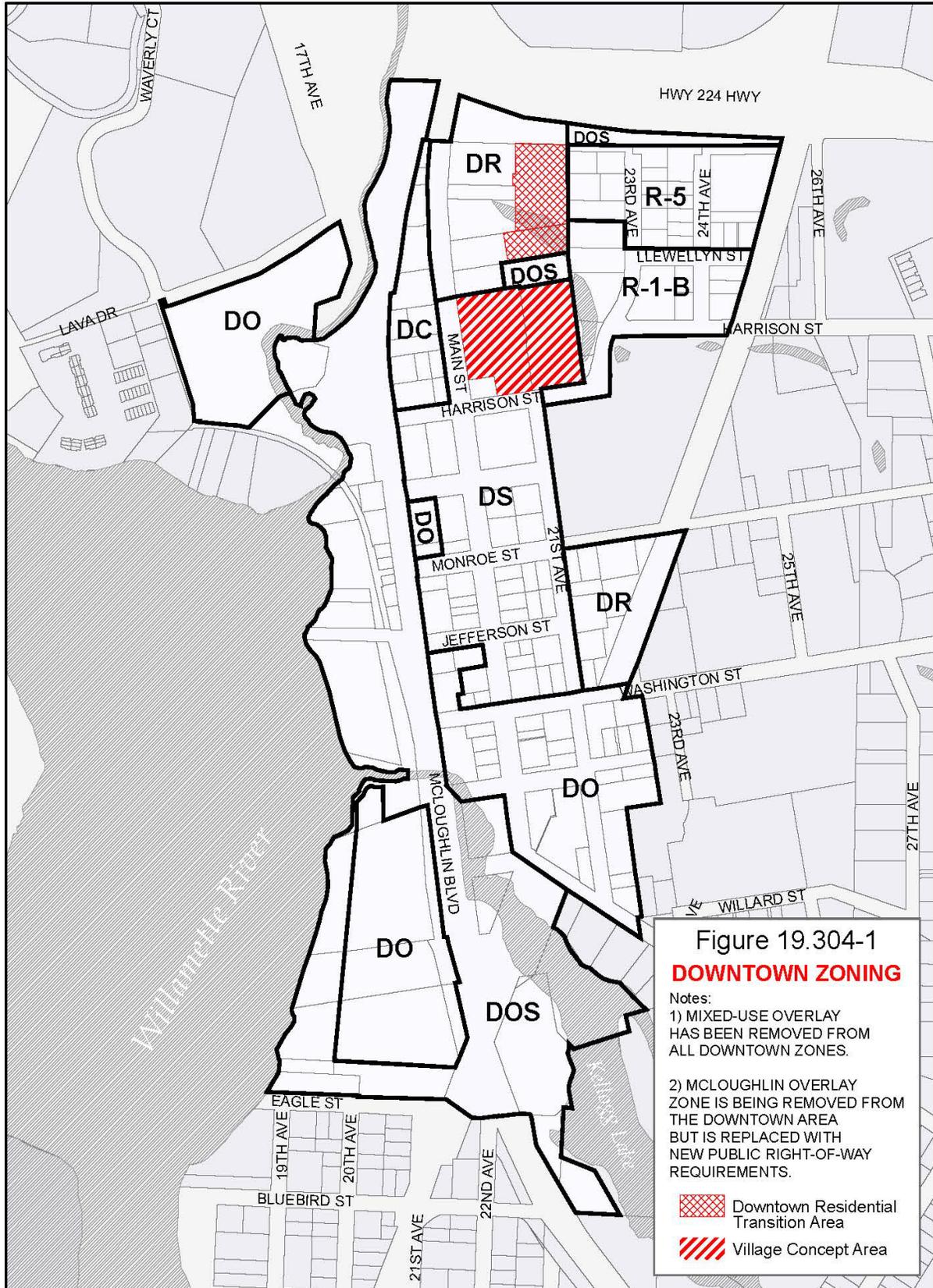
7. Manufacturing and production uses are limited to 5,000 sq ft in floor area per use on the ground floor and are only permitted when associated with, and accessory to, a related retail oriented sales or eating/drinking establishment use. For purposes of this subsection, manufacturing and production 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.

8. Industrial office uses are not permitted on the ground floor along Main Street.
4. ~~In the portions of the Downtown Storefront Zone where ground floor retail/restaurant uses are required (see Figure 19.304-2), office uses are only allowed on or above the second floor.~~
5. ~~Office, personal service, and retail trade uses in the Downtown Residential Zone may only be developed as part of a mixed use building that includes housing. Office, personal service, and retail trade uses in the Downtown Residential Zone are limited to the ground floor; and an individual office, personal service, or retail use may not exceed 5,000 sq ft in floor area. Home occupations are permitted in accordance with Section 19.507 of this title.~~
6. ~~Parking facilities in the Downtown Open Space Zone are limited to surface lots.~~
7. ~~In the portions of the Downtown Storefront Zone where ground floor retail/restaurant uses are required (see Figure 19.304-2), personal/business service uses are limited to a maximum of 25% of the ground floor area of an individual building.~~
8. ~~A new community service use, or expansion/alteration of an existing community service use, may be permitted if approved under Section 19.904 and shall comply with the development and design standards of this section.~~
9. ~~Day care and childcare uses are limited to 3,000 sq ft.~~
10. ~~Multifamily building development is permitted only in a limited area of the Downtown Storefront Zone as identified on the Zoning Map. See "Village Concept Area" on Figure 19.304-1.~~
11. ~~Manufacturing and production are only permitted in combination with a retail or eating/drinking establishment use.~~

**Note:** Figure 19.304-1 Downtown Zoning should be revised as follows:

1. DOS zone should be retained as is and re-labeled OS zone.
2. All other zone boundaries should be combined and renamed DMU zone.
3. Notes 1 and 2 should be deleted.
4. Transition Area and Village Concept Area should be deleted and removed from legend.



**19.304.3 Development Standards**

A. Purpose

The development standards address several issues of particular importance to maintaining the appropriate character for the downtown zones. Table 19.304.3 summarizes some of the development standards that apply in the downtown zones. Development standards are presented in full in Subsection 19.304.3 (B).

<b>Table 19.304.4 Downtown Zones—Development Standards</b>					
<b>Standard</b>	<b>Downtown Storefront</b>	<b>Downtown Commercial</b>	<b>Downtown Office</b>	<b>Downtown Residential</b>	<b>Downtown Open Space</b>
1. Minimum lot size	750 sq ft	10,000 sq ft	5,000 sq ft	750/5,000 sq ft <sup>1</sup>	None
2. Minimum street frontage	45'	30'	30'	15'/30' <sup>1</sup>	None
3. Floor area ratio					
Minimum	4:1	0.3:1	0.5:1	NA	NA
Maximum	4:1	2:1	3:1	NA	NA
4. Building height (see Figure 19.304-3)					
Minimum	35'	25'	25'	None	None
Maximum	45'-55'	55'	65'	45'-65'	None
5. Residential density					
Minimum	None	None	None	10-30 U/Acre	None
Maximum	None	None	None	None	None
6. Street setback (see Figure 19.304-4)					
Minimum	0'	0'	0'	0'	0'
Maximum	10'	50'	10'	None	None
7. Other setbacks (side and rear)	None	None	None	15' <sup>2</sup>	None
8. Ground-floor retail with limited personal/business services (see Figure 19.304-2)	Yes	Yes	Yes	No	No
9. Ground-floor windows/doors (see Figure 19.304-5)	Yes	Yes	Yes	No	No
10. Drive-through facilities	No	No	No	No	No
11. Off-street parking required	No	Yes	No/Yes <sup>3</sup>	Yes	Yes
12. Landscaping	None	10%	None	15%	20%

1 Townhouse lots may be as small as 750 sq ft, with a minimum street frontage of 15 ft. All other lots created in the DR Zone shall be a minimum of 5,000 sq ft, with a minimum street frontage of 30 ft.

2 Setbacks are required only where the DR Zone abuts a lower density residential zone.

3 Off-street parking is not required in the DO Zone to the north of Washington Street and east of McLoughlin Boulevard. Off-street parking is required in the DO Zone located outside of this boundary.

**Proposed Code Amendment**

**Note:** The table below is new. Underline format is not used to make it more readable.

<b>Table 19.304.2 Downtown Zones—Summary of Development Standards</b>			
<b>Standard</b>	<b>Downtown Mixed Use</b>	<b>Open Space</b>	<b>Detailed Standard</b>
Minimum lot size	750 sq ft	None	19.304.4.B(1)
Minimum street frontage	15'	None	
Floor area ratio <sup>1</sup>			19.304.4.B(2)
Minimum	See Figure 19.304-2	None	
Maximum	4:1	None	
Building height			19.304.4.B(3)
Minimum	25'	None	
Maximum <sup>2</sup>	See Figure 19.304-3	15ft	
Flexible ground-floor space	Yes	None	19.304.4.B(4)
Residential density			19.304.4.B(5)
Rowhouses and live/work units	Minimum 10 units per acre, no maximum	None	
Stand-alone multifamily	Minimum 30 units per acre, no maximum	None	
Mixed use buildings	No minimum, no maximum	None	
Street Setbacks/Build-to Lines (see Figure 19.304-4)			19.304.4.B(6)
Minimum street setback	0'	0'	
Maximum street setback	10-20'	None	
Side and rear setbacks	None	None	
Frontage occupancy requirements	Varies 50-90%	None	19.304.1.B(7) and Figure 19.304-4
Primary entrances	Yes	No	19.304.B(8)
Off-street parking required	Yes <sup>2</sup>	Yes	19.304.4.B(9)
Open Space	Yes, where applicable	None	19.304.4.B(10)
Right-of-Way projections	Yes <sup>3</sup>	No	
Transition Area Measures	Yes <sup>4</sup>	No	19.304.B(11) 19.504.6
Outdoor Lighting	Yes	Yes	19.X
Signs	Yes	Yes	14.16.060

Footnotes:

1. Parking facilities and public parks and plazas are exempt from the minimum floor area ratio requirement.
2. An opportunity is provided for a height bonus for buildings that devote at least one floor or 25% of the gross floor area to residential uses.
3. Off-street parking is required only for residential uses at the ratios established in Section 19.605. All other uses are exempt from off-street parking requirements.
4. Right-of-way projections of up to 4 ft are permitted in the DMU zones for upper-level, unenclosed balconies. All applicable building, fire, safety and public works standards shall also be met prior to permitting such balcony projections.
5. For properties north of Harrison Street that abut a residential zone, the Transition Area Measures in Section 19.504.6 apply.

Table 19.304.2 is supplemented by the explanation of the development standards provided in Subsection 19.304.3.B below, and the following figures:

**Note:** Figures should be revised as follows:

1. Figure 19.304-2 Required Retail Ground-Floor Use Areas should be deleted
2. Figure 19.304-3 Downtown Maximum Building Heights should be renumbered, renamed and revised as follows:
  - a. North Main area boundary should be added, height limit of 4/55 within that boundary
  - b. Height limit of 3/45 everywhere else
  - c. Remove height bonus area (it will now apply everywhere, which will be explained in text)
  - d. Revise as needed to also include the minimum FAR requirements: 0.5 in North Main and 1:1 everywhere else
3. Figure 19.304-4 First Floor Build-to Lines should be renumbered and revised as follows:
  - a. Figure should be revised to be consistent with new language in (B)6 below if that approach is accepted by staff.
  - b. Portion along the future public plaza in South Downtown should be added.
4. Figure 19.304-5 Required Ground-Floor Windows and Openings should be deleted. It is no longer necessary since the standard will be applied throughout downtown and will be kept with the other design standards in 19.508.
5. Add new Figure 19.304-4 Frontage Occupancy standards to illustrate new standards in 19.304.4.B(7)

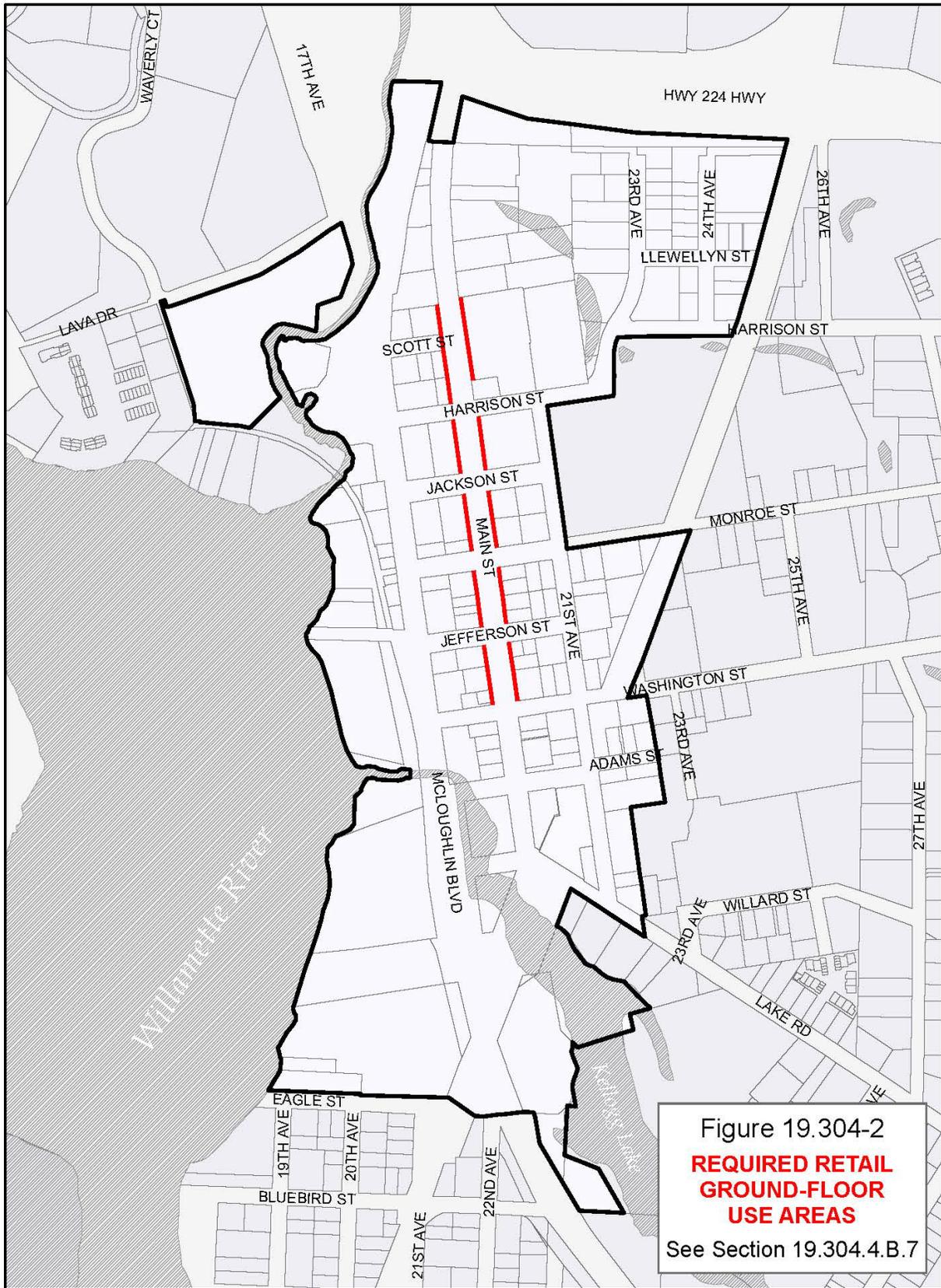
~~Figure 19.304-2—Required Retail Ground-Floor Use Areas~~

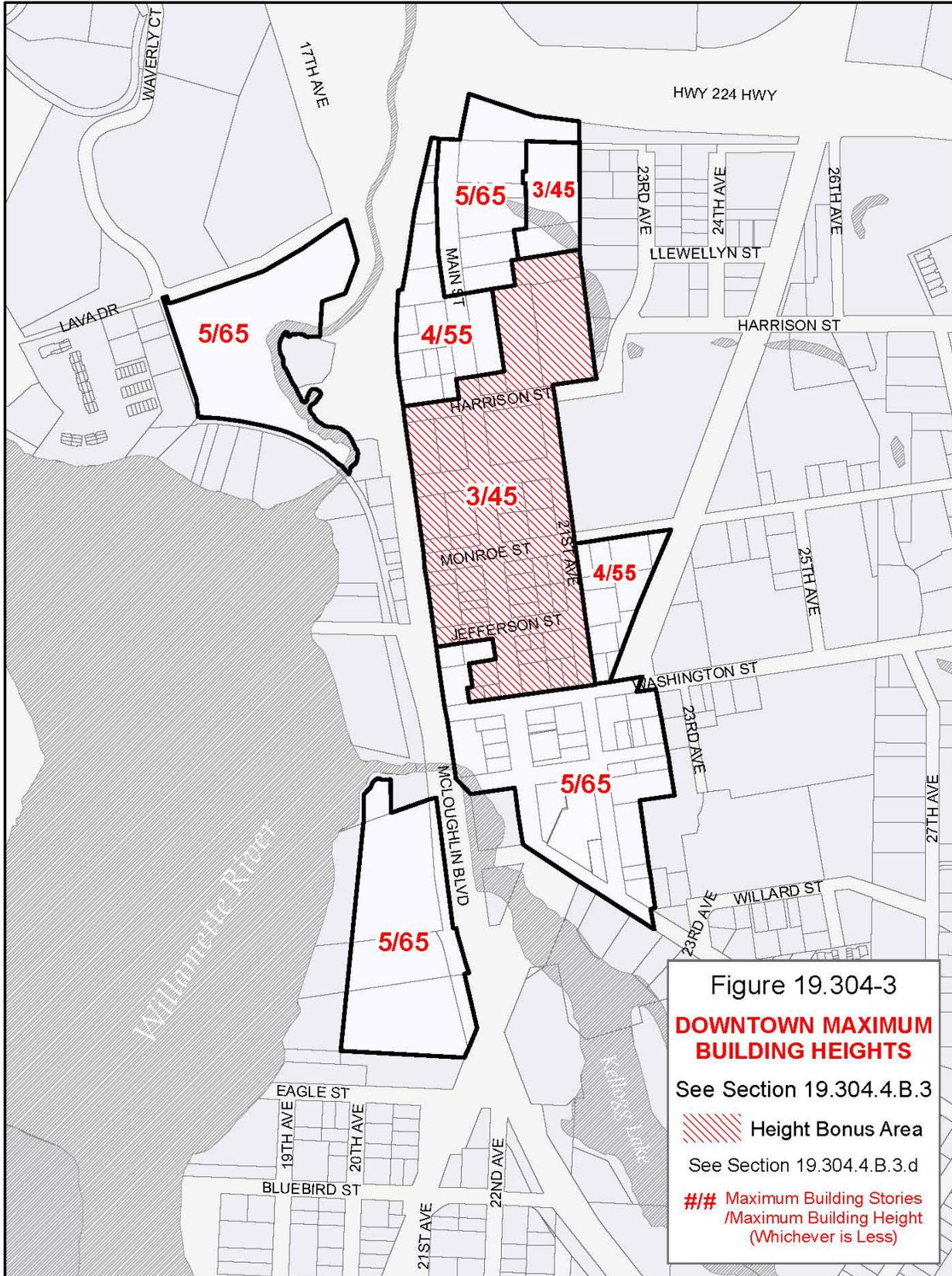
Figure 19.304-~~3~~2—Maximum Building Heights and Minimum FAR

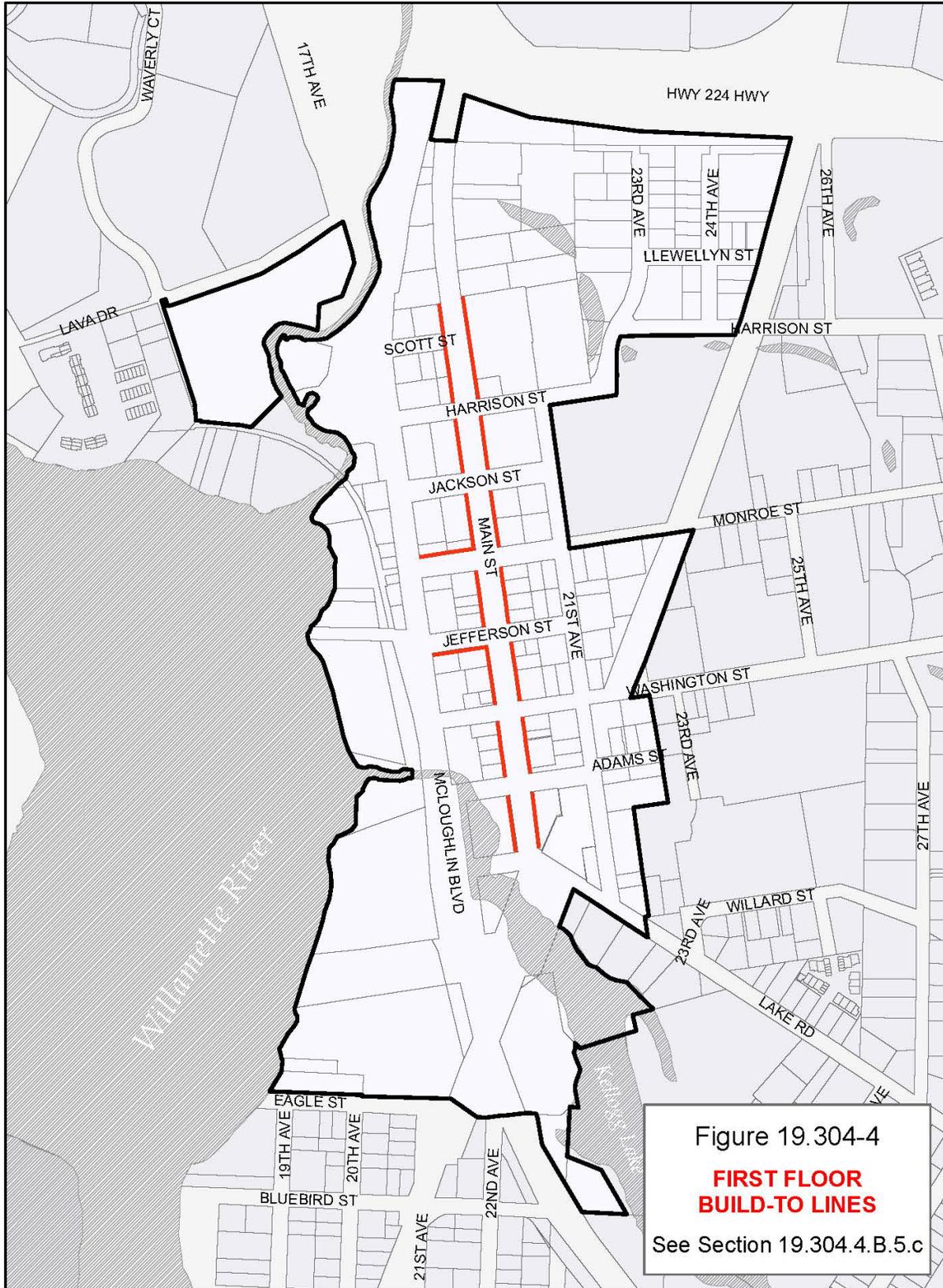
Figure 19.304-~~4~~3—Build-to Lines

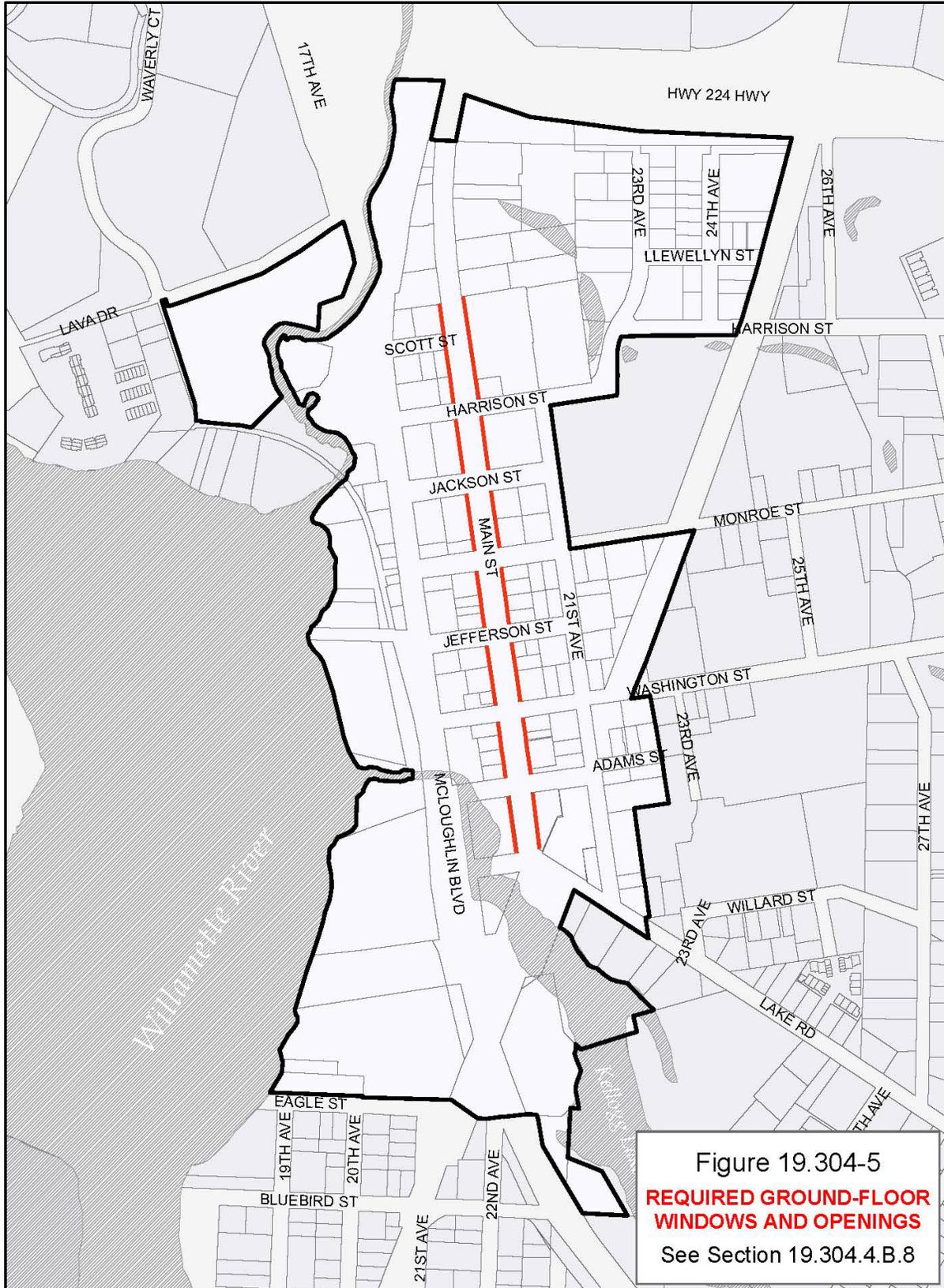
Figure 19.304-4 Frontage Occupancy [NEW]

Figure 19.304-5 Required Ground-Floor Windows and Openings









## Proposed Code Amendment

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### B. ~~Explanation of~~ Development Standards

#### 1. Minimum Lot Size

Intent: Minimum lot size standards for the downtown zones are intended to allow for small-scale and compact development to help establish a pedestrian friendly downtown area.

New lots created in the downtown zones shall meet the minimum lot size standards of Table 19.304.2 as further described below.

- a. New lots in the DMU Downtown Storefront Zone and ~~townhouse lots in the Downtown Residential Zone (in the Downtown Residential Transition Area only)~~ shall be a minimum of 750 sq ft, with a minimum street frontage of 15 ft.
- ~~b. New lots in the Downtown Office and Downtown Residential Zones (other than those in the Downtown Residential Transition Area) shall be a minimum of 5,000 sq ft, with a minimum street frontage of 30 ft.~~
- ~~c. New lots in the Downtown Commercial Zone shall be a minimum of 10,000 sq ft, with a minimum street frontage of 30 ft.~~
- ~~d. b.~~ Land divisions shall comply with applicable provisions of the Land Division Ordinance (Title 17 of the Milwaukee Municipal Code).

#### 2. Floor Area Ratios

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.

- a. The minimum floor area ratios in Table 19.304.2 apply to all nonresidential building development.
- b. Required minimum floor area ratios shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.
- ~~d. The following uses are exempt from the minimum floor area ratios: commercial parking facilities and public parks and plazas.~~

#### 3. Building Height

Intent: Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. Building height standards also establish a consistent streetscape.

- a. Minimum building heights are specified in Table 19.304.2. The minimum building height of 25 feet shall be met along all street frontages for a depth of at least 25 feet from the front of the building. ~~The minimum building height of 35 ft for the Downtown Storefront Zone applies only to buildings that front on Main Street. Buildings fronting on other streets in the DMU Downtown Storefront Zone shall be a minimum height of 25 ft.~~
- b. The minimum building height standards apply to new commercial, office, residential, and mixed use buildings. The standards do not apply to additions to

existing buildings, accessory structures, or to buildings with less than 1,000 sq ft of floor area.

- c. Maximum building heights are specified in ~~Table 19.304.4~~ and illustrated on ~~Figure 19.304-2~~. If there is a conflict between ~~Table 19.304.4~~ and ~~Figure 19.304-3~~, the ~~maximum building height provisions of Figure 19.304-3 shall control.~~
- d. An opportunity is provided for a height bonus for buildings that devote at least one floor or 25% of the gross floor area to residential uses. For those buildings, an additional story or an additional 12 feet of building height, whichever is less, is allowed. in a defined area of the downtown plan. For the area identified on Figure 19.304-3 as the height bonus area, the base building height is 3 stories or 45 ft, whichever is less. However, if at least one floor or 25% of the gross floor area is devoted to residential uses, the building is allowed a height of 4 stories or 55 ft, whichever is less.

4. Flexible ground floor space.

Intent: The flexible ground floor space standard is intended to ensure that new buildings in the downtown are designed and constructed to accommodate active uses such as retail and eating/drinking establishments.

- a. This standard applies to new buildings fronting Main Street.
- b. This standard is met when at least 75% of the ground-floor space in a new building meets the following requirements.
  - (i) The ground-floor height must be at least 14 feet, 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.
  - (ii) The interior floor area adjacent to Main Street must be at least 25 feet deep, as measured from the inside building wall or windows facing Main Street.

5. Residential Density

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

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

- ~~a. Minimum densities for the downtown residential transition area shall be 10 units per acre (see Figure 19.304-1). The maximum density for the residential transition area shall be 30 units per acre.~~
- a. Minimum densities for rowhouses and live/work units shall be 10 units per acre.
- b. Minimum densities for stand-alone multifamily dwellings and senior/retirement housing in the DMU Zone Downtown Residential and Downtown Commercial Zones shall be 30 units per acre. Maximum residential densities are controlled by height limits.

- c. There are no minimum density requirements when residential units are developed as part of a mixed use building. ~~in the Downtown Storefront, Downtown Commercial, and Downtown Office Zones. The minimum density standards apply only to stand-alone residential buildings. Second-floor housing is allowed in the Downtown Storefront, Downtown Commercial, and Downtown Office Zones.~~ Maximum residential densities for mixed use buildings are controlled by height limits.

6. Street Setbacks/Build-to Lines

Intent: Buildings are allowed and encouraged to build up to the street right-of-way in ~~all downtown zones~~ the DMU zone. Required build-to lines are established in specific areas of the downtown to ensure that the ground floors of buildings engage the street right-of-way (see Figure 19.304-3). The build-to line ensures compatibility and harmony between buildings, enabling a series of different buildings to maintain or establish a continuous vertical street wall.

- a. No minimum street setbacks are required, ~~in any of the downtown zones.~~
- b. The downtown zones are exempt from the clear vision area requirements of Chapter 12.24 of the Milwaukie Municipal Code, with the exception of driveway and street intersections with McLoughlin Boulevard.
- c. First-floor build-to lines (required zero setbacks) are established for block faces identified on Figure 19.304-3. The build-to line applies as follows: ~~includes a necessary degree of flexibility:~~
  - ~~(1) Projections or recesses of up to 18 in are allowed.~~
  - (i) For those block faces identified on Figure 19.304-3, 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 feet. The front setback shall provide usable open space, such as a public plaza or pedestrian amenities.
  - (ii) For other block faces, there is no build-to line requirement and the maximum setback shall be 10 feet. The front setback shall provide usable open space the meets the requirements of Subsection 19.508.7.
  - (iii) The portions of the building used to meet the build-to line requirement in (1) above shall have a depth of at least 20 feet.
  - ~~(2) Doorways may be set back a maximum of 8 ft from the build-to line.~~
- d. ~~Maximum street setbacks of 10 ft are established for the Downtown Storefront and Downtown Office Zones. The 50-ft maximum setback for the Downtown Commercial Zone applies only to the McLoughlin Boulevard frontage. A build-to line (zero setback) is established for the Downtown Commercial Zone along the Main Street frontage.~~

~~7. Other Setbacks~~

~~No specific side or rear yard setbacks are required for the downtown zones, with the exception of the Downtown Residential Zone, where a minimum 15-ft side/rear yard setback is required where the Downtown Residential Zone abuts lower-density residential zones.~~

~~7. Ground-Floor Retail/Restaurants~~

~~Retail uses and eating/drinking establishments are required at the ground floors of buildings fronting on Main Street and identified on Figure 19.304-2. This requirement will ensure that continuous retail storefronts and eating/drinking establishments are established and maintained along Main Street, to attract pedestrians and strengthen the shopping environment. When required, the retail uses and/or eating/drinking establishments must comprise at least 75% of the ground floor area of a building. Personal/business services are limited uses that are allowed to occupy a maximum of 25% of the ground floor area within these buildings.~~

~~New buildings in the required ground-floor active use areas shall be designed and constructed to accommodate active uses such as retail and eating/drinking establishments. This standard is met where no less than 75% of the ground-floor space in a new building fronting Main Street meets the following requirements.~~

- ~~a. The ground-floor height must be at least 12 feet, 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.~~
- ~~b. The interior floor area adjacent to Main St. must be at least 25 feet deep, as measured from the inside building wall or windows facing Main Street.~~

~~9. Drive-Through Facilities~~

~~Drive-through facilities can conflict with the easy, safe, and convenient movement of pedestrians. Therefore, drive-through facilities are prohibited in the downtown zones to create a pedestrian-friendly environment where transit, bicycles, and walking are encouraged.~~

7. Frontage occupancy requirements.

Intent: These standards help ensure that the placement of buildings recognizes the important relationship between public and private space in creating a walkable and pedestrian-friendly environment.

- a. Minimum frontage occupancy requirements are established for block faces identified on Figure 19.304-4. The requirements apply as follows:
  - (i) For block faces that front on Main Street, 90% of the site frontage must be occupied by a building or buildings. If the development site has frontage on Main Street and another street, the frontage occupancy requirement must be met on Main Street only.
  - (ii) For block faces that front on Harrison, Monroe, Washington, and Adams Streets and 21<sup>st</sup> Avenue, 75% of the site frontage must be occupied by a building or buildings. Except for (i) 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.
  - (iii) For other block faces, 50% of the site frontage must be occupied by a building or buildings. Except for (i-ii) above, if the development site has frontage on more than one street, the frontage occupancy requirement must be met on one street only.

(iv) Building facades with recesses incorporated to comply with façade articulation requirements are considered to be occupying the site frontage if the recesses do not exceed 24 inches.

8. Primary entrances.

Intent: These standards are intended 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.

- a. All new buildings shall have at least one primary entrance facing an abutting street (i.e., within 45 degrees of the street property line); or if the building entrance must be turned more than 45 degrees 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 Street and another street, the primary entrance shall be oriented toward Main Street. If the development is on the corner of McLoughlin Boulevard and another street, the primary entrance may be oriented toward either street.

40-9. Off-Street Parking

Intent: The desired character for the DMU Downtown Storefront Zone, particularly along Main Street, is defined by a continuous façade of buildings close to the street, with adjacent on-street parking. For that reason, off-street parking is only required for residential uses. All other uses are exempt from the off-street parking requirements.

- a. Development in the Downtown Storefront Zone, and the portion of the Downtown Office Zone located to the north of Washington Street and east of McLoughlin Boulevard, is exempt from the maximum and minimum quantity requirements for vehicle parking in Section 19.605.
- b. With the exception of the two areas identified in Subsection 19.304.4.B.10.a above, standards and provisions of Chapter 19.600 shall apply to development in the downtown zones.
  - 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. If off-street parking is provided for non-residential uses, the parking maximums in Table 19.605.1 shall apply. All other applicable standards of Chapter 19.600 shall also apply.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main Street right-of-way. The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main Street right-of-way only on the finding in a public hearing 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; and
- (3) The community need for the off-street parking area or curb cut within 50 ft of Main Street outweighs the need to provide a continuous façade of buildings in that area.

d. Off-street parking shall not be located between a building and the street-facing lot line.

#### ~~11~~ 10. Minimum Landscaping/Open Space

Intent: The minimum open space requirements are established to provide amenities for downtown residents, promote livability, and help soften the effects of built and paved areas.

~~The minimum landscaping/open space requirements are established to provide amenities for downtown residents, promote livability, and help soften the effects of built and paved areas.~~

When a building is set back from the sidewalk, at least 50% of the setback area shall be usable public open space. Where possible, jointly improved open space areas are encouraged to facilitate continuity of landscape design.

- ~~a. Required landscaping/open space in the downtown zones may include be hardscaped or landscaped, including plazas, courtyards, roof top gardens, balconies, terraces, and small parks, and porches.~~
- ~~b. Where possible, jointly improved landscaped areas are encouraged to facilitate continuity of landscape design. Street trees are required in all downtown zones as outlined in the Milwaukie Downtown and Riverfront Plan: Public Area Requirements. Milwaukie Public Works Standards.~~
- ~~c. All material in the minimum required landscaped area shall be live plant material. Materials such as bark or river rock may be used only if approved as part of the overall landscaping plan.~~

#### ~~12. Right-of-Way Projections~~

~~Right-of-way projections of up to 4 ft are permitted in all downtown the DMU zones for upper level, unenclosed balconies. All applicable building, fire, safety and public works standards shall also be met prior to permitting such balcony projections.~~

#### 11. For properties north of Harrison Street that abut a residential zone, the Transition Area Measures in Section 19.504.6 apply. In addition:

- a. Along the property line abutting the residential zone, buildings shall provide a step back of at least 6 feet for any portion of the building above 35 feet.
- b. The height bonus in Subsection (3) above cannot be applied to such properties.

### **19.304.4 Public Area Requirements**

#### **A. Purpose**

~~The Milwaukie Downtown and Riverfront Plan: The Public Area Requirements (PAR) implement the Downtown and Riverfront Land Use Framework Plan. is an ancillary document to the Milwaukie Comprehensive 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 shall be consistent with the PAR as implemented in the Milwaukie Public Works Standards.

### **19.304.5 Building and Site Design Standards**

Design standards 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 19.907.3.

For those projects that are subject to Downtown Design Review, there are three possible review paths:

- A. Type 1. 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 2. 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 3. 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.

Designing a project to meet the quantifiable design and development standards would result in an administrative (Type I or Type 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.

### **19.304.6 Variances**

The Planning Director or Planning Commission may authorize variances to the development standards under Subsection 19.304.3 in accordance with procedures of Section 19.911.

A. Purpose

~~The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards, together with~~

the public area requirements, will support the development of a cohesive, attractive, and safe downtown area and encourage private investment. The design standards do not prescribe a particular building or architectural style. The standards are intended to be clear and objective, and compliance with the standards is checked as part of building plan review.

~~B. Applicability~~

~~The design standards are applicable to all new construction and to major exterior alterations in the downtown zones. Standards regarding prohibited materials are applicable to minor exterior alterations in the downtown zones. Exterior maintenance and repair of buildings in the downtown zones are exempt from compliance with the design standards. Definitions of exterior maintenance and repair, minor exterior alteration, and major exterior alteration follow.~~

- ~~1. Exterior maintenance and repair includes refurbishing, painting, and weatherproofing of deteriorated materials, and in-kind restoration or replacement of damaged materials. Exterior maintenance and repair does not include replacement of materials due to obsolescence or when associated with minor or major exterior renovation, as defined below. Exterior maintenance and repair does not include the placement of signs.~~

~~The design standards are not applicable to exterior maintenance and repair as defined above.~~

- ~~2. Minor exterior alterations include the exterior alterations of any portion of a structure that do not fall within the definitions of "exterior maintenance and repair" or "major exterior alterations." Minor exterior alterations include, but are not limited to, the application or installation of finish building treatments, including windows and other glazing, doors, lintels, copings, vertical and horizontal projections including awnings, and exterior sheathing and wall materials. Minor exterior alteration does not include the placement of signs.~~

~~Additions not exceeding 250 sq ft may be permitted under a minor exterior alteration only when the additional floor area is designed and used for utility, HVAC, other mechanical equipment, ADA upgrades, or egress required by applicable fire safety or building codes.~~

~~The design standards pertaining to prohibited exterior building materials (see Subsection 19.304.6.C below) are applicable to minor exterior alterations. No other design standards apply to minor exterior alterations.~~

- ~~3. Major exterior alterations include any of the following:~~

- ~~a. Alterations that do not fall within the definitions of "exterior maintenance and repair" or "minor exterior alterations";~~
- ~~b. Demolition or replacement of more than 25% of the surface area of any exterior wall or roof;~~
- ~~c. Floor area additions that exceed 250 sq ft or do not meet the limited purposes as defined under the minor exterior alteration (ADA upgrades, etc.).~~

~~The design standards are applicable to major exterior alterations as described below:~~

- ~~(1) Major exterior alterations involving a wall(s) shall comply with the design standards for walls and the design standards for windows for that wall(s).~~

- ~~(2) Major exterior alterations involving a roof shall comply with the design standards for roofs.~~

~~C. Design Standards~~

~~1. Design Standards for Residential~~

~~The following standards are applicable to "stand-alone" residential buildings in the Downtown Residential and Downtown Commercial Zones. Additional standards pertaining to walls, windows, and roofs are also applicable to residential buildings and are addressed in Subsections 19.304.6.C.2 through 4 below.~~

~~a. Residential Entries and Porches~~

- ~~(1) Porches, if provided, shall be a minimum of 6 ft deep by 8 ft wide.~~
- ~~(2) Front entries must face a public street or a landscaped courtyard.~~

~~b. Garages and Parking Areas~~

~~Garage entrances and parking areas shall not be located between the residential building(s) and the abutting public street.~~

~~c. Residential Courtyards, if Provided~~

- ~~(1) Courtyards shall have a minimum width of 30 ft.~~
- ~~(2) Up to 15% of the courtyard area may be claimed as private space. The remainder shall be common space.~~
- ~~(3) The courtyard shall be enclosed on a minimum of 2 sides by residential front entry doors.~~
- ~~(4) Garage doors shall not front onto the courtyard.~~

~~d. Residential Balconies~~

~~Balconies for residential units shall have a minimum depth of 6 ft and minimum width of 8 ft.~~

~~2. Design Standards for Walls~~

~~The following standards are applicable to the exterior walls of buildings facing streets, courtyards, and/or public squares in all of the downtown zones.~~

~~a. Exterior wall-mounted mechanical equipment is prohibited.~~

~~b. The following wall materials are prohibited at the street level of the building:~~

- ~~(1) EIFS or other synthetic stucco panels;~~
- ~~(2) Splitface or other masonry block.~~

~~c. The following wall materials are prohibited at all levels of the building in all downtown zones:~~

- ~~(1) Plywood paneling;~~
- ~~(2) Brick with dimensions larger than 4 by 8 by 2 in;~~
- ~~(3) Spandrel glazing/curtain wall;~~
- ~~(4) Vinyl or metal cladding;~~

~~(5) Composite wood fiberboard or composite cement-based siding, except as permitted in the Downtown Residential Zone in Subsection 19.304.6.C.2.d.(3);~~

~~(6) Metal panels, except at penthouse level.~~

~~d. The following wall materials are permitted only in the Downtown Residential Zone where densities are less than 30 units per acre:~~

~~(1) Board and batten cladding (limited to a maximum of 20% of the wall area);~~

~~(2) Wood shingles;~~

~~(3) Composite wood fiberboard or composite cement-based siding.~~

### ~~3. Design Standards for Windows~~

~~The following standards are applicable to building windows facing streets, courtyards, and/or public squares in all of the downtown zones.~~

~~a. Windows shall be "punched" openings recessed a minimum of 2 in from the wall surface.~~

~~b. Window height shall be equal to or greater than window width.~~

~~c. The following windows are prohibited:~~

~~(1) Reflective, tinted, or opaque glazing;~~

~~(2) Simulated divisions (internal or applied synthetic materials);~~

~~(3) Exposed, unpainted metal frame windows.~~

### ~~4. Design Standards for Roofs~~

~~The following standards are applicable to building roofs in all of the downtown zones.~~

~~a. Flat roofs shall include a cornice with no less than 6 in depth (relief) and a height of no less than 12 in.~~

~~b. Mansard or decorative roofs on buildings less than 3 stories are prohibited in all downtown zones.~~

~~c. Metal roofs are prohibited only in the Downtown Residential Zone.~~

## CHAPTER 19.900 LAND USE APPLICATIONS

### 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 unified and distinctive as a whole;
- C. Ensure that new development and alterations or enlargement of existing development are consistent with the Downtown Design Standards or Guidelines and Downtown and Riverfront Land Use Framework Plan; and
- D. Provide a design review process that allows applicants to choose standards or more flexible discretionary guidelines.

#### 19.907.2 Downtown Design Review Approval Process

- A. To achieve the purpose of the downtown design standards, 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. It is generally intended for smaller building and site renovation projects listed in Subsection 19.907.3.A.
  - 2. Type II. The administrative review track provides for a Type II process pursuant to Section 19.1005 that requires staff review utilizing the standards in Section 19.508. It generally applies to new development and renovation/remodeling projects listed in Subsection 19.907.3.B.
  - 3. Type III. The discretionary review track provides for a Type III review process pursuant to Section 19.1006 through which the Design and Landmark Committee and Planning Commission determine conformance with the *Downtown Design Guidelines*.
- B. 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. Applicants can address Downtown Design Review requirements through a combination of satisfying certain design standards, and in instances where they elect not to utilize design standards, satisfy applicable design guidelines 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.

#### 19.907.3 Downtown Design Review 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 Chapter 19.403.

2. Building additions less than 250 square feet that do not face a street
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, replacement of damaged siding, and restoration of building components back to their original state.
4. Projects undertaken 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

B. Type I

1. Applicability

- a. Demolition or replacement of less than 25% of the surface area of any exterior wall or roof
- b. Addition, elimination, or change in location of windows that does not decrease the overall percentage of window coverage
- c. Addition, elimination, or change in location of entry doors and loading doors.
- d. Addition of new, or change to existing, awnings, canopies, and other mounted structures to an existing façade
- e. For commercial and mixed use developments, modification of up to [15] % of on-site landscaping with no reduction overall landscaping percentage. Modification refers to changing the hardscape elements and the location of required landscaped areas and/or trees
- f. Modification of an off-street parking area with no reduction in parking spaces or increase in paved area
- g. Addition of new fences, retaining walls, or both
- h. Change of existing grade
- i. An increase in floor area proposed for a nonresidential use of less than 10% or under 2,000 square feet, whichever is greater.
- j. 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 reduces the open space area by less than 10 percent
- k. A new stand-alone multifamily residential building that meets the objective design standards in Table 19.505.3.D

C. Type II

1. Applicability

- a. New development that meets the design standards of Section 19.508.
- b. An increase in the height of an existing building
- c. An increase in floor area proposed for a nonresidential use by more than 10% or 2,000 square feet, whichever is greater.

## **Proposed Code Amendment**

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- d. 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%.
- e. A new stand-alone multifamily residential building that satisfies the design guidelines in Table 19.505.3.D

### **D. Type III**

#### **1. Applicability**

- a. Any project, at the applicant's option
- b. A project that is unable to meet one or more of the design standards of Sections 19.508.

### **19.907.4 Application**

Applications for Downtown Design Review shall be filed with the Planning Department on forms prescribed by the Planning Director. 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).
- B. 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 III Design Review, how the proposal meets applicable design guidelines in the *Milwaukie Downtown Design Guidelines* document.
- C. Show footprints of surrounding buildings, including driveways and pedestrian connections.
- D. Location, dimension, and setbacks of all proposed buildings, structures, walls, and fences.
- E. Dimensioned building elevations indicating height, exterior materials, colors, and details of exterior architectural features, such as cornices, windows, and trim.
- F. A streetscape drawing showing the relationship of the proposed project to adjacent buildings.
- G. Frontage improvements in the public right-of-way per the Public Works Standards.

### **19.907.5 Approval Criteria for Design Review**

The approval authority may approve, approve with conditions, or deny Downtown Design Review based on the following approval criteria:

- A. Compliance with Title 19;
- B. For Type I Downtown Design Review, compliance with applicable design standards in Section 19.508 and any prior land use approvals;
- C. For Type II Downtown Design Review, compliance with applicable design standards in Section 19.508;

- D. For Type III Downtown Design Review, substantial consistency with the applicable Downtown Design Guidelines.

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

The Design and Landmarks Committee shall 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 the 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 a standard must use the Type III discretionary Downtown Design Review process.
- B. For applications using the Type III Downtown Design Review process, adjustments will only be allowed for the development standards and design standards that could not be met. Variances to the design guidelines themselves will not be granted.

#### **19.907.1 Purpose**

~~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 zones, providing buildings and projects that are attractive individually yet contribute to a downtown that is unified and distinctive as a whole; and~~
- ~~C. To ensure that new development and alterations or enlargement of existing development are consistent with the Downtown Design Guidelines and Downtown and Riverfront Land Use Framework Plan.~~

#### **19.907.2 Applicability**

~~All new construction and changes to buildings and/or properties in the downtown zones involving exterior maintenance and repair, minor exterior alterations, and major exterior alterations as defined in Subsection 19.304.6.B are subject to design review in accordance with the procedures as outlined below under Subsection 19.907.5.~~

#### **19.907.3 Design Guidelines**

~~Design guidelines shall be established for the downtown zones and shall be considered as part of design review applications in accordance with the provisions of Section 19.304.~~

#### **19.907.4 Duty to Review—Planning Director**

~~The Planning Director shall review each application for a building permit or other approval in the downtown zones. The purpose of this review is to ensure that improvements within the downtown zones maintain consistent standards of design and to ensure that development is consistent with adopted design guidelines.~~

**19.907.5 Application Procedure**

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

**A. Exterior Maintenance and Repair**

Exterior maintenance and repair, as defined in Subsection 19.304.6.B.1, shall be processed as a Type I review in accordance with the procedures in Section 19.1004. Exterior painting, repair, and refurbishing of existing building materials that does not require a building permit shall be exempt from Type I review.

**B. Minor Exterior Alterations**

Minor exterior alterations, as defined in Subsection 19.304.6.B.2, shall be processed as a Type I review in accordance with the procedures in Section 19.1004. The Planning Director may change a Type I review to a Type II review upon finding the following:

1. The work is visible from streets, courtyards, and/or public squares and significantly changes the architectural character of the building, which may include changes to exterior wall materials and changes in architectural style; and/or
2. The work is inconsistent with the Downtown Design Guidelines.

**C. Major Exterior Alterations**

Major exterior alterations, as defined in Subsection 19.304.6.B.3, shall be evaluated through a Type III review in accordance with the procedures in Section 19.1006. Applications for major exterior alterations shall be reviewed at a public hearing and decided by the Planning Commission, except as follows:

The following major exterior alterations shall be processed by Type II review:

1. Additions not more than 250 sq ft in floor area that do not face streets, courtyards, and/or public squares and are not designed and used for utility, HVAC, or other mechanical equipment, building upgrades as needed to comply with the Americans with Disabilities Act, or egress required by applicable fire safety or building codes.
2. Demolition or replacement of no more than 25% of the surface area of any exterior wall or roof that does not face streets, courtyard, and or public squares.

**D. Residential**

**1. "Stand-Alone" Residential Buildings**

"Stand-alone" residential buildings that do not include nonresidential uses are exempt from design review, but shall be subject to the clear and objective design standards under Subsection 19.304.6. Applicants may elect to process a stand-alone residential building design review.

**2. Mixed Use Buildings**

The residential portion of mixed use buildings shall be subject to the clear and objective standards under Subsection 19.304.6. The nonresidential portion of the building is subject to design review as provided in this section. Applicants may elect to process the entire mixed use building through design review.

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

**~~19.907.6 Application~~**

~~Applications for design review shall be filed with the Planning Department on forms prescribed by the Planning Director. Design review applications shall include a narrative explaining how the development considered each of the Downtown Design Guidelines. The applicant shall demonstrate consistency with the design guidelines and compliance with applicable zoning criteria. In addition to all information specified on the "Submittal requirements" and "Site plan requirements" forms, each application for design review shall be accompanied by the following information:~~

- ~~A. Completed design review checklist.~~
- ~~B. Written statement that describes how the proposal meets applicable design guidelines. Where a guideline is not met, the applicant shall provide justification indicating why it is not applicable or demonstrate other site or project characteristics that warrant an exception.~~
- ~~C. Show footprints of surrounding buildings, including driveways and pedestrian connections.~~
- ~~D. Location, dimension, and setbacks of all proposed buildings, structures, walls, and fences.~~
- ~~E. Dimensioned building elevations indicating height, exterior materials, colors, and details of exterior architectural features, such as cornices, windows, and trim.~~
- ~~F. A streetscape drawing showing the relationship of the proposed project to adjacent buildings.~~
- ~~G. Frontage improvements in the public right-of-way per the Public Area Requirements.~~

**~~19.907.7 Approval Criteria for Design Review~~**

~~The approval authority may approve, approve with conditions, or deny design review based on the following approval criteria:~~

- ~~A. Compliance with Title 19;~~
- ~~B. Substantial consistency with the Downtown Design Guidelines; and~~
- ~~C. Submittal of a complete application and applicable fee as adopted by the City Council.~~

**~~19.907.8 Report and Recommendation by Design and Landmarks Committee~~**

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

**~~19.907.9 Variances to Development Standards~~**

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

**~~19.907.10 Modification of Design Standards~~**

~~The Planning Commission may authorize modification of the design standards under Subsection 19.304.6.C, in accordance with the following procedures.~~

~~A modification to a design standard may be granted at a public hearing in accordance with Section 19.1006 when all of the following criteria are satisfied:~~

- ~~A. The modification is integral to the overall design concept for the building;~~
- ~~B. The modification:~~

- ~~1. Substantially meets the intent of the design standard; or~~
  - ~~2. In combination with other design elements of the project, the modification meets the intent of the design standard; and~~
- ~~C. The project is substantially consistent with the Downtown Design Guidelines applicable to the design standard.~~

### **19.907.11 Consideration of Prohibited Material or Design Features**

~~The Planning Commission may authorize the use of prohibited materials or design features specified in Subsection 19.304.6.C subject to the following criteria:~~

- ~~A. The applicant demonstrates that the prohibited material is substantially comparable to an allowed material with regards to quality, appearance, style, architectural effect, and durability.~~
- ~~B. Use of the prohibited materials is consistent with design considerations specified for the particular design element in the Milwaukie Downtown Design Guidelines.~~

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## CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

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

This section contains building design standards to be used with the Type I and II Downtown Design Reviews as established in Section 19.907.

- A. Purpose. The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards, together with the frontage improvements, will support the development of a cohesive, attractive, and safe downtown area and encourage private investment. The design standards do not prescribe a particular building or architectural style. Compliance with the standards is reviewed as part of a Type I or II Downtown Design Review.
- B. Applicability.
1. The design standards in this section generally apply to nonresidential, mixed use and residential-only multifamily buildings within the downtown zones. More detailed applicability language is provided at the beginning of each specific standard.
  2. The standards in this section do not apply to rowhouses or live/work units. Rowhouses and live/work units are subject to the design standards in Section 19.505.5 Standards for Rowhouses.

#### **19.508.1 Building Façade Details**

These standards are intended to provide cohesive and visually interesting building faces in the downtown, particularly along the ground floor.

- A. Nonresidential and mixed use buildings. The following standards apply only to nonresidential and mixed use buildings.
1. Vertical building façade. Nonresidential and mixed use buildings two stories and above shall provide a defined base, middle, and top.
    - a. Base. The base extends from the sidewalk to the bottom of the second story or the belt course/string course that separates the ground floor from the middle of the building. The building base shall be defined by providing all of these elements:
      - (i) The street-facing ground floor shall be divided into distinct architectural bays that are no more than 30 feet on center. For the purpose of this standard, an architectural bay is defined as the zone between the outside edges of an engaged column, pilaster, post, or vertical wall area.
      - (ii) Weather protection that complies with the standards of MMC 19.508.3.
      - (iii) Windows that comply with the standards of MMC 19.508.5.
    - b. Middle. The middle of a building extends from the top of the building base to the ceiling of the highest building story. The middle is distinguished from the top and base of the building by use of building elements. The middle of the building shall be defined by providing all of the following elements:
      - (i) Windows that comply with the standards of MMC 19.508.5.
      - (ii) One of the following elements:

## Proposed Code Amendment

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- (A) A change in exterior cladding, and detailing and material color between the ground floor and upper floors. Differences in color must be clearly visible.
  - (B) Street-facing balconies, decks, or a 6-foot minimum building step-back on upper floors for at least [25]% of the length of the building.
  - (iii) A change in wall plane of not less than [24] inches in depth and [24] inches in width. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, pediment, coursing, column, marquee, or similar architectural feature.
- c. 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, and is the roof form/element at the uppermost portion of the façade that visually terminates the façade. The top of the building shall provide the following:
  - (i) Roofs that comply with the standards of MMC 19.508.6.
- 2. Horizontal building facade
  - a. Horizontal datum lines, such as belt lines, cornices, or upper floor windows, shall line up with adjacent facades if applicable.
  - b. Significant breaks shall be created along building facades at least every 100-150 linear feet by either setting the façade back at least 20 feet or breaking the building into separate structures. Breaks shall be at least 15 feet wide and shall be continuous along the full height of the building.
- B. Residential buildings. The following standards apply only to stand-alone multifamily residential buildings in the downtown.
  - 1. Street-facing building facades shall be divided into wall planes. The wall plane on the exterior of each dwelling unit shall be articulated by doing one or more of the following:
    - a. Incorporating elements such as porches or decks into the wall plane. Porches or decks, if provided, shall be a minimum of 4 feet deep by 8 feet wide.
    - b. Recessing the wall plane a minimum of 2 feet deep by 6 feet long.
    - c. Extending an architectural bay at least 2 feet from the primary street-facing façade for a width of at least 6 feet.
  - 2. Buildings shall have a distinct base and top. The base of the building (ground-floor level) shall be considered from grade to 12 feet above grade. The base shall be visually distinguished from the top of the building by any of the following physical transitions: a change in brick pattern, a change in surface or siding materials, a change in color, or a change in the size or orientation of window types.
  - 3. To avoid long, monotonous, uninterrupted walls, buildings shall incorporate exterior wall off-sets, projections and/or recesses. At least 1 foot of horizontal variation shall be used at intervals of 40 feet or less along the building's primary façade on the ground-floor level.
  - 4. Blank, windowless walls in excess of 750 sq. ft. are prohibited when facing a public street, unless required by the Building Code. In instances where a blank wall exceeds 750 sq. ft., it shall be articulated or intensive landscaping shall be provided.
  - 5. Garage doors shall be painted to match the color or color palette used on the rest of the building(s).

### **19.508.2 Corners**

Nonresidential or mixed-use buildings at the corner of two public streets or a street and public area, park or plaza (for the purposes of this standard an alley is not considered a public street) shall incorporate two of the following features:

- A. Locate the primary entry to the building at the corner;
- B. A prominent architectural element, such as increased building height or massing, a cupola, a turret or a pitched roof at the corner of the building or within 20 feet of the corner of the building;
- C. The corner of the building cut at a 45 degree angle, or a similar dimension “rounded” corner;
- D. A combination of special paving materials, street furnishings and, where appropriate, plantings, in addition to the front door.

### **19.508.3 Weather Protection**

All buildings shall provide weather protection for pedestrians as follows:

- A. Minimum weather protection coverage.
  - 1. All ground floor building entries shall be protected from the weather by canopies, or recessed behind the front building façade at least 3 feet.
  - 2. Permanent awnings, canopies, recesses or similar weather protection shall be provided along at least 50 percent of the ground floor elevation(s) of a building where the building abuts a sidewalk, civic space, or pedestrian access way.
  - 3. Weather protection used to meet the above standard shall extend at least 4 feet and no more than 6 feet over the pedestrian area, and a maximum of 4 feet into the public right-of-way. Balconies meeting these dimensional requirements can be counted toward this requirement.
  - 4. In addition, the above standards do not apply where a building has a ground floor dwelling, as in a mixed-use development or live-work building, and the dwelling entrance has a covered entrance.
- B. Weather protection design. Weather protection shall comply with applicable building codes, and shall be designed to be visually compatible with the architecture of a building. Where applicable, weather protection shall be designed to accommodate pedestrian signage (e.g., blade signs) while maintaining required vertical clearance.

### **19.508.4 Exterior Building Materials**

The following standards are applicable to the exterior walls of all new buildings facing streets, courtyards, and/or public squares in all of the downtown. Table 19.508-1 specifies the primary, secondary and prohibited material types referenced in this standard.

- A. Buildings shall utilize primary materials for at least 65% of the building facades.
- B. Secondary materials are permitted on no greater than 35% of each building facade.
- C. Accent materials are permitted on no greater than 5% of each building facade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.).
- D. Buildings shall not utilize materials listed as prohibited.
- F. For existing development:

**Proposed Code Amendment**

1. Façade modifications that affect more than 50% of the façade shall comply with standards in this section. The [Planning Director] may waive this requirement if application of the standards would create an incongruous appearance of existing and new materials.
2. Existing brick and stone buildings undergoing façade renovations that affect more than 50% of the façade shall remove any paint, paneling or other covering applied to these materials to reveal original surfaces.

<b>Table 19.508-1 Downtown Exterior Building Materials</b>		
<b>Material Type</b>	<b>Nonresidential and Mixed-Use</b>	<b>Residential</b>
Brick	P	P
Stone/masonry	P	P
Stucco	P	P
Glass (transparent, spandrel)	P	P
Finished wood, wood veneers and wood siding	S	P
Finished metal panels, such as anodized aluminum, stainless steel or copper, featuring a polished, brushed or patina finish	S	S
Concrete blocks with integral color (ground, polished or glazed finishes)	S	S
Concrete (poured in place or precast)	S	S
Fiber reinforced cement siding and panels	S	S
Ceramic tile	S	S
Concrete blocks with integral color (split face finish)	A	A
Standing seam and corrugated metal	A	A
Glass block	A	A
Vegetated wall panels or trellises	A	A
Vinyl siding	N	N
Exterior insulation finishing system (EIFS)	N	N
Plastic or vinyl fencing	N	N
Chain link fencing	N	N

P = Primary Material  
S = Secondary Material  
A = Accent Material  
N = Prohibited Material

**19.508.5 Windows and Doors**

The standards of this section are intended to enhance street safety and provide a comfortable pedestrian environment by providing ground-level transparency between the interior of buildings and the sidewalk.

- A. For block faces along Main Street, the ground floor of the building facing the street/sidewalk must meet the following standards:
1. 60% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 feet above finished grade, whichever is less.
  2. All buildings with nonresidential ground floor windows must have a visible transmittance (VT) of 0.6 or higher.
  3. Doors and/or primary entrances must be located on the street-facing block faces and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.
  4. Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazings are not permitted.
  5. The bottom edge of windows along pedestrian ways shall be constructed no more than 30 inches above the abutting walkway surface.
  6. Ground-floor windows for nonresidential buildings shall allow views into storefronts, working areas, or lobbies. No more than 50 percent of the window area may be covered by interior furnishings including but not limited to curtains, shades, signs, or shelves. Signs are limited to a maximum coverage of 20 percent of the required window area.
- B. For all other block faces, the exterior wall(s) of the building facing the street/sidewalk must meet the following standards:
1. 40% of the ground-floor street wall area must consist of openings; i.e. windows or glazed doors, except along McLoughlin Blvd the required coverage is 30%. The provisions of B(2) through B(6) also apply.
- C. Along all block faces, the following standards are applicable on the upper level building facades facing a street or public space.
1. Upper building stories shall provide a minimum of 30% glazing. For the purposes of this standard, minimum glazing includes windows and any glazed portions of doors.
  2. The required upper floor window/door percentage does not apply to floors where sloped roofs and dormer windows are used.
  3. A minimum of 60% of all upper floor windows shall be vertically oriented, with a minimum vertical to horizontal dimension ratio of 1.5:1. This vertical orientation applies to individual windows, as opposed to grouped window arrays as [illustrated/described in a figure or definition].
- D. Windows shall be designed to provide shadowing. This can be accomplished by recessing windows 4 inches into the façade and/or incorporating trim of a contrasting material or color.

## Proposed Code Amendment

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E. For all building windows facing streets, courtyards, and/or public squares in the downtown, the following window elements are prohibited:

1. Reflective, tinted, or opaque glazing
2. Simulated divisions (internal or applied synthetic materials)
3. Exposed, unpainted metal frame windows

### **19.508.6 Roofs and Rooftop Equipment**

#### **A. Roof forms**

1. The roof form of a building shall follow one (or a combination) of the following forms:
  - a. Flat roof with parapet or cornice
  - b. Hip roof
  - c. Gabled roof
  - d. Dormers
  - e. Shed roof.
2. All flat roofs or those with a pitch of less than [4/12-5/12] shall be architecturally treated or articulated with a parapet wall that projects vertically above the roof line at least 12 inches and/or a cornice that projects from the building face at least 6 inches.
3. All hip or gables roofs exposed to view from adjacent public or private streets and properties shall have a minimum [4/12-5/12] pitch.
4. Sloped roofs shall have eaves, exclusive of rain gutters, that project from the building wall at least 12 inches.
5. 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) shall have similar slope and be constructed of the same materials as the existing roofing.

#### **B. Rooftop equipment and screening**

1. The following rooftop equipment does not require screening:
  - a. Solar panels, wind generators, and green roof features;
  - b. Equipment under two feet in height.
2. Elevator mechanical equipment may extend above the height limit a maximum of 16 feet provided that the mechanical shaft is incorporated into the architecture of the building.
3. Satellite dishes, communications equipment and all other roof-mounted mechanical equipment shall be limited to 10 feet in height, shall be set back a minimum of five feet from the roof edge and shall be screened from public view and from views from adjacent buildings by one of the following methods:
  - a. A screen around the equipment that is made of a primary exterior finish material used on other portions of the building or wood fencing or masonry;
  - b. Green roof features or regularly maintained dense evergreen foliage that forms an opaque barrier when planted.

4. Required screening shall not be included in the building's maximum height calculation.

### **19.508.7 Open Space/Plazas**

In order to assure adequate public and private outdoor space in the downtown, the following standards apply.

- A. Nonresidential developments greater than 20,000 square feet.
  1. Development projects with site areas greater than 20,000 square feet shall include at least one public space with a minimum size of [400] square feet.
  2. Public spaces shall be abutted on at least two sides by retail shops, restaurants, [offices], or services with windows and [primary] entrances fronting on the space.
  3. Public spaces must be accessible at grade adjacent to the sidewalk. Other portions of the public space may be above or below grade.
- B. Mixed use buildings with residential units and residential-only multifamily developments.
  1. Private outdoor space. For all residential-only buildings and mixed-use buildings with more than four residential units, private open space, such as a private porch, a deck, a balcony, a patio, or other outdoor private area, shall be provided.
    - a. Total required private open space shall be based on an average of 28 square feet per unit in a development.
    - b. In order to be counted into the open space average, the private open space provided to a unit shall have a minimum of 32 square feet with a minimum depth of 4 feet.
    - c. The private open space provided shall be contiguous with the unit.
    - d. Balconies used for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.
    - e. Balconies may project up to a maximum of four feet into the public right-of-way.
  2. Shared outdoor space. In addition to the required private outdoor space, multifamily buildings and mixed-use buildings with more than four residential units shall provide shared open space (e.g., courtyards, roof decks or garden, play areas, outdoor recreation facilities and/or similar space) that is equal to or greater than 10% of the development site, except as follows:
    - a. Credit for private open space. Up to 50% of the shared open space standard may be met by providing additional private open space, such as balconies, porches and patios (above what is required in 19.508.7.B1).
    - b. Credit for proximity to a park. A shared open space credit of 50% may be granted when a development is directly adjacent to an improved public park.
  3. Shared open space shall be abutted on at least two sides by residential units or by nonresidential uses with windows and entrances fronting on the space.

### **19.508.8 Additional design standards for residential buildings**

The following standards apply only to stand-alone residential buildings in the downtown.

- A. Residential Entries and Porches

## **Proposed Code Amendment**

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1. Porches, stoops and patios, if provided, shall be a minimum of 3 feet deep by 5 feet wide.
  2. Front entries must face a public street or a landscaped courtyard.
- B. Garages and Parking Areas. Garage entrances and parking areas shall not be located between the residential building(s) and the abutting public street.
- C. Residential Courtyards, if Provided
1. Courtyards shall have a minimum width of 25 feet.
  2. Up to 15% of the courtyard area may be claimed as private space. The remainder shall be common space.
  3. The courtyard shall be enclosed on a minimum of 2 sides by residential front entry doors.
  4. Garage doors shall not front onto the courtyard.
- D. Residential Balconies. Balconies for residential units shall have a minimum depth of 3 feet and minimum width of 5 feet.

### **19.508.9 Variances**

Variances cannot be granted for the design standards of Section 19.508. Projects that cannot meet the design standards 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.