



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday March 23, 2010, 6:30 PM

MILWAUKIE CITY HALL
10722 SE MAIN STREET

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes** – Motion Needed
 - 2.1 February 9, 2010
- 3.0 Information Items**
- 4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Public Hearings** – Public hearings will follow the procedure listed on reverse
 - 5.1 Summary: Parking Chapter amendments
Applicant/Owner: City of Milwaukie
File: ZA-10-01
Staff Person: Ryan Marquardt
- 6.0 Worksession Items**
 - 6.1 Summary: Discussion of time limits for land use approvals
Staff Person: Katie Mangle
- 7.0 Planning Department Other Business/Updates**
- 8.0 Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
 - April 13, 2010
 - 1. Public Hearing: DR-09-01 Riverfront Park *tentative*
 - April 27, 2010
 - 1. Worksession: Natural Resources Overlay *tentative*
 - 2. Worksession: Revised Fee Schedule *tentative*

Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@ci.milwaukie.or.us. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.cityofmilwaukie.org
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.cityofmilwaukie.org
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

Jeff Klein, Chair
Nick Harris, Vice Chair
Lisa Batey
Teresa Bresaw
Scott Churchill
Chris Wilson

Planning Department Staff:

Katie Mangle, Planning Director
Susan Shanks, Senior Planner
Brett Kelter, Associate Planner
Ryan Marquardt, Associate Planner
Li Alligood, Assistant Planner
Alicia Stoutenburg, Administrative Specialist II
Paula Pinyerd, Hearings Reporter

CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, February 9, 2010
6:30 PM

COMMISSIONERS PRESENT

Jeff Klein, Chair
 Dick Newman, Vice Chair
 Lisa Batey
 Nick Harris
 Teresa Bresaw (arrived during 5.1)
 Chris Wilson (arrived just prior to 6.0)

STAFF PRESENT

Katie Mangle, Planning Director
 Bill Monahan, City Attorney

COMMISSIONERS ABSENT

Scott Churchill

1.0 Call to Order – Procedural Matters

Chair Klein called the meeting to order at 6:32 p.m. and read the conduct of meeting format into the record.

2.0 Planning Commission Minutes–None

3.0 Information Items–None

4.0 Audience Participation

The Commission and Ms. Mangle responded to questions from a student in the audience about the procedures for Municipal Code, zoning changes, and the Planning Commission's role in the planning process as follows:

- A lot of Code amendment work was being done in Milwaukie because the Code required some modernization. Five Code amendment projects were currently in process, which usually requires research to determine why the Code was written as it was, defining the problem to be solved, and providing a technical recommendation. Staff then conducts outreach to those who would be affected by any changes, and finally, presents a report and the recommended changes to the Commission.
- From a big picture perspective, Code and zone changes are often made in reaction to a specific project that facilitates the need to make changes in order to prevent something similar from reoccurring.
- Other changes affect smaller land parcels and involve a different process, such as when a landowner presents an application for a variance or rezoning.

- 43 • The Commission also addresses transportation planning and approved the Transportation
44 System Plan (TSP) in 2007. The Planning Commission deals with long range planning, land
45 use decisions, transportation planning, urban renewal issues, complaints, Code issues,
46 bylaws, water quality resources, wetlands protection, and historic resources, etc.

47

48 **5.0 Public Hearings**

49 5.1 Summary: CSU major modification of NCSD administrative offices

50 Applicant/Owner: Garry Kryszak/North Clackamas School District

51 Address: 4444 SE Lake Rd.

52 File: CSU-09-11 *continued from 1/12/10*

53 Staff Person: Ryan Marquardt

54 *Hearing will be continued to a date uncertain.*

55 **Chair Klein** called the hearing to order at 6:34 p.m. and read the conduct of minor quasi-judicial
56 hearing format into the record.

57

58 Commissioner Bresaw arrived at this time.

59

60 **Katie Mangle, Planning Director**, noted the criteria applicable to the application were cited at
61 the first hearing. She explained the Applicant requested a continuance without a date certain
62 because they were not sure how they would proceed with the project. The project was still an
63 application, and staff would continue working with the Applicant. All the legal notifications would
64 be redone once a date was set.

65

66 **Vice Chair Newman** moved to continue CSU-09-11 to a date uncertain. **Commissioner**
67 **Bresaw** seconded the motion, which passed 5 to 0.

68

69 Commissioner Wilson arrived at this time.

70

71 **6.0 Worksession Items**

72 6.1 Summary: Planning Commission Bylaws review

73 Staff Person: Katie Mangle

74 **Ms. Mangle** noted this was the third worksession held in the past year regarding the bylaws.
75 She hoped to be able to forward the bylaws to Council for approval and reminded that as a
76 living document, further adjustments could be revisited again in a year. Bill Monahan, City

77 Attorney, had responded to comments made at the last meeting from the Commission.

78

79 The Commission discussed the bylaws with staff and made further changes as follows:

- 80 • Article II. D Open Meetings should read, "All meetings of the Commission are open to the
81 public. The Commission has the authority to conduct an executive ~~sessions~~ **session** under
82 ORS 192.660."
- 83 • Staff had established a good set of formatting standards during the Code republishing
84 process. Marcia Hamley would complete a final edit of formatting, grammar, and details
85 before the bylaws went to City Council.
- 86 • During Executive Session, the Planning Commission would address lawsuit issues. For
87 example, the City was threatened with a lawsuit during the time that City Council was
88 considering the Sign Code changes. If the lawsuit had occurred when the Planning
89 Commission was involved with the Sign Code changes, the Commission could have gone
90 into Executive Session for updates about the lawsuit, because it was related to the decision.
- 91 • **Bill Monahan, City Attorney**, added that an Executive Session could also be called if
92 an application was near the end of the 120-day period and the Applicant required an
93 immediate decision, refused to waive the 120-days, and threatened litigation.
- 94 • For clarification, Article III.B Term of Office should read, "Terms are for a period of four
95 years. Commission members may serve no more than two consecutive full terms, unless
96 there is an interval of at least one term prior to reappointment, ~~provided that the~~. **The**
97 Council may waive this limitation if it is in the public interest to do so."
- 98 • **Ms. Mangle** clarified that both she and Administrative Specialist, Alicia Stoutenburg, who
99 manages everything for the Commission, actually worked in the Community Development
100 Department, so Article VII. B was technically correct.
- 101 • Article IV. Officers and Staffing should include "calendar" before the word "year" throughout
102 the section for clarification.
- 103 • Article V.B Quorum had been discussed several times, but the language, "In the case of a
104 tie vote, the matter is not complete. New motions shall be made." appeared vague. It did not
105 specifically state that the vote could be left as a tie. Suggested additional language included:
106 **"The issue shall be subject to new motions until a formulation obtains a majority**
107 **vote,"** or "New motions shall be made **until a motion obtains a majority vote.**"
- 108 • The wording regarding a tie vote was not exclusive to the Commission, but the language
109 was ambiguous and might be considered a 'no' vote. Nothing in the bylaws currently
110 stated how to handle a tie vote. It would be easier if a tie vote was a 'no' vote, rather

- 111 than requiring new votes continually until a majority was reached. Although the
112 Commission consisted of an odd number of members, a quorum was an even number or
113 a Commissioner could abstain, causing a tie vote.
- 114 • **Mr. Monahan** noted City Council had so few land use actions that he could not recall if a
115 tie vote was a denial; however, it did prevent the application from moving forward. A
116 provision could indicate that a tie vote was a 'no' vote, and then the applicant would
117 have to follow the Code procedures to appeal or reapply.
 - 118 • If a tie vote was a 'no' vote, could someone move for reconsideration?
 - 119 • **Mr. Monahan** explained reconsiderations are usually moved by someone in the
120 prevailing party and were limited to the majority because the minority could use it as
121 a delaying tactic resulting in no decision being made. If the bylaws stated a tie or a
122 majority vote could be reconsidered, then it might promote tie votes.
 - 123 • **Ms. Mangle** suggested stating that an additional motion could be made to seek a tie
124 breaking vote and if not obtained, the 'no' vote would prevail. The language would
125 prevent having an endless series of votes and gridlock.
 - 126 • **Mr. Monahan** clarified two options were available. One was to require new motions until
127 the majority was met. The second option allowed one new motion to be made, and if a
128 majority was not gained, the application failed.
 - 129 • Why should a tie vote mean a 'no' vote? It seemed preferable to allow motions and tie
130 votes to continue until no one wanted to make another motion, at which point then the
131 matter died.
 - 132 • A Commissioner could continue making motions all night, though no one believed
133 motions would be made to thwart the process.
 - 134 • A motion could be made where the only subtlety was a change to the conditions of
135 approval.
 - 136 • The Commission agreed to allow only one new motion after a tie vote.
 - 137 • Discussion prior to the motion should enable the Commission to determine whether the
138 motion would actually work.
 - 139 • Changing the language from "shall" to "may" would allow a new motion to be made if
140 desired, but accept the no vote if it was not worth the fight.
 - 141 • The Commission consented to change the fourth sentence of Article V.B Quorum to state,
142 "~~New motions shall be made.~~ **One new motion may be made. If a majority vote is not**
143 **obtained on that motion, the agenda item fails.**"
 - 144 • Article V.D Voting could be challenged if the roll call vote was not taken in the correct order.

145 The purpose of the article was to eliminate the appearance that the order of the roll call vote
146 was controlled with a purpose.

- 147 • For purposes of transparency, unless the order was incorrect on a regular basis, more
148 benefit was to be gained by keeping the rule.
- 149 • Any mixing of the roll call order would alter the order. The main change would be that
150 that voting would appear more formal than it did now. Staff would use a cheat sheet to
151 aid in keeping the roll call vote in the correct order.
- 152 • Article V.E. Reconsideration of Actions Taken was needed when a motion was not clearly
153 understood.

154

155 **Ms. Mangle** said she planned to present the revised Planning Commission bylaws to City
156 Council on Consent Agenda at the March 16 meeting, unless Commissioner Churchill wanted
157 further discussion on the revisions. If Council wanted to pull the bylaws resolution for
158 discussion, she would let the Commissioners know so someone could attend that Council
159 hearing.

160

161 **Commissioner Batey moved to approve the revised Planning Commission bylaws,**
162 **forwarding them to City Council for adoption with the changes as discussed.**

163 **Commissioner Wilson seconded the motion, which passed unanimously.**

164

165 **7.0 Planning Department Other Business/Updates**

166 **Commissioner Batey** asked what happened when the Planning Commission Chair
167 represented the Commission's decision at a City Council hearing, but was on the minority side
168 of the decision.

- 169 • **Ms. Mangle** replied the practice was for a Commissioner to attend the Council meeting to
170 answer questions or defend the decision when a Commission decision went before City
171 Council. This was especially helpful when the Commission did not follow staff
172 recommendations or was more passionate about the issue. Also, City Council comes into
173 the recommendation cold while the Commission spends a lot of time discussing the issues
174 and can answer questions.

175

176 **Chair Klein** stated he made a point to attend Council meetings when an issue related to the
177 Planning Commission came before Council, such as an application being appealed, or someone
178 being appointed to the Commission. If Council asked him questions, he represented the

179 Commission's decision, even if he disagreed with the decision. He had only been asked a
180 question once during the four Council meetings he had attended. If he felt strongly about an
181 issue, he would turn in a yellow card to ensure he would be able to talk about it, but generally,
182 he waited for Council to ask him questions.

- 183 • **Ms. Mangle** believed the Council was getting better about wanting to understand the history
184 of an application or resolution. If a Commissioner was in the room, staff tried to alert the
185 Council during their presentation so they knew someone was available to answer questions.

186

187 **Ms. Mangle** provided the following updates and information:

- 188 • She invited the Commissioners to attend the second meeting of the advisory group for the
189 Natural Resources Overlay project on February 17. The project regarded expanding the
190 Water Quality Resources Map and Code to include habitat protections. The advisory group
191 represented many interest groups and stakeholders included property owners and
192 environmental activists and advocates. Staff hoped to solicit input from the advisory group,
193 using their expertise regarding various preservation issues following staff's detailed
194 presentation. Staff would brief the Commission regarding the project and ultimately present
195 the ordinance for approval.
 - 196 • The draft Code would be available online for review. Commissioner Churchill planned to
197 attend, and Ms. Mangle wanted to be sure at least one Commissioner was present. She
198 would email the meeting details to the Commissioners.
- 199 • She distributed an information card about upcoming light rail open houses; no presentations
200 would be given. Staff would be providing the Commission with more information at the
201 March 9th meeting with the Design and Landmarks Committee (DLC).
 - 202 • She clarified that the bridge across the Willamette River could not begin until the whole
203 light rail project received federal approval, but construction could begin prior to local
204 approvals were received. The Willamette Bridge would be well underway before local
205 reviews began, such as for the Kellogg Bridge.
- 206 • She distributed a one-page summary regarding a draft program called Walk Safely
207 Milwaukie that Community Development was proposing to City Council. The program was
208 crafted in response to the TSP and neighborhood needs for traffic calming and pedestrian
209 and bike safety projects.
 - 210 • Historically, the City did not have a funding source for such projects, although funds in
211 lieu of construction money had been used recently. Two funding options were available:
212 reduce the amount of the local gas tax going to the street maintenance program; or use

213 part of the City's State gas tax to create a new program, similar to street maintenance
 214 that focuses on sidewalks and pedestrians. Over a 5 year period, approximately
 215 \$200,000 could be raised.

- 216 • The Neighborhood District Associations (NDAs) would lead in defining the needs and
 217 projects. More detailed information was available online.

218

219 **Chair Klein:**

- 220 • Noted he had received an update about the program at his NDA meeting, and while he was
 221 supportive, the program needed to address big-ticket items. For example, the Springwater
 222 Corridor provided great biking access through the County and Metro areas, but it was
 223 difficult to access from within Milwaukie.

- 224 • **Ms. Mangle** added that one eligible project was a local funding match on large projects,
 225 such as Logus Rd or the 42nd Ave sidewalk. Milwaukie was good at finding funding
 226 sources, but currently finding a local funding match was difficult, even if the State wanted
 227 to fund a project. Walk Safely Milwaukie could get Milwaukie one step closer to big
 228 projects if that was what the neighborhood wanted the City to pursue. The Lake Road
 229 Multimodal Project was big, but was funded by a federal appropriation earmark, which
 230 was extremely rare.

- 231 • She believed the funding could be used for engineering to get a project shovel-ready,
 232 whether done in-house or by a hired consultant.

- 233 • Believed it would be nice to use the funding to get a project into the system and shovel-
 234 ready. A number of projects were desperately needed throughout the City that could have
 235 been done with stimulus money had the engineering and other preparation work been
 236 completed.

237

238 **Commissioner Harris** agreed having better access to the Springwater Corridor would be nice,
 239 which was something he often heard from others, especially at NDA meetings.

240

241 **8.0 Planning Commission Discussion Items**

242 **Commissioner Bresaw** asked if any improvement plans existed for Monroe St, which was a
 243 busy street that had no sidewalks.

- 244 • **Ms. Mangle** said Monroe St was on the street surface maintenance project list to rebuild the
 245 pavement. The TSP also included a project for a bike boulevard and sidewalk
 246 improvements; however, that funding was not yet available.

247
248 **Chair Klein** believed public will was needed to pursue improvements where Monroe St came to
249 the north part of Hwy 224. He understood that many residents on Monroe St did not necessarily
250 want improvements, even though the street was in horrible shape for pedestrians and cars.

251
252 **Commissioner Batey** added she has always been curious about how many people really did
253 not want improvements on Monroe St.

254
255 **9.0 Forecast for Future Meetings:**

256 February 23, 2010 1. Public Hearing: VR-10-01 Harmony Rd Ministorage substantial
257 construction Variance

258 March 9, 2010 1. Worksession: Joint Session with DLC–Light Rail briefing

259 **Ms. Mangle** reviewed the upcoming meetings with these added comments:

- 260 • In addition to the Variance, the Harmony Road Ministorage developer was also talking with
261 Tom Larsen and had paid his building permit fees, so he was ready to go if approval was
262 received from the Commission.
- 263 • Usually, extensions presented to the Commission regarded a final plat in a land division,
264 but this variance was a real land use application with criteria and was more involved.
- 265 • On March 9th, TriMet staff would discuss light rail in more detail than at the last meeting.
266 Copies of the Conceptual Design Report, describing what exactly the project is and is trying
267 to accomplish, would be provided the Commission to facilitate questions.
- 268 • Beth would also brief both groups on the Sculpture Garden Project to be built in front of
269 City Hall as part of the Jackson Street Improvement Project. The City received a
270 \$25,000 State grant from the Tourism Board for the sculpture garden.

271
272 Meeting adjourned at 7:24 p.m.

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274
275 Respectfully submitted,

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278
279
280 Paula Pinyerd, ABC Transcription Services, Inc. for

281 Alicia Stoutenburg, Administrative Specialist II

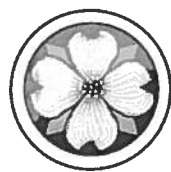
282

283

284

285

286 Jeff Klein, Chair



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Katie Mangle, Planning Director *KM*

From: Ryan Marquardt, Associate Planner

Date: March 17, 2010, for March 23, 2010, Public Hearing

Subject: File: ZA-10-01

File Type: Zoning Ordinance Amendment

Applicant: Katie Mangle, Planning Director, City of Milwaukie

ACTION REQUESTED

Initiate the proposed amendments and recommend that City Council adopt the proposed amendments to Milwaukie Municipal Code (MMC) Title 19 Zoning Ordinance and MMC Title 14 Sign Ordinance with the recommended findings in support of approval (see Attachment 1 and associated exhibits).

BACKGROUND INFORMATION

City staff, with assistance from both Winterbrook Planning and Siegel Planning consulting firms, has been preparing the proposed amendments to the off-street parking chapter for the past two years. The amendments would primarily repeal the existing off-street parking regulations chapter and replace it with an entirely new chapter, but also include revisions to a small number of parking related references in the zoning ordinance, and miscellaneous 'housekeeping' amendments.

A. History of Prior Actions and Discussions

- **1994:** Planning Commission approved the last major change to the parking chapter in 1994 (adopted by City Council with Ord. #1773) when the entire chapter was rewritten. The regulations and organization of the chapter as it exists today are nearly identical to the chapter that was adopted at that time.
- **February 12, 2008:** The Commission discussed the scope of work for the project to amend the off-street parking chapter.

- **February 24, and March 10, 2009:** The Commission discussed major policy questions raised by the proposed amendments to the off-street parking chapter and provided direction to staff.
- **September 8, 2009** – The Commission discussed parking requirements for small commercial sites and provided direction on key issues.
- **October 13, 2009** – The Commission discussed the draft amendments and provided direction on key issues.

B. Existing Code History

Milwaukie's zoning ordinance has included off-street parking regulations since 1968. The regulations have been expanded in some notable ways, and in other ways the regulations have not changed much since their first appearance. The 1968 ordinance listed minimum parking ratios for 37 individual land uses, required loading spaces, and had basic standards regarding parking space layout, lighting, and buffering.

New areas of regulation have been added over time. The 1990's saw the addition of standards for residential off-street parking areas, bicycle parking requirements, and parking structure regulations. Design standards for commercial parking areas have gradually expanded to be more specific about parking space and aisle dimensions, landscaping requirements, and lighting. In 1994, the required parking ratio table was modified to add maximum allowed number of parking spaces, in addition to the minimum required. The number of uses listed in the table grew to 55.

C. Proposed Code Amendments

The City is proposing amendments to Chapter 19.500 Parking because it is outdated and deficient, and affects nearly every development application. The proposed amendments do not affect the regulation of on-street parking, which is regulated by other titles of the Municipal Code.

The draft amendments have been prepared by staff with the Planning Commission to generally follow the goals of:

- Making the regulations more environmentally friendly
- Making the code easier to understand
- Allowing greater flexibility

Staff believes that this comprehensive revision of the off-street parking chapter will result in regulations that reflect the best practices of off-street parking regulation, are clear and easy to implement, and that further Milwaukie's livability.

The Commentary version of the proposed amendments (see Attachment 2) describes in detail how the proposed amendments would change the policy and practice of Chapter 19.500. The proposed amendments are extensive, and will revise every section in the chapter. The following is a list of significant additions and/or changes from the current regulations of the parking chapter. Excerpt from the Planning Department's webpage covering the off-street parking chapter proposal further explain the proposal, and can be found in Attachment 3.

- **Nonconforming Parking Areas** – Redevelopment that will trigger improvements to existing nonconforming parking areas will benefit from a clear list of priorities for

upgrades and a cap of spending 10% of the building permit value on parking lot improvements.

- **Ratio Table** – The table that provides the standard number of required parking spaces has been simplified. The uses are grouped in broader categories, as opposed to listing specific uses with distinct parking ratios. The ratios were also updated to be consistent with parking requirements throughout the region.
- **By-right Ratio Reductions** – There are an increased number of options available for reducing required parking ratios. The reductions are based on location (proximity to transit, neighborhood commercial areas) and on-site amenities for alternative modes of travel (transit improvements, bike parking, car/vanpool).
- **Parking Ratio Determinations and Adjustments** – A new process for determining and adjusting the required parking ratio will provide a backup to the ratio table when it does not include the proposed use or the applicant believes the ratio does not fit the specific use. These processes are combined in one section that has clear application requirements and approval criteria.
- **Shared Parking** – The maximum distance allowed between uses that share parking has been increased from 300 ft to 1000 ft.
- **Drive Aisle and Space Dimensions** – Milwaukie’s drive aisle dimensions have been reduced to be more consistent with the requirements of other jurisdictions. The ‘standard’ and ‘compact’ stall dimensions have been combined into one stall size requirement for all spaces.
- **Landscaping** – The requirements for interior parking lot landscaping allow designers flexibility with the type, size, and location of required landscaping, while still requiring trees and landscaping to provide shade and aesthetic value.
- **Covered Parking Spaces for Residential Uses** – existing code has requirements that a portion of the required parking for single family and multifamily uses be covered parking. This requirement has resulted in the construction of a ‘replacement’ covered parking space, often in the form of a carport, when garage area is converted to living space. The proposed code does not have requirements that any amount of parking for residential uses be covered.
- **Downtown Parking** – The core of downtown has been exempt from all parking requirements since the first parking code was adopted. The proposed code continues to exempt this area from minimum quantity requirements. However, other requirements such as landscaping and bicycle parking are now applicable. The proposed code contains some specific exemptions and reductions for downtown, including loading area requirements and landscaping.
- **Residential Homes** – There is a new maximum parking ratio for residential homes and facilities, fixing a loophole in the existing code. Residential homes will still be allowed to have large parking areas, but they must be setback from the street and adequately buffered by landscaping.
- **Parking Structures** – There is a new land use review process for placing parking structures in high density and commercial zones. The review criteria and incentives for parking structures have also been revised for clarity.

- **Parking Area Entrances**— Regulations have been added to improve the safety of parking area entrances. Residential and non-residential uses along arterial and collector streets cannot install gates within 20 feet of the right of way. Commercial uses along arterial and collector streets cannot have maneuvering areas for parking spaces within 20 feet of the right of way. Driveways for all uses must align with approved driveways accesses in order to prevent illegal access points to a site.

The majority of the proposed amendments are to MMC Chapter 19.500, which is the City’s main regulatory document for transportation improvements. However, amendments are also proposed to the following code sections, either because they coordinate with Chapter 19.500 or to address housekeeping issues on the Planning Department’s ongoing “code fix list”:

- MMC Section 19.103 (Definitions) – parking related definitions, edits to “New Construction” and “Story/Half-story”
- MMC Section 19.312 (Downtown Zones) – revisions regarding the applicability of the parking chapter to downtown
- MMC 19.314 (Manufacturing Zone) – housekeeping amendment
- MMC 19.318 (Mixed Use Overlay) and MMC 19.1502 (Annexations) – housekeeping amendment
- 19.320 (Willamette Greenaway) – housekeeping amendment
- MMC 19.321 (Community Service Use) – housekeeping amendment
- MMC 19.402 (Accessory Structures) and MMC 19.403 (Storage in Front Yard) – housekeeping amendment to remove an unenforceable requirement, and to remove a vehicle storage requirement that will now be addressed in Chapter 19.500
- MMC 19.602 (Conditional Uses, Type II ADU) – revision regarding off-street parking spaces for Type II ADUs
- MMC 19.708 (Home Improvement Exceptions) – revised to allow home improvement exception process to legalize additions that did not initially follow the legal permitting process

KEY ISSUES

Summary

The Planning Commission has provided policy guidance on most of the policy changes included within this proposal. Most of the proposed changes between the existing and proposed chapter have been welcomed by the Commission and others who have reviewed the amendments, and are not discussed in this section. There are, however, a few issues staff has identified the for the Planning Commission’s consideration.

- A. Is the applicability section clear and fair for redevelopment projects?
- B. Do the proposed amendments effectively deal with parking areas for residential homes?
- C. Should Milwaukie retain the minimum required ratio of 2 parking spaces per Single Family Dwelling?

- D. Do the parking regulations for residential properties protect neighborhood character and allow homeowners to utilize parking areas in a reasonable manner?

Analysis

A. Is the applicability section clear and fair for redevelopment projects?

The applicability section of a zoning chapter is perhaps the most important section because it determines what, if any, parts of the chapter apply. The current applicability section is:

- A. The standards and procedures of Chapter 19.500 shall apply to all development, remodeling and changes of use that increase parking and loading demand.
- B. The standards and procedures of this section shall also apply to uses with nonconforming parking and loading facilities, in an attempt to bring them into conformance with current standards when remodeling or change in use occurs.

Section A appears to require full conformance with the provisions of the chapter when new development occurs and when a remodel or change of use increase parking and loading demand, even by a small amount. Section B appears to capture all other activity, even if there is no increase in parking or loading demand, and requires that any non-conforming parking area come closer to conformance. The section gives no guidance as to what aspects should be brought closer to conformance or the degree to which it must be closer.

The following points summarize how the situations to which the section applies:

1. All properties must comply with the maintenance and upkeep provisions of the chapter.
2. New development and development that doubles the structure and/or floor area of a site must comply with all of parking chapter. All redevelopment or changes in use that fall below this threshold would be required to bring non-conforming parking areas closer to conformance (see point 4, below).
3. The development of parking not created in conjunction with other development activity is subject to the design requirements for parking areas. The addition of parking areas that are accessory to an existing use are also subject to the maximum quantity requirements.
4. Development activity on sites with non-conforming parking areas must come closer into conformance with the current parking area standards. This requirement would apply to changes of use and redevelopment that does not increase the structure/floor area on site by more than 100%. This section establishes a cap on the amount of parking improvements that can be required and specifies which improvements should be prioritized.

The key policy question for the Planning Commission is how the code applies to redevelopment projects. When should redevelopment trigger compliance with the entire chapter instead of only bringing some aspects of the parking area closer to conformance? Staff selected the threshold of doubling the amount of structure/floor area because projects of this magnitude are substantial increases to existing uses, rather than incremental increases. Large redevelopment projects are similar enough to the establishment of a new use that staff believes it is fair to expect that the site should comply with the parking chapter. It is important to note that demolished structures would not count toward the amount of existing structure/floor area.

Staff believes that the applicability section of the proposed amendments is clear and fair. The types of activity that trigger the requirements of the chapter are explained in clear language that does not rely on terms that need interpretation. The requirements are fair in that new development and large redevelopment projects are required to comply with the entire chapter, while smaller projects are required only to bring certain areas closer to conformance.

B. Do the proposed amendments effectively deal with parking lots on single family residential lots?

One key issue that staff sought to resolve with the proposed amendments is the regulation of large parking areas on single family lots. The current regulations for residential properties do not set any maximum amount of parking. This loophole has become a problem when permitting residential homes. Residential homes are facilities that provide assisted or supervised living in a single-family home setting, and they are allowed wherever a single family dwelling is allowed. Residential homes typically have staff or a caretaker and thus require more parking than a typical single family dwelling. The result is that large residential homes in a residential neighborhood could construct a large parking lot that would not be subject to any of the design requirements that apply to large parking lots associated with other development.

Staff proposes a two part solution to this problem.

1. Add a maximum number of parking spaces allowed for a residential home. While a large facility could still have a proportionally large number of parking spaces, a residential home would not be allowed to have an unlimited number of spaces.
2. Regulate the placement and screening for large parking areas on all residential lots. No part of a parking area greater than 2,500 square feet or greater could be located within a front yard setback. Landscape screening would also be required for such parking areas to ensure separation and buffering between any large parking area and the public realm.

The limitation on the location and design of large parking areas (over 2,500 sq ft) would apply to all single family dwellings. However, 2,500 square feet is more than adequate to accommodate typical off-street parking areas for single family dwelling, even on larger lots in the R-10 zone.

Staff considered several alternatives to regulating large parking areas in single family residential zones. These alternatives are covered in Appendix A of Attachment 2. Staff believes the proposed code amendments include the best alternative for Milwaukie. The proposal targets only large parking areas in residential neighborhoods; it would not affect typical single family dwellings. It also allows residential homes with smaller parking areas to have the same requirements as typical single family dwellings, which helps them to fit in with surrounding uses, as intended by the Federal Fair Housing Act.

C. Should Milwaukie retain the minimum required ratio of 2 parking spaces per Single Family Dwelling?

Staff's initial recommendation to the Planning Commission was to reduce the minimum parking ratio for single family dwellings from 2 spaces per dwelling unit to 1 space per dwelling unit. During a worksession in 2009, the Commission directed staff to keep the requirement for 2 spaces per dwelling unit. This preference was based on the expressed

rationale that since some properties are prone to having a large number of cars that it is better to err on the side of making sure that there is space on the property for at least two cars. This would help to avoid storing cars in the right of way.

Staff had proposed reducing the ratio for many reasons, in large part because Milwaukie is one of the only jurisdictions in the Metro region out of compliance with Metro's requirement that jurisdictions not require more than 1 space per unit for single family dwellings.

Metro staff has reviewed the proposed amendments and stated that Milwaukie should bring its parking requirements into conformance with the regional requirements. Though Milwaukie's standard of requiring 2 spaces per dwelling unit has been in place since 1968, Metro is requesting that Milwaukie come into compliance at this time.

Staff continues to recommend that the City reduce the requirement that all single family residences include 2 off-street parking spaces. Reducing the requirement to 1 space per dwelling unit would allow builders to consider whether more than 1 space is necessary for the type of house being sold. For small single-family homes in areas well served by transit, it may be that 1 off-street space is adequate for the target market. Staff believes that in most cases builders will opt to build at least two off-street parking spaces.

The options available for the Planning Commission at this point are:

1. Recommend that the amendments proceed to City Council with a minimum required parking ratio of 1 space per dwelling unit for single family dwellings. This would bring the City into compliance with Metro's regional requirements.
2. Recommend that the amendments proceed to City Council with a minimum required parking ratio of 2 spaces per dwelling unit for single family dwellings. Milwaukie could apply for an exception from compliance under Metro Code 3.07.860. However, this requires approval by the Metro Council and would delay adoption of these amendments. If the exception was not granted, or not applied for, and Milwaukie moves forward with adopting a ratio of 2 spaces per dwelling unit, Metro may appeal the adoption of the amendments to the Oregon Land Use Board of Appeals.

Staff recommends that the Planning Commission revise the proposed amendments and reduce the requirement to 1 space per dwelling unit. This change would be in keeping with the goals of the project to avoid requiring excessive parking areas, and allow a builder to minimize the amount of land that is dedicated to vehicle storage, if that is appropriate for the site. Staff does not believe the reduced requirement would affect most of the site plans for new single family dwellings, since most home buyers will want 2 or more parking spaces.

D. Do the parking regulations for residential properties protect neighborhood character and allow homeowners to utilize parking areas in a reasonable manner?

Off-street parking areas for single family dwellings can have a large impact on the appearance of residential neighborhoods. They are typically in front of the primary structure on a lot, and the contents and appearance of this area can have a larger impact on the streetscape than the dwelling itself. It is important for residents to be able to store vehicles on their property in a reasonable manner, including RVs, boats, and vehicles associated with an occupation. Regulations for parking areas on single family properties need to strike the right balance between these issues.

The proposed regulations that will apply to single family dwelling parking areas do not take a very different approach from the existing regulations. However, the proposed changes include both more restrictions and more allowances. The question for consideration by the Planning Commission is whether these changes maintain the right balance between allowing reasonable use of residential off-street parking areas and protecting a neighborhood's appearance.

Areas of Increased Regulation:

- Large parking areas – Off-street parking areas of over 2,500 square feet would not be allowed in the required front yard setback and would be required to provide landscape screening along the parking area's perimeter. This regulation is intended primarily to regulate large parking lots, and would apply to all single family dwellings. Staff surveyed existing parking areas on a sample of residential properties. Only a handful of properties on large lots (>15,000 square feet) had parking areas that were at or above this threshold. Constructing these types of parking areas would still be permissible, though landscape screening may be required. Staff believes that this regulation would not affect the vast majority of residential properties.
- Driveway Gates - The proposed regulation is that gates may not be located within 30 feet of the right of way or back of sidewalk along arterial and collector streets. The purpose of this regulation is to allow vehicles to pull completely out of arterial and collector streets before having to stop to open a gate. Properties on local and neighborhood streets would be exempt. Staff believes that this proposal addresses an important traffic safety consideration and would be limited to higher volume streets.
- Driveway Access Points – This new regulation would require that on-site driveways align with approved driveway access points as the driveway approached the right of way. The number and size of driveway access points is regulated by the Engineering Department. Properties that do not have a curb are able to drive directly onto their property at any point, even if it is not the approved driveway access. This negates the effectiveness of driveway access regulations. This regulation would augment the driveway access regulations by not allowing a driveway surface on the site in areas where a driveway access has not been approved.
- RV and Boat Storage on Large Lots – The existing code limits properties under 1 acre from having more than 1 RV or boat on the property parked outside of a structure. There is no limit for properties over 1 acre. The proposed code would add a limit of 1 additional RV or boat parked outside of a structure for each 1/2 acre over 1 acre.

Areas of Decreased Regulation:

- Gravel Parking Areas – The existing code requires all off-street parking areas to have a durable, hard surface. This regulation makes sense for required parking areas. However, on large lots with secondary parking areas it also applies to areas that are not frequently used, unnecessarily requiring more pavement than may be needed. The proposed code would allow gravel for parking areas in excess of the minimum required parking for the site, as long as such an area is not located in a required front or side yard setback.
- Covered parking areas – the existing ratio table requires 2 parking spaces for single family dwellings, 1 of which must be covered. The proposed amendments would remove the requirement for a covered parking space. This would allow properties to forego having a garage or carport on the property if the property owner does not desire to have

one. This change would make the process of converting a garage into living space much less onerous, since a replacement covered parking area would not be required.

- **Commercial Vehicles** – The existing code prohibits commercial vehicles on residential properties. The definition of commercial vehicle is any vehicle weighing more than 1.5 tons that is used for commercial purposes or has a business name on the vehicle. Given the weight of most passenger vehicles, this prohibition is extremely restrictive. For example, most pickup trucks that are used for business purposes, such as construction or landscaping, are technically not allowed. The proposed code would keep the prohibition on commercial vehicles, but change the definition to include any vehicle in excess of 9 ft tall or any box truck with an enclosed storage more than 6 ft in height and 9 ft in length. Weight would no longer be used in the definition.

The existing regulation is so strict that it is essentially unenforceable and has resulted in little to no enforcement on commercial vehicle parking in residential areas. Staff anticipates that code enforcement activity may increase on vehicles that meet the proposed definition of commercial vehicles if the amendments are adopted.

- **RV and Boat Parking** – The existing code encourages RVs and boats to be stored at least 3 ft away from side and rear property lines, and permits storage on gravel areas. It requires RVs and boats in excess of 10 ft tall to be setback 7.5 ft from a side or rear property line. The proposed amendments do not have any setback requirements and allow storage on gravel.

The existing language for RVs and boats under 10 ft tall is not enforceable since it is an encouragement, rather than requirement. For RVs and boats over 10 ft tall, the Code Enforcement department has advised that the 7.5 ft setback is not a realistic requirement for many properties in Milwaukie that have RVs. This standard has not been enforced consistently since it would result in moving RV storage from the side yard area to the front yard.

Staff believes that the proposed regulations for residential off-street parking areas strike the right balance between neighborhood appearance and individual property rights.

Amendment Process

Staff has consulted and informed the Planning Commission, City Council, and Neighborhood District Association Leadership Committee on multiple occasions while drafting the amendments. In addition to these meetings, staff has also posted project materials on the City's website and solicited comment from past applicants and other public agencies. The draft code amendments with commentary were posted to the website on October 9, 2009. Staff added a webpage on these updates on February 10, 2010. The webpage includes drafts of the amendments, links to information presented at the Planning Commission and City Council meetings, and a summary of the key issues in the amendments. A link to the webpage and proposed schedule for adopting the amendments was forwarded to NDA leaders, business and developer contacts, various religious organizations, and public and private schools on February 12, 2010.

The proposed amendments have also been thoroughly vetted by staff from the Planning, Engineering, Community Development, and Code Enforcement Departments.

CONCLUSIONS

Staff recommendation to the Planning Commission is as follows:

Modify Subsection 19.505.1 of the amendments to reduce the number of parking spaces required for single family dwellings to 1 space per unit.

Vote to recommend that City Council adopt the draft ordinance and related amendments as proposed.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Zoning Ordinance, which is Title 19 of the Milwaukie Municipal Code (MMC).

- Chapter MMC 19.900 Amendments
- Subsection MMC 19.1011.5 Legislative Review

The proposed amendments are subject to legislative review, which requires both the Planning Commission and City Council to consider whether the proposal complies with the code sections shown above. For legislative actions, the Planning Commission assesses the application against the review criteria, evaluates testimony and evidence received at a public hearing, and makes a recommendation to City Council. City Council will hold another public hearing to consider the Commission's recommendation, evaluate any additional testimony and evidence, and make the final decision on the proposal.

The Planning Commission has the following decision-making options:

1. Forward a recommendation to City Council to approve the proposed amendments and ordinance.
2. Forward a recommendation to City Council to approve the proposed amendments and ordinance with modifications.
3. Continue the hearing to further evaluate the proposed amendments and ordinance.
4. Deny the proposed amendments and ordinance. This would have the effect of deciding to continue to implement the code in its current state.

Because this proposal is a legislative action, there is no deadline by which the City must make a final decision.

COMMENTS

Notice of the proposed changes was given to the agencies and people listed in Attachment 4. The following is a summary of the comments received by the City. See Attachment 5 for further details.

- **Keith Jones, AICP, Planner, Harper Houf Peterson Righellis Inc.:** General comments on the regulations

Staff Response: Mr. Jones raises several good points in his comments, both as a land use consultant and as a former City of Milwaukie staff planner. Staff would welcome discussion with the Planning Commission of any of the points raised in his comments.

- **Miranda Bateschell, Associate Planner, Metro:** Compliance of proposed amendments with Metro Functional Plan

Staff Response: Ms. Bateschell has sent Metro's preliminary comments regarding the proposed amendments. The issue of requiring 1 space or 2 spaces per single family dwelling is addressed as a key issue in the staff report. The 1 space per unit requirement for small multifamily units has been addressed in the proposed amendments, and staff does not anticipate that this will be a compliance issue. Staff is in communication with Metro regarding compliance with the parking ratio for residential homes.

- **Gary Sheppard, Island Station Resident:** supportive of changing the 9 ft by 20 ft space requirement for residential use to 9 ft by 18 ft.
- Multiple people have commented to Planning and Building Department staff during the last 2 years that they are supportive of removing the requirement for single family residences to have a covered parking space.

ATTACHMENTS

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. Draft Ordinance (all attached)
 - Exhibit A: Draft Findings in Support of Approval
 - Exhibit B: Proposed Chapter 19.500 (existing chapter to be repealed)
 - Exhibit C: Underline/Strikeout Version of Amendments (19.100, 19.300, 19.400, 19.600, 19.700, 19.1500)
 - Exhibit D: Clean Version of the Amendments 19.100, 19.300, 19.400, 19.600, 19.700, 19.1500)
2. Proposed Code Amendments with Commentary (attached)
 - Appendix A: Residential parking alternatives (attached)
3. Public information summary of Proposed Amendments to the Zoning Code: Off-Street Parking and Loading (attached)
4. Parking Chapter Update referral list (attached)
5. Comments received (attached)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 19 OF THE MILWAUKIE MUNICIPAL CODE. THE AMENDMENTS REPEAL AND REPLACE THE OFF-STREET PARKING AND LOADING CHAPTER. (FILE #ZA-10-01).

WHEREAS, it is the City's goal to update and improve its zoning regulations on a consistent basis; and

WHEREAS, the amendments improve the City's regulations concerning off-street parking and loading areas; and

WHEREAS, the Planning Commission conducted a public hearing on March 23, 2010, as required by Zoning Ordinance Section 1011.5 Legislative Actions, and adopted a motion in support of the amendments; and

WHEREAS, legal and public notices have been provided as required by law; and

WHEREAS, City Council finds that the amendments are in the public interest;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings. Findings of fact in support of the proposed amendment are attached as Exhibit A.

Section 2. Title 19 of the Milwaukie Municipal Code is amended as described in Exhibit B (replacement of Chapter 19.500), Exhibit C (strikeout amendments) and Exhibit C (clean version amendments).

Section 3. All sections not amended as described in Exhibits B, C, and D remain as written.

Read the first time on _____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney

Document2 (Last revised 2/6/2008)

**Findings in Support of Approval
Land Use File ZA-10-01**

1. The City of Milwaukie proposes to amend various regulations that are contained in Title 19 of the Milwaukie Municipal Code, also referred to as the Zoning Ordinance. The land use application for these amendments is ZA-10-01.
2. The purpose of the proposed code amendments is to make the City's off-street parking and loading regulations easier to understand, use, and defend. The majority of the proposed amendments are to Milwaukie Municipal Code (MMC) Chapter 19.500, which is the City's main regulatory document for off-street parking and loading. The proposed amendments would repeal the existing chapter and replace it with a new chapter. Since off-street parking regulations are referenced elsewhere in the municipal code, amendments are proposed to other code sections. In addition, housekeeping amendments are proposed. The housekeeping amendments do not change all of the following code sections:
 - MMC Section 19.103 (Title 19 Definitions)
 - MMC Subsection 19.312.4 (Development Standards for Downtown Zones)
 - MMC Subsection 19.314 (Manufacturing zone)
 - MMC Subsection 19.318 (Mixed Use Overlay zone)
 - MMC Subsection 19.320 (Willamette Greenway Overlay zone)
 - MMC Subsection 19.321 (Community Service Use)
 - MMC Subsection 19.402 (Accessory Structures and Uses)
 - MMC Subsection 19.403.1 (Storage in Front Yard)
 - MMC Chapter 19.500 (Off-Street Parking and Loading)
 - MMC Subsection 19.602.10 (Type II Accessory Dwelling Unit)
 - MMC Section 19.708 (Circumstances for Granting Home Improvement Exceptions)
 - MMC Subsection 19.1502 (Annexations)
3. The proposed amendments are subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Chapter 19.900 Amendments
 - MMC Subsection 19.1011.5 Legislative Actions
4. Sections of the Milwaukie Municipal Code not addressed in these findings are found to be not applicable to the decision on this land use application.
5. Public notice was provided in accordance with MMC Subsection 19.1011.5 Legislative Actions.
6. Milwaukie Municipal Code Chapter 19.900 – Amendments.
 - A. MMC Section 19.901 requires that a text amendment to the Milwaukie Zoning Ordinance be initiated by the City Council, Planning Commission, or by a property owner.

The amendments are proposed by the City of Milwaukie and were initiated by the Planning Commission at its meeting on March 23, 2010. Planning Commission finds that this criterion is met.

B. MMC Section 19.902 – Amendment Procedure.

- i) MMC Subsection 19.902.1.A requires that proposed amendments be heard at a public hearing and follow the procedures outlined in MMC Subsection 19.1011.5 –Legislative Actions.

The Planning Commission held a public hearing on the proposed amendments on March 23, 2010. A public hearing before City Council is scheduled for April 20, 2010. Public notice was provided in accordance with MMC Subsection 19.1011.5 for the Planning Commission hearing and will be provided for the City Council hearing. The Planning Commission finds that this criterion is met.

- ii) MMC Subsection 19.902.1.B establishes standards for providing notice to Metro of any proposed amendments to the City’s Comprehensive Plan or Zoning Ordinance.

Metro was provided notice of the proposed amendments on February 4, 2010, which exceeds the 45-day notification requirement. An analysis demonstrating compliance with the Metro Urban Growth Management Functional Plan will be sent to Metro no later than fourteen days prior to the final City Council hearing on the proposed amendments. Planning Commission finds that this criterion is met.

- iii) MMC Subsection 19.902.1.D requires that the Planning Director forward the Planning Commission’s recommendation to City Council within forty days of the final Planning Commission hearing on the proposed amendments.

The Planning Director will forward the Planning Commission’s recommendation to City Council within 40 days of the recommendation date. The Planning Commission finds that this criterion is met.

C. MMC Subsection 19.904.1 requires that proposals for zoning text amendments provide written evidence that the following requirements are satisfied:

- i) Applicable requirements of MMC Section 19.1003, which specify the form of petitions, applications, and appeals.

The Planning Director submitted an application on the prescribed form. Because no development is proposed, the other portions of MMC Section 19.1003 are not applicable. City Council finds that this requirement is met.

- ii) Reasons for requesting the proposed text amendments.

The City of Milwaukie seeks to update its off-street parking regulations to ensure that the code remains current with best professional practices, complies with Metro requirements, and reflects the community’s vision for how development should look and function. The proposed amendments are intended to make the code more clear and easy to implement and to provide flexibility in the regulations to respond to unique situations.

See the commentary version of the proposed amendments for more detail (Attachment 4 of the May 5, 2009 staff report to City Council). Planning Commission finds that this requirement is met.

- iii) Explanation of how the proposed code amendments are consistent with other provisions of this title.

The proposed code amendments are designed to ensure that they are consistent with the provisions of Title 19. The main focus of the proposed code amendments is to update the City's off-street parking regulations. The updates make the off-street parking regulations more consistent with other provisions of the title by making the parking quantity table easier to apply to the multiple uses listed in Chapter 19.300, clarifying the relationship between required accessory parking and parking facilities as a separate land use, and tying the applicability of the off-street parking regulations to terms that are already defined in the Zoning Ordinance. The updates are intended to ensure that all internal code references are consistent and accurate, all new and existing terms are clearly defined, and all affected code sections are appropriately located. See the commentary version of the proposed amendments for more detail (Attachment 4 of the May 5, 2009 staff report to City Council). Planning Commission finds that this requirement is met.

- iv) The approval criteria of MMC Section 19.905.

The applicable approval criteria of MMC Section 19.905 are addressed below.

- D. MMC Section 19.905 contains the approval criteria for zoning ordinance text amendments.

- i) The proposed code amendments must conform to applicable comprehensive plan goals, policies, and objectives and be consistent with the provisions of City ordinances, Metro urban growth management functional plan (Functional Plan), and applicable regional policies.

Compliance with Milwaukie Comp Plan

The proposed code amendments conform to the following applicable Comp Plan goals, policies, and objectives.

Chapter 3 – Environment and Natural Resources; Air, Water and Land Resources Quality Element; Objective #2; Policy 2: “Milwaukie will encourage the reduction of vehicle emissions by improving local flow and seeking ways to increase transit ridership.” The proposed code amendments seek increased use of transit by providing parking reductions for sites near transit lines and for the provision of transit facilities on a site.

Chapter 3 – Environment and Natural Resources; Air, Water and Land Resources Quality Element; Objective #3; Policy 7: “The City will encourage, through its building code enforcement program, adequate noise protection be provided between adjoining attached or multi-family residential structures. Noise from inside adjacent living units should not reasonably interfere with normal domestic activities.” The proposed code amendments require increased buffering for parking areas that are adjacent to residential uses, which will provide noise protection from parking areas.

Chapter 4 – Commercial Land Use Element; Objective #9; Policy 3: “The City will ensure that future improvements and land use changes provide adequate visual buffers to adjacent residential areas, including such devices as landscaping and fencing.” The proposed code amendments require landscape buffers on the perimeters of parking areas and visual screening of parking areas that are adjacent to residential uses.

Chapter 4 – Neighborhood Element; Neighborhood Area 1; Guideline #2: “Projects should have adequate off-street parking.” The proposed code amendments are aimed at ensuring that an adequate but not excessive amount of off-street parking is provided. The parking ratios in the proposed code have been revised based on regional requirements to be consistent with what is required by other jurisdictions in the region.

Environmental quality (multiple sections) – The proposed code amendments support goals and policies of reducing the environmental impacts of development. The amendments include allowances for the use of pervious parking areas and allow for parking area landscaping to serve as stormwater management facilities.

Encouragement of Transit, Bicycle, and Pedestrian modes of transportation (multiple sections) - The proposed code amendments support goals and policies of encouraging modes of transportation aside from vehicles. The amendments include parking reduction incentives for the provision of transit, bicycle, and carpool facilities on site. The amendments also support pedestrian travel by providing standards for safe pedestrian walkways through off-street parking areas.

Land Use (multiple sections) - The proposed code amendments support goals and policies of efficient use of existing land by not requiring more land than necessary to be used for off-street parking. The amendments include multiple by-right reductions to required parking, allowance for uses to study their parking demand and build the appropriate amount of parking, and large reductions in required parking for small commercial areas within neighborhoods. The amendments also increase the potential for shared parking areas to be used, which can minimize the amount of parking constructed.

Compliance with City Ordinances

These findings demonstrate compliance with all applicable City ordinances.

Compliance with Functional Plan

City staff will submit a report that demonstrates compliance with the applicable titles of the Metro Functional Plan at least 15 days prior to the City Council hearing on the proposed amendments. The proposed amendments bring the parking regulations closer into conformance with Title 2 of the Functional Plan that addresses regional parking policy.

In processing the proposed amendments, the City followed its own requirements for citizen involvement. The proposed amendments were referred to the City's Neighborhood District Associations for review and were discussed at several neighborhood, Planning Commission, and City Council meetings.

The Planning Commission finds that this criterion is met.

- ii) The anticipated development must meet the intent of the proposed zone.

The proposed code amendments are legislative in nature and do not involve a specific development proposal in a particular zone. The Planning Commission finds that this criterion is not applicable.

- iii) The proposed code amendments will meet or can be determined to reasonably meet applicable regional, state, and federal regulations.

The proposed amendments will comply with all applicable regional regulations. The only applicable regulation related to the proposed amendments is the Metro Functional Plan. Conformance to this plan will be demonstrated in the Functional Plan Compliance Report that will be submitted to Metro and included with the proposed amendments when they are heard by City Council. The Planning Commission finds that this criterion is met.

3. MMC Subsection 19.1011.5 outlines the procedures for processing legislative land use policies and plans. Specifically, it requires the City to do the following:

- A. Public Notification. Publish a notice of a hearing once each week for two consecutive weeks in a newspaper of general circulation in the city. The second publication shall not be less than five days prior to the date of the hearing.

The City provided the required published notice. The Planning Commission finds that this requirement is met.

- B. Decision. The Planning Commission shall conduct a public hearing and shall make a decision based on compliance with the applicable goals and policies of the comprehensive plan. The Planning Commission shall prepare a recommendation to the City Council. If the Commission approves the proposal, a report and recommendation, including findings and conclusions, shall be forwarded to Council. The City Council shall conduct a public hearing.

The Planning Commission held a public hearing on March 23, 2010. The recommendation of approval of the proposed amendments will be forwarded to City Council in advance of the Council's hearing of the proposed amendments. The Planning Commission finds that this requirement is met.

4. The application was referred to various City departments, governmental agencies, neighborhood district associations, and stakeholders. The proposed amendments, commentary on the amendments, materials from public meetings regarding the amendments, and summaries of the key issues within the amendments were posted on the City's website starting on February 10, 2010. All verbal and written comments made on the proposed amendments were summarized and made available to the Planning Commission in advance of the public hearings.

Off-Street Parking and Loading

Sections:

19.501	Purpose
19.502	Applicability
19.503	Review Process and Submission Requirements
19.504	General Parking Standards
19.505	Vehicle Parking Quantity Requirements
19.506	Parking Area Design and Landscaping
19.507	Off-Street Parking Standards for Residential Areas
19.508	Loading
19.509	Bicycle Parking
19.510	Carpool and Vanpool Parking
19.511	Parking Structures

19.501 PURPOSE

Chapter 19.500 regulates off-street parking and loading areas on private property outside the public right of way. The purpose of Chapter 19.500 is to: provide adequate, but not excessive, space for off-street parking; avoid parking-related congestion on the streets; avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; encourage bicycling, transit, and carpooling; minimize parking impacts to adjacent properties; improve the appearance of parking areas, and minimize environmental impacts of parking areas.

Regulations governing the provision of on-street parking within the right-of way are contained in Chapter 19.1400 and the Milwaukie Downtown and Riverfront Plan Public Area Requirements, which is an ancillary document to the Comprehensive Plan. The management of on-street parking is governed by Chapter 10.20. Chapter 19.500 does not enforce compliance with the American's with Disabilities Act (ADA). ADA compliance on private property is reviewed and enforced by the Building Official.

19.502 APPLICABILITY

19.502.1 General Applicability

The regulations of Chapter 19.500 apply to all off-street parking areas and off-street loading areas, whether required by the City as part of development or a change in use, per Subsection 19.502.3, or voluntarily installed for the convenience of users, per Subsection 19.502.4. Activity that is not described by Subsections 19.502.3 or 19.502.4 is exempt from compliance with the provisions of Chapter 19.500. Changes to nonconforming off-street parking and loading are addressed through Chapter 19.500 and not through the provisions of Chapter 19.800.

19.502.2 Maintenance Applicability

Property owners shall comply with the regulations of Chapter 19.500 by ensuring conformance with the standards of Chapter 19.500 related to ongoing maintenance, operations, and use of off-street parking and loading areas. Changes to existing off-street parking or loading areas that bring the area out of conformance with Chapter 19.500, or further out of conformance if already nonconforming, are prohibited.

Exhibit B: Chapter 19.500 (new)

19.502.3 Applicability for Development and Change in use Activity

The provisions of Chapter 19.500 apply to development and changes of use as described in Subsection 19.502.3.

- A. Development of a vacant site shall have off-street parking and off-street loading areas that conform to the requirements of Chapter 19.500. Development of a site that results in an increase of 100% or more of the existing floor area and/or structure footprint on a site shall also conform to the requirements of Chapter 19.500. The floor area and/or footprint of structures demolished prior to development or redevelopment on the site shall not be considered when calculating the increase in floor area and/or structural footprints.
- B. Existing off-street parking and loading areas shall be brought closer into conformance with the standards of Chapter 19.500, per Subsection 19.502.5, when the following types of development or change in use occur.
 - 1. Development that results in an increase of less than 100% of the existing floor area and/or structure footprint.
 - 2. Changes of use, as defined in Section 19.103.

19.502.4 Applicability not Associated With Development or Change in Use

- A. Any parking or loading area developed to serve an existing use(s) that is not associated with development activity or a change in use described in Subsection 19.502.3 shall conform to the requirements of Sections 19.504 and 19.506-19.511. The total number of spaces in the existing parking area and new parking area shall not exceed the maximum allowed quantity of parking as established in Section 19.505.
- B. Any parking or loading area that is not developed to serve an exiting use and is not associated with development activity or a change in use as described in Subsection 19.502.3 shall conform to the requirements Sections 19.504 and 19.506-19.511. The requirements of Section 19.505 do not apply to parking areas described under Subsection 19.502.4.

19.502.5 Improvements to Existing Off-Street Parking and Loading Areas**A. Purpose**

The purpose of Subsection 19.502.5 is to improve nonconforming off-street parking and loading areas as redevelopment occurs. These improvements should occur in conjunction with a development or change in use.

B. Limitations on Required Improvements

The cost of materials for any required improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or tenant improvements associated with a change in use. The cost of capital equipment such as manufacturing or operational equipment is exempt from the building permit value for purposes of this regulation. This exemption does not include building infrastructure such as electrical, plumbing heating, venting, or air conditioning equipment.

C. Areas of Required Improvement

The Planning Director will evaluate the applicant's parking plan and use the prioritized list below when determining what improvements will be required.

- 1. Paving and striping of parking areas, per Subsection 19.506.3.A.

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2. Minimum required vehicle parking spaces, per Section 19.505.
3. Minimum required bicycle parking spaces, per Section 19.509.
4. Landscaping of existing buffers, islands, and medians, per Subsection 19.506.2.D.
5. New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.506.2.E.
6. Other applicable standards within Chapter 19.500, as determined by the Planning Director.

19.503 REVIEW PROCESS AND SUBMISSION REQUIREMENTS

19.503.1 Review Process

The Planning Director shall apply the provisions of Chapter 19.500 in reviewing all land use and development permit applications, except when an application is subject to a quasi-judicial land use review or appeal, in which case the body reviewing the application or appeal has the authority to implement and interpret the provisions of Chapter 19.500.

19.503.2 Submission Requirements

Except for single family dwellings, a development or change in use subject to Chapter 19.500 as per Section 19.502 shall submit a parking plan, drawn to scale. The parking plan shall show that all applicable standards are met, and shall include but not be limited to the items listed below, unless waived by the Planning Director.

- A. Delineation of individual spaces and wheel stops.
- B. Drive aisles necessary to serve spaces.
- C. Access ways, including driveways and driveway approaches, to streets, alleys, and properties to be served.
- D. Pedestrian pathways and circulation.
- E. Bicycle parking areas and rack specifications.
- F. Fencing.
- G. Abutting land uses.
- H. Grading, drainage, surfacing, and subgrading details.
- I. Location and design of lighting fixtures and levels of illumination.
- J. Delineation of existing and proposed structures.
- K. Parking and loading area signage.
- L. Landscaping, including the following information.
 1. The location and area of existing and proposed trees, vegetation, and plant materials, including details about the number, size, and species of such items.
 2. Notation of the trees, plants, and vegetation to be removed, and protection measures for existing trees and plants to be preserved.

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19.504 GENERAL PARKING STANDARDS**19.504.1 Parking Provided with Development Activity**

All required off-street parking areas shall be provided at the time the structure is built; at the time a structure or site is enlarged; or when there is change in use or an increase in density or intensity. All required off-street parking areas shall be provided in conformance with the standards of Chapter 19.500 prior to issuance of a certificate of occupancy, or final development permit approval, or as otherwise specified in any applicable land use decision.

19.504.2 Parking Area Location

Accessory parking shall be located in one or more of the following areas.

- A. On the same site as the primary use for which the parking is accessory.
- B. On a site owned by the same entity as the site containing the primary use that meets the standards of Subsection 19.505.4.B.2. Accessory parking that is located in this manner shall not be considered a parking facility for purposes of the use zones in Chapter 19.300.
- C. Where shared parking is approved in conformance with Subsection 19.505.4.

19.504.3 Use of Parking Areas

All required off-street parking areas shall continually be available for the parking of operable vehicles of intended users of the site. Required parking shall not be rented, leased, sold, or otherwise used for parking that is unrelated to the primary or accessory use of the site, except where a shared parking agreement per 19.505.4 has been recorded. This subsection does not prohibit charging fees for parking when the parking serves the primary or accessory uses on site.

19.504.4 Storage Prohibited

No required off-street parking area shall be used for storage of equipment or materials, except as specifically authorized by Subsection 19.507.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking.

19.505 VEHICLE PARKING QUANTITY REQUIREMENTS

The purpose of Section 19.505 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.505.1 establishes parking ratios for common land uses, and Subsection 19.505.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.505.2.

The Downtown Storefront (DS) Zone and the portion of the Downtown Office (DO) Zone north of Washington Street and east of McLoughlin Boulevard are exempt from the requirements of Section 19.505.

19.505.1 Minimum and Maximum Requirements

- A. Development shall provide at least the minimum and not more than the maximum number of parking spaces as listed in Table 19.505.1. Modifications to the standards in Table 19.505.1 may be made as per Section 19.505. Where multiple ratios are listed, the Planning Director shall determine which ratio to apply to the proposed development or use.

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- B. When a specific use has not been proposed or identified at the time of permit review, the Planning Director may elect to assign a use category from Table 19.505.1 to determine the minimum required and maximum allowed parking. Future tenants or property owners are responsible for compliance with Chapter 19.500 per the applicability provisions of Section 19.502.
- C. If a proposed use is not listed in Table 19.505.1, the Planning Director has the discretion to apply the quantity requirements of a similar use listed in the table upon finding that the listed use and unlisted use have similar parking demands. If a similar use is not listed, the quantity requirements will be determined per Subsection 19.505.2.
- D. Where the calculation of minimum parking spaces does not result in a whole number, the result shall be rounded down to the next whole number. Where the calculation of maximum parking spaces does not result in a whole number, the result shall be rounded to the nearest whole number.
- E. Parking spaces for disabled persons, and other improvements related to parking, loading, and maneuvering for disabled persons, shall conform to the Americans with Disabilities Act and shall be subject to review and approval by the Building Official. Spaces reserved for disabled persons are included in the minimum required and maximum allowed number of off-street parking spaces.
- F. Uses that have legally established parking areas that exceed the maximum number of spaces allowed by Subsection 19.505 prior to the effective date of Ordinance #____ shall be considered nonconforming with respect to the quantity requirements. Such uses shall not be considered parking facilities as defined in Section 19.103.

Table 19.505.1 Minimum To Maximum Off-Street Parking Requirements		
Use	Minimum Required	Maximum Allowed
A. Residential Uses		
1. Single family dwellings, including manufactured homes.	2 spaces per dwelling unit.	No maximum.
2. Multifamily dwellings containing 3 or more dwelling units (includes senior and retirement housing). a. Dwelling units with 800 sq ft of floor area or less. b. Dwelling units with more than 800 sq ft of floor area.	1 space per dwelling unit. 1.25 spaces per dwelling unit.	2 spaces per dwelling unit. 2 spaces per dwelling unit.
3. Residential homes and similar facilities allowed outright in residential zones.	2 spaces per facility plus 1 space per employee on the largest shift.	Minimum required parking plus 1 space per bedroom.
4. Accessory Dwelling Units (ADU) -Types I and II.	Property containing an ADU and primary dwelling must have 2 spaces.	No maximum.

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B. Community Service and Other Public Uses		
1. Religious institutions.	1 space per 4 seats.	1 space per 2 seats.
2. Day-care center ("family day-care" as defined in Section 19.103 has no parking requirements).	2 spaces per 1,000 sq ft of floor area.	3.5 spaces per 1,000 sq ft of floor area.
3. School—elementary or junior high.	1 space per classroom.	2 spaces per classroom.
4. School—senior high.	0.25 spaces per student, plus 1 space per staff.	0.33 spaces per student, plus 1 space per staff.
5. Meeting room, club, lodge, or association.	5 spaces per 1,000 sq ft of floor area, or 1 space per 4 seats if seats are permanently installed.	16.66 spaces per 1,000 sq ft of floor area, or 1 space per 3 seats if seats are permanently installed.
6. Library, museum, art gallery.	1 space per 1,000 sq ft of gross floor area.	1.2 spaces per 1,000 sq ft of gross floor area.
7. Nursing, convalescent, and extended-care facilities	1 space per 4 beds.	1 space per 3 beds.
C. Lodging Places		
1. Motel, hotel, boarding house.	1 space per lodging unit.	1.5 spaces per lodging unit.
2. Bed and breakfast establishments.	1 space per lodging unit, plus 1 space for the permanent residence.	1.5 spaces per lodging unit, plus 2 spaces for the permanent residence.
D. Commercial Uses—Recreational		
1. Indoor Recreation, such as a health club, gym, bowling alley, arcades, etc.	3 spaces for each 1,000 sq ft of gross floor area.	5.5 spaces per 1,000 sq ft of gross floor area.
2. Theater, auditorium, or stadium	1 space per 4 seats.	1 space per 3 seats.
E. Commercial Uses—Retail Goods		
1. Eating and drinking establishments	4 spaces per 1,000 sq ft	15 spaces per 1,000 sq ft
2. General retail – grocery stores, convenience stores, specialty retail and shops	2 spaces per 1,000 sq ft of floor area.	5 spaces per 1,000 sq ft of gross floor area.
3. Bulk retail – furniture and home furnishing, appliances, vehicles, building materials, and similar large items	1 space per 1,000 sq ft of floor area.	3 spaces per 1,000 sq ft of gross floor area.
4. Gas stations	No minimum	1.25 spaces per 4 pumps.

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F. Commercial Uses—Services		
1. General Office, including banks	2 spaces per 1,000 sq ft	3.4 spaces per 1,000 sq ft
2. Medical/ dental office (non-hospital), veterinary clinic	3.9 spaces per 1,000 sq ft of floor area.	4.9 spaces per 1,000 sq ft of floor area.
3. Personal services, such as a barber shop, beauty parlor, etc.	4 spaces per 1,000 square floor area.	5.4 spaces per 1,000 sq ft of floor area.
4. Commercial services, such as dry cleaners and repair shops (does not include vehicle repair).	2.8 spaces per 1,000 sq ft of gross floor area.	5.1 spaces per 1,000 sq ft of gross floor area.
5. Vehicle Repair	2 spaces per 1,000 sq ft of floor area	2.5 spaces per 1,000 sq ft of floor area
6. Quick vehicle repair and servicing, such as oil change and tire shops	2 spaces per service bay	3 spaces per service bay
7. Mortuary/Funeral Home	1 space per 5 chapel or parlor seats	1 space per 3 chapel or parlor seats
8. Car Wash	No minimum	2 spaces per wash bay for self-service washes, or 2 spaces per 1,000 sq ft of floor area for full service washes.
G. Industrial Uses		
1. Manufacturing	1 space per 1,000 sq ft of gross floor area.	2 spaces per 1,000 sq ft of gross floor area.
2. Storage, warehouse, wholesale establishment less than 150,000 sq ft	0.5 spaces per 1,000 sq ft of gross floor area	1 space per 1,000 sq ft of gross floor area.
3. Storage, warehouse, wholesale establishment 150,000 sq ft or greater	0.3 spaces per 1,000 sq ft of gross floor area	0.4 spaces per 1,000 sq ft of gross floor area.
4. Mini-warehouse; self-service storage.	1 space per 45 storage units, plus 1 space per employee of the largest shift.	1 space per 20 storage units, plus 1 space per employee of the largest shift.

19.505.2 Quantity Modifications and Required Parking Determinations

Subsection 19.505.2 allows for the modification of minimum and maximum parking ratios from Table 19.505.1 as well as the determination of minimum and maximum parking requirements. Parking determinations shall be made when the proposed use is not listed in Table 19.505.1 and for developments with large parking demands.

A. Applicability

The procedures of Subsection 19.505.2 shall apply in the following situations.

1. If the proposed use is not listed in Table 19.505.1 and the quantity requirements for a similar listed use cannot be applied.

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2. If the applicant seeks a modification from the minimum required or maximum allowed quantities as calculated per Table 19.505.1.

B. Application

Determination of parking ratios in situations listed above shall be reviewed as a Type II land use decision, per Subsection 19.1011.2. The application for a determination must include the following.

1. Describe the proposed uses of the site, including information about the size and types of the uses on site, and information about site users (employees, customers, etc.).
2. Identify factors specific to the proposed use and/or site, such as the proximity of transit, parking demand management programs, availability of shared parking, and/or special characteristics of the customer, client, employee or resident population that affect parking demand.
3. Provide data and analysis specified in Subsection 19.505.2.B.3 to support the determination request. The Planning Director may waive requirements of Subsection 19.505.2.B.3 if the information is not readily available or relevant, so long as sufficient documentation is provided to support the determination request.
 - a. Analyze parking demand information from professional literature that is pertinent to the proposed development. Such information may include data or literature from the Institute of Transportation Engineers, American Planning Association, Urban Land Institute, or other similar organizations.
 - b. Review parking standards for the proposed use or similar uses found in parking regulations from other jurisdictions.
 - c. Present parking quantity and parking use data from existing developments that are similar to the proposed development. The information about the existing development and its parking demand shall include enough detail to evaluate similarities and differences between the existing development and the proposed development.
4. Propose a minimum and maximum parking ratio. For phased projects, and for projects where the tenant mix is unknown or subject to change, the applicant may propose a range (low and high number of parking spaces) for each development phase and both a minimum and maximum number of parking spaces to be provided at buildout of the project.
5. Address the approval criteria in Subsection 19.505.2.C.

C. Approval Criteria

The Planning Director shall consider the following criteria in deciding whether to approve the determination or modification. The Planning Director, based on the applicant's materials and other data the Planning Director deems relevant, shall set the minimum parking requirement and maximum parking allowed. Conditions of approval may be placed on the decision to ensure compliance with the parking determination.

1. All modifications and determinations must demonstrate that the proposed parking quantities are reasonable based on existing parking demand for similar use in other locations; parking quantity requirements for the use in other jurisdictions; and professional literature about the parking demands of the proposed use.

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2. In addition to the criteria in Subsection 19.505.2.C.1, requests for modifications to decrease the amount of minimum required parking shall meet the following criteria.
 - a. The use of transit, parking demand management programs, and/or special characteristics of the site users will reduce expected vehicle use and parking space demand for the proposed use or development, as compared with the standards in Table 19.505.1.
 - b. The reduction of off-street parking will not adversely affect available on-street parking.
 - c. The requested reduction is the smallest reduction needed based on the specific circumstances of the use and/or site.
3. In addition to the criteria in Subsection 19.505.2.C.1, requests for modifications to increase the amount of maximum allowed parking shall meet the following criteria.
 - a. The proposed development has unique or unusual characteristics that create a higher-than-typical parking demand.
 - b. The parking demand cannot be accommodated by shared or joint parking arrangements or by increasing the supply of spaces that are exempt from the maximum amount of parking allowed under Subsection 19.505.3.A.
 - c. The requested increase reduction is the smallest increase needed based on the specific circumstances of the use and/or site.

19.505.3 Exemptions and By-Right Reductions to Quantity Requirements

The following exemptions and by-right reductions cannot be used to further modify any parking modification or determination granted under Subsection 19.505.2.

A. Exemptions to Maximum Quantity Allowance

The following types of parking do not count toward the maximum amount of parking allowed on a site. This exemption applies only to the quantity requirements of Section 19.505 and not to the other requirements of Chapter 19.500. The City may impose conditions to ensure that parking spaces associated with these parking types are appropriately identified and used for the intended purpose.

1. Spaces for a parking facility.
2. Spaces for a transit facility or park and ride facility.
3. Storage or display areas for vehicle sales.
4. Employee carpool parking, when spaces are dedicated or reserved for that use.
5. Fleet parking.
6. Truck loading areas.

B. Reductions to Minimum Parking Requirements

Applicants are allowed to utilize multiple reductions from Subsections 19.505.3.B.2-7, provided that the total reduction in required parking does not exceed 25% of the minimum quantity requirement listed in Table 19.505.1. Applicants may not utilize the reduction in Subsection 19.505.3.B.1 in conjunction with any other reduction in Subsection 19.505.3.B.

1. Reductions for Neighborhood Commercial Areas

Exhibit B: Chapter 19.500 (new)

The minimum parking requirements of Table 19.505.1 shall be reduced by 50% for the properties described below.

- a. Properties zoned Commercial Limited (C-L).
- b. Properties zoned Commercial Neighborhood (C-N).
- c. Properties in the Commercial General (C-G) zone in the area bounded by 42nd Avenue, King Road, 40th Avenue and Jackson Street.
- d. Properties in the Commercial General (C-G) zone in the area bounded by 42nd Avenue, Harrison Street, 44th Avenue, and Jackson Street.

2. Proximity to Public Transit

- a. Parking for commercial and industrial uses may be reduced by up to 10% percent if the development is within 500 ft walking distance, as defined in Subsection 19.505.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.
- b. Parking for multifamily uses may be reduced by up to 20% if the development is within 500 ft walking distance, as defined in Subsection 19.505.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.
- c. Parking for all uses except single-family attached and detached dwellings may be reduced by 25% if the development is within 1,000 ft walking distance, as defined in Subsection 19.505.3.B.2.d, of a light rail transit stop.
- d. In determining walking distance, the applicant shall measure the shortest route along sidewalks, improved pedestrian ways, or streets if sidewalks or improved pedestrian ways are not present. Walking distance shall be measured along the shortest course from the point on the development site that is nearest to the transit stop.

3. Multitenant Commercial Sites

Where multiple commercial uses occur on the same site, minimum parking requirements shall be calculated as described below. The Planning Director shall have the authority to determine when multiple uses exist on a site.

- a. Use with highest parking requirement. The use that has the largest total number of minimum parking spaces required shall be required to provide 100% of the minimum number of parking spaces.
- b. All other uses. All other uses on the site shall be required to provide 80% of the minimum number of parking spaces.

4. Carpool/Vanpool

Commercial and industrial developments that provide at least 2 carpool/vanpool parking spaces may reduce the required number of parking spaces by up to 10 percent. This reduction may be taken whether the carpool/vanpool space is required pursuant to Subsection 19.510 or voluntarily provided.

5. Bicycle Parking

The minimum amount of required parking for all non single family residential uses may be reduced by up to 10 percent for the provision of bicycle parking in addition to what is required by Section 19.509. A reduction of one vehicle parking space is allowed for every 6 additional bicycle parking spaces installed. The bicycle spaces shall meet all

Exhibit B: Chapter 19.500 (new)

other standards of Subsection 19.509. The area of an existing parking space in an off-street parking area may be converted to bicycle parking to utilize this reduction.

6. Car Sharing

Required parking may be reduced by up to 5% if at least 1 off-street parking space is reserved for a vehicle that is part of a car sharing program. The car sharing program shall be sufficiently large enough, as determined by the Planning Director, to be accessible to persons throughout Milwaukie and its vicinity. The applicant must provide documentation from the car sharing program that the program will utilize the space provided.

7. Provision of Transit Facility Improvements

The number of existing required parking spaces may be reduced by up to 10% percent for developments that provide facilities such as bus stops and pull-outs, bus shelters, or other transit-related facilities. A reduction of 1 parking space is allowed for each 100 sq ft of transit facility provided on the site.

19.505.4 Shared Parking

Some or all of a use's required parking spaces may be accommodated off-premises on the parking area of a different site through shared parking, pursuant to the standards of Subsection 19.505.4. The standards of Subsection 19.505.4 do not apply to voluntary shared parking agreements that are not created in order to conform to the quantity requirements of Section 19.505.

A. Review

The Planning Director shall determine in accordance with Subsection 19.1011.1 Type I Administrative Review whether the shared parking standards are met. The Planning Director may require a nonconforming parking area be brought into conformance, or closer to conformance as per Subsection 19.502.5, before it may be used for shared parking.

B. Standards

1. The applicant must demonstrate that the shared parking area has a sufficient quantity of spaces for the uses that will share the parking area. The Planning Director may require the applicant to provide data substantiating the claim that the proposed parking is sufficient for multiple uses during peak hours of demand for each use.
2. The nearest parking spaces shall be no further than 1,000 ft from the principal structure(s) or use(s). The measurement shall be along a route that is adequately illuminated; has vertical or horizontal separation from travel lanes within the right of way; uses legal crosswalks for right of way crossing; and has an asphalt, concrete or similar surface material. The applicant may propose to construct new facilities or modify existing facilities to comply with Subsection 19.505.4.B.2.
3. Legal documentation between the property owners that guarantees access to the shared parking shall be recorded with the County. The documentation shall be reviewed and approved by the Planning Director prior to being recorded. The agreement shall run with the land and not be tied to property ownership. The agreement shall not be terminated without City approval. The request for a terminating the agreement must demonstrate that the properties in the agreement and their uses will comply with the quantity requirements of Section 19.505 after dissolution of the agreement. A copy of the recorded documentation shall be provided to the City prior to obtaining a building permit.

Exhibit B: Chapter 19.500 (new)**19.506 PARKING AREA DESIGN AND LANDSCAPING**

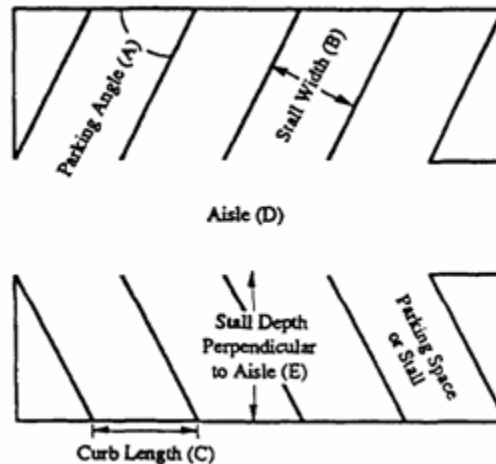
The purpose of Section 19.506 is to ensure that off-street parking areas are safe, environmentally sound, aesthetically pleasing, and that they have efficient circulation. These standards apply to all types of development except for single-family attached dwellings, single-family detached dwellings, and residential homes.

19.506.1 Parking Space and Aisle Dimensions

- A. The dimensions for required off-street parking spaces and abutting drive aisles, where required, shall be no less than in Table 19.506.1.

Table 19.506.1 Minimum Parking Space And Aisle Dimensions					
Angle (A)	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Depth (E)
0° (Parallel)	8.5'	22'	12'	19'	8.5'
30°	9'	17'	12 ft	19'	16.5'
45°	9'	12'	13'	19'	18.5'
60°	9'	10'	17'	19'	19'
90°	9'	9'	22'	22'	18'

Figure 19.506.1-Parking Dimension Factors



- B. The dimension of vehicle parking spaces provided for disabled persons shall be according to federal and state requirements.
- C. Parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.

Exhibit B: Chapter 19.500 (new)

- D. Drive aisles shall be required in parking areas greater than 5 spaces. Drive aisles shall meet the minimum width standards of Subsection 19.506.1. Where a drive aisle or portion thereof does not abut a parking space(s), the minimum allowed width for a one way drive aisle shall be 8 ft and the minimum allowed width for a two way drive aisle shall be 16 ft.

19.506.2 Landscaping

A. Purpose

The purpose of the off-street parking lot landscaping standards is to provide vertical and horizontal buffering between parking areas and adjacent properties, break up large expanses of paved area, help delineate parking spaces and drive aisles, and provide environmental benefits such as stormwater management, carbon dioxide absorption, and a reduction of the urban heat island effect.

B. General Provisions

1. Parking area landscaping shall be required for the surface parking areas of all uses, except for single-family detached and single-family attached residences. Landscaping shall be based on the following standards in Subsections 19.506.2.C-19.506.2.H.
2. Landscaped areas required by Subsection 19.506.2 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 19.506.2.

C. Perimeter Landscaping

The perimeter landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.506.2.C -1.

1. Dimensions

The minimum width of perimeter landscape areas are shown in Table 19.503.2.C.1. Where a curb provides the border for a perimeter landscape area, the dimension shall be measured from the inside of the curb(s). The Planning Director may reduce the required minimum width of a perimeter landscaping area where existing development or site constraints make it infeasible to provide drive aisles, parking spaces, and the perimeter landscaping buffer width listed in Table 19.503.2.C.1.

Table 19.506.2.C.1		
Minimum Perimeter Landscape Strip Dimensions		
Location	Downtown Zones	All Other Zones
Lot line abutting a right of way	4 ft	8 ft
Lot line abutting another property, except for abutting properties that share a parking area	0 ft	6 ft

2. Planting Requirements

Landscaping requirements for perimeter buffer areas shall include 1 tree planted per 40 lineal feet of landscaped buffer area. Where the calculation of the number of trees does not result in a whole number, the result shall be rounded up to the next whole

Exhibit B: Chapter 19.500 (new)

number. Trees shall be planted at evenly spaced intervals along the perimeter buffer to the greatest extent practicable. The remainder of the buffer area shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.

3. Additional Planting Requirements Adjacent to Residential Uses

In addition to the planting requirements of Subsection 19.506.2.D.2, all parking areas adjacent to a residential use shall have a continuous visual screen in the landscape perimeter area that abuts the residential use. The area of required screening is illustrated in Figure 19.506.2.C-2. The screen must be opaque throughout the year from 1 to 4 ft above ground to adequately screen vehicle lights. These standards must be met at the time of planting. Examples of acceptable visual screens are a fence or wall, an earth berm with plantings, and other plantings of trees and shrubs.

Figure 19.506.2.C-1: Perimeter Landscaping Areas

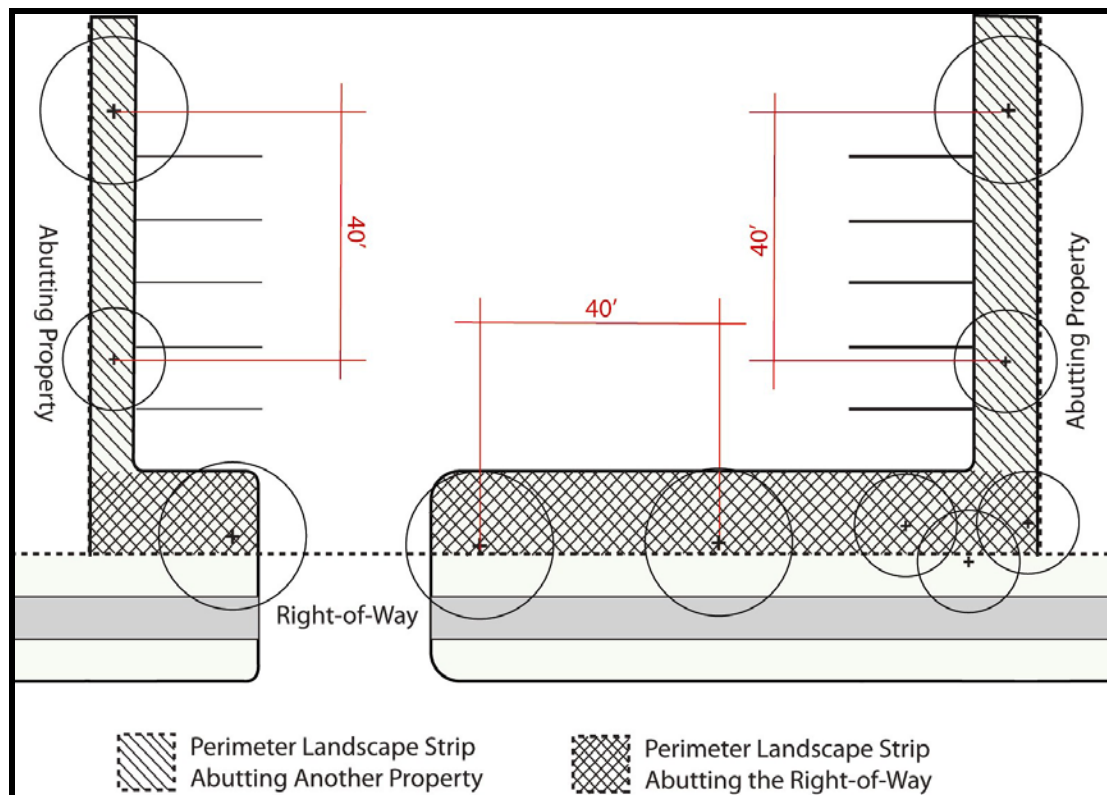
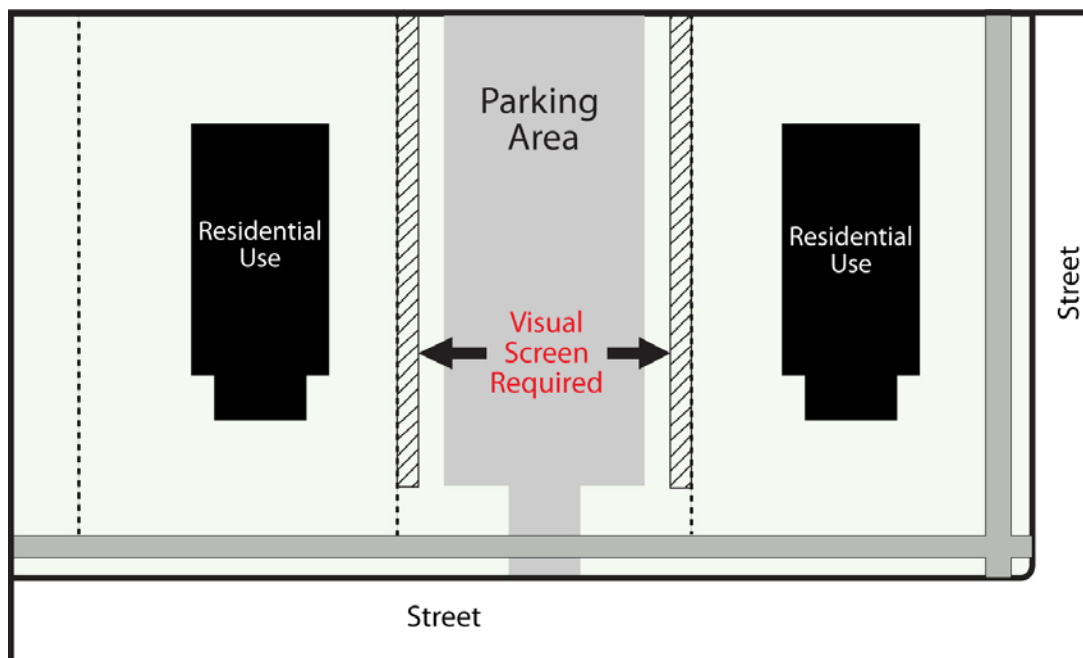


Exhibit B: Chapter 19.500 (new)

19.506.2.C-2: Additional Planting Requirements Adjacent to Residential Uses

**D. Interior landscaping**

The interior landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.506.2.D-1.

1. General Requirements

Interior landscaping of parking areas shall be provided for sites where there are more than 10 parking spaces on the entire site. Landscaping that is contiguous to a perimeter landscaping area and exceeds the minimum width required by Subsection 19.506.2.C.1 will be counted as interior landscaping if it meets all other requirements of Subsection 19.506.2.D.

2. Required Amount of Interior Landscaped Area

At least 25 sq ft of interior landscaped area must be provided for each parking space. Planting areas must be at least 120 sq ft in area and dispersed throughout the parking area.

3. Location and Dimensions of Interior Landscaped Areas

- a. Interior landscaped area shall be either a divider median between opposing rows of parking, or a landscape island in the middle or at the end of a parking row.
- b. Interior landscaped areas must be a minimum of 6 ft in width. Where a curb provides the border for an interior landscape area, the dimension shall be measured from the inside of the curb(s).

4. Planting Requirements for Interior Landscaped Areas

- a. For divider medians, at least 1 shade or canopy tree must be planted for every 40 linear feet. Where the calculation of the number of trees does not result in a whole

Exhibit B: Chapter 19.500 (new)

- number, the result shall be rounded up to the next whole number. Trees shall be planted at evenly spaced intervals to the greatest extent practicable.
- b. For landscape islands, at least 1 tree shall be planted per island. If 2 interior islands are located contiguously, they may be combined and counted as 2 islands with 2 trees planted.
 - c. The remainder of any divider median or landscape island shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.
5. Additional Landscaping for Large Parking Areas

Parking areas with more than 100 spaces on a site shall not have more than 15 spaces in a row without providing an interior landscaped island. See Figure 19.506.2.D-2.

Figure 19.506.2.D-1: Location and Dimensions of Interior Landscaped Areas

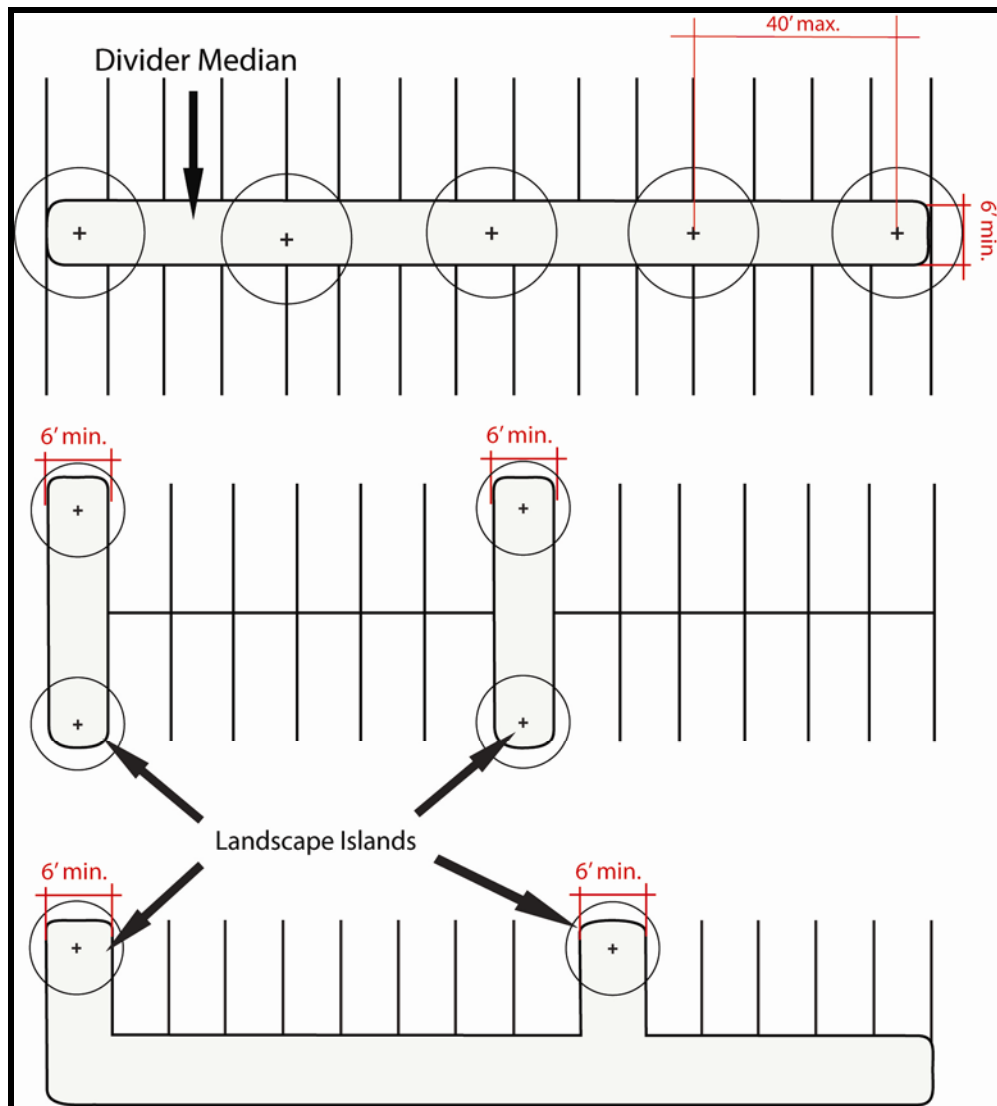
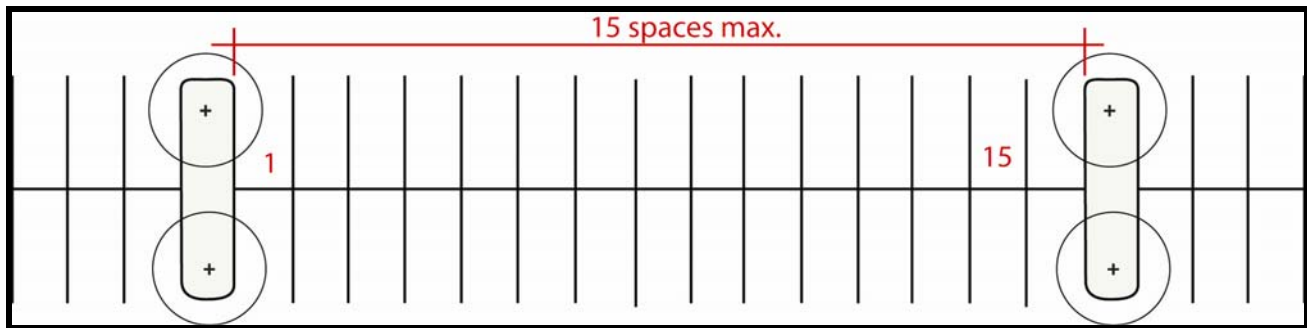


Exhibit B: Chapter 19.500 (new)

Figure 19.506.2.D-2: Additional Landscaping for Large Parking Areas

**E Other Parking Area Landscaping Provisions**

1. Preservation of existing trees is encouraged in the off-street parking area and may be credited toward the total number of trees required, based on staff's review.
2. Installation of parking area landscaping shall be required before a certificate of occupancy is issued, unless a performance bond is posted with the city. Then landscaping shall be installed within 6 months thereafter or else the bond will be foreclosed and plant materials installed by the city.
3. Parking area landscaping shall be maintained in good and healthy condition.
4. Required parking landscaping areas may serve as stormwater management facilities for the site. The Engineering Director has the authority to review and approve the design of such areas for conformance with the Public Works Standards. This allowance does not exempt the off-street parking landscape area from meeting the design or planting standards of Subsection 19.506.2.
5. Pedestrian walkways are allowed within perimeter and interior landscape buffer if the landscape buffer is at least 2 ft wider than required in Subsections 19.506.2.C.1 and 19.506.2.D.3.b.

19.506.3 Additional Design Standards**A. Paving and Striping**

Paving and striping are required for all required maneuvering and standing areas. Off-street parking areas shall have a durable and dust-free hard surface, shall be maintained for all-weather use, and shall be striped to show delineation of parking spaces and directional markings for driveways and access ways. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.

B. Wheel Stops

Parking bumpers or wheel stops, of a minimum of 4 in. in height, shall be provided at parking spaces to prevent vehicles from encroaching on the street right-of-way, adjacent landscaped areas, or pedestrian walkways. Curbing may substitute for wheel stops if vehicles will not encroach into the minimum required width for landscape or pedestrian areas.

C. Site Access and Drive Aisles

Exhibit B: Chapter 19.500 (new)

1. Accessways to parking areas shall be the minimum number necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveway approaches shall comply with the access spacing standards of Chapter 12.16.
2. Drive aisles shall meet the dimensional requirements in Subsection 19.506.1.
3. Parking drive aisles shall align with the approved driveway access and shall not be wider than the approved driveway access within 10 ft of the right of way boundary.
4. Along collector and arterial streets, no parking space shall be located such that its maneuvering area is in an ingress or egress aisle within 20 ft of the back of the sidewalk, or from the right of way boundary where no sidewalk exists.
5. Along collector and arterials streets, no gate shall be allowed across a driveway or portion of a driveway that provides ingress to the site unless it is located at least 30 ft from the back of the sidewalk, or from the right of way boundary if no sidewalk exists.
6. Driveways and on-site circulation shall be designed so that vehicles enter the right of way in a forward motion.

D. Pedestrian Access and Circulation

Subsection 19.403.12 establishes standards that are applicable to an entire property for on-site walkways and circulation. The purpose of Subsection 19.506.3.D is to provide safe and convenient pedestrian access routes specifically through off-street parking areas.

Walkways required by Subsection 19.506.3.D are considered part of the on-site walkway and circulation system required by Subsection 19.403.12.

1. Pedestrian access shall be provided for off-street parking areas so that no parking space is further than 100 ft away, measured along vehicle drive aisles, from a building entrance, or a walkway that meets the standards of this Subsection 19.506.3.D.2.
2. Walkways through off-street parking areas must be continuous, must lead to a building entrance, and meet the design standards of Subsection 19.403.12.E.

E. Internal Circulation**1. General Circulation**

The Planning Director has the authority to review the pedestrian, bicycle, and vehicular circulation of the site and impose conditions to ensure safe and efficient on-site circulation. Such conditions may include, but are not limited to, on-site signage, pavement markings, addition or modification of curbs, and modifying drive aisle dimensions.

2. Connections to Adjacent Parking Areas

Where feasible, parking areas shall be designed to connect with parking areas on adjacent sites to eliminate the use of the street for cross movements.

3. Drive-Through Uses and Queuing Areas

The following standards apply to uses with drive-through services and uses such as gas stations and quick vehicle service facilities where vehicles queue rather than park on the site. The Planning Director has the authority to determine when the standards apply to a proposed use.

Exhibit B: Chapter 19.500 (new)

- a. The drive-up/drive-through facility shall be along a building face that is oriented to an alley, driveway, or interior parking area, and shall not be on a building face oriented toward a street.
- b. None of the drive-up, drive-in, or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 ft of the right-of-way.
- c. Queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way. Applicants may be required to submit additional information regarding the expected frequency and length of queues for a proposed use.

F. Lighting

Lighting is required for parking areas with more than 10 spaces. Lighting shall be designed to enhance safe access for vehicles and pedestrians on the site, and shall meet the following standards:

1. Lighting luminaires shall have a cutoff angle of 90 degrees or greater to ensure that lighting is directed toward the parking surface.
2. Parking area lighting shall not cause a light trespass of more than 0.5 foot candles measured vertically at the boundaries of the site.
3. Pedestrian walkways and bicycle parking areas in off-street parking areas shall have a minimum illumination level of 0.5 foot candles, measured horizontally at the ground level.

19.507 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS**19.507.1 Residential Driveways and Vehicle Parking Areas**

This section is intended to preserve residential neighborhood character by establishing off-street parking standards. The provisions of Subsection 19.507.1 apply to passenger vehicles and off-street parking areas for single family attached dwellings, single family detached dwellings, and residential homes in all zones.

A. Dimensions

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

B. Location

1. Off-street parking for vehicles in residential zones shall be located on the same lot as the associated dwelling, unless shared parking is approved per Subsection 19.505.4.
2. Uncovered off-street parking spaces are allowed within the required front yard and street side yard.
3. No portion of an uncovered off-street parking space is allowed in a required side yard. An area shall be considered an off-street parking area if it measures at least 9 ft wide by 18 ft long and is connected to a driveway access by a durable, hard surfaced area.

C. Covered Parking Areas

Off-street parking areas may be located in fully or partially enclosed areas that are attached to or detached from the primary structures. Such structures are subject to the development standards of the Zoning Ordinance. Covered off-street parking spaces must have access to

Exhibit B: Chapter 19.500 (new)

the right of way over a durable, hard surfaced path at least 9 ft in width. The use of pervious concrete, pervious paving, driveway strips, or an in-ground grid or lattice surface is encouraged to reduce stormwater runoff. Driveway strips are permitted so long as the wheels of a standard width vehicle remain on the driveway strips while parked or maneuvering on site.

D. Uncovered Parking Areas

Uncovered parking of vehicles on residential properties shall be permitted only on the surfaces described below.

1. Off-street parking areas shall have a durable and dust-free hard surface, and shall be maintained for all-weather use. The use of pervious concrete, pervious paving, driveway strips, or an in-ground grid or lattice surface is encouraged to reduce stormwater runoff. Driveway strips are permitted so long as the wheels of a standard width vehicle remain on the driveway strips while parked or maneuvering on site.
2. For single family attached and detached dwellings, gravel is a permitted surface for vehicle parking spaces that are in excess of the minimum amount of spaces required by Chapter 19.500. Gravel is also acceptable for maneuvering areas created to reach excess standing areas. Graveled parking or maneuvering areas are not allowed within any required front yard or side yard.
3. For residential homes, gravel is not an acceptable standing or maneuvering surface.
4. Standards for large uncovered parking areas. The following standards apply to all large uncovered parking areas that have a contiguous standing and maneuvering area in excess of 2,500 sq ft. The portion of a driveway within a flag lot access pole does not count toward this threshold.
 - a. No portion of a large uncovered parking area shall be located in a required front yard or side yard. A driveway that does not exceed 18 ft in width is allowed through the front yard setback to provide access to the parking area.
 - b. A large uncovered parking area shall have perimeter landscaping that meets the standards of Subsection 19.506.2.C.

E. Additional Driveway Standards

1. Parking areas and driveways on the property shall align with the approved driveway access and shall not be wider than the approved driveway access within 10 ft of the right of way boundary.
2. Except for driveways along streets classified as local, no gate shall be allowed across a driveway or portion of a driveway that provides ingress to the site unless it is located at least 20 ft from the back of the sidewalk, or from the right of way boundary if no sidewalk exists.
3. Properties that take access from streets other than local streets and neighborhood routes shall provide a turnaround area on site that allows vehicles to enter the right of way in a forward motion.

19.507.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking

This section is intended to preserve residential neighborhood character by minimizing the impacts created by the parking and storing of commercial vehicles, pleasure crafts, and recreational vehicles. The standards of Subsection 19.507.2 apply to passenger vehicles and

Exhibit B: Chapter 19.500 (new)

off-street parking areas for single family attached dwellings and single family detached dwellings in all zones.

- A. Commercial vehicles shall not be permitted to be parked or stored on single-family attached or detached properties. Commercial vehicles may be present on these properties for up to 12 hours in one day if the vehicle is engaged in loading or unloading materials for a residence(s).
- B. Recreational vehicles and pleasure crafts on single-family attached or detached 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 single family attached or detached dwelling.
 - 3. A recreational vehicle or pleasure craft may be parked anywhere on a residential lot for up to 24 hours for the purposes of loading or unloading the vehicle.
 - 4. Recreational vehicles and pleasure craft must be stored on a surface that meets the requirements of Subsection 19.507.1.D.1 or 19.507.1.D.2. Parking areas for recreational vehicle and pleasure craft are considered excess parking, and may be graveled as allowed by Subsection 19.507.1.D.2. The prohibitions in Subsection 19.507.1.D.2 on graveled areas in front yard or side yard setbacks are not applicable for areas where recreational vehicles and pleasure crafts are parked. Recreational vehicles and pleasure crafts may access parking areas only through an approved driveway approach.

19.508 LOADING

19.508.1 General Provisions

- A. The purpose of off-street loading areas is to contain loading activity of goods on-site and avoid conflicts with travel in the public right of way; provide for safe and efficient traffic circulation on the site; and minimize the impacts of loading areas to surrounding properties.
- B. Off-street loading areas may be required for commercial, industrial, public, and semipublic uses for the receipt or distribution of merchandise, goods, or materials by vehicles. Off-street loading is not required in the DS and DO zones.

19.508.2. Number of Loading Spaces

The Planning Director shall determine whether to require off-street loading for commercial, industrial, public, and semipublic uses. The ratios listed below should be the minimum required unless the Planning Director finds that a different number of loading spaces are needed upon reviewing the loading needs of a proposed use.

A. Residential Buildings

Buildings where all of the floor area is in residential use should meet the following standards.

Exhibit B: Chapter 19.500 (new)

1. Fewer than 50 dwelling units on a site that abuts a local street: No loading spaces are required.
2. All other buildings: 1 space.

B. Nonresidential and Mixed Use Buildings

Buildings where any floor area is in nonresidential uses should meet the following standards.

1. Less than 20,000 sq ft total floor area: No loading spaces required.
2. 20,000 to 50,000 sq ft of total floor area: 1 loading space.
3. More than 50,000 sq ft of total floor area: 2 loading spaces.

19.508.3 Loading Space Standards

- A. Loading spaces shall be at least 35 ft long and 10 ft wide, and shall have a height clearance of at least 13 ft
- B. Loading areas shall be provided on the site and be separate from parking spaces.
- C. Off-street loading areas shall have a durable and dust-free hard surface. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.
- D. Lighting of loading areas shall conform to the standards of Subsection 19.506.3.F.
- E. Off-street loading areas for materials and merchandise shall observe the minimum front and side yard requirements for structures.
- F. Off-street loading areas shall be located where not a hindrance to drive aisles, walkways, public or private streets, or adjacent properties.

19.509 BICYCLE PARKING**19.509.1 Applicability**

Bicycle parking shall be provided for all new commercial, industrial, community service use, and multifamily residential development. Temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units are exempt from Section 19.509. Bicycle parking shall be provided in the downtown zones and at transit centers.

19.509.2 Quantity of Spaces

- A. The number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use. In no case shall less than 2 spaces be provided. The number of bicycle parking spaces at transit centers shall be provided at the ratio of at least 1 space per 100 daily boardings.
- B. Covered or Enclosed Bicycle Parking. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (lockers) in either of the following situations.
 1. When 10% or more of vehicle parking is covered.
 2. If more than 10 bicycle parking spaces are required.

Exhibit B: Chapter 19.500 (new)

19.509.3 Space Standards and Racks

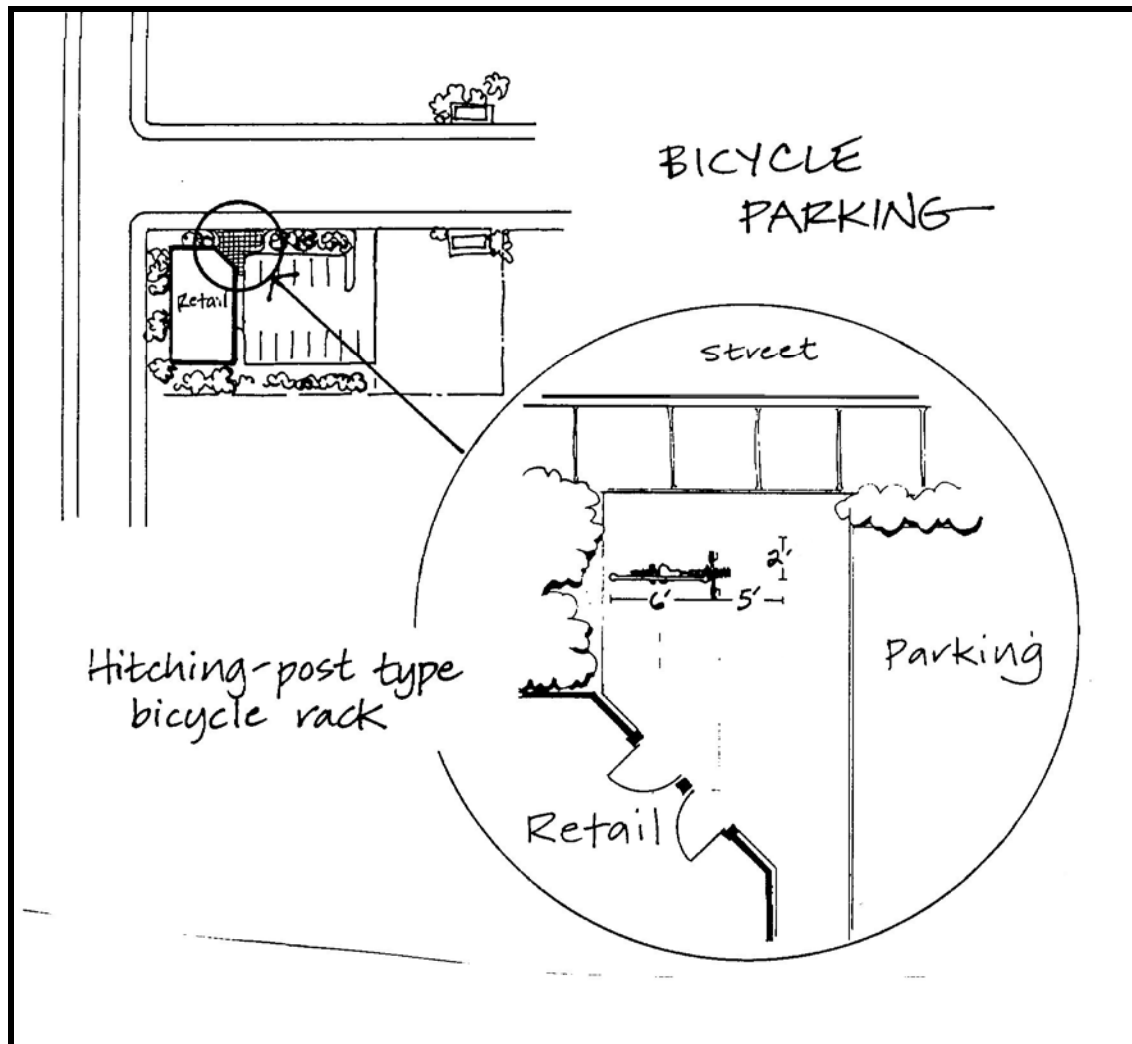
- A. The dimension of each bicycle parking space shall be a minimum of 2 ft by 6 ft. A 5 foot wide access aisle must be provided. If spaces are covered, 7 ft of overhead clearance must be provided. Bicycle racks must be securely anchored and designed to allow the frame and 1 wheel to be locked to a rack using a high security, U-shaped, shackle lock.
- B. Lighting shall conform to the standards of Subsection 19.506.3.F.

19.509.4 Location

- A. Bicycle parking facilities shall meet the following requirements.
 - 1. Located within 50 ft of the main building entrance.
 - 2. Closer to the entrance than the nearest non-ADA designated vehicle parking space.
 - 3. Designed to provide direct access to a public right-of-way.
 - 4. Dispersed for multiple entrances.
 - 5. In a location that is visible to building occupants or from the main parking lot.
 - 6. Designed not to impede pedestrians along sidewalks or public rights-of-way.
 - 7. Separated from vehicle parking areas by curbing or other similar physical barriers.
- B. The public right-of-way may be utilized for bicycle parking when parking cannot be reasonably accommodated on the site and the location is convenient to the building's front entrance. The bicycle parking area in the right-of-way must leave a clear, unobstructed width of sidewalk that meets the Engineering Department's Public Works Standards for sidewalk passage. See Figure 19.509 for illustration of space and locational standards. A Right-of-Way permit is required.

Exhibit B: Chapter 19.500 (new)

Figure 19.509: Bicycle Parking

**19.510 CARPOOL AND VANPOOL PARKING****19.510.1 Applicability**

New industrial, institutional, and commercial development with 20 or more required parking spaces shall provide carpool/vanpool parking.

19.510.2 Number of Spaces

The number of carpool/vanpool parking spaces shall be at least 10% of the minimum amount of required parking spaces. The minimum amount of required parking spaces shall take into account the reduction allowed by Subsection 19.505.3.B.4.

19.510.3 Location

Parking for carpools/vanpools shall be located closer to the main entrances of the building than other employee or student parking, except ADA spaces.

19.510.4 Standards

Carpool/vanpool spaces shall be clearly designated with signs or pavement markings for use only by carpools/vanpools.

19.511 PARKING STRUCTURES

The purpose of Section 19.511 is to regulate the design and location of structured parking, and to provide appropriate incentives for the provision of structured parking. Structured parking is allowed to accommodate parking that is required for a specific use, or as a parking facility that is a use by itself.

19.511.1 Permitted Zones and Review Procedures

- A. Parking structures, including underground parking, are allowed in all zoning districts except the R-10, R-7, R-5, and Downtown Open Space zones. A parking structure can be permitted through approval of a Community Service Use application in all zones except the Downtown Open Space zone.
- B. Applications for parking structures with fewer than 20 spaces are subject to Type II review, per the procedures of Subsection 19.1011.2. Applications for parking structures with 20 spaces or more shall be reviewed by the planning commission at a public hearing per Subsection 19.1011.3 Minor Quasi-Judicial Review. The Planning Commission may impose conditions on the proposed structure to make it compatible with surrounding properties.

19.511.2 Compliance with Other Sections of Chapter 19.500

- A. Spaces in parking structures can be used to satisfy the minimum quantity requirements of Section 19.505. Spaces in parking structures are exempt from counting against maximum parking allowances, per Subsection 19.505.3.A.
- B. The space and drive aisle dimensions required in Subsection 19.506.1 shall apply to structured parking unless the applicant requests that the dimensions be reduced. Dimensions may be reduced if the applicant can demonstrate that the reduced dimensions can safely accommodate parking and maneuvering for standard passenger vehicles.
- C. In addition to the standards in Subsection 19.511.3, parking structures shall comply with the development standards, design standards, and design guidelines for the base zone(s) in which the structure will be located.

19.511.3 Standards and Design Criteria for Structured Parking

- A. A minimum of 75% of the length of any façade of a parking structure that faces a street shall provide ground-floor windows or wall openings. Blank walls are prohibited.
- B. The structure shall be compatible with related structures on the lot in terms of appearance, size, scale, and bulk.
- C. The required yard setbacks between the property line and the structure shall be landscaped per the requirements of Subsection 19.506.2.D.3.
- D. The structure shall provide safe pedestrian connections between parking structure and the public sidewalk or principal building.
- E. The structure shall provide adequate lighting to ensure motorist and pedestrian safety within the structured parking facility and connecting pedestrian ways to the principal building.

Exhibit B: Chapter 19.500 (new)

19.511.5 Incentives for Provision of Structured Parking.

- A. An applicant shall be allowed an additional 0.5 sq ft of floor area above the maximum allowed floor area ratio for every 1 square foot of structured parking provided. The applicant shall meet the other requirements of the development standards for the base zone in which it is located.
- B. If structured parking is underground, the applicant shall be relieved from Subsection 19.511.3.C and can locate the underground structure within any part of the setback and yard area.

**Underline/Strikeout Amendments to
Chapters 19.100, 19.300, 19.400, 19.600, 19.700, and 19.1500**

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.103 DEFINITIONS

“Accessory structure or accessory use” means a structure or use incidental and subordinate to the main use of property and located on the same lot as the main use, including accessory parking. ~~any required off-street parking within 200 feet (measured in a straight line) of the building or use it is intended to serve.~~

“Accessory Parking” means off-street parking that serves the parking demand of a specific use(s). Accessory parking is distinct from a “parking facility,” as defined in Section 19.103.

“Commercial ~~p~~Parking facility” means any off-street parking area a parking structure, surface, or below-grade parking lot, for which a charge or fee is assessed for parking. Commercial parking facilities provide parking that is not accessory to a specific use. Examples include short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking. Accessory parking areas that occasionally charge the public to park for nearby events are not considered parking facilities.

“Commercial Vehicle” means a vehicle designed or used primarily for commercial purposes, and which is either 9 ft tall or taller as measured from ground height, or has an enclosed storage area greater than 6 ft in height and 9 ft in length. Recreational vehicles that are not used for profit are not considered commercial vehicles.

“New construction” means development on a site that was previously undeveloped or from which previously existing structures have been demolished. New construction can also occur on sites with existing structures. New construction includes the following: (1) new structures, (2) new additions to existing structures, and (3) reconstruction of fully or partially demolished structures.

“Story” means portion of a building between any floor and the next floor above. If the floor level directly above a basement or unused under-floor space is more than 6 ft ~~feet~~ above grade for more than 50% of the total perimeter or is more than 10 ft ~~feet~~ above grade at any point, such basement or unused under-floor space shall be considered as a story.

“Half-story” means a story under a gable, gambrel, or hip roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2 ft ~~feet~~ above the floor of such story. If the floor level directly above a basement or unused under-floor space is less than 6 ft ~~feet~~ above grade, for more than 50% of the total perimeter ~~or~~ and is not more than 10 ft ~~feet~~ above grade at any point, such basement or unused under-floor space shall be considered as a half-story.

“Structured Parking” means a structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, is entirely covered, and has a parking surface at least 8 ft below grade. Structured parking does not include garages or carports.

Exhibit C: Underline/Strikeout Amendments

CHAPTER 19.300 USE ZONES

19.312 DOWNTOWN ZONES

19.312.4 Development Standards

B. Explanation of Development Standards

10. Off-Street Parking.

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

- a. Development in the Downtown Storefront Zone, and the portion of the Downtown Office Zone located to the north of Washington Street and east of McLoughlin Boulevard, is exempt from the sections of Chapter 19.500 listed below off-street parking requirements. All other standards and provisions of Chapter 19.500 are applicable.
 - i. The maximum and minimum quantity requirements for vehicle parking in Section 19.505.
 - ii. Parking areas with ten or fewer spaces are exempt from the landscaping requirements of Subsection 19.506.2.
- b. With the exception of the two areas identified in subsection (B)(10)(a) above, ~~the minimum and maximum parking standards specified in~~ standards and provisions of Chapter 19.500 shall apply to development in the downtown zones.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft ~~fifty feet~~ of the Main Street right-of-way except where the Planning Commission makes a finding in a public hearing that:
 - (1) The overall project meets the intent of providing a continuous facade of buildings close to Main Street;
 - (2) The off-street parking area or curb cut is visually screened from view from Main Street; and
 - (3) The community need for the off-street parking area or curb cut within 50 ft ~~fifty feet~~ of Main Street outweighs the need to provide a continuous facade of buildings in that area.

19.314 MANUFACTURING ZONE M

19.314.1 Permitted Uses

Permitted uses are limited to industrial uses meeting the following criteria:

- A. Any combination of manufacturing, office, and/or commercial uses are allowed when at least 25% of the total project involves an industrial use as described under Subsection 19.312.1.B ~~19.314.2.B~~ below. The combined uses shall provide at least 10 employees per net acre.

Exhibit C: Underline/Strikeout Amendments

19.318 MIXED USE OVERLAY ZONE MU**19.318.7 Application Materials**

An application for a mixed use overlay review shall include the following:

- J. ~~42 copies of d~~Detailed and dimensioned plans, drawn to scale for the specific project, including, but not limited to, the site development plan, building elevations, floor plans, landscaping plan, and parking plan. These plans shall show lot dimensions based on a survey of the property; existing and proposed property boundaries; the distance from structures to property lines and between structures; the building footprint with all projections; and location of driveways, walkways, paved areas, and disabled access and parking. Parking shall address all requirements of Chapters 19.500 and 19.1400 of the Zoning Ordinance;

19.320 WILLAMETTE GREENWAY ZONE**19.320.5 Procedures**

The following procedures shall govern the application of WG Zones:

E. Submittal Requirements

A vegetation/buffer plan must be submitted for each application for a greenway conditional use permit. A buffer plan is required only if the proposed development impacts the vegetation buffer defined in Subsection 19.320.8.

19.320.6 Criteria

The following shall be taken into account in the consideration of a conditional use:

- H. Protection of the natural environment according to regulations in Section 19.322 ~~the Natural Resource overlay Zone~~;

19.321 COMMUNITY SERVICE USE CSU**19.321.4 Notice Requirements**

Except as provided in Subsections ~~19.321.5.C~~ 19.321.6.C and 19.321.14, Wireless Communication Facilities, the Planning Commission shall hold a public hearing for a community service use request per the procedures outlined in Subsection 19.1011.3.C Minor Quasi-Judicial Review, Community Service Use.

19.321.9 Review of Application (Repealed by Ord. _____)

Upon receipt of an application, the Director shall:

- A. ~~Review the application for completeness and shall either accept the application or return it to the applicant with a written list of omissions within 7 calendar days of the date of submittal. Date of acceptance shall be noted.~~
- B. ~~A preapplication conference may be scheduled at the request of either the applicant or staff.~~
- C. ~~As soon as an application is accepted as complete, notice will be sent if required by Section 19.1011.~~
- D. ~~A field visit to the site will be required prior to preparation of the staff report.~~

Exhibit C: Underline/Strikeout Amendments

19.321.12 Specific Standards for Institutions – Public, Private, Religious, and Other Facilities not Covered by Other Standards

J. Park-and-ride facilities may be encouraged for institutions along transit routes. These uses have days and hours not in conflict with weekday uses (e.g., churches or fraternal organizations) and may be encouraged to allow portions of their parking areas to be used for park-and-ride lots.

CHAPTER 19.400 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.402 ACCESSORY STRUCTURES AND USES

19.402.3 Accessory Uses, General Provisions

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 feet of any point on the boundary of the property on which the chickens or domesticated fowl are proposed to be kept.~~

19.403 SITE AND BUILDING DESIGN PROVISIONS

19.403.1 ~~Storage in front yard. (Repealed by Ord. _____)~~

~~Vehicles that are partially dismantled or do not have a valid state license shall not be stored more than ten (10) days in a required front yard or street side yard. All vehicles, licensed or unlicensed, shall be stored in driveway areas only. Vehicles used for commercial purposes (such as trucks) shall be screened or stored from view of the street.~~

CHAPTER 19.600 CONDITIONAL USES

19.602 STANDARDS GOVERNING CONDITIONAL USES

19.602.10 Type 2 Accessory Dwelling Unit.

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:
2. Off-street parking shall be provided in accordance with Chapter 19.500 ~~One 1 off-street parking space is provided for the accessory unit in addition to the required parking for the primary dwelling;~~

CHAPTER 19.700 VARIANCES, EXCEPTIONS, AND HOME IMPROVEMENT EXCEPTIONS

19.708 CIRCUMSTANCES FOR GRANTING HOME IMPROVEMENT EXCEPTIONS

- A. There are conditions applicable to the property, or the existing structure has a design, such that the proposed project would result in only minor exterior changes.

Exhibit C: Underline/Strikeout Amendments

- B. The home improvement exception sustains the integrity of or enhances an existing design concept or the neighborhood character.
- C. The granting of the application will not be detrimental or injurious to the property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare, or convenience.
- D. The home improvement exception only authorizes uses or activities that are permitted by the zoning district.
- E. The home improvement exception is consistent with the objectives of the Comprehensive Plan and Zoning Ordinance.

In determining whether to approve or deny exceptions pursuant to Section 19.708 ~~this section~~, the Planning Director shall consider such applicable residential design guidelines as may be adopted for the neighborhood district in which the site is located.

A home improvement exception can be used to legalize a situation that is in violation of the Building Code or Zoning Ordinance. However, a home improvement exception shall not be granted for a structure if a Building Code or Zoning Ordinance violation other than the violation being addressed by the home improvement exception exists at the site. A Building Code violation cannot be used to justify the integrity of an existing design concept, and a final building permit inspection for a home improvement exception may not occur until all building violations have been corrected.

CHAPTER 19.1500 BOUNDARY CHANGES

19.1502 ANNEXATIONS

19.1502.2 The Petition

- C. An annexation petition shall include the completed petition form and the following information ~~13 copies of each of the following, except for each drawing submitted there shall be 12 at the original scale and 1 copy reduced to an 8½- by 11-inch paper size.~~

**Clean Copy Amendments to
Chapters 19.100, 19.300, 19.400, 19.600, 19.700, and 19.1500**

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.103 DEFINITIONS

“Accessory structure or accessory use” means a structure or use incidental and subordinate to the main use of property and located on the same lot as the main use, including accessory parking. “Accessory Parking” means off-street parking that serves the parking demand of a specific use(s). Accessory parking is distinct from a “parking facility,” as defined in Section 19.103.

“Parking facility” means any off-street parking area that is not accessory to a specific use. Examples include short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking. Accessory parking areas that occasionally charge the public to park for nearby events are not considered parking facilities.

“Commercial Vehicle” means a vehicle designed or used primarily for commercial purposes, and which is either 9 ft tall or taller as measured from ground height, or has an enclosed storage area greater than 6 ft in height and 9 ft in length. Recreational vehicles that are not used for profit are not considered commercial vehicles.

“New construction” means development on a site that was previously undeveloped or from which previously existing structures have been demolished. New construction can also occur on sites with existing structures. New construction includes the following: (1) new structures, (2) new additions to existing structures, and (3) reconstruction of fully or partially demolished structures.

“Story” means portion of a building between any floor and the next floor above. If the floor level directly above a basement or unused under-floor space is more than 6 ft above grade for more than 50% of the total perimeter or is more than 10 ft above grade at any point, such basement or unused under-floor space shall be considered as a story.

“Half-story” means a story under a gable, gambrel, or hip roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2 ft above the floor of such story. If the floor level directly above a basement or unused under-floor space is less than 6 ft above grade, for more than 50% of the total perimeter and is not more than 10 ft above grade at any point, such basement or unused under-floor space shall be considered as a half-story.

“Structured Parking” means a structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, is entirely covered, and has a parking surface at least 8 ft below grade. Structured parking does not include garages or carports.

CHAPTER 19.300 USE ZONES

19.312 DOWNTOWN ZONES

19.312.4 Development Standards

B. Explanation of Development Standards

10. Off-Street Parking.

Exhibit D: Clean Copy Amendments

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

- a. Development in the Downtown Storefront Zone, and the portion of the Downtown Office Zone located to the north of Washington Street and east of McLoughlin Boulevard, is exempt from the sections of Chapter 19.500 listed below. All other standards and provisions of Chapter 19.500 are applicable.
 - i. The maximum and minimum quantity requirements for vehicle parking in Section 19.505.
 - ii. Parking areas with ten or fewer spaces are exempt from the landscaping requirements of Subsection 19.506.2.
- b. With the exception of the two areas identified in subsection (B)(10)(a) above, standards and provisions of Chapter 19.500 shall apply to development in the downtown zones.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main Street right-of-way except where the Planning Commission makes a finding in a public hearing that:
 - (1) The overall project meets the intent of providing a continuous facade of buildings close to Main Street;
 - (2) The off-street parking area or curb cut is visually screened from view from Main Street; and
 - (3) The community need for the off-street parking area or curb cut within 50 ft of Main Street outweighs the need to provide a continuous facade of buildings in that area.

19.314 MANUFACTURING ZONE M

19.314.1 Permitted Uses

Permitted uses are limited to industrial uses meeting the following criteria:

- A. Any combination of manufacturing, office, and/or commercial uses are allowed when at least 25% of the total project involves an industrial use as described under Subsection 19.312.1.B below. The combined uses shall provide at least 10 employees per net acre.

19.318 MIXED USE OVERLAY ZONE MU

19.318.7 Application Materials

An application for a mixed use overlay review shall include the following:

- J. Detailed and dimensioned plans, drawn to scale for the specific project, including, but not limited to, the site development plan, building elevations, floor plans, landscaping plan, and parking plan. These plans shall show lot dimensions based on a survey of the property; existing and proposed property boundaries; the distance from structures to property lines and between structures; the building footprint with all projections; and location of driveways, walkways, paved areas, and disabled access and parking. Parking shall address all requirements of Chapters 19.500 and 19.1400 of the Zoning Ordinance;

19.320 WILLAMETTE GREENWAY ZONE**19.320.5 Procedures**

The following procedures shall govern the application of WG Zones:

E. Submittal Requirements

A vegetation/buffer plan must be submitted for each application for a greenway conditional use permit. A buffer plan is required only if the proposed development impacts the vegetation buffer defined in Subsection 19.320.8.

19.320.6 Criteria

The following shall be taken into account in the consideration of a conditional use:

H. Protection of the natural environment according to regulations in Section 19.322;**19.321 COMMUNITY SERVICE USE CSU****19.321.4 Notice Requirements**

Except as provided in Subsections 19.321.6.C and 19.321.14, Wireless Communication Facilities, the Planning Commission shall hold a public hearing for a community service use request per the procedures outlined in Subsection 19.1011.3.C Minor Quasi-Judicial Review, Community Service Use.

19.321.9 (Repealed by Ord. _____)**19.321.12 Specific Standards for Institutions – Public, Private, Religious, and Other Facilities not Covered by Other Standards**

- J. Park-and-ride facilities may be encouraged for institutions along transit routes. These uses have days and hours not in conflict with weekday uses (e.g., churches or fraternal organizations) and may be encouraged to allow portions of their parking areas to be used for park-and-ride lots.

CHAPTER 19.400 SUPPLEMENTARY DEVELOPMENT REGULATIONS**19.402 ACCESSORY STRUCTURES AND USES****19.402.3 Accessory Uses, General Provisions**

- 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.

19.403 SITE AND BUILDING DESIGN PROVISIONS**19.403.1 (Repealed by Ord. _____)****CHAPTER 19.600 CONDITIONAL USES****19.602 STANDARDS GOVERNING CONDITIONAL USES****19.602.10 Type 2 Accessory Dwelling Unit.**

Exhibit D: Clean Copy Amendments

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:
 - 2. Off-street parking shall be provided in accordance with Chapter 19.500;

CHAPTER 19.700 VARIANCES, EXCEPTIONS, AND HOME IMPROVEMENT EXCEPTIONS

19.708 CIRCUMSTANCES FOR GRANTING HOME IMPROVEMENT EXCEPTIONS

- A. There are conditions applicable to the property, or the existing structure has a design, such that the proposed project would result in only minor exterior changes.
- B. The home improvement exception sustains the integrity of or enhances an existing design concept or the neighborhood character.
- C. The granting of the application will not be detrimental or injurious to the property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare, or convenience.
- D. The home improvement exception only authorizes uses or activities that are permitted by the zoning district.
- E. The home improvement exception is consistent with the objectives of the Comprehensive Plan and Zoning Ordinance.

In determining whether to approve or deny exceptions pursuant to Section 19.708, the Planning Director shall consider such applicable residential design guidelines as may be adopted for the neighborhood district in which the site is located.

A home improvement exception can be used to legalize a situation that is in violation of the Building Code or Zoning Ordinance. However, a home improvement exception shall not be granted for a structure if a Building Code or Zoning Ordinance violation other than the violation being addressed by the home improvement exception exists at the site. A Building Code violation cannot be used to justify the integrity of an existing design concept, and a final building permit inspection for a home improvement exception may not occur until all building violations have been corrected.

CHAPTER 19.1500 BOUNDARY CHANGES

19.1502 ANNEXATIONS

19.1502.2 The Petition

- C. An annexation petition shall include the completed petition form and the following information.



Milwaukie Municipal Code Proposed Code Amendments

March 2010 Draft

File No. ZA-10-01

Title 19 Zoning Ordinance

Section 103

Section 312

Section 321

Subsection 403.1

Chapter 500

Subsection 602.10

Underline and strikeout text are not shown for proposed amendments to Chapter 19.500 because the existing chapter is proposed to be repealed upon adoption of the proposed code amendments. Please refer to the accompanying commentary for an explanation of the proposed amendments.

For the amendments to other sections of the Milwaukie Municipal Code, underlined text is proposed text, and ~~strike through text~~ is existing Milwaukie Municipal Code text proposed for deletion.

Please contact Ryan Marquardt, Associate Planner with the City of Milwaukie Planning Department, at 503-786-7658 or marquardtr@ci.milwaukie.or.us with questions or comments about the proposed code amendments and/or the code adoption process.

19.501 Purpose

The purpose section in the proposed amendments does not substantially differ from the existing purpose section. It does clarify that the regulations apply only to off-street parking and direct readers to regulations concerning on-street parking elsewhere in the code.

Off-Street Parking and Loading

Sections:

19.501	Purpose
19.502	Applicability
19.503	Review Process and Submission Requirements
19.504	General Parking Standards
19.505	Vehicle Parking Quantity Requirements
19.506	Parking Area Design and Landscaping
19.507	Off-Street Parking Standards for Residential Areas
19.508	Loading
19.509	Bicycle Parking
19.510	Carpool and Vanpool Parking
19.511	Parking Structures

19.501 PURPOSE

Chapter 19.500 regulates off-street parking and loading areas on private property outside the public right of way. The purpose of Chapter 19.500 is to: provide adequate, but not excessive, space for off-street parking; avoid parking-related congestion on the streets; avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; encourage bicycling, transit, and carpooling; minimize parking impacts to adjacent properties; improve the appearance of parking areas, and minimize environmental impacts of parking areas.

Regulations governing the provision of on-street parking within the right-of way are contained in Chapter 19.1400 and the Milwaukie Downtown and Riverfront Plan Public Area Requirements, which is an ancillary document to the Comprehensive Plan. The management of on-street parking is governed by Chapter 10.20. Chapter 19.500 does not enforce compliance with the American's with Disabilities Act (ADA). ADA compliance on private property is reviewed and enforced by the Building Official.

Commentary

19.502 Applicability

The applicability section in the proposed amendments has been restructured to clarify where and how the off-street parking regulations apply.

19.502.1 General Applicability

The proposed regulations apply when parking is installed for any reason. The existing applicability section limits this chapter to situations in which there is an increase in parking or loading demand, a change in use, or remodeling.

19.502.2 Maintenance Applicability

This subsection clarifies that maintenance and operational regulations are applicable regardless of whether any development activity or change in use occurs.

19.502.3 Applicability for Development and Change in Use Activity

- A. Projects that fall into this category are entirely new development or substantial expansions. Full compliance with the provisions of the chapter is required. This is similar but clearer than the existing requirement that 19.500 applies to all development, remodeling, and changes of use that increase parking and loading demand.
- B. Development activity that is less substantial (minor additions and changes of use) are subject to bringing existing parking areas closer into conformance. The process for bringing parking areas closer into conformance is described in Subsection 19.502.5. This subsection is based on the existing requirement that nonconforming parking areas come closer to conformance with current standards when remodeling or a change in use occurs.

19.502.4 Applicability not Associated With Development or Change in Use

- A. This subsection covers situations where a property owner adds additional parking for a use apart from any other development activity. The intent is to ensure that the maximum number of parking spaces is not exceeded and that the parking area design standards are met.
- B. This subsection captures parking areas that are developed that are not associated with any land use. Examples include park and ride facilities, a fee parking lot, or a parking structure. The design requirements apply to these situations, but the quantity requirements do not.

19.502 APPLICABILITY

19.502.1 General Applicability

The regulations of Chapter 19.500 apply to all off-street parking areas and off-street loading areas, whether required by the City as part of development or a change in use, per Subsection 19.502.3, or voluntarily installed for the convenience of users, per Subsection 19.502.4. Activity that is not described by Subsections 19.502.3 or 19.502.4 is exempt from compliance with the provisions of Chapter 19.500. Changes to nonconforming off-street parking and loading are addressed through Chapter 19.500 and not through the provisions of Chapter 19.800.

19.502.2 Maintenance Applicability

Property owners shall comply with the regulations of Chapter 19.500 by ensuring conformance with the standards of Chapter 19.500 related to ongoing maintenance, operations, and use of off-street parking and loading areas. Changes to existing off-street parking or loading areas that bring the area out of conformance with Chapter 19.500, or further out of conformance if already nonconforming, are prohibited.

19.502.3 Applicability for Development and Change in use Activity

The provisions of Chapter 19.500 apply to development and changes of use as described in Subsection 19.502.3.

- A. Development of a vacant site shall have off-street parking and off-street loading areas that conform to the requirements of Chapter 19.500. Development of a site that results in an increase of 100% or more of the existing floor area and/or structure footprint on a site shall also conform to the requirements of Chapter 19.500. The floor area and/or footprint of structures demolished prior to development or redevelopment on the site shall not be considered when calculating the increase in floor area and/or structural footprints.
- B. Existing off-street parking and loading areas shall be brought closer into conformance with the standards of Chapter 19.500, per Subsection 19.502.5, when the following types of development or change in use occur.
 1. Development that results in an increase of less than 100% of the existing floor area and/or structure footprint.
 2. Changes of use, as defined in Section 19.103.

19.502.4 Applicability not Associated With Development or Change in Use

- A. Any parking or loading area developed to serve an existing use(s) that is not associated with development activity or a change in use described in Subsection 19.502.3 shall conform to the requirements of Sections 19.504 and 19.506-19.511. The total number of spaces in the existing parking area and new parking area shall not exceed the maximum allowed quantity of parking as established in Section 19.505.
- B. Any parking or loading area that is not developed to serve an exiting use and is not associated with development activity or a change in use as described in Subsection 19.502.3 shall conform to the requirements Sections 19.504 and 19.506-19.511. The requirements of Section 19.505 do not apply to parking areas described under Subsection 19.502.4.

Commentary

19.502.5 Improvements to Existing Off-Street Parking and Loading Areas

This subsection applies to development described by Subsection 19.502.3.B. This development will have existing parking areas and will be impacting their parking and loading demand, but will not require full compliance with the parking chapter.

The existing requirement is that nonconforming parking areas come closer to conformance with current standards when remodeling or a change in use occurs. The current requirement is vague in that it does not specify what aspects an applicant must bring closer to conformance, or what the extent of the upgrades should be. The proposed amendment limits the cost of such required improvements to 10% of the value of cost of the associated permit. The list identifies and prioritizes what improvements should be made to nonconforming situations.

19.502.5 Improvements to Existing Off-Street Parking and Loading Areas**A. Purpose**

The purpose of Subsection 19.502.5 is to improve nonconforming off-street parking and loading areas as redevelopment occurs. These improvements should occur in conjunction with a development or change in use.

B. Limitations on Required Improvements

The cost of materials for any required improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or tenant improvements associated with a change in use. The cost of capital equipment such as manufacturing or operational equipment is exempt from the building permit value for purposes of this regulation. This exemption does not include building infrastructure such as electrical, plumbing heating, venting, or air conditioning equipment.

C. Areas of Required Improvement

The Planning Director will evaluate the applicant's parking plan and use the prioritized list below when determining what improvements will be required.

1. Paving and striping of parking areas, per Subsection 19.506.3.A.
2. Minimum required vehicle parking spaces, per Section 19.505.
3. Minimum required bicycle parking spaces, per Section 19.509.
4. Landscaping of existing buffers, islands, and medians, per Subsection 19.506.2.D.
5. New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.506.2.E.
6. Other applicable standards within Chapter 19.500, as determined by the Planning Director.

Commentary

19.503 Review Process and Submission Requirements

19.503.1 Review Process

This subsection defines the review authority for Chapter 19.500. The current chapter does not specifically address this matter.

19.503.2 Submission Requirements

The requirements for a parking plan and the items required to be shown are taken from the existing Subsections 19.503.19(H) and 19.503.20. These subsections address the landscaping and parking plans, respectively. The proposed amendments consolidate the required information in one section and place it toward the front of the chapter.

19.503 REVIEW PROCESS AND SUBMISSION REQUIREMENTS

19.503.1 Review Process

The Planning Director shall apply the provisions of Chapter 19.500 in reviewing all land use and development permit applications, except when an application is subject to a quasi-judicial land use review or appeal, in which case the body reviewing the application or appeal has the authority to implement and interpret the provisions of Chapter 19.500.

19.503.2 Submission Requirements

Except for single family dwellings, a development or change in use subject to Chapter 19.500 as per Section 19.502 shall submit a parking plan, drawn to scale. The parking plan shall show that all applicable standards are met, and shall include but not be limited to the items listed below, unless waived by the Planning Director.

- A. Delineation of individual spaces and wheel stops.
- B. Drive aisles necessary to serve spaces.
- C. Access ways, including driveways and driveway approaches, to streets, alleys, and properties to be served.
- D. Pedestrian pathways and circulation.
- E. Bicycle parking areas and rack specifications.
- F. Fencing.
- G. Abutting land uses.
- H. Grading, drainage, surfacing, and subgrading details.
- I. Location and design of lighting fixtures and levels of illumination.
- J. Delineation of existing and proposed structures.
- K. Parking and loading area signage.
- L. Landscaping, including the following information.
 - 1. The location and area of existing and proposed trees, vegetation, and plant materials, including details about the number, size, and species of such items.
 - 2. Notation of the trees, plants, and vegetation to be removed, and protection measures for existing trees and plants to be preserved.

Commentary

19.504 General Parking Standards

There are few changes overall between the existing general parking standards section (19.503) and the proposed general parking standards section. The key differences are described below.

19.504.2 Parking Area Location

This section has been revised to allow properties to have parking areas that are not on the same lot as the principal use. A requirement has been added that the parking area and principal use meet the distance and pedestrian connection requirements for shared parking.

19.504.3 Use of Parking Areas

Language has been added to this section to make it clear that parking areas are to be available for the parking and loading demands generated by the primary and accessory uses on the site. The proposed amendments allow property owners to charge fees for parking that is related to the uses on the site, but does not allow parking areas to be leased for unrelated uses.

19.504 GENERAL PARKING STANDARDS

19.504.1 Parking Provided with Development Activity

All required off-street parking areas shall be provided at the time the structure is built; at the time a structure or site is enlarged; or when there is change in use or an increase in density or intensity. All required off-street parking areas shall be provided in conformance with the standards of Chapter 19.500 prior to issuance of a certificate of occupancy, or final development permit approval, or as otherwise specified in any applicable land use decision.

19.504.2 Parking Area Location

Accessory parking shall be located in one or more of the following areas.

- A. On the same site as the primary use for which the parking is accessory.
- B. On a site owned by the same entity as the site containing the primary use that meets the standards of Subsection 19.505.4.B.2. Accessory parking that is located in this manner shall not be considered a parking facility for purposes of the use zones in Chapter 19.300.
- C. Where shared parking is approved in conformance with Subsection 19.505.4.

19.504.3 Use of Parking Areas

All required off-street parking areas shall continually be available for the parking of operable vehicles of intended users of the site. Required parking shall not be rented, leased, sold, or otherwise used for parking that is unrelated to the primary or accessory use of the site, except where a shared parking agreement per 19.505.4 has been recorded. This subsection does not prohibit charging fees for parking when the parking serves the primary or accessory uses on site.

19.504.4 Storage Prohibited

No required off-street parking area shall be used for storage of equipment or materials, except as specifically authorized by Subsection 19.507.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking.

19.505 Vehicle Quantity Requirements

This section includes the required parking ratio table, the discretionary review process for modifying or determining quantity requirements, a list of modifications that are allowed outright, and requirements for meeting the quantity requirements through shared parking.

The exemption from parking quantity requirements for the downtown core maintains the existing policy of not having parking required in this area.

19.505.1 Minimum and Maximum Requirements

- A. This section establishes that the minimum and maximum parking ratios are in Table 19.505.1. One proposed change from the current table is the elimination of the Zone A/B designation for the maximum allowed parking spaces column. The different zones were meant to allow a higher amount of maximum parking for areas not in proximity to transit. In reality, only 4 of 54 listed uses had different allowances, and few areas of the City fell into Zone B.
- B. This is a new subsection that directs staff on how to review developments that do not yet have specific tenants. Because parking ratios are calculated based on the use, it may be difficult to evaluate how much parking should be supplied when the uses are unknown. Future tenants and owners would need to comply with the provisions of the chapter as described in the applicability section.
- C. This is a new subsection that allows the Planning Director to apply the ratio for a use similar to the one proposed when the use is not listed in Table 19.505.1. This is a fairly common provision in parking regulation chapters. The subsection also makes it clear that the parking determination process in 19.505.2 must be used for instances where there is no similar use to the one proposed.
- D. This new subsection defines how to round number when the minimum or maximum parking requirements do not result in a whole number.
- E. This new subsection clarifies that the City counts ADA spaces toward the minimum and maximum amount of spaces required/allowed.

19.505 VEHICLE PARKING QUANTITY REQUIREMENTS

The purpose of Section 19.505 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.505.1 establishes parking ratios for common land uses, and Subsection 19.505.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.505.2.

The Downtown Storefront (DS) Zone and the portion of the Downtown Office (DO) Zone north of Washington Street and east of McLoughlin Boulevard are exempt from the requirements of Section 19.505.

19.505.1 Minimum and Maximum Requirements

- A. Development shall provide at least the minimum and not more than the maximum number of parking spaces as listed in Table 19.505.1. Modifications to the standards in Table 19.505.1 may be made as per Section 19.505. Where multiple ratios are listed, the Planning Director shall determine which ratio to apply to the proposed development or use.
- B. When a specific use has not been proposed or identified at the time of permit review, the Planning Director may elect to assign a use category from Table 19.505.1 to determine the minimum required and maximum allowed parking. Future tenants or property owners are responsible for compliance with Chapter 19.500 per the applicability provisions of Section 19.502.
- C. If a proposed use is not listed in Table 19.505.1, the Planning Director has the discretion to apply the quantity requirements of a similar use listed in the table upon finding that the listed use and unlisted use have similar parking demands. If a similar use is not listed, the quantity requirements will be determined per Subsection 19.505.2.
- D. Where the calculation of minimum parking spaces does not result in a whole number, the result shall be rounded down to the next whole number. Where the calculation of maximum parking spaces does not result in a whole number, the result shall be rounded to the nearest whole number.
- E. Parking spaces for disabled persons, and other improvements related to parking, loading, and maneuvering for disabled persons, shall conform to the Americans with Disabilities Act and shall be subject to review and approval by the Building Official. Spaces reserved for disabled persons are included in the minimum required and maximum allowed number of off-street parking spaces.
- F. Uses that have legally established parking areas that exceed the maximum number of spaces allowed by Subsection 19.505 prior to the effective date of Ordinance # ____ shall be considered nonconforming with respect to the quantity requirements. Such uses shall not be considered parking facilities as defined in Section 19.103.

Commentary

Table 19.505.1

The commentary on the ratios in Table 19.505.1 follows the proposed table and begins on Page 18.

The amount of commentary for each ratio is greater than the space devoted to the ratio itself, and therefore does not lend itself to the format of having commentary/proposed code on facing pages.

Proposed Code Amendment

Table 19.505.1 Minimum To Maximum Off-Street Parking Requirements		
Use	Minimum Required	Maximum Allowed
A. Residential Uses		
1. Single family dwellings, including manufactured homes.	2 spaces per dwelling unit.	No maximum.
2. Multifamily dwellings containing 3 or more dwelling units (includes senior and retirement housing). a. Dwelling units with 800 sq ft of floor area or less. b. Dwelling units with more than 800 sq ft of floor area.	1 space per dwelling unit. 1.25 spaces per dwelling unit.	2 spaces per dwelling unit. 2 spaces per dwelling unit.
3. Residential homes and similar facilities allowed outright in residential zones.	2 spaces per facility plus 1 space per employee on the largest shift.	Minimum required parking plus 1 space per bedroom.
4. Accessory Dwelling Units (ADU) -Types I and II.	Property containing an ADU and primary dwelling must have 2 spaces.	No maximum.
B. Community Service and Other Public Uses		
1. Religious institutions.	1 space per 4 seats.	1 space per 2 seats.
2. Day-care center ("family day-care" as defined in Section 19.103 has no parking requirements).	2 spaces per 1,000 sq ft of floor area.	3.5 spaces per 1,000 sq ft of floor area.
3. School—elementary or junior high.	1 space per classroom.	2 spaces per classroom.
4. School—senior high.	0.25 spaces per student, plus 1 space per staff.	0.33 spaces per student, plus 1 space per staff.
5. Meeting room, club, lodge, or association.	5 spaces per 1,000 sq ft of floor area, or 1 space per 4 seats if seats are permanently installed.	16.66 spaces per 1,000 sq ft of floor area, or 1 space per 3 seats if seats are permanently installed.
6. Library, museum, art gallery.	1 space per 1,000 sq ft of gross floor area.	1.2 spaces per 1,000 sq ft of gross floor area.
7. Nursing, convalescent, and extended-care facilities	1 space per 4 beds.	1 space per 3 beds.

Proposed Code Amendment

C. Lodging Places		
1. Motel, hotel, boarding house.	1 space per lodging unit.	1.5 spaces per lodging unit.
2. Bed and breakfast establishments.	1 space per lodging unit, plus 1 space for the permanent residence.	1.5 spaces per lodging unit, plus 2 spaces for the permanent residence.
D. Commercial Uses—Recreational		
1. Indoor Recreation, such as a health club, gym, bowling alley, arcades, etc.	3 spaces for each 1,000 sq ft of gross floor area.	5.5 spaces per 1,000 sq ft of gross floor area.
2. Theater, auditorium, or stadium	1 space per 4 seats.	1 space per 3 seats.
E. Commercial Uses—Retail Goods		
1. Eating and drinking establishments	4 spaces per 1,000 sq ft	15 spaces per 1,000 sq ft
2. General retail – grocery stores, convenience stores, specialty retail and shops	2 spaces per 1,000 sq ft of floor area.	5 spaces per 1,000 sq ft of gross floor area.
3. Bulk retail – furniture and home furnishing, appliances, vehicles, building materials, and similar large items	1 space per 1,000 sq ft of floor area.	3 spaces per 1,000 sq ft of gross floor area.
4. Gas stations	No minimum	1.25 spaces per 4 pumps.
F. Commercial Uses—Services		
1. General Office, including banks	2 spaces per 1,000 sq ft	3.4 spaces per 1,000 sq ft
2. Medical/ dental office (non-hospital), veterinary clinic	3.9 spaces per 1,000 sq ft of floor area.	4.9 spaces per 1,000 sq ft of floor area.
3. Personal services, such as a barber shop, beauty parlor, etc.	4 spaces per 1,000 square floor area.	5.4 spaces per 1,000 sq ft of floor area.
4. Commercial services, such as dry cleaners and repair shops (does not include vehicle repair).	2.8 spaces per 1,000 sq ft of gross floor area.	5.1 spaces per 1,000 sq ft of gross floor area.
5. Vehicle Repair	2 spaces per 1,000 sq ft of floor area	2.5 spaces per 1,000 sq ft of floor area
6. Quick vehicle repair and servicing, such as oil change and tire shops	2 spaces per service bay	3 spaces per service bay
7. Mortuary/Funeral Home	1 space per 5 chapel or parlor seats	1 space per 3 chapel or parlor seats

Proposed Code Amendment

8. Car Wash	No minimum	2 spaces per wash bay for self-service washes, or 2 spaces per 1,000 sq ft of floor area for full service washes.
G. Industrial Uses		
1. Manufacturing	1 space per 1,000 sq ft of gross floor area.	2 spaces per 1,000 sq ft of gross floor area.
2. Storage, warehouse, wholesale establishment less than 150,000 sq ft	0.5 spaces per 1,000 sq ft of gross floor area	1 space per 1,000 sq ft of gross floor area.
3. Storage, warehouse, wholesale establishment 150,000 sq ft or greater	0.3 spaces per 1,000 sq ft of gross floor area	0.4 spaces per 1,000 sq ft of gross floor area.
4. Mini-warehouse; self-service storage.	1 space per 45 storage units, plus 1 space per employee of the largest shift.	1 space per 20 storage units, plus 1 space per employee of the largest shift.

Commentary

Table 19.505.1(B)

A. Residential Uses

1. Single-family

No change to the number of spaces required. The proposed amendments eliminate the requirement that one off-street parking space be covered. This requirement has been considered onerous and ineffective by staff and citizens for many years.

The existing code has a separate category for flag lots that requires a total of 3 off-street parking spaces. The proposed amendments eliminate this requirement. Flag lots do not have higher parking demands than standard lots.

The proposed code includes manufactured home parks in the same category as all other single-family dwellings. The existing code has them in a separate category and requires an RV/boat space for every 10 units. Manufactured home parks may opt to provide this type of storage. Requiring that it be provided is likely to be inappropriate in many situations by requiring extra spaces in a development that may not be utilized.

2. Multi-family

No change to the number of vehicle spaces required. For the same reason mentioned above, the proposed amendments eliminate a requirement for a RV/boat space per 12 dwelling units. The requirement for covered parking in multifamily units is also removed.

The studio apartment category has been incorporated into this category as well, and the existing ratio of 1 space per unit is unchanged. The size of apartments that have the 1 space per unit ratio is increased from 600 square feet to 800 square feet. This was changed primarily to allow this ratio to apply to senior and retirement housing, which are limited to 800 square feet per unit.

3. Residential Care Facilities

The facilities for which these standards apply are also called out as residential homes and other similar facilities that are allowed outright in residential zones. The existing code requires that, in addition to the normal standard for single family homes, these facilities provide 2 spaces per dwelling plus 1 space per employee. The existing maximum is the same as the minimum standard. Since both the maximum and minimum ratios are tied to the ratio for single family dwellings, and there is no maximum ratio for single family dwellings, there is effectively no limit on the amount of parking for residential care facilities. The proposed amendments use the same basic standard for the minimum requirement, but also impose a maximum amount of parking.

4. Accessory Dwelling Units

This standard replaces an unclear reference to "studio and 1-bedroom units". The proposed amendments would not require an additional off-street parking space for an ADU unless the property does not already have two spaces. See also related proposed amendments to Type II ADU requirements in Chapter 19.600.

B. Community Service and Other Public Uses

1. Religious Institutions

The current code requires a minimum of 1 space per 5 seats and allows a maximum of 1 space per 3 seats. The current minimum required standard is lower than other parking codes in the region (Oregon City = 1 space per 4 seats, Metro = 1 space per 2 seats, Clackamas Co. and Tigard = 1 space per 3 seats). The maximum allowed is also lower than other codes (Oregon City = 1 space per 2 seats, Metro and Clackamas Co. = 1 space per 1.66 seats, Tigard = 1 space per 1.7 seats). The proposed amendments raise the required amount of parking to be more in line with other jurisdictions.

The proposed amendments delete the existing option to calculate the ratio based on lineal bench feet.

2. Daycare Center

The current daycare center maximum and minimum standards are based on employees on the largest shift, facility vehicles, and number of pupils. These are all factors that can easily change. The new standard is based on square footage of the facility. The proposed minimum and maximum ratios are the same as Portland and the TGM Model Code.¹ Family Daycare is defined in Milwaukie's code as a specific type of home occupation, and does not require additional parking beyond what is required for a single family home.

3. School - Elementary or Junior High

In the existing code, the minimum and maximum ratios for elementary and junior high school are reversed (the minimum requirement is higher than the maximum allowed). The existing code should have ratios of 1.5 spaces per classroom minimum and 1.75 spaces per classroom maximum. The proposed ratios are 1 space per classroom minimum and 2 spaces per classroom maximum. The minimum ratio is reduced to be more in line with Portland and the TGM Model Code. The maximum ratio is increased based on the City's experience with recent improvements to North Clackamas School District elementary and junior high schools. The district requested more than the maximum parking ratio for these projects, which indicated that the maximum ratio of 1.75 spaces per classroom is too small.

¹ The TGM Model Code for Small Cities is available at <http://www.oregon.gov/LCD/TGM/modelCode05.shtml>

Commentary

4. School - Senior High

No changes proposed to the ratios.

5. Meeting room, club, lodge, or association

The ratios related to the number of seats are unchanged from the existing code. The minimum required ratio is proposed to be decreased from 1 space per 60 square feet to 5 spaces per 1,000 square feet (1 space per 200 square feet). The maximum allowed has been decreased from 1 space per 40 square feet to 16.66 spaces per 1,000 square feet (1 space per 60 square feet). The proposed change is to be more in line with other jurisdiction's minimum ratios (Portland= 1 space / 300 SqFt, TGM Model Code = 1 space / 200 SqFt).

6. Library, museum, art gallery

The ratios for these uses are unchanged.

7. Nursing, convalescent, extended-care facilities, and similar facilities

The standards for these uses are not proposed to be changed.

C. Lodging Places

1. Motel, hotel, boarding house

Boarding houses were a separate category, but have been combined into one standard since the ratios are similar. The ratio of 1 space per room is common for the region. The maximum of 1.5 spaces per room allows flexibility for extra parking to accommodate employees and guests.

2. Bed and Breakfast Establishments

This category is similar to the ratio for motels, but specifies the parking spaces for the main residence as well.

D. Commercial Uses—Recreational

1. Indoor Recreation

This category combines multiple categories from the existing code. The new minimum standard of 3 spaces/ 1,000 Sq Ft is consistent with the Portland and the TGM Model Code minimum requirements for these facilities. The maximum ratio is consistent with the Portland and Oregon City standards.

2. Theatre, auditorium, or stadium.

In the existing code, theaters and auditoriums are separate uses with the same standard. In the proposed code they are combined into one category. The existing minimum and maximum ratios are unchanged.

E. Commercial Uses—Retail Goods

1. Eating and Drinking Establishments

The proposed requirements for this category combine the existing requirements for drive through and non drive through restaurants. The current minimum standard is ~1 space per 1,000 SqFt and maximum of ~ 1 space per 67 SqFt. The proposed new minimum is lower than the existing, and is based on the TGM Model Code. The maximum allowed is the same maximum that was allowed for restaurants without a drive through.

2. General Retail

The proposed requirements for this category combine the existing requirements for basic retail categories (grocery store, convenience store, apparel and department stores) into one category. The proposed minimum ratio is the same as the TGM Model Code and City of Portland requirements. For comparison, the largest minimum allowed by Metro Regional Code is 4.1 spaces / 1,000 SqFt. The maximum of 5 spaces per 1,000 SqFt is consistent with the maximum allowed by other jurisdictions in the region.

3. Bulk Retail

Bulk retail has a lower parking demand per square foot than other retail, and most other jurisdictions recognize this by providing a separate ratio for bulk retail. The proposed minimum parking ratio for this use is based on the TGM Model Code of 1 space / 1,000 SqFt.

This category captures two categories from the existing ratio table: furniture sales, and auto sales. For comparison, the ratios for furniture sales were: min ratio = 1 space / 1,000 SqFt, max ratio = 1.5 spaces / 1,000 Sqft. The ratios for auto sales were: min ratio = 1 space / 1,000 SqFt + 1 space per 2 employees on largest shift, max ratio = 2 spaces / 1,000 Sqft + 1 space per 2 employees on largest shift.

4. Gas Stations

This category had two sub-categories for full service and gas-only stations. The proposed category consolidates these and eliminates the minimum parking requirement. Most jurisdictions in the region do not have a minimum parking requirement for gas stations. The maximum ratio is not modified. Vehicle service stations, whether associated with a gas station or not, are subject to other requirements in Table 19.505.1.

F. Commercial Uses—Services

1. General Office

This use category combines the bank and professional service categories from the existing table. The minimum ratio is the same as the minimum ratio in the TGM

Commentary

Model Code and the City of Portland. The minimum ratio in the existing code is 2.7 spaces / 1,000 SqFt. The maximum ratio is the same as the Metro Regional Code.

2. Medical/Veterinary

This category combines two uses from the existing table that were listed separately but have the same parking ratios. The minimum and maximum ratios have been lowered slightly to conform to the Metro Regional Code.

3. Personal Services

This new category combines barber shops and beauty parlors into the personal services category. The proposed minimum parking ratio is proposed to be lowered from 8 spaces / 1,000 SqFt to 4 spaces / 1,000 SqFt.

4. Commercial Services

This category combines the existing use categories of dry cleaners and repair shops into a more generic category. The maximum allowed ratio has been reduced to be compliant with Metro requirements.

5. Vehicle Repair

This is a new category. The proposed ratio is derived from a sampling of those for other jurisdictions. Portland requires these uses to have 1 space per 750 SqFt, while Tigard and Vancouver, WA require 1 space per 500 SqFt. The APA Parking Standards book suggests that 1 space per 400 SqFt is common. The proposed ratio is based on Tigard and Vancouver's ratios since they fall somewhere in between.

6. Quick Vehicle Repair

This is a new category that is distinct from vehicle repair. These facilities typically perform service within the same day, rather than performing major repairs that could last multiple days. The APA Parking Standards book suggests that 2 spaces per service bay is a common standard.

7. Mortuary/Funeral Home

This is a category in the current code. The existing ratios are based on the number of seats and number of employees, with an additional space required for a hearse. The proposed minimum ratio keeps the same space per seat ratio and eliminates the required hearse and employee spaces. The maximum ratio increases the space per seat ratio from 1 space per 4 seats to 1 space per 3 seats, while also eliminating the required hearse and employee spaces. The space per seat ratio is increased to make up for the employee and hearse spaces that an applicant was allowed under the existing ratio.

8. Car Wash

This is an existing category that had 'self service' and 'full service' subcategories. The proposed ratio is a single category. There is no minimum parking requirement proposed since these uses have a very low parking demand. The maximum ratio is unchanged from the existing code.

G. Industrial Uses

1. Manufacturing

The minimum ratio is not changed from the existing minimum ratio. The maximum ratio has been increased from 1.25 spaces / 1,000 SqFt to 2 spaces / 1,000 SqFt. This is the same maximum standard as the City of Portland.

2. Storage, warehouse, wholesale establishment less than 150,000 square feet.

The minimum ratio has been reduced from 1 space / 1,000 SqFt to 0.5 spaces per 1,000 SqFt., which is the same as the TGM Model Code. The maximum ratio is unchanged.

3. Storage, warehouse, wholesale establishment less than 150,000 square feet.

No changes proposed.

4. Mini-warehouse, Self Storage

This is a change to the ratios for an existing category. Upon reviewing an application for a mini-storage facility in 2008, it came to staff's attention that existing standards require excessive parking for such facilities (1 space / 12 storage units + 1 per employees). Jurisdictions listed in the APA Parking Standards book show minimum standards ranging from 1 space / 5 storage bays to 1 space per 75 storage units. Data submitted by the mini-storage developer indicated that usual parking demand is about 1 space per 35 units. The proposed ratio is in the middle of the minimum and maximum ratios.

Commentary

Other commentary on the ratio table:

Uses from the existing parking ratio table that were incorporated into another use category in the proposed table:

- Flag lots
- Studio apartment (<600 SqFt)
-
- Mobile homes
- Residential employees
- Boarding House
- Billiard hall
- Bowling alley
- Fast Food
- Bank with ATM / Drive through
- Beauty Parlor
- Animal hospital
- Repair shop
- Dry Cleaner

Uses from the existing parking ratio table that are not incorporated into the proposed table:

- College - Colleges and higher learning institutions vary by type and services offered. There is no single best metric for estimating parking demand. Removing it from the table requires that it go through a parking determination.
- Hospital - the ratio for hospitals has been removed for the same reason that the ratio for colleges was removed.
- Amusement park, golf driving range, mini-golf, and auto rental -The uses named in this bullet point are rather esoteric and unlikely to be built in Milwaukie. One of the objectives of this update project is to simplify the table by eliminating use categories that are overly specific and/or unlikely to be built in the foreseeable future. If one of these uses is proposed, the applicant may be able to demonstrate that it is similar to a listed use, which would allow the Planning Director to apply the ratio of that listed use. If a similar use cannot be found, the proposed use would need a parking determination for the parking ratio.

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Commentary

19.505.2 Quantity Modifications and Unlisted Use Determinations

This subsection provides a process for defining the appropriate amount of required parking for a given use. Though Table 19.505.1 includes an extensive list of uses, it does not cover all possible land uses and the prescribed ratios may not necessarily be appropriate.

This new section combines the existing code sections for parking determinations and modifications to the parking ratios. Both sections of code were vague with regard to the application requirements and approval criteria. The proposed amendments seek to rectify this situation by providing clear application requirements and approval criteria. Since the questions being considered for both determinations and modifications are similar in nature, they are combined.

B. Application

Modifications and determinations are reviewed through a Type II process, which is consistent with the current type of review for these decisions. Though a traffic engineer or land use consultant may prepare this information for larger projects, the application requirements are intended to be straightforward enough for a property owner or developer to complete.

19.505.2 Quantity Modifications and Required Parking Determinations

Subsection 19.505.2 allows for the modification of minimum and maximum parking ratios from Table 19.505.1 as well as the determination of minimum and maximum parking requirements. Parking determinations shall be made when the proposed use is not listed in Table 19.505.1 and for developments with large parking demands.

A. Applicability

The procedures of Subsection 19.505.2 shall apply in the following situations.

1. If the proposed use is not listed in Table 19.505.1 and the quantity requirements for a similar listed use cannot be applied.
2. If the applicant seeks a modification from the minimum required or maximum allowed quantities as calculated per Table 19.505.1.

B. Application

Determination of parking ratios in situations listed above shall be reviewed as a Type II land use decision, per Subsection 19.1011.2. The application for a determination must include the following.

1. Describe the proposed uses of the site, including information about the size and types of the uses on site, and information about site users (employees, customers, etc.).
2. Identify factors specific to the proposed use and/or site, such as the proximity of transit, parking demand management programs, availability of shared parking, and/or special characteristics of the customer, client, employee or resident population that affect parking demand.
3. Provide data and analysis specified in Subsection 19.505.2.B.3 to support the determination request. The Planning Director may waive requirements of Subsection 19.505.2.B.3 if the information is not readily available or relevant, so long as sufficient documentation is provided to support the determination request.
 - a. Analyze parking demand information from professional literature that is pertinent to the proposed development. Such information may include data or literature from the Institute of Transportation Engineers, American Planning Association, Urban Land Institute, or other similar organizations.
 - b. Review parking standards for the proposed use or similar uses found in parking regulations from other jurisdictions.
 - c. Present parking quantity and parking use data from existing developments that are similar to the proposed development. The information about the existing development and its parking demand shall include enough detail to evaluate similarities and differences between the existing development and the proposed development.

Commentary

19.505.2 Quantity Modifications and Unlisted Use Determinations (cont).

C. Approval Criteria

1. The City will evaluate the application against the criteria in this section. The intent is to make sure that the proposed ratios are reasonable and consistent with the best available examples and data.
2. Modifications to decrease the amount of parking must meet these criteria as well. The criteria are focused on ensuring that the modification to decrease required parking will not adversely affect nearby properties or place a burden on public parking in the right of way.
3. Modifications to increase the maximum allowable parking must meet these criteria. The applicant needs to demonstrate that the increase is necessary and that there is no other way to accommodate the increased parking demand through shared parking on other sites or exemptions to maximum parking allowed by the code.

Proposed Code Amendment

4. Propose a minimum and maximum parking ratio. For phased projects, and for projects where the tenant mix is unknown or subject to change, the applicant may propose a range (low and high number of parking spaces) for each development phase and both a minimum and maximum number of parking spaces to be provided at buildout of the project.
5. Address the approval criteria in Subsection 19.505.2.C.

C. Approval Criteria

The Planning Director shall consider the following criteria in deciding whether to approve the determination or modification. The Planning Director, based on the applicant's materials and other data the Planning Director deems relevant, shall set the minimum parking requirement and maximum parking allowed. Conditions of approval may be placed on the decision to ensure compliance with the parking determination.

1. All modifications and determinations must demonstrate that the proposed parking quantities are reasonable based on existing parking demand for similar use in other locations; parking quantity requirements for the use in other jurisdictions; and professional literature about the parking demands of the proposed use.
2. In addition to the criteria in Subsection 19.505.2.C.1, requests for modifications to decrease the amount of minimum required parking shall meet the following criteria.
 - a. The use of transit, parking demand management programs, and/or special characteristics of the site users will reduce expected vehicle use and parking space demand for the proposed use or development, as compared with the standards in Table 19.505.1.
 - b. The reduction of off-street parking will not adversely affect available on-street parking.
 - c. The requested reduction is the smallest reduction needed based on the specific circumstances of the use and/or site.
3. In addition to the criteria in Subsection 19.505.2.C.1, requests for modifications to increase the amount of maximum allowed parking shall meet the following criteria.
 - a. The proposed development has unique or unusual characteristics that create a higher-than-typical parking demand.
 - b. The parking demand cannot be accommodated by shared or joint parking arrangements or by increasing the supply of spaces that are exempt from the maximum amount of parking allowed under Subsection 19.505.3.A.
 - c. The requested increase reduction is the smallest increase needed based on the specific circumstances of the use and/or site.

Commentary

19.505.3 Exemptions and By-Right Reductions to Quantity Requirements

These are adjustments to the standards listed in Table 19.505.1 based on the type of parking or situational characteristics of the property.

A. Exemptions to Maximum Quantity Allowance

The existing exemptions for pay lots, valet lots, and spaces in a parking structure have been combined into an exemption for parking facilities. This links the allowance to spaces in excess of the maximum amount allowed to zones in which a parking facility is allowed.

The other exemptions have not changed substantially from the existing maximum quantity exemptions (Subsection 19.503.4 of the existing chapter).

B. Reductions to Minimum Parking Requirements

1. Reductions for Neighborhood Commercial Areas

This reduction is based on the location of the areas listed in the subsection. Since they are relatively small sites that are surrounded by neighborhoods, it is anticipated that many of their customers will walk or bike to the site. Additionally, this policy encourages pedestrian oriented development. For most of the sites in the eligible areas, full compliance with the required parking ratios would leave less than half of the site available for development.

19.505.3 Exemptions and By-Right Reductions to Quantity Requirements

The following exemptions and by-right reductions cannot be used to further modify any parking modification or determination granted under Subsection 19.505.2.

A. Exemptions to Maximum Quantity Allowance

The following types of parking do not count toward the maximum amount of parking allowed on a site. This exemption applies only to the quantity requirements of Section 19.505 and not to the other requirements of Chapter 19.500. The City may impose conditions to ensure that parking spaces associated with these parking types are appropriately identified and used for the intended purpose.

1. Spaces for a parking facility.
2. Spaces for a transit facility or park and ride facility.
3. Storage or display areas for vehicle sales.
4. Employee carpool parking, when spaces are dedicated or reserved for that use.
5. Fleet parking.
6. Truck loading areas.

B. Reductions to Minimum Parking Requirements

Applicants are allowed to utilize multiple reductions from Subsections 19.505.3.B.2-7, provided that the total reduction in required parking does not exceed 25% of the minimum quantity requirement listed in Table 19.505.1. Applicants may not utilize the reduction in Subsection 19.505.3.B.1 in conjunction with any other reduction in Subsection 19.505.3.B.

1. Reductions for Neighborhood Commercial Areas

The minimum parking requirements of Table 19.505.1 shall be reduced by 50% for the properties described below.

- a. Properties zoned Commercial Limited (C-L).
- b. Properties zoned Commercial Neighborhood (C-N).
- c. Properties in the Commercial General (C-G) zone in the area bounded by 42nd Avenue, King Road, 40th Avenue and Jackson Street.
- d. Properties in the Commercial General (C-G) zone in the area bounded by 42nd Avenue, Harrison Street, 44th Avenue, and Jackson Street.

Commentary

19.505.3 Exemptions and By-Right Reductions to Quantity Requirements (cont.)

B. Reductions to Minimum Parking Requirements. (cont.)

2. Proximity to public transit

The 25% reduction for proximity to a light rail stop is a new provision. This reduction recognizes the increase in non-vehicle accessibility for areas near light rail stops. The other reductions are the same as allowed by the existing parking chapter.

3. Multi-tenant Commercial Sites

This new subsection creates a reduction for development that has multiple commercial uses on one site. These sites act similarly to shared parking arrangements because not all tenants have their largest parking demand at the same time. As a result, the parking area on site does not need to accommodate the sum of the maximum parking demand for each use.

4. Carpool/Vanpool

This is a new reduction. It may be taken whether the spaces are provided voluntarily or if required in the Carpool/Vanpool section of the chapter.

5. Bicycle Parking

This is a new subsection intended to provide an incentive to replace car parking with bike parking in addition to what would normally be required by code. The ratio of 6 bike spaces to 1 car space roughly reflects the relative mode split between cars and bikes (i.e., that there are at least six times more cars on the road than bikes). This may apply to existing sites or new development.

Proposed Code Amendment

2. Proximity to Public Transit

- a. Parking for commercial and industrial uses may be reduced by up to 10% percent if the development is within 500 ft walking distance, as defined in Subsection 19.505.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.
- b. Parking for multifamily uses may be reduced by up to 20% if the development is within 500 ft walking distance, as defined in Subsection 19.505.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.
- c. Parking for all uses except single-family attached and detached dwellings may be reduced by 25% if the development is within 1,000 ft walking distance, as defined in Subsection 19.505.3.B.2.d, of a light rail transit stop.
- d. In determining walking distance, the applicant shall measure the shortest route along sidewalks, improved pedestrian ways, or streets if sidewalks or improved pedestrian ways are not present. Walking distance shall be measured along the shortest course from the point on the development site that is nearest to the transit stop.

3. Multitenant Commercial Sites

Where multiple commercial uses occur on the same site, minimum parking requirements shall be calculated as described below. The Planning Director shall have the authority to determine when multiple uses exist on a site.

- a. Use with highest parking requirement. The use that has the largest total number of minimum parking spaces required shall be required to provide 100% of the minimum number of parking spaces.
- b. All other uses. All other uses on the site shall be required to provide 80% of the minimum number of parking spaces.

4. Carpool/Vanpool

Commercial and industrial developments that provide at least 2 carpool/vanpool parking spaces may reduce the required number of parking spaces by up to 10 percent. This reduction may be taken whether the carpool/vanpool space is required pursuant to Subsection 19.510 or voluntarily provided.

5. Bicycle Parking

The minimum amount of required parking for all non single family residential uses may be reduced by up to 10 percent for the provision of bicycle parking in addition to what is required by Section 19.509. A reduction of one vehicle parking space is allowed for every 6 additional bicycle parking spaces installed. The bicycle spaces shall meet all other standards of Subsection 19.509. The area of an existing parking space in an off-street parking area may be converted to bicycle parking to utilize this reduction.

Commentary

19.505.3 Exemptions and By-Right Reductions to Quantity Requirements (cont.)

B. Reductions to Minimum Parking Requirements. (cont.)

6. Car-sharing

This is a new subsection intended to provide an incentive to accommodate car sharing programs by offering reduced parking requirements. The standards and documentation required are to ensure that the space is needed and will be used by a legitimate car sharing program.

7. Provision of Transit Facility Improvements

This is a new subsection that is a policy recommendation of the 2007 Transportation System Plan. It helps to bring Milwaukie into compliance with State and Regional policies. The intent is to allow a reduction in parking when a property owner allows public transit to use or occupy some part of their site.

19.505.4 Shared Parking

The existing code has a provision for shared parking in Subsection 19.503.2. The proposed code expands on the standards and requirements for utilizing shared parking.

B. This section establishes the review for shared parking agreements and also gives the authority to the Planning Director to require, as appropriate, nonconforming parking areas that enter into shared parking agreements to come closer to conformance with current standards.

C. Standards

1. The general intent of this section is to ensure that the uses sharing the parking can be accommodated on the same site, either through outright number of spaces or offsets in times of operation. The section is not more specific about the sufficient quantity requirement to allow the Director flexibility in determining what meets this standard.
2. This provides basic standards for the distance between the shared parking areas and the requirements for the path between them. The current maximum distance is 300 feet, and the proposed amendments increase this to 1,000 feet. The intent is to make shared parking an option for more properties and to reduce the need to build more parking areas. The pathway standards are new, and intended to ensure an adequate and safe route.
3. This section establishes the requirements for the legal agreement that establishes shared parking. Currently the only requirement is that the agreement be recorded with the County. The purpose of stating these other requirements is to ensure that the agreement remains in effect unless the City approves the termination of the agreement.

6. Car Sharing

Required parking may be reduced by up to 5% if at least 1 off-street parking space is reserved for a vehicle that is part of a car sharing program. The car sharing program shall be sufficiently large enough, as determined by the Planning Director, to be accessible to persons throughout Milwaukie and its vicinity. The applicant must provide documentation from the car sharing program that the program will utilize the space provided.

7. Provision of Transit Facility Improvements

The number of existing required parking spaces may be reduced by up to 10% percent for developments that provide facilities such as bus stops and pull-outs, bus shelters, or other transit-related facilities. A reduction of 1 parking space is allowed for each 100 sq ft of transit facility provided on the site.

19.505.4 Shared Parking

Some or all of a use's required parking spaces may be accommodated off-premises on the parking area of a different site through shared parking, pursuant to the standards of Subsection 19.505.4. The standards of Subsection 19.505.4 do not apply to voluntary shared parking agreements that are not created in order to conform to the quantity requirements of Section 19.505.

A. Review

The Planning Director shall determine in accordance with Subsection 19.1011.1 Type I Administrative Review whether the shared parking standards are met. The Planning Director may require a nonconforming parking area be brought into conformance, or closer to conformance as per Subsection 19.502.5, before it may be used for shared parking.

B. Standards

1. The applicant must demonstrate that the shared parking area has a sufficient quantity of spaces for the uses that will share the parking area. The Planning Director may require the applicant to provide data substantiating the claim that the proposed parking is sufficient for multiple uses during peak hours of demand for each use.
2. The nearest parking spaces shall be no further than 1,000 ft from the principal structure(s) or use(s). The measurement shall be along a route that is adequately illuminated; has vertical or horizontal separation from travel lanes within the right of way; uses legal crosswalks for right of way crossing; and has an asphalt, concrete or similar surface material. The applicant may propose to construct new facilities or modify existing facilities to comply with Subsection 19.505.4.B.2.
3. Legal documentation between the property owners that guarantees access to the shared parking shall be recorded with the County. The documentation shall be reviewed and approved by the Planning Director prior to being recorded. The agreement shall run with the land and not be tied to property ownership. The agreement shall not be terminated without City approval. The request for a terminating the agreement must demonstrate that the properties in the agreement and their uses will comply with the quantity requirements of Section 19.505 after dissolution of the agreement. A copy of the recorded documentation shall be provided to the City prior to obtaining a building permit.

Commentary

19.506 Parking Area Design and Landscaping

The chapter reorganization has placed all regulations regarding the design of parking areas for commercial, industrial, multifamily, and institution uses into this section.

19.506.1 Parking Space and Aisle Dimensions

- A. This table has the same diagram and parking dimension factors as the table in the existing code. One change is that the drive aisle dimensions be reduced. Research showed that Milwaukie had the highest drive aisle width requirements of all the local jurisdictions that were examined.

The other significant change is to eliminate the option to use compact spaces. Compact spaces tend not to be identified or used properly. In addition, it is difficult for staff to evaluate compliance with two sets of dimensions and evaluate if a site is in compliance or not. The dimensions in the proposed table are somewhat smaller than the current "standard" size spaces, but larger than the current "compact" spaces.

19.506 PARKING AREA DESIGN AND LANDSCAPING

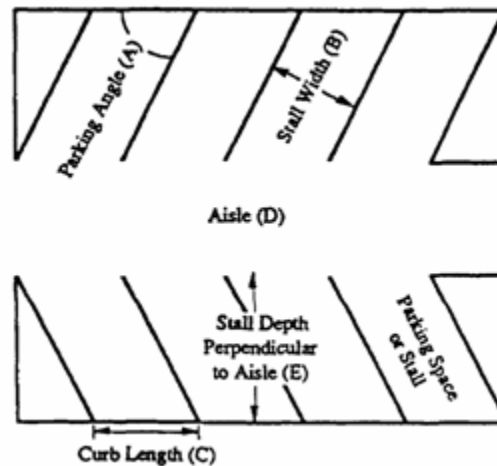
The purpose of Section 19.506 is to ensure that off-street parking areas are safe, environmentally sound, aesthetically pleasing, and that they have efficient circulation. These standards apply to all types of development except for single-family attached dwellings, single-family detached dwellings, and residential homes.

19.506.1 Parking Space and Aisle Dimensions

- A. The dimensions for required off-street parking spaces and abutting drive aisles, where required, shall be no less than in Table 19.506.1.

Table 19.506.1 Minimum Parking Space And Aisle Dimensions					
Angle (A)	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Depth (E)
0° (Parallel)	8.5'	22'	12'	19'	8.5'
30°	9'	17'	12 ft	19'	16.5'
45°	9'	12'	13'	19'	18.5'
60°	9'	10'	17'	19'	19'
90°	9'	9'	22'	22'	18'

Figure 19.506.1-Parking Dimension Factors



- B. The dimension of vehicle parking spaces provided for disabled persons shall be according to federal and state requirements.
- C. Parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.

Commentary

19.506 Parking Area Design and Landscaping (cont.)**19.506.1 Parking Space and Aisle Dimensions (cont.)**

- D. This subsection allows flexibility for drive aisle width where the aisle does not border parking areas. This is a new provision of the code. The rationale for allowing narrower aisles in these locations is that the aisle does not have to accommodate vehicles turning and backing out of parking spaces.

19.506.2 Landscaping

The landscaping requirements have been modified slightly to allow for more flexibility in parking area design. Key changes are described below.

- A. The purpose section was added to help in interpretation of these standards.
- B. General Provisions
3. Currently, all of the downtown core area is exempt from Chapter 19.500. Since the blanket exemption is being removed, landscaping standards will apply to downtown. This subsection continues the exemption from landscaping standards for small parking areas downtown.
- C. Perimeter Landscaping
1. The requirements for perimeter landscaping have been simplified from the current code, and separate dimensions added for the downtown zones. Perimeter landscaping is now required only on property boundaries. Requirements for perimeter landscaping along driveway entrances and from other uses on the site (buildings and open spaces) have been removed. The dimensions for uses outside of downtown remain the same. An exemption has also been added to eliminate landscaping on property lines where uses share a parking area. Downtown has reduced requirements because it is a more urban environment that has less buffering and setbacks between uses, and because downtown properties are more spatially constrained.

The proposed code also adds flexibility for the Planning Director to reduce the dimensions listed in the table based on existing buildings and site constraints.

Proposed Code Amendment

- D. Drive aisles shall be required in parking areas greater than 5 spaces. Drive aisles shall meet the minimum width standards of Subsection 19.506.1. Where a drive aisle or portion thereof does not abut a parking space(s), the minimum allowed width for a one way drive aisle shall be 8 ft and the minimum allowed width for a two way drive aisle shall be 16 ft.

19.506.2 Landscaping

A. Purpose

The purpose of the off-street parking lot landscaping standards is to provide vertical and horizontal buffering between parking areas and adjacent properties, break up large expanses of paved area, help delineate parking spaces and drive aisles, and provide environmental benefits such as stormwater management, carbon dioxide absorption, and a reduction of the urban heat island effect.

B. General Provisions

1. Parking area landscaping shall be required for the surface parking areas of all uses, except for single-family detached and single-family attached residences. Landscaping shall be based on the following standards in Subsections 19.506.2.C-19.506.2.H.
2. Landscaped areas required by Subsection 19.506.2 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 19.506.2.

C. Perimeter Landscaping

The perimeter landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.506.2.C -1.

1. Dimensions

The minimum width of perimeter landscape areas are shown in Table 19.503.2.C.1. Where a curb provides the border for a perimeter landscape area, the dimension shall be measured from the inside of the curb(s). The Planning Director may reduce the required minimum width of a perimeter landscaping area where existing development or site constraints make it infeasible to provide drive aisles, parking spaces, and the perimeter landscaping buffer width listed in Table 19.503.2.C.1.

Table 19.506.2.C.1		
Minimum Perimeter Landscape Strip Dimensions		
Location	Downtown Zones	All Other Zones
Lot line abutting a right of way	4 ft	8 ft
Lot line abutting another property, except for abutting properties that share a parking area	0 ft	6 ft

Commentary

19.506.2 Landscaping (cont.)

C. Perimeter Landscaping (cont.)

2. These requirements are the same as the existing code. The language has changed to clarify current practices about tree spacing and how many tree are required if the 1 tree per 40 feet ratio does not result in a whole number.
3. The existing code requires screening along any property line bordering an adjacent use. The proposed code requires this only for property lines bordering residential uses. Standards and examples of what constitutes acceptable screening have also been added.

Proposed Code Amendment

2. Planting Requirements

Landscaping requirements for perimeter buffer areas shall include 1 tree planted per 40 lineal feet of landscaped buffer area. Where the calculation of the number of trees does not result in a whole number, the result shall be rounded up to the next whole number. Trees shall be planted at evenly spaced intervals along the perimeter buffer to the greatest extent practicable. The remainder of the buffer area shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.

3. Additional Planting Requirements Adjacent to Residential Uses

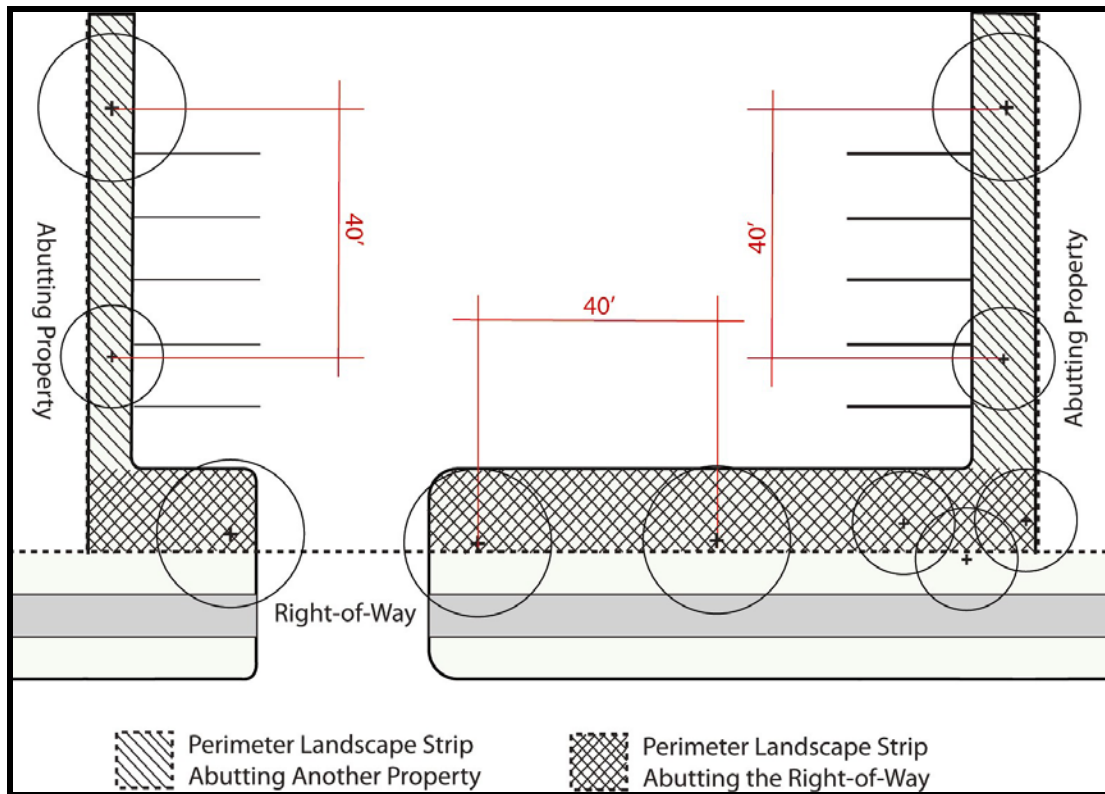
In addition to the planting requirements of Subsection 19.506.2.D.2, all parking areas adjacent to a residential use shall have a continuous visual screen in the landscape perimeter area that abuts the residential use. The area of required screening is illustrated in Figure 19.506.2.C–2. The screen must be opaque throughout the year from 1 to 4 ft above ground to adequately screen vehicle lights. These standards must be met at the time of planting. Examples of acceptable visual screens are a fence or wall, an earth berm with plantings, and other plantings of trees and shrubs.

Commentary

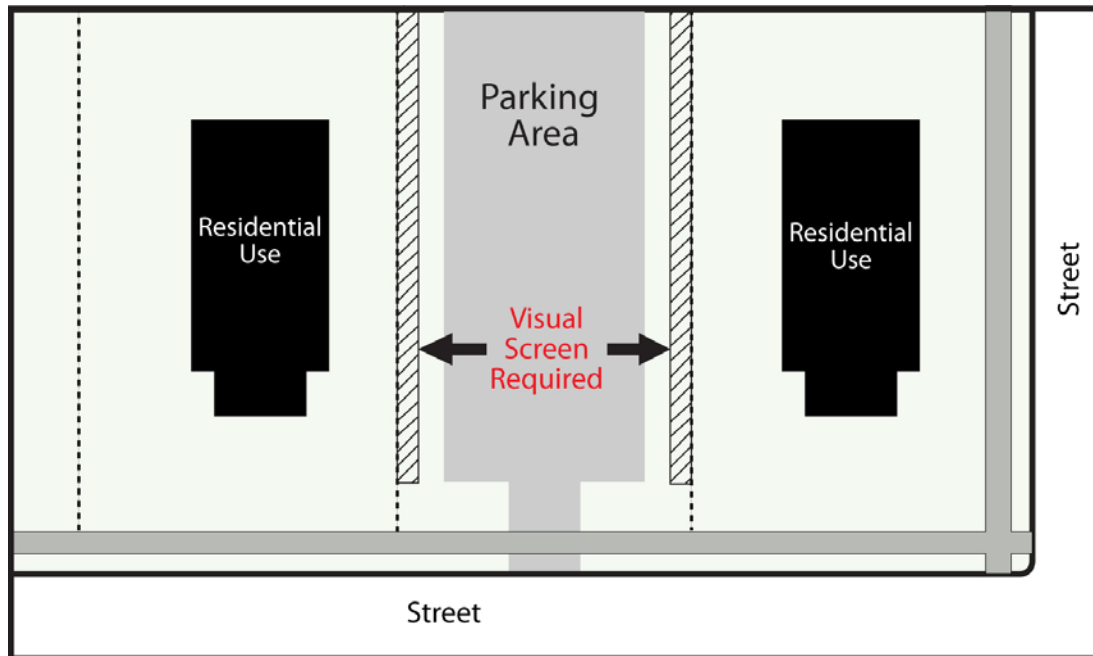
New graphics have been added to illustrate the perimeter landscaping requirements.

Proposed Code Amendment

Figure 19.506.2.C-1: Perimeter Landscaping Areas



19.506.2.C-2: Additional Planting Requirements Adjacent to Residential Uses



Commentary

D. Interior Landscaping

This subsection has been modified from what is currently in the code, and is more flexible in terms of how its standards can be met. The current code requires either landscape islands every 8 spaces or divider medians. The proposed code does not require that these features are included everywhere in the parking area so long as the minimum area of interior landscaping is provided. Large parking areas are limited in the number of uninterrupted spaces allowed. The planting requirements for interior landscaped areas have not been modified.

D. Interior landscaping

The interior landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.506.2.D-1.

1. General Requirements

Interior landscaping of parking areas shall be provided for sites where there are more than 10 parking spaces on the entire site. Landscaping that is contiguous to a perimeter landscaping area and exceeds the minimum width required by Subsection 19.506.2.C.1 will be counted as interior landscaping if it meets all other requirements of Subsection 19.506.2.D.

2. Required Amount of Interior Landscaped Area

At least 25 sq ft of interior landscaped area must be provided for each parking space. Planting areas must be at least 120 sq ft in area and dispersed throughout the parking area.

3. Location and Dimensions of Interior Landscaped Areas

- a. Interior landscaped area shall be either a divider median between opposing rows of parking, or a landscape island in the middle or at the end of a parking row.
- b. Interior landscaped areas must be a minimum of 6 ft in width. Where a curb provides the border for an interior landscape area, the dimension shall be measured from the inside of the curb(s).

4. Planting Requirements for Interior Landscaped Areas

- a. For divider medians, at least 1 shade or canopy tree must be planted for every 40 linear feet. Where the calculation of the number of trees does not result in a whole number, the result shall be rounded up to the next whole number. Trees shall be planted at evenly spaced intervals to the greatest extent practicable.
- b. For landscape islands, at least 1 tree shall be planted per island. If 2 interior islands are located contiguously, they may be combined and counted as 2 islands with 2 trees planted.
- c. The remainder of any divider median or landscape island shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.

5. Additional Landscaping for Large Parking Areas

Parking areas with more than 100 spaces on a site shall not have more than 15 spaces in a row without providing an interior landscaped island. See Figure 19.506.2.D-2.

Commentary

New graphics have been added to illustrate the perimeter landscaping requirements.

Proposed Code Amendment

Figure 19.506.2.D-1: Location and Dimensions of Interior Landscaped Areas

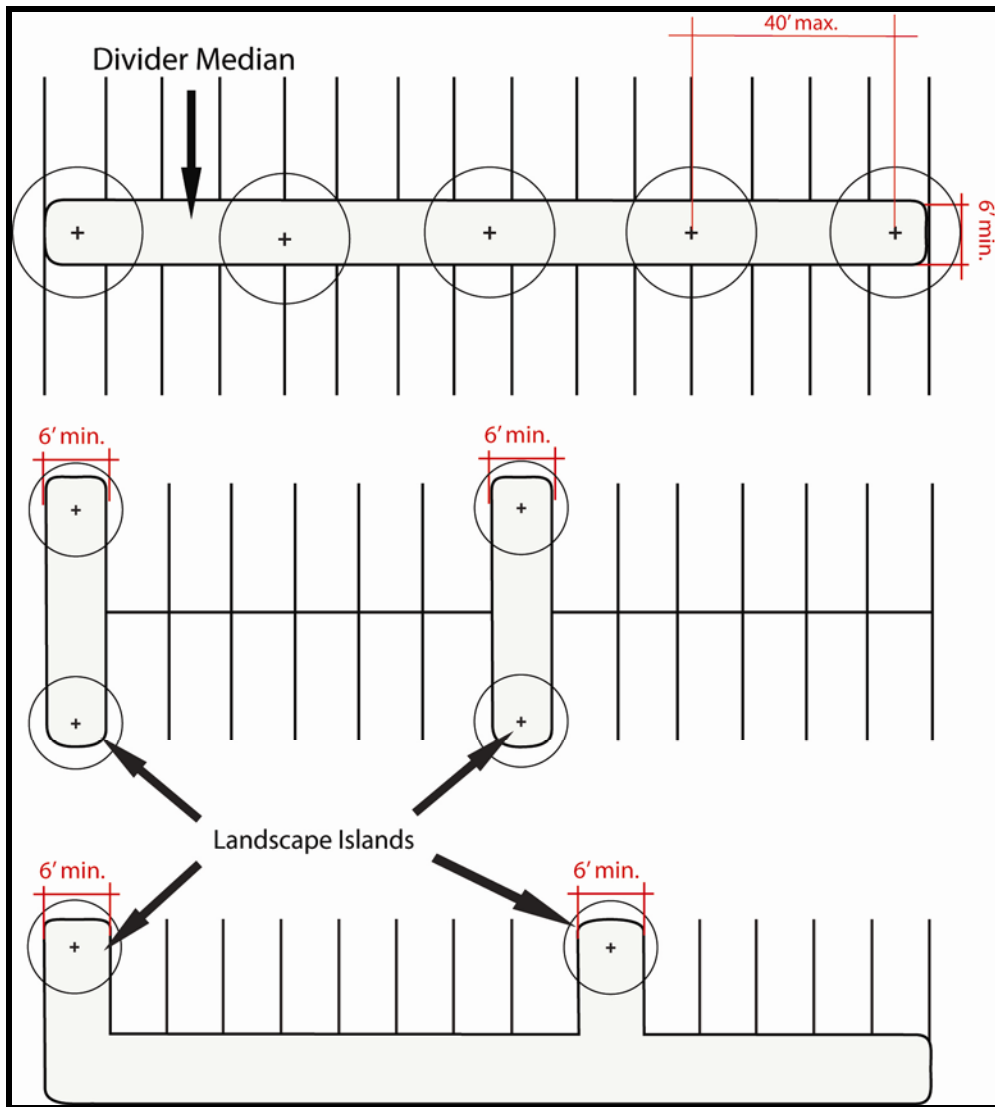
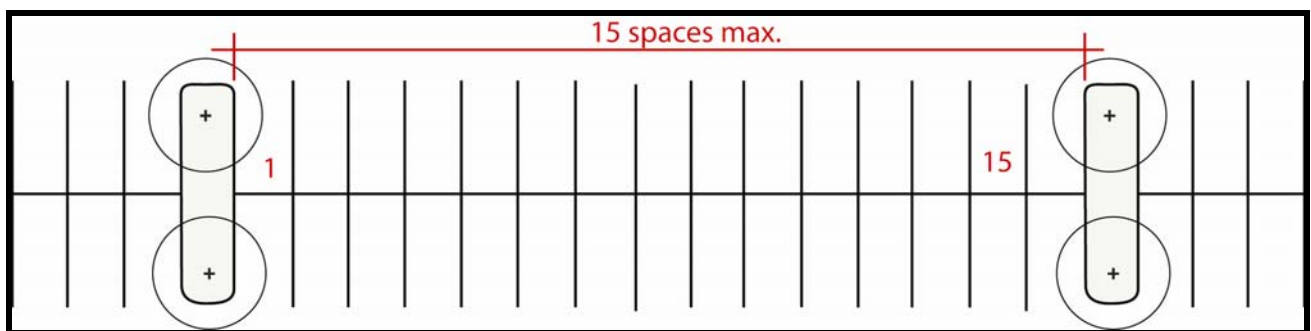


Figure 19.506.2.D-2: Additional Landscaping for Large Parking Areas



Commentary

19.506.2 Landscaping (cont.)

- E. The first three items in this subsection are requirements in the existing code.
 - 4. This is a new subsection that helps to implement Metro Title 13, Nature in neighborhoods. The subsection specifically allows parking landscaping areas to serve as stormwater management facilities for the parking area and site.
 - 5. This is a new subsection that allows for pedestrian walkways to be in landscaped areas, provided the areas are widened. This allows for designers to overlap two required elements while still requiring that the landscaped area be wide enough to accommodate the path and landscaping.

E Other Parking Area Landscaping Provisions

1. Preservation of existing trees is encouraged in the off-street parking area and may be credited toward the total number of trees required, based on staff's review.
2. Installation of parking area landscaping shall be required before a certificate of occupancy is issued, unless a performance bond is posted with the city. Then landscaping shall be installed within 6 months thereafter or else the bond will be foreclosed and plant materials installed by the city.
3. Parking area landscaping shall be maintained in good and healthy condition.
4. Required parking landscaping areas may serve as stormwater management facilities for the site. The Engineering Director has the authority to review and approve the design of such areas for conformance with the Public Works Standards. This allowance does not exempt the off-street parking landscape area from meeting the design or planting standards of Subsection 19.506.2.
5. Pedestrian walkways are allowed within perimeter and interior landscape buffer if the landscape buffer is at least 2 ft wider than required in Subsections 19.506.2.C.1 and 19.506.2.D.3.b.

Commentary

19.506.3 Additional Design Standards

- A. This subsection is unchanged except to clarify that pervious pavers are allowed.
- B. No change from the existing code.
- C. Site Access and Drive Aisles.
 - 1. A reference has been added to the access spacing standards in Chapter 12.16.
 - 3. This is a new regulation that requires drive aisles on the site to align with, and be no wider than, the approved driveway access points. When drive aisles are wider than the approved driveway approach, it encourages drivers to ignore the driveway approach, especially where no curb exists.
 - 4. This is a new regulation. The purpose of the regulation is to eliminate conflicts between a car pulling out of a parking space near a driveway entrance and a car entering the driveway.
 - 5. This is a new regulation. The purpose is to allow cars entering a site to pull completely out of the travel lane while waiting to have an access gate open.

19.506.3 Additional Design Standards**A. Paving and Striping**

Paving and striping are required for all required maneuvering and standing areas. Off-street parking areas shall have a durable and dust-free hard surface, shall be maintained for all-weather use, and shall be striped to show delineation of parking spaces and directional markings for driveways and access ways. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.

B. Wheel Stops

Parking bumpers or wheel stops, of a minimum of 4 in. in height, shall be provided at parking spaces to prevent vehicles from encroaching on the street right-of-way, adjacent landscaped areas, or pedestrian walkways. Curbing may substitute for wheel stops if vehicles will not encroach into the minimum required width for landscape or pedestrian areas.

C. Site Access and Drive Aisles

1. Accessways to parking areas shall be the minimum number necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveway approaches shall comply with the access spacing standards of Chapter 12.16.
2. Drive aisles shall meet the dimensional requirements in Subsection 19.506.1.
3. Parking drive aisles shall align with the approved driveway access and shall not be wider than the approved driveway access within 10 ft of the right of way boundary.
4. Along collector and arterial streets, no parking space shall be located such that its maneuvering area is in an ingress or egress aisle within 20 ft of the back of the sidewalk, or from the right of way boundary where no sidewalk exists.
5. Along collector and arterials streets, no gate shall be allowed across a driveway or portion of a driveway that provides ingress to the site unless it is located at least 30 ft from the back of the sidewalk, or from the right of way boundary if no sidewalk exists.
6. Driveways and on-site circulation shall be designed so that vehicles enter the right of way in a forward motion.

Commentary

19.506.3 Additional Design Standards (cont.)**D. Pedestrian Access and Circulation.**

The existing regulations for pedestrian travel in parking areas are vague. The new regulations help to explain when walkways are required and how they are to be designed.

1. The current standard is that walkways are required for parking areas with over 20 spaces. While the current requirement is clear, the code does not provide guidance about what parking spaces must be served by a walkway or how many walkways are required. The proposed standard is performance based so that site designers and staff can easily determine which parking spaces require a walkway.
2. The new regulations give specific standards for pedestrian walkways.

E. Internal Circulation.

1. This is a new subsection in the chapter. It establishes the Planning Director's authority to review circulation and impose conditions related to circulation.
2. This is an existing standard.
3. The current code does not have any standards regulating drive through or queuing areas. These regulations from the TGM Model Code address the minimum safety and design issues for drive through services without being overly specific. The intent is to ensure that buildings, and not drive through areas, face the street, and that queuing on site is safe and allows for safe access and circulation.

Proposed Code Amendment

D. Pedestrian Access and Circulation

Subsection 19.403.12 establishes standards that are applicable to an entire property for on-site walkways and circulation. The purpose of Subsection 19.506.3.D is to provide safe and convenient pedestrian access routes specifically through off-street parking areas.

Walkways required by Subsection 19.506.3.D are considered part of the on-site walkway and circulation system required by Subsection 19.403.12.

1. Pedestrian access shall be provided for off-street parking areas so that no parking space is further than 100 ft away, measured along vehicle drive aisles, from a building entrance, or a walkway that meets the standards of this Subsection 19.506.3.D.2.
2. Walkways through off-street parking areas must be continuous, must lead to a building entrance, and meet the design standards of Subsection 19.403.12.E.

E. Internal Circulation**1. General Circulation**

The Planning Director has the authority to review the pedestrian, bicycle, and vehicular circulation of the site and impose conditions to ensure safe and efficient on-site circulation. Such conditions may include, but are not limited to, on-site signage, pavement markings, addition or modification of curbs, and modifying drive aisle dimensions.

2. Connections to Adjacent Parking Areas

Where feasible, parking areas shall be designed to connect with parking areas on adjacent sites to eliminate the use of the street for cross movements.

3. Drive-Through Uses and Queuing Areas

The following standards apply to uses with drive-through services and uses such as gas stations and quick vehicle service facilities where vehicles queue rather than park on the site. The Planning Director has the authority to determine when the standards apply to a proposed use.

- a. The drive-up/drive-through facility shall be along a building face that is oriented to an alley, driveway, or interior parking area, and shall not be on a building face oriented toward a street.
- b. None of the drive-up, drive-in, or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 ft of the right-of-way.
- c. Queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way. Applicants may be required to submit additional information regarding the expected frequency and length of queues for a proposed use.

Commentary

19.506.3 Additional Design Standards (cont.)

- F. Current lighting standard for parking areas are very minimal. The new standards provide some basic guidance about deflecting light downward, lighting vehicle, pedestrian and bicycle areas, and providing a quantitative limit on light trespass.

F. Lighting

Lighting is required for parking areas with more than 10 spaces. Lighting shall be designed to enhance safe access for vehicles and pedestrians on the site, and shall meet the following standards:

1. Lighting luminaires shall have a cutoff angle of 90 degrees or greater to ensure that lighting is directed toward the parking surface.
2. Parking area lighting shall not cause a light trespass of more than 0.5 foot candles measured vertically at the boundaries of the site.
3. Pedestrian walkways and bicycle parking areas in off-street parking areas shall have a minimum illumination level of 0.5 foot candles, measured horizontally at the ground level.

Commentary

19.507 Off-Street Parking Standards for Residential Areas

19.507.1 Residential Driveways and Vehicle Parking Areas

These standards apply to single-family dwellings in all zones. They do not to apply to uses other than single-family dwellings. Aside from being reorganized, the standards are the same as the existing code except where noted.

A. Dimensions

The parking space dimension has been reduced from 9' x 20' to 9' x 18'.

D. Uncovered Parking Areas

This section has been modified to explicitly allow and encourage alternate types of paving. The allowance for extra parking spaces and driveways to be graveled is new.

19.507 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS

19.507.1 Residential Driveways and Vehicle Parking Areas

This section is intended to preserve residential neighborhood character by establishing off-street parking standards. The provisions of Subsection 19.507.1 apply to passenger vehicles and off-street parking areas for single family attached dwellings, single family detached dwellings, and residential homes in all zones.

A. Dimensions

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

B. Location

1. Off-street parking for vehicles in residential zones shall be located on the same lot as the associated dwelling, unless shared parking is approved per Subsection 19.505.4.
2. Uncovered off-street parking spaces are allowed within the required front yard and street side yard.
3. No portion of an uncovered off-street parking space is allowed in a required side yard. An area shall be considered an off-street parking area if it measures at least 9 ft wide by 18 ft long and is connected to a driveway access by a durable, hard surfaced area.

C. Covered Parking Areas

Off-street parking areas may be located in fully or partially enclosed areas that are attached to or detached from the primary structures. Such structures are subject to the development standards of the Zoning Ordinance. Covered off-street parking spaces must have access to the right of way over a durable, hard surfaced path at least 9 ft in width. The use of pervious concrete, pervious paving, driveway strips, or an in-ground grid or lattice surface is encouraged to reduce stormwater runoff. Driveway strips are permitted so long as the wheels of a standard width vehicle remain on the driveway strips while parked or maneuvering on site.

D. Uncovered Parking Areas

Uncovered parking of vehicles on residential properties shall be permitted only on the surfaces described below.

1. Off-street parking areas shall have a durable and dust-free hard surface, and shall be maintained for all-weather use. The use of pervious concrete, pervious paving, driveway strips, or an in-ground grid or lattice surface is encouraged to reduce stormwater runoff. Driveway strips are permitted so long as the wheels of a standard width vehicle remain on the driveway strips while parked or maneuvering on site.
2. For single family attached and detached dwellings, gravel is a permitted surface for vehicle parking spaces that are in excess of the minimum amount of spaces required by Chapter 19.500. Gravel is also acceptable for maneuvering areas created to reach excess standing areas. Graveled parking or maneuvering areas are not allowed within any required front yard or side yard.
3. For residential homes, gravel is not an acceptable standing or maneuvering surface.

Commentary

19.507.1 Residential Driveways and Vehicle Parking Areas (cont.)

4. This new subsection deals with large uncovered parking areas that may be needed by large residential home facilities. The 2,500 square foot threshold is more than adequate to allow the driveways that exist in the R-10 zone areas with large homes and large lots. It is smaller than what would be needed for larger residential homes that may have the need for 10 or more off-street parking spaces. The new regulations would not prohibit these large parking areas, but would require that they be setback from the street and screened.

Staff considered other alternatives to address the problem of large parking areas on residential lots. These alternatives are summarized in Appendix A at the end of this document.

E. Additional Driveway Standards

1. This regulation has been added to prevent driveways and parking spaces that do not align with approved driveway accesses. It is aimed at not allowing properties that do not have curb and sidewalks to gain access from any point along their frontage.
2. This is a new regulation. The intent is to require that gates are set back enough to allow cars entering a site to pull completely out of the travel lane while waiting to have an access gate open. An exception is allowed for properties on residential streets with lower traffic volumes and slower speeds.
3. This regulation supports existing regulations in Title 12 that do not allow vehicles to back into the right of way. The policy intent of not allowing residential properties on arterial and collector streets to back into the right of way is not new.

Proposed Code Amendment

4. Standards for large uncovered parking areas. The following standards apply to all large uncovered parking areas that have a contiguous standing and maneuvering area in excess of 2,500 sq ft. The portion of a driveway within a flag lot access pole does not count toward this threshold.
 - a. No portion of a large uncovered parking area shall be located in a required front yard or side yard. A driveway that does not exceed 18 ft in width is allowed through the front yard setback to provide access to the parking area.
 - b. A large uncovered parking area shall have perimeter landscaping that meets the standards of Subsection 19.506.2.C.
- E. Additional Driveway Standards
1. Parking areas and driveways on the property shall align with the approved driveway access and shall not be wider than the approved driveway access within 10 ft of the right of way boundary.
 2. Except for driveways along streets classified as local, no gate shall be allowed across a driveway or portion of a driveway that provides ingress to the site unless it is located at least 20 ft from the back of the sidewalk, or from the right of way boundary if no sidewalk exists.
 3. Properties that take access from streets other than local streets and neighborhood routes shall provide a turnaround area on site that allows vehicles to enter the right of way in a forward motion.

Commentary

19.507.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking

This subsection is proposed to be reorganized to clarify existing regulations related to commercial vehicles, boats, and RVs. These regulations apply to all residential uses in all zones as well as properties and rights of way within residential zones.

- A. The existing regulations have been modified. The term "Commercial vehicle" is now defined in MMC 19.103 by size, which is easier to define and enforce. Provisions have been added to allow for making a delivery.
- B. These are existing regulations. Most have not been modified from what is in the current code.
 - 1. The first clause is an existing regulation. The second fixes a loophole that would have allowed an unlimited number of uncovered RVs to be parked on properties larger than one acre.
 - 2 - 3. Existing regulations with no changes proposed.
 - 4. Current regulations related to the location of RV and boat parking are vague. They encourage these vehicles to be parked in a side or rear yard, and allow them to be parked on a gravel surface. The proposed regulations do not limit the location of RVs or boats on a property or require a setback. The regulations only address the surface on which such vehicles are parked and how they gain access to a property.

19.507.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking

This section is intended to preserve residential neighborhood character by minimizing the impacts created by the parking and storing of commercial vehicles, pleasure crafts, and recreational vehicles. The standards of Subsection 19.507.2 apply to passenger vehicles and off-street parking areas for single family attached dwellings and single family detached dwellings in all zones.

- A. Commercial vehicles shall not be permitted to be parked or stored on single-family attached or detached properties. Commercial vehicles may be present on these properties for up to 12 hours in one day if the vehicle is engaged in loading or unloading materials for a residence(s).
- B. Recreational vehicles and pleasure crafts on single-family attached or detached 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 single family attached or detached dwelling.
 - 3. A recreational vehicle or pleasure craft may be parked anywhere on a residential lot for up to 24 hours for the purposes of loading or unloading the vehicle.
 - 4. Recreational vehicles and pleasure craft must be stored on a surface that meets the requirements of Subsection 19.507.1.D.1 or 19.507.1.D.2. Parking areas for recreational vehicle and pleasure craft are considered excess parking, and may be graveled as allowed by Subsection 19.507.1.D.2. The prohibitions in Subsection 19.507.1.D.2 on graveled areas in front yard or side yard setbacks are not applicable for areas where recreational vehicles and pleasure crafts are parked. Recreational vehicles and pleasure crafts may access parking areas only through an approved driveway approach.

Commentary

19.508 Loading

The regulations for loading areas remain essentially the same as the existing chapter. The discretion to require loading areas remains with the Planning Director. The ratios for the amount of loading spaces that should be required have been updated based on the TGM Model Code.

19.508 LOADING

19.508.1 General Provisions

- A. The purpose of off-street loading areas is to contain loading activity of goods on-site and avoid conflicts with travel in the public right of way; provide for safe and efficient traffic circulation on the site; and minimize the impacts of loading areas to surrounding properties.
- B. Off-street loading areas may be required for commercial, industrial, public, and semipublic uses for the receipt or distribution of merchandise, goods, or materials by vehicles. Off-street loading is not required in the DS and DO zones.

19.508.2. Number of Loading Spaces

The Planning Director shall determine whether to require off-street loading for commercial, industrial, public, and semipublic uses. The ratios listed below should be the minimum required unless the Planning Director finds that a different number of loading spaces are needed upon reviewing the loading needs of a proposed use.

A. Residential Buildings

Buildings where all of the floor area is in residential use should meet the following standards.

1. Fewer than 50 dwelling units on a site that abuts a local street: No loading spaces are required.
2. All other buildings: 1 space.

B. Nonresidential and Mixed Use Buildings

Buildings where any floor area is in nonresidential uses should meet the following standards.

1. Less than 20,000 sq ft total floor area: No loading spaces required.
2. 20,000 to 50,000 sq ft of total floor area: 1 loading space.
3. More than 50,000 sq ft of total floor area: 2 loading spaces.

19.508.3 Loading Space Standards

- A. Loading spaces shall be at least 35 ft long and 10 ft wide, and shall have a height clearance of at least 13 ft
- B. Loading areas shall be provided on the site and be separate from parking spaces.
- C. Off-street loading areas shall have a durable and dust-free hard surface. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.
- D. Lighting of loading areas shall conform to the standards of Subsection 19.506.3.F.
- E. Off-street loading areas for materials and merchandise shall observe the minimum front and side yard requirements for structures.
- F. Off-street loading areas shall be located where not a hindrance to drive aisles, walkways, public or private streets, or adjacent properties.

Commentary

19.508 Loading

The regulations for loading areas remain essentially the same as the existing chapter. The discretion to require loading areas remains with the Planning Director. The ratios for the amount of loading spaces that should be required have been updated based on the TGM Model Code.

19.508.4 Prohibitions

- A. Loading activity for a site, regardless of whether loading spaces are required, shall not obstruct travel within the right of way.
- B. The accumulation of goods in loading areas shall be prohibited when it renders the space useless for loading and unloading of goods and passengers.

Commentary

19.509 Bicycle Parking

No substantive changes have been made to this section.

19.509 BICYCLE PARKING

19.509.1 Applicability

Bicycle parking shall be provided for all new commercial, industrial, community service use, and multifamily residential development. Temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units are exempt from Section 19.509. Bicycle parking shall be provided in the downtown zones and at transit centers.

19.509.2 Quantity of Spaces

- A. The number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use. In no case shall less than 2 spaces be provided. The number of bicycle parking spaces at transit centers shall be provided at the ratio of at least 1 space per 100 daily boardings.
- B. Covered or Enclosed Bicycle Parking. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (lockers) in either of the following situations.
 - 1. When 10% or more of vehicle parking is covered.
 - 2. If more than 10 bicycle parking spaces are required.

19.509.3 Space Standards and Racks

- A. The dimension of each bicycle parking space shall be a minimum of 2 ft by 6 ft. A 5 foot wide access aisle must be provided. If spaces are covered, 7 ft of overhead clearance must be provided. Bicycle racks must be securely anchored and designed to allow the frame and 1 wheel to be locked to a rack using a high security, U-shaped, shackle lock.
- B. Lighting shall conform to the standards of Subsection 19.506.3.F.

19.509.4 Location

- A. Bicycle parking facilities shall meet the following requirements.
 - 1. Located within 50 ft of the main building entrance.
 - 2. Closer to the entrance than the nearest non-ADA designated vehicle parking space.
 - 3. Designed to provide direct access to a public right-of-way.
 - 4. Dispersed for multiple entrances.
 - 5. In a location that is visible to building occupants or from the main parking lot.
 - 6. Designed not to impede pedestrians along sidewalks or public rights-of-way.
 - 7. Separated from vehicle parking areas by curbing or other similar physical barriers.
- B. The public right-of-way may be utilized for bicycle parking when parking cannot be reasonably accommodated on the site and the location is convenient to the building's front entrance. The bicycle parking area in the right-of-way must leave a clear, unobstructed width of sidewalk that meets the Engineering Department's Public Works Standards for sidewalk passage. See Figure 19.509 for illustration of space and locational standards. A Right-of-Way permit is required.

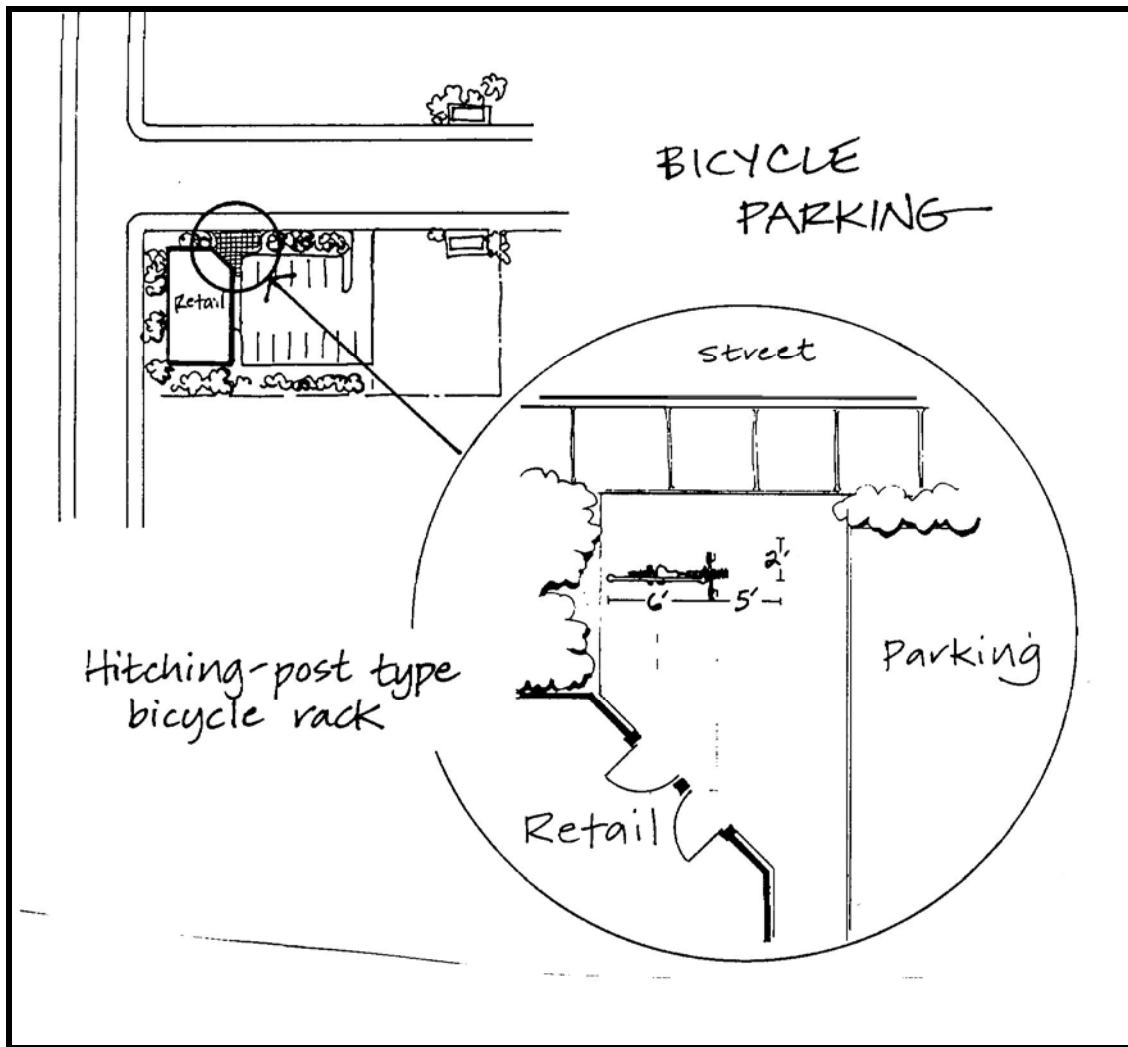
Commentary

19.509 Bicycle Parking

No substantive changes have been made to this section.

Proposed Code Amendment

Figure 19.509
Bicycle Parking



Commentary

19.510 Carpool and Vanpool Parking

No substantive changes have been made to this section. One phrase was added to Subsection 19.510.B to clarify how the spaces are calculated with respect to the parking reduction allowed by 19.502.3.

19.510 CARPOOL AND VANPOOL PARKING**19.510.1 Applicability**

New industrial, institutional, and commercial development with 20 or more required parking spaces shall provide carpool/vanpool parking.

19.510.2 Number of Spaces

The number of carpool/vanpool parking spaces shall be at least 10% of the minimum amount of required parking spaces. The minimum amount of required parking spaces shall take into account the reduction allowed by Subsection 19.505.3.B.4.

19.510.3 Location

Parking for carpools/vanpools shall be located closer to the main entrances of the building than other employee or student parking, except ADA spaces.

19.510.4 Standards

Carpool/vanpool spaces shall be clearly designated with signs or pavement markings for use only by carpools/vanpools.

19.511 Parking Structures

This is an existing section; the majority of it has not been modified. The changes are described below.

19.511.1 Permitted Zones and Review Procedures

Currently, structured parking can be processed as a building permit since there is no review process specified. The design standards are discretionary and should have some type of associated land use review. The proposed code allows structured parking to be evaluated as a Type II review if there will be 20 or fewer spaces, and requires Minor Quasi-judicial review for larger structures. The allowance for a Type II review is to facilitate development of small parking structures.

The current code limits the zones in which parking structures are allowed to the DS, DC, DO, DR, CL, CG, M, CCS, CSU and BI zones. The proposed revisions would allow structured parking in any zone except the DOS zone, where it is already expressly prohibited. This change allows

19.511.2 Compliance with Other Sections of Chapter 19.500

The first section establishes that structured parking counts toward any parking required by Section 19.505, and that spaces may be exempt per Subsection 19.505.3.A. The second section exempts spaces in parking structures from the dimensional requirements so long as the parking area can function safely. Parking structures typically have a higher number of spaces per square foot, and it is beneficial to accommodate as much parking as possible within a given structure. It is common for cities to exempt spaces and drive aisles in parking structures from the requirements for surface parking.

This flexibility replaces the current allowance for an alternative parking plan. This was a requirement for any structured parking proposal under the existing code, though it was not clear what an alternative parking plan includes or how to review it.

A subsection related to parking structure height was deleted. It required that parking structures meet the height requirements of their base zone unless otherwise permitted by the City. This subsection was unclear and essentially constituted a variance.

19.511.4 Standards and Design Criteria for Structured Parking

The standards and criteria in this section are mostly the same as the existing standards and criteria. They have been modified in some cases for clarity.

19.511 PARKING STRUCTURES

The purpose of Section 19.511 is to regulate the design and location of structured parking, and to provide appropriate incentives for the provision of structured parking. Structured parking is allowed to accommodate parking that is required for a specific use, or as a parking facility that is a use by itself.

19.511.1 Permitted Zones and Review Procedures

- A. Parking structures, including underground parking, are allowed in all zoning districts except the R-10, R-7, R-5, and Downtown Open Space zones. A parking structure can be permitted through approval of a Community Service Use application in all zones except the Downtown Open Space zone.
- B. Applications for parking structures with fewer than 20 spaces are subject to Type II review, per the procedures of Subsection 19.1011.2. Applications for parking structures with 20 spaces or more shall be reviewed by the planning commission at a public hearing per Subsection 19.1011.3 Minor Quasi-Judicial Review. The Planning Commission may impose conditions on the proposed structure to make it compatible with surrounding properties.

19.511.2 Compliance with Other Sections of Chapter 19.500

- A. Spaces in parking structures can be used to satisfy the minimum quantity requirements of Section 19.505. Spaces in parking structures are exempt from counting against maximum parking allowances, per Subsection 19.505.3.A.
- B. The space and drive aisle dimensions required in Subsection 19.506.1 shall apply to structured parking unless the applicant requests that the dimensions be reduced. Dimensions may be reduced if the applicant can demonstrate that the reduced dimensions can safely accommodate parking and maneuvering for standard passenger vehicles.
- C. In addition to the standards in Subsection 19.511.3, parking structures shall comply with the development standards, design standards, and design guidelines for the base zone(s) in which the structure will be located.

19.511.3 Standards and Design Criteria for Structured Parking

- A. A minimum of 75% of the length of any façade of a parking structure that faces a street shall provide ground-floor windows or wall openings. Blank walls are prohibited.
- B. The structure shall be compatible with related structures on the lot in terms of appearance, size, scale, and bulk.
- C. The required yard setbacks between the property line and the structure shall be landscaped per the requirements of Subsection 19.506.2.D.3.
- D. The structure shall provide safe pedestrian connections between parking structure and the public sidewalk or principal building.
- E. The structure shall provide adequate lighting to ensure motorist and pedestrian safety within the structured parking facility and connecting pedestrian ways to the principal building.

Commentary

19.511.5 Incentives for Provision of Structured Parking

- A. This current incentive allows an additional 0.5 square feet of development for every one square foot of structured parking. A clarification is proposed to make this 0.5 square feet of additional floor area. Without this, it is not clear what standard the additional square feet of development is in reference to.

Proposed Code Amendment

19.511.5 Incentives for Provision of Structured Parking.

- A. An applicant shall be allowed an additional 0.5 sq ft of floor area above the maximum allowed floor area ratio for every 1 square foot of structured parking provided. The applicant shall meet the other requirements of the development standards for the base zone in which it is located.
- B. If structured parking is underground, the applicant shall be relieved from Subsection 19.511.3.C and can locate the underground structure within any part of the setback and yard area.

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.103 Definitions.

Accessory Use - modified to reference accessory parking, rather than define it.

Accessory Parking - a new definition based on the portion removed from the *Accessory Use* definition.

Commercial Parking Facility - this definition is being renamed to 'parking facility' since that is how it is listed in the base zones. The proposed definition also eliminates whether a fee is charged or not as part of the definition, since a parking facility need not necessarily charge a fee. On the other hand, a provision is added that exempts areas that occasionally charge for parking at events such as Milwaukie Daze or high school events from being considered as parking facilities.

Commercial Vehicle - this is a new definition for purposes of the zoning code. It is easier to interpret and enforce than the existing commercial vehicle section of the parking chapter. The enclosed area portion is meant to include small 'box trucks' that are used for commercial purposes, but are not higher than 9 feet above ground.

New construction - the phrase to be added corrects an inconsistency within the definition of new construction.

Story and Half-story - the wording of these definitions had some overlap. As written, it is possible for a basement area to meet the definition of "story" and "half-story". For example, a basement area could be 10 feet above grade at a point but have less than 50% of its perimeter be more than 6 feet above grade. This would meet both definitions since they are both phrased as 'or' standards. The proposed amendment changes the "half-story" definition to an 'and' standards so a basement would need to be less than 10 feet above grade at any point AND have more than 50% of its perimeter 6 feet above grade.

Structured Parking - This definition clarifies what is meant by structured parking for purposes of applying Section 19.511.

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.103 DEFINITIONS

“Accessory structure or accessory use” means a structure or use incidental and subordinate to the main use of property and located on the same lot as the main use, including accessory parking. ~~any required off-street parking within 200 feet (measured in a straight line) of the building or use it is intended to serve.~~

“Accessory Parking” means off-street parking that serves the parking demand of a specific use(s). Accessory parking is distinct from a “parking facility,” as defined in Section 19.103.

“~~Commercial p~~Parking facility” means any off-street parking area a parking structure, surface, or below-grade parking lot, for which a charge or fee is assessed for parking. Commercial parking facilities provide parking that is not accessory to a specific use. Examples include short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking. Accessory parking areas that occasionally charge the public to park for nearby events are not considered parking facilities.

“Commercial Vehicle” means a vehicle designed or used primarily for commercial purposes, and which is either 9 ft tall or taller as measured from ground height, or has an enclosed storage area greater than 6 ft in height and 9 ft in length. Recreational vehicles that are not used for profit are not considered commercial vehicles.

“New construction” means development on a site that was previously undeveloped or from which previously existing structures have been demolished. New construction can also occur on sites with existing structures. New construction includes the following: (1) new structures, (2) new additions to existing structures, and (3) reconstruction of fully or partially demolished structures.

“Story” means portion of a building between any floor and the next floor above. If the floor level directly above a basement or unused under-floor space is more than 6 ~~ft feet~~ above grade for more than 50% of the total perimeter or is more than 10 ~~ft feet~~ above grade at any point, such basement or unused under-floor space shall be considered as a story.

“Half-story” means a story under a gable, gambrel, or hip roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2 ~~ft feet~~ above the floor of such story. If the floor level directly above a basement or unused under-floor space is less than 6 ~~ft feet~~ above grade, for more than 50% of the total perimeter ~~or~~ and is not more than 10 ~~ft feet~~ above grade at any point, such basement or unused under-floor space shall be considered as a half-story.

“Structured Parking” means a structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, is entirely covered, and has a parking surface at least 8 ft below grade. Structured parking does not include garages or carports.

CHAPTER 19.300 USE ZONES

19.312 DOWNTOWN ZONES

19.312.4 Development Standards.

B. Explanation of Development Standards.

10. Off-Street Parking.

- a. Currently, this subsection exempts the DS and some DO areas from ALL of Chapter 19.500. This exemption includes design standards, bicycle parking, and other items that should apply to parking areas, regardless of location. The proposed amendments exempt these areas only from the quantity requirements and from landscaping requirements in the case of small parking areas.
- b. The proposed amendment clarifies that all of Chapter 19.500, not just the quantity requirements, apply.

CHAPTER 19.300 USE ZONES

19.312 DOWNTOWN ZONES

19.312.4 Development Standards

B. Explanation of Development Standards

10. Off-Street Parking.

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

- a. Development in the Downtown Storefront Zone, and the portion of the Downtown Office Zone located to the north of Washington Street and east of McLoughlin Boulevard, is exempt from the sections of Chapter 19.500 listed below off-street parking requirements. All other standards and provisions of Chapter 19.500 are applicable.
 - i. The maximum and minimum quantity requirements for vehicle parking in Section 19.505.
 - ii. Parking areas with ten or fewer spaces are exempt from the landscaping requirements of Subsection 19.506.2.
- b. With the exception of the two areas identified in subsection (B)(10)(a) above, ~~the minimum and maximum parking standards specified in~~ standards and provisions of Chapter 19.500 shall apply to development in the downtown zones.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft ~~fifty feet~~ of the Main Street right-of-way except where the Planning Commission makes a finding in a public hearing that:
 - (1) The overall project meets the intent of providing a continuous facade of buildings close to Main Street;
 - (2) The off-street parking area or curb cut is visually screened from view from Main Street; and
 - (3) The community need for the off-street parking area or curb cut within 50 ft ~~fifty feet~~ of Main Street outweighs the need to provide a continuous facade of buildings in that area.

Commentary

19.314 MANUFACTURING ZONE M

19.314.1 Permitted Uses

Permitted uses are limited to industrial uses meeting the following criteria:

- A. Housekeeping amendment to correct the reference. There is no Subsection 19.314.2.B, and the reference should be to Subsection 19.314.1.B.

19.314 MANUFACTURING ZONE M**19.314.1 Permitted Uses**

Permitted uses are limited to industrial uses meeting the following criteria:

- A. Any combination of manufacturing, office, and/or commercial uses are allowed when at least 25% of the total project involves an industrial use as described under Subsection 19.312.1.B ~~19.314.2.B~~ below. The combined uses shall provide at least 10 employees per net acre.

Commentary

19.318 MIXED USE OVERLAY ZONE MU

19.318.7 Application Materials

- J. Housekeeping amendment to remove the specific number of copies from this section. The reference has been generalized to describe what is required. The amount of required copies is explained on the City's application forms, which are required per Subsection 19.1003.

19.318 MIXED USE OVERLAY ZONE MU**19.318.7 Application Materials**

An application for a mixed use overlay review shall include the following:

- J. ~~12 copies of d~~Detailed and dimensioned plans, drawn to scale for the specific project, including, but not limited to, the site development plan, building elevations, floor plans, landscaping plan, and parking plan. These plans shall show lot dimensions based on a survey of the property; existing and proposed property boundaries; the distance from structures to property lines and between structures; the building footprint with all projections; and location of driveways, walkways, paved areas, and disabled access and parking. Parking shall address all requirements of Chapters 19.500 and 19.1400 of the Zoning Ordinance;

Commentary

19.320 Willamette Greenway Zone

19.320.5 Procedures

E. Submittal Requirements

Housekeeping amendment to specify that a vegetation buffer plan is only required if work will impact the area within 25' of the Willamette River ordinary high water line. There are many areas within the Willamette Greenway overlay that are not adjacent to the river, and a buffer plan is unnecessary for these sites.

19.320.6 Criteria

H. Outdated reference to the natural resource overlay; changed to reference the section instead.

19.320 WILLAMETTE GREENWAY ZONE**19.320.5 Procedures**

The following procedures shall govern the application of WG Zones:

E. Submittal Requirements

A vegetation/buffer plan must be submitted for each application for a greenway conditional use permit. A buffer plan is required only if the proposed development impacts the vegetation buffer defined in Subsection 19.320.8.

19.320.6 Criteria

The following shall be taken into account in the consideration of a conditional use:

- H. Protection of the natural environment according to regulations in Section 19.322 ~~the Natural Resource overlay Zone~~;

Commentary

19.321 Community Service Use CSU**19.321.4 Notice Requirements**

This housekeeping amendment corrects an incorrect reference. The reference is supposed to be to the minor modification process in Subsection 19.321.6.C that was in Subsection 19.321.5.C prior to ZA-06-01.

19.321.9 Review of Application

Housekeeping amendment to remove this subsection. The procedures for application review are covered in Chapter 19.1000. Subsection A is inconsistent with the review procedures of Chapter 19.1000. Subsection B is unnecessary. Staff only requires a preapplication conference for CSU applications with a transportation facilities review application. Applicants are always free to request a preapplication conference. Subsection C is simply a reference to the notice requirements of Chapter 19.1000. Subsection D is not necessary to have listed as a requirement in the zoning code.

19.321.12 Specific Standards for Institutions - Public, Private, Religious, and Other Facilities not Covered by Other Standards

J. This section of code is in the existing off-street parking chapter. Since it applies to uses that are Community Service Uses, it is proposed to be moved to the Community Service Use section of the code.

19.321 COMMUNITY SERVICE USE CSU

19.321.4 Notice Requirements

Except as provided in Subsections ~~19.321.5.C~~ 19.321.6.C and 19.321.14, Wireless Communication Facilities, the Planning Commission shall hold a public hearing for a community service use request per the procedures outlined in Subsection 19.1011.3.C Minor Quasi-Judicial Review, Community Service Use.

19.321.9 ~~Review of Application~~ (Repealed by Ord. _____)

~~Upon receipt of an application, the Director shall:~~

- ~~A. Review the application for completeness and shall either accept the application or return it to the applicant with a written list of omissions within 7 calendar days of the date of submittal. Date of acceptance shall be noted.~~
- ~~B. A preapplication conference may be scheduled at the request of either the applicant or staff.~~
- ~~C. As soon as an application is accepted as complete, notice will be sent if required by Section 19.1011.~~
- ~~D. A field visit to the site will be required prior to preparation of the staff report.~~

19.321.12 Specific Standards for Institutions – Public, Private, Religious, and Other Facilities not Covered by Other Standards

- J. Park-and-ride facilities may be encouraged for institutions along transit routes. These uses have days and hours not in conflict with weekday uses (e.g., churches or fraternal organizations) and may be encouraged to allow portions of their parking areas to be used for park-and-ride lots.

CHAPTER 19.400 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.402 ACCESSORY STRUCTURES AND USES

19.402.3 Accessory Uses, General Provisions

- C. Housekeeping amendment. The City Attorney advised staff in 2005 that the requirement for property owner consent is not enforceable. It is an impermissible delegation of the police power (i.e., ability to impose zoning regulations) conferred upon the City by the State. The amendments would remove the offending clause of this subsection.
- D. Ibid. In addition, the general allowance for the Planning Commission to approve beekeeping is not enforceable without linking it to a specific application type and approval criteria. The proposal is to allow 2 colonies of bees outright on properties that are 1/2 acres or more.

19.403 SITE AND BUILDING DESIGN PROVISIONS

19.403.1 Storage in front yard.

This subsection is deleted. It applies only to vehicle storage, and not storage of items in general. Requirements for vehicle parking on presidential properties is covered in Subsection 19.507.

CHAPTER 19.400 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.402 ACCESSORY STRUCTURES AND USES

19.402.3 Accessory Uses, General Provisions

- 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 feet 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 up to 2 colonies of bees are allowed on lots of 1/2 acres or more. ~~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 feet of any point on the boundary of the property on which the bees are proposed to be kept.~~

19.403 SITE AND BUILDING DESIGN PROVISIONS

19.403.1 ~~Storage in front yard. (Repealed by Ord. _____)~~

~~Vehicles that are partially dismantled or do not have a valid state license shall not be stored more than ten (10) days in a required front yard or street side yard. All vehicles, licensed or unlicensed, shall be stored in driveway areas only. Vehicles used for commercial purposes (such as trucks) shall be screened or stored from view of the street.~~

CHAPTER 19.600 CONDITIONAL USES

19.602 STANDARDS GOVERNING CONDITIONAL USES

19.602.10 Type 2 Accessory Dwelling Unit.

A. Requirements for conversion of existing space or addition:

2. This section now references the parking requirements of Chapter 19.500 rather than containing the quantity requirements in the Conditional Use chapter.

CHAPTER 19.600 CONDITIONAL USES

19.602 STANDARDS GOVERNING CONDITIONAL USES

19.602.10 Type 2 Accessory Dwelling Unit.

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:

2. Off-street parking shall be provided in accordance with Chapter 19.500 ~~One 1 off-street parking space is provided for the accessory unit in addition to the required parking for the primary dwelling;~~

CHAPTER 19.700 VARIANCES, EXCEPTIONS, AND HOME IMPROVEMENT EXCEPTIONS

19.708 CIRCUMSTANCES FOR GRANTING HOME IMPROVEMENT EXCEPTIONS

The proposed housekeeping amendments reflect staff's interpretation that a property owner may attempt to legalize a building addition that was originally not permitted through the home improvement exception process. For example, a property owner may build a second story deck that extends into a required rear yard setback, and not obtain the necessary permits. The current wording of this section would prevent the property owner from applying for a home improvement exception to legalize the encroachment into the setback. The home improvement exception process would have been available to the property owner if they had requested permit ahead of time.

Staff does not believe it is reasonable to preclude someone from applying for a home improvement exception to correct a violation. The changes to the section reflect that perspective.

CHAPTER 19.700 VARIANCES, EXCEPTIONS, AND HOME IMPROVEMENT EXCEPTIONS

19.708 CIRCUMSTANCES FOR GRANTING HOME IMPROVEMENT EXCEPTIONS

- A. There are conditions applicable to the property, or the existing structure has a design, such that the proposed project would result in only minor exterior changes.
- B. The home improvement exception sustains the integrity of or enhances an existing design concept or the neighborhood character.
- C. The granting of the application will not be detrimental or injurious to the property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare, or convenience.
- D. The home improvement exception only authorizes uses or activities that are permitted by the zoning district.
- E. The home improvement exception is consistent with the objectives of the Comprehensive Plan and Zoning Ordinance.

In determining whether to approve or deny exceptions pursuant to Section 19.708 ~~this section~~, the Planning Director shall consider such applicable residential design guidelines as may be adopted for the neighborhood district in which the site is located.

A home improvement exception can be used to legalize a situation that is in violation of the Building Code or Zoning Ordinance. However, a home improvement exception shall not be granted for a structure if a Building Code or Zoning Ordinance violation other than the violation being addressed by the home improvement exception exists at the site. A Building Code violation cannot be used to justify the integrity of an existing design concept, and a final building permit inspection for a home improvement exception may not occur until all building violations have been corrected.

CHAPTER 19.1500 BOUNDARY CHANGES

19.1502 ANNEXATIONS

19.1502.2 The Petition

- C. Housekeeping amendment to remove the specific number of copies from this section. The reference has been generalized to describe what is required. The amount of required copies is explained on the City's application forms, which are required per Subsection 19.1003.

CHAPTER 19.1500 BOUNDARY CHANGES

19.1502 ANNEXATIONS

19.1502.2 The Petition

- C. An annexation petition shall include the completed petition form and the following information ~~13 copies of each of the following, except for each drawing submitted there shall be 12 at the original scale and 1 copy reduced to an 8½- by 11-inch paper size.~~

Appendix A

Alternatives for Regulating Residential Uses with Large Parking Areas

Alternative A (current proposal)

This alternative sets a threshold of 2,500 square feet for defining what constitutes a large parking area. If a parking area exceeds this size, it must be entirely out of the front and side yard setbacks and provide perimeter landscaping. The 2,500 square foot threshold was chosen because it allows for homes on large lots to have a generous sized driveway and parking area. The size is also small enough that it would not accommodate more than about 10 cars spaces, including drive aisles.

- Pros: Clear and objective measurement; applies equally to residential home and single family residences; does not affect vast majority of single family dwellings; allows flexibility to either break up a large parking area or place it elsewhere on the lot
- Cons: Still allows relatively large parking areas in the front yard; may result in development being pushed back further on the site

Alternative B

This is a modification of Alternative A. Alternative B would maintain the same regulations for large parking areas. The threshold would be that no part of a parking area could accommodate a square area measuring 35 feet by 35 feet. Having a paved area of these dimensions is something common for most parking lots, but uncommon for typical residences. Standard residences tend to have parking areas that are elongated in one dimension, such as a large driveway.

- Pros: Applies equally to residential home and single family residences; allows flexibility to break up a large parking area into smaller segments or place it elsewhere on the lot; does not affect the vast majority of single family dwellings; allows for large looped driveways
- Cons: Measurement is not as easy to determine; still allows relatively large parking areas in the front yard; may result in development being pushed back further on the site

Alternative C

This alternative would not substantively change the parking regulations that apply to single family residences, but would treat parking areas for residential homes the same as other commercial parking lots. It would require that parking areas for residential homes be landscaped with perimeter and interior landscaping. It would not place any restriction on the placement of the parking area, and would not limit their size aside from having a maximum allowable parking quantity.

- Pros: Targets large residential homes without affecting single family dwellings
- Cons: Would require parking areas for small residential homes to meet commercial parking area standards; does not regulate the placement of large parking areas on the site

Alternative D

This alternative would limit the amount of front and side yards that could be used for parking. This would apply to single family residences as well as residential homes. No more than 40% of a front yard and no more than 20% of a street side yard setback could be used as an off-street parking area. Parking areas would also not be allowed within regular side yard setbacks.

- Pros: Clear and objective measurement; limits the size of parking areas for all residential uses in proportion to the lot size and dimensions
- Cons: Applies more stringent regulations to single family dwellings and residential homes; difficulties in defining 'parking area'; substantial additions to existing homes (doubling of size) would trigger conformance

References for the Parking Chapter Updates

Project Consultants

- Scot Siegel, AICP; Siegel Planning Services LLC; May – August 2009
- Ben Schonberger, AICP; Winterbrook Planning, May –November 2008
- Rick Williams; Rick Williams Consulting, August 2007

Studies, Reports, and Presentations

- “New Concepts in Parking Codes”, presented by Beverly Bookin, AICP; The Bookin Group LLC, presented May 15, 2008 at the 2008 Oregon American Planning Association Conference.
- “The Parking Handbook for Small Communities”; Elizabeth Jackson, Linda Glison (editor); *National Trust for Historic Preservation, and the Institute for Transportation Engineers (1994)*.
- “Parking Solutions”; American Planning Association Planning Advisory Service, Essential Information Packet 24 (September 2009).
- “Parking Standards”; edited by Michael Davidson and Fay Dolnick; *American Planning Association Planning Advisory Service, Report # 510/511 (2002)*.

Parking Regulations of Other Jurisdictions

- City of Bend – Chapter 3.3
- City of Lake Oswego – Article 50.55
- City of Oregon City – Chapter 17.52
- City of Portland – Chapter 33.266
- City of Tigard – Chapter 18.765
- City of Wilsonville – Section 4.155
- Clackamas County – Section 1007.07
- Metro Regional Code, Chapter 3.07, Title 2, Regional Parking Policy
- *Model Development Code and User’s Guide for Small Cities*, State of Oregon Transportation Growth Management Program (June 2005).

Summary of Proposed Amendments to the Zoning Code: Off-Street Parking and Loading

Regulations for Residential Properties

Current Code

The current requirements for residential properties are:

- Two off-street parking spaces, one of which must be covered
- Accessory Dwelling Units require one additional space
- 9 foot wide driveway and 9' by 20' spaces
- Paved or concrete driveway and parking spaces
- No commercial vehicles over 1.5 tons
- RV and boat parking allowed, RVs cannot be lived in

Proposed Code

The proposed code requirements for residential properties are

- Two off-street parking spaces, no requirement for either to be covered.
- 9 foot wide driveway and 9' by 18' spaces
- Paved or concrete driveway and parking spaces, with an allowance for permeable paving or parking strips
- No commercial vehicles over 9 feet in height or with an enclosed storage area of 6 feet in height and 9 feet in length. The height limit will allow typical home-based contractors to park their vehicles at home, while still prohibiting larger commercial vehicles that should not be parked in residential zones.
- RV and boat parking allowed, RVs cannot be lived in. They must be parked on concrete, pavement, or a gravel surface.
- Gates across driveways on collector and arterial streets cannot be closer than 20 feet to the edge of the sidewalk or right of way. This allows enough space for vehicles to pull completely out of the road before opening a gate. Properties on local and neighborhood streets are exempt from this requirement.

Residential Treatment Facilities

Current Code

Residential treatment facilities are regulated the same as typical single family residences. There is no limit to the number of parking spaces that are allowed and landscaping and other design requirements are not applicable.

Proposed Code

The proposed code places a limit on the maximum number of parking spaces allowed. It also makes parking areas of over 2,500 square feet subject to setback and landscape buffering standards.

Downtown Parking Requirements

Current Code

The current code exempts the central portion of downtown from all parking requirements, including

the number of spaces and design features like landscaping.

Proposed Code

The central downtown area remains exempt from quantity requirements. Landscaping standards will apply to parking areas with over 10 spaces. All other requirements of the chapter apply to all of the downtown area.

Neighborhood Commercial Areas

Current Code

There is a fairly high level of parking required for all commercial sites outside of downtown, regardless of whether the site is oriented for neighborhood-oriented commercial uses, or the site's proximity to public transit.

Proposed Code

Properties in the Neighborhood Commercial, Limited Commercial, and a small area of Commercial General zones would be eligible for a 50% reduction in the minimum amount of required parking. This reduction is to encourage these small areas to continue to be used by businesses that have significant walking and biking trips from the surrounding neighborhood.

Applicability to Non-Conforming Parking Areas

Current Code

“The standards and procedures of this section shall also apply to uses with nonconforming parking and loading facilities, in an attempt to bring them into conformance with current standards when remodeling or change in use occurs.”

Many existing parking lots do not meet current standards. When a property owner proposes to improve a building that has such a non-conforming parking lot, the City requires that some improvements be made to the parking lot at the time of development. The code gives no guidance to the property owner or staff about what areas to bring closer to conformance or what the cost of such upgrades might be.

Proposed Code

The proposed amendments provide a prioritized list of improvements and cap the required improvements at 10% of the building permit value.

Parking Ratio Determinations and Adjustments

Current Code

There are instances where the parking ratio table either does not list a use, or the applicant would like a modification from the requirement listed in the table. There is a process, called “adjustment,” to vary from the requirement. However, the amount of the adjustment is limited, and any adjustment beyond that amount must be processed as a variance. Because the variance criteria are strict, a variance may not be possible. The process for determining the ratio for unlisted uses is vague.

Proposed Code

The proposed code addresses unlisted uses and adjustments to the listed ratios through one process with clear criteria and application requirements. To allow for site-specific consideration of parking needs, the proposed amendments allow an applicant to conduct a parking study to determine the amount of parking required, instead of following the ratio table. . The determination process is intended to be used by large developments with 50-100 spaces or more and developments that do not lend themselves to a ‘one-size fits all’ ratio, such as hospitals and colleges.

Parking Structures**Current Code**

Parking structures are allowed in a limited number of zones, and reviewed by staff as a building permit with highly discretionary review criteria.

Proposed Code

The proposed code allows parking structures in all zones except the Downtown Open Space and the three low density residential zones (R-10 – R-5). Smaller structures are reviewed through a staff-level process that allows public comment, and larger structures are reviewed by the Planning Commission. The development criteria and incentives for providing structured parking are essentially the same as in the current code.

Revised Parking Stall Dimensions**Current Code**

The current code defines the size of standard and compact parking stalls. It also has the widest two way aisle dimension of any parking code that was surveyed for this project.

Proposed Code

The dimensions of the stalls and drive aisles have been modified to be more consistent with best practices of other cities. The proposed code also has only one set of dimensions for parking stalls. Studies of off street parking areas have shown that drivers tend to ignore compact space designations, and the trend in regulations has been to move away from having them.

Revised Ratio Table**Current Code**

The parking ratio table contains 56 separate uses with one minimum required parking ratio and two maximum allowed parking ratios. There are a large amount of categories for very specific, and sometimes esoteric, uses.

Proposed Code

The parking ratio table would contain approximately 30 separate uses with one minimum required parking ratio and one maximum allowed parking ratio. The major objectives behind this change are to make the ratio table easier to use and to ensure that the City is not requiring more parking than necessary.

Shared Parking

Current Code

The current code limits the distance between uses that share parking to 300 feet, as measured between the building and the shared parking area.

Proposed Code

The proposed code would increase the maximum distance for shared parking to 1000 feet. This would allow more possibilities for shared parking to be utilized. The proposed code also includes minimum safety standards that are not currently in the code for the pedestrian route between the building and the shared parking area.

Environmental Standards

Current Code

The current code has few environmentally friendly policies aside from landscaping requirements.

Proposed Code

The proposed code is 'greener' in the following ways:

- Allowing a process to determine the right amount of parking will avoid requiring excessive parking
- Reducing the standard size stalls and some drive aisle dimensions may lead to slightly more compact parking areas
- Explicitly allowing pervious concrete and other surfaces that allow stormwater infiltration will reduce stormwater runoff.
- Explicitly allowing required landscape buffers to act as stormwater detention facilities (swales) will reduce stormwater runoff and allow areas of the site to serve multiple functions.
- Allowing a reduction in the minimum required parking for the provision of extra bicycle parking spaces, carpool spaces, transit facilities, and car sharing program spaces will reduce required parking and encourage alternate modes of transportation.

Overall Chapter Organization and Language

Current Code

The current code has a few main sections and has many of the frequently used standards compiled under one of these sections. There are several sections that have vague or outdated language that makes the chapter difficult to implement.

Proposed Code

The proposed chapter has more top level sections with clearer headings to make regulations easier to find. All administrative provisions are grouped toward the front, quantity requirements are in one section, and design standards are in their own. Vague, unclear, or unenforceable language have either been revised or removed, as appropriate.

Parking Chapter Referral List

Staff sent an email describing the proposed amendments, with a link to project webpage, to the following individuals on February 12, 2010.

Name	Organization
	All Milwaukie Neighborhood District Association Chairs and Land Use Committee Members
Garry Kryszak	North Clackamas School District
Robert Cseko	Portland Waldorf School
Catalin Hrenuic	Romanian Baptist Church
Petr Buzhduga	Ukranian Bible Church
Edward Kchemchan	Immovable Foundation Church
Bill Nylund	Milwaukie Covenant
Michelle Healy	North Clackamas Parks and Rec. Dist.
Glenda Fossum-Smith	Providence Milwaukie
Ed Parecki	Developer, past applicant
Bob Dant	Developer, past applicant
Bill Hosley	Developer, past applicant
Gene Dieringer	Dieringer Properties
Tom Kemper	North Main developer, past applicant
Gary Collison	PCC
Ernie Platt	Portland Home Builders Assn
Charlie Clark	Developer, past applicant
Charlie Bishop	Pendleton Woolen Mills
Daryl Winand	Portland Metro Assn of Realtors
Trell Anderson	HACC
John Rupp	Jarco Management, Omark Business owners
Keith Jones	HHPR
Steve Winstead	Winstead and Assoc.
Ed Murphy	Past applicant
Lang Bates	Barentine Bates Lee Arch.

Drafts of the chapter were reviewed by the following City of Milwaukie staff:

- Susan Shanks, Senior Planner
- Brett Kolver, Associate Planner
- Li Alligood, Assistant Planner
- Zach Weigel, P.E., Civil Engineer
- Brad Albert, P.E., Civil Engineer
- Alex Campbell, Resource and Economic Development Specialist
- Tim Salyers, Code Compliance Coordinator
- Sarah Lander, Code Compliance Assistant

Marquardt, Ryan

From: Keith Jones [KeithJ@hhpr.com]
Sent: Thursday, February 25, 2010 3:50 PM
To: Marquardt, Ryan
Subject: RE: City of Milwaukie Zoning Code Amendment: Off-Street Parking and Loading

Thanks Ryan

I have a few comments:

I would try some pictures and scale back on the words if you have it in the budget. This is especially true for the landscaping section as it is hard to visualize and follow.

Do not require wheel stops they are a tripping hazard and really serve no purpose. If they are to keep people from blocking a sidewalk or landscaping then make the sidewalk or landscaping bigger.

Maximum parking for Multi-family is 2 spaces per unit. This is reasonable but some may desire visitor spaces not sure if these would be exempt.

In general most every code has a list of permitted uses in one area of the code than a list of parking requirements in another. These two tend to have issues lining up. For example I am working on a project for a school district in another community on their bus storage and maintenance facility. The code lists it as a conditional under the zone but no mention of a parking standard. Even if there is no prescriptive standard for parking I think it should be listed as such on a table to cross reference.

I think going to 9X18 spaces and eliminating the covered parking makes a lot of sense.

Although a worth while goal requiring covered parking for bicycles is not a great idea in my opinion. It is too difficult to integrate into the design if it is forced on someone. The spaces end up in weird locations and not enjoyable to use. Better to get uncovered spaces in a good location right at the main entrances than covered in an odd location to use. Employers usually find a way to provide indoor areas for their employees who bike if there is a demand. When I bike to work it is nice to have an indoor space to park but when running errands on a bike covered spaced does not matter to me personally.

Requiring vanpool and carpool spaces is also not effective in my opinion. Spaces can always convert later if the market dictates. If the City makes someone install them and they are never used it does more harm then good, people will just think the government does not know what they are doing. The works have to be onboard with the idea and can't really come from a mandate.

I would allow on-street parking to count for required parking. Why are communities so protective of on-street parking? The point is to not over pave and put too much parking in and this can help.

I think the market should determine loading space requirements. I think the required number should be eliminated and there should just be standards if loading space is proposed to protect the public right-of-way and for screening, noise, etc. Why make someone put in something that will never be used. There are lots of places that get creative with loading space and operate just fine. Just don't think this needs to be regulated.

Low impact and green treatment should be encouraged in parking area landscaping. I know the City adopted the City Portland Stormwater Manual so maybe this already covered.

From: Marquardt, Ryan [mailto:MarquardtR@ci.milwaukie.or.us]
Sent: Friday, February 12, 2010 9:21 AM
To: Marquardt, Ryan
Subject: City of Milwaukie Zoning Code Amendment: Off-Street Parking and Loading

Greetings! This email is to let you know about a Code amendment project affecting the City's off-street

3/12/2010

parking regulations. The purpose of this Code amendment project is to update the off-street parking regulations to ensure that the Code remains current with best professional practices, complies with Metro requirements, and results in safe and aesthetically pleasing parking areas. The proposed amendments do not impact the provision or enforcement of on-street parking spaces.

We would like your input on the proposed amendments! We are interested in your comments because you or your firm has recently been involved in project design and permitting in Milwaukie. The draft Code amendments, existing Code, upcoming hearing dates, and other project documents are posted on the Planning Department's website:

<http://www.ci.milwaukie.or.us/departments/planning/parkingstudy/zoningamendment.html>.

You can view a hard copy of the proposed amendments at City Hall or the Planning Department. One can also be mailed to you upon request. All proposed amendments are explained in executive summaries and commentary pages throughout the revised text.

Amendments to the Zoning Code require review by the Planning Commission and adoption by City Council at public hearings. These Code amendments are *tentatively* scheduled to be heard by the Planning Commission on March 23, 2010 and by the City Council on April 20, 2010.

You are welcome to comment on or ask questions about the proposed Code amendments at any time by either contacting staff (see below) or attending the public hearings. Comments received on or before March 10, 2009 will be included in the meeting packet sent to Planning Commission for their March 23rd meeting. You are encouraged to forward this email to others than may be interested in these amendments.

Please contact me if you would like more information or to be kept informed of the project's progress.

Ryan Marquardt, AICP
Associate Planner
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206
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(f) 503.774.8236
(e) marquardtr@ci.milwaukie.or.us

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Marquardt, Ryan

From: Miranda Bateschell [Miranda.Bateschell@oregonmetro.gov]
Sent: Thursday, March 11, 2010 4:48 PM
To: Marquardt, Ryan
Cc: Mangle, Katie; Christina Deffebach
Subject: RE: Milwaukie Off-Street Parking

RE: File No. ZA-10-01, Proposed Off-Street Parking Chapter Amendments to the Milwaukie Municipal Code Title 19

Ryan,

Thanks for the confirmation. You will be receiving a letter with much greater detail from me for the Planning Commission meeting. In the meantime, this e-mail is a brief overview of the nature of our comments in that letter that we will request be entered into the meeting record.

Metro staff has deemed that upon adoption of the proposed residential minimum parking requirements, the City of Milwaukie will not be in compliance with Title 2 of the Urban Growth Management Functional Plan. Removing the small residential unit category and modifying the residential care facilities minimum parking ratios, as proposed by the amendments in File No. ZA-10-01, will bring the City of Milwaukie out of compliance with Title 2.

For the parking ratio standards related to these residential facilities, Metro staff also recommends clarifying the denominator ("facilities") for this parking ratio to avoid confusion pertaining to the minimum parking requirements. In determining this proposed amendment to be out of compliance with Title 2, Metro staff has assumed that the term "facility" can be used to refer to a housing unit. However, this may not be the intended definition of this term.

Based on our assessment, Metro staff recommends that the City of Milwaukie bring all residential uses, including single family housing, residential care housing facilities, and small residential units, into compliance with the parking ratio minimums and maximums as written in the Metro Code in Table 3.07-2.

Per city staff request, I have included information about compliance procedures in Title 8. The City may:

- (1) *Revise the proposed amendment as recommended*
- (2) *Seek an extension of time, pursuant to Section 3.07.850, to bring the proposed amendment into compliance with the functional plan; or*
- (3) *Seek review of the noncompliance by MPAC and the Metro Council, pursuant to Sections 3.07.830 and 3.07.840.*

If the City of Milwaukie does not make any revisions and adopts proposed amendments that will bring the city out of compliance with the Urban Growth Management Functional Plan, the Metro Council may initiate enforcement proceedings as outlined in 3.07.870, which could result in Metro Council filing an appeal of the adopted ordinance with the Oregon Land Use Board of Appeals. The City of Milwaukie may also file an exception from compliance as outlined in 3.07.860.

In addition, there is brief mention of the parking ratio maximums for personal service and commercial service uses and our understanding that those will be amended for the Planning Commission meeting as outlined in your e-mail below.

The letter also outlines a number of areas where Metro staff commends the City of Milwaukie's parking code including the continuing exemption from parking quantity requirements for the downtown core,

using parking ratios well below national standards for commercial uses, specifically retail-oriented uses, providing incentives for the provision of structured parking, and reductions to minimum parking ratios for the provision of alternative transportation, shared parking, and mixed-use facilities as well as for reduced demand due to local land use characteristics and/or demand management programs.

That covers all the major points. Let me know if you have any questions. I hope to have the signed letter to you by the middle of next week.

Miranda

From: Marquardt, Ryan [mailto:MarquardtR@ci.milwaukie.or.us]

Sent: Friday, March 05, 2010 4:41 PM

To: Miranda Bateschell

Subject: Milwaukie Off-Street Parking

Hi Miranda,

Thanks for the phone conversation earlier today. I checked with Katie regarding items F.3 and F.4 in the proposed parking ratio table. We will change the proposal that is sent to the Planning Commission to:

F.3, Personal Services – 4.0 spaces /1,000 sf minimum – 5.4 spaces /1,000 sf maximum

F.4, Commercial services – 2.8 spaces / 1,000 sf minimum – 5.1 spaces/1,000 sf maximum

We do not plan to change the maximum quantity for E.1, Restaurants from 15 spaces / 1,000 sf unless I hear from you that this is a compliance issue.

Regarding the 2 spaces per unit minimum requirement for single family dwellings, I'd appreciate anything written you can get to me by next Friday (3/12). It's fine if it is just a brief email about the issue including a note that a more complete letter will follow.

Feel free to call or email me if there is anything else regarding the parking chapter amendments.

Thanks,

Ryan

Ryan Marquardt

Associate Planner

City of Milwaukie

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Milwaukie, OR 97206

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