

RDS Project

Preliminary Proposal for Discussion

Allowing Limited Conditional Uses in Residential Zones

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I. Problem Statement

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, many of the City's arterials are lined with legal and illegal nonconforming uses. This project does not involve re-zoning any areas in the City, but it is addressing the location and types of conditional uses that could be allowed in SFR residential zones.

II. Proposal

- Allow conditional uses in residential areas, subject to the following limitations:
 - LD residential:
 - Office uses only
 - Must be located on arterials as identified in the Transportation System Plan (TPR)
 - Maximum total floor area of [1,000 - 2,000 sf]
 - MD/HD residential:
 - Office, commercial recreation (such as a yoga studio, fitness center, tae kwon do), retail, and personal services business (such as a salon, dry cleaner, etc.)
 - Must be located on arterials as identified in the TSP
 - Maximum total floor area of [1,000 - 2,000 sf]
- Challenges: Would allow a broader range of uses in residential zones.

III. Benefits: Provide a legal path for formalizing existing office uses that may not meet the strict definition of home occupations; allow for additional signage and visibility for offices along arterials through the CU process; allow neighborhood amenities in LD and MD/HD residential areas.

IV. Current Code Policies

- Conditional Uses Permitted in the low density residential zones generally relate to housing types, such as:
 - Single-family attached dwelling (note: allowed outright in the R-5 zone)

- Senior and retirement housing
- Type 2 accessory dwelling unit
- Conditional uses permitted in the medium and high density zones include those above, and additional uses and housing types including:
 - Boarding, lodging, or rooming house
 - Offices, clinics, and studios (note: allowed outright in the R-1-B zone)
 - MFR development, including congregate housing facilities
- In addition, “significant” historic resources are eligible to conditionally establish a variety of commercial and community uses anywhere in the higher-density zones, and in the lower-density zones if located along an arterial street.
- The Planning Commission has considerable discretion when reviewing a conditional use.
- CUs and CSUs are granted additional signage allowances through Type I or Type III review.

V. Comprehensive Plan Policies

- The Comp Plan does not include objectives or policies related to small businesses; policies focus on various sizes of shopping centers.
- New commercial developments are required to be adjacent to existing commercial developments. It is not clear whether this policy applies to small, stand-alone commercial uses that are converted from residential uses, such as those located in a significant historic structure.
- Office uses are not considered commercial uses.

VI. Transportation Regulations

- State Transportation Planning Rule (TPR) requires installation of needed infrastructure at time of development.
- Does not appear that allowing conditional office uses would run counter to TPR policies. Would be smaller in scale than churches, etc. that are currently permitted through CSU review.
- Intensification of uses would trigger City’s Transportation Facilities Review (TFR); a traffic study and frontage improvements may be required.