



## Memorandum

**To:** Milwaukie Planning Commission

**From:** Ryan Marquardt, Associate Planner

**Date:** October 21, 2011

**Re:** Supplemental Meeting Materials for October 25, 2011 Planning Commission Meeting

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The supplemental meeting materials for the October 25, 2011 Planning Commission meeting are enclosed. These materials are:

- Commentary and Draft Code Amendments – These are the first drafts of the proposed code amendments that would result from the RDS project. The first few pages of each draft have a narrative commentary that explains the purpose of each section of code and highlights important policy changes. The text of the proposed amendments follows.

The amendments are presented in an underline/strikeout format in 5 of the 7 code amendment documents. The documents for the low density zones and medium and high density zones would repeal and replace existing sections of code, and are not shown in underline/strikeout. The amendments have a different appearance from the current code sections due to reformatting many regulations into tables.

- Topic Summary Handouts – These handouts were presented at the Residential Development Standards (RDS) Open House on October 20, 2011. The handouts cover key topic areas being addressed in the RDS project. The summaries provide a broad overview of the topic, the problems being addressed, and the proposed solutions.

## Commentary

### On Proposed Amendments to Milwaukie Municipal Code (MMC)

Commentary at the front of this document summarizes the key changes in the proposed amendments. The actual text of the proposed amendments follows the commentary section.

## 19.200 DEFINITIONS AND MEASUREMENTS

### 19.201 Definitions

Some new or revised definitions are proposed to ensure that terms defined in Chapter 19.200 are kept current and remain consistent with other proposed amendments to the zoning code.

In particular, the following changes or additions are proposed:

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

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- Some definitions are proposed to be deleted because they are either not currently used in the zoning code, or would no longer be used as a result of the proposed amendments:
  - Dormitory
  - Type 1 and 2 accessory dwelling - replaced with new definition for "Accessory dwelling unit" to support the proposed policy for such dwellings.
  - Townhouse
- The definition of "Lot coverage" is proposed to change so that eaves are no longer counted toward overall lot coverage. This would have the effect of encouraging eaves as an architectural feature. Including eaves in the calculation of lot coverage has provided an unintended incentive for builders to reduce or eliminate eaves to maximize the amount of floor area within a structure.

### 19.202 Measurements

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

The current definition does not clearly describe how to measure some common roof types and does not adequately address height limits on lots with significant slopes. The proposed definition is modeled after the TGM Model Zoning Code for Oregon cities and the City of Portland's regulations.

#### B.1 Exterior Height, Base point

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

#### B.2 Exterior Height, Top of building

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

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NEW TEXT IS SHOWN IN UNDERLINE AND DELETIONS OF CURRENT TEXT ARE SHOWN IN ~~STRIKEOUT~~. THIS DRAFT INCLUDES ONLY CHAPTERS AND SECTIONS OF CODE WITH PROPOSED AMENDMENTS AND SOME SURROUNDING SECTIONS FOR CONTEXT. CODE SECTIONS NOT INCLUDED IN THIS DRAFT WOULD NOT BE AMENDED.

**CHAPTER 19.200****DEFINITIONS AND MEASUREMENTS****19.201 DEFINITIONS**

Refer to individual chapters of this title for chapter-specific definitions.

Refer to Title 18 for definitions related to flood hazard areas.

As used in this title:

~~“Dormitory” means a room which is rented for sleeping purposes for more than 4 persons.~~

~~“Dwelling” means a structure containing 1 or more dwelling units used, intended, or designed to be built, used, rented, let, or hired out to be occupied, or which are occupied for living purposes. Dwelling types are defined in this chapter.~~

~~“Dwelling unit” means 1 or more rooms designed for occupancy by 1 family, but excluding a recreational vehicle.~~

~~“Single family attached” means 2 dwelling units, each occupied as a housekeeping unit, sharing common structural walls.~~

~~“Single family detached” means a house or a manufactured home normally occupied by 1 family with no structural connection to adjacent units. The dwelling and lot are usually under single ownership.~~

~~“Multifamily apartment” means a single structure containing 3 or more dwelling units, usually for rent, and sharing common structural walls.~~

~~“Multifamily condominium” means a single structure containing 3 or more individually owned dwelling units, with all other common elements jointly owned on a specified basis.~~

~~“Interior single family attached, interior multifamily condominium” means that dwelling unit or units that are interior to the whole residential structure and does not include the dwelling units that are on the ends of the structure facing lot lines.~~

~~“Accessory dwelling” means a dwelling unit that is clearly incidental and subordinate to a detached single family dwelling, located in a single family structure designed for occupancy by a housekeeping unit, and not containing more than 1 cooking facility. For the purpose of this definition “cooking facility” means an oven, stove, range, or other device used or intended for the preparation or heating of food.~~

~~“Type 1 accessory dwelling” means an accessory dwelling unit not less than 225 sq ft net floor area and not more than 600 sq ft net floor area and meeting the requirements of Subsection 19.910.1. For the purpose of this chapter, net floor area is measured from the inside face of walls enclosing the unit including all storage space, closets, halls, stairwells, and rooms.~~

~~“Type 2 accessory dwelling” means an accessory dwelling unit other than a Type 1 accessory dwelling unit, as permitted by Subsection 19.910.2.~~

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“Lot coverage” means the footprint of a building(s) on a lot, measured from the outermost projection of the building(s), expressed as a percentage of the total lot area. Lot coverage includes open structures, such as pole barns, and building features such as patio covers, roofed porches, and decks with a surface height of more than 18 in above average grade. Lot coverage does not include eaves that extend 3 feet or less from the outside wall of a building or past the support posts or beams of an open structure. Where such features do extend past 3 feet, the entire area of the feature is counted toward the lot coverage.

“Manufactured dwelling” means a residential trailer, mobile home, or manufactured home meeting ORS 446.003(25) and designed to be used as a year-round residential dwelling. The manufactured dwelling is a structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, and that is being used for residential purposes.

“Manufactured home” means a single-family residential structure as defined in ORS 446.003(25)(a)(C) which includes a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Sections 5401 et seq.) as amended on August 22, 1981.

“Mobile home” means a manufactured dwelling that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

### Residential Uses and Structures:

“Accessory dwelling unit” means a second dwelling on a lot with a single-family detached dwelling. The accessory dwelling unit is incidental to and smaller than the primary dwelling on the lot. The accessory dwelling unit may be in a portion of the primary structure on the lot, or contained in its own structure apart from the primary structure. The accessory dwelling unit includes its own independent living facilities including provision for sleeping, cooking, and sanitation, and is designed for residential occupancy by one or more people, independent of the primary dwelling unit.

“Duplex” means a structure on one lot that contains 2 dwelling units. The units in a duplex must share a common structural wall or a common floor/ceiling.

“Dwelling” means a structure containing 1 or more dwelling units used, intended, or designed to be built, used, rented, let, or hired out to be occupied, or which are occupied for living purposes.

“Dwelling unit” means a building or portion of a building that includes its own independent living facilities including provision for sleeping, cooking, and sanitation, and is designed for residential occupancy by one or more people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facility is clearly accessory, and the property owner has signed a covenant that the additional cooking facility will not be used as part of a separate dwelling unit unless permitted under this Title.

“Cooking facility” means an oven, stove, range, or other device used or intended for the preparation or heating of food.

“Cottage” means a structure containing one dwelling unit on one lot within an area that was divided to create a cottage cluster development.

“Manufactured dwelling” means a residential trailer, mobile home, or manufactured home meeting ORS 446.003(25) and designed to be used as a year-round residential dwelling. The manufactured dwelling is a structure constructed for movement on the public

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highways, that has sleeping, cooking, and plumbing facilities, and that is being used for residential purposes.

“Manufactured home” means a single-family residential structure as defined in ORS 446.003(25)(a)(C) which includes a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Sections 5401 et seq.) as amended on August 22, 1981.

“Mobile home” means a manufactured dwelling that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

“Multifamily development” means 3 or more dwelling units on one lot. Condominium lots do not count as separate lots for purposes of this definition. The dwelling units may be located in one or more structures on the lot. The dwelling units may be arranged with one dwelling unit per structure or with multiple dwelling units within a structure that are separated vertically and/or horizontally. Multifamily development includes the forms of housing that are typically called garden apartments, apartments, and condominiums. Multifamily developments may include structures that appear similar in form to rowhouses, cottage clusters, duplexes, or single-family dwellings.

“Rowhouse” means a residential structure on its own lot that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building. The shared or abutting walls may be any wall of the buildings, including the walls of attached garages. A rowhouse or townhouse does not share common floor/ceilings with other dwelling units.

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

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

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

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

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

“Solar energy system” means equipment used to capture solar radiation for purposes of heating water or generating electricity. A solar energy system is an accessory use and the energy generated by the system is used predominantly on-site,

~~“Townhouse” means an attached residential structure which retains private ownership of a portion of the land around it, generally in the form of a small front and/or rear yard. Townhouses on interior lots may have a zero side yard setback. A townhouse can be located in the center of a large project or it can be located adjacent to an existing street. The front door is not required to open onto a street if it is on the interior of a development. If a townhouse property is adjacent to a street, it is required to have its front door facing the street.~~

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“Wind energy system” means equipment used to generate electricity from wind. A wind energy system is an accessory use and the energy generated by the system is used predominantly on-site.

### 19.202 MEASUREMENTS

#### 19.202.1 Horizontal Measurements

All horizontal distances for yard widths and lot and building dimensions shall be measured along a horizontal plane from the appropriate property line, edge of building, structure, storage area, parking area, or other object. These distances shall not be measured by following the topography of the land.

#### 19.202.2 Vertical Measurements

##### A. Interior Height

Floor-to-ceiling height shall be measured from the top of the floor finish to the bottom of the ceiling joists or, where there is no ceiling, to the bottom of the roof rafters.

##### B. Exterior Height

The height of a building is the vertical distance above the base point described in Subsection 19.902.2.B.1, below, and the top of a building described in Subsection 19.902.2.B.2, below.

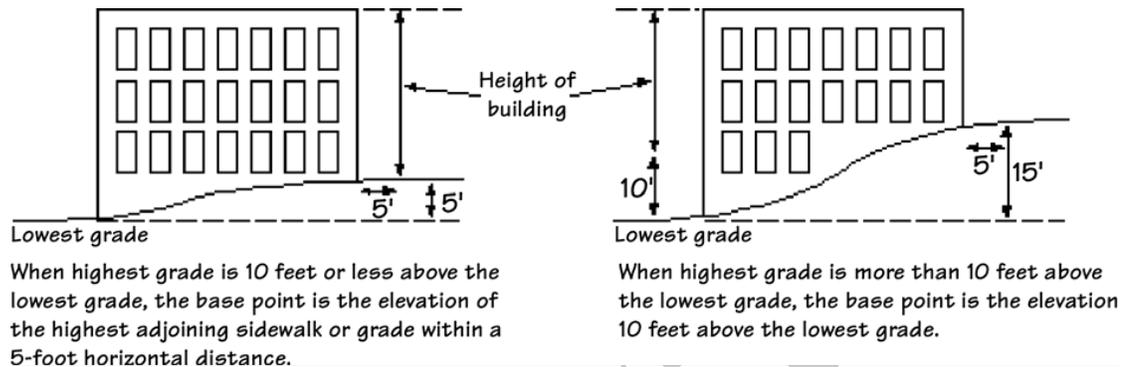
##### 1. Base point.

The base point used for building height measurement shall be the base point that yields the greater building height. See Figure 19.202.2.B.1.

- a. Base point 1 is the elevation of the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade
- b. Base point 2 is the elevation that is 10 feet higher than the lowest grade when the sidewalk or ground surface described for base point 1, above, is more than 10 feet above lowest grade.

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**Figure 19.202.2.B.1**  
**Base Point Measurement**



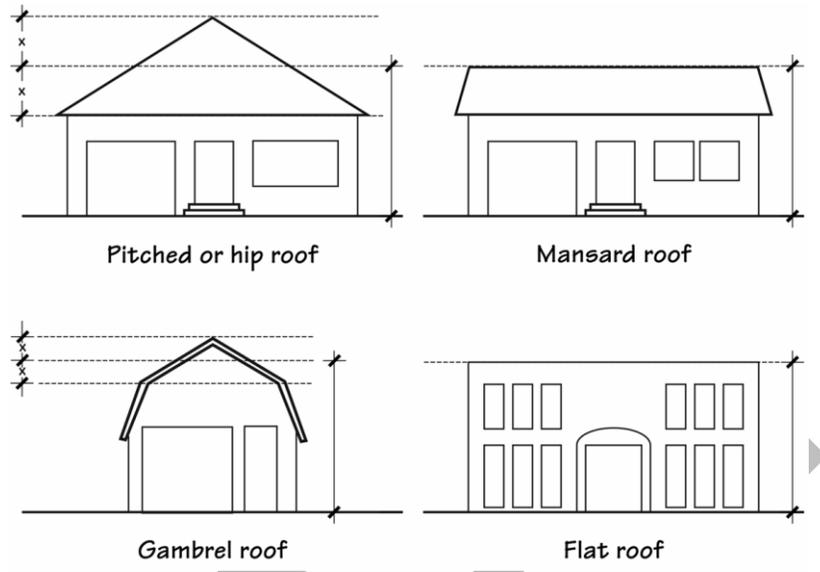
**2. Top of building.**

The top of building shall be determined the specific roof types listed below. See Figure 19.202.2.B.1.

- a. Flat roof: Measure to the top of the parapet, or if there is no parapet, to the highest point of the roof.
- b. Mansard roof: Measure to the deck line.
- c. Pitched, hipped, or gambrel roof where roof pitch is 12 in 12 or less: Measure to the average height of the highest gable.
- d. Pitched or hipped roofs with a pitch steeper than 12 in 12: Measure to the highest point.
- f. Gambrel roofs where both pitches are steeper than 12 in 12: Measure to the highest point.
- g. Other roof shapes such as domed, vaulted, or pyramidal shapes: Measure to the highest point.
- h. Stepped or terraced building: Measure to the highest point of any segment of the building.

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**Figure 19.202.2.B.2**  
**Top of Building Measurement**



Except where otherwise specified in Title 19, building height shall be measured from the adjoining street centerline grade, as established by the City, to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, or to the mean height between the eaves and the ridge for a gable, hip, or gambrel roof. Where the building is set back from the street, building height may be measured from the average elevation of the finished grade at the front of the building.

## Commentary

### On Proposed Amendments to Milwaukie Municipal Code (MMC)

Commentary at the front of this document summarizes the key changes in the proposed amendments. The actual text of the proposed amendments follows the commentary section.

## 19.300 BASE ZONES

### 19.301 Low Density Residential Zones

#### Overview

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

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

Due to the significant re-formatting of this section of the code, staff is recommending that the existing sections 19.301 (R-10), 19.302 (R-7), and 19.303 (R-5) be repealed and replaced with one new section 19.301 (Low Density Residential Zones). Therefore the proposed amendments for this section do not include underline/ strikeout notations. The policy changes included in the proposal are instead described in detail in this Commentary document.

This reformatting solves multiple problems with the current code:

1. Each zone occupies 2 pages of its own section in the MMC. The reformatting reduces the same amount of regulations from 6 to 4 pages.
2. The development standards are described in a series of paragraphs. The reformatting puts these standards in a table so they are easier to read.

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

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

### 19.301.1 Purpose

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

### 19.301.2 Allowed Uses in Low Density Residential Zones

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

#### Table 19.301.2

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

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- A new type of use is added: Office. The proposed new policy would allow some offices to be approved as conditional uses if located on major streets (e.g., King Rd, Harrison St. and Lake Rd). Milwaukie is unique in that the areas adjacent to its arterial streets are generally zoned for low-density residential uses rather than higher density residential, mixed-use, or commercial uses. Because arterial streets are generally unattractive locations for SFR development, some of the City's arterials are lined with legal and illegal nonconforming office uses. Large churches and government office buildings could be (and have been) approved in these areas through the Community Service Use permitting process. The City's Home Occupation policy allows for home offices and small businesses to exist throughout the city. This policy change would create a path to approval for a small office or business to open on a site that appropriately limits neighborhood impacts.
- "Temporary real estate office in a subdivision" has been deleted from the list of conditionally allowed uses. Given the lack of large sub-divisible property in and around the city, it seems highly unlikely that there would ever be a subdivision sizeable enough to need its own real estate office.

### 19.301.4 Development Standards

#### Table 19.301.4 Low Density Residential Development Standards

This proposed new table of development standards for the low density residential zones summarizes the development standards for each zone, and includes a column of commentary and/or additional provisions is provided to link this section with other relevant sections or chapters of the code. No changes are proposed to the use categories or allowances except as described below.

- 19.301.4.A.2 - current side yard setbacks for the R-10 and R-7 zone do not take building height into account. The default side yard setbacks for these zones would remain unchanged. However, the required setbacks would be increase for structures that are more than 25 ft / 2.5 stories tall. This height-dependent setback currently applies to all other residential zones in the city.
- 19.301.4.B.1 - Lots that are more than 2.5 times the minimum lot size would have a smaller allowable lot coverage. This is to prevent very large structures that are out of scale with development on smaller lots in the zone.
- 19.301.4.B.2 - allowed lot coverage is increased for additions to an existing single-family dwelling, residential home or duplex. The allowance is intended to make it easier for homeowners to expand and upgrade their current residences. The allowed increase is 10 percentage points over the base zone standard. However, the portions of the building that exceed the allowed lot coverage are limited to 17 ft in height/ 1-story. All other vegetation and setback standards must be met.

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

- 19.301.4.B.3 - Lot Coverage for Duplexes. A duplex would be allowed an increase in lot coverage of 20 percentage points.
- 19.301.4.B.4 - allowed lot coverage would be increased for adding a detached accessory dwelling unit.
- 19.301.5.C - a property would be required to have a certain percentage of its front yard area as vegetation. There is an existing limit that no more than 50% of a front yard can be used for parking, but no requirement that any portions needs to have vegetation.
- Currently, the density regulations apply only to applications reviewed by the Planning Commission. This exempts some applications that should be reviewed, such as partitions of 3 or fewer lots, and captures other applications for which density should not be reviewed, such as building a single structure in the Willamette Greenway. The proposed code would apply to any land division or boundary change application in the low density zones.
- The standards pertaining to "single-family attached interior unit" are deleted because they are not relevant in the low density residential zones. No more than 2 units could be built on one lot.

Note:

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

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THIS DRAFT WOULD REPEAL SECTIONS 19.301 – 303 AND REPLACE THEM WITH THE TEXT BELOW.

### 19.301 LOW DENSITY RESIDENTIAL ZONES

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

#### 19.301.1 Purpose

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

#### 19.301.2 Allowed Uses in Low Density Residential Zones

Uses allowed, either outright or conditionally, in the low density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. Important notes and/or cross references to other applicable code sections are listed in the "Comments/Standards" column.

See Section 19.201, Definitions, for a specific description of the uses listed in the table.

<b>Table 19.301.2 Low Density Residential Uses Allowed</b>				
Use	R-10	R-7	R-5	Comments/Standards
<b>Residential Uses</b>				
Single-family detached dwelling	P	P	P	See 19.505.1 for design standards.
Duplex	P/II	P/II	P	See 19.910.2, Duplexes, for approval process and standards
Residential home	P	P	P	See 19.505.1 for design standards.
Accessory dwelling unit	P	P	P	See 19.910.1, Accessory Dwelling Units, for approval process and standards
Manufactured dwelling park	NP	III	III	See 19.910.3, Manufactured Dwelling Parks.
Senior and retirement housing	CU	CU	CU	See 19.905.9.G, Senior and Retirement Housing
<b>Commercial Uses</b>				
Office	CU	CU	CU	See 19.301.3.B, Use Limitations and Restrictions.
<b>Accessory and Other Uses</b>				
Accessory structures and uses	P	P	P	See 19.503, Accessory Uses; 19.502.2, Specific Provisions for Accessory Structures
Agricultural or horticultural use	P	P	P	See 19.301.3.B, Use Limitations and Restrictions.
Community service uses	CSU	CSU	CSU	See 19.904, Community Service Uses
Home occupation	P	P	P	See 19.507, Home Occupation Standards

P = Permitted, any required review noted in comments column; II = Type II Review required; III = Type III Review required; NP = Not permitted; CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904; CU = Permitted with conditional use approval subject to the provisions of Section 19.905

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### 19.301.3 Use Limitations and Restrictions

- A. Agricultural or horticultural uses are permitted, provided that the two following conditions are met.
1. A retail or wholesale business sales office is not maintained on the premises.
  2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- B. Office uses are allowed as a conditional use, subject to the following limitations:
1. The office use is limited to no more than 2,000 sq ft of floor area. The Planning Commission may approve an office use with more than 2,00 sq ft of floor area when the use would occupy an existing building.
  2. The site is located on an arterial street, as identified by the Milwaukie Transportation System Plan.

### 19.301.4 Development Standards

In the low density residential zones, the development standards in Table 19.301.4 apply. Important notes and/or cross references to other applicable code sections are listed in the "Comments/Additional Provisions". Additional standards are provided in Section 19.301.5.

See Section 19.201, Definitions, and 19.202, Measurements, for a specific description of standards and measurements listed in the table.

<b>Table 19.301.4</b>				
<b>Low Density Residential Development Standards</b>				
<b>Standard</b>	<b>R-10</b>	<b>R-7</b>	<b>R-5</b>	<b>Comments/Additional Provisions</b>
<b>A. Lot Standards</b>				
1. Minimum lot size (square feet)				See 19.501.1, Lot Size Exceptions
a. Single-family detached	10,000	7,000	5,000	
b. Duplex	14,000	14,000	10,000	
2. Minimum lot width (feet)	70	60	50	
3. Minimum lot depth (feet)	100	80	80	
4. Minimum street frontage requirements (feet)				Every lot shall abut a public street other than an alley, except as provided in Tile 17, Land Division.
a. Standard lot	35	35	35	
b. Flag lot	25	25	25	
c. Double flag lot	35	35	35	
<b>B. Development Standards</b>				
1. Minimum yard requirements for primary structures (feet)				See 19.301.5.A See 19.501.2, Yard Exceptions See 19.504.9 for flag lot development standards.
a. Front yard	20	20	20	
b. Side yard	10	5 / 10	5	
c. Street side yard	20	20	15	
d. Rear yard	20	20	20	
2. Maximum building height for primary structures	2.5 stories or 35 feet, whichever is less			See 19.501.3, Building Height Exceptions;

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<b>Table 19.301.4 Low Density Residential Development Standards</b>				
<b>Standard</b>	<b>R-10</b>	<b>R-7</b>	<b>R-5</b>	<b>Comments/Additional Provisions</b>
3. Maximum lot coverage (% of total lot area)	30%	30%	35%	See Lot Coverage definition in Section 19.201. See Lot Coverage Adjustments in 19.301.5.B.
4. Minimum vegetation (% of total lot area)	35%	30%	25%	See 19.301.5, Front Yard Vegetation, and see 19.504.7, Minimum Vegetation.
<b>C. Other Standards</b>				
1. Density requirements (dwelling units per net acre)				See 19.301.5.B. See 19.501.4, Density Exceptions.
a. Minimum	3.5	5.0	7.0	
b. Maximum	4.4	6.2	8.7	

### 19.301.5 Additional Development Standards

- A. Side yards. The following additional provisions apply to required side yard setbacks.
1. In the R-7 zone, one side yard shall be at least 5 feet and one side yard shall be at least 10 feet, except on a corner lot the street side yard shall be 20 feet.
  2. In the R-10, R-7, and R-5 zones, 1 additional foot of side yard beyond what is identified in Subsection 19.301.4.B.1.b is required for each 3 feet of building height over 2 stories or 25 feet, whichever is less. This requirement does not apply to the required street side yards.
- B. Lot Coverage. The lot coverage standards in Subsection 19.301.4.B.3 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for lots that are described more than one of the situations below.
1. The lot coverage percentage in Subsection 19.301.4.B.3 is reduced by [5-10] percentage points for a single-family detached dwelling, duplex, or residential home on a lot that is more than 2.5 times larger than the minimum lot size in Subsection 19.301.4.A.1.
  2. The lot coverage percentage in Subsection 19.301.4.B.3 is increased by 10 percentage points for development of a single-family detached dwelling or an addition to an existing single-family detached dwelling if the following standards below are met.
 

A Type II Variance per Subsection 19.911.4.A to further increase this lot coverage allowance is prohibited.

    - a. The minimum vegetation standard of Subsection 19.301.4.B.4 is met.
    - b. The yard requirements of Subsection 19.301.4.B.1 are met. A variance per Section 19.911 may be approved to allow a decrease in the required yards.
    - c. The portions of the structure that are in excess of [17-20] feet in height or in excess of 1 story are limited to the lot coverage standard listed in Subsection 19.301.4.B.3. Only portions of the structure that are less than [17-20] and no taller than 1 story are allowed to exceed the listed lot coverage standard.

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3. The lot coverage percentage in Subsection 19.301.4.B.3 is increased by 20 percentage points for a duplex.
  4. The lot coverage percentage in Subsection 19.301.4.B.3 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.
- C. Front Yard Minimum Vegetation. At least [25-40]% of the required front yard shall be vegetated. The required front yard vegetation area counts toward the minimum required vegetation for the lot.
- D. The minimum and maximum development densities in Subsection 19.301.4.C.1 are applicable for any proposal to create new units of land or modify the boundaries of existing property.
- E. Accessory structure standards. Standards specific to accessory uses and accessory structures are contained in Section 19.502.
- F. In the low density residential zones, only 1 building designed for dwelling purposes shall be permitted per lot. See Subsection 19.504.4.
- G. Off-street parking and loading is required as specified in Chapter 19.600.
- H. Transportation requirements and public facility improvements are required as specified in Chapter 19.700.
- I. Additional Standards. Depending upon the type of use and development proposed, the following sections of Chapter 19.500, Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.
1. Subsection 19.504.4, Buildings on the Same Lot.
  2. Subsection 19.504.9, Flag Lot Design and Development Standards.
  3. Subsection 19.505.1, Design Standards for Single-Family Dwellings.
  4. Subsection 19.505.2, Garage Standards.
  5. Subsection 19.506.4, Manufactured Dwelling Siting and Design Standards, Siting Standards.

## Commentary

### On Proposed Amendments to Milwaukie Municipal Code (MMC)

Commentary at the front of this document summarizes the key changes in the proposed amendments. The actual text of the proposed amendments follows the commentary section.

## 19.300 BASE ZONES

### 19.302 Medium and High Density Residential Zones

#### Overview

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

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

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

This reformatting solves multiple problems with the current code:

1. Each zone occupies 2 pages of its own section in the MMC. The reformatting reduces the same amount of regulations from 10 to 8 pages.
2. The development standards are described in a series of paragraphs. The reformatting puts these standards in a table so they are easier to read.
3. Comparing the uses and standards in multiple zones requires leafing through multiple pages. The reformatted code groups similar zoning categories together so that uses and standards can be compared on the same page.
4. The base zone standards presented in these zones are the key standards applied to a development. However, there are other sections which are not referenced within the

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base zones that exempt, modify, or augment these standards. It is difficult to find these sections without an exhaustive review of hundreds of pages of code or talking to Planning Department staff.

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

### 19.302.1 Purpose

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

### 19.302.2 Allowed Uses in Medium Density Residential Zones

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

#### Table 19.302.2

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

- Four uses that have always been allowed in residential zones, but were not listed in the base zone sections, have been added to the use list to present a more complete list of uses that may be allowed in these zones. These uses are: home occupations, accessory uses and structures, mobile home parks, and community services uses.
- The review process for permitting accessory dwelling units (ADU) would change. Currently, a small ADU requires a Type II Review and a larger ADU requires a Type III Review as a conditional use, including a Planning Commission hearing. The proposed code would allow make an ADU an outright allowed use. See the code and commentary for Chapter 19.900 for further details.
- Rowhouses would be allowed as an outright use, subject to the standard listed in this section and the design standards in Section 19.505. This housing type was once allowed in Milwaukie, and then prohibited from the mid-1980s to the present. There would be a limit of no more than 4 consecutive units that share common walls.
- Cottage cluster housing would be a new type of housing allowed in Milwaukie. This type of housing typically has small individual houses that are built in one development and have shared open space and parking. This type of development would be subject to the standards in Subsection 19.505.4.
- "Personal/business services" would be allowed as a conditional use, requiring approval from the Planning Commission. This use category is not currently allowed in any of these zones. As defined in the code, these include uses such as "laundromats/dry

cleaners, tanning salons, barbers, beauty salons, shoe repair, copy centers, secretarial services, and blueprint services." This would slightly expand the scope of uses that could be conditionally permitted in these zones.

- Two types of uses currently listed in the code would be deleted. "Temporary real estate office in a subdivision" has been deleted from the list of conditionally allowed uses. Given the lack of large sub-divisible property in and around the city, it seems highly unlikely that there would ever be a subdivision sizeable enough to need its own real estate office.

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

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

### 19.302.3 Use Limitations and Restrictions

B. The current code specifies a list of specific office uses that are allowed in each zone. The language is mostly consistent but does vary slightly from zone to zone. In addition, the R-1-B zone has two separate lists of permitted office uses; the intended difference between the lists is unclear. Listing specific office uses is not particularly useful and it is unclear if other office uses are prohibited or would require a Director's Determination. The proposed use table consistently uses the term "office, studio, or clinic".

### Table 19.302.4 Medium Density Residential Development Standards

This proposed new table of development standards for the medium and high density residential zones summarizes the development standards for each zone, and includes a column of commentary and/or additional provisions is provided to link this section with other relevant sections or chapters of the code. No changes are proposed to the use categories or allowances except as described below.

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

### 19.302.5 Additional Development Standards

- 19.302.5.A - side yard setbacks for single-family structures and duplexes would remain unchanged. Rowhouses would also be allowed to have no side yard so as to allow attached units.

Multifamily and other uses in the zone would be subject to new side yard setbacks that require increased setbacks based on the wall area, where larger wall requires an increased setback. Areas of a wall that have 5 ft offsets or stepback on upper floors are not counted toward the wall area. This encourages the building mass to be stepped back away from the property line while still allowing smaller portions of the building to be closer to other properties.

- 19.302.5.B.1 - allowed lot coverage is increased for additions to an existing single-family dwelling, residential home or duplex. The allowance is intended to make it easier for homeowners to expand and upgrade their current residences. The allowed increase is 10 percentage points over the base zone standard. However, the portions of the building that exceed the allowed lot coverage are limited to 17 ft in height/ 1-story. All other vegetation and setback standards must be met.

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

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- 19.302.5.B.2 - Lot Coverage for Duplexes and Rowhouses. A duplex or rowhouse would be allowed an increase in lot coverage of 20 percentage points.
- 19.302.5.B.3 - allowed lot coverage would be increased for adding a detached accessory dwelling unit.
- 19.302.5.C - a property would be required to have a certain percentage of its front yard area as vegetation. There is an existing limit that no more than 50% of a front yard can be used for parking, but no requirement that any portions needs to have vegetation.
- 19.302.5.E - Currently, the density regulations apply only to applications reviewed by the Planning Commission. This exempts some applications that should be reviewed, such as partitions of 3 or fewer lots or multifamily developments in zones that allow them outright. It also captures other applications for which density should not be reviewed, such as building a single structure in the Willamette Greenway. The proposed code would apply to any land division or boundary change application in the low density zones.
- 19.302.5.G.2 - multifamily structures would be limited to 150 ft between end walls of a structure. This is a new regulation to prevent overly-large multifamily structures and encourage development to be broken up into smaller sized buildings.
- 19.302.5.H - these transition measure are adapted from the existing transition measures in 19.504.6. The current transition area measures relate to setbacks and open space. The proposed measures relate to building height. Staff has revised the setback requirements for multifamily zones and believe that these standards will adequately address building separation.

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THIS DRAFT WOULD REPEAL SECTIONS 19.304 – 308 AND REPLACE THEM WITH THE TEXT BELOW.

### 19.302 MEDIUM AND HIGH DENSITY RESIDENTIAL ZONES

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

#### 19.302.1 Purpose

The medium density residential zones are intended to create and maintain higher density residential neighborhoods that blend a range of housing types with a limited mix of neighborhood-scale commercial, office, and institutional uses.

#### 19.302.2 Allowed Uses in Medium Density Residential Zones

Uses allowed, either outright or conditionally, in the medium density residential zones are listed in Table 19.302.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. Important notes and/or cross references to other applicable code sections are listed in the "Comments/Standards" column.

See Section 19.201, Definitions, for a specific description of the uses listed in the table.

Table 19.302.2 Medium Density Residential Uses Allowed						
Use	R-3	R-2.5	R-2	R-1	R-1-B	Comments/Standards
<b>Residential</b>						
Single-family detached dwelling	P	P	P	P	P	See 19.505.1
Duplex	P	P	P	P	P	See 19.505.1
Residential home	P	P	P	P	P	See 19.505.1
Accessory dwelling unit	P	P	P	P	P	See 19.910.1, Accessory Dwelling Units, for approval process and standards
Manufactured dwelling parks	III	NP	NP	NP	NP	See 19.910.3, Manufactured Dwelling Parks.
Rowhouse	P	P	P	P	P	See 19.302.3, Use Limitations and Restrictions See 19.505.1
Cottage Cluster Housing	P	P	P	P	P	See 19.505.4
Multifamily	CU	CU	P	P	P	See 19.302.4.A.2. See 19.905.9.G, Multifamily Condominium and Apartment Dwellings See 19.505.2
Congregate housing facility	CU	CU	P	P	P	
Senior and retirement housing	CU	CU	CU	P	P	See 19.905.9.G, Senior and Retirement Housing

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<b>Table 19.302.2 Medium Density Residential Uses Allowed</b>						
<b>Use</b>	<b>R-3</b>	<b>R-2.5</b>	<b>R-2</b>	<b>R-1</b>	<b>R-1-B</b>	<b>Comments/Standards</b>
Boarding, lodging and rooming house	CU	CU	CU	CU	CU	
<b>Commercial</b>						
Office	CU	CU	CU	CU	P	See 19.302.3, Use Limitations and Restrictions
Personal/business services	CU	CU	CU	CU	CU	
Hotel or motel	NP	NP	CU	CU	CU	
Bed and Breakfast	CU	CU	CU	CU	CU	
<b>Accessory and Other Uses</b>						
Accessory structures and uses	P	P	P	P	P	See 19.503, Accessory Uses
Agricultural or horticultural use	P	P	P	P	P	See 19.302.3, Use Limitations and Restrictions
Community service uses	CSU	CSU	CSU	CSU	CSU	See 19.904, Community Service Uses
Home occupation	P	P	P	P	P	See 19.507, Home Occupation Standards

NP = Not permitted; P = Permitted, any required review noted in comments column; III = Type III Review required; CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904; CU = Permitted with conditional use approval subject to the provisions of Section 19.905

### 19.302.3 Use Limitations and Restrictions

- A. Agricultural or horticultural uses are permitted, provided that the two following conditions are met.
1. A retail or wholesale business sales office is not maintained on the premises.
  2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- B. Office uses allowed in the medium and high density residential zones are offices, studios, clinics, and others similar professional offices.
- C. Limitations on Rowhouse Development.
1. Rowhouse development is not allowed on lots with a lot width of more than 35 feet.
  2. Rowhouse development is allowed only where there are at least 2 abutting lots on the same street frontage that meet the minimum lot dimensions for rowhouses in Subsection 19.302.4.
  3. No more than 4 consecutive rowhouses that share a common wall(s) are allowed.
- E. Cottage Cluster Housing is allowed subject to the standards for cottage cluster housing per Subsection 19.505.4.

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### 19.302.4 Development Standards

In the medium density residential zones, the development standards in Table 19.302.4 apply. Important notes and/or cross references to other applicable code sections are listed in the “Comments/Additional Provisions”. Additional standards are provided in Section 19.301.5.

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

See Section 19.201, Definitions, and 19.202, Measurements, for a specific description of standards and measurements listed in the table.

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**Table 19.302.2  
Medium Density Residential Development Standards**

Standard	R-3	R-2.5	R-2	R-1	R-1-B	Comments / Additional Provisions
<b>A. Lot Standards</b>						
1. Minimum lot size (in square feet)						
a. Rowhouse	3,000	2,500	2,500	1,400	1,400	See 19.501.1, Lot Size Exceptions. See 19.505.X for standards on lots in cottage clusters
b. Duplex	6,000	5,000	7,000	6,400	6,400	
c. All other lots	5,000	5,000	5,000	5,000	5,000	
2. Minimum lot width (feet)						
a. Rowhouse	30	25	25	20	20	
b. All other lots	50	50	50	50	50	
3. Minimum lot depth (feet)						
a. Rowhouse	80	75	80	70	70	
b. All other lots	80	75	80	80	80	
4. Minimum street frontage requirements (feet)						Every lot shall abut a public street other than an alley, except as provided in Title 17, Land Division.
a. Rowhouse	30	25	25	20	20	
b. Standard lot	35	35	35	35	35	
c. Flag lot	25	25	25	25	25	
d. Double flag lot	35	35	35	35	35	
<b>B. Development Standards</b>						
1. Minimum yard setbacks for primary structures (feet)						See 19.302.5.A. See 19.501.2, Yard Exceptions. See 19.302., Transition Area Measures.
a. Front yard	15					
b. Side yard	See 19.302.5.A					
c. Street side yard	15					
d. Rear yard	15					
2. Maximum building height for primary structures	2.5 stories or 35 feet, whichever is less	3 stories or 45 feet, whichever is less	3 stories or 45 feet, whichever is less			See 19.501.3, Building Height Exceptions See 19.302.5.H
3. Maximum lot coverage (% of total lot area)	40%	45%			50%	See Lot Coverage definition in Subsection 19.201

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**Table 19.302.2  
Medium Density Residential Development Standards**

Standard	R-3	R-2.5	R-2	R-1	R-1-B	Comments / Additional Provisions
4. Minimum vegetation (% of total lot area)	35%				15%	Area that must be covered in trees, grass, shrubs, bark dust for planting beds, or similar landscaping features. See 19.504.7, Minimum Vegetation.
<b>C. Other Standards</b>						
1. Density requirements (dwelling units per net acre)						
a. Minimum	11.6					
b. Maximum	14.5	11.6 17.4		25.0 32.0		See 19.302.5.C. See 19.501.4, Density Exceptions.

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### 19.302.5 Additional Development Standards

- A. Side yards. In the medium and high density zones, the required side yard is determined as described below. These measurements apply only to required side yards and do not apply to required street side yards.
1. The side yard for a single-family dwelling or duplex shall be at least 5 ft. There shall be 1 additional ft of side yard for each 3 feet of building height over 2 stories or 25 ft, whichever is less
  2. There is no required side yard for rowhouses that share a common side lot line.
  3. The required side yard for development other than a single-family dwelling or duplex is determined by the area of the wall planes along the side lot line per Table 19.302.5.

If the area of the plane of the building wall is:	The required side yard is
1,000 sq ft or less	5 ft
1,001 sq ft — 1,300 sq ft	6 ft
1,301 sq ft — 1,600 sq ft	7 ft
1,601 sq ft — 1,900 sq ft	8 ft
1,901 sq ft — 2,200 sq ft	9 ft
2,201 sq ft — 2,500 sq ft	10 ft
2,501 sq ft — 2,800 sq ft	11 ft
2,801 sq ft — 3,100 sq ft	12 ft
3,101 sq ft — 3,400 sq ft	13 ft
3,401 sq ft or greater	14 ft

Wall plane measurements are determined as follows:

- a. The wall plane area is the surface area of a building wall between the ground and the wall's intersection with the roof.
  - b. Wall offsets of at least 5 ft in depth shall be counted as separate wall planes and are individually subject to the required yard distances. This applies to offsets along the wall on the same floor as well as step backs between different floors.
  - c. The side yard distances specified in Table 19.302.5 apply to wall planes that are within [30-45] degrees from parallel to the side lot line. The required side yard for the intersection of two wall planes that exceed [30-45] degrees from parallel shall be at least 5 ft. A wall plane that exceeds [30-45] degrees from parallel and intersects with a wall plane within [30-45] degrees from parallel shall not encroach further than the side yard required for the wall plane that is within [30-45] degrees from parallel.
- B. Lot Coverage. The lot coverage standards in Subsection 19.302.4.B.3 are modified for specific uses and lot sizes as described below. The reductions and increases are additive for lots that are described by one or more of the situations below.
1. The lot coverage percentage in Subsection 19.301.4.B.3 is increased by 10 percentage points for development of a single-family detached dwelling or an addition to an existing single-family detached dwelling if the following standards below are met.

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A Type II Variance per Subsection 19.911.4.A to further increase this lot coverage allowance is prohibited.

- a. The minimum vegetation standard of Subsection 19.301.4.B.4 is met.
  - b. The setback standards of Subsection 19.301.4.B.1 are met. A variance per Section 19.911 may be approved to allow a decrease in the required setbacks.
  - c. The portions of the structure that are in excess of [17-20] feet in height or in excess of 1 story are limited to the lot coverage standard listed in Subsection 19.301.4.B.3. Only portions of the structure that are less than [17-20] and no taller than 1 story are allowed to exceed the listed lot coverage standard.
2. The lot coverage percentage in Subsection 19.301.4.B.3 is increased by 20 percentage points for a duplex or rowhouse.
  3. The lot coverage percentage in Subsection 19.301.4.B.3 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.
- C. Front Yard Minimum Vegetation. At least [25-40]% of the required front yard shall be vegetated. The required front yard vegetation area counts toward the minimum required vegetation for the lot. This requirement does not apply to rowhouse development.
- D. Height exceptions. One additional story may be permitted in excess of the required maximum standard. An additional 10% of site area that is retained in vegetation beyond the minimum is required for each additional story.
- E. The minimum and maximum development densities in Subsection 19.302.4.C.1 are applicable for land division and boundary change applications, and any development that would change the number of dwelling units on a lot. Development of a single-family detached dwelling or an accessory dwelling is exempt from the minimum and maximum density requirements.
- F. Accessory structure standards. Standards specific to accessory structures are contained in Section 19.502.
- G. Building limitations.
1. In the R-3 zone, only 1 single-family detached dwelling is permitted per lot. See Subsection 19.504.4. A detached accessory dwelling may be permitted in addition to a single-family detached dwelling, per Subsection 19.910.1.
  2. Multifamily buildings shall not have an overall horizontal distance exceeding 150 linear feet as measured from end wall to end wall.
- H. Transition measures. The following transition measures apply to multifamily development that abuts an R-10, R-7, or R-5 zoned property.
1. In the portion of the site within 25 feet of the lower density residential zone, the building height limits are equal to those of the adjacent residential zone.
  2. Where the boundary of the lower density zone lies within or on the edge of a right-of-way, the building height limit for the portion of the site within 15 ft of the lot line bordering the right-of-way is equal to the height limit of the lower density residential zone.
- I. Off-street parking and loading is required as specified in Chapter 19.600.

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- J. Transportation requirements and public facility improvements are required as specified in Chapter 19.700.
- K. Additional Standards. Depending upon the type of use and development proposed, the following sections of Chapter 19.500, Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.
1. Subsection 19.504.4, Buildings on the Same Lot.
  2. Subsection 19.504.9, Flag Lot Design and Development Standards.
  3. Subsection 19.504.10, On-Site Walkways and Circulation.
  4. Subsection 19.504.11, Setbacks Adjacent to Transit.
  5. Subsection 19.505.1, Design Standards for Single-Family Dwellings.
  6. Subsection 19.505.2, Garage Standards.
  7. Subsection 19.505.3, Multifamily Design Standards.
  8. Subsection 19.505.4, Design Standards for Cottage Cluster Housing
  9. Subsection 19.505.2, Building Orientation to Transit.
  10. Subsection 19.506.4, Manufactured Dwelling Siting and Design Standards, Siting Standards.

## Commentary

### On Proposed Amendments to Milwaukie Municipal Code (MMC)

Commentary at the front of this document summarizes the key changes in the proposed amendments. The actual text of the proposed amendments follows the commentary section.

## CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

### 19.501 GENERAL EXCEPTIONS

#### 19.501.1 Lot Size Exceptions

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

#### 19.501.2 Yard Exceptions

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

B. As a way to acknowledge that the existing environment of a neighborhood may not comply with the required setback requirements, current regulations allow an applicant to meet a reduced front yard setback if existing houses within 100 ft of the site have small front yard setbacks. The amendments would instead consider front yards within 200 ft of the site.

D. A new allowance would let a covered but unenclosed porch extend 5 ft into a required setback. Porches are a desirable urban design feature that increases community safety and improves the look of a dwelling. This allowance is meant to encourage porches.

#### 19.501.3 Building Height Exceptions

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

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### 19.502 ACCESSORY STRUCTURES

#### 19.502.2 Specific Provisions for Accessory Structures

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

- The first category of accessory structures allows small structures (less than 10 ft tall and under 200 sq ft) to be setback 3 ft from a side or rear lot line. The height and footprint thresholds correspond to the thresholds for structures that require a building permit. The intent is to allow more lenient standards for structures that would be installed on a property without any required review by the City.
- The second category allows moderately sized structure (up to 15 ft tall and 600 sq ft) to be setback further from the property line. This category corresponds closely to the current regulations on accessory structures for lots under 10,000 sq ft in area. One change is that the footprint size is increased from the current 500 sq ft limit.
- The third category allows accessory structures of a larger size if the structure meets the setback requirements for the primary structure on a lot. In most residential zones, this will require a 5 ft side yard setback and 20 ft rear yard setback. The height would be limited to 25 ft or no taller than the height of the primary structure, whichever is less. The footprint would be limited to a percentage of the primary structure's size. The maximum lot coverage standard would be applicable and may limit the overall size of an accessory structure more than the percentage limitation. The intent of this category is to allow larger accessory structures where they have increased setbacks from lot lines and are in proportion to the size and height of the primary structure on the lot.
- Structures would need to be separated by at least 4-5 ft from other structures on the same lot. The current regulation requires a 6 ft separation, which City staff believes is excessive.
- A section is added to clarify when a connection between a dwelling and a structure makes the accessory structure and addition, as opposed to two structures connected by a breezeway. This is important in determining whether accessory structure limitations are applicable.
- The design standards for accessory structures are expanded. In response to requests from citizens that the City limit the use of temporary materials on permanent buildings, plastic tarps would not be allowed on any size of accessory structure that is visible from the street. The basic design standards for accessory

structures over 200 sq ft in size would not change. Additional regulations for accessory structures over 600 sq ft in size would require a basic compatibility with the design of the primary structure on the lot.

- A new provision would allow ramps for persons with mobility impairments to extend into required setbacks.

### **19.502.3 Sustainability-Related Accessory Structures**

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

- The regulations for solar energy systems clarify the allowances, standards, and review process. These standards are modeled after regulations recently adopted by the City of Portland. The regulations make broad allowances for the installation of solar energy systems with limited review in response to recent state laws that limit the review that jurisdictions may apply to installation of solar energy systems.
- The regulations for wind energy systems clarify the allowances, standards, and review process. The proposed regulations are modeled after regulations recently adopted by Portland and Lincoln City.
- Allowances would be made for rainwater cisterns to be located near lot lines. These regulations help clarify that such systems are an allowed use as well as establish location requirements.

## **19.503 ACCESSORY USES**

### **19.503.1 General Provisions**

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

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

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

### 19.504 SITE DESIGN STANDARDS

#### 19.504.4 Buildings on the Same Lot

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

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

The basic regulations in these sections are unchanged. The amendments would remove multifamily developments from the types of development to which these regulations apply. The new multifamily design standards in Subsection 19.505.3 and development standards in Section 19.302 would address the issues covered in 19.504 in a way that is more specific to multifamily housing.

#### 19.504.8 Multifamily Recycling Requirements

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

### 19.505 BUILDING DESIGN STANDARDS

#### 19.505.1 Design Standards for Single-Family Dwellings and Duplexes

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

#### B. Applicability

Currently, design standards apply only to new home construction. Single family residential (SFR) additions that exceed 300sf on any street-facing facade, or remodels which convert a street-facing garage to habitable space would be required to meet the design standards.

#### C. Standards

1. Articulation. All buildings must incorporate design features such as: varying roof lines; offsets, balconies, projections; recessed or covered entrances; window reveals; or similar

elements to break up large expanses of blank walls. This promotes attention to detail, prohibits large blank walls and uniform boxes while still allowing flexibility in design.

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

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

4. **Detailed design.** Each building must include 5 of 13 features listed on a "menu." This promotes attention to detail, human-scale design, while affording flexibility to use a variety of building styles. The "menu" approach allows a developer some flexibility to choose how a home design will meet the City's goals of achieving friendly development that addresses the public realm. Limiting the options allows staff to clearly determine, during building permit review, whether the standards are met. The design standards for new and remodeled SFR development allow a wide variety of housing styles to meet the standards. In other words, they do not prescribe a particular architectural style.

#### **19.505.1.C.5 Duplexes**

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

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

#### **19.505.1.C.6 Rowhouse Access**

The standards in this section help determine access requirements for rowhouse developments. Access standards are in Chapter 12 and administered by the Engineering Department. The standards in this subsection alert readers that on high-classification streets, rowhouses may have to share one common access, possibly encouraging parking areas toward the back yard areas. On lower classification streets, neighboring units are required to share access in order to minimize the amount of driveway accesses.

The City's Public Works Standards would, in nearly all cases, require a new sidewalk on rowhouse frontages to be setback behind a planter strip. This would allow the sidewalk to have an even plane along the rowhouse development frontage, as opposed to having an undulating surface across the driveway entry slopes.

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### 19.505.2 Garage Standards

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

### 19.505.3 Design Standards for Multifamily Housing

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

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

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

#### **B. Applicability**

These standards would apply to all new multifamily residential developments with three or more dwelling units on a single lot.

#### **C. Review process**

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

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

The applicant can choose which review process they want to use. The City already has a Development Review process in place for reviewing new development that is

readily adaptable for applying to multifamily development projects once design standards are adopted.

#### **D. Design Guidelines and Standards**

These standards would address:

1. **Livability:** Encourages multifamily development that contributes to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private outdoor open spaces.
2. **Compatibility:** Encourages multifamily development that is appropriate in scale to the surrounding neighborhood and maintains the overall residential character of Milwaukee.
3. **Safety and Functionality:** Encourages multifamily development that is safe and functional by providing visibility into and within a multifamily development and by creating a circulation system that prioritizes bicycle and pedestrian safety.
4. **Sustainability:** Encourages multifamily development that promotes elements of sustainability such as energy conservation, preservation of trees and open space, quality building materials, and walking and biking.

#### **Table 19.505.4 - Multifamily Design Guidelines and Standards**

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

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

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

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

- Site layout, including open spaces and circulation patterns for vehicles and pedestrians.
- Orientation of buildings and entrances to provide a pedestrian-friendly approach.
- Building massing to ensure context sensitive scale.

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- Exterior building façade articulation and building materials to promote neighborhood character similar to the predominant single-family development in Milwaukie.
- Landscaping to provide a buffer between multifamily and single-family developments.
- Compatibility with adjacent lower-density development through reduced building heights and screening.
- Incorporation of energy and water-saving design features and materials.

### 19.505.4 Design Standards for Cottage Cluster Housing

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

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

- This housing type is allowed in the R-3, R-2, R-2.5, R-1, and R-1-B zones.
- Cottage cluster housing requires the site to be subdivided prior to development. This ensures that the site is properly laid out for cottage cluster housing and encourages an owner-occupied housing style. The subdivision application would be heard by the Planning Commission. However, the development following the land division would be allowed outright without further public review.
- A cottage cluster development would need to have between 4-12 cottages, and is subject to the same density standards as other residential development.
- The site layout requires the cottages to face around a central common open space of at least 400 sq ft in size.
- The parking ratio is the same as for standard single-family development. The parking area is required to be grouped, rather than having parking at each structure. It must also be separate from the common open space.
- The cottages would be limited to 1,000 sq ft in size and have height limits of 18 ft. Specific development standards address lot coverage and building separation. Design standards require the cottages to generally reflect small-home, craftsman style development.

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NEW TEXT IS SHOWN IN UNDERLINE AND DELETIONS OF CURRENT TEXT ARE SHOWN IN ~~STRIKEOUT~~. THIS DRAFT INCLUDES ONLY CHAPTERS AND SECTIONS OF CODE WITH PROPOSED AMENDMENTS AND SOME SURROUNDING SECTIONS FOR CONTEXT. CODE SECTIONS NOT INCLUDED IN THIS DRAFT WOULD NOT BE AMENDED.

## CHAPTER 19.500

### SUPPLEMENTARY DEVELOPMENT REGULATIONS

#### 19.501 GENERAL EXCEPTIONS

The exceptions listed in Subsections 19.501.1–4 below are “by right” exceptions. “By right” exceptions ~~are either automatically required or allowed outright and~~ require no special review or approval by the City to implement.

##### 19.501.1 Lot Size Exceptions

Any lot or parcel that was legally created but does not meet the area or dimensional requirements specified in Chapter 19.300 may be put to a use permitted by the requirements of the zoning ordinance, with the following limitations:

- A. The development must conform to all other applicable standards of Title 19, unless a variance is granted per Section 19.911.
- B. Single-family detached dwellings shall not be built on a lot with less than 3,000 sq ft of lot area.

~~If a lot or the aggregate of contiguous lots or parcels platted prior to effective date of the ordinance codified in this chapter has an area or dimension which does not meet the requirements of said ordinance, the lot or aggregate holdings may be put to a use permitted outright subject to the other requirements of the zone in which the property is located except that a residential use shall be limited to a single family dwelling or to the number of dwelling units consistent with the density requirements of the zone. However, no dwelling shall be built on a lot with less area than 3,000 sq ft, or with no frontage on a public street. This section shall not apply in the downtown zones.~~

##### 19.501.2 Yard Exceptions

- A. In addition to yard requirements listed for each zoning district, buildings along certain major streets are subject to additional yard requirements as provided in Table 19.501.2 below. Yards shall be measured so that the minimum distance from the center line of the right-of-way to the closest point of any building is the distance listed in Table 19.501.2 plus the yard requirement of the underlying zone.

<b>Table 19.501.2 Additional Yard Requirements</b>	
Major Street	Distance from Centerline (plus yard requirements in zone)
Firwood Street (55th Ave. to Stanley Ave.)	25'
Harmony Road	40'
Harrison Street (Milwaukie Expressway to 44th Ave.)	<u>30</u> 40'

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Harrison Street (Milwaukie Expressway to McLoughlin Blvd.)	30'
Harvey Street (32nd Ave. to 42nd Ave.)	25'
Howe Street (42nd Ave. to 43rd Ave.)	30'
Johnson Creek Boulevard	30'
King Road	40'
<b>Table 19.501.2 CONTINUED Additional Yard Requirements</b>	
Major Street	Distance from Centerline (plus yard requirements in zone)
Linwood Avenue	40'
Lake Road	30'
Logus Road	25'
Monroe Street (52nd Ave. to Linwood Ave.)	30'
Oak Street	30'
Oatfield Road	30'
Ochoco Street	30'
Olsen Street	25'
Railroad Avenue	30'
River Road (south of Lark St.)	30'
Roswell Street (32nd Ave. to 42nd Ave.)	25'
Washington Street (west of Railroad Ave.)	30'
Willow Street (Windsor Dr. to Stanley Ave.)	25'
17th Avenue (Ochoco St. to McLoughlin Blvd.)	40'
32nd Avenue (north of Harrison St.)	30'
37th Avenue (Lake Rd. to Grogan Ave.)	25'
40th Avenue (Harvey St. to Railroad Ave.)	<u>30</u> 40'
42nd Avenue (Johnson Creek Blvd. to Howe St.)	30'
42nd Avenue (Harrison St. to King Rd.)	30'
43rd Avenue (Howe St. to King Rd.)	30'
55th Avenue (Firwood St. to Johnson Creek Blvd.)	25'

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B. The required front yard may be reduced below what is specified by Chapter 19.300. The reduction shall be based one of the two calculations described below; whichever yields the smaller required yard.

1. The required front yard may be reduced to the average front yard depth of the 2 smallest front yards that are on same right-of-way as and within 250 ft of the subject property.
2. The required front yard may be reduced to the average of the required front yard specified in Chapter 19.300 and the shallowest front yard along the same right-of-way as and within 250 ft of the subject property.

~~The following exceptions to the yard requirements are established for a lot in any one zone:~~

- ~~1. The required front yard need not exceed the average depth of the 2 abutting front yards within 100 ft of the proposed structure.~~
- ~~2. The required front yard need not exceed the average depth of the abutting front yard within 100 ft of the proposed structure and the required front yard depth.~~

C. Architectural features such as cornices, eaves, canopies, sunshades, gutters, steps, unroofed landings, and flues may project up to 24 in into a required side yard or 36 in into a required front or rear yard. Such features that extend from a residential accessory structure located less than 5 ft from a property line shall not be closer than 18 in from a property line.

D. A covered porch on a single-family detached dwelling may extend 5 ft into a required front yard if the following standards are met.

1. The porch is not enclosed on any side. Enclosures not extending more than 3 ft from the surface of the porch, railings, and retractable sunshades, screens, or netting are not considered to be enclosures.
2. The surface of the porch does not exceed 18 in in height above the average grade.
3. The porch is at least 5 ft from the front lot line.

### 19.501.3 Building Height Exceptions

Projections such as chimneys, spires, domes, elevator shaft housings, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of this chapter, except as provided in an L-F Zone.

- ~~A. Projections such as chimneys, spires, domes, elevator shaft housings, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of this chapter, except as provided in an L-F Zone.~~
- ~~B. One additional story may be permitted in excess of the required maximum standard. An additional 10% of site area that is retained in vegetation beyond the minimum is required for each additional story. This provision does not apply to the R-10, R-7, R-5, or downtown zones.~~

### 19.501.4 Density Exceptions

- A. In exchange for the dedication of parkland, residential density may be increased (and lot sizes decreased) so that overall parcel density remains the same.
- B. For any housing development proposed, an additional housing unit will be allowed for each unit priced for sale at 25% below the average new single-family housing cost. The cost shall be that established in the most recent edition of "Real Estate Trends," published semiannually by the Metropolitan Portland Real Estate Research Committee, Inc. Overall

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project density may not exceed the allowable density plus 10%. The planned unit development density increase specified in Section 19.317 and this density increase are additive.

### 19.502 ACCESSORY STRUCTURES

#### 19.502.1 General Provisions

- A. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way including but not limited to streets, alleys, and public and private easements.
- B. Multiple accessory structures are permitted subject to building separation, building coverage, and minimum vegetation requirements of the zoning district in which the lot is located.
- C. An accessory structure shall comply with all of the requirements of the Uniform Building Code.
- D. Accessory structures excluding fences, pergolas, arbors, or trellises may not be located within the required front yard except as otherwise permitted in this chapter.
- E. An accessory structure must maintain a minimum side and rear yard setback of 5 ft, except where other requirements of this title are more restrictive.
- F. Alteration or modification of nonconforming accessory structures is subject to the provisions of Chapter 19.800 Nonconforming Uses and Development.
- G. Pergolas, arbors, and trellises are permitted in yards in all residential zones.

#### 19.502.2 ~~Single-Family Residential~~ Specific Provisions for Accessory Structures

- A. The following standards apply for residential accessory structures on single-family detached, duplex, rowhouse, and cottage cluster properties. The standards in Subsection 19.502.2.A do not apply to pools, uncovered decks, and patios.

The purpose of these regulations is to allow accessory structures that accommodate the typical needs for a single family residence, while protecting the character of single family neighborhoods.

##### 1. Development Standards.

- a. Required yard. The required yards for an accessory structure are grouped into the 3 categories listed below. All accessory structures shall at least meet the yard requirements of Category A. Accessory structures with a larger height and footprint must meet the increased yard requirements of Category B and C. The relationship between the yard requirements and structure height and footprint are described in Subsection 19.502.2.A.1.b, below.

- (1) Category A: Structure has a 3 ft yard from side and rear lot lines, a 10 ft yard from a street side lot line, and meets the base zone front yard requirement for a primary structure.
- (2) Category B: Structure has a 5 ft yard from side and rear lot lines, and meets the base zone street side yard and front yard requirements for a primary structure.
- (3) Category C: Structure meets all base zone yard requirements for the primary structure.

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- b. Height and footprint. The maximum height and footprint allowed for an accessory structure is determined by the yard depths between the structure and the lot lines. An accessory structure is allowed the maximum building height and footprint listed in Table 19.502.2.A.1.b only if the structure meets or exceeds all the yard requirements listed in the column header.

<b>Table 19.502.2.A.1 Residential Accessory Structure Height and Footprint Standards</b>			
<b>Standard</b>	<b>Category A 19.502.2.A.1.a(1)</b>	<b>Category B 19.502.2.A.1.a(2)</b>	<b>Category C 19.502.2.A.1.a(3)</b>
Maximum Building Height	10 ft	15 ft	Lesser of 25 ft OR not taller than highest point of the primary structure
Maximum Building Footprint	200 sq ft	600 sq ft	[75-100]% of primary structure

- c. Other development standards.

- (1) Multiple accessory structures are allowed on a lot subject to lot coverage and minimum vegetation standards of the base zone.
- (2) A minimum of [4/5] ft is required between the exterior wall of an accessory structure and any other structure on a site.
- (3) A covered walkway or breezeway is allowed between a primary structure and accessory structure. Such connection shall not exempt the accessory structure from compliance with the standards of this section, unless the connection is fully enclosed and meets the building code definition of a conditioned space, and matches the design of the primary structure for roof, materials, and color.

## 2. Design Standards.

- a. PVC or plastic supports, and fabric, tarpaulin, or other similar materials are prohibited for all accessory structures visible from the right of way at a pedestrian level.
- b. Metal siding is prohibited on structures of more than 10 ft in height or a footprint greater than 200 sq ft. Exterior siding and roofing materials that are commonly used on residential structures shall be used.
- c. In addition to the standards of Subsection 19.502.2.A.3.a and b, structures greater than 15 ft in height with a footprint of 600 sq ft or more must have materials, colors and roof pitch that match or are generally compatible with that of the primary structure.

## 4. Roof Pitch.

There are no roof pitch requirements for an accessory structure with a height equal to or less than 10 ft. A 4/12 roof pitch is required accessory for an accessory structure with a height over 10 ft, unless this would conflict with another subsection requiring the roof pitch to be compatible with that of the primary structure on the property.

- A. ~~Residential accessory structures excluding pools, uncovered decks, and patios are subject to the following:~~

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- ~~1. For lots 10,000 sq ft or less, the footprint of an accessory structure may not exceed 500 sq ft. For lots greater than 10,000 sq ft the footprint of an accessory building may not exceed 850 sq ft.~~
  - ~~2. An accessory structure may not exceed 15 ft in height as measured from the average finished grade within a 10-ft horizontal distance from the base of the building to the highest point of the roof.~~
  - ~~3. Flat roofs and shed roofs are prohibited on accessory structures that have a floor-to-ceiling height greater than 9 ft.~~
  - ~~4. The minimum roof pitch for accessory structures with other than a flat or shed roof is 4 in rise for every 12 in of run.~~
  - ~~5. The placement of fill to raise grade elevations that has the effect of exceeding building height limitations is prohibited.~~
  - ~~6. Metal siding is prohibited on accessory structures with a footprint greater than 120 sq ft. For accessory structures greater than 120 sq ft, exterior siding and roofing materials that are commonly used on residential structures shall be used.~~
- B. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:
1. Fences, walls, and plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fences, walls, and plantings shall meet clear vision standards provided in Chapter 12.24. Fences and walls on lot perimeters in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained to the following standards:
    - a. Residential Zones and Residential Uses in All Zones
 

Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft. No electrified, barbed, or razor wire fencing is permitted. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.
    - b. Commercial Zones
 

Maximum height 6 ft. No electrified wire is permitted. Barbed or razor wire may be permitted for security purposes on top of a maximum height fence, following a Type II review per Section 19.1005 in which a determination has been made that the proposed fencing will not adversely impact the health, safety, or welfare of adjacent property occupants. All outdoor storage shall require a 6-ft-high sight-obscuring fence.
    - c. Industrial Zones
 

Maximum height 8 ft. No electrified wire is permitted. Barbed or razor wire may be permitted for security purposes on top of a maximum height fence, except where such fencing is proposed adjacent to residential zones or residential uses, in which case such may be allowed following a Type II review per Section 19.1005 in which a determination has been made that the proposed fencing will not adversely impact the health, safety, or welfare of adjacent property occupants. All outdoor storage shall require a sight-obscuring fence with a minimum height of 6 ft.

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2. In all cases, fence and wall height shall be measured from the top of the fence or wall to the highest ground level within a 1-ft horizontal distance from the fence.
- C. Regardless of the yard requirements of the zone, a side, rear, or front yard may be reduced to 3 ft for an uncovered patio, deck, or swimming pool not exceeding 18 in. in height above the average grade of the adjoining ground (finished elevation).
- D. An uncovered ramp with handrails that provides access from grade to the elevation of the main entrance of a residential structure is allowed to exceed 18 in. in height.

### **19.502.3 Sustainability-Related Accessory Structures**

- A. Purpose. The purpose of these regulations is to allow apparatus for the generation of renewable energy and collection of stormwater, subject to standards that ensure these structures are appropriate for their surroundings in both design and scale.
- B. Solar Energy Systems.
  1. The installation of a solar energy system is an outright permitted use in zones where commercial, industrial, and residential structures are allowed outright. Installation of solar equipment that does not meet the definition of a solar energy system shall be reviewed as a Community Service Use per Section 19.904, unless the use is allowed outright in a zone.
  2. Review Process for Installation of Solar Energy Systems.
    - a. The review of a standalone solar energy system that is not wholly supported by another structure is subject to the reviews required by applicable base zones and overlay zones.
    - b. The review of a solar energy system that is attached to a structure shall be as follows.
      - (1) The installation of a solar energy system on an historic resource that is designated either 'contributing' or 'significant' per Section 19.403 shall follow the procedures of that section for alteration of the resource.
      - (2) The installation of a solar energy system in downtown zones shall be exempt from Downtown Design Review per Section 19.907.
      - (3) The installation of a solar energy system on structures within the Willamette Greenway Zone or Natural Resource overlay is exempt from the review requirements of those zones.
      - (4) The installation of a solar energy system on structures that have been designated as a Conditional Use or a Community Service Use are exempt from the reviews of Sections 19.904.3 or 19.905.3.
      - (5) A Type I Development Review permit may be required for installation of a solar energy system depending upon the applicability criteria in Subsection 19.906.3. In no case shall a Type II or III Development Review application be required for installation of a solar energy system.
  3. Standards.
    - a. A standalone solar energy system is subject to the development standards that apply to the site. The design standards of Section 19.502.2.A.3 shall not be construed so as to prevent installation of a standalone solar energy system.

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b. A solar energy system that is attached to a structure is subject to the following standards. A solar energy system may be proposed as part of an addition or modification that would increase the footprint, lot coverage, or building height of an existing structure.

(1) The solar energy system will not increase the lot coverage, footprint of the structure, or the peak height of the portion of the roof on which the system is installed.

(2) The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof; except that the plane of the system is allowed a minimum slope of [15-45] degrees from horizontal regardless of the slope of the roof.

### C. Wind Energy Systems

1. A wind energy system is allowed outright as an accessory use in all zones. Installation of wind turbines and related equipment that does not meet the definition of a wind energy system shall be reviewed as a Community Service Use per Section 19.904, unless the use is allowed outright in a zone.

2. Review Process for Installation of Wind Energy Systems. The review of a freestanding or roof-mounted wind energy system is subject to the reviews required by applicable base zones and overlay zones.

#### 3. General Standards.

a. The minimum distance between the ground and any part of a rotor blade must be at least 20 ft.

b. Wind energy systems may not be illuminated, nor may they bear any signs or advertising.

c. Wind energy systems must have automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the support structure, rotor blades, and turbine components.

d. All wiring serving small wind energy systems must be underground.

e. Noise produced by wind energy systems may not exceed 45 dBA measured at the property line.

f. Wind energy systems must not cause any interference with normal radio and television reception in the surrounding area, with any public safety agency or organization, radio transmissions, or with any microwave communications link. The owner shall bear the costs of immediately eliminating any such interference should any occur, or must immediately shut down the system or parts of the system causing the interference.

g. A finish (paint/surface) must be provided for the wind energy system that reduces the visibility of the facility, including the rotors. In most circumstances this condition may be satisfied by painting the support structure and rotors with flat light haze gray paint. If the support structure is unpainted it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.

h. The rotor sweep area, as defined by the American Wind Energy Association, is 50 sq ft in residential zones and 150 sq ft in all other zones.

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4. Standards for freestanding systems. Wind energy systems may be mounted on a tower detached from other structures on the lot.
  - a. Setback. A freestanding wind energy system is not allowed in a required front yard or street side yard, and must be at least 10 ft away from any side or rear lot line. All portions of the support pole, blades, guy wires, and associated structures or equipment must meet these standards.
  - b. Height. The pole and turbine are subject to the base zone height limit for primary structures. An increase of 1 additional foot in height is allowed for every foot that the wind energy system is setback beyond what is required in Subsection 19.502.3.B.3.a, up to a maximum of 50% above the base zone height limit.
  - c. Number. A maximum of 1 freestanding small wind generator system may be allowed on a lot of 15,000 square feet or less. One additional freestanding system is allowed for each 7,500 square feet of lot area above 15,000 square feet.
5. Standards for roof-mounted systems. Wind energy systems may be mounted on the roof of a structure.
  - a. Setback. The roof-mounted wind energy system is subject to the minimum yard requirements of the building on which it is mounted.
  - b. Height. Roof-mounted systems may not be more than 50% above the base zone height limit, or [30-45] ft above the building on which it is mounted, whichever is less.
  - b. Number. There is no maximum number of roof-mounted systems permitted.

### D. Rainwater Cisterns.

1. A rainwater cistern installed below-ground, at grade, or above ground is a permitted accessory use for all properties.
2. A rainwater cistern that meets the standards listed below may encroach up to [2-3] ft into a required yard, but not be closer than [2-3] ft from any lot line. Rainwater cisterns that meet these standards are not subject to any design or materials standards.
  - a. The rainwater cistern is not mounted more than 2 ft above grade.
  - b. The rainwater cistern's storage capacity is [60-80] gallons or less.
3. A rainwater cistern that exceeds the standards listed in Subsection 19.502.3.B.2 are considered accessory structures and are subject to the applicable base zone, overlay zone, and accessory structure standards.
4. A below-ground rainwater cistern shall be located at least 3 ft away from any lot line.

## 19.503 ACCESSORY USES

### 19.503.1 General Provisions

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this chapter and shall comply with the following limitations:

- A. A guesthouse without kitchen facilities may be maintained accessory to a dwelling, provided that the guesthouse is not occupied for more than 4 months in a calendar year. A detached accessory dwelling unit approved per Subsection 19.910.1 is not considered a guesthouse.

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- B. A greenhouse or hothouse may be maintained accessory to a dwelling ~~provided nothing grown is sold on the premises.~~
- C. ~~Keeping of livestock or poultry shall be in buildings that fully comply with building and sanitary codes.~~ The keeping of chickens or other domestic or domesticated fowl shall not exceed 50 in number ~~and shall require the written consent of all owners of real property (or a part thereof) within 100 ft of any point on the boundary of the property on which the chickens or domesticated fowl are proposed to be kept.~~
- D. Keeping of colonies of bees shall be prohibited except that the Planning Commission may approve an application to keep not more than 2 colonies of bees ~~whenever such application is accompanied by the written consent of all the owners of real property (or a part thereof) within 100 ft of any point on the boundary of the property on which the bees are proposed to be kept.~~
- E. Amateur and CB radio equipment and operations shall be considered an accessory use. Radio and television structures or towers outside of dwellings shall be subject to building regulations. Such structures and towers shall conform to height, yard, and other standards of the Zoning Ordinance. Any deviation from these standards will require a variance by the Planning Commission. Operational characteristics and limitations of such equipment shall be as established and administered by the FCC.

### 19.504 SITE DESIGN STANDARDS

#### 19.504.1 Clear Vision Areas

A clear vision area shall be maintained on the corners of all property at the intersection of 2 streets or a street and a railroad according to the provisions of the clear vision ordinance in Chapter 12.24.

#### 19.504.2 Maintenance of Minimum Ordinance Requirements

No lot area, yard, other open space, or off-street parking or loading area shall be reduced by conveyance or otherwise below the minimum requirements of this title, except by dedication or conveyance for a public use.

#### 19.504.3 Dual Use of Required Open Space

No lot area, yard, or other open space or off-street parking or loading area which is required by this title for one use shall be used to meet the required lot area, yard, or other open space or off-street parking area for another use, except as provided in Subsection 19.605.4.

#### 19.504.4 Buildings on the Same Lot

- A. In R-10, R-7, and R-5 Zones, only one primary dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1.
- B. In the R-3 zone, only 1 single family detached dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1. Multifamily housing with multiple structures designed for dwelling purposes may be permitted as a conditional use per Section 19.905.

~~A minimum distance of 6 ft as measured between the closest points of the structures shall be maintained between a building designed for dwelling purposes and other buildings on the same lot. In R-10, R-7, R-5, and R-3 Zones, only 1 building designed for dwelling purposes shall be permitted per lot.~~

#### 19.504.5 Distance from Property Line

Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least 3 ft from the property line.

#### 19.504.6 Transition Area Measures

Where multifamily, commercial, or industrial development is proposed adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses. The downtown zones are exempt from this subsection.

- A. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be at least as wide as the required front yard width of the adjacent lower-density zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable.
- B. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to the 6-ft level to screen lower-density residential uses from direct view across the open space.

#### 19.504.7 Minimum Vegetation

In the vegetation area a maximum of area shall be for planting and a minimum for bark dust. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard.

#### 19.504.8 Multifamily Recycling Requirements

##### A. Purpose

~~This subsection is intended to promote recycling and to meet requirements of ORS 459.165, which requires local jurisdictions to provide opportunities for recycling, and ORS Chapter 90, which requires landlords to provide a location in multifamily residential dwelling projects for recycling.~~

##### B. Definition

~~For the purposes of this subsection, the following definition shall apply:~~

~~“Recycling collection area” means a specific location where recyclable materials may be deposited and contained for regular collection by a material collection service.~~

##### C. Applicability

~~All new multifamily apartment and condominium dwelling projects, and projects proposing unit expansion to existing multifamily apartment and condominium dwellings, must provide area(s) for recycling collection subject to the standards herein.~~

##### D. Recycling Collection Area Standards

~~Standards for recycling collection areas are as follows:~~

- ~~1. The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated cardboard, tin, and aluminum.~~
- ~~2. The recycling collection area must be located at least as close to the dwelling units as the closest garbage collection/container area.~~
- ~~3. Recycling containers must be covered either by roof or weatherproof lids.~~

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- ~~4. If located outdoors, the recycling collection area must be screened from the street and adjacent properties by sight-obscuring materials.~~
  - ~~5. The recycling collection area(s) must have a collection capacity of at least 100 cu ft in size for every 10 dwelling units or portion thereof.~~
  - ~~6. The recycling collection area must be easily accessible to collection service personnel between the hours of 6:00 a.m. and 6:00 p.m.~~
  - ~~7. The recycling collection area and containers must be clearly labeled, to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants.~~
  - ~~8. City Fire Department approval will be required for all recycling collection areas.~~
  - ~~9. Review and comment for all recycling collection areas will be required from the appropriate franchise collection service.~~
- ~~E. Review of recycling collection areas for new multifamily dwelling projects that require conditional use approval shall be made by the Planning Commission following the procedures of Section 19.1006 Type III Review.~~
- ~~F. Review of recycling collection areas for new multifamily projects that are permitted outright shall be made at the time of project building permit review following the procedures of Section 19.1004 Type I Review.~~

### 19.504.10 On-Site Walkways and Circulation

#### A. Requirement

All development subject to Chapter 19.700 (excluding single-family and multifamily residential development) shall provide a system of walkways that encourages safe and convenient pedestrian movement within and through the development site. Redevelopment projects that involve remodeling or changes in use shall be brought closer into conformance with this requirement to the greatest extent practicable. On-site walkways shall link the site with the public street sidewalk system. Walkways are required between parts of a site where the public is invited to walk. Walkways are not required between buildings or portions of a site that are not intended or likely to be used by pedestrians, such as truck loading docks and warehouses.

#### B. Location

A walkway into the site shall be provided for every 300 ft of street frontage.

#### C. Connections

Walkways shall connect building entrances to one another and building entrances to adjacent public streets and existing or planned transit stops. On-site walkways shall connect with walkways, sidewalks, bicycle facilities, alleys, and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institutional, or park use. The City may require connections to be constructed and extended to the property line at the time of development.

#### D. Routing

Walkways shall be reasonably direct. Driveway crossings shall be minimized. Internal parking lot circulation and design shall provide reasonably direct access for pedestrians from streets and transit stops to primary buildings on the site.

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Walkways shall be constructed with a hard surface material and shall be no less than 5 ft in width. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials. On-site walkways shall be lighted to an average 5/10-footcandle level. Stairs or ramps shall be provided where necessary to provide a direct route.

### 19.504.11 Setbacks Adjacent to Transit

The following requirement applies to all new multifamily, commercial, office, and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

When adjacent to a street served by transit, new commercial, office, or institutional development, including uses authorized under Section 19.904 Community Service Uses, shall be set back no more than 30 ft from the right-of-way that is providing transit service.

- A. An individual building may be set back more than 30 ft, provided the building is part of an approved phased development that will result in a future building(s) that complies with the 30-ft setback standard.
- B. For sites with multiple buildings, the maximum distance from a street with transit to a public entrance of the primary building shall be no more than 100 ft.
- C. If the proposed building is part of an institutional campus, the Planning Director may allow flexibility in the setback and orientation of the building. As a trade-off for this flexibility, enhanced sidewalk connections shall be provided between the institutional building(s) and nearby transit stops.
- D. If the site abuts more than 1 street served by transit, then the maximum setback requirement need only apply to 1 street.

## 19.505 BUILDING DESIGN STANDARDS

### 19.505.1 Design Standards for Single-Family Dwellings and Duplexes

- A. Purpose. The design standards for single-family dwellings and duplexes require a minimum level of design on every dwelling. These standards are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles.
- B. Applicability. The design standards in this section apply to the types of development listed below.
  1. New single-family detached dwellings, duplexes, and rowhouses on individual lots.
  2. Expansions of single-family detached or duplex dwellings that add more than 300 sq ft to any street-facing façade. When applicable, design standards apply only to the expanded façade.
  3. Remodels that convert an attached garage to a habitable residential space. When applicable, the design standards apply only to the street-facing façade of the garage being converted.
  4. Manufactured homes on lots outside of a manufactured home park are subject to the requirements of Section 19.506 and the standards of this subsection. Manufactured home on lots outside of a manufactured home park are exempt from standards of this

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subsection that are deemed to be more restrictive than the requirements of Oregon Revised Statute 197.307(5).

C. Standards. All buildings that meet the applicability provisions in Subsection 19.505.1.B shall meet the following design standards. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.

1. Articulation. All buildings shall incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 19.505.1.C.1 for illustration of articulation.

a. For buildings with 30-60 ft of street frontage, a minimum of 2 of the following elements shall be provided along the street-facing façades.

(1) A porch at least 5 ft deep

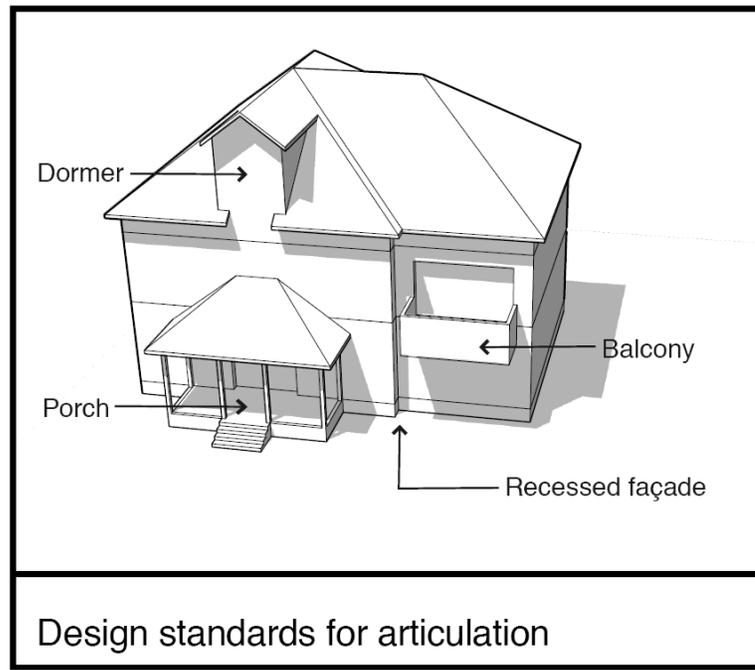
(2) A balcony that is at least 2 ft deep and is accessible from an interior room;

(3) A bay window that extends at least 2 ft in width; or

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

b. For buildings with over 60 ft of street frontage, at least one element in (a)(i-iii) above shall be provided for every 30 ft of street frontage. Elements shall be distributed along the length of the façade so that there is no more than 30 ft between two elements.

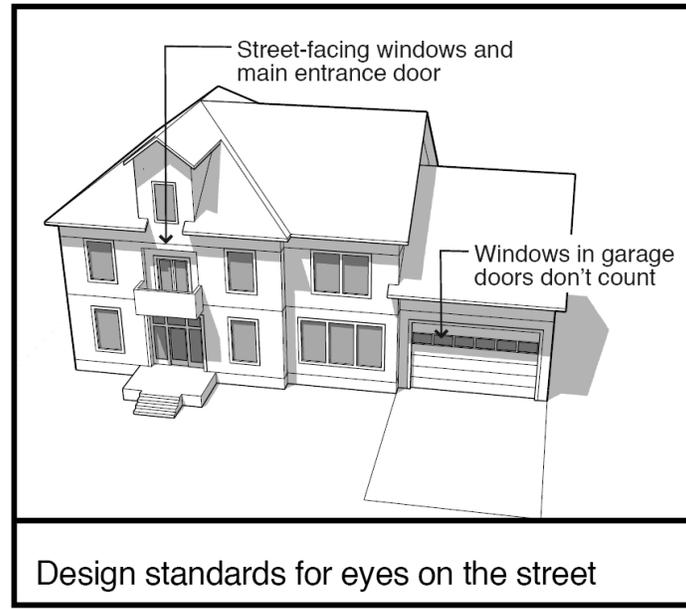
c. For buildings with less than 30 ft of street frontage, one of the elements in (a)(i-iii) above shall be provided along the street-facing facade.

**Figure 19.505.1.C.1 Building Articulation**

2. Eyes on the street. At least 15% of the area of each street-facing façade must be windows or entrance doors. See Figure 19.505.1.C.2 for illustration of eyes on the street.
- a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
  - b. Windows in attached garage doors do not count toward meeting this standard, but windows in attached garage walls do count toward meeting this standard.
  - c. Window area is considered the entire area within the outer window frame, including any interior window grid.
  - d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
  - e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

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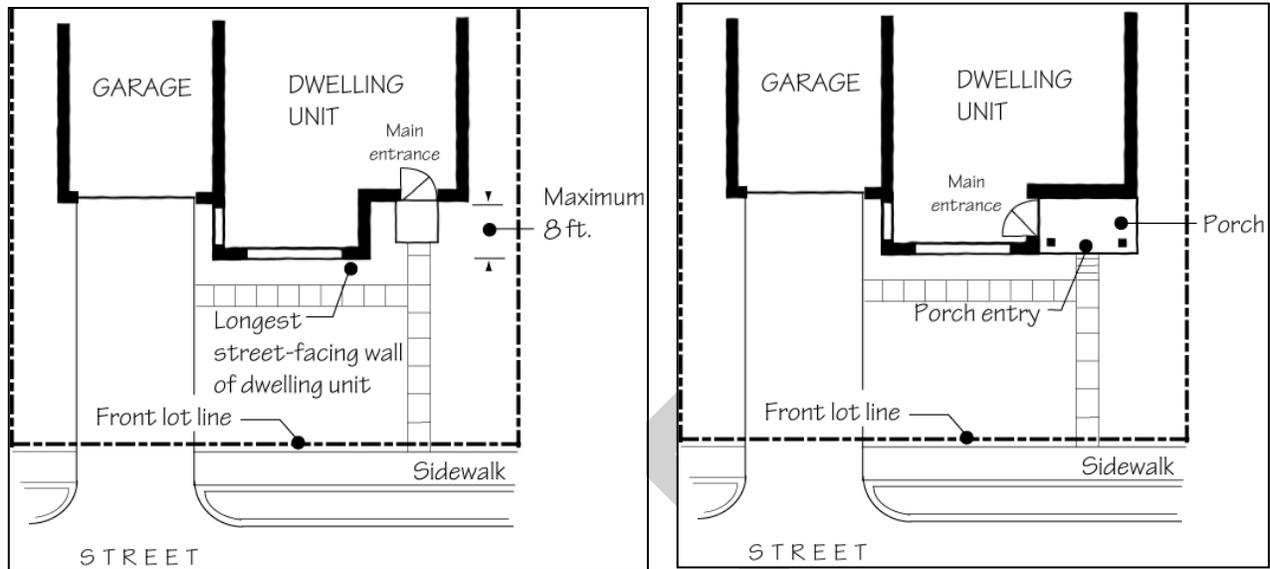
**Figure 19.505.1.C.2 Eyes on the Street**



- 3. Main entrances. At least one main entrance for each building must:**
- a. Be no further than 8 ft behind the longest street-facing wall of the building; and**
  - b. Face the street, or be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must:**
    - (1) Be at least 25 sq ft in area with a minimum 4 ft depth**
    - (2) Have at least one porch entry facing the street**
    - (3) Have a roof that is no more than 12 ft above the floor of the porch.**
    - (4) Have a roof that covers at least 30% of the porch area.**

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Figure 19.505.1.C.3 Main Entrances

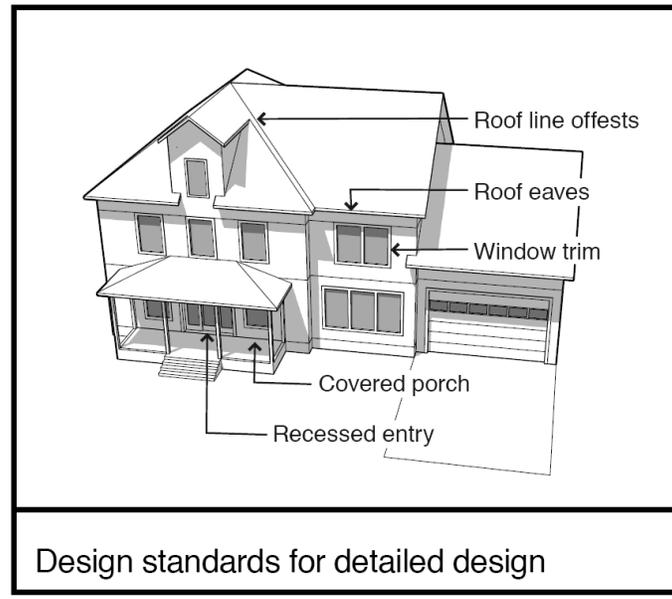


4. Detailed design. All buildings shall include at least 5 of the following features on any street-facing façade. See Figure 19.505.1.C.4 for illustration of detailed design elements.
- a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.
  - b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
  - c. Offset on the building face of at least 16 in from one exterior wall surface to the other.
  - d. Dormer that is at least 4 ft wide and integrated into the roof form.
  - e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
  - f. Roof line offsets of at least 2 ft from the top surface of one roof to the top surface of the other.
  - g. Tile or wood shingle roofs.
  - h. Horizontal lap siding between 3 to 6 in wide (the visible portion once installed).
  - i. Brick, cedar shingles, stucco or other similar decorative materials covering at least 40% of the street-facing façade.
  - j. Gable roof, hip roof, or gambrel roof design.
  - k. Window trim around all windows at least 3 in wide and 5/8 in deep.

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- l. All windows recessed at least 3 in as measured horizontally from the face of the building façade.
- m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.
- n. One roof pitch of at least 200 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.

**Figure 19.5xx Detailed Design Elements**



- 5. Standards for Duplexes. In addition to the other standards in Subsection 19.505.1, duplexes shall also comply with the following standards.
  - a. The height of each of the units shall be within 4 ft of each other.
  - b. The exterior finish of the structure must be the same for both units , or visually match in type, size and placement.
  - c. The predominant roof pitch over each unit must be the same.
  - d. The eaves must be uniform for entire structure.
  - e. The trim must be the same in type, size, and location for entire structure.
  - f. Windows must match in proportion and orientation for entire structure.
  - g. For duplexes or corner lots, each entrance is required to face a separate street frontage. Where an existing house is being converted, one main entrance with internal access to both units is allowed.
  - h. For duplexes facing one frontage, the following standards apply.
    - (1) Only 1 entrance is required to face the frontage.
    - (2) Where more than one entrance to the structure faces the street, each separatee entrance is required to meet the standards of Subsection 19.505.1.c.3.

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(3) A second entrance is not allowed within [10-15] feet of side or rear property line.

### 6. Standards for Rowhouse Access.

The standards in this section coordinate with, but do not substitute for, the standards of Chapter 12.16, Access Management, as they relate to rowhouse development. Nothing in these regulations shall prohibit abutting rowhouses or groups of rowhouses from sharing access beyond the requirements specified below.

- a. Rowhouses that share common walls and have one rowhouse on a corner lot shall take access on the street with the lowest classification. If only one lot has frontage on the street with the lowest classification, access for all rowhouses shall be consolidated into a single access point on the lowest classification street. Access easements and associated maintenance agreements shall be granted as necessary to provide access to the other rowhouses.
- b. Rowhouses on a collector or arterial street that share common walls are required to combine site access into one access. Access easements and associated maintenance agreements shall be granted as necessary to provide access to the rowhouses.
- c. Rowhouses on neighborhood or local streets that share common walls shall combine accesses as described below.
  - (1) If only 2 rowhouses share a common wall, the access way shall be shared and centered on the common lot line between the two lots.
  - (2) If 3 rowhouses share common walls, the Engineering Director shall have discretion to determine if shared access is required between any or all of the units.
  - (3) If 4 rowhouses share common walls, the end units and the units abutting the end unit shall share access, and the accessway shall be centered on the common lot line between the abutting units.

### **19.505.2 Garage Standards**

- A. Purpose. These standards are intended to prevent garages from obscuring or dominating the street-facing facade of a dwelling and provide for a pleasant pedestrian environment in residential areas.
- B. Applicability. The standards in this section apply to all new attached and detached garages on properties with a single-family detached dwelling, duplex, or rowhouse when the street-facing facade of the garage is located within 50 ft of the front property line.
- C. Standards.
  - 1. The front of the garage can be no closer to the front lot line than the front of the house. The following exceptions apply:
    - a. A garage may extend up to 5 ft in front of the house if there is a covered front porch and the garage does not extend beyond the front of the porch.
    - b. A garage may extend up to 5 ft in front of the house if the garage is part of a two-story facade that has a window at least 12 sq ft in area on the second story that faces the street.

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2. The width of a street-facing garage wall may not exceed 35% of the width of the street-facing wall of the house, or 12 ft, whichever is greater.
  3. Garages may be side-oriented to the front lot line if the “eyes on the street” standard in 19.505.1.C.2 is met.
- A. ~~All new single family attached and detached dwelling units shall meet the following design standards:~~
1. ~~The main entrance of the dwelling shall be oriented to the street upon which the lot fronts or which provides vehicle access. The main entrance shall be considered to be oriented to the street if the front door faces the street or if the front door leads to a porch, patio, or sidewalk that is located in the front yard.~~
  2. ~~The area of windows on all exterior wall elevation(s) facing the street shall be at least 12% of the area of those elevations. Roofs, including gable ends, shall not be included in wall area.~~
- B. ~~All dwellings, except temporary dwellings approved in accordance with this chapter, shall include at least 3 of the following features on any building elevation that faces, or is visible to, the street (if on a corner lot, visible to the street where the dwelling takes access). Manufactured homes are subject to additional requirements of this chapter:~~
1. ~~Covered porch at least 5 ft deep.~~
  2. ~~Entry area recessed at least 2 ft from the exterior wall to the door.~~
  3. ~~Bay or bow window that projects at least 1 ft from exterior wall.~~
  4. ~~Offset on the building face of at least 16 in from 1 exterior wall surface to the other.~~
  5. ~~Dormer.~~
  6. ~~Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.~~
  7. ~~Roof line offsets of at least 16 in from the top surface of one roof to the top surface of the other.~~
  8. ~~Attached garage.~~
  9. ~~Cupola.~~
  10. ~~Tile or wood shingle roofs.~~
  11. ~~Horizontal lap siding.~~
  12. ~~Brick covering at least 40% of the building elevation that is visible from the street.~~

### **19.505.3 Design Standards for Multifamily Housing**

- A. Purpose. The purpose of these design standards is to help facilitate the development of attractive multifamily housing that encourages multi-modal transportation. The regulations identify characteristics of good site and building design, which contribute to livability, safety, and sustainability, help create a stronger community and foster a quality environment for people utilizing the development and in the surrounding neighborhood.
- B. Applicability. The standards in this section apply to all new multifamily developments with three or more dwelling units on a single lot. Cottage clusters housing and rowhouses on their own lots are subject to separate standards and are therefore exempt from 19.505.4.

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Housing development that emulates the style of cottage cluster housing or rowhouses and is done on a single lot are subject to the standards of this subsection.

- C. Review process. Two possible review processes are available for review of multifamily development: Objective and Discretionary. An applicant may choose which process to use. The Objective process uses clear objective standards that do not require the use of discretionary decision-making. The Discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more flexibility in designing the multifamily development. Regardless of the review type, the applicant must demonstrate how the standards or guidelines are being met.
1. Projects reviewed through the Objective process will be evaluated through a Type I Development Review pursuant to Chapter 19.906.
  2. Projects reviewed through the Discretionary process will be evaluated through a Type II Development Review pursuant to Chapter 19.906.
  3. The two Objective and the Discretionary review types may not be combined for one project. For example, a project may not use some of the Objective standards and some of the Discretionary guidelines in one application; an applicant must choose either the Objective or Discretionary review process.
- D. Design guidelines and standards. Applicable guidelines and standards for multifamily design are located in Table 19.505.4. The illustrations provided in Figure 19.5xx are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. The guidelines and standards are intended to achieve the following principles that the City encourages for multifamily development:
1. Livability. Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections and providing public and private open spaces for outdoor use.
  2. Compatibility. Development should have a scale that is appropriate to the surrounding neighborhood and maintains the overall residential character of Milwaukee.
  3. Safety and Functionality. Development should be safe and functional by providing visibility into and within a multifamily development and by creating a circulation system that prioritizes bicycle and pedestrian safety.
  4. Sustainability. Development should incorporate sustainable design and building practices, such as energy conservation, preservation of trees and open space, quality building materials, and alternative transportation modes.



**Table 19.505.4  
Multifamily Design Guidelines and Standards**

<u>Design Element</u>	<u>Design Guideline (Discretionary Process)</u>	<u>Design Standard (Objective Process)</u>
<p><u>A. Private Open Space</u></p>	<p>The development should provide individual private open spaces for dwelling units. Private open space should have direct access from the dwelling unit and should be visually and/or physically separate from common areas.</p> <p>The development may use common open space in lieu of private open space if the common open space is of high-quality and serves the functions that would be accommodated by private open space.</p>	<p>Private open space (patios or balconies) shall be provided as follows:</p> <ol style="list-style-type: none"> <li>1. For each dwelling unit located on the ground floor, or within 5 feet of finished grade, a minimum of 96 square feet of private open space, with a minimum dimension of 5 ft.</li> <li>2. For each dwelling unit located more than 5 feet above finished grade, a minimum of 48 square feet of private open space.</li> <li>3. For each dwelling unit with private open space, a direct and accessible route shall be provided from the dwelling to the private open space.</li> <li>4. Private open space shall be visually separated from common open space and adjacent dwelling units through the use of landscaping, fencing or a wall.</li> </ol>
<p><u>B. Common Open Space</u></p>	<p>The development should provide sufficient open space for the purpose of outdoor recreation, scenic amenity, or shared exterior space for people to gather.</p>	<p>Common open space shall be provided as follows:</p> <ol style="list-style-type: none"> <li>1. For buildings with more than 5 dwelling units, a minimum of 10% of the gross site area, or 750 square feet, whichever is greater, shall be designated as common open space.</li> <li>2. The minimum dimension for any shared open space shall be 20 feet.</li> <li>3. Designated open space shall contain one or more of the following: recreation area, protection of sensitive lands, play fields, children's play area, sport courts, gardens, swimming pools, walking trails, pedestrian amenities, or similar open space amenities for residents.</li> <li>4. If a development includes a children's play area, the play area shall be located such that it is visible from at least 50% of the abutting units. Play areas shall not be located within required yard setbacks.</li> </ol>
<p><u>C. Pedestrian Circulation</u></p>	<p>Site design should promote safe, direct and usable pedestrian facilities and connections throughout the development. Ground floor units should provide a clear transition from the public realm to private spaces.</p>	<p>The on-site pedestrian circulation system shall include the following:</p> <ol style="list-style-type: none"> <li>1. Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas.</li> <li>2. At least one pedestrian connection to an abutting street frontage for each 200 linear feet of street frontage.</li> <li>3. For sites greater than 40,000 square feet, a direct connection</li> </ol>

Proposed Code Amendment

**Table 19.505.4  
Multifamily Design Guidelines and Standards**

<u>Design Element</u>	<u>Design Guideline (Discretionary Process)</u>	<u>Design Standard (Objective Process)</u>
D. Vehicle Parking	<p>Parking should be integrated into the site in a manner that does not detract from the design of the building, the street frontage, or the site.</p>	<p>from one end of the site to the other to facilitate travel through the site.</p> <p>4. Pedestrian walkways shall be separated from vehicle parking and maneuvering areas through physical barriers such as planter strips, raised curbs, or bollards.</p> <p>Parking for the development shall comply with the following:</p> <ol style="list-style-type: none"> <li>1. On site surface parking areas, garages, and vehicle circulation areas shall not be located between the facade of a primary building(s) and an abutting street right-of-way.</li> <li>2. Parking located to the side of the primary building shall be limited to 50% of the linear frontage of that side.</li> <li>3. All attached garages shall be located at least 4 feet behind the front building facade.</li> <li>4. Detached garages or carports shall reflect the architectural style and/or building materials used for the dwelling structure(s).</li> </ol>
E. Building Orientation & Entrances	<p>Buildings should be located with the principal facade oriented to the street or a street-facing open space such as a courtyard. Building entrances should be well-defined and promote user comfort.</p>	<ol style="list-style-type: none"> <li>1. The primary building entry or entries for ground floor units shall face the street right-of-way or a central courtyard. Secondary entries may face parking lots or other interior site areas.</li> <li>2. Building entrances shall be visually prominent and receive architectural emphasis through the use of recesses, projections, corner entry, landscape treatments or other similar technique.</li> <li>3. For sites <b>not</b> on an arterial street, at least 50% of a site's street frontage (not including accessways) shall be occupied by buildings that are located no further than 10 feet from the required setback line.</li> <li>4. For sites on an arterial street, at least 50% of a site's street frontage (not including accessways) shall be occupied by buildings that are located no further than 20 feet from the required setback line.</li> </ol>

**Table 19.505.4  
Multifamily Design Guidelines and Standards**

<b>Design Element</b>	<b>Design Guideline (Discretionary Process)</b>	<b>Design Standard (Objective Process)</b>
<p><b>F. Building Façade Design</b></p>	<p>1. Changes in wall planes, layering, horizontal datums, vertical datums, building materials, color, or fenestration shall be incorporated to create simple and visually interesting buildings.</p> <p>2. Windows and doors shall be designed to create depth and shadows and to emphasize wall thickness and give expression to residential buildings.</p> <p>3. Windows shall be used on the façade to provide articulation to the façade and visibility into the street.</p> <p>4. Blank, windowless walls in excess of seven hundred fifty (750) square feet are prohibited when facing a public street unless required by the Building Code. In instances where a blank wall exceeds seven hundred fifty (750) square feet, it shall be articulated or intensive landscaping shall be provided.</p> <p>5. Building Façade Transition. Adjacent building façades need to be compatible.</p> <p>7. Garage doors shall be integrated into the design of the larger façade in terms of color, scale, materials, and building style, and building style.</p>	<p>1. Street-facing elevations shall be divided into wall planes that reflect individual dwelling units. This can be achieved by doing one or more of the following:</p> <ul style="list-style-type: none"> <li>a. Incorporating elements such as porches or decks into the wall plane.</li> <li>b. Recessing the building a minimum of 2 feet in depth by 6 feet in length.</li> <li>c. Extending an architectural bay at least 2 feet from the primary street-facing façade.</li> </ul> <p>2. Windows shall occupy a minimum of 25% of the total street-facing façade.</p> <p>3. Buildings shall have, at a minimum, a base and top.</p> <ul style="list-style-type: none"> <li>a. The "base" (ground floor level) shall be considered from grade and it shall be twelve to twenty 15 feet tall. The base shall include a distinct physical transition between the base and any upper floors. The transition could include a change in brick pattern and other materials, articulation of a floor line, change in window types, or other similar indication of transition.</li> <li>b. The "top" of a building shall be considered either the upper story or the top of the façade and shall have a distinct visual design from the "base" through material treatment, color, texture, or change in materials or roof form.</li> </ul> <p>4. 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.</p>
<p><b>G. Building Materials</b></p>	<p>Buildings should be constructed with architectural materials that provide a sense of permanence and high quality.</p> <p>1. Street-facing façades shall consist predominantly of a simple palette of long lasting timeless materials such as brick, stone, stucco, wood siding, and wood shingles.</p> <p>2. A hierarchy of building materials shall be</p>	<p>1. The following building materials are prohibited on street-facing building façades and shall not collectively be used on more than 35% of any other building façade:</p> <ul style="list-style-type: none"> <li>a. Vinyl PVC siding</li> <li>b. T-111 Plywood</li> <li>c. Exterior insulation finishing (EIFS)</li> <li>d. Corrugated metal</li> <li>e. Plain concrete or concrete block</li> </ul>

Proposed Code Amendment

**Table 19.505.4  
Multifamily Design Guidelines and Standards**

<u>Design Element</u>	<u>Design Guideline (Discretionary Process)</u>	<u>Design Standard (Objective Process)</u>
	<p>incorporated that are durable and reflect a sense of permanence and quality of development.</p> <p>3. Limited Materials. Split-faced block and gypsum reinforced fiber concrete (for trim elements) shall only be used in limited quantities.</p> <p>4. Fencing shall be durable, maintainable, and attractive.</p>	<p>f. Spandrel glass g. Sheet pressboard</p> <p>2. The following fence materials are prohibited: a. Plastic or vinyl b. Chain link</p>
<p>H. Landscaping</p>	<p>Landscaping of multifamily developments should be used to provide a canopy for open spaces and courtyards, and to serve as a buffer from adjacent homes. Existing, healthy trees should be preserved whenever possible. Landscape strategies that conserve water shall be included. Hardscapes shall be shaded where possible. Existing mature, healthy trees should be preserved when possible.</p>	<p>1. For every 2,000 square feet of site area, one tree shall be planted or one existing tree shall be preserved. a. New trees must be on the city's list of approved tree species. b. Preserved tree(s) must be at least 6 inches in diameter at breast height (DBH) and cannot be an invasive or prohibited species per the city's tree list.</p> <p>2. Trees shall be planted to provide, at maturity, canopy coverage to at least one-third of any established common open space or courtyard.</p> <p>3. On sites with a side or rear lot line that abuts an R-10, R-7, or R-5 zone, landscaping or a combination of fencing and landscaping shall be used to provide a sight-obscuring screen six feet in height along the abutting property line.</p>
<p>I. Screening</p>	<p>Mechanical equipment, garbage collection areas, and other site equipment and utilities should be screened so they are not visible from the street and public or private open spaces. Screening should be visually compatible with other architectural elements in the development.</p>	<p>Mechanical and communication equipment and components shall be screened so they are not visible from streets and other street level public spaces, including alleys. They shall be screened in a manner that is compatible with the architectural character of the building.</p> <p>1. Appropriate screening for rooftop equipment includes parapet walls or architecturally compatible fabricated enclosures such as panels and walls.</p> <p>2. The Planning Director may require a review of screening of rooftop equipment by requesting sight line studies.</p> <p>3. Solar equipment is exempt from this requirement.</p> <p>4. Utilities such as transformers, heating and cooling, electric meters and other utility equipment shall be not be located within five (5) feet of a front entrance and shall be screened with landscape materials.</p>
<p>J. Recycling Areas</p>	<p>Recycling areas should be appropriately sized to accommodate the amount of recyclable materials</p>	<p>1. The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated</p>

**Table 19.505.4  
Multifamily Design Guidelines and Standards**

<u>Design Element</u>	<u>Design Guideline (Discretionary Process)</u>	<u>Design Standard (Objective Process)</u>
	<p>generated by residents. Areas should be located such that it provides convenient access for residents and for waste and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that the area is not a prominent feature viewed from the street.</p>	<p>cardboard, tin, and aluminum.</p> <ol style="list-style-type: none"> <li>2. The recycling collection area must be located at least as close to the dwelling units as the closest garbage collection/container area.</li> <li>3. Recycling containers must be covered either by roof or weatherproof lids.</li> <li>4. If located outdoors, the recycling collection area must be screened from the street and adjacent properties by sight-obscuring materials.</li> <li>5. The recycling collection area(s) must have a collection capacity of at least 100 cu ft in size for every 10 dwelling units or portion thereof.</li> <li>6. The recycling collection area must be easily accessible to collection service personnel between the hours of 6:00 a.m. and 6:00 p.m.</li> <li>7. The recycling collection area and containers must be clearly labeled, to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants.</li> <li>8. City Fire Department approval will be required for all recycling collection areas.</li> <li>9. Review and comment for all recycling collection areas will be required from the appropriate franchise collection service.</li> </ol>
<p>K. Sustainability</p>	<p>Multifamily development should optimize energy efficiency by designing for building orientation for passive heat gain, shading, day-lighting, and natural ventilation. Use sustainable materials, particularly those with recycled content. Sustainable architectural elements shall be incorporated increase occupant health and maximize a building's positive impact on the environment.</p>	<p>In order to promote more sustainable development, multifamily developments shall incorporate the following elements:</p> <ol style="list-style-type: none"> <li>1. Either building orientation that does not preclude utilization of solar panels, or an eco-roof on top of the building or carport that covers 20% of the building footprint.</li> <li>2. Windows that are operable by building occupants</li> <li>3. Windows that are high quality, durable and energy efficient with insulating double or triple panes</li> <li>4. Window orientation, natural shading, and/or sunshades designed to effectively limit summer sun and to allow for winter sun penetration.</li> <li>5. Projects with greater than forty thousand (40,000) square feet of floor area shall meet at least one (1) of the following:             <ol style="list-style-type: none"> <li>a. A vegetated roof for a minimum of 30% of the total roof surface</li> </ol> </li> </ol>

Proposed Code Amendment

**Table 19.505.4  
Multifamily Design Guidelines and Standards**

<u>Design Element</u>	<u>Design Guideline (Discretionary Process)</u>	<u>Design Standard (Objective Process)</u>
L. Privacy Considerations	Multifamily development should consider the privacy of and sight lines to adjacent properties.	<p>b. For a minimum of 75% of the total roof surface, a white roof with a Solar Reflectance Index (SRI) of 78 or higher if the roof has a 3:12 roof pitch or less, or Solar Reflectance Index (SRI) of 29 or higher if the roof has a roof pitch greater than 3:12.</p> <p>c. A system that collects rainwater for reuse on-site (e.g., site irrigation) for a minimum of 50% of the total roof surface.</p> <p>d. An integrated solar panel system for a minimum of 30% of the total roof or building surface. Solar panels may also be placed on the facade of the buildings at the discretion of the Manager, or:</p> <p>e. Another sustainable element approved by the Planning Director.</p> <p>In order to protect the privacy of adjacent properties, multifamily developments shall incorporate the following elements:</p> <ol style="list-style-type: none"> <li>1. Buildings shall be oriented for privacy, to the extent practicable, both within the project and to the neighborhood.</li> <li>2. The placement of windows and openings, including balconies, above the first story shall not create a direct line of sight into the living space or the back yard of adjacent properties.</li> <li>3. Where privacy between adjacent residences is a concern, windows shall be staggered, placed at the top third of the wall, or frosted.</li> </ol>
M. Safety	Multifamily development should be designed to maximize visual surveillance, create defensible spaces, and define access to and from the site. Provide lighting that is adequate for safety and surveillance, while not imposing lighting impacts to nearby properties. The site should be generally consistent with the principles of Crime Prevention Through Environmental Design: Natural Surveillance – Areas where people and their activities can be readily observed. Natural Access Control- Guide how people come to and from a space through careful placement of entrances, landscaping, fences, and lighting. Territorial Reinforcement – Increased definition of space improves proprietary concern and reinforces	<ol style="list-style-type: none"> <li>1. Visible Dwelling Front. The front entry to a building on a street or on a courtyard shall be oriented towards the street which the dwelling faces or towards a central courtyard. At least seventy percent (70%) of the street or courtyard frontage shall be visible from the front door; a ground floor window (except a garage window); or a second story window placed no higher than 3.5 ft from the floor to the bottom of the window sill.</li> <li>2. All outdoor common areas and streets shall be visible from fifty (50%) percent of the units that face it. A unit meets this criterion when at least 1 window of a frequently used room, such as a kitchen, living room and dining room, but not bedroom or bathroom, faces the common area.</li> <li>3. Uses on the site shall be illuminated as follows:             <ol style="list-style-type: none"> <li>a. Parking and loading areas – 0.5 foot-candle minimum</li> <li>b. Walkways – 0.5 foot-candle minimum and average of 1.5 foot-</li> </ol> </li> </ol>

**Table 19.505.4  
Multifamily Design Guidelines and Standards**

<u>Design Element</u>	<u>Design Guideline (Discretionary Process)</u>	<u>Design Standard (Objective Process)</u>
	<p><u>social control.</u></p>	<p><u>candles.</u>                      c. <u>Building entrances – 1.0 foot-candle minimum with an average of 3.5 foot-candles, except that secondary entrances may have an average of 2.0 foot-candles.</u>                      4. <u>Maximum illumination at the property line shall not exceed one-half (0.5) foot candle. However, where a site abuts a non-residential district, maximum illumination at the property line shall not exceed one (1) foot candle.</u>                      5. <u>Developments shall use full cut-off lighting fixtures to avoid off site lighting, night sky pollution and shining lights into residential units.</u></p>

## Proposed Code Amendment with Commentary

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### **19.505.4 Design Standards for Cottage Cluster Housing**

- A. Purpose. These regulations are intended to: support the growth management goal of more efficient use of urban residential land; support development of diverse housing in accordance with the Comprehensive Plan; increase the variety of housing types available for smaller households; provide opportunities for small, detached dwelling units within existing neighborhoods; and provide opportunities for creative, diverse, and high quality infill development that is compatible with existing neighborhoods.
- B. Applicability. These standards apply to cottage cluster housing, as defined in Section 19.201, wherever this housing type is allowed by the base zones in Chapter 19.300. The standards apply to development of new cottage clusters and modifications to existing cottage cluster development.
- C. Land Division.
1. A subdivision or replat is required prior to the development of cottage cluster housing to create the lots and tracts that will comprise the cottage cluster development. The subdivision or replat shall be reviewed per the procedures in Title 17, and the requirements of Chapter 19.700 are also applicable.
  2. The lot size and dimension standards in Section 19.302 are not applicable to lots and tracts in a cottage cluster development.
  3. The minimum and maximum density standards in Section 19.302 are applicable to the subdivision or replat to create cottage cluster development. Area proposed for commonly owned tracts, including off-street parking areas, are included in calculations for minimum and maximum density.
- D. Development Standards. The standards listed below are the applicable development and design standards for cottage cluster housing. The base zone development standards for height, yards, lot coverage, and minimum vegetation, and the design standards in Subsection 19.505.1 are not applicable to cottage cluster housing.
1. Dwelling size.  
The total floor area of each cottage unit shall not exceed 1,000 square feet. Total floor area is the area included with the surrounding exterior walls, but excluding any space where the floor to ceiling height is less than six feet.
  2. Number of cottages allowed.  
The number of cottages allowed shall not exceed the dwelling unit maximum of the base zone in which the cottage cluster development is located. A cottage cluster development shall include a minimum of 4 cottages and a maximum of 12 cottages.
  3. Separation of cottage cluster developments.  
Cottage housing developments shall be separate from each other by at least 1,000 feet.
  4. Maximum height.  
The height limit for all structures shall not exceed 18 feet. Cottages or amenity buildings having pitched roofs with a minimum slope of 6:12 may extend up to 25 feet at the ridge of the roof.
  5. Common space.

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**Proposed Code Amendment with Commentary**

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Cottage housing units shall be oriented around a central common space. The common open space must be at least 400 square feet per cottage housing unit. The common space shall have cottage units facing at least two sides. Open space with a dimension of less than 20 feet shall not be included in the calculated common open space.

6. Private open space.

Each cottage housing unit shall be provided with a private use open space on the ground of at least 300 square feet with no dimension of less than 10 feet on one side. It should be contiguous to each cottage, for the exclusive use of the cottage resident, and oriented toward the common open space.

7. Ownership

Cottages are for residential use only and may not be operated as transient accommodations. Cottage housing developments shall be created by subdividing the land to create individual parcels and may include shared amenities owned in common.

8. Separation of structures.

All structures shall maintain no less than 10 feet of separation within the cluster. Eaves may project into the required separation up to 12 inches.

9. Parking requirements.

There shall be at least one off street parking space per dwelling unit.

10. Parking areas.

a. Setback a minimum of 5 to 20 feet from the street, depending on the orientation of the structure or lot. If the structure or lot is perpendicular to the street, the narrow dimension may be within 5 feet of the street. If parallel to the street the lot or structure must be at least 20 feet from the street.

b. Clustered and separated from the common areas by landscaping and/or an architectural screen. Solid board fencing shall not be allowed as an architectural screen;

c. Screened from public streets and adjacent residential uses by a landscaping and/or architectural screen, which shall not include a solid board fence.

11. Setbacks.

Setbacks for all structures from the property lines shall be an average of 10 feet, but shall not be less than 5 feet and not less than 15 feet from a public street.

12. Useable Porches.

Each unit shall have a covered porch with an area of at least 80 square feet and a minimum dimension of 5 feet. The porches on at least half the units shall face the common space.

13. Fences.

All fences on the interior of the development shall be no more than 3 feet in height. Fences along the exterior of the development may be up to 6 feet in height, except as restricted by intersection clear vision standards. Chain link fences shall not be allowed.

**Proposed Code Amendment with Commentary**

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**14. Maximum lot coverage and impervious area.**

The total footprint of all structures shall not exceed 40 percent of the site area.  
Impervious surfaces shall not exceed 60 percent of the site area.

**15. Cottage Design standards.**

a. Cottages fronting a street shall avoid blank walls by including at least one of the following:

(1) Changes in exterior siding material and paint color;

(2) Windows which may include bay windows; and/or

(3) Building modulation with a depth measuring at least one foot.

b. Structures shall be provided with substantial exterior trim elements consistent with traditional northwest cottage design and small home craftsmanship.

**19.505.5 Building Orientation to Transit ~~19.505.2 Building Orientation to Transit~~**

The following requirement applies to all new multifamily, commercial, office, and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

New buildings shall have their primary orientation toward a transit street or, if not adjacent to a transit street, a public right-of-way which leads to a transit street. The primary building entrance shall be visible from the street and shall be directly accessible from a sidewalk connected to the public right-of-way. A building may have more than 1 entrance. If the development has frontage on more than 1 transit street, the primary building entrance may be oriented to either street or to the corner.

## Commentary

### On Proposed Amendments to Milwaukie Municipal Code (MMC)

Commentary at the front of this document summarizes the key changes in the proposed amendments. The actual text of the proposed amendments follows the commentary section.

## CHAPTER 19.900 LAND USE APPLICATIONS

### 19.901 INTRODUCTION

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

### 19.905 CONDITIONAL USES

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

### 19.906 DEVELOPMENT REVIEW

This section has been modified to create the option for a Type III development review. This change would allow the Planning Director to move a review from a Type II staff review to a Type III review before the Planning Commission if the development requires review against criteria that require extensive use of discretion and the development is a large-scale proposal that would have significant impacts. This change is not directly related to the new design standards or housing types that are part of the Residential Development Standards project. Rather, it would be a more broadly applicable option for high-profile developments.

### 19.910 RESIDENTIAL DWELLINGS

#### 19.910.1 Accessory Dwelling Units

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

## Proposed Code Amendment with Commentary

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

- There is only one type of ADU and it is permitted through a Type I Review process (staff level review without public notice).
- There is a limit of 1 ADU per property and the primary use of the property must be a single-family detached dwelling. ADUs are not allowed for duplex properties.
- The size limits of an ADU are 800 sq ft or 75% of the floor area of the primary dwelling unit, whichever is less.
- An ADU is required to have a design style and materials that are generally similar to the primary dwelling unit. This applies to additions to create an attached ADU as well as detached ADUs.
- Attached ADUs have standards that prohibit the entrance for the ADU from being on the front façade of the structure. The intent is to maintain the structure's appearance as a single-family dwelling.
- Detached ADUs must meet the development standards that generally apply to all accessory structures. These standards allow a larger structure if it is located further away from lot lines. One exception is that detached ADUs are allowed an increased amount of lot coverage for adding the detached ADU.
- Conversions of existing accessory structures to create an ADU are allowed so long as the structure meets required setbacks and is not in the front yard of the property. The conversion cannot bring the structure further out of conformance with any standards.
- The parking standards for ADUs would not be changed from the current regulation, which requires a site with a primary dwelling and ADU to have at least 2 off-street parking spaces.
- ADUs do not count for purposes of density calculations. This is consistent with Metro's calculations for residential density in the region.
- Either the ADU or the primary dwelling must be occupied by the property owner. This is a current requirement for ADUs.

### 19.910.2 Duplexes

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

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**Proposed Code Amendment with Commentary**

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- Duplexes in the R-5 through R-1/R-1-B zones are allowed outright and do not require further review. They do need to comply with the development and design standards in Chapters 19.300 and 19.500.
- In the R-7 and R-10 zones, duplexes are allowed outright on corner lots or on a collector or arterial street, and do not require further review. They do need to comply with the development and design standards in Chapters 19.300 and 19.500.
- Duplexes in the R-7, R-10, a Type II review is required (staff decision that includes public notice and comment). The criteria are that the duplex would not substantially alter land use character of the area, that the design is generally consistent with development in the area, and that the design appears as much as possible like that of a single-family dwelling.
- Duplexes in the Commercial Limited zone (C-L) also require a Type II review. The criteria include that the duplex will not create land use conflicts with existing commercial uses in the area and that it will not significantly reduce the supply of developable commercial land for the C-L zone.

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## Proposed Code Amendment with Commentary

NEW TEXT IS SHOWN IN UNDERLINE AND DELETIONS OF CURRENT TEXT ARE SHOWN IN ~~STRIKEOUT~~. THIS DRAFT INCLUDES ONLY CHAPTERS AND SECTIONS OF CODE WITH PROPOSED AMENDMENTS AND SOME SURROUNDING SECTIONS FOR CONTEXT. CODE SECTIONS NOT INCLUDED IN THIS DRAFT WOULD NOT BE AMENDED.

### CHAPTER 19.900

#### LAND USE APPLICATIONS

##### 19.901 INTRODUCTION

Uses or development that are regulated by Titles 14, 17, and 19 of the Milwaukie Municipal Code shall submit and obtain approval for all required land use applications prior to establishment or construction. Table 19.901 below contains a complete list of the City's land use applications and the location of the provisions that govern their submittal, review, and approval. It also identifies the review type(s) associated with each application type. The review type determines who is given notice about land use and development proposals, when the City has to make a decision on a land use application, and who makes the final decision. Descriptions of the different review types and the procedures associated with them are located in Chapter 19.1000. Decision makers for each review type are listed in Table 19.1001.5.

<b>Application Type</b>	<b>Municipal Code Location</b>	<b>Review Types</b>
Amendments to Maps and Ordinances:	Section 19.902	
Comprehensive Plan Text Amendment	Subsection 19.902.3	V
Comprehensive Plan Map Amendment	Subsection 19.902.4	IV, V <sup>1[1]</sup>
Zoning Text Amendment	Subsection 19.902.5	V
Zoning Map Amendment	Subsection 19.902.6	III, V <sup>2[2]</sup>
Annexations and Boundary Changes:	Chapter 19.1100	
Boundary Change	Section 19.1103	NA
Expedited Annexation	Section 19.1104	NA
Nonexpedited Annexation	Section 19.1102	IV
Appeal	Section 19.1010	Varies
Code Interpretation	Section 19.903	I
Community Service Use	Section 19.904	I, III
Compensation for Reduction in Property Value (Measure 37)	Chapter 1.20	NA

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Conditional Use	Section 19.905	I, III
Development Review	Section 19.906	I, II, <u>III</u>
Director Determination	Section 19.903	I
Downtown Design Review	Section 19.907	I, II, III
Extension to Expiring Approval	Section 19.908	I, II
Historic Resource:	Section 19.403	
Alteration	Subsection 19.403.5	I, III
Demolition	Subsection 19.403.7	III
Status Designation	Subsection 19.403.4	IV
Status Deletion	Subsection 19.403.4	IV

**Table 19.901 CONTINUED**

**Land Use Applications**

Application Type	Municipal Code Location	Review Types
Land Divisions:	Title 17	
Final Plat	Title 17	I
Lot Consolidation	Title 17	I
Partition	Title 17	II
Property Line Adjustment	Title 17	I, II
Replat	Title 17	I, II, III
Subdivision	Title 17	III
Miscellaneous:	Chapters 19.500	
Barbed Wire Fencing	Subsection 19.502.2.B.1.b-c	II
Bee Colony	Subsection 19.503.1.D	III
Multifamily Recycling Area	Subsection 19.504.8	I
Mixed Use Overlay Review	Section 19.404	III
Modification to Existing Approval	Section 19.909	I, II, III
Nonconforming Use Alteration	Chapter 19.804	III
Parking:	Chapter 19.600	
Quantity Determination	Subsection 19.605.2	II

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Quantity Modification	Subsection 19.605.2	II
Shared Parking	Subsection 19.605.4	I
Structured Parking	Section 19.611	II, III
Planned Development	Section 19.317	IV
Residential Dwellings:	Section 19.910	
Accessory Dwelling Units (Type 1)	Subsection 19.910.1	I #
Duplexes Accessory Dwelling Unit (Type 2)	Subsection 19.910.2	II ##
Manufactured Dwelling Park	Subsection 19.910.3	III
Temporary Dwelling Unit	Subsection 19.910.4	I, III
Sign Review	Title 14	Varies
Transportation Facilities Review	Chapter 19.700	II
Variances:	Section 19.911	
Use Exception	Subsection 19.911.5	III
Variance	Subsection 19.911.1-4	II, III
Water Quality Resource Review	Section 19.402	I, II, III, IV
Willamette Greenway Review	Section 19.401	III

### 19.905 CONDITIONAL USES

#### 19.905.9 Standards Governing Conditional Uses

A conditional use shall comply with the standards of the base zone, and any overlay zones, in which it is located, except as these standards have been modified by the Planning Commission when authorizing the conditional use and as otherwise modified by the standards in this subsection.

##### ~~F. Single Family Attached Dwellings~~

~~In considering a conditional use application for single family attached dwellings, the Planning Commission shall consider the following:~~

- ~~1. Whether a structure of a similar type is within 200 ft.~~
- ~~2. Relationship to neighboring uses.~~
- ~~3. Street access.~~
- ~~4. Terrain of the site.~~

##### ~~FG. Multifamily Condominium and Apartment Dwellings~~

~~In considering a conditional use application for multifamily condominium and apartment dwellings, the Planning Commission shall consider the following:~~

- ~~1. Relationship to neighboring uses.~~

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2. Street access.
3. Terrain of the site.

### GH. Senior and Retirement Housing

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

1. Pedestrian access to transit.
2. Pedestrian access to convenience facilities such as grocery store, pharmacy, laundromat, park and open space, and senior activity center.
3. Pedestrian access to banking, churches, hospitals, and restaurants.
4. Quality of project as a living environment for residents.
5. Minimizing impact on the surrounding area.

The Planning Commission may recommend to the City Council an increase in density to as much as that permitted by the next higher zone. The City Council shall make the final decision on density increase.

An applicant shall submit materials and the Planning Commission shall attach conditions that will ensure that the special nature of the housing, and the groups to be served, are clearly defined and maintained in perpetuity. A project is required to meet the definition for this type of housing in Section 19.201.

## **19.906 DEVELOPMENT REVIEW**

### **19.906.1 Purpose**

The purpose of this section is to ensure compliance with the standards and provisions of the City's land use regulations through an efficient review process that effectively coordinates the City's land use and development permit review functions. Development review is intended to encourage quality development that is compatible with its surroundings and reflects the goals and policies of the Milwaukie Comprehensive Plan.

### **19.906.2 Applicability**

#### **A. Type I Review**

The following development proposals must submit a development review application and are subject to the requirements of this section, unless explicitly stated otherwise in an applicable land use approval, waived by the Planning Director at the time of development permit submittal, or exempted per Subsection 19.906.2.C.

1. New development and expansions or modifications of existing development that require review against standards and criteria that are either clear and objective, or that require the application of limited professional judgment.
2. A change in primary use.
3. Parking lot expansions or modifications that change the number of parking spaces by 5 spaces or more.

#### **B. Type II Review**

The following development proposals must submit a development review application and are subject to the requirements of this section. Type II development review does not apply

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to development proposals in the downtown zones as these zones have a separate design review process.

1. New development, or expansions or modifications to existing development, for which the applicant elects, where a choice is available, to have the proposal reviewed against discretionary criteria or standards. This includes the discretionary review option for multifamily developments per Subsection 19.505.3.C.2.
2. New construction of over 1,000 sq ft in the Manufacturing Zone within 120 ft of areas zoned for residential uses or within any part Business Industrial Zone.
3. New development or expansions, or modifications to existing development, where the scale of development and/or the level of discretion required to evaluate applicable standards and criteria is not appropriate for a Type I development review.

### C. Type III Review

New development or expansions, or modifications to existing development are subject to Type III development review where:

1. The proposed development, expansion, or modification requires review against discretionary criteria or standards, and;
2. The scale of development and/or the level of discretion required to evaluate applicable standards and criteria make it appropriate for the matter to be reviewed by the Planning Commission at a public hearing.

### DG. Exemptions

The following development proposals are not required to submit a development review application and are exempt from the requirements of this section. Proposals that are exempt from this section must still comply with all applicable development and design standards. For proposals that require a development permit, compliance with standards will be reviewed during the permit review process.

1. New or expanded single-family detached dwellings, duplexes, rowhouses, or cottage cluster housing or attached residential dwellings.
2. Single-family residential accessory uses and structures.
3. Interior modifications to existing buildings that do not involve a change of use.
4. Construction of public facilities in the public right-of-way.
5. Temporary events as allowed in Chapter 11.04.

## **19.906.3 Review Process**

### A. General Provisions

1. Development review generally includes review of the proposed use(s), structure(s), and site improvements for compliance with applicable standards. For expansions or modifications of existing development, the review is limited to the modified portions of the site or structure and any other site improvements that may be affected by the proposed modifications.
2. Development proposals that are subject to Type II or III development review and require other land use approvals may submit a Type II or III development review application with the other required land use application(s) for concurrent review per Subsection 19.1001.6.B.

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3. Development proposals that are subject to Type II or III development review and require development permits may submit a development permit application at any time; however, the City will not issue development permits until the Type II or III development review application has been approved.
4. Development proposals that are subject to Type I development review and require development permits may submit a Type I development review application with the required development permits for concurrent review. The City will not issue development permits until the Type I development review application has been approved.
5. Submittal of a Type II or III development review application may not preclude the need for submittal of a Type I development review application. Depending on the nature of the development proposal, Type II or III development review may be required during the land use review phase of the proposal, and Type I development review may be required during the development permit review phase of the proposal.

### B. Review Types

1. Type I development review applications are evaluated through a Type I review per Section 19.1004. Type I development review ensures compliance with applicable land use and site development standards, and nondiscretionary design standards.
2. Type II development review applications are evaluated through a Type II review per Section 19.1005. Type II development review is for proposals that opt for or require discretionary review because they either do not meet clear and objective design standards or not all applicable design standards are clear and objective. The Planning Director will determine whether existing standards are clear and objective where they are not clearly identified as such.
3. Type III development review applications are evaluated through a Type III review per Section 19.1006. Type III development review is for proposals that require review against discretionary criteria or standards, and where the level of discretion and/or scale of development make it appropriate that the matter is heard by the Planning Commission at a public hearing.

### 19.906.4 Approval Criteria

The criteria in this subsection are the approval criteria for Type I, Type II, and Type III ~~Type I and Type II~~ development review applications. The criteria are based on a review of development standards throughout Title 19 Zoning. Not all of the standards within the chapters listed below are applicable to a proposal, and the City will identify the applicable standards through the development review process. Though the criteria are the same for Type I, Type II, and Type III ~~Type I and Type II~~ development review, the standards evaluated in a Type I review will be clear and objective or require limited professional judgment, while the Type II and Type III review will involve discretionary standards and/or criteria.

An application for Type I, Type II, and Type III ~~Type I or Type II~~ development review shall be approved when all of the following criteria have been met:

- A. The proposal complies with all applicable base zone standards in Chapter 19.300.
- B. The proposal complies with all applicable overlay zone standards in Chapter 19.400.
- C. The proposal complies with all applicable supplementary development regulations in Chapter 19.500.

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- D. The proposal complies with all applicable off-street parking and loading standards and requirements in Chapter 19.600.
- E. The proposal complies with all applicable public facility standards and requirements, including any required street improvements, in Chapter 19.700.
- F. The proposal complies with all applicable conditions of any land use approvals for the proposal issued prior to or concurrent with the development review application.

### 19.910 RESIDENTIAL DWELLINGS

This section contains applications for types of residential dwellings that require land use approval.

#### 19.910.1 Accessory Dwelling Units (Type 1)

##### A. Purpose.

To provide the means for reasonable accommodation of accessory dwelling units, providing affordable housing, opportunity to house relatives, and a means for additional income for property owners, thereby encouraging maintenance of existing housing stock. It is the intent of this subsection that development of accessory dwelling units not diminish the single-family character of a neighborhood.

##### B. Applicability.

The procedures and standards of this chapter apply to the establishment of any accessory dwelling unit.

##### C. Procedures

An application to establish an accessory dwelling unit shall be evaluated through a Type I Review per Section 19.1004.

##### D. Approval Criteria.

An application for an accessory dwelling unit shall be approved if the following are met.

1. An accessory dwelling unit is an allowed use in the base zones and any applicable overlay zones where the accessory dwelling unit would be located.
2. The primary use of property for the proposed accessory dwelling unit is a single-family detached dwelling.
3. One accessory dwelling unit per property is allowed.
4. The development standards of Subsection 19.910.1.E are met.
5. The proposal complies with all other applicable standards of this title.

##### E. Standards

###### 1. Creation.

An accessory dwelling unit may be created by conversion of an existing structure, addition to an existing structure, or construction of a new structure. It is permissible to combine both an addition to an existing structure and conversion of space in the structure for the creation of an accessory dwelling unit.

###### 2. Coordination of standards.

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The more restrictive provisions shall be applicable in the event of a conflict between standards in Subsection 19.910.1.E and other portions of this title, except where specifically noted.

**3. Size.**

The floor area of an accessory dwelling unit is limited to 800 square feet or 75% of the floor area of the primary structure, whichever is less. The measurements are based on what the floor area of the primary dwelling unit and the accessory dwelling unit would be after completion of the accessory dwelling unit.

**4. Design standards.**

The design standards listed below apply to development of an accessory dwelling unit that would add any floor area to the property. Conversion of existing space that does not involve the addition of any floor area is exempt from these standards.

**a. Exterior finish materials.**

(1) The exterior finish material must be the same as the primary dwelling unit; or

(2) Visually match in type, size and placement the exterior finish material of the primary dwelling unit.

**b. Trim must be the same in type, size, and location as the trim used on the primary dwelling unit.**

**c. Windows on street-facing facades must match those in the primary dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).**

**d. The roof must match the roof style and predominant roof pitch of the primary dwelling unit.**

**e. Eaves must project from the building walls at the same proportion as the eaves on the primary dwelling unit.**

**5. Standards for attached accessory dwelling units.**

The standards listed below apply to accessory dwelling units that are part of the primary structure on the property, regardless of whether creation of the accessory dwelling units adds floor area.

**a. The façade of the structure that faces the front lot line shall have only 1 entrance. A secondary entrance for the accessory dwelling unit is allowed on any other façade of the structure.**

**b. Stairs, decks, landings, or other similar features that leading to the entrance of the accessory dwelling unit are not allowed on the façade of the structure that faces the front lot line.**

**6. Detached accessory dwelling units.**

The standards in Subsection 19.901.1.E.4 apply to accessory dwelling units that are separate from the primary structure on the property.

**a. Creation of a detached accessory dwelling unit that involves the construction of a new accessory structure or addition to an existing accessory structure shall comply with all standards listed below.**

(1). The lot coverage of a detached accessory dwelling unit shall not exceed the lot coverage of the primary structure.

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(2). The accessory structure shall be at least 10 ft away from the front yard, as defined in Section 19.201.

b. Creation of a detached accessory dwelling unit through the conversion of an existing accessory structure is allowed under the following circumstances.

(1). The accessory structure is not located within any required setback.

(2). The accessory structure is not within the front yard of the property.

(3). The conversion will not bring the accessory structure out of conformance with any applicable design or development standards. If the accessory structure is already nonconforming with design or development standards, the conversion will not make the structure go further out of conformance.

F. Additional provisions.

1. Accessory dwelling units are not counted in the calculation of minimum or maximum density requirements listed in this title.

2. Additional home occupations are allowed for a property with an accessory dwelling unit.

3. Either the primary residence or the accessory unit must be occupied by the property owner. The property owner shall record a covenant to this effect to be recorded with Clackamas County upon establishing an accessory dwelling unit.

The Planning Director may require verification of owner occupancy at any time. Documents that establish occupancy may include, but are not limited to, voter registration, address information provided to state or federal agencies, and utility billing. Ownership of the accessory units shall not be subdivided or otherwise separated from ownership of the primary residence.

Type 1 accessory dwelling unit is a permitted accessory use in all residential zones that allow single family detached structures subject to the following:

A.—Purpose

~~To provide the means for reasonable accommodation of accessory dwelling units, providing affordable and decent housing while providing homeowners with alternative financial resources, thereby encouraging maintenance of existing housing stock. It is the intent of this subsection that development of accessory dwelling units not diminish the single family character of a neighborhood and that any single family residence containing an accessory dwelling maintain the appearance of a single family dwelling as viewed from the street. Any conversion or alteration of a single family structure that requires exterior additions or modifications must be designed so that the outward appearance of the structure is consistent with general design characteristics of single family structures and is consistent with the architectural treatment of the existing structure.~~

B.—Approval Required

~~Type 1 accessory dwelling units are subject to Section 19.1005 Type II Review. Applications shall be made on forms provided by the Planning Department and shall be accompanied by the following information:~~

~~1.—Completed application forms.~~

~~2.—Site plan showing the following:~~

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- a. ~~Lot lines and location and dimensions of existing and proposed structures with yard dimensions.~~
- b. ~~Location and dimension of existing and proposed parking.~~
- c. ~~Location of structures on adjoining lots.~~
- 3. ~~Dimensioned architectural drawings showing existing and proposed floor plans and elevations. Elevations are to identify existing and proposed details such as siding material, window and door design, roof style and height, and otherwise as necessary to demonstrate compliance with the requirements of this regulation. Floor plans are to identify existing and proposed layout with all spaces identified.~~
- C. ~~The applicant must demonstrate the proposed modifications comply with applicable building and fire safety codes.~~
- D. ~~Notwithstanding the maximum allowable net floor area of 600 sq ft, the accessory dwelling unit shall not exceed 40% of the gross floor area of the primary structure.~~
- E. ~~Construction of an accessory dwelling unit is subject to Milwaukie Municipal Code Chapter 13.28 Capital Improvements.~~
- F. ~~Ownership and Tenancy~~  
~~Either the primary residence or the accessory unit must be occupied by the property owner. Proof of owner occupancy shall be made annually in accordance with a procedure and submittal requirements established by the Planning Director. Ownership of the accessory units shall not be subdivided or otherwise separated from ownership of the primary residence.~~
- G. ~~Business License Required~~  
~~A Milwaukie business license is required for operation of rental property, pursuant to Milwaukie Municipal Code Chapter 5.08.~~
- H. ~~Use, Alteration, or Conversion of Structure~~  
~~Type 1 accessory dwelling units may be located in a single-family residential structure provided the following criteria are met:~~
  - 1. ~~All exterior modifications shall be consistent with general design characteristics of single-family residential design. In reviewing applications for exterior modifications for consistency of architectural treatment with existing design, consideration shall be given to design elements such as, but not limited to, placement of doors and windows, finish materials, location of parking, lighting, and the like.~~
  - 2. ~~For fronting lots, only 1 entrance to the residential structure shall face the street. Exterior access to the accessory unit shall be located in side or rear yards or by means of the existing main entrance.~~
  - 3. ~~No portion of a building that encroaches within a required yard setback may be converted to or used as an accessory dwelling unit.~~
  - 4. ~~Exterior lighting for accessory unit doorways shall not encroach beyond the property line of the lot on which it is located.~~
  - 5. ~~No fire escape or exterior stair for access to an upper level may be located on the front of the building.~~
  - 6. ~~No more than 1 accessory dwelling unit per lot is permitted.~~

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### I. Required Parking

~~Off-street parking shall be provided in accordance with Chapter 19.600. If new parking must be constructed to meet minimum required parking, it shall be located contiguous to existing parking.~~

### 19.910.2 Accessory Dwelling Units (Type 2)

~~Type 2 accessory dwelling units are only allowed in the base zones where they are listed as conditional uses. Where allowed, they are subject to conditional use review and approval per Section 19.905. A Type 2 accessory dwelling unit may be allowed in conjunction with a detached single family dwelling by conversion of existing space, or by means of an addition.~~

#### A. Requirements for Conversion of Existing Space or Addition

- ~~1. The unit is in conformance with the site development requirements of the underlying zone;~~
- ~~2. Off-street parking shall be provided in accordance with Chapter 19.600;~~
- ~~3. Garage or carport space may not be converted to an accessory dwelling unit, unless parking standards can be met after the completion of the unit;~~
- ~~4. Public facilities must be adequate to serve both dwelling units, as determined by the Public Works Department;~~
- ~~5. One unit shall be occupied by the property owner;~~
- ~~6. The Planning Commission may impose conditions regarding modification of building height, landscaping, buffering and orientation of the accessory unit to protect privacy of the neighbors, and any other conditions deemed necessary to ensure compliance with the requirements of this subsection, except that no condition may be imposed that prohibits rental occupancy, separate access, and full kitchens in any accessory unit;~~
- ~~7. Conditions of approval shall be part of the deed restrictions;~~
- ~~8. No more than 1 additional unit is allowed.~~

#### B. Requirements for Conversion of Existing Space

- ~~1. Cannot exceed 50% of the existing structure;~~
- ~~2. Each unit shall be a minimum of 250 sq ft;~~
- ~~3. No fire escape or exterior stair for access to an upper level may be located on the front of a building.~~

#### C. Requirements for Addition

- ~~1. Does not exceed 1 bedroom;~~
- ~~2. The maximum area is 800 sq ft.~~

### 19.310.2 Duplexes

#### A. Purpose.

This subsection is intended to allow duplexes in order to increase available housing in the city while maintaining the coherence of single-family residential neighborhoods.

#### B. Applicability

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The regulations of Subsection 19.910.2 apply to proposals to construct a new duplex or to convert or add on to an existing structure to create a duplex. They also apply to additions and modifications to existing duplexes.

### C. Review Process

1. The following review process is required for proposals to establish a duplex, either by construction of a new structure or conversion of or addition to an existing structure.
  - a. In the Residential zones R-5, R-3, R-2.5 R-2, R-1, R-1-B, R-O-C, a duplex is allowed outright, subject to the lot size requirements for the zone. The review of applicable development and design standards occurs during the review of a development permit. The approval criteria in Subsection 19.910.2.D are not applicable.
  - b. Duplexes are allowed outright, subject to the lot size requirements for the zone, in the Residential zones R-10 and R-7 in either of the following situations. For these properties, the review of applicable development and design standards occurs during the review of a development permit. The approval criteria in Subsection 19.910.2.D are not applicable.
    - (1) The property has frontage on a collector or arterial street, as identified by the Milwaukie Transportation System Plan.
    - (2) The property is a corner lot.
  - c. Duplexes in the Residential zones R-10 and R-7 that are not eligible as an outright allowed use under Subsection 19.910.2.C.1.b are allowed through a Type II Review per Section 19.1005.
  - d. Duplexes in the Limited Commercial Zone C-L are allowed through a Type II Review per Section 19.1005.
2. For additions or modifications to existing duplexes, the review of applicable development and design standards occurs during the review of a development permit. The approval criteria in Subsection 19.910.2.D are applicable.

### D. Approval Criteria

1. A duplex in the Residential zones R-10 and R-7 that is not eligible as an outright allowed use under Subsection 19.910.2.C.1.b must meet the following criteria.
  - a. The location of a duplex at the proposed site will not have a substantial impact on the existing pattern of single-family detached dwellings that exists within the general vicinity of the site.
  - b. The design of the proposed duplex is generally consistent with the surrounding development.
  - c. The proposed duplex is designed as reasonably as possible to appear like a single-family detached dwelling.
2. A duplex in the Limited Commercial Zone C-L must meet the following criteria.
  - a. The proposed residential use will not be incompatible with existing and outright-allowed commercial uses in the Limited Commercial zone.
  - b. The approval of a duplex will not significantly diminish the ability of the area zoned as Limited Commercial to provide goods and services to the surrounding neighborhoods.

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3. Additions and modifications to existing duplexes shall meet the following criteria.
  - a. The duplex will remain in compliance with base zone standards, single family design standards, parking standards, and duplex design standards.
  - b. The addition or modification does not contravene any conditions of approval if the duplex was initially permitted as a Conditional Use or through a Type II Review per Subsection 19.910.2.D.1.

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## Commentary

### On Proposed Amendments to Milwaukie Municipal Code (MMC)

Commentary at the front of this document summarizes the key changes in the proposed amendments. The actual text of the proposed amendments follows the commentary section.

### CHAPTER 19.1200 SOLAR ACCESS PROTECTION

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

- 1) Regulations for lots created through a subdivision or partition. The regulations in this section are aimed at maximizing the amount of lots with a north/south orientation or have a deep enough north/south distance to provide good solar access.
- 2) New development in single-family zones. The regulations in this section limit the height of a structure based on its location on the lot and potential to shade surrounding properties.
- 3) Allows property owners to file a permit that protects solar access on their lot. The permit requires surrounding properties to maintain vegetation and structures on their own property so that they do not shade the area protected by the solar access permit.

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

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

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the equity of allowing a request by one property owner to burden multiple surrounding properties.

Staff believes that other amendments in the Residential Development Standards project will better accomplish the goal of utilizing solar energy. The residential design standards give credit to roofs that are suitable for installation of solar energy systems. The multifamily design standards encourage use of solar energy in the building design. Lastly, the accessory structure standards create an explicit allowance for installation of solar energy systems and provide a streamlined approval process for their installation. Staff believes that these provisions to utilize solar energy will do more to further the goals of this chapter, and will have fewer limitations and unintended consequences than protection solar access through development limitations.

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

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NEW TEXT IS SHOWN IN UNDERLINE AND DELETIONS OF CURRENT TEXT ARE SHOWN IN ~~STRIKEOUT~~. THIS DRAFT INCLUDES ONLY CHAPTERS AND SECTIONS OF CODE WITH PROPOSED AMENDMENTS AND SOME SURROUNDING SECTIONS FOR CONTEXT. CODE SECTIONS NOT INCLUDED IN THIS DRAFT WOULD NOT BE AMENDED.

## **CHAPTER 19.1200**

### **SOLAR ACCESS PROTECTION**

#### **19.1201 PURPOSE**

##### **19.1201.1 The purpose of this chapter is:**

- A. To orient new lots and parcels to allow utilization ~~provide solar access protection to new development in subdivisions, new and remodeled single family homes, structures within single family zoning districts, and homes which make beneficial use of solar energy;~~
- B. To promote energy conservation and the effective use of the sun as a renewable resource;
- C. To implement provisions of the Milwaukie Comprehensive Plan encouraging use of solar energy;
- D. To provide a means of encouraging investment in solar design and solar equipment.

##### **19.1203.6 Protection from Future Shade**

~~Structures and nonexempt vegetation must comply with Section 19.1204 on all lots in a development subject to Section 19.1203, including lots for which exemptions or adjustments to Section 19.1203 have been granted.~~

The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in Subsection 19.1203.6. The City shall be made a party of any covenant or restriction created to enforce any provision of this section. The covenant or restriction shall not be amended without written City approval.

#### **19.1204 SOLAR BALANCE POINT**

##### **19.1204.1 Purpose**

~~The purposes of this section are to promote the use of solar energy, to minimize shading of structures by structures and accessory structures, and, where applicable, to minimize shading of structures by trees. Decisions related to this section are intended to be ministerial.~~

##### **19.1204.2 Applicability**

~~This section applies to an application for a building permit for all structures in single family zones and all single family detached structures in any zone, except to the extent the Director finds the applicant has shown that one or more of the conditions listed in Subsection 19.1204.5 or 6 exists, and exemptions or adjustments are warranted. In addition, nonexempt vegetation planted on lots subject to the provisions of Subsection 19.1203.6 shall comply with the shade point height standards as provided in Subsections 19.1204.5 and 6 below.~~

##### **19.1204.3 Solar Site Plan Required**

~~An applicant for a building permit for a structure subject to this section shall submit a site plan that shows:~~

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- A. ~~The maximum shade point height allowed under Subsection 19.1204.4;~~
- B. ~~If the maximum shade point height is adjusted pursuant to Subsection 19.1204.4.A.2, the average elevation of the rear property line;~~
- C. ~~The location of the shade point, its height relative to the average elevation of the front lot line or the elevation at the midpoint of the front lot line, and its orientation relative to true south; and, if applicable,~~
- D. ~~The solar balance point for the structure as provided in Subsection 19.1204.8.~~

**19.1204.4 Maximum Shade Point Height Standard**

The height of the shade point shall comply with either Subsection 19.1204.4.A or B below.

A. Basic Requirement

1. The height of the shade point shall be less than or equal to the height specified in Table 19.1204.4 or computed using the following formula. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If necessary, interpolate between the 5 ft dimensions listed in Table 19.1204.4.

$$H = \frac{(2 \times \text{SRL}) - N + 150}{5} \quad \text{—Where:}$$

H	=	The maximum allowed height of the shade point (see Figures 19.1202.1-5 and 19.1202.1-6)
SRL	=	Shade reduction line (the distance between the shade point and the northern lot line) (see Figure 19.1202.1-7); and
N	=	The north-south lot dimension, provided that a north-south lot dimension more than 90 ft shall use a value of 90 ft for this section.

<b>Table 19.1204.4 Maximum Permitted Shade Point Height (in feet)</b>													
Distance to Shade Reduction Line from Northern Lot Line (in feet)	North-South Lot Dimension (in feet)												
	100+	95	90	85	80	75	70	65	60	55	50	45	40
70	40	40	40	41	42	43	44						
65	38	38	38	39	40	41	42	43					
60	36	36	36	37	38	39	40	41	42				
55	34	34	34	35	36	37	38	39	40	41			
50	32	32	32	33	34	35	36	37	38	39	40		

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45	30	30	30	31	32	33	34	35	36	37	38	39	
40	28	28	28	29	30	31	32	33	34	35	36	37	38
35	26	26	26	27	28	29	30	31	32	33	34	35	36
30	24	24	24	25	26	27	28	29	30	31	32	33	34
25	22	22	22	23	24	25	26	27	28	29	30	31	32
20	20	20	20	21	22	23	24	25	26	27	28	29	30
15	18	18	18	19	20	21	22	23	24	25	26	27	28
10	16	16	16	17	18	19	20	21	22	23	24	25	26
5	14	14	14	15	16	17	18	19	20	21	22	23	24

2. ~~Provided, the maximum allowed height of the shade point may be increased 1 ft above the amount calculated using the formula or Table 19.1204.4 for each ft that the average grade at the rear property line exceeds the average grade at the front property line.~~

### B. ~~Performance Option~~

~~The proposed structure, or applicable nonexempt vegetation, will shade not more than 20% of the south-facing glazing of existing habitable structure(s), or, where applicable, the proposed structure or nonexempt vegetation comply with Subsections 19.1203.3.B or C. If Subsection 19.1203.3.B Protected Solar Building Line is used, nonexempt trees and the shade point of structures shall be set back from the protected solar building line 2.5 ft for every 1 ft of height of the structure or of the mature height of nonexempt vegetation over 2 ft.~~

### **19.1204.5 Exemption from the Maximum Shade Point Height Standard**

~~The Director shall exempt a proposed structure or nonexempt vegetation from Subsections 19.1204.3 and 4 if the applicant shows that one or more of the conditions in this subsection exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, sun charts or photographs, or other substantial evidence submitted by the applicant.~~

#### A. ~~Exempt Lot~~

~~When created, the lot was subject to Subsection 19.1203.3 and was not subject to the provisions of Subsection 19.1203.6.~~

#### B. ~~Preexisting Shade~~

~~The structure or applicable nonexempt vegetation will shade an area that is shaded by one or more of the following:~~

- ~~1. An existing or approved building or structure;~~
- ~~2. A topographic feature;~~
- ~~3. A nonexempt tree that will remain after development of the site. It is assumed a tree will remain after development if it: is situated in a building setback required by local law; is part of a developed area or landscaping required by local law, a public park or landscape strip, or legally reserved open space; is in or separated from the~~

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~~developable remainder of a parcel by an undevelopable area or feature; or is on the applicant's property and not affected by the development. A duly executed covenant also can be used to preserve trees causing such shade.~~

### C.—Slope

~~The site has an average slope that exceeds 20% in a direction greater than 45 degrees east or west of true south based on a topographic survey by a licensed professional land surveyor, USGS or other officially recognized topographic information.~~

### D.—Insignificant Benefit

~~The proposed structure or nonexempt vegetation shades one or more of the following:~~

- ~~1.—An undevelopable area;~~
- ~~2.—The wall of an unheated space, such as a typical garage;~~
- ~~3.—Less than 20 sq ft of south-facing glazing;~~
- ~~4.—An undeveloped lot, other than a lot that was subject to Section 19.1203, where:
 
  - ~~a.—There are at least 4 single-family detached or attached homes within 250 ft of the lot within the same subdivision or a phase of the subdivision; and~~
  - ~~b.—A majority of the homes identified in Subsection 19.1204.5.D.4.a above have an average of less than 20 sq ft of south-facing glazing.~~~~

### E.—Public Improvement

~~The proposed structure is a publicly owned improvement.~~

## **19.1204.6 Adjustments to the Maximum Shade Point Height Standard**

~~The Director shall increase the maximum permitted height of the shade point determined using Subsection 19.1204.4 to the extent he or she finds the applicant has shown one or more of the following conditions exists, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, sun charts or photographs, or other substantial evidence submitted by the applicant.~~

### A.—Physical Conditions

~~Physical conditions preclude development of the site in a manner that complies with Subsection 19.1204.4, due to such things as a lot size less than 3,000 sq ft, unstable or wet soils, or a drainage way, public or private easement, or right-of-way.~~

### B.—Conflict Between the Maximum Shade Point Height and Allowed Shade on the Solar Feature Standards

~~A proposed structure may be sited to meet the solar balance point standard described in Subsection 19.1204.8, or be sited as near to the solar balance point as allowed by Subsection 19.1204.8, if:~~

- ~~1.—When the proposed structure is sited to meet the maximum shade point height standard determined using Subsection 19.1204.4, its solar feature will potentially be shaded as determined using Subsection 19.1204.7; and~~
- ~~2.—The application includes a form provided for that purpose by the City that:
 
  - ~~a.—Releases the applicant from complying with Subsection 19.1204.4 and agrees that the proposed structure may shade an area otherwise protected by Subsection 19.1204.4;~~~~

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- b. Releases the City from liability for damages resulting from the adjustment; and
  - c. Is signed by the owner(s) of the properties that would be shaded by the proposed structure more than allowed by the provisions of Subsection 19.1204.4.
3. Before the City issues a permit for a proposed structure for which an adjustment has been granted pursuant to this Subsection 19.1204.6.B, the applicant shall file the form, provided for in Subsection 19.1204.6.B.2 above, in the office of the County Recorder with the deeds to the affected properties.

### 19.1204.7 Analysis of Allowed Shade on Solar Feature

- A. An applicant may, but is not required to, perform the calculations in or comply with the standards of this section.
- B. Applicants are encouraged to design and site a proposed habitable structure so that the lowest height of any solar feature(s) will not be shaded by buildings or nonexempt trees on lot(s) to the south. The applicant should complete the following calculation procedure to determine if solar feature(s) of the proposed structure will be shaded. To start, the applicant should choose which of the following sources of shade originating from adjacent lot(s) to the south to use to calculate the maximum shade height at the north property line:
  - 1. Existing structure(s) or nonexempt tree(s); or
  - 2. The maximum shade that can be cast from future buildings or nonexempt trees, based on Table 19.1204.7.B. If the lot(s) to the south can be further divided, then the north-south dimension is assumed to be the minimum lot width required for a new lot in that zone.

<b>Table 19.1204.7.B</b>													
<b>Maximum Permitted Shade Height (in feet)</b>													
<b>North-south lot dimension of adjacent lot(s) to the south</b>	100	95	90	85	80	75	70	65	60	55	50	45	40
<b>Allowed shade height at the north property line of adjacent lot(s) to south</b>	12	12	12	13	14	15	16	17	18	19	20	21	22

- C. The height of the lowest point of any solar feature of the proposed structure is calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.
- D. The applicant can determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in Subsection 19.1204.7.B by using the following formula or Table 19.1204.7.D:  

$$SFSH = SH - (SGL \div 2.5)$$
 Where:

<p>SFSH = The allowed shadow height on the solar feature (see Figure 19.1204.7);</p> <p>SH = The height of the shade at the northern lot line of lot(s) to the south as determined in Subsection 19.1204.7.B above; and</p>
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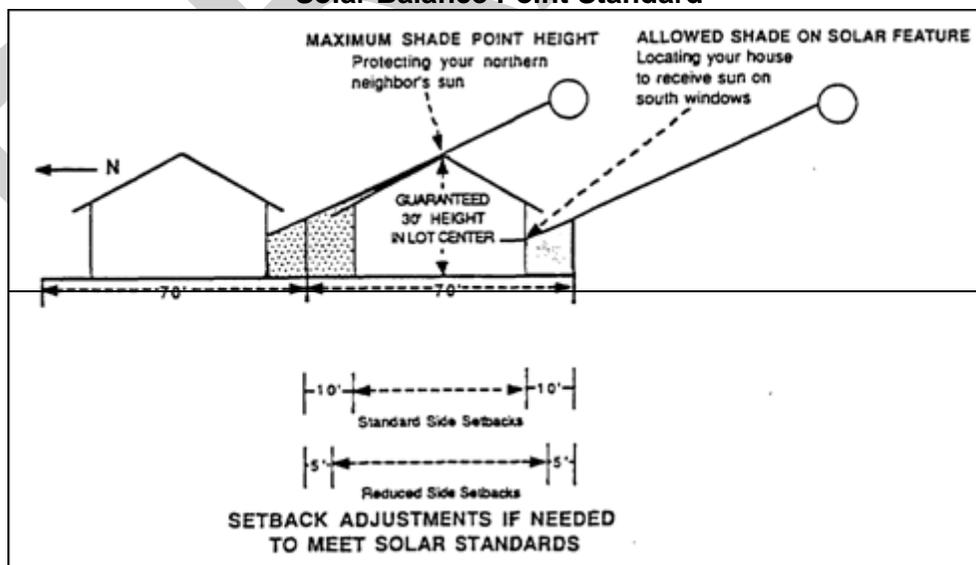
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SGL = The solar gain line (the distance from the solar feature to the northern lot line of adjacent lot(s) to the south) (see Figure 19.1202.1-10).

Table 19.1204.7.B may be used to determine "SH" in the above formula.

<b>Table 19.1204.7.D Maximum Permitted Height of Shadow at Solar Feature (in feet)</b>											
Distance from Solar Gain Line to Lot Line (in feet)	Allowed Shade Height at Northern Lot Line of Adjacent Lot(s) to the South (in feet)										
	22	21	20	19	18	17	16	15	14	13	12
50	2	4									
45	4	3	2	4							
40	6	5	4	3	2	4					
35	8	7	6	5	4	3	2	4			
30	10	9	8	7	6	5	4	3	2	4	
25	12	11	10	9	8	7	6	5	4	3	2
20	14	13	12	11	10	9	8	7	6	5	4
15	16	15	14	13	12	11	10	9	8	7	6
10	18	17	16	15	14	13	12	11	10	9	8
5	20	19	18	17	16	15	14	13	12	11	10

**Figure 19.1204.7  
Solar Balance Point Standard**



E. If allowed shade height on the solar feature calculated in Subsection 19.1204.7.D above is higher than the lowest height of the solar feature calculated in Subsection 19.1204.7.C

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above, the applicant shall be encouraged to consider changes to the house design or location which would make it practical to locate the solar feature so that it will not be shaded in the future.

### **19.1204.8 Solar Balance Point**

If a structure does not comply with maximum shade point height standard in Subsection 19.1204.4 and the allowed shade on a solar feature standard in Subsection 19.1204.7, then the solar balance point of the lot shall be calculated. The solar balance point is the point on the lot where a structure would be the same from complying with both of these standards.

### **19.1204.9 Yard Setback Adjustment**

The City shall grant an adjustment to the side, front, and/or rear yard setback requirement(s) by up to 50% if necessary to build a proposed structure so it complies with either the shade point height standard in Subsection 19.1204.4, the allowed shade on a solar feature standard in Subsection 19.1204.7, or the solar balance point standard in Subsection 19.1204.8. This adjustment is not intended to encourage reductions in available solar access or unnecessary modification of setback requirements and shall apply only if necessary for a structure to comply with the applicable provisions of this chapter.

#### **A. R-1, R-2, R-2.5, R-3, R-5, and R-7 Zones**

1. A front yard setback may be reduced to not less than 10 ft.
2. A rear yard setback may be reduced to not less than 10 ft.
3. A side yard setback may be reduced to not less than 3 ft.

#### **B. R-10 Zone**

1. A front yard setback may be reduced to not less than 15 ft.
2. A rear yard setback may be reduced to not less than 15 ft.
3. A side yard setback may be reduced to not less than 5 ft.

### **19.1204.10 Application and Review Process**

An application for a building permit shall include the information necessary to meet the provisions of Subsection 19.1204.4, and shall be processed pursuant to Section 19.1004 Type I Review. The Building Official shall refer the plan to the Director for review and approval prior to issuing a building permit, or the Director may delegate this responsibility for review and approval to the Building Official.

## **19.1205 SOLAR ACCESS PERMIT**

### **19.1205.1 Purpose**

The purpose of this section is to protect solar access to solar features on lots designated or used for a single family detached dwelling under some circumstances. It authorizes owners of such lots to apply for a certification permit that, if granted, prohibits solar features from being shaded by certain future vegetation on and off the permittee's site.

### **19.1205.2 Applicability**

An owner or contract purchaser of property may apply for and/or be subject to a solar access permit for a solar feature if that property is in a single family zone or is (or will be) developed with a single family dwelling. The City's decision to grant or deny a solar access permit is intended to be ministerial.

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### **19.1205.3 Approval Standards for a Solar Access Permit**

The Director shall approve an application for a solar access permit if the applicant shows:

- A. ~~The information contained in the application is complete and accurate; and~~
- B. ~~Nonexempt vegetation on the applicant's property does not shade the solar feature, as demonstrated by the site plan submitted and the specific information required in Subsection 19.1205.5.~~

### **19.1205.4 Duties Created by Solar Access Permit**

- A. ~~A party to whom the City grants a solar access permit shall:
 
  - 1. ~~Record the permit, legal descriptions of the properties affected by the permit, the solar access height limit, and the site plan required in Subsection 19.1205.5.C, with such modifications as required by the Director, in the office of the County Recorder with the deeds to the properties affected by it, indexed by the names of the owners of the affected properties, and shall pay the fees for such filing;~~
  - 2. ~~Install the solar feature in a timely manner as provided in Subsection 19.1205.8; and~~
  - 3. ~~Maintain nonexempt vegetation on the site so it does not shade the solar feature.~~~~
- B. ~~An owner of property burdened by a solar access permit shall be responsible and pay all costs for keeping nonexempt vegetation from exceeding the solar access height limit. However, vegetation identified as exempt on the site plan required in Subsection 19.1205.5.C, vegetation an owner shows was in the ground on the date an application for a solar access permit is filed, and solar friendly vegetation are exempt from the solar access permit.~~

### **19.1205.5 Application Contents**

An application for a solar access permit shall contain the following information:

- A. ~~A legal description of the applicant's lot and a legal description, owner's names, and owner's addresses for lots all or a portion of which are within 150 ft of the applicant's lot and 54 degrees east and west of true south, measured from the east and west corners of the applicant's south lot line. The records of the County Assessor's office shall be used to determine who owns property for purposes of an application. The failure of a property owner to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons who may be affected.~~
- B. ~~A scaled plan of the applicant's property showing:
 
  - 1. ~~Vegetation in the ground as of the date of the application if, when mature, that vegetation could shade the solar feature; and~~
  - 2. ~~The approximate height above grade of the solar feature, its location, and its orientation relative to true south.~~~~
- C. ~~A scaled plan of the properties on the list, required in Subsection 19.1205.5.A above, showing:
 
  - 1. ~~Their approximate dimensions; and~~
  - 2. ~~The approximate location of all existing vegetation on each property that could shade the solar feature(s) on the applicant's property.~~~~
- D. ~~For each affected lot, the requested solar access height limit. The solar access height limit is a series of contour lines establishing the maximum permitted height for nonexempt~~

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vegetation on lots affected by a solar access permit (see Figure 19.1202.1-9). The contour lines begin at the bottom edge of a solar feature for which a permit is requested and rise in 5-ft increments at an angle to the south not less than 21.3 degrees from the horizon and extend not more than 54 degrees east and west of true south. Notwithstanding the preceding, the solar access height limit at the northern lot line of any lot burdened by a solar access permit shall allow nonexempt vegetation on that lot whose height causes no more shade on the benefited property than could be caused by a structure that complies with the solar balance point provisions for existing lots.

- ~~E. A fee as required by the City.~~
- ~~F. If available, a statement signed by the owner(s) of some or all of the property(ies) to which the permit will apply if granted, verifying that the vegetation shown on the plan, submitted pursuant to Subsection 19.1205.5.C above, accurately represents vegetation in the ground on the date of the application. The City shall provide a form for that purpose. The signed statements provided for herein are permitted but not required for a complete application.~~

### **19.1205.6 Application Review Process**

- ~~A. Unless waived by the Director, prior to filing an application for a solar access permit, an applicant or applicant's representative shall pay the fee required by Subsection 19.1205.5.E and shall meet with the Director or designee to discuss the proposal and the requirements for an application. If a meeting is held, the Director shall convey a written summary of the meeting to the applicant by mail within 5 calendar days of the meeting.~~
- ~~B. After the preapplication meeting is held or waived, the applicant may file an application containing the information required in Subsection 19.1205.5 above.~~
- ~~C. Within 7 calendar days after an application is filed, the Director or designee shall determine whether the application is complete and, if it is not complete, notify the applicant in writing specifying what is required to make it complete.~~
- ~~D. Within 14 calendar days after the Director decides an application for a solar access permit is complete, the Director or designee shall issue a written decision tentatively approving or denying the request, together with reasons therefor, based on the standards of Subsection 19.1205.3.~~
- ~~1. If the tentative decision is to deny the permit, the Director shall mail a copy of the decision to the applicant.~~
  - ~~2. If the tentative decision is to approve the permit, and the owners of all affected properties did verify the accuracy of the plot plan as authorized under Subsection 19.1205.5.F, the Director shall mail a copy of the decision to the applicant and affected parties by certified mail, return receipt requested.~~
  - ~~3. If the tentative decision is to approve the permit, and the owners of all affected properties did not verify the accuracy of the plot plan as permitted under Subsection 19.1205.5.F, the Director shall send a copy of the tentative decision by certified mail, return receipt requested, to the applicant and to the owners of affected properties who did not sign the verification statement, pursuant to Subsection 19.1205.5.F. If the Director determines that the owners of a given property affected by the permit are not the occupants of that property, then the Director also shall send a copy of the notice to the occupants of such property.~~
    - ~~a. The notice sent to the applicant shall include a sign that says a solar access permit for the property has been tentatively approved, and that informs readers where to obtain more information about it. The applicant shall be instructed to conspicuously~~

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~~post the sign so it is visible from right-of-way adjoining the property, and to sign and return a form provided by the Director certifying that the sign was posted as provided herein not more than 14 days after the tentative decision was mailed.~~

~~b. The notice shall include the plot plans required in Subsections 19.1205.5.B and C above, the proposed solar access height limits, and duties created by the permit.~~

~~c. The notice shall request recipients to verify that the plot plan shows all nonexempt vegetation on the recipient's property, and to send the Director comments in writing within 14 calendar days after the tentative decision is mailed if the recipient believes the applicant's plot plan is inaccurate.~~

~~4. Within 28 days after notice of a tentative decision is mailed to affected parties, the Director shall consider responses received from affected parties and/or an inspection of the site, modify the plot plan and the permit to be consistent with the accurate information, and issue a final decision. The Director shall send a copy of the permit and solar access height limits to the owners of each property affected by the permit by certified mail, return receipt requested.~~

~~E. If the application is approved, and before the permit is effective, the applicant shall record the permit, associated solar access height limits, legal descriptions for the affected properties, and the site plan required in Subsection 19.1205.5.C, with such modifications as required by the Director, in the office of the County Recorder with the deeds to the properties affected by it.~~

### **19.1205.7 Permit Enforcement Process**

#### **A. Enforcement Request**

~~A solar access permittee may request the City to enforce the solar access permit by providing the following information to the Director:~~

- ~~1. A copy of the solar access permit and the plot plans submitted with the permit;~~
- ~~2. The legal description of the lot(s) on which alleged nonexempt vegetation is situated, the address of the owner(s) of that property, and a scaled site plan of the lot(s) showing the nonexempt vegetation; and~~
- ~~3. Evidence the vegetation violates the solar access permit, such as a sun chart, photograph, shadow pattern, and/or photographs.~~

#### **B. Enforcement Process**

~~If the Director determines the request for enforcement is complete, they shall initiate an enforcement action pursuant to applicable provisions of the Milwaukie Municipal Code. The Director shall not enforce the permit provisions where a property owner can show that vegetation was in the ground on the date the permit application was filed with the City.~~

### **19.1205.8 Expiration and Extension of a Solar Access Permit**

#### **A. Expiration**

~~Every permit issued by the Director under the provisions of this section shall expire if the construction of the solar feature protected by such permit is not commenced within 180 days from the date of such permit, or if the construction of the solar feature protected by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans~~

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~~and specifications for such work, and provided further that such suspension or abandonment has not exceeded 1 year. If the permittee does not show construction of the solar feature will be started within 180 days from the date of the permit or the extension, or if the solar feature is removed, the Director shall terminate the permit by recording a notice of expiration in the office of the County Recorder with the deeds to the affected properties.~~

~~B. Extension~~

~~Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence work under that permit. The permittee shall state reasons that can be deemed to be good and satisfactory by the Director. The Director may extend the time for action by the permittee for a period not exceeding 180 days, upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.~~

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## Commentary

### On Proposed Amendments to Milwaukie Municipal Code (MMC)

Commentary at the front of this document summarizes the key changes in the proposed amendments. The actual text of the proposed amendments follows the commentary section.

### Amendments to Title 14, Sign Ordinance; Title 17, Land Division Ordinance; and Title 19, Zoning

#### TITLE 14, SIGN ORDINANCE

The proposed amendments to Title 14 are related solely to changes in terminology from using the term 'multifamily' rather than the more specific terms or 'apartment' and 'condominium'.

#### TITLE 17, LAND DIVISION ORDINANCE

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

#### TITLE 19, ZONING ORDINANCE

The amendments described below are minor changes resulting from the larger policy changes in the Residential Development Standards project. Many of these amendments are due to changes in definitions and terminology.

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

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

- Changes to terminology for duplex and multifamily dwellings
- Deletion of standards for single-family attached dwellings. This would have the effect of only allowing duplexes in the R-O-C zone and not allowing rowhouses.

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- This additional height allowance is being relocated directly into the base zone chapters (19.300) from its current location in Chapter 19.500. The regulation itself is not being amended.

### **19.310 DOWNTOWN ZONES**

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

### **19.312 LIMITED COMMERCIAL ZONE C-L**

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

### **19.404 MIXED USE OVERLAY ZONE MU**

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

### **19.606 PARKING AREA DESIGN AND LANDSCAPING**

Amendments to reference new dwelling unit typologies.

### **19.607 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS**

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

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**14.16.010 RESIDENTIAL ZONE**

No sign shall be installed or maintained in an R Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.010.

<b>Table 14.16.010 Standards for Signs in Residential Zones</b>				
<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Signs at entrances to subdivisions or manufactured home parks	Max. 2 SF per dwelling unit to max. 32 SF per sign; max. 16 SF per display surface; total sign area for all display surfaces of no more than 64 SF.	Max. 6 ft. above grade.	1 per entrance.	External illumination only
Freestanding signs on <u>multifamily apartment and condominium</u> properties	Limited to 2 SF per dwelling unit to a max. area of 32 SF, 16 SF per display surface.	Max. 6 ft. above grade.	1 per street frontage. <sup>2</sup>	External illumination only
Wall signs on <u>multifamily apartment and condominium</u> properties	Limited to 2 SF per dwelling unit to a max. of 32 SF.	No wall sign shall extend above the roofline at the wall, or the top of a parapet wall, whichever is higher.	1 per street frontage permitted. <sup>2</sup>	External illumination only
Awning signs on <u>multifamily apartment and condominium</u> properties	Max. display surface is 25% of awning area, up to max. of 32 SF.	May not extend higher than the point where the roofline intersects the exterior wall.	1 per street frontage. <sup>3</sup>	
Hanging sign suspended beneath awning	Max. area limited to 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground to the lowest portion of awning or sign.	1 per street frontage. <sup>3</sup>	External illumination only

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### 14.16.020 RESIDENTIAL-OFFICE-COMMERCIAL ZONE

No sign shall be installed or maintained in an R-O-C or R-1-B Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.020.

<b>Table 14.16.020</b>				
<b>Standards for Signs in Residential-Office-Commercial Zones R-O-C or R-1-B</b>				
<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Signs at entrances to subdivisions	Max. 2 SF per dwelling unit to max. 32 SF per sign; 16 SF per display surface; total sign area for all display surfaces may not exceed 64 SF.	Max. 6 ft. above grade.	1 per entrance.	External only
Freestanding signs on <u>multifamily apartment and condominium</u> properties	Max. 2 SF per dwelling unit to max. 32 SF per sign; 16 SF per display surface.	Max. 6 ft. above grade.	1 per street frontage.	External only
Wall signs on <u>multifamily apartment and condominium</u> properties	Limited to 2 SF per dwelling unit to a max. 32 SF.	Cannot extend above roofline at wall or top of parapet wall, whichever is higher.	1 per street frontage.	External only
Awning signs on <u>multifamily apartment and condominium</u> properties	Max. display surface is 25% of awning area, up to a max. of 32 SF.		1 per street frontage.	External only
Freestanding signs on commercial property	Max. 32 SF per display surface; total sign area for all display surfaces may not exceed 64 SF.	Max. 12 ft.	1 permitted. <sup>2</sup>	External only
Wall signs on commercial property	Max. 10% of building face related to commercial use.	Cannot extend above roofline at wall or top of parapet wall, whichever is higher.	1 permitted. <sup>3</sup>	External only
<b>Table 14.16.020 CONTINUED</b>				
<b>Standards for Signs in Residential-Office-Commercial Zones R-O-C or R-1-B</b>				
<b>Sign Type</b>	<b>Area</b>	<b>Height</b>	<b>Number</b>	<b>Illumination<sup>1</sup></b>
Awning signs related to a commercial use	Max. display surface is 25% of surface of awning not to exceed 10% of the building face	May not extend higher than the point where the roofline intersects the exterior wall.	1 per frontage.	External only

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	related to commercial use.			
Hanging sign suspended beneath awning	Max. 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground level to lowest portion of awning or suspended sign.	1 per street frontage. <sup>4</sup>	External only
Daily display sign <sup>5</sup>	Max. 8 SF per display surface; total sign area may not exceed 16 SF.	Max. 6 ft. above ground level.	1 per property or occupancy.	External only

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## **Proposed Code Amendment with Commentary**

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NEW TEXT IS SHOWN IN UNDERLINE AND DELETIONS OF CURRENT TEXT ARE SHOWN IN ~~STRIKEOUT~~. THIS DRAFT INCLUDES ONLY CHAPTERS AND SECTIONS OF CODE WITH PROPOSED AMENDMENTS AND SOME SURROUNDING SECTIONS FOR CONTEXT. CODE SECTIONS NOT INCLUDED IN THIS DRAFT WOULD NOT BE AMENDED.

### **CHAPTER 17.16 APPLICATION REQUIREMENTS AND PROCEDURES**

#### **17.16.080 COTTAGE CLUSTER DEVELOPMENT**

Applications for subdivision preliminary plats or replats to create a cottage cluster housing development shall include narrative and plans necessary to show with sufficient detail to demonstrate compliance with the standards of Section 19.505.4.

### **CHAPTER 17.28 DESIGN STANDARDS**

#### **17.28.040 GENERAL LOT DESIGN**

This section does not apply to units of land that are created for purposes other than land development including parks, natural areas, right-of-way dedications, or reservations of a similar nature. Lots and tracts created for cottage cluster housing development per Section 19.505.4 are also exempt from the requirements of this section.

##### **A. Size and Shape**

Lot size, width, shape, and orientation shall be appropriate for the location and the type of use contemplated. Minimum lot standards shall conform to Title 19. ~~This section does not apply to units of land that are created for purposes other than land development including parks, natural areas, right of way dedications, or reservations of a similar nature.~~

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**Proposed Code Amendment with Commentary**
**19.309 RESIDENTIAL-OFFICE-COMMERCIAL ZONE R-O-C**

In an R-O-C Zone the following regulations shall apply:

**19.309.1 Uses Permitted Outright**

In an R-O-C Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling;
- B. Duplex ~~Single-family attached dwelling~~;
- C. Residential home;
- D. Multifamily development ~~condominium dwelling~~;
- ~~E. Multifamily apartment dwelling;~~
- EF. Congregate housing facility;
- FG. Senior and retirement housing;
- GH. Offices;
- H. Retail trade establishment such as a food store, drugstore, gift shop, hardware store selling primarily from a shelf-goods inventory;
- I. Personal service business such as a barber shop, tailor shop, or laundry and dry cleaning pickup station;
- JK. Funeral home;
- KL. Commercial recreation and motion picture theater;
- LM. Eating establishment;
- MN. Hotel or motel;
- NO. Parking facility;
- OP. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;
- PQ. Financial institution;
- QR. Trade or commercial school;
- RS. Department or furniture store;
- ST. Any other use similar to the above and not listed elsewhere.

**19.309.3 Standards**

In an R-O-C Zone the following standards shall apply:

- A. Lot size. Lot area shall be at least 5,000 sq ft. Lot area for the first dwelling unit shall be at least 5,000 sq ft and for dwelling units over 1 there shall be not less than an average of 1,400 sq ft. Lot width shall be at least 50 ft. ~~Lot width for interior single-family attached and condominium units shall be at least 30 ft.~~ Lot depth shall be at least 80 ft.
- C. Side yard. A side yard shall be at least 5 ft, and there shall be additional 1 ft of side yard for each 3 ft of height over 2 stories or 25 ft, whichever is less, except on corner lots a side yard shall be at least 15 ft on the side abutting the street. ~~For interior single-family attached and condominium units, side yards are not required.~~

**Proposed Code Amendment with Commentary**

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- F. Height restriction. Maximum height of a structure shall be 3 stories or 45 ft, whichever is less. One additional story may be permitted in excess of the required maximum standard. An additional 10% of site area that is retained in vegetation beyond the minimum is required for each additional story.
- ~~JK.~~ Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft, except as provided in the Land Division Ordinance. ~~Lots for interior single family attached and condominium units shall abut a public street for at least 20 ft.~~

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## Proposed Code Amendment with Commentary

### 19.310 DOWNTOWN ZONES

#### 19.310.1 Purpose

This section of the Zoning Ordinance implements the Downtown and Riverfront Land Use Framework Plan, Milwaukie Comprehensive Plan, and Town Center Master Plan. The downtown and riverfront area is envisioned as the focus of the community. Five zones are designated to reflect the distinctions between different areas of the Downtown and Riverfront Land Use Framework Plan, and to focus pedestrian-oriented retail uses to the traditional downtown core along Main Street. Specific development standards, public area requirements, and design standards are adopted for the downtown zones to assure an active, attractive, and accessible environment for shoppers, employees and residents.

#### 19.310.2 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 19.310-1. The “Zoning Map of Milwaukie, Oregon” provides a larger-scale map of zone boundaries. The zones reflect the varied land uses, densities, and urban design character planned for different areas, as described and illustrated in the Downtown and Riverfront Land Use Framework Plan. The characteristics of the individual zones are described below.

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

The Downtown Storefront Zone is established to preserve and enhance the commercial “Main Street” character of downtown Milwaukie, ensuring that new development in areas designated DS is compatible with this desired character. This zone allows a full range of retail, service, business, and residential uses. Retail uses are required on the ground floors of buildings fronting on Main Street. Office and/or residential uses are allowed on upper floors. Industrial uses are not allowed. The desired character for this zone includes buildings that are built to the right-of-way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots. A “Village Concept Area” has been established in the DS Zone to allow a broader mix of uses on a City-owned site adjacent to the library, City Hall, a high-density residential area to the north, and existing Main Street storefront uses. These uses include rowhouses ~~townhouses~~ and multifamily ~~apartment/condominium~~ buildings.

#### 19.310.3 Uses

##### A. Permitted Uses

Uses allowed in the downtown zones are listed in Table 19.310.3 with a “P.” These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
<b>Residential</b>					
Single-family detached	N	N	N	N	N
<u>Rowhouse</u> <del>Townhouse</del>	L[1]	N	N	L[1]	N

## Proposed Code Amendment with Commentary

Multifamily <del>apartment/condominium</del>	L[10]	P	N	P	N
Senior and retirement housing	N	P	N	P	N
Second-floor housing	P	P	P	P	N

<sup>1</sup> Certain uses are permitted in the Downtown Storefront Zone, but are not allowed in the required retail ground floor use area along Main Street (see Figure 19.310-2 and Subsection 19.310.4.B.7 for details).

### G. Limited Uses

The following provisions describe the use limitations and correspond with the footnote numbers for uses listed with an “L” in Table 19.310.3.

10. Multifamily ~~apartment/condominium~~ building development is permitted only in a limited area of the Downtown Storefront Zone as identified on the Zoning Map. See “Village Concept Area” on Figure 19.310-1.

## 19.310.4 Development Standards

### B. Explanation of Development Standards

#### 4. Residential Density

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

- a. Minimum densities for the downtown residential transition area shall be 10 units per acre (see Figure 19.310-1). The maximum density for the residential transition area shall be 30 units per acre.
- b. Minimum densities for standalone multifamily ~~apartment/condominium~~ dwellings and senior/retirement housing in the Downtown Residential and Downtown Commercial Zones shall be 30 units per acre. Maximum residential densities are controlled by height limits.
- c. There are no minimum density requirements when residential units are developed as part of a mixed use building in the Downtown Storefront, Downtown Commercial, and Downtown Office Zones. The minimum density standards apply only to stand-alone residential buildings. Second-floor housing is allowed in the Downtown Storefront, Downtown Commercial, and Downtown Office Zones. Maximum residential densities for mixed use buildings are controlled by height limits.

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**Proposed Code Amendment with Commentary**

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**19.312 LIMITED COMMERCIAL ZONE C-L**

In a C-L Zone the following regulations shall apply:

**19.312.2 Conditional Uses Permitted**

In a C-L Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 19.905:

- I. Duplex or multifamily development ~~Single-family attached dwelling, multifamily apartment, and condominium dwelling;~~

**19.312.3 Standards**

In a C-L Zone the following standards shall apply:

- A. Lot size. None, except as follows for dwelling. Lot area shall be at least 5,000 sq ft. Lot area for the first dwelling unit shall be at least 5,000 sq ft and for dwelling units over 1 there shall be not less than an average of 1,000 sq ft. Lot width shall be at least 50 ft. ~~Lot width for interior single family attached and condominium units shall be at least 30 ft.~~ Lot depth shall be at least 80 ft.
- F. Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft except as permitted under the Land Division Ordinance. ~~Lots for interior single family attached and condominium units shall abut a public street for at least 20 ft.~~

## Proposed Code Amendment with Commentary

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### 19.404 MIXED USE OVERLAY ZONE MU

#### 19.404.1 Purpose

This section is intended to provide assurance that the core downtown area and specific underdeveloped sites within the Town Center will be developed under interim mixed use development guidelines and requirements prior to final adoption of all of the regulations associated with the implementation of the Town Center Master Plan and associated documents.

#### 19.404.2 General Applicability

The Mixed Use Overlay Zone will be attached to the primary zone for properties identified as critical to the efforts of the City to develop a mix of uses within the Town Center Master Plan area. These properties include, but are not limited to, those within Sites 21, 22, and 26 of Subarea 2 and Site 41 of Subarea 4 of the Town Center Master Plan. The MU Overlay Zone will be applied to the Zoning Map.

#### 19.404.3 Primary Uses

Provisions of Section 19.404 are intended to allow mixed use development, subject to the processes identified in Subsection 19.404.6 below, including retail, commercial, office, and residential development, as listed below.

- A. Retail commercial uses such as food store, drugstore, gift shop, and hardware store selling shelf goods primarily (drive-up convenience stores are not permitted);
- B. Multifamily ~~attached condominium~~ dwellings;
- ~~C. Multifamily attached apartment dwellings;~~
- CD. Rowhouses ~~Single family attached small lot townhouses;~~
- DE. Professional offices;
- EF. Personal service businesses such as haircutting shop, tailor shop, laundry, and dry cleaning pickup station, shoe repair, computer, and bicycle repair, office equipment and services, and electronics repair;
- EG. Motion picture theater (adult theaters are not permitted);
- GH. Restaurant and cafe, outdoor seating where provided for in the site design and located off of the public sidewalk area (drive-in and drive-through food establishments are not permitted);
- H. Brew pub which serves food;
- I. Hotel;
- JK. Parking facility;
- KL. Financial institution (without drive-up tellers);
- LM. Trade or commercial school;
- MN. Department or furniture store;
- NO. Bed and breakfast;
- OP. Service station without associated minimart—minor repair service allowed if approved through a mixed use overlay review application;
- PQ. Farmers' market;

## Proposed Code Amendment with Commentary

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QR. Public park or community meeting area;

RS. Youth center;

ST. Day-care facilities;

TU. Any other use similar to the above and not listed elsewhere.

### 19.404.8 Development Standards

Except as provided in Subsection 19.404.9.A.1, the following development standards apply to all proposals which have been determined to be subject to the Mixed Use Overlay Zone. Development in this overlay zone shall follow the standards and guidelines for development and for specific sites, as indicated below. All development proposals shall comply and not conflict with the Milwaukie Comprehensive Plan and the Town Center Master Plan.

A. Commercial and Commercial/Residential Mixed Use (office uses are Included in the Commercial designation)

13. Owners of existing single-family homes within the Mixed Use Overlay Zone may apply for a conditional use permit to allow a detached secondary living unit, an accessory dwelling attached secondary living unit, or conversion to a duplex or multifamily dwelling with 3 units ~~triplex~~, provided that one of the units shall remain owner-occupied. Sound insulating and energy-efficient materials shall be provided in any of the above conversions of existing space. Setbacks and development standards of the underlying zone must be met.

### 19.404.9 Specific Sites in Subareas 2 and 4

The following additional requirements apply to proposed development in specific subareas and on specific sites:

B. Subarea 4

2. Minimum vegetation for the site shall be 30%. Particular attention shall be paid to landscaping, which shall be designed to provide buffers to the residential neighborhoods to the north and east. Building heights shall also be designed to provide a transition for the neighboring residential properties. The height limit within 50 ft of the Monroe Street or 37th Avenue right-of-way shall be 2 stories or 35 ft, whichever is less. The building height for the remainder of the development on this site is 3 stories or 45 ft, whichever is less. Building setbacks from property lines shall be 15 ft for the front and rear yards and 5 ft for side yards. Minimum lot standards shall conform to the R-O-C standards, except that the minimum lot width for rowhouses ~~single-family attached and condominium units~~ may be reduced to 20 ft wide if amenities 2, 4, 5, 7, 8 and 9 of Subsection 19.404.A.18 are provided. The distance between buildings on the same lot shall be 6 ft for 1 story and a minimum of 5 ft per every story over one.

## Proposed Code Amendment with Commentary

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### 19.606 PARKING AREA DESIGN AND LANDSCAPING

The purpose of Section 19.606 is to ensure that off-street parking areas are safe, environmentally sound, aesthetically pleasing, and that they have efficient circulation. These standards apply to all types of development except for cottage clusters, rowhouses, duplexes ~~single-family attached dwellings~~, single-family detached dwellings, and residential homes.

#### 19.606.2 Landscaping

##### B. General Provisions

1. Parking area landscaping shall be required for the surface parking areas of all uses, except for cottage clusters, rowhouses, duplexes, and single-family detached dwellings ~~and single-family attached residences~~. Landscaping shall be based on the following standards in Subsections 19.606.2.C-H.
2. Landscaped areas required by Subsection 19.606.2 shall count toward the minimum amount of landscaped area required in other portions of Title 19.
3. Parking areas with 10 or fewer spaces in the Downtown Storefront Zone, and the portion of the Downtown Office Zone located to the north of Washington Street and east of McLoughlin Boulevard, are exempt from the requirements of Subsection 19.606.2.

### 19.607 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS

#### 19.607.1 Residential Driveways and Vehicle Parking Areas

Subsection 19.607.1 is intended to preserve residential neighborhood character by establishing off-street parking standards. The provisions of Subsection 19.607.1 apply to passenger vehicles and off-street parking areas for rowhouses, duplexes ~~single-family attached dwellings~~, single-family detached dwellings, and residential homes in all zones. Standards for off-street parking areas on cottage cluster properties are in Subsection 19.505.4.

##### A. Dimensions

Off-street parking space dimensions for required parking spaces are 9 ft wide x 18 ft deep.

##### B. Location

1. Off-street vehicle parking for rowhouses, duplexes ~~single-family attached dwellings~~, single-family detached dwellings, and residential homes shall be located on the same lot as the associated dwelling, unless shared parking is approved per Subsection 19.605.4.
2. No portion of the required parking space for rowhouse, duplex ~~single-family attached dwellings~~, single-family detached dwellings, or residential homes is allowed within the following areas. See Figure 19.607.1.B.2.

##### C. Parking Surface Materials

Parking of vehicles on a property with a rowhouse, duplex ~~single-family attached dwellings~~, single-family detached dwelling, or residential home shall only be allowed on surfaces described in Subsection 19.607.1.C.

#### 19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking

Subsection 19.607.2 is intended to preserve residential neighborhood character by minimizing the impacts created by the parking and storing of commercial vehicles, pleasure crafts, and

**Proposed Code Amendment with Commentary**

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recreational vehicles. The standards of Subsection 19.607.2 apply to off-street parking areas for cottage clusters, rowhouses, duplexes ~~single-family attached dwellings~~, single-family detached dwellings, and residential homes in all zones.

- A. Commercial vehicles shall not be permitted to be parked or stored in the front yard or required street side yard on cottage cluster, rowhouse, duplex ~~single-family attached dwellings~~, single-family detached dwelling, or residential home properties. Commercial vehicles may be present anywhere on these properties for up to 12 hours in 1 day if the vehicle is engaged in loading or unloading materials for a residence(s).
- B. Recreational vehicles and pleasure crafts on cottage cluster, rowhouse, duplex ~~single-family attached dwellings~~, single-family detached, or residential home properties must comply with the following regulations:
1. On residential lots less than 1 acre, only 1 recreational vehicle or private pleasure craft that is not located in an enclosed structure such as a garage shall be allowed. Canoes and other crafts less than 12 ft in length shall be exempt from this requirement. On lots larger than 1 acre, 1 additional recreational vehicle or private pleasure craft that is not located in an enclosed structure is allowed for each 1/2 acre of area over 1 acre.
  2. No vehicle or pleasure craft shall be lived in, have housekeeping maintained, or have hook-up to utilities while parked or stored on, or otherwise attached or moored to, a lot used for a cottage cluster, rowhouse, duplex ~~single-family attached dwellings~~, single-family detached dwelling, or residential home.



# SINGLE-FAMILY DWELLINGS

## Development Standards

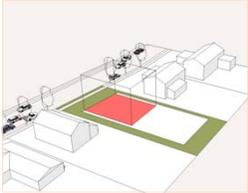


### Key Recommendations

The goal of these recommendations is to allow homeowners more flexibility in ways that won't impact neighbors, and minimizing negative impacts of infill development in established neighborhoods.

- **Variable lot coverage standards.**
  - Allow lot coverage exceptions so houses can expand outward rather than upward, and so property owners can build detached accessory dwelling units.
  - Have different lot coverage standards for smaller and larger lots to avoid very large homes on very large lots.
- **Larger setbacks for taller buildings.** Require additional side yard setbacks for homes taller than 25 feet to protect the privacy and solar access of adjacent properties.
- **Measure building height differently.** Establish different height limits for buildings on sloped lots to prevent them from towering over homes on flat lots.

### Anticipated Results

Recommendation	Example of a building that would be approvable	Example of a building that would NOT be approvable
Variable Lot Coverage Standard.	<p>This home is on a large lot and is similar in size to its neighbors.</p> 	<p>This home is on a large lot and is much larger than its neighbors.</p> 
Larger Setbacks for Taller Buildings.	<p>This home has an additional side yard setback due to its height.</p> 	<p>The new home on the left is very close to the existing home on the right.</p> 
Measure Building Height Differently.	<p>This house on a slope has a lower maximum height.</p>  <p>Total height = 25 feet</p>	<p>The building on the left was built on a sloped lot and towers over its neighbor.</p> 

# SINGLE-FAMILY DWELLINGS

## Design Standards



### Why are Design Standards Important?

Our community is composed of many neighborhoods, and neighborhoods are composed of many buildings. The way buildings interact with each other, the pedestrian, and the street contributes to the character and appeal of the neighborhood.

### Problems to Solve

- Milwaukie's existing standards:
  - Require few design features, which can result in large, blank walls.
  - Promote a specific architectural style and don't allow for creativity.
  - Do not address the location, size, or orientation of attached garages.
  - Do not apply to large additions or garage conversions.



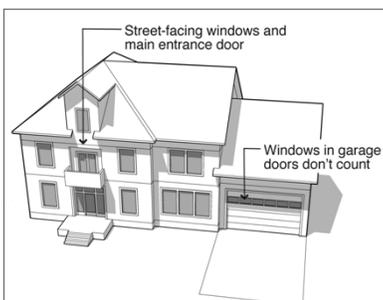
Garages dominate this streetscape.

### Tools We Can Use

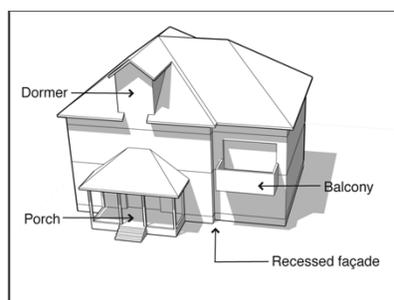
- Objective standards that are easy to understand.
- A combination of required design features and a design "menu" with a choice of features to allow flexibility and variety.
- Application of design standards to large additions and garage conversions, in addition to new single-family dwellings.
- Additional standards for duplex development.

### Tools We Can't Use

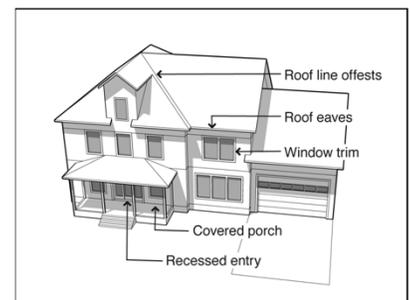
Discretionary design review. State law requires a clear and objective review process for single-family dwellings.



Design standards for eyes on the street



Design standards for articulation



Design standards for detailed design

# SINGLE-FAMILY DWELLINGS

## Design Standards



### Key Recommendations

The goal of the recommended single-family design standards is to promote high quality design through attention to detail, human-scale design, and street visibility, while affording flexibility to use a variety of building styles. Key recommendations include:

- **Applicability.** Standards would apply to new single-family dwellings and duplexes, large additions visible from the street, and conversions of garages to living space.
- **Eyes on the street.** Windows should be provided on the front of the house to allow for casual surveillance of the street and increase community safety.
- **Main entrance.** Front entrance should be prominent and visible from the street to be easy to find and appear welcoming.
- **Articulation.** Houses should incorporate design features to break up large wall surfaces so they appear welcoming and create a human-scale environment.
- **Detailed design.** Houses should include design details such as trim, eaves, projections, and recessed entries to provide interest to the front façade.
- **Garage standards.** Garages should not dominate the front of the house or present a blank wall to the street.

### Anticipated Results

Standard	Example of a building that would be approvable	Example of a building that would NOT be approvable
Eyes on the Street	More than 15% transparency, residents can see what's going on in the street 	Less than 15% transparency, residents can't survey the street. 
Main Entrances	Main entrance is visible and friendly. 	Main entrance is set far back from the garage and is not very visible or welcoming. 
Building Articulation	Windows, materials, and architectural features provide visual interest and human scale. 	A flat façade is not visually interesting or human-scaled. 
Detailed Design	Recessed entry, offsets, and various quality materials provide visual interest. 	A blank façade is not visually interesting and does not contribute to neighborhood character. 
Garages (Location, Size, & Orientation)	Garages do not dominate the front façade.  	These garages are the most visible part of the façade and do not contribute to the pedestrian environment.  

# MULTIFAMILY DWELLINGS

## Housing Types



### Why Have a Variety of Housing Types?

Milwaukie is home to all types of households, from individuals to large families. Each type of household has different housing needs.

Where multifamily dwellings are already allowed, a variety of housing types would better meet the needs of all of Milwaukie's residents.

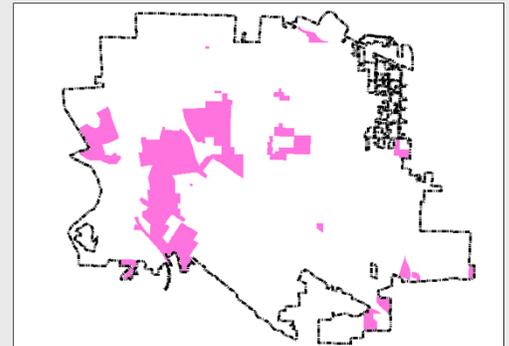
Different housing types can also provide a transition between lower-density residential areas and higher-density residential areas.



### Problems to Solve

- Some housing types that many find desirable, such as rowhouses and cottage clusters, are not allowed in the City's multifamily zones under the current standards.
- The current standards encourage multi-unit development, which tends to take the form of larger buildings and doesn't always fit in with the existing neighborhood.

Areas that allow multifamily development.



### Tools We Can Use

- **Development Standards.** Existing and proposed standards for the City's multifamily residential zones.
- **Land Division Regulations.** Allow smaller lots and the creation of land-locked parcels.
- **Allowed Uses.** The types of housing that are allowed in each residential zone.
- **Model Code.** Existing Regional Model for Cottage Housing Standards.



Rowhouses



Cottage cluster



Garden courtyard

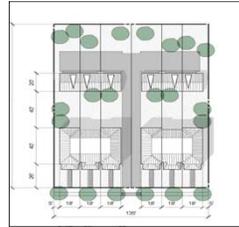
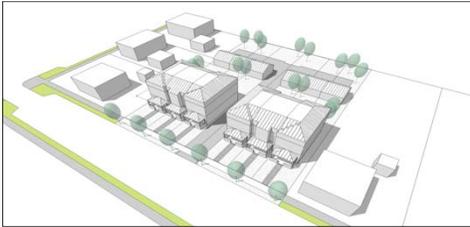
# MULTIFAMILY DWELLINGS

## Housing Types

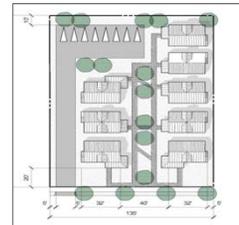
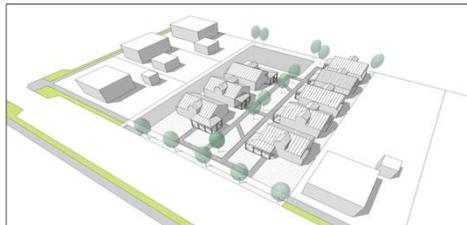


### Key Recommendations

- **Rowhouse development:** Allow rowhouse development in multifamily zones, and adopt rowhouse-specific development standards.

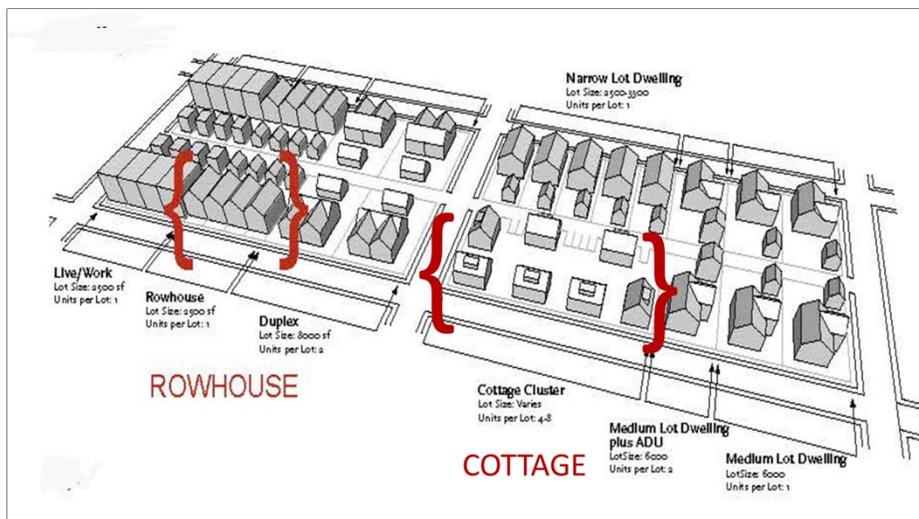


- **Cottage Cluster development:** Allow cottage cluster development in multifamily zones, and adopt cottage cluster-specific development and design standards.



### Anticipated Results

- New multifamily development would be more considerate of the surrounding context.
- Rowhouse and cottage cluster development would provide single-family housing types in higher-density zones, and would allow for less costly homeownership opportunities.



Rowhouse and cottage cluster development can fit in to existing development patterns, and act as transitions between lower- and higher-density residential development.

# MULTIFAMILY DWELLINGS Development Standards



## Why are MFR Development Standards Important?

- In combination, they establish and protect the desired character of a neighborhood by:
  - Allowing flexibility to use a variety of building styles.
  - Ensuring compatibility with existing development.

## Problems to Solve

- Current development standards overly restrict size and building type.
- There are no standards to make sure new development is respectful of its neighbors in the same zone.
- There are no standards to ensure a graduated transition between buildings in lower-density and higher-density zones.

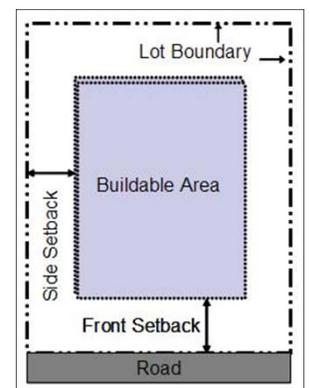
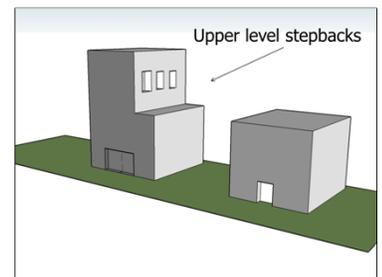


This multifamily building is much taller than its single-family neighbor.

## Tools We Can Use

**Development standards** including:

- **Stepbacks:** A horizontal offset of a building that moves a portion of the façade further away from the lot line. Stepbacks provide a transition of scale between buildings of different heights, and can reduce the visual impact of larger buildings.
- **Setbacks:** The required distance a building must be set back from the property lines. Setbacks help determine the size of buildings, and ensure that each property has areas for grass and trees, access to sunlight, and private open space.



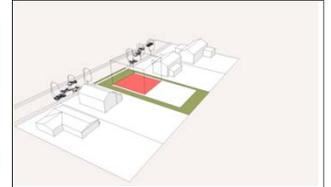
# MULTIFAMILY DWELLINGS Development Standards



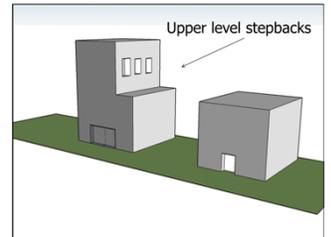
## Key Recommendations

- **Compatibility between buildings in the same zone.**
  - **Setbacks.** Require additional side yard setbacks for multifamily buildings that exceed a certain side wall area.
  - **Stepbacks.** Require upper story setbacks for multifamily buildings that exceed a certain side wall area.
- **Transitions between zones.**
  - **Height.** Within transition areas, height limits for multifamily buildings are equal to the adjacent single-family residential zone.

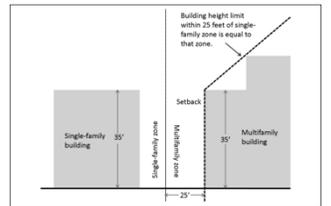
**Additional side yard setbacks for larger buildings.**



**Stepbacks for buildings with large side facades.**



**Height is restricted within a certain distance of a single-family zone.**



## Anticipated Results

Recommendation	Example of a building that would be approvable	Example of a building that would NOT be approvable
Setbacks.	<p>This multifamily building is separated from its neighbors by a vegetated buffer.</p> 	<p>The side of this multifamily building would need to be set back further from its smaller neighbors.</p> 
Stepbacks.	<p>This multifamily building (right) steps back next to an adjacent 1.5 story building.</p> 	<p>This multifamily building does not step back next to the existing 1.5 story house.</p> 
Height.	<p>This multifamily building responds to the maximum height of the adjacent single-family residential zone.</p> 	<p>This building does not respond to the maximum height of the adjacent single-family residential zone.</p> 

# MULTIFAMILY DWELLINGS

## Design Standards



### Why are MFR Design Standards Important?

Design standards for the City's multifamily zones facilitate the development of attractive multifamily housing that is both a "good neighbor" and a good place to live, and encourages new development that respects the existing development in the City's multifamily neighborhoods.

Our community is composed of many neighborhoods, and neighborhoods are composed of many buildings. Milwaukie has many areas zoned for multifamily residential development, but predominantly developed with single-family homes.

### Problems to Solve

- The City is unique in the region because it does not currently have any design standards for multifamily buildings (those with 3 or more dwelling units).
- Lack of design standards can result in multifamily developments that do not provide quality environments for those who live in them, and are not good neighbors to those who live near them.



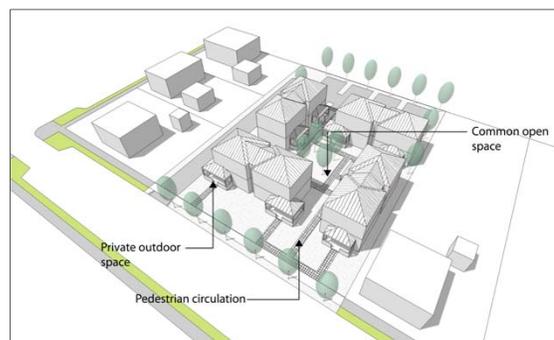
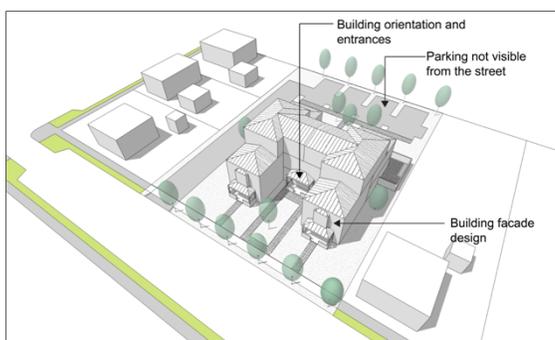
This apartment building is not a good neighbor.

### Tools We Can Use

- **Design Standards.** To ensure attention to detail and human-scale design.
- **Design Guidelines.** Allow for flexibility of design.
- **Review Type.** A choice between objective and discretionary land use review.

### Tools We Can't Use

- Rigid standards that effectively prevent multifamily developments from being built.
- Required discretionary design review. State law requires a clear and objective process for residential development.



Multifamily development can take many different forms. Both of these buildings would comply with the proposed design standards.

# MULTIFAMILY DWELLINGS

## Design Standards



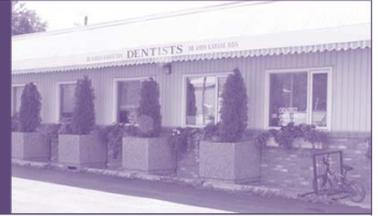
### Key Recommendations

- **Design standards.** Require new development to incorporate design features that address livability, compatibility, safety, and sustainability.
- **Flexibility.** Allow developers to choose between an objective or discretionary review process. The objective review process would require a development to meet all design standards. The discretionary review process would allow for more flexibility but a higher level of review, and development would have to demonstrate compliance with design guidelines.
- **Reasonable requirements.** Support good design without being cost prohibitive.

### Anticipated Results

Recommendation	Example of a building that would be approvable	Example of a building that would NOT be approvable
Livability.	<p>Use of various materials; private outdoor space for each unit, entrance oriented toward the street, articulated façade.</p> 	<p>Entrance is not visible, few windows, minimally articulated façade.</p> 
Compatibility.	<p>This multifamily building “steps down,” respecting its shorter neighbor to the left.</p> 	<p>This multifamily building is too close to its single-family neighbor.</p> 
Safety.	<p>This common open space is functional and visible from surrounding units.</p> 	<p>This common space is unappealing and effectively unsupervised.</p> 
Sustainability.	<p>Landscaping cools the site and captures rainwater; functional windows save energy.</p>  	<p>Fixed aluminum windows leak heat and don't allow occupants to control the temperature..</p> 

# CONDITIONAL USES In Residential Zones



## Should We Allow More Conditional Uses in Residential Zones?

- Some non-residential uses in residential zones can already be approved by the Planning Commission.
- Offices are already allowed as conditional uses in medium and high density residential zones. Government offices would be allowed as a community service use.
- Expanding the list of possible conditional uses allowed in low density and zones and medium and high density zones might make sense.

## Problems to Solve

- The areas adjacent to Milwaukie's arterial streets are generally zoned for residential uses rather than mixed-use or commercial uses as in other cities.
- Many of the City's arterials are lined with legal and illegal nonconforming office uses, and established home offices.

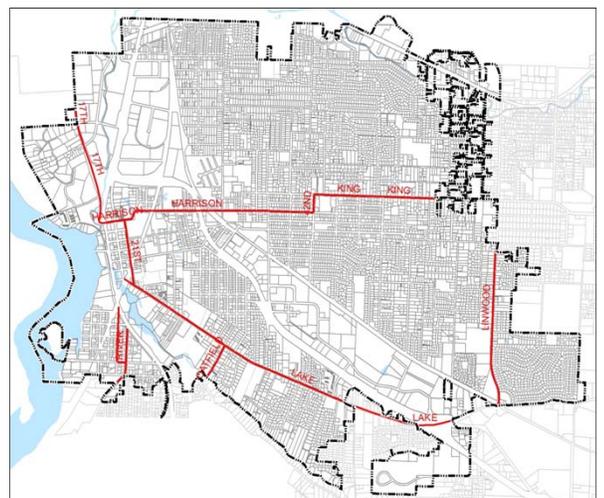


Existing home office on King Rd.

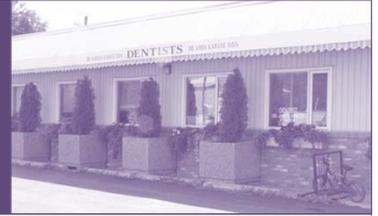
## Tools We Can Use

- **Discretionary land use review.** Conditional uses must be approved by the Planning Commission at a public hearing, and must meet the following criteria:
  - The site is suitable for the use.
  - The use will be reasonably compatible with, and have minimal impact on, nearby uses.
  - All identified impacts will be mitigated to the extent practicable.
  - The use will not have impacts greater than a residential use.
- **Restrictions on location.** Offices in low density residential zones would only be allowed along streets designated as "arterial."
- **Restrictions on size.** Offices in low density residential zones would be limited in size.

Arterial streets are shown below. Arterial streets in residential zones include: Harrison St; King Rd; Lake Rd; Linwood Ave; Oatfield Rd; portions of River Rd; and portions of 22<sup>nd</sup> Ave.



# CONDITIONAL USES In Residential Zones



## Key Recommendations

- **Low density zones.** Allow offices as conditional uses, subject to the following limitations:
  - Must be located on an arterial street as identified in the Transportation System Plan (TSP)
  - Maximum total floor area of 2,000 square feet, unless the Planning Commission approves a larger space in an existing building.
- **Medium and high density zones.** Allow personal service businesses as conditional uses.

Left to right: Dentist office; hair salon; home office



## Anticipated Results

- Provide a path for formalizing existing office uses that may not meet the strict definition of "home occupations."
- More signage associated with conditional use businesses.
- More neighborhood amenities such as salons, dentists, insurance offices, and similar uses in residential areas.
- Conversion of some houses to office or personal service business use.

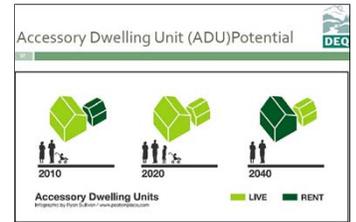
# ACCESSORY STRUCTURES

## Accessory Dwelling Units



### Benefits of an Accessory Dwelling Unit (ADU)

- Increases property values of existing single-family homes.
- Provides additional income to property owners.
- Provide housing options for family members, such as grown children or aging parents.



### Problems to Solve

- Though many Milwaukie residents want to establish ADUs, current review procedures are costly and onerous, and serve to inhibit ADU development.
- Current standards do not allow detached ADUs, such as over a detached garage.
- Current standards overly restrict the size of ADUs.
- Properties that have reached their maximum lot coverage cannot build detached ADUs.

Detached ADU above garage.



### Tools We Can Use

- **Development standards:** maximum height, setbacks, and number of ADUs on a site.
- **Design standards:** exterior materials, windows, roofs, and eaves.



Detached ADU



Attached ADU



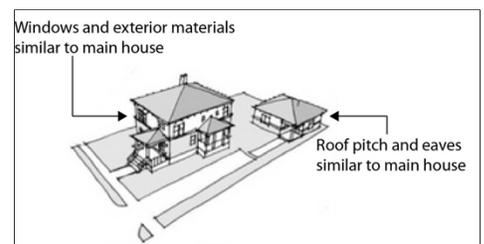
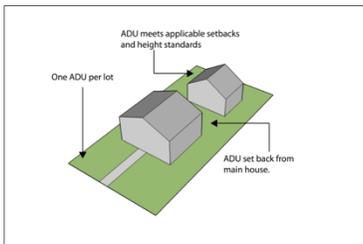
# ACCESSORY STRUCTURES

## Accessory Dwelling Units



### Key Recommendations

- **Allowable housing type.** Allow detached ADUs in all zones that allow single-family detached homes. Continue to allow attached ADUs.
- **Streamline approval process for ADUs.** Permit ADUs through a Type I staff-level review process.
- **Modify development standards for ADUs.** Allow larger detached ADUs, and develop size and lot coverage standards specific to detached ADUs. Continue to allow one ADU per property.
- **Establish design standards for detached ADUs.** Require detached ADUs to match the materials and design of the primary dwelling.



### Anticipated Results

Recommendation	Example of an ADU that would be approvable	Example of an ADU that would NOT be approvable
Development Standards for ADUs.	One ADU per lot. 	Two ADUs on one lot. 
Development Standards for Attached ADUs.	Attached ADU entrance is not on the front of the house. 	Two entrances on the front of the house. 
Design Standards for Detached ADUs	Detached ADU (rear) uses similar materials and design as the primary dwelling. 	Does not match the design or materials of the primary dwelling. 

# ACCESSORY STRUCTURES

## General Standards



### What is an Accessory Structure?

- Any building that is not attached to a house, such as a garden shed or detached garage.
- Any structure that is not attached to a house, such as a pergola, arbor, cob bench, or trellis.
- Some accessory structures have open walls and/or roofs.

### Problems to Solve

- Current standards are overly restrictive with regard to height and size, and don't take the location of the structure into consideration.
- There are no regulations for the type of siding materials that can be used on small buildings.

This wind energy system is not allowed under current standards.



### Tools We Can Use

- **Development standards:** maximum height, size, setbacks, and lot coverage.
- **Design standards:** exterior materials, roof pitch.



# ACCESSORY STRUCTURES

## General Standards



### Key Recommendations

- **Increase allowed sizes.** Allow structures that are set back further from property lines to be taller and have a larger footprint than those that are closer to the property lines.
- **Exterior materials.** Prohibit the use of PVC or plastic supports, and fabric, tarpaulin, or other similar materials.
- **Sustainability.** Allow sustainability-related accessory structures such as solar arrays, wind generators, and stormwater cisterns.

### Anticipated Results

Recommendation	Example of an accessory structure that would be approvable	Example of an accessory structure that would NOT be approvable
Increase Allowed Sizes.	<p>Detached ADU meets setback and height standards and is smaller than the primary dwelling.</p> 	<p>Accessory structure is as large as the primary dwelling.</p> 
Exterior Materials.	<p>Wood or other permanent material.</p> 	<p>PVC, fabric, tarps, or similar materials.</p> 
Sustainability.	<p>Residential cisterns, solar panels, and wind energy systems would be clearly allowed.</p> 	<p>Large scale systems would not be allowed.</p> 