

Reader Guide

Amendments

The following are draft amendments that seek to a) implement the Milwaukie Comprehensive Plan related to housing, parking and tree preservation and b) comply with the State House Bill 2001 objectives of permitting middle housing.

Unless otherwise noted in the document, underlined text is proposed text, and ~~striketrough~~ text is existing code language proposed for deletion.

Context/Surrounding Code

The chapter, section, and subsection for the proposed code amendments are listed for reference in this document. Line breaks, like the one below, between subsequent amendments indicate that there is intervening text within the section or subsection that is not included in this document.



Please be advised that this document shows only sections of code for which amendments are proposed, along with limited surrounding sections for context. It does not include all sections of the Milwaukie Municipal Code.

Underline/Strikeout Amendments

COMPREHENSIVE PLAN

Comprehensive Plan Land Use Map

Updated to show three residential designations reflecting changes to zoning map per 19.107.

Comprehensive Plan Residential Land Use Designations

~~Low Density Residential: Zones R-10 (3.5-4.4 units/acre) & R-7 (5.0-6.2 units/acre) – 50% of City~~

- ~~a. Permitted housing types include single-unit detached, accessory dwelling units, and duplexes on large lots.~~
- ~~b. Transportation routes are limited primarily to collectors and local streets.~~
- ~~c. Sites with natural resource or natural hazard overlays may require a reduction in density.~~

~~Moderate Density Residential: Zones R-5 (7.0-8.7 units/acre) Zone R-2 (3.5 – 8.7 units/acre)~~

- ~~a. Permitted housing types include single-unit detached on moderate to small lots, accessory dwelling units, and duplexes, triplexes, quadplexes, townhouses, and cottage clusters.~~
- ~~b. Transportation routes are limited primarily to collectors and local streets.~~
- ~~c. Sites with natural resource or natural hazard overlays may require a reduction in density.~~
- ~~b. Convenient walking distance to a transit stop or close proximity to commercial and employment areas distinguish moderate density residential from low density residential.~~

~~Medium Density Residential: Zones R-3 (11.6-14.5 units/acre) & R-2.5, R-2 (11.6-17.4 units/acre)~~

- ~~a. Permitted housing types include single-unit detached on small lots, duplexes, accessory dwelling units, cottage clusters, and in limited areas, multi-unit development.~~
- ~~b. These areas typically have access to major or minor arterials. Siting should not result in increased traffic through Low Density Residential areas.~~
- ~~c. Medium Density areas are to be located near or adjacent to commercial areas, employment areas or transit stops.~~

~~High Density: High Density: Zones R-1 & R-1-B (25.0-32.0 units/acre) Zone R-1 (11.6-32.0 units/acre)~~

- ~~a. A wide variety of housing types are permitted including single-unit detached on moderate to small lots, accessory dwelling units, and duplexes, triplexes, quadplexes, townhouses, and cottage clusters, with the predominant housing type being multi-unit development.~~
- ~~b. These areas should be adjacent to or within close proximity to downtown or district shopping centers, employment areas and/or major transit centers or transfer areas.~~
- ~~c. Access to High Density areas should be primarily by major or minor arterials.~~
- ~~d. Office uses are outright permitted, and commercial uses are conditionally permitted in limited areas within close proximity of downtown.~~

Zoning Ordinance

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.107.1 Zone Classifications

For the purposes of this title, the following base zones and overlay zones are established in the City per Table 19.107.1:

Table 19.107.1 Classification of Zones	
Zone Description	Abbreviated Description
Base Zones	
Residential	R-10
Residential	R-7
Residential	R-5
Residential	R-3
Residential	R-2.5
Residential	R-2
Residential	R-1
Residential-Business Office	R-1-B
Downtown Mixed Use	DMU
Open Space	OS
Neighborhood Commercial	C-N
Limited Commercial	C-L
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI
Planned Development	PD
Tacoma Station Area Manufacturing	M-TSA
General Mixed Use	GMU
Neighborhood Mixed Use	NMU
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F
Tacoma Station Area	TSA

19.107.2 Zoning Map

Updated to show three residential designations reflecting changes to zoning map per 19.107.1 (Attachment 3)

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

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

As used in this title:

“Outright Allowed” means any land use permitted without land use approval by the City’s Planning Department or Planning Commission, such as is required by a Type I – V review process.

“Owner” means any person who owns land, or a lessee, agent, employee, or other person acting on behalf of the owner with the owner’s written consent ~~includes an authorized agent of the owner.~~

“Street tree” means a tree located in the right-of-way in a center median or island or in a landscape strip or tree well between the street and the sidewalk, shrub, or other woody vegetation on land within the right-of-way.

“Tree” means any living woody plant characterized by one main stem or trunk and many branches, or a multi-stemmed trunk system with a defined crown, that will obtain a height of at least 16 feet at maturity ~~a woody plant characterized by one main stem or trunk of at least 6-in diameter, according to the measurement standards established in Subsection 19.202.3.~~

Residential Uses and Structures

“Duplex” means two dwelling units on a lot or parcel in any configuration. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU. ~~means a structure on 1 lot that contains 2 dwelling units. The units in a duplex must share a common structural wall or a common floor/ceiling. In instances where a second dwelling unit within a structure can meet the definition for both a duplex and an accessory dwelling unit, the property owner has the option of electing whether the entire structure is considered a duplex or a primary dwelling unit with an attached accessory dwelling unit.~~

“Cottage” means a structure containing 1 dwelling unit on 1 lot within an area that was divided to create a cottage cluster development, per Subsection 19.505.4.

“Cottage Cluster” means a grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard per Subsection 19.505.4. Cottage Cluster units may be located on a single lot or parcel, or on individual lots or parcels.

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

“Middle Housing” means Duplexes, Triplexes, Quadplexes, Cottage Clusters, and Townhouses.

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

~~“Multifamily Multi-unit development” means 3-5 or more dwelling units on 1 lot (except cottage clusters) within a single structure with the dwelling units separated vertically and/or horizontally. Condominium lots do not count as separate lots for purposes of this definition. The dwelling units may be located in 1 or more structures on the lot. The dwelling units may be arranged with 1 dwelling unit per structure or with multiple dwelling units within a structure that are separated vertically and/or horizontally. Multifamily Multi-unit developments include the forms of housing that are typically called apartments and condominiums. Multifamily Multi-unit developments may include structures that are similar in form to rowhouses, cottage clusters, duplexes, or single family dwellings.~~

“Quadplex” means four dwelling units on a lot or parcel in any configuration.

~~“Rowhouse Townhouse” means a residential structure on its own lot that shares 1 or more common or abutting walls with at least 1 or more dwelling units on adjoining lots. The common or abutting wall must be shared for at least 25% of the length of the side of the building. The shared or abutting wall may be the wall of an attached garage. A Townhouse does not share common floors/ceilings with other dwelling units.~~

“Triplex” means three dwelling units on a lot or parcel in any configuration.

~~“Single-family detached dwelling” means a structure, or manufactured home, containing 1 dwelling unit with no structural connection to adjacent units.~~

CHAPTER 19.300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONES

The moderate density residential zone is Residential Zone R-2. This zone implements the Moderate Density residential land use designation in the Milwaukie Comprehensive Plan.

19.301.1 Purpose

The moderate density residential zone is intended to create, maintain, and promote neighborhoods with larger lot sizes while there is a broad range of housing types. Some non-household living uses are allowed but overall the character is of residential neighborhoods.

19.301.2 Allowed Uses in Moderate Density Residential Zones

Uses allowed, either outright or conditionally, in the moderate density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director’s Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

Table 19.301.2 Moderate Density Residential Uses Allowed		
Use	R-2	Standards/Additional Provisions
Residential Uses		
Single detached dwelling	P	Subsection 19.505.1 One to Four Dwelling Units

Duplex	P	Subsection 19.505.1 One to Four Dwelling Units
Triplex	P	Subsection 19.505.1 One to Four Dwelling Units
Quadplex	P	Subsection 19.505.1 One to Four Dwelling Units
Townhouse	P	Subsection 19.505.5 Standards for Townhouses
Cottage Cluster	P	Subsection 19.505.4 Cottage Cluster Housing
Residential home	P	Subsection 19.505.1 One to Four Dwelling Units
Accessory dwelling unit	P	Subsection 19.910.1 Accessory Dwelling Units
Manufactured dwelling park	N	Subsection 19.910.3 Manufactured Dwelling Parks.
Senior and retirement housing	CU	Subsection 19.905.9.G Senior and Retirement Housing
Commercial Uses		
Bed and breakfast or Vacation rental	CU	Section 19.905 Conditional Uses
Accessory and Other Uses		
Accessory use	P	Section 19.503 Accessory Uses
Agricultural or horticultural use	P	Subsection 19.301.3 Use Limitations and Restrictions
Community service use	CSU	Section 19.904 Community Service Uses
Home occupation	P	Section 19.507 Home Occupation Standards
Short-term rental	P	Section 19.507 Home Occupation Standards

P = Permitted/outright allowed

N = Not permitted.

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

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

II = Type II review required.

III = Type III review required.

19.301 LOW DENSITY RESIDENTIAL ZONES

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

19.301.1 Purpose

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

19.301.2 Allowed Uses in Low Density Residential Zones

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

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

Table 19.301.2 Low-Density Residential Uses Allowed				
Use	R-10	R-7	R-5	Standards/Additional Provisions
Residential Uses				
Single-family detached dwelling	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes
Duplex	P/II	P/II	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes Subsection 19.910.2 Duplexes
Residential home	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes
Accessory dwelling unit	P/II	P/II	P/II	Subsection 19.910.1 Accessory Dwelling Units
Manufactured dwelling park	N	III	III	Subsection 19.910.3 Manufactured Dwelling Parks.
Senior and retirement housing	CU	CU	CU	Subsection 19.905.9.G Senior and Retirement Housing
Commercial Uses				
Bed and breakfast or Vacation rental	CU	CU	CU	Section 19.905 Conditional Uses
Accessory and Other Uses				
Accessory use	P	P	P	Section 19.503 Accessory Uses
Agricultural or horticultural use	P	P	P	Subsection 19.301.3 Use Limitations and Restrictions
Community service use	CSU	CSU	CSU	Section 19.904 Community Service Uses
Home occupation	P	P	P	Section 19.507 Home Occupation Standards
Short-term rental	P	P	P	Section 19.507 Home Occupation Standards

P = Permitted.

N = Not permitted.

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

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

II = Type II review required.

III = Type III review required.

19.301.3 Use Limitations and Restrictions

A. Agricultural or horticultural uses are permitted, provided that the following conditions are met.

1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.

2. Livestock, other than usual household pets, are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 sq ft per head of livestock.
 3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.
- B. Marijuana production is not permitted in ~~low~~-moderate density residential zones except as follows:
1. State-licensed production for medical marijuana patients is permitted provided the operation is entirely indoors and meets the security and odor control standards set forth in Subsection 19.509.2.
 2. Growing marijuana indoors or outdoors for personal use is permitted consistent with state laws.

19.301.4 Development Standards

In the moderate density residential zones, the development standards in Table 19.301.4 apply. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column. Additional standards are provided in Subsection 19.301.5.

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

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**Table 19.301.4
Moderate Density Residential Development Standards**

Standard	R-2				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000–4,999	5,000-6,999	7,000 and up	
A. Permitted Dwelling Type					
	Townhouse, Cottage ¹	Single Detached Dwelling, Single Detached Dwelling, with ADU, Duplex	Single Detached Dwelling, Single Detached Dwelling, with ADU, Duplex, Triplex	Single Detached Dwelling, Single Detached Dwelling, with ADU, Duplex, Triplex, Quadplex, Cottage Cluster,	Subsection 19.501.1 Lot Size Exceptions
B. Lot Standards					
1. Minimum lot width (ft)	20	30	50	60	
2. Minimum lot depth (ft)	70	80	80	80	
3. Minimum street frontage requirements (ft)					
a. Townhouse	20				
b. Standard lot	35	30	35	35	
c. Flag lot	NA ²	25	25	25	
d. Double flag lot	NA ²	35	35	35	
C. Development Standards					

¹ For a Cottage within a Cottage Cluster only

² Townhouses are not permitted on flag lots

**Table 19.301.4
Moderate Density Residential Development Standards**

Standard	R-2				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000–4,999	5,000-6,999	7,000 and up	
<u>1. Minimum yard requirements for primary structures (ft)</u>					Subsection 19.301.5.A Side Yards Subsection 19.501.2 Yard Exceptions Subsection 19.504.8 Flag Lot Design and Development Standards Subsection 19.505.4 Cottage Cluster Housing Subsection 19.505.5 Townhouses
<u>a. Front yard</u>	<u>15</u> ³	<u>20</u>	<u>20</u>	<u>20</u>	
<u>b. Side yard</u>	<u>5</u> ³	<u>5</u>	<u>5</u>	<u>5/10</u>	
<u>c. Street side yard</u>	<u>15</u> ³	<u>15</u>	<u>15</u>	<u>20</u>	
<u>d. Rear yard</u>	<u>15</u> ³	<u>20</u>	<u>20</u>	<u>20</u>	
<u>2. Maximum building height for primary structures</u>	<u>2.5 stories or 35 ft, whichever is less</u>				Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
<u>3. Side yard height plane limit</u>					Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
<u>a. Height above ground at minimum required side yard depth (ft)</u>	<u>20</u>				
<u>b. Slope of plane (degrees)</u>	<u>45</u>				

³ For lots 3,000 square feet and smaller: Where a newly created small lot abuts a larger or pre-existing lot, when abutting a 5,000 sq ft lot, setback standards for 5,000 sq ft lots apply; when abutting a 7,000 sq ft lot, setback standards for 7,000 sq ft lots apply, and when abutting a 10,000 sq ft lot, setback standards for 10,000 sq ft lots apply.

**Table 19.301.4
Moderate Density Residential Development Standards**

Standard	R-2				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000–4,999	5,000-6,999	7,000 and up	
4. Maximum lot coverage (percent of total lot area)	<u>45%</u>	<u>35%</u>	<u>35%</u>	<u>30%</u>	Section 19.201 “ Lot coverage ” definition Subsection 19.301.5.B Lot Coverage
5. Minimum vegetation (percent of total lot area)	<u>15%</u>	<u>25%</u>	<u>25%</u>	<u>30%</u>	Subsection 19.301.5.C Front Yard Minimum Vegetation Subsection 19.504.7 Minimum Vegetation
C. Other Standards					
1. Density requirements (dwelling units per acre)					Subsection 19.301.5.D Residential Densities Subsection 19.501.4 Density Exceptions For Cottage Clusters and Townhouse Density Exceptions, see 19.501.4
a. Minimum	<u>25</u>	<u>7.0</u>	<u>7.0</u>	<u>5.0</u>	
b. Maximum	<u>32⁴</u>	<u>8.7⁴</u>	<u>8.7⁴</u>	<u>6.2⁴</u>	

⁴ Townhouses are allowed at four times the maximum density allowed for detached single dwellings in the same zone or 25 dwelling units per acre, whichever is less. Duplexes, Triplexes, Quadplexes, and Cottage clusters are exempt from density maximums.

19.301.5 Additional Development Standards

A. Side Yards

On lots greater than 7,000 sq ft in the R-2 Zone, one side yard shall be at least 5 ft and one side yard shall be at least 10 ft, except on a corner lot the street side yard shall be 20 ft.

B. Lot Coverage

The lot coverage standards in Subsection 19.301.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

1. Decreased Lot Coverage for Large Lots

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is reduced by 10 percentage points for a ~~single-family~~ detached dwelling, duplex, or residential home on a lot that is more than 2.5 times larger than the minimum lot size in Subsection 19.301.4.A.1.

2. Increased Lot Coverage for Single-Family Detached Dwellings Conversions

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a ~~single-family detached dwelling~~, or an addition to an existing ~~single-family~~ detached dwelling, provided that the portions of the structure that are in excess of 20 ft high, or in excess of one story, are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure that are less than 20 ft and no taller than one story are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

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

**Figure 19.301.5.B.2
Increased Lot Coverage for Single-Family Detached Dwellings**

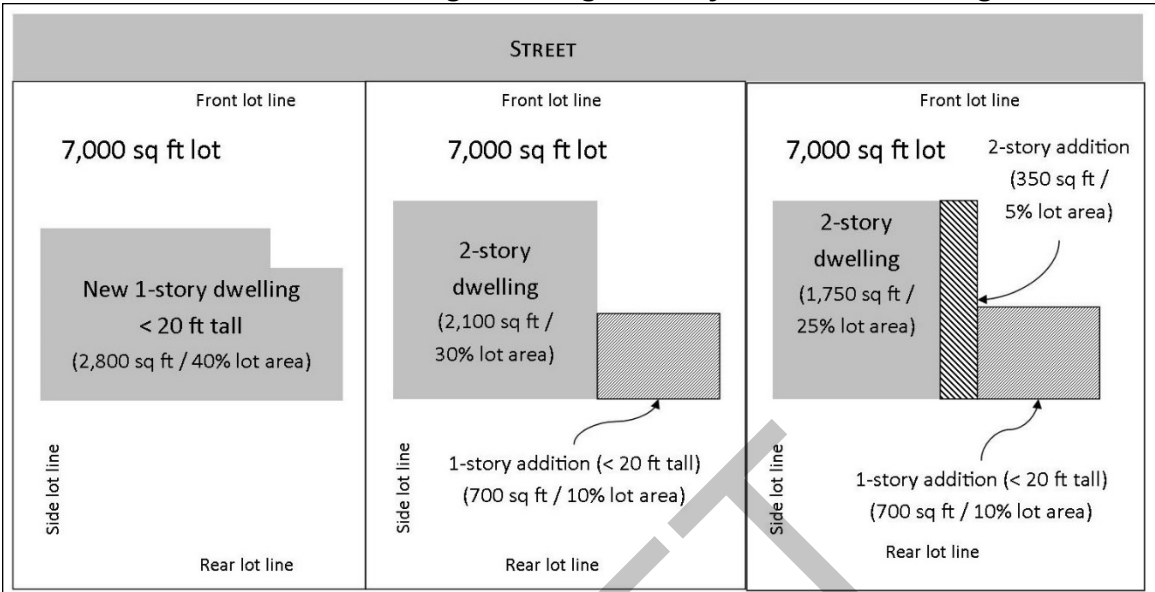


Figure 19.301.5.B.2 illustrates increased lot coverage for lots in Residential Zone R-2. R-7 based on 7,000 sq ft lot area.

3. Increased Lot Coverage for Duplexes Middle Housing

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 20 percentage points for a duplex middle housing, provided that the portions of the structure(s) that are in excess of 20 ft high, or in excess of one story, are limited to the lot coverage standard listed in Subsection 19.301.4.B.4..

4. Increased Lot Coverage for Detached Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

C. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

D. Residential Densities

The minimum and maximum development densities in Subsection 19.301.4.C.1 are applicable for land divisions and replats that change the number of lots. Maximum densities apply to single unit dwellings; middle housing is exempt from maximum density.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints.

The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

19.301.4 Development Standards

In the low density residential zones, the development standards in Table 19.301.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Subsection 19.301.5.

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

Table 19.301.4 Low Density Residential Development Standards				
Standard	R-10	R-7	R-5	Standards/ Additional Provisions
A. Lot Standards				
1. Minimum lot size (sq ft)				Subsection 19.501.1 Lot Size Exceptions
a. Single family detached	10,000	7,000	5,000	
b. Duplex	14,000	14,000	10,000	
2. Minimum lot width (ft)	70	60	50	
3. Minimum lot depth (ft)	100		80	
4. Minimum street frontage requirements (ft)				
a. Standard lot			35	

Table 19.301.4 CONTINUED				
Low-Density Residential Development Standards				
Standard	R-10	R-7	R-5	Standards/ Additional Provisions
A. Lot Standards CONTINUED				
b. Flag lot			25	
c. Double flag lot			35	
B. Development Standards				
1. Minimum yard requirements for primary structures (ft)				Subsection 19.301.5.A Side Yards
a. Front yard	20	20	20	Subsection 19.501.2 Yard Exceptions
b. Side yard	10	5/10	5	Subsection 19.504.8 Flag-Lot Design and Development Standards
c. Street side yard	20	20	15	
d. Rear yard	20	20	20	

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Table 19.301.4 CONTINUED				
Low-Density Residential Development Standards				
Standard	R-10	R-7	R-5	Standards/ Additional Provisions
B. Development Standards CONTINUED				
2. Maximum building height for primary structures		2.5 stories or 35 ft, whichever is less		Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
3. Side yard height plane limit a. Height above ground at minimum required side yard depth (ft) b. Slope of plane (degrees)			20 45	Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
4. Maximum lot coverage (percent of total lot area)		30%	35%	Section 19.201 "Lot coverage" definition Subsection 19.301.5.B Lot Coverage
5. Minimum vegetation (percent of total lot area)	35%	30%	25%	Subsection 19.301.5.C Front Yard Minimum Vegetation Subsection 19.504.7 Minimum Vegetation
C. Other Standards				
1. Density requirements (dwelling units per acre) a. Minimum b. Maximum	3.5 4.4	5.0 6.2	7.0 8.7	Subsection 19.301.5.D Residential Densities Subsection 19.501.4 Density Exceptions

19.301.5 Additional Development Standards**A. Side Yards**

In the R-7 Zone, one side yard shall be at least 5 ft and one side yard shall be at least 10 ft, except on a corner lot the street side yard shall be 20 ft.

B. Lot Coverage

The lot coverage standards in Subsection 19.301.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

1. Decreased Lot Coverage for Large Lots

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is reduced by 10 percentage points for a single family detached dwelling, duplex, or residential home on a lot that is more than 2.5 times larger than the minimum lot size in Subsection 19.301.4.A.1.

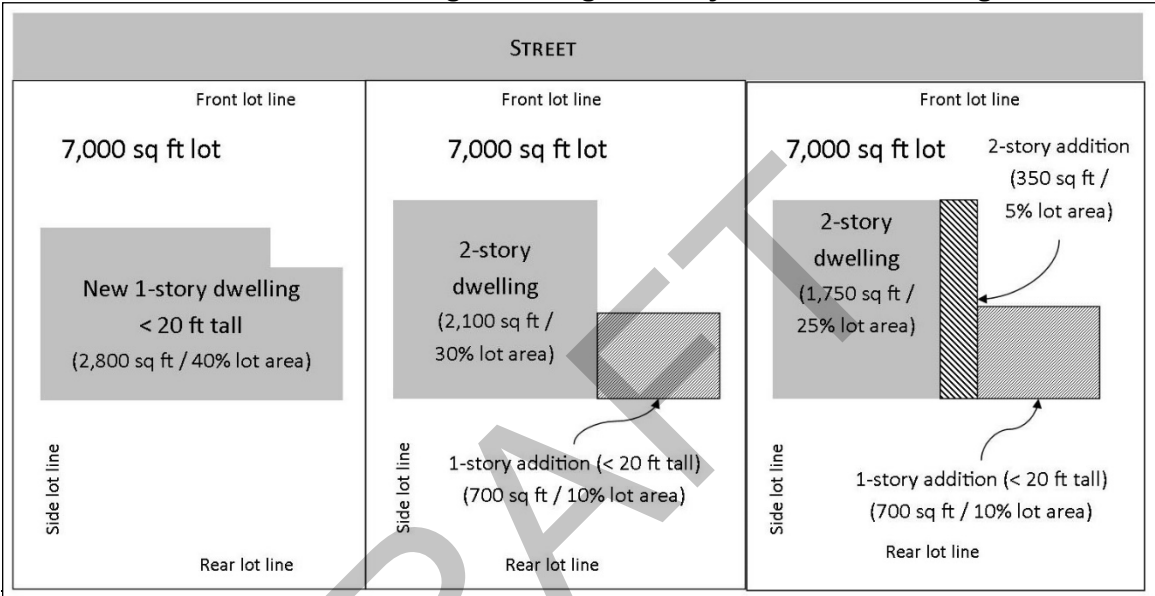
2. Increased Lot Coverage for Single Family Detached Dwellings

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a single family detached dwelling, or an addition to

an existing single family detached dwelling, provided that the portions of the structure that are in excess of 20 ft high, or in excess of one story, are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure that are less than 20 ft and no taller than one story are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

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

**Figure 19.301.5.B.2
Increased Lot Coverage for Single-Family Detached Dwellings**



[amend figure x, y, z]

Figure 19.301.5.B.2 illustrates increased lot coverage for lots in Residential Zone R 7 based on 7,000 sq ft lot area.

3. Increased Lot Coverage for Duplexes

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 20 percentage points for a duplex.

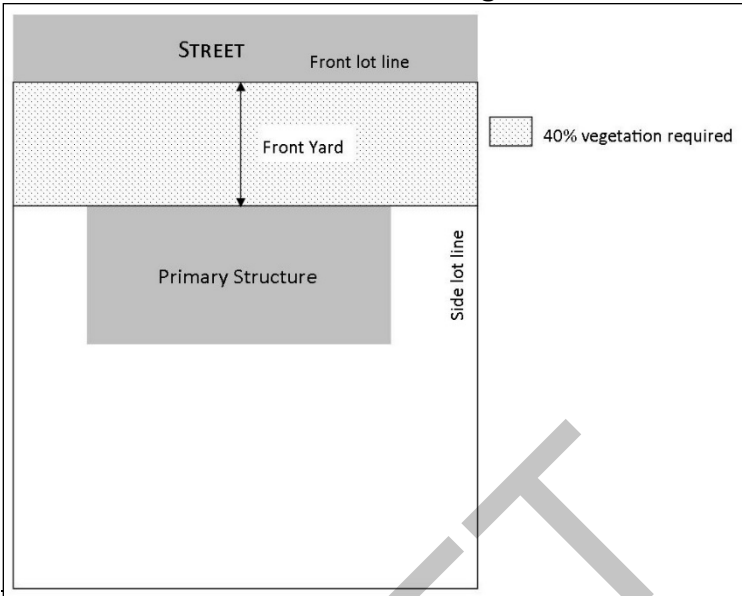
4. Increased Lot Coverage for Detached Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

C. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

**Figure 19.301.5.C
Front Yard Minimum Vegetation**



D. Residential Densities

The minimum and maximum development densities in Subsection 19.301.4.C.1 are applicable for land divisions and replats that change the number of lots.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

E. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

F. Number of Dwelling Structures

In the low density residential zones, 1 primary building designed for dwelling purposes shall be permitted per lot. See Subsection 19.504.4.

G. Off-Street Parking and Loading

Off-street parking and loading is required as specified in Chapter 19.600.

H. Public Facility Improvements

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

I. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced

~~for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.~~

- ~~1. Subsection 19.504.4 Buildings on the Same Lot~~
- ~~2. Subsection 19.504.8 Flag Lot Design and Development Standards~~
- ~~3. Subsection 19.505.1 Single Family Dwellings and Duplexes~~
- ~~4. Subsection 19.505.2 Garages and Carports~~
- ~~5. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards~~

~~(Ord. 2134 § 2, 2016; Ord. 2120 § 2, 2016; Ord. 2110 § 2 (Exh. G), 2015; Ord. 2051 § 2, 2012)~~

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19.302 HIGH DENSITY RESIDENTIAL ZONES

The high density residential zones are Residential Zones R-1 and R-1-B. These zones implement the High Density residential land use designations in the Milwaukie Comprehensive Plan.

19.302.1 Purpose

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

19.302.2 Allowed Uses in Medium and High Density Residential Zones

Uses allowed, either outright or conditionally, in the high density residential zones are listed in Table 19.302.2 below. Similar uses not listed in the table may be allowed through a Director’s Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

Table 19.302.2 High Density Residential Uses Allowed			
Use	R-1	R-1-B	Standards/ Additional Provisions
			Residential Uses
Single-detached dwelling	P	P	Subsection 19.505.1 One to Four Dwelling Units
Duplex	P	P	Subsection 19.505.1 One to Four Dwelling Units
Triplex	P	P	Subsection 19.505.1 One to Four Dwelling Units
Quadplex	P	P	Subsection 19.505.1 One to Four Dwelling Units
Residential home	P	P	Subsection 19.505.1 One to Four Dwelling Units
Accessory dwelling unit	P	P	Subsection 19.910.1 Accessory Dwelling Units
Manufactured dwelling park	III	N	Subsection 19.910.3 Manufactured Dwelling Parks
Townhouse	P	P	Subsection 19.505.5 Standards for Townhouses
Cottage cluster	P	P	Subsection 19.505.4 Cottage Cluster Housing

Table 19.302.2 CONTINUED			
High Density Residential Uses Allowed			
Use	R-1	R-1-B	Standards/ Additional Provisions
Residential Uses CONTINUED			
<u>Multi-unit</u>	<u>CU</u>	<u>P</u>	<u>Subsection 19.505.3 Multi Unit Housing</u> <u>Subsection 19.302.5.F Residential Densities</u> <u>Subsection 19.302.5.H Building Limitations</u>
<u>Congregate housing facility</u>	<u>CU</u>	<u>P</u>	<u>Subsection 19.505.3 Multifamily Housing</u> <u>Subsection 19.302.5.F Residential Densities</u> <u>Subsection 19.302.5.H Building Limitations</u>
<u>Senior and retirement housing</u>	<u>CU</u>	<u>P</u>	<u>Subsection 19.905.9.G Senior and Retirement Housing</u>
<u>Boarding house</u>	<u>CU</u>	<u>CU</u>	<u>Section 19.905 Conditional Uses</u>
Commercial Uses			
<u>Office</u>	<u>CU</u>	<u>P</u>	<u>Subsection 19.302.3 Use Limitations and Restrictions</u>
<u>Hotel or motel</u>	<u>CU</u>	<u>CU</u>	<u>Section 19.905 Conditional Uses</u>
<u>Bed and breakfast or vacation rental</u>	<u>CU</u>	<u>CU</u>	<u>Section 19.905 Conditional Uses</u>
Accessory and Other Uses			
<u>Accessory use</u>	<u>P</u>	<u>P</u>	<u>Section 19.503 Accessory Uses</u>
<u>Agricultural or horticultural use</u>	<u>P</u>	<u>P</u>	<u>Subsection 19.302.3 Use Limitations and Restrictions</u>
<u>Community service use</u>	<u>CSU</u>	<u>CSU</u>	<u>Section 19.904 Community Service Uses</u>
<u>Home occupation</u>	<u>P</u>	<u>P</u>	<u>Section 19.507 Home Occupation Standards</u>
<u>Short-term rental</u>	<u>P</u>	<u>P</u>	<u>Section 19.507 Home Occupation Standards</u>

P = Permitted/allowed outright.

N = Not permitted.

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

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

II = Type II review required.

III = Type III review required.

19.302.3 Use Limitations and Restrictions

A. Agricultural or horticultural uses are permitted, provided that the following conditions are met.

1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.
2. Livestock, other than usual household pets, are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre, nor having less than 10,000 sq ft per head of livestock.

3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.

B. Office uses allowed in the ~~medium~~ and high density zones are offices, studios, clinics, and other similar professional offices. Corporate offices for marijuana businesses are permitted provided that no marijuana or marijuana products associated with the business are on-site. Marijuana testing labs and research facilities are not permitted office uses in these zones.

C. Marijuana production is not permitted in ~~medium~~ and high density residential zones except as follows:

1. State-licensed production for medical marijuana patients is permitted provided the operation is entirely indoors and meets the security and odor control standards set forth in Subsection 19.509.2.
2. Growing marijuana indoors or outdoors for personal use is permitted consistent with state laws.

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19.302.4 Development Standards

In the ~~medium~~ and high density residential zones, the development standards in Table 19.302.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Section 19.302.5.

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

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

In the R-1 and R-1-B zones the following housing types are permitted on lot sizes as follows:

Between 1,500 to 2,999 sq ft: Townhouse, Cottage, Single Dwelling Detached, Single Dwelling Detached with ADU, and Duplex.

Between 3,000 to 4,999 sq ft: Single Dwelling Detached, Single Dwelling Detached with ADU, and Duplex.

Between 5,000 to 6,999 sq ft: Single Dwelling Detached, Single Dwelling Detached with ADU, Duplex, and Triplex.

7,000 sq ft and up: Single Dwelling Detached, Single Dwelling Detached with ADU, Duplex, Triplex, Quadplex, Cottage Cluster, Multi Unit Housing.

Table 19.302.4 High Density Residential Development Standards			
Standard	R-1	R-1-B	Standards/ Additional Provisions
A. Lot Standards			
1. Minimum lot size (sq ft)	<u>1,500</u>	<u>1,400</u>	Subsection 19.501.1 Lot Size Exceptions Subsection 19.505.4 Cottage Cluster Housing Subsection 19.505.5 Townhouses
2. Minimum lot width (ft)	<u>20</u>	<u>20</u>	
3. Minimum lot depth (ft)	<u>70</u>	<u>70</u>	
4. Minimum street frontage requirements (ft)			
a. Townhouse	<u>20</u>	<u>20</u>	
b. Standard lot	<u>35</u>	<u>35</u>	
c. Flag lot	<u>25</u>	<u>25</u>	
d. Double flag lot	<u>35</u>	<u>35</u>	
Table 19.302.4 CONTINUED High Density Residential Development Standards			
Standard	R-1	R-1-B	Standards/ Additional Provisions
B. Development Standards			

<p><u>1. Minimum yard requirements for primary structures (ft)</u> <u>a. Front yard</u> <u>b. Side yard</u> <u>c. Street side yard</u> <u>d. Rear yard</u></p>	<p style="text-align: center;"><u>15</u> <u>See Subsection 19.302.5.A</u> <u>15</u> <u>15</u></p>		<p>Subsection 19.302.5.A Side Yards Subsection 19.501.2 Yard Exceptions Subsection 19.504.8 Flag Lot Design and Development Standards</p>
<p><u>2. Maximum building height for primary structures</u></p>	<p style="text-align: center;"><u>3 stories or 45 ft, whichever is less</u></p>		<p>Subsection 19.302.5.E Height Exceptions Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions Subsection 19.302.5.I Transition Measures</p>
<p><u>3. Side yard height plane limit</u> <u>a. Height above ground at minimum required side yard depth (ft)</u> <u>b. Slope of plane (degrees)</u></p>	<p style="text-align: center;"><u>20</u> <u>45</u></p>	<p style="text-align: center;"><u>25</u> <u>45</u></p>	<p>Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions</p>
<p><u>4. Maximum lot coverage (percent of total lot area)</u></p>	<p style="text-align: center;"><u>45%</u></p>	<p style="text-align: center;"><u>50%</u></p>	<p>Section 19.201 “Lot coverage” definition</p>
<p><u>5. Minimum vegetation (percent of total lot area)</u></p>	<p style="text-align: center;"><u>15%</u></p>	<p style="text-align: center;"><u>15%</u></p>	<p>Subsection 19.504.7 Minimum Vegetation Subsection 19.302.5.D Front Yard Minimum Vegetation Subsection 19.302.5.C Minimum Vegetation</p>
<p>C. Other Standards</p>			
<p><u>1. Density requirements (dwelling units per acre)</u> <u>a. Minimum</u> <u>b. Maximum</u></p>	<p style="text-align: center;"><u>25</u> <u>32</u></p>	<p style="text-align: center;"><u>25</u> <u>32</u></p>	<p>Subsection 19.202.4 Density Calculations Subsection 19.302.5.F Residential Densities Subsection 19.501.4 Density Exceptions</p>

19.302.5 Additional Development Standards

A. Side Yards

In the ~~medium and~~ high density zones, the required side yard is determined as described below. These measurements apply only to required side yards and do not apply to required street side yards.

1. The side yard for development other than a ~~row~~townhouse shall be at least 5 ft.
2. There is no required side yard for rowhouses that share 2 common walls. The required side yard for an exterior ~~row~~townhouse that has only 1 common wall is 0 ft for the common wall and 5 ft for the opposite side yard. An exterior ~~row~~townhouse on a corner lot shall meet the required street side yard setback in Subsection 19.302.4.B.1.b.

B. Lot Coverage

The lot coverage standards in Subsection 19.302.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are additive for lots that are described by one or more of the situations below.

1. Increased Lot Coverage for Single-Family Detached Dwellings-Conversions

The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by 10 percentage points for development of ~~a single-family detached dwelling~~, or an addition to an existing ~~single-family detached dwelling~~, provided that the portions of the structure that are in excess of 20 ft high, or in excess of 1 story, are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure that are less than 20 ft high, and no taller than 1 story, are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

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

Figure 19.302.5.B.1
Increased Lot Coverage for Single-Family Detached Dwellings

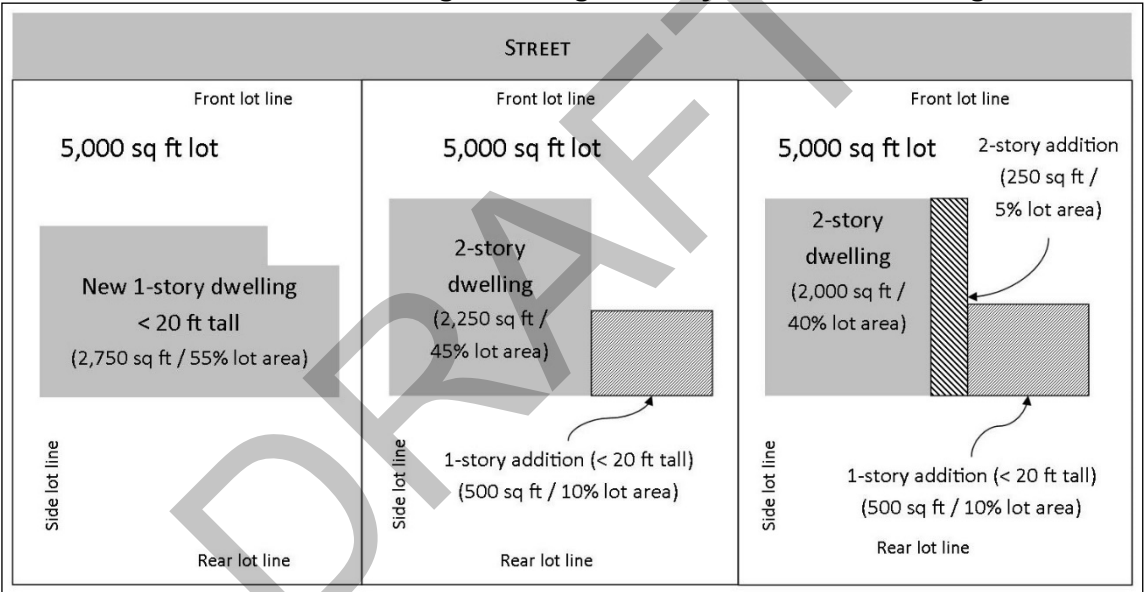


Figure 19.302.5.B.1 illustrates increased lot coverage for lots in Residential Zone R-1 R-2 based on 5,000-sq-ft lot area.

2. Increased Lot Coverage for One to Four Dwelling Units-Duplexes and Townhouses. Rowhouses.

The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by 20 percentage points for One to Four Dwelling Units ~~a duplex or Townhouse rowhouse.~~

3. Increased Lot Coverage for Detached Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

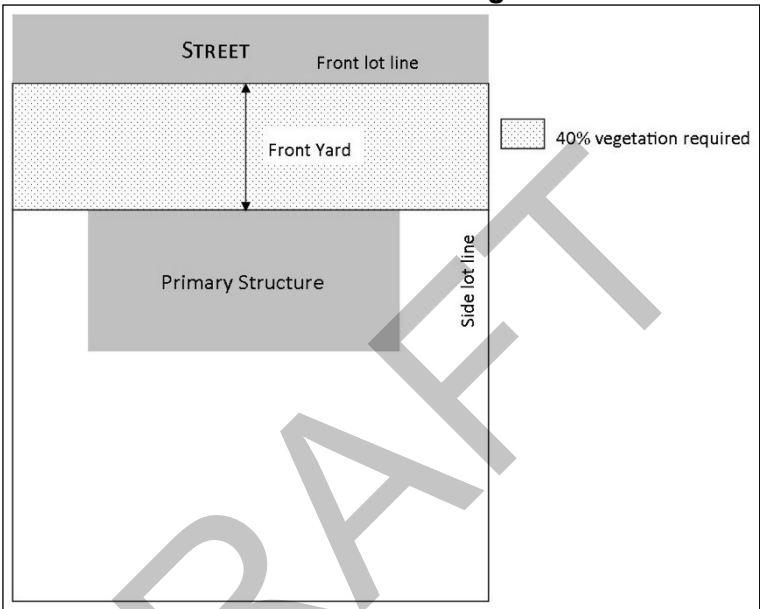
C. Minimum Vegetation

At least half of the minimum required vegetation area must be suitable for outdoor recreation by residents, and not have extreme topography or dense vegetation that precludes access.

D. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

**Figure 19.302.5.D
Front Yard Minimum Vegetation**



E. Height Exceptions

1 additional story may be permitted in excess of the required maximum standard. For each additional story, an additional 10% of site area beyond the minimum is required to be retained in vegetation.

F. Residential Densities

1. The minimum and maximum development densities in Subsection 19.302.4.C.1 are applicable for land divisions, replats that change the number of lots, and any development that would change the number of dwelling units on a lot. Development of a One to Four Dwelling Units, Cottage Clusters, single family detached dwelling or an accessory dwelling is are exempt from the minimum and maximum density requirements.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

2. ~~Multifamily development in the R-2, R-1, and R-1-B Zones is subject to the minimum site size requirements in Table 19.302.5.F.2. In the event that the minimum site size~~

~~requirements conflict with the development densities in Subsection 19.302.4.C.1, the site size requirements in Table 19.302.F.2 shall prevail.~~

Table 19.302.5.F.2 Minimum Site Size for Multifamily Development in the R-2, R-1, and R-1-B Zones		
Units	R-2 Zone	R-1 and R-1-B Zone
First Dwelling Unit	5,000 sq ft per unit	5,000 sq ft per unit
Additional Dwelling Units	2,500 sq ft per unit	1,400 sq ft per unit

G. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

H. Building Limitations

- ~~1. In the R-3 Zone, 1 single family detached dwelling or 1 duplex is permitted per lot. See Subsection 19.504.4. A detached accessory dwelling may be permitted in addition to a single family detached dwelling, per Subsection 19.910.1.~~
- ~~2. Multifamily buildings shall not have an overall horizontal distance exceeding 150 linear ft as measured from end wall to end wall.~~

I. Transition Measures

The following transition measures apply to multifamily development that abuts an R-10, R-7, or R-5 zoned property.

- ~~1. In the portion of the site within 25 ft of the lower density residential zone, the building height limits are equal to those of the adjacent residential zone.~~
- ~~2. Where the boundary of the lower density zone lies within, or on the edge of, a right-of-way; the building height limit, for the portion of the site within 15 ft of the lot line bordering the right of way, is equal to the height limit of the lower density residential zone.~~

J. Off-Street Parking and Loading

Off-street parking and loading is required as specified in Chapter 19.600.

K. Public Facility Improvements

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

L. Additional Standards

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

- 1. Subsection 19.504.4 Buildings on the Same Lot
- 2. Subsection 19.504.8 Flag Lot Design and Development Standards
- 3. Subsection 19.504.9 On-Site Walkways and Circulation
- 4. Subsection 19.504.10 Setbacks Adjacent to Transit

5. Subsection 19.505.1 ~~Single-Family~~ Dwellings and Duplexes
6. Subsection 19.505.2 Garages and Carports
7. Subsection 19.505.3 Multifamily Unit Housing
8. Subsection 19.505.4 Cottage Cluster Housing
9. Subsection 19.505.5 Townhouses
10. Subsection 19.505.8 Building Orientation to Transit
11. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards

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19.302 MEDIUM AND HIGH DENSITY RESIDENTIAL ZONES

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

19.302.1 Purpose

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

19.302.2 Allowed Uses in Medium and High Density Residential Zones

Uses allowed, either outright or conditionally, in the medium and high density residential zones are listed in Table 19.302.2 below. Similar uses not listed in the table may be allowed through a Director’s Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

Table 19.302.2 Medium and High Density Residential Uses Allowed						
Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential Uses						
Single-family detached dwelling	P	P	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes
Duplex	P	P	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes
Residential home	P	P	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes
Accessory dwelling unit	P/II	P/II	P/II	P/II	P/II	Subsection 19.910.1 Accessory Dwelling Units
Manufactured dwelling park	III	N	N	N	N	Subsection 19.910.3 Manufactured Dwelling Parks
Rowhouse	P	P	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes Subsection 19.505.5 Standards for Rowhouses
Cottage cluster housing	P	P	P	P	P	Subsection 19.505.4 Cottage Cluster Housing Cottage cluster land division requires Type III review

Table 19.302.2 CONTINUED						
Medium and High Density Residential Uses Allowed						
Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential Uses CONTINUED						
Multifamily	CU	CU	P	P	P	Subsection 19.505.3 Multifamily Housing Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations
Congregate housing facility	CU	CU	P	P	P	Subsection 19.505.3 Multifamily Housing Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations
Senior and retirement housing	CU	CU	CU	P	P	Subsection 19.905.9.G Senior and Retirement Housing
Boarding house	CU	CU	CU	CU	CU	Section 19.905 Conditional Uses
Commercial Uses						
Office	CU	CU	CU	CU	P	Subsection 19.302.3 Use Limitations and Restrictions
Hotel or motel	N	N	N	N	CU	Section 19.905 Conditional Uses
Bed and breakfast or vacation rental	CU	CU	CU	CU	CU	Section 19.905 Conditional Uses
Accessory and Other Uses						
Accessory use	P	P	P	P	P	Section 19.503 Accessory Uses
Agricultural or horticultural use	P	P	P	P	P	Subsection 19.302.3 Use Limitations and Restrictions
Community service use	CSU	CSU	CSU	CSU	CSU	Section 19.904 Community Service Uses
Home occupation	P	P	P	P	P	Section 19.507 Home Occupation Standards
Short term rental	P	P	P	P	P	Section 19.507 Home Occupation Standards

P = Permitted.

N = Not permitted.

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

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

II = Type II review required.

III = Type III review required.

CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

19.401 WILLAMETTE GREENWAY ZONE WG

19.401.4 Definitions

“Diameter at breast height” means the measurement of mature trees as measured at a height 4.5 feet above the mean ground level at the base of the tree. Trees existing on slopes are measured from the ground level on the lower side of the tree. If a tree splits into multiple trunks below 4.5 feet above ground level, the measurement is taken at its most narrow point below the split.

“Large trees” means trees with at least a 6-in diameter at breast height (DBH) ~~caliper at 5 ft of~~ height.

19.401.8 Vegetation Buffer Requirements

A. A buffer strip of native vegetation shall be identified along the river, which shall include the land area between the river and a location 25 ft upland from the ordinary high water line. This area shall be preserved, enhanced, or reestablished, except for development otherwise allowed in this title, and subject to the requirements of Subsection 19.401.8.B below.

B. Prior to development (e.g., removal of substantial amounts of vegetation or alteration of natural site characteristics) within the buffer, a vegetation buffer plan for the buffer area shall be submitted for review and approval. The plan shall address the following areas and is subject to the following requirements:

1. Riverbank Stabilization

The plan shall identify areas of riverbank erosion, and provide for stabilization. Bioengineering methods for erosion control shall be used when possible. When other forms of bank stabilization are used, pocket plantings or other means shall be used to provide vegetative cover.

2. Scenic View Protection (Screening)

The plan shall identify the impact of the removal or disturbance of vegetation on scenic views from the river, public parks, public trails, and designed public overlooks.

3. Retain Existing Native Vegetation and Large Trees

The plan shall provide for the retention of existing large trees and existing native vegetation, including small trees, ground covers, and shrubs, within the vegetation buffer area. The regulations in Chapter 16.32 Tree Code apply in addition to the regulations in this chapter. Removal of native vegetation and large trees is allowed pursuant to the following standards:

- a. Large trees that are diseased, dead, or in danger of falling down may be removed if there is a clear public safety hazard or potential for property damage.

- b. Grading or tree removal is allowed in conjunction with establishing a permitted use. Only the area necessary to accommodate the permitted use shall be altered.
 - c. Tree and vegetation removal may be allowed to create 1 view window from the primary residential structure to the river when suitable views cannot be achieved through pruning or other methods. The width of a view window may not exceed 100 ft or 50% of lineal waterfront footage, whichever is lesser. The applicant must clearly demonstrate the need for removal of trees and vegetation for this purpose.
4. Restore Native Vegetation
- The plan shall provide for restoring lands within the buffer area which have been cleared of vegetation during construction with native vegetation.
5. Enhance Vegetation Buffer Area
- The plan may provide for enhancing lands within the buffer area. Regular pruning and maintenance of native vegetation shall be allowed. Vegetation that is not native, except large trees, may be removed in accordance with the regulations in Chapter 16.32. New plant materials in the buffer strip shall be native vegetation.
6. Security that the Plan will be Carried Out
- The approved vegetation buffer shall be established, or secured, prior to the issuance of any permit for development.
- C. The vegetation buffer requirements shall not preclude ordinary pruning and maintenance of vegetation in the buffer strip.

19.402 NATURAL RESOURCES NR

19.402.2 Coordination with Other Regulations

- A. Implementation of Section 19.402 is in addition to, and shall be coordinated with, Title 19 Zoning, Title 18 Flood Hazard Regulations, and Chapter 16.28 Erosion Control, and Chapter 16.32 Tree Code.
- B. For properties along the Willamette River, Section 19.402 shall not prohibit the maintenance of view windows, as allowed by Section 19.401 Willamette Greenway Zone WG.
- C. Except as provided for in Subsection 19.402.2.B, when applicable provisions of Sections 19.402 and 19.401 or Chapter 16.32 are in conflict, the more restrictive provision shall be controlling.
- D. Nonconforming development that was legally existing for WQRs as of January 16, 2003, the effective date of Ordinance #1912, or that was legally existing for HCAs as of September 15, 2011, the effective date of Ordinance #2036, and that is nonconforming solely because of Section 19.402, shall not be subject to the provisions of Chapter 19.800 Nonconforming Uses and Development. However, development that is nonconforming for other reasons shall be subject to the provisions of Chapter 19.800.

E. The requirements of Section 19.402 apply in addition to all applicable local, regional, State, and federal regulations, including those for wetlands, trees, and flood management areas. Where Section 19.402 imposes restrictions that are more stringent than regional, State, and federal regulations, the requirements of Section 19.402 shall govern.

19.402.4 Exempt Activities

A. Outright Exemptions

The following activities in WQRs or HCAs are exempt from the provisions of Section 19.402:

1. Action taken on a building permit for any portion of a phased development project for which the applicant has previously met the applicable requirements of Section 19.402, including the provision of a construction management plan per Subsection 19.402.9. This exemption applies so long as the building site for new construction was identified on the original application, no new portion of the WQR and/or HCA will be disturbed, and no related land use approvals have expired per Subsection 19.1001.7. This exemption also extends to projects initiated prior to September 15, 2011, the effective date of Ordinance #2036, which have already been approved through Water Quality Resource Review.
2. Stream, wetland, riparian, and upland enhancement or restoration projects and development in compliance with a natural resource management plan or mitigation plan approved by the City or by a State or federal agency.
3. Emergency procedures or activities undertaken that are necessary to remove or abate hazards to person or property, provided that the time frame for such remedial or preventative action is too short to allow for compliance with the requirements of Section 19.402. After the emergency, the person or agency undertaking the action shall repair any impacts to the designated natural resource resulting from the emergency action; e.g., remove any temporary flood protection such as sandbags, restore hydrologic connections, or replant disturbed areas with native vegetation.
4. The planting or propagation of plants categorized as native species on the Milwaukie Native Plant List.
5. Removal of plants categorized as nuisance species on the Milwaukie Native Plant List. After removal, all open soil areas shall be replanted and/or protected from erosion.
6. Removal of trees under any of the following circumstances:
 - a. The tree is a “downed tree” as defined in Section 19.201, the tree has been downed by natural causes, and no more than 150 sq ft of earth disturbance will occur in the process of removing the tree.
 - b. The tree is categorized as a nuisance species on the Milwaukie Native Plant List, no more than 3 such trees will be removed from 1 property during any 12-month period, the requirements in Chapter 16.32 are met, and no more than 150 sq ft of earth disturbance will occur in the process of removing the tree(s).
 - c. The tree presents an emergency situation with immediate danger to persons or property, as described in Subsection 19.402.4.A.3. Emergency situations may include, but are not limited to, situations in which a tree or portion of a tree has been compromised and has damaged, or is damaging, structures or utilities on private or public property, or where a

tree or portion of a tree is prohibiting safe passage in the public right-of-way. Examples are trees that have fallen into or against a house or other occupied building, or trees downed across power lines or roadways. This exemption is limited to removal of the tree or portion of the tree as necessary to eliminate the hazard. Any damage or impacts to the designated natural resource shall be repaired after the emergency has been resolved. The requirements in Chapter 16.32 must also be met after the emergency has been resolved.

d. Removal of the tree is in accordance with the requirements in Chapter 16.32 and an approved natural resource management plan per Subsection 19.402.10.

e. Major pruning of trees within 10 ft of existing structures in accordance with the requirements in Chapter 16.32.

Landscaping and maintenance of existing landscaping and gardens. This exemption extends to the installation of new irrigation and drainage facilities and/or erosion control features, as well as to landscaping activities that do not involve the removal of native plants or plants required as mitigation, the planting of any vegetation identified as a nuisance species on the Milwaukie Native Plant List, or anything that produces an increase in impervious area or other changes that could result in increased direct stormwater discharges to the WQR.

8. Additional disturbance for outdoor uses, such as gardens and play areas, where the new disturbance area does not exceed 150 sq ft; does not involve the removal of any trees of larger than 6-in diameter or otherwise regulated by Chapter 16.32; and is located at least 30 ft from the top of bank of a stream or drainage and at least 50 ft from the edge of a wetland.

17. Establishment and maintenance of trails in accordance with the following standards:

- a. Trails shall be confined to a single ownership or within a public trail easement.
- b. Trails shall be no wider than 30 in. Where trails include stairs, stair width shall not exceed 50 in and trail grade shall not exceed 20%, except for the portion of the trail containing stairs.
- c. Trails shall be unpaved and constructed with nonhazardous, pervious materials.
- d. Trails shall be located at least 15 ft from the top of bank of all water bodies.
- e. Plants adjacent to trails may be trimmed, but trimming clearances shall not exceed a height of 8 ft and a width of 6 ft.
- f. Native trees of larger than 6-in diameter, other trees regulated by Chapter 16.32, and native shrubs or conifers larger than 5 ft tall, shall not be removed.

18. Installation and maintenance of erosion control measures that have been reviewed and approved by the City.

19.402.6 Activities Requiring Type I Review

Within either WQRs or HCAs, the following activities and items are subject to Type I review per Section 19.1004:

A. Limited Tree Removal

1. The Planning Director may approve an application for limited tree removal or major pruning within WQRs and HCAs when the applicable requirements in Chapter 16.32 are met, except where exempted by Subsection 19.402.6.A.2, under any of the following circumstances:
 - a. The tree removal is necessary to eliminate a hazardous, nonemergency situation, as determined by the Planning Director. A situation may be deemed hazardous if a tree, or portion of a tree, has undergone a recent change in health or condition in a manner that may pose a danger to people, to structures on private property, to public or private utilities, or to travel on private property or in the public right-of-way. Examples of imminent hazards may include, but are not limited to, trees that are broken, split, cracked, uprooted, or otherwise in danger of collapse. Approval shall be limited to removal of the tree, or portion of the tree, as necessary to eliminate the hazard.
 - b. The tree is dead, diseased, or dying and cannot be saved, as determined and documented in a report by a certified arborist.
 - c. The proposal would remove more than 3 trees during any 12-month period that are categorized as nuisance species on the Milwaukie Native Plant List.
 - d. The tree is a downed tree, but more than 150 sq ft of earth disturbance is necessary to remove it.
 - e. The tree is a nuisance species, but more than 150 sq ft of earth disturbance is necessary to remove it.
 - f. The tree is not categorized as either a nuisance or native species on the Milwaukie Native Plant List and is not located in a WQR categorized as Class A (“Good”), according to Table 19.402.11.C, provided that no more than 3 such trees will be removed during any 12-month period.
 - g. For major pruning, as defined in Section 19.201, a certified arborist has determined, and documented in a report, that the tree will survive the proposed pruning.
2. The provisions of Subsection 19.402.6.A.1 do not apply to tree removal proposed in association with development or other activities regulated by Section 19.402, for which other approval criteria and mitigation standards may apply.
3. The Planning Director shall require the application to comply with all of the following standards:
 - a. A construction management plan shall be prepared in accordance with Subsection 19.402.9. When earth disturbance is necessary for the approved removal or pruning, all open soil areas that result from the disturbance shall be replanted and/or protected from erosion.
 - b. All pruning and/or tree removal shall be done in accordance with the standards of the International Society of Arboriculture (ISA) and complies with the applicable requirements in Chapter 16.32.
 - c. Any tree that is removed in accordance with Subsection 19.402.6.A shall be replaced with a new tree, of at least ½-in caliper or at least 6-ft overall height after planting. An exception to this requirement may be granted if the applicant demonstrates that a replacement tree has already been planted, in anticipation of tree removal, or if the existing

site conditions otherwise preclude tree replacement (due to existing dense canopy coverage or other ecological reasons).

d. The replacement tree(s) shall be located in the general vicinity of the removed tree(s), somewhere within the designated natural resource (WQR or HCA). The replacement tree(s) does not have to be a native species; but, in accordance with Subsection 19.402.5.C, the replacement tree(s) shall not be categorized as a nuisance species on the Milwaukie Native Plant list. The property owner shall ensure that the replacement tree(s) survives at least 2 years beyond the date of its planting.

19.402.8 Activities Requiring Type III Review

Within either WQRs or HCAs, the following activities are subject to Type III review and approval by the Planning Commission under Section 19.1006, unless they are otherwise exempt or permitted as a Type I or II activity.

A. The activities listed below shall be subject to the general discretionary review criteria provided in Subsection 19.402.12:

1. Any activity allowed in the base zone that is not otherwise exempt or permitted as a Type I or II activity.
2. Within HCAs, development that is not in compliance with the nondiscretionary standards provided in Subsection 19.402.11.D.
3. New roads to provide access to protected water features, necessary ingress and egress across WQRs, or the widening of an existing road.
4. Improvement of existing public utility facilities that cannot meet the applicable standards of Subsection 19.402.11.E.
5. New stormwater facilities that cannot meet the applicable standards of Subsection 19.402.11.E.
6. New public or private utility facility construction that cannot meet the applicable standards of Subsection 19.402.11.E.
7. Walkways and bike paths that are not exempt per Subsection 19.402.4 or cannot meet the applicable standards of Subsection 19.402.11.E.
8. Tree removal in excess of that permitted under Subsections 19.402.4 or 19.402.6. Tree removal must also comply with the requirements in Chapter 16.32.
9. Landscaping and maintenance of existing landscaping that would increase impervious area by more than 150 sq ft.
10. Routine repair and maintenance, alteration, and/or total replacement of existing legal buildings or structures that increases the existing disturbance area by more than 150 sq ft within the WQR.
11. Routine repair and maintenance, alteration, and/or total replacement of existing utility facilities, accesses, streets, driveways, and parking improvements that would disturb more than 150 sq ft within the WQR.

B. The activities listed below shall be subject to the review criteria for partitions and subdivisions provided in Subsections 19.402.13.H and I, respectively:

1. The partitioning of land containing a WQR or HCA that cannot meet the standards provided in Subsection 19.402.13.G.
2. The subdividing of land containing a WQR or HCA.

19.402.9 Construction Management Plans

A. Construction management plans are not subject to Type I review per Section 19.1004 but shall be reviewed in similar fashion to an erosion control permit (MMC Chapter 16.28).

B. Construction management plans shall provide the following information:

1. Description of work to be done.
2. Scaled site plan showing a demarcation of WQRs and HCAs and the location of excavation areas for building foundations, utilities, stormwater facilities, etc.
3. Location of site access and egress that construction equipment will use.
4. Equipment and material staging and stockpile areas.
5. Erosion and sediment control measures.
6. Measures to protect trees and other vegetation located within the potentially affected WQR and/or HCA. Tree protection must be consistent with the requirements in Section 16.32.042.F. ~~A root protection zone shall be established around each tree in the WQR or HCA that is adjacent to any approved work area. The root protection zone shall extend from the trunk to the outer edge of the tree's canopy, or as close to the outer edge of the canopy as is practicable for the approved project. The perimeter of the root protection zone shall be flagged, fenced, or otherwise marked and shall remain undisturbed. Material storage and construction access is prohibited within the perimeter. The root protection zone shall be maintained until construction is complete.~~

When required for a property that does not include a designated natural resource, the construction management plan shall show the protective measures that will be established on the applicant's property.

19.402.11 Development Standards

A. Protection of Natural Resources During Site Development

During development of any site containing a designated natural resource, the following standards shall apply:

1. Work areas shall be marked to reduce potential damage to the WQR and/or HCA.
2. Trees in WQRs or HCAs shall not be used as anchors for stabilizing construction equipment.
3. Native soils disturbed during development shall be conserved on the property.
4. An erosion and sediment control plan is required and shall be prepared in compliance with requirements set forth in the City's Public Works Standards.

5. Site preparation and construction practices shall be followed that prevent drainage of hazardous materials or erosion, pollution, or sedimentation to any WQR adjacent to the project area.
6. Stormwater flows that result from proposed development within and to natural drainage courses shall not exceed predevelopment flows.
7. Prior to construction, the WQR and/or HCA that is to remain undeveloped shall be flagged, fenced, or otherwise marked and shall remain undisturbed. Such markings shall be maintained until construction is complete.
8. The construction phase of the development shall be done in such a manner as to safeguard the resource portions of the site that have not been approved for development.
9. Where practicable, lights shall be placed so that they do not shine directly into any WQR and/or HCA location. The type, size, and intensity of lighting shall be selected so that impacts to habitat functions are minimized.
10. All work on the property shall conform to a construction management plan prepared according to Subsection 19.402.9.
11. The applicable provisions of Chapter 16.32 shall be met.

B. General Standards for Required Mitigation

Where mitigation is required by Section 19.402 for disturbance to WQRs and/or HCAs, the following general standards shall apply:

1. Disturbance

- a. Designated natural resources that are affected by temporary disturbances shall be restored, and those affected by permanent disturbances shall be mitigated, in accordance with the standards provided in Subsection 19.402.11.C for WQRs and Subsection 19.402.11.D.2 for HCAs, as applicable.
- b. Landscape plantings are not considered to be disturbances, except for those plantings that are part of a non-exempt stormwater facility; e.g., raingarden or bioswale.

2. Required Plants

Unless specified elsewhere in Section 19.402, all trees, shrubs, and ground cover planted as mitigation shall be native plants, as identified on the Milwaukie Native Plant List. Applicants are encouraged to choose particular native species that are appropriately suited for the specific conditions of the planting site; e.g., shade, soil type, moisture, topography, etc.

3. Plant Size

Required mitigation trees shall average at least a ½-in caliper—measured at 6 in above the ground level for field-grown trees or above the soil line for container-grown trees—unless they are oak or madrone, which may be 1-gallon size. Required mitigation shrubs shall be at least 1-gallon size and 12 in high.

4. Plant Spacing

Trees shall be planted between 8 and 12 ft on center. Shrubs shall be planted between 4 and 5 ft on center or clustered in single-species groups of no more than 4 plants, with each cluster planted between 8 and 10 ft on center. When planting near existing trees, the dripline of the

existing tree shall be the starting point for plant spacing measurements. Note that in meeting the Tree Canopy Requirements in subsection 16.32.042.C, the Urban Forester may only credit those trees that meet the spacing and setback requirements in Table 16.32.042.H. The additional trees required by this subsection may be excluded from contributing to the Tree Canopy Requirements in subsection 16.32.042.C.

5. Plant Diversity

Shrubs shall consist of at least 2 different species. If 10 trees or more are planted, then no more than 50% of the trees shall be of the same genus.

19.402.11.D.Nondiscretionary Standards for HCAs

The following nondiscretionary standards may be applied to proposals that are subject to Type I review and located within HCAs only. These standards do not apply to activities proposed within WQRs.

1. Disturbance Area Limitations in HCAs

To avoid or minimize impacts to HCAs, activities that are not otherwise exempt from the requirements of Section 19.402, and that would disturb an HCA, are subject to the following disturbance area limitations, as applicable:

a. ~~Detached and Attached Single-Family~~ Single-unit and Middle Housing Residential Uses

The amount of disturbance allowed within an HCA for ~~detached and attached single-family residential uses~~, including any related public facilities as required by Section 19.700 Public Facility Improvements, shall be determined by subtracting the area of the lot or parcel outside of the HCA from the maximum disturbance area calculated per Figure 19.402.11.D.1.a. Such disturbance shall be subject to the mitigation requirements described in Subsection 19.402.11.D.2.

**Figure 19.402.11.D.1.a
Method for Calculating Allowable Disturbance within an HCA
for ~~Detached and Attached Single-Family~~ Single-unit and Middle Housing Residential Uses**

X = The maximum potential disturbance area within the HCA , which is 50% of the total HCA, up to a maximum of 5,000 sq ft.

Y = The area of the lot or parcel outside the total resource area (WQR and HCA).

Z = The net amount of disturbance area allowed within the HCA ($Z = X - Y$)

If (Y) is greater than (X), development shall not be permitted within the HCA; otherwise, the applicant may disturb up to the net amount of disturbance area allowed (Z) within the HCA.

Example 1: 8,000-sq-ft lot with 3,000 sq ft of HCA and 5,000 sq ft outside of HCA/WQR

X = 1,500 sq ft (50% of HCA)

Y = 5,000 sq ft outside of HCA/WQR

Z = - 3,500 sq ft (1,500 sq ft – 5,000 sq ft)

Conclusion: Y is greater than X; therefore, development is not permitted within the HCA.

Example 2: 8,000-sq-ft lot with 6,000 sq ft of HCA and 2,000 sq ft outside of HCA/WQR

X = 3,000 sq ft (50% of HCA)

Y = 2,000 sq ft outside of HCA/WQR

Z = 1,000 sq ft (3,000 sq ft – 2,000 sq ft)

Conclusion: Y is not greater than X; therefore, the applicant may disturb up to the value of Z (1,000 sq ft) within the HCA.

b. All Other Uses

A maximum net disturbance area of 10% of the HCA on the site is allowed by right, subject to the mitigation requirements described in Subsection 19.402.11.D.2.

c. Temporary and Permanent Disturbances

All disturbances within an HCA that occur during construction or other development activities, whether temporary or permanent disturbances, count equally for the purposes of calculating and tracking the maximum disturbance area allowed for a particular site. Disturbance resulting from any activity deemed exempt per Subsection 19.402.4 shall not be counted against the amount of disturbance allowed by Subsection 19.402.

d. Disturbance in Excess of that Allowed by Section 19.402

In accordance with Subsection 19.402.8, proposed development that would disturb more HCA than allowed by Subsections 19.402.11.D.1.a and b shall be subject to the Type III review process and general discretionary review criteria, as outlined in Subsection 19.402.12.C.1.

e. Disturbance Changes HCA Status

When disturbances within HCAs are allowed, in accordance with the applicable provisions of Section 19.402, the City shall remove the HCA designation from such disturbance areas on the NR Administrative Map, as provided in Subsection 19.402.15.B.

In the case of a request to develop within an HCA on a property where a prior development request was subject to the disturbance area limitations of Subsection 19.402.11.D.1, the calculation of the new amount of disturbance area allowed within the HCA on the property shall be based on the mapped location of the HCA at the time of the request, notwithstanding any previous calculation of allowed disturbance area.

2. Mitigation Requirements for Disturbance in HCAs

To achieve the goal of reestablishing forested canopy that meets the ecological values and functions described in Subsection 19.402.1, when development intrudes into an HCA, tree replacement and vegetation planting are required according to the following standards, unless the planting is also subject to wetlands mitigation requirements imposed by state and federal law.

These mitigation options apply to tree removal and/or site disturbance in conjunction with development activities that are otherwise permitted by Section 19.402. They do not apply to

situations in which tree removal is exempt per Subsection 19.402.4 or approvable through Type I review.

An applicant shall meet the requirement of Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the disturbance area is 1 acre or more, the applicant shall comply with Mitigation Option 2. The Urban Forester may allow the mitigation requirements in this subsection to satisfy the mitigation requirements in Chapter 16.32 except that the mitigation requirements in subsection 16.32.042 shall be met when applicable.

a. Mitigation Option 1

This mitigation requirement is calculated based on the number and size of trees that are removed from the site. Trees that are removed from the site shall be replaced as shown in Table 19.402.11.D.2.a. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses or herbs. Nonnative sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

Table 19.402.11.D.2.a Tree Replacement	
Size of Tree to be Removed (inches in diameter)	Number of Trees and Shrubs to be Planted
6 to 12	2 trees and 3 shrubs
13 to 18	3 trees and 6 shrubs
19 to 24	5 trees and 12 shrubs
25 to 30	7 trees and 18 shrubs
over 30	10 trees and 30 shrubs

E. Standards for Special Uses

Unless they are exempt per Subsection 19.402.4, or do not meet the nondiscretionary standards for HCAs provided in 19.402.11.D, the special uses listed in Subsection 19.402.7.A are subject to Type II review if they comply with the applicable standards in Subsection 19.402.11.E. Otherwise, the special uses listed in Subsection 19.402.7.A are subject to Type III review and the general discretionary review criteria provided in Subsection 19.402.12.

1. General Standards for Special Uses

Except for stormwater management plans, all nonexempt special uses listed in Subsections 19.402.11.E.2 through 5 that do not meet the nondiscretionary standards for HCAs provided in Subsection 19.402.11.D shall comply with the specific applicable standards in Subsection 19.402.11.E, as well as with the following general standards:

- a. In addition to a construction management plan prepared according to the standards of Subsection 19.402.9; a mitigation plan shall be submitted per Subsection 19.402.11.D.2 or 19.402.12.C.2 for HCAs, as applicable, or per

Subsection 19.402.11.C for WQRs. WQRs and HCAs shall be restored and maintained in accordance with the approved mitigation plan.

- b. Existing vegetation outside of approved work areas shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to WQRs and HCAs. Trees in WQRs or HCAs shall not be used as anchors for stabilizing construction equipment.
- c. Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated and the vegetation shall be established as soon as practicable. Interim erosion control measures, such as mulching, shall be used to avoid erosion on bare areas.

2. Public or Private Utility Facilities

In addition to the requirements of Subsection 19.402.11.E.1, the following disturbance area limitations apply to all new public and private utility facilities, as well as to facility upgrades that are not exempted by Subsection 19.402.4 or that do not meet the nondiscretionary standards for HCAs provided in Subsection 19.402.11.D.

- a. The disturbance area for the upgrade of existing utility facilities shall be no greater than 15 ft wide.
- b. The disturbance area for new underground utility facilities shall be no greater than 25 ft wide and disturb no more than 200 linear feet of WQR within any 1,000-linear-foot stretch of WQR. Such a disturbance area shall be restored with the exception of necessary access points to the utility facility.
- c. Disturbance areas shall be revegetated.
- d. No fill or excavation is allowed within the ordinary high water mark of a stream, unless a permit is obtained from the Corps and DSL, if necessary.

5. Stormwater Management Plans

Stormwater management plans that authorize disturbance within the WQR or HCA may be approved if in compliance with all of the following standards:

- a. Stormwater facilities will be designed to provide an environmentally beneficial hydrological impact on protected water features.
- b. Protected water features will be protected from erosion by implementing a stream protection strategy and quantity control strategies.
- c. Watershed health will be improved through the use of vegetated facilities to meet pollution reduction, flow control, and infiltration goals. These facilities will be maintained in a manner that ensures a continued benefit to watershed health.
- d. Proposed stormwater management facilities will correct or improve conditions caused by past management and/or disturbance events, if any are present.
- e. Where there is no reasonable expectation of returning to natural conditions, beneficial habitat, vegetation, and stream function and hydrology will be restored to the fullest extent practicable within developed areas.

C. Limitations and Mitigation for Disturbance of HCAs

1. Discretionary Review to Approve Additional Disturbance within an HCA

An applicant seeking discretionary approval to disturb more of an HCA than is allowed by Subsection 19.402.11.D.1 shall submit an Impact Evaluation and Alternatives Analysis, as outlined in Subsection 19.402.12.A, and shall be subject to the approval criteria provided in Subsection 19.402.12.B.

An applicant may use the nondiscretionary mitigation options presented in Subsection 19.402.11.D.2 as a guide for proposing mitigation measures that will then be evaluated against the approval criteria provided in Subsection 19.402.12.B.

2. Discretionary Review to Approve Mitigation that Varies the Number and Size of Trees and Shrubs within an HCA

An applicant seeking discretionary approval to proportionally vary the number and size of trees and shrubs required to be planted under Subsection 19.402.11.D.2 (e.g., to plant fewer larger trees and shrubs or to plant more smaller trees and shrubs), but who will comply with all other applicable provisions of Subsection 19.402.11, shall be subject to the following process:

a. The applicant shall submit the following information:

- (1) A calculation of the number and size of trees and shrubs the applicant would be required to plant under Subsection 19.402.11.D.2.
- (2) The number and size of trees and shrubs that the applicant proposes to plant.
- (3) An explanation of how the proposed number and size of trees and shrubs will achieve, at the end of the third year after initial planting, comparable or better mitigation results than would be achieved if the applicant complied with all of the requirements of Subsection 19.402.11.D.2. Such explanation shall be prepared and signed by a knowledgeable and qualified natural resource professional or a certified landscape architect. It shall include discussion of site preparation including soil additives, removal of invasive and noxious vegetation, plant diversity, plant spacing, and planting season; and immediate post-planting care, including mulching, irrigation, wildlife protection, and weed control.
- (4) A mitigation, site-monitoring, and site-reporting plan.
- (5) An explanation of how the applicable requirements in Chapter 16.32 will also be met.

b. Approval of the request shall be based on consideration of the following:

- (1) Whether the proposed planting will achieve, at the end of the third year after initial planting, comparable or better mitigation results than would be achieved if the applicant complied with all of the requirements of Subsection 19.402.11.D.2.
- (2) Whether the proposed mitigation adequately addresses the plant diversity, plant survival, and monitoring practices established in Subsection 19.402.11.B.
- (3) Whether the applicable requirements in Chapter 16.32 will also be met.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.501 GENERAL EXCEPTIONS

19.501.1 Lot Size Exceptions

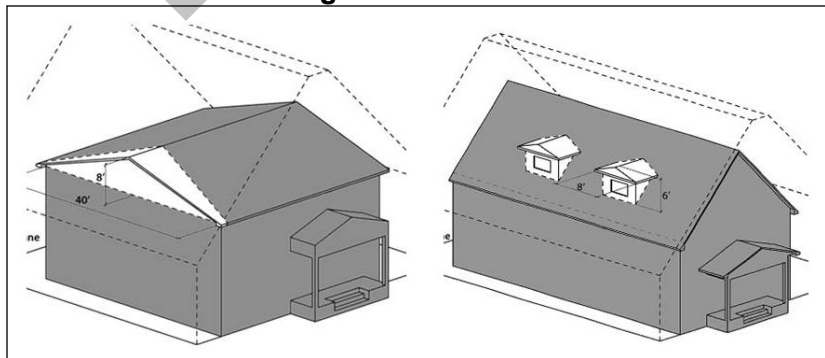
Any legal lot or lot of record that does not meet the area or dimensional requirements specified in Chapter 19.300 may be put to a use permitted by the requirements of the Zoning Ordinance, ~~with the following limitations: provided the~~

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

19.501.3 (B) Yard Exceptions

- B. The following encroachments into a side yard height plane are allowed:
 1. Roof overhangs or eaves, provided that they do not extend more than 30 in horizontally beyond the side yard height plane.
 2. ~~The gable end of a roof, provided that the encroachment is not more than 8 ft high above the side yard height plane or more than 40 ft wide.~~
 3. ~~Dormers, with the following limitations:~~
 - a. ~~The highest point of any dormer is at or below the height of the primary roof ridge.~~
 - b. ~~The encroachment is not more than 6 ft high above the side yard height plane or more than 8 ft wide.~~
 - c. ~~The combined width of all dormers does not exceed 50% of the length of the roof on which they are located.~~

**Figure 19.501.3.B
Allowed Height Plane Encroachments**



19.504.4 Buildings on the Same Lot

A. In R-10, R-7, and R-5 Zones, 1 primary dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1.

B. In the R-3 Zone, 1 single-family detached dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1. Multifamily housing, with multiple structures designed for dwelling purposes, may be permitted as a conditional use per Section 19.905.

19.505.1 Single-Family Dwellings and Duplexes One to Four Unit Dwelling Design Standards**A. Purpose**

The design standards for single-family dwellings and duplexes one to four (1 - 4) unit dwelling units (including single detached dwellings, duplexes, triplexes, and quadplexes) require a minimum level of design on every dwelling. These standards are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles.

B. Applicability

The design standards in this subsection apply to the types of development listed below when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line.

1. New single-family one to four unit detached dwellings, and residential homes, duplexes, and rowhouses on individual lots. Placement of a new manufactured home on a lot outside of a manufactured home park is subject to the requirements of Section 19.506 and the standards of Subsection 19.505.1.
2. Expansions of structures in Subsection 19.505.1.B.1 that add area to any street-facing façade. The design standards for such expansions are applicable as follows:
 - a. Expansions that add 75 sq ft or less of street-facing façade area are exempt from all design standards in Subsection 19.505.1.
 - b. Expansions that add more than 75 sq ft and less than 200 sq ft of street-facing façade area are subject to Subsection 19.505.1.C.2 Eyes on the Street. The expanded façade area must meet the standards of Subsection 19.505.1.C.2 without consideration of the original street-facing façade area.
 - c. Expansions that add 200 sq ft or more of street-facing façade area are subject to the following design standards:
 - (1) The entire street-facing façade shall comply with Subsection 19.505.1.C.2 Eyes on the Street.
 - (2) Subsection 19.505.1.C.3 Main Entrance is applicable if an expansion would create a new main entrance. No expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
 - (3) Subsection 19.505.1.C.1 Articulation is applicable for expansions that add 20 lineal ft or more to the length of the street-facing façade.

- d. Subsection 19.505.1.C.4 Detailed Design is not applicable for expansions. However, no expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the Detailed Design standards.
 - e. ~~Expansions to street-facing façades of less than 200 sq ft are limited to no more than 1 expansion every 5 years, calculated from the date of issuance for the development permit.~~ Multiple expansions are allowed within a 5-year period if the street-facing façade will comply with the design standards that would have been applicable if the expansions occurred at the same time.
3. Remodels that convert an attached garage to a habitable residential space. When applicable, the design standards apply only to the street-facing façade of the garage being converted. The following design standards are applicable:
- a. Subsection 19.505.1.C.3 Main Entrance is applicable if the garage conversion would create a new main entrance. No conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
 - b. Subsection 19.505.1.C.4 Detailed Design is not applicable. However, no conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.

C. Standards

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

An applicant may request a variance to the Detailed Design standards in Subsection 19.505.1.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation

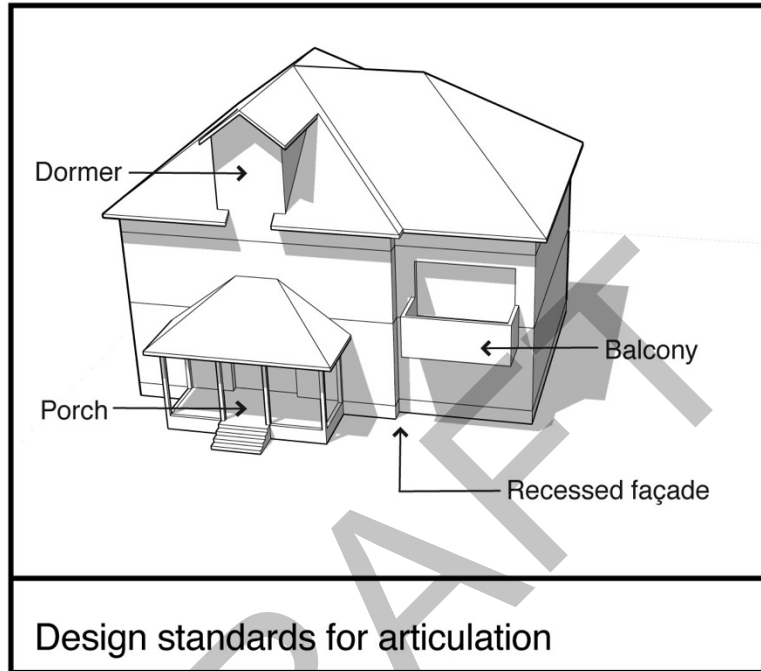
All buildings shall incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 19.505.1.C.1 for illustration of articulation.

- a. For buildings with 30-60 ft of street frontage, a minimum of 1 of the following elements shall be provided along the street-facing façades.
 - (1) A porch at least 5 ft deep.
 - (2) A balcony that is at least 2 ft deep and is accessible from an interior room.
 - (3) A bay window that extends at least 2 ft wide.
 - (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.
 - (5) A gabled dormer.
- b. For buildings with over 60 ft of street frontage, at least 1 element in Subsection 19.505.1.C.1.a(1)-(4) above shall be provided for every 30 ft of street frontage.

Elements shall be distributed along the length of the façade so that there are no more than 30 ft between 2 elements.

- c. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

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

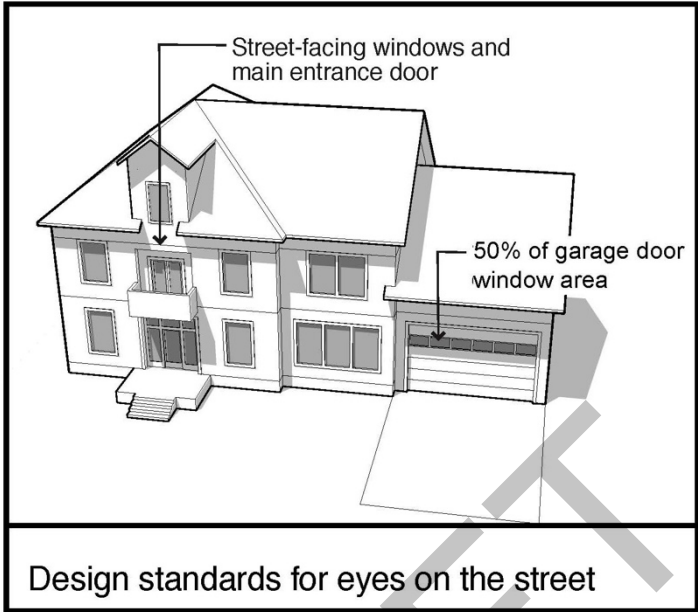


2. Eyes on the Street

At least ~~42%~~ 15% of the area of each street-facing façade must be windows or entrance doors. See Figure 19.505.1.C.2 for illustration of eyes on the street.

- a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
- b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.
- c. Window area is considered the entire area within the outer window frame, including any interior window grid.
- d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
- e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

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

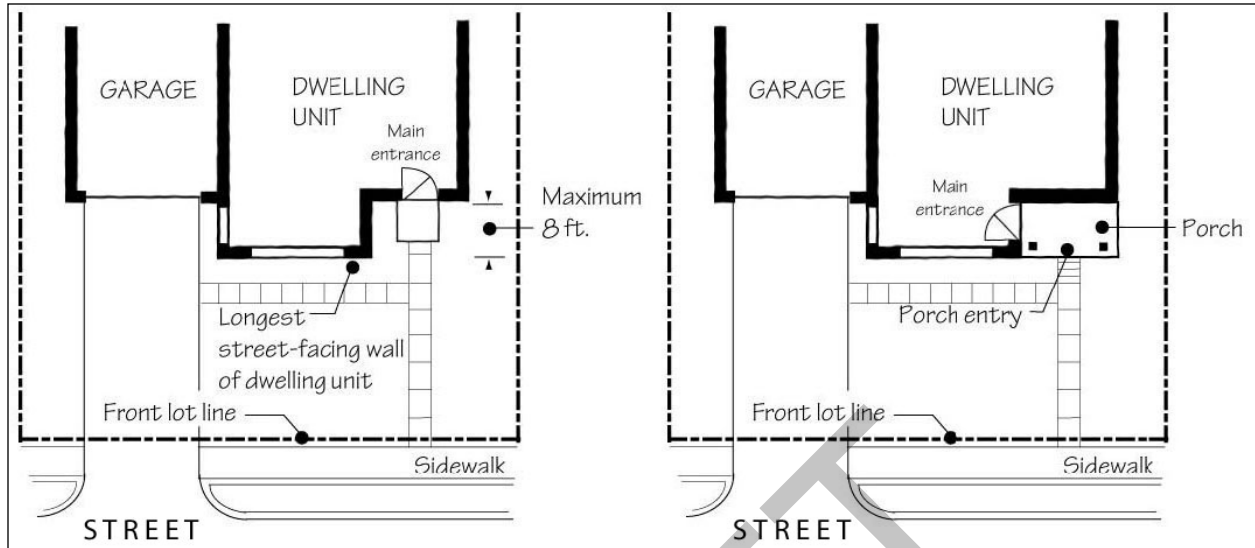


3. Main Entrance

At least 1 main entrance must meet both of the following standards. See Figure 19.505.1.C.3 for illustration of main entrances.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
 - (1) Be at least 25 sq ft in area with a minimum 4-ft depth.
 - (2) Have at least 1 porch entry facing the street.
 - (3) Have a roof that is no more than 12 ft above the floor of the porch.
 - (4) Have a roof that covers at least 30% of the porch area.

**Figure 19.505.1.C.3
Main Entrances**



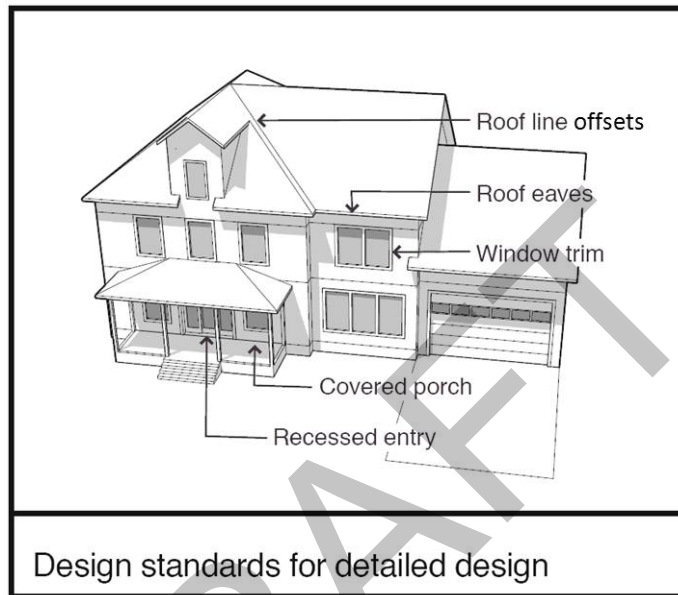
4. Detailed Design

All buildings shall include at least 5 of the following features on any street-facing façade. See Figure 19.505.1.C.4 for illustration of detailed design elements.

- a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.
- b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
- c. Offset on the building face of at least 16 in from 1 exterior wall surface to the other.
- d. Dormer that is at least 4 ft wide and integrated into the roof form.
- e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
- f. Roof line offsets of at least 2 ft from the top surface of 1 roof to the top surface of the other.
- g. Tile or wood shingle roofs.
- h. Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
- i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
- j. Gable roof, hip roof, or gambrel roof design.
- k. Window trim around all windows at least 3 in wide and 5/8 in deep.
- l. Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building façade.
- m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.

- n. One roof pitch of at least 500 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- o. Bay window at least 2 ft deep and 5 ft long.
- p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade

**Figure 19.505.1.C.4
Detailed Design Elements**



~~5. Standards for Duplexes~~

~~In addition to the other standards in Subsection 19.505.1, duplexes shall also comply with the following standards.~~

- ~~a. The exterior finish of the structure must be the same for both units.~~
- ~~b. The eaves must be uniform for the entire structure.~~
- ~~c. The window and door trim must be the same in type, size, and location for the entire structure.~~
- ~~d. Windows must match in proportion and orientation for the entire structure.~~
- ~~e. For duplexes or corner lots, each entrance is required to face a separate street frontage. Where an existing house is being converted, 1 main entrance with internal access to both units is allowed.~~
- ~~f. For duplexes facing 1 frontage, the following standards apply.~~
 - ~~(1) Only 1 entrance is required to face the frontage.~~
 - ~~(2) Where more than 1 entrance to the structure faces the street, each separate entrance is required to meet the standards of Subsection 19.505.1.C.3.~~
 - ~~(3) A second entrance from a side or rear yard is not allowed within 10 ft of the side or rear property line.~~

19.505.4 Cottage Cluster Housing

A. Purpose

These standards are intended to: support the growth management goal of more efficient use of urban residential land; support development of diverse housing types in accordance with the Comprehensive Plan; increase the variety of housing types available for smaller households; provide opportunities for small, detached dwelling units within existing neighborhoods; increase opportunities for home ownership; and provide opportunities for creative and high-quality infill development that is compatible with existing neighborhoods.

B. Applicability

These standards apply to cottage cluster housing, as defined in Section 19.201, wherever this housing type is allowed by the base zones in Chapter 19.300.

~~C. Land Division~~

- ~~1. A subdivision or replat is required prior to the development of cottage cluster housing, to create the lots and tracts that will comprise the cottage cluster development. The subdivision or replat shall be reviewed per the procedures in Title 17 and be subject to the requirements of Chapter 19.700.~~
- ~~2. Cottage cluster development is exempt from the lot size and dimension standards in Section 19.302.~~
- ~~3. The minimum and maximum density standards in Section 19.302 apply to the subdivision or replat that creates the cottage cluster development. Areas proposed for commonly owned tracts, including off street parking areas, shall be included in calculations for minimum and maximum density.~~
- ~~4. Cottage cluster development in the R-2, R-1, or R-1-B Zone is also subject to the site size standards in Table 19.302.5.F.2.~~
- ~~5. Access easements shall be required, to provide adequate access rights for units of land within the cottage cluster that do not have frontage on a public street, and to provide adequate vehicle and pedestrian circulation through the site.~~

DC. Development Standards

The standards listed below in Table 19.505.4.B.1 are the applicable development and design standards for cottage cluster housing. Additional standards are provided in Subsections 19.505.4.E, 19.505.4 F, and 19.505.4.G. The base zone development standards for height, yards, lot coverage, and minimum vegetation, and the design standards in Subsection 19.505.1 are not applicable to cottage cluster housing.

Figure 19.505.4 illustrates the basic layout of a typical cottage cluster development.

**Table 19.505.4.B.1
Cottage Cluster Development Standards**

<u>Standards</u>	<u>Low-density neighborhoods</u> <u>R-2</u>	<u>Transit-connected locations</u> <u>R-1, R-1-B</u>	<u>Commercial and multifamily zones</u>
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A. Home Types

1. <u>Building types allowed, minimum and maximum number</u>	<u>Detached houses containing 1-4 homes</u> <u>3 minimum</u> <u>12 maximum dwelling units</u>	<u>Detached and Attached</u> <u>3 minimum</u> <u>8 maximum dwelling units</u>	<u>Detached and Attached</u>
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B. Home Size

1. <u>Max building footprint per home</u>	<u>900 sf</u>	<u>900 sf</u>	<u>1,200-sf</u>
<u>Max total footprint per building</u>	<u>1,650-sf</u>	<u>no requirement</u>	<u>no requirement</u>
<u>Max floor area per home</u>		<u>1,600-sf</u>	
2. <u>Max average floor area per home dwelling unit</u>		<u>1,400 sf</u>	

C. Height

1. <u>Max # of stories height</u>	<u>25 feet or two (2) stories, whichever is greater</u>	<u>2-5 25 feet or two (2) stories, whichever is greater</u>	<u>3</u>
2. <u>Max structure height between 5 & 10 ft of rear lot line</u>		<u>15 ft</u>	
3. <u>Max height to eaves facing common green</u>	<u>1.618 times the narrowest average width between two closest buildings</u>		

D. Setbacks, Separations, and Encroachments

1. <u>Separation between eaves of structures (minimum)</u>	<u>6 ft</u>	<u>6 ft</u>	<u>6-ft</u>
2. <u>Side and rear site setbacks</u>	<u>5 ft</u>		
3. <u>Front site setback (minimum)</u>	<u>15-ft-10 ft</u>	<u>10 ft</u>	<u>0-10 ft</u>
4. <u>Front site setback (maximum)</u>	<u>20-ft-10 ft</u>		

E. Lot Coverage, Impervious Area, Vegetated Area

<u>Lot coverage (maximum)</u>	<u>50%</u>	<u>55%</u>	<u>60%</u>
1. <u>Impervious area (maximum)</u>	<u>60%</u>	<u>65%</u>	<u>70%</u>
2. <u>Vegetated site area</u>	<u>35%</u>	<u>30%</u>	<u>25%</u>

**Table 19.505.4.B.1
Cottage Cluster Development Standards**

<u>Standards</u> (minimum)	Low-density neighborhoods <u>R-2</u>	Transit-connected locations <u>R-1, R-1-B</u>	Commercial and multifamily zones
Tree cover (minimum at maturity)	40%		

F. Community and Common Space

1. <u>Community building footprint(maximum)</u>	<u>1,500 sf</u>	<u>2,000 sf</u>	3,000 sf
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F. Parking

1. <u>Automobile parking spaces per primary home (minimum)</u>	<u>1</u>	<u>0.5</u>	<u>0.25</u>
2. <u>Dry, secure bicycle parking spaces per home (minimum)</u>		<u>1.5</u>	
3. <u>Guest bicycle parking spaces perhome (minimum)</u>		<u>0.5</u>	

4-E. Cottage Standards

1. Size

The total footprint of a cottage unit shall ~~must not exceed 700 900 sq ft, and the total floor area of each cottage unit shall not exceed 1,000 sq ft.~~ maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit.

2. Height

The height for all structures shall ~~must not exceed 25 feet or two (2) stories, whichever is greater. 18 ft. Cottages or amenity buildings having pitched roofs with a minimum slope of 6/12 may extend up to 25 ft at the ridge of the roof.~~

3. Orientation

a. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards:

- (1) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
- (2) A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:

- (a) Have a main entrance facing the common courtyard;
- (b) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
- (c) Be connected to the common courtyard by a pedestrian path.
- (3) Cottages within 20 feet of a street property line may have their entrances facing the street.
- (4) Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

~~The front of a cottage is the façade with the main entry door and front porch. This façade shall be oriented toward either a common open space or public street. If a cottage is not contiguous to either of these, it shall be oriented toward an internal pedestrian circulation path.~~

- ~~(2) At least half of the cottages in a cottage cluster shall be oriented toward a common open space.~~

~~d. Required Yards~~

- ~~(1) The yard depth between the cottage dwelling structure and either the public street, common open space, or internal pedestrian circulation path shall be at least 10.5 ft. The front porch of a cottage is allowed to encroach into this yard.~~
- ~~(2) The required rear yard depth from the rear of the cottage to the rear lot line shall be at least 7.5 ft. The rear yard is the yard on the opposite side of the cottage as the front porch.~~
- ~~(3) The required yard depth for all yards other than a front or rear yard is 5 ft.~~
- ~~(4) There shall be a minimum of 10 ft of space between cottages. Architectural features and minor building projections such as eaves, overhangs, or chimneys may project into this required separation by 18 in.~~
- ~~(5) All structures in the cottage cluster shall comply with the perimeter setback areas in Subsection 19.505.4.D.2.f. This requirement may increase the required yard depths listed above.~~

~~e.F. Cottage Design Standards~~

~~The intent of the cottage cluster design standards is to create cottages consistent with traditional northwest cottage design and small home craftsmanship.~~

~~(1) 1. Facades~~

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

- ~~(a) (1) Changes in exterior siding material.~~
- ~~(b) (2) Bay windows with a minimum depth of 2 ft and minimum width of 5 ft.~~
- ~~(c) (3) Wall offsets of at least 1 ft deep.~~
- ~~(2) b. Trim around windows and doors shall be at least 3 in wide and 5/8 in deep.~~
- ~~(3) c. All roofs shall have a minimum roof pitch of 4/12.~~

(4) ~~d.~~ Windows and doors shall account for at least 15% of the façade area for façades oriented toward a public street or common open space.

(5) ~~e.~~ At least 60% of the siding material on each wall shall be either horizontal lap siding, between 3 to 7 in wide once installed, or shake siding.

f. 2. Front Porches

A front porch or recessed entryway is required on each primary home in a cluster development. Front porches must meet the following standards:

- (1) The front door of the dwelling must open onto the porch or recessed entry.
- (2) The entire front porch area or recessed entry must be covered.
- (3) The surface of the front porch or recessed entry must not exceed 48 in above grade, as measured from the average ground level at the front of the porch.
- (4) The minimum porch depth is 6.5 ft.
- (5) The minimum porch width is at least 60% of the length of the front façade.
- (6) The maximum front stair encroachment into common green space is ~~-20%~~ of the width of the green

G 3. Eave Overhang

The maximum eave overhang onto common green space is 24 inches, or to the extent allowable by the building code

~~Each cottage shall have a porch on the front of the cottage. The porch is intended to function as an outdoor room that extends the living space of the cottage into the semipublic area between the cottage and the open space.~~

- ~~(1) The minimum porch depth shall be 6.5 ft.~~
- ~~(2) The width of the porch shall be at least 60% of the width of the overall length of the front façade.~~
- ~~(3) The front door of the dwelling must open onto the porch.~~
- ~~(4) The entire area of the front porch must be covered.~~
- ~~(5) The surface of the front porch may not exceed 24 in above grade, as measured from the average ground level at the front of the porch.~~

2.G. Site Design and Other Standards

a. 1. Number of Cottages Allowed

~~The number of cottages allowed shall not exceed the dwelling unit maximum of the base zone in which the cottage cluster development is located, as specified in Subsection 19.505.4.C.4. A cottage cluster development shall must include a minimum of ~~4~~ 3 cottages and a maximum of 12 cottages.~~

b. 2. Common Open Space

~~An adequately sized and centrally located common open space is a key component of cottage cluster developments. A common open space shall meet the following standards.~~

Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:

- ~~(1) The common open space shall have at least 100 sq ft of area for each cottage in the cottage cluster development.~~
- ~~(2) The minimum dimension for the common open space is 20 ft on 1 side.~~
- (1) The common courtyard must be a single, contiguous piece.
- (2) Cottages must abut the common courtyard on at least two sides of the courtyard.
- (3) The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection (1) of this section (C)).
- (4) The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
- (5) The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
- (6) Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

~~e. Private Open Space~~

~~Each cottage shall have a private open space on the same lot as the cottage. The space shall be at least 100 sq ft with no dimension of less than 10 ft on 1 side. It shall be contiguous to each cottage for the exclusive use of the cottage residents.~~

~~d. Maximum Lot Coverage and Impervious Area~~

~~The total footprint of all structures shall not exceed 40% of the site area. Impervious surfaces, including all structures, shall not exceed 60% of the site area.~~

~~e. Internal Pedestrian Circulation~~

~~The cottage cluster development shall include continuous pedestrian paths for internal circulation on-site. The minimum width for pedestrian paths shall be 3 6 ft. Paths must provide a continuous connection between the front porch of each cottage, common open space, adjoining rights of way, parking areas, and any other areas of common use within the development.~~

~~f. Perimeter Setback Areas~~

~~All structures within a cottage cluster development shall be located at least 15 ft from the rear lot line(s) and at least 5 ft from the side lot line(s) of the site on which the cottage cluster is developed,~~

~~g 3. Off-Street Parking~~

- (1) There shall be at least 1 off-street parking space per dwelling unit. The parking space shall be located together with parking spaces for other cottages in a common area, and not located on the same lot as an individual cottage unit.
- (2) A cottage cluster parking area shall must be set back from the street. The distance of the setback is dependent on the orientation of the structure or lot. If the axis of the longest dimension of the parking area has an angle of 45 degrees or more to the lot line, the narrow dimension may be within 5 ft of the street. If the angle is less than 45 degrees, the parking area must be at least 20 ft from the street.
- (3) If there are more than 8 units in a cottage cluster, there shall must be at least 2 separate parking areas with a minimum of 4 parking spaces in each area. A drive aisle connecting the 2 areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.
- (4) Parking spaces may be located within a garage. Garages in a cottage cluster may not contain more than 4 parking spaces, must be at least 10 ft from any cottage dwelling; and must match the materials, trim, and roof pitch of the cottages. The interior height of a garage shall not exceed 8 ft high, unless a modification is requested of the Planning Director for cases that would use space saving parking technology (e.g., interior car stacking) that might require additional interior height. This modification would be requested per 19.911 Variances.
- (5) Parking spaces that are not in a garage shall be screened from common open space, public streets, and adjacent residential uses by landscaping and/or screen, such as a fence. Chain-link fencing with slats shall not be allowed as a screen.

h. 4. Fences

All fences on the interior of the development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

Figure 19.505.4 Cottage Cluster Development

19.505.5 Rowhouses Townhouses

A. Purpose

Townhouses ~~Rowhouses~~ provide a type of housing that includes the benefits of a single-family detached dwelling, such as fee simple ownership and private yard area, while also being an affordable housing type for new homeowners and households that do not require as much living space. ~~The purpose of these standards is to allow rowhouses in medium to high density residential zones.~~ Townhouses ~~Rowhouses~~ are allowed at four times the maximum density allowed for detached single dwellings in the same zone or 25 dwelling units per acre, whichever is less, the same density as single-family detached and multifamily dwellings, and the general design requirements are very similar to the design requirements for single-family detached dwellings. Two important aspects of these standards are to include a private-to-public transition space between the dwelling and the street and to prevent garage and off-street parking areas from being prominent features on the front of Townhouses ~~Rowhouses~~.

B. Applicability

1. The standards of Subsection 19.505.5 apply to ~~single-family~~ dwellings on their own lot, where the dwelling shares a common wall across a side lot line with at least 1 other dwelling, and where the lots meet the standards for a townhouse rowhouse lot in both Section 19.302 and Subsection 19.505.5.E. Townhouse Rowhouse development may take place on existing lots that meet the lot standards for townhouse rowhouse lots or on land that has been divided to create new townhouse rowhouse lots.
2. Development standards for townhouses rowhouses are in Subsections 19.301.4 and 19.302.4.
3. Design standards for ~~single-family~~ detached dwellings in Subsections 19.505.1-2 are also applicable to townhouses rowhouses.
4. Dwelling units that share a common side wall and are not on separate lots are subject to the standards for either One to Four Dwelling Units duplexes or multifamily unit housing.

C. Townhouse Rowhouse Design Standards

1. Townhouses Rowhouses are subject to the design standards for single dwelling -family housing in Subsection 19.505.1.
2. Townhouses Rowhouses shall must include an area of transition between the public realm of the right-of-way and the entry to the private dwelling. The entry may be either vertical or horizontal, as described below.
 - a. A vertical transition shall be an uncovered flight of stairs that leads to the front door or front porch of the dwelling. The stairs must rise at least 3 ft, and not more than 8 ft, from grade. The flight of stairs may encroach into the required front yard, and the bottom step must be at least 4 ft 5-ft from the front lot line.
 - b. A horizontal transition shall be a covered porch with a depth of at least 6 ft. The porch may encroach into the required front yard, but it shall must be at least 4 ft 7 ft from the front lot line.

D. Number of Townhouses Rowhouses Allowed

No more than 4 consecutive townhouses rowhouses that share a common wall(s) are allowed. A set of 4 townhouses rowhouses with common walls is allowed to be adjacent to a separate set of 4 townhouses rowhouses with common walls. In the R-2 zone, the maximum number of consecutive townhouses is 2.

E. Townhouse Rowhouse Lot Standards

1. Townhouse Rowhouse development is not allowed on lots with a lot width of more than 35 ft.
2. Townhouse Rowhouse development is allowed only where there are at least 2 abutting lots on the same street frontage whose street frontage, lot width, lot depth, and lot area meet or exceed the base zone requirements listed in Tables 19.301.4 and 19.302.4.
3. Townhouse Rowhouse development in the R-1, R-1-B, and R-2 R-3 and R-2.5 Zones must meet the minimum lot size of 1,500 sq ft. standards in Subsection 19.302.4.A.1.
4. Rowhouse development in the R-2, R-1 and R-1-B Zones must meet the minimum lot size standards in Subsection 19.302.4.A.1. In addition, the rowhouse development must meet the minimum site size requirements in Table 19.505.5.E.4.

Table 19.505.5.E.4 Minimum Site Size for Rowhouse Development in the R-2, R-1, and R-1-B Zones		
Number of Rowhouses	R-2 Zone	R-1 and R-1-B Zone
2	7,500 sq ft	6,400 sq ft
3	10,000 sq ft	7,800 sq ft
4	12,500 sq ft	9,200 sq ft

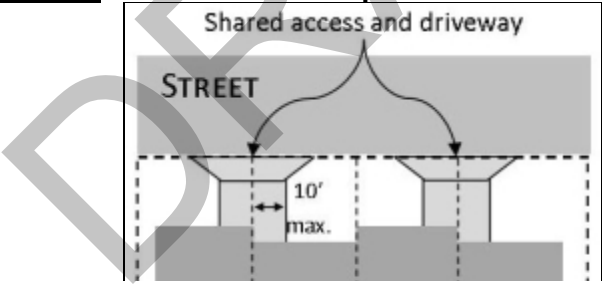
F. Driveway Access and Parking

1. Garages on the front façade of a townhouse rowhouse, off-street parking areas in the front yard, and driveway accesses in front of a townhouse rowhouse are prohibited unless the following standards are met. See Figure 19.505.5.F.1.
 - a. ~~Each rowhouse lot has a street frontage of at least 30 ft on a street identified as a Neighborhood Route or Local Street in the Transportation System Plan Figure 8-3b.~~
 - b. Development of 2 or 3 rowhouses has at least 1 shared access between the lots, and development of 4 rowhouses has 2 shared accesses.

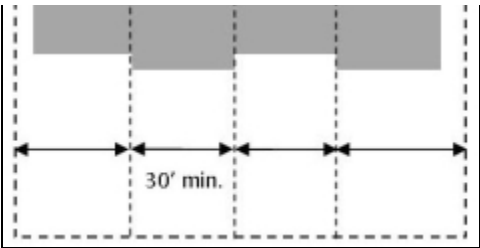
Shared accesses are spaced a minimum of 24 feet apart, see Figure 8-3b.

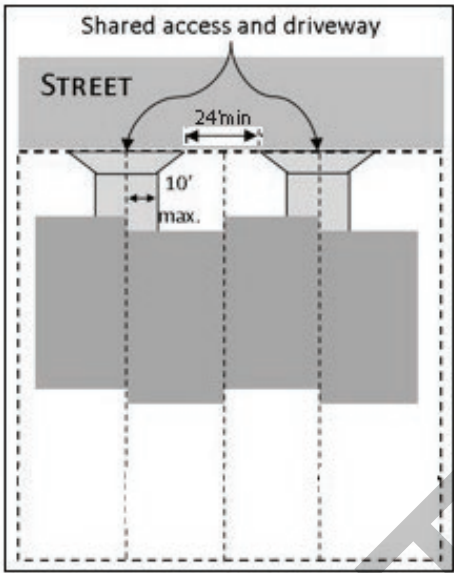
- c. Outdoor on-site parking and maneuvering areas do not exceed 10 ft wide on any lot.
- d. The garage width does not exceed 10 ft, as measured from the inside of the garage door frame.

**Figure 19.505.5.F.1
Townhouse Rowhouse Development with Front Yard Parking**



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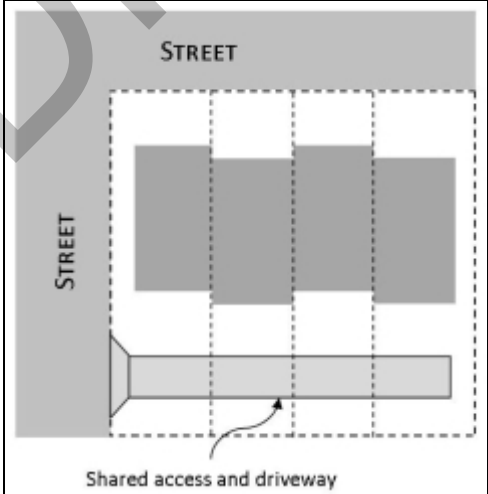




- 2. The following rules apply to driveways and parking areas for townhouse rowhouse developments that do not meet all of the standards in Subsection 19.505.5.F.1.
 - a. Off-street parking areas shall must be accessed on the back façade or located in the rear yard. ~~No off-street parking shall be allowed in the front yard or side yard of a rowhouse.~~
 - b. Townhouse Rowhouse development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The Engineering Director may alter this requirement based on street classifications, access spacing, or other provisions of Chapter 12.16 Access Management. See Figure 19.505.5.F.2.b.

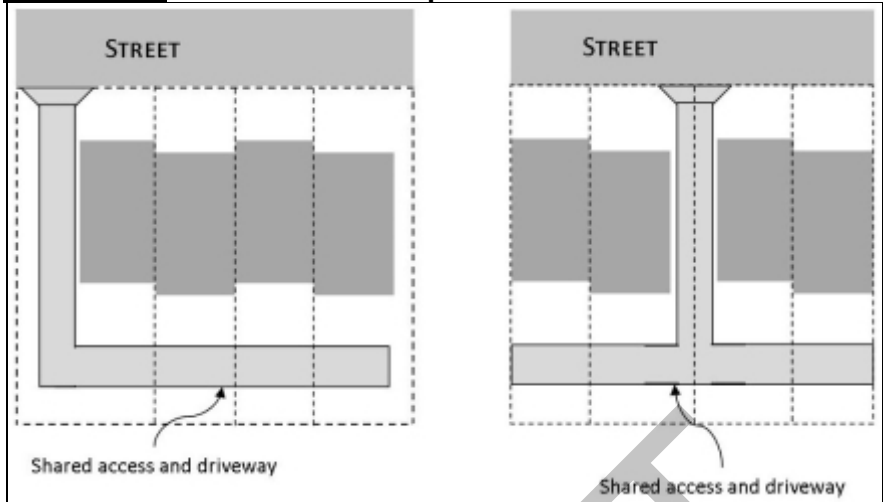
Figure 19.505.5.F.2.b

Townhouse Rowhouse Development with Corner Lot Access



- c. Townhouse Rowhouse development that does not include a corner lot shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front façade and front lot line of any of the townhouse rowhouses. See Figure 19.505.5.F.2.c.

**Figure 19.505.5.F.2.c
Townhouse Rowhouse Development with Consolidated Access**



- d. A townhouse rowhouse development that includes consolidated access or shared driveways shall grant appropriate access easements to allow normal vehicular access and emergency access.

G. Accessory Structure Setbacks

On townhouse rowhouse lots with a lot width of 25 ft or less, there is no required side yard between an accessory structure and a side lot line abutting a townhouse rowhouse lot. All other accessory structure regulations in Subsection 19.502.2.A apply.

19.506 Manufactured Dwelling Siting and Design Standards

19.506.4 Siting Standards

Manufactured homes are allowed outright in any zone that allows single-family detached dwellings outright. Manufactured homes placed on individual lots shall meet the single-family design standards in Subsection 19.505.1 and the following standards:

~~A. The unit shall be multisectional (double wide or wider) and enclose a floor area of not less than 1,000 sq ft.~~

A. The unit shall be placed on an excavated and backfilled foundation with the bottom no more than 12 in above grade and enclosed at the perimeter by skirting of pressure treated wood, masonry, or concrete wall construction and complying with the minimum setup standards of the adopted State Administrative Rules for Manufactured Dwellings, Chapter 918.

B. Bare metal shall not be allowed as a roofing material and shall not be allowed on more than 25% of any façade of the unit.

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.601 PURPOSE

Chapter 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of Chapter 19.600 is to: provide adequate, but not excessive, space for off-street parking; ~~avoid parking-related congestion~~ support efficient 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 19.700. The management of on-street parking is governed by Chapter 10.20. Chapter 19.600 does not enforce compliance with the Americans with Disabilities Act (ADA). ADA compliance on private property is reviewed and enforced by the Building Official. (Ord. 2106 § 2 (Exh. F), 2015; Ord. 2025 § 2, 2011)

19.604.2 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 19.605.4.B.2. Accessory parking that is located in this manner shall not be considered a parking facility for purposes of the base zones in Chapter 19.300.
- C. Where parking is approved in conformance with Subsection 19.605.2
- ~~C-D.~~ Where shared parking is approved in conformance with Subsection 19.605.4.

Table 19.605.1 Off-street Parking Requirements

Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements		
Use	Minimum Required	Maximum Allowed
A. Residential Uses		
1. Single-family detached dwellings, including rowhouses and manufactured homes.	1 space per dwelling unit.	No maximum.
2. <u>Multi-Unit Dwellings</u>	1 space per dwelling unit.	
a. Dwelling units with 800 sq ft of floor area or less and all units located in the DMU Zone.	1.25 spaces per dwelling unit.	2 spaces per dwelling unit.
b. Dwelling units with more than 800 sq ft of floor area.		2 spaces per dwelling unit.

<p>3. <u>Middle Housing</u> <u>a. Duplexes</u> <u>b. Triplexes</u> <u>c. Quadplexes</u> <u>d. Town Houses</u> <u>e. Cottage Clusters</u></p>	<p><u>1 space per dwelling unit</u> <u>1 space per dwelling unit</u> <u>1 space per dwelling unit</u> <u>1 space per dwelling unit</u> <u>1 space per dwelling unit</u></p>	<p><u>1 space per dwelling unit</u> <u>1 space per dwelling unit</u> <u>1 space per dwelling unit</u> <u>1 space per dwelling unit</u> <u>1 space per dwelling unit</u></p>
<p>3 <u>4. Residential homes and similar facilities allowed outright in residential zones.</u></p>	<p>1 space per dwelling unit plus 1 space per employee on the largest shift.</p>	<p>Minimum required parking plus 1 space per bedroom.</p>
<p>4. <u>5. Accessory dwelling units (ADU)—Types I and II.</u></p>	<p>No additional space required unless used as a vacation rental, which requires 1 space per rental unit</p>	<p>No maximum.</p>

19.605.2 Quantity Modifications and Required Parking Determinations

Subsection 19.605.2 allows for the modification of minimum and maximum parking ratios from Table 19.605.1 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 19.605.1 and for developments with large parking demands that are either lower than the minimum required or higher than the maximum allowed.

A. Applicability

The procedures of Subsection 19.605.2 shall apply in the following situations:

1. If the proposed use is not listed in Table 19.605.1 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 19.605.1.

B. Application

Determination of parking ratios in situations listed above shall be reviewed as a Type II land use decision, per Section 19.1005 Type II Review. 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, residents, 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 19.605.2.B.3 to support the determination request. The Planning Director may waive requirements of Subsection 19.605.2.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.
 - d. For middle housing, occupancy and use data quantifying conditions of the on-street parking system within a reasonable proximity of a middle housing 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 19.605.2.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 19.605.2.C.1, requests for modifications to decrease the amount of minimum required parking shall meet the following criteria:
 - a. The use, frequency, and proximity 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 19.605.1.
 - 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 19.605.2.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 19.605.3.A.
- c. The requested increase is the smallest increase needed based on the specific circumstances of the use and/or site.

19.605.3 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 19.605.2. For middle housing, there are no by-right reductions in this section. Exemptions and reductions for middle housing can be determined only through the provisions of Subsection 19.605.2.

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 19.605 and not to the other requirements of Chapter 19.600. 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 19.605.3.B.2-7, provided that the total reduction in required parking does not exceed 25% of the minimum quantity requirement listed in Table 19.605.1. The total reduction in required parking is increased to 30% in the Downtown Mixed Use Zone DMU. Applicants may not utilize the reduction in Subsection 19.605.3.B.1 in conjunction with any other reduction in Subsection 19.605.3.B.

1. Reductions for Neighborhood Commercial Areas

The minimum parking requirements of Table 19.605.1 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 Neighborhood Mixed-Use (NMU) Zone in the area bounded by 42nd Avenue, King Road, 40th Avenue, and Jackson Street.
- d. Properties in the Neighborhood Mixed-Use (NMU) 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% if the development is within 500-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.
- b. Parking for ~~multifamily~~ multi-unit dwellings ~~uses other than middle housing~~ may be reduced by up to 20% if the development is within 500-ft walking distance, as defined in Subsection 19.605.3.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 19.605.3.B.2.d, of a light rail transit stop, or if it is located in the Downtown Mixed Use Zone DMU.
- 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%. This reduction may be taken whether the carpool/vanpool space is required pursuant to Section 19.610 or voluntarily provided.

5. Bicycle Parking

The minimum amount of required parking for ~~all non-single-family unit residential uses~~, other than middle housing, may be reduced by up to 10% for the provision of covered and secured bicycle parking in addition to what is required by Section 19.609. A reduction of 1 vehicle parking space is allowed for every 6 additional bicycle parking spaces installed. The bicycle spaces shall meet all other standards of Section 19.609. If a reduction of 5 or more stalls is granted, then on-site changing facilities for bicyclists, including showers and lockers, are required. 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% 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.

19.607 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS

19.607.1 Residential Driveways and Vehicle Parking Areas

Subsection 19.607.1 is intended to preserve residential neighborhood character by establishing off-street parking standards. The provisions of Subsection 19.607.1 apply to passenger vehicles and off-street parking areas for single detached dwellings, duplexes, triplexes, quadplexes, townhouses, cottage clusters, rowhouses, cottage clusters, duplexes, single family detached dwellings, and residential homes in all zones, unless specifically stated otherwise.

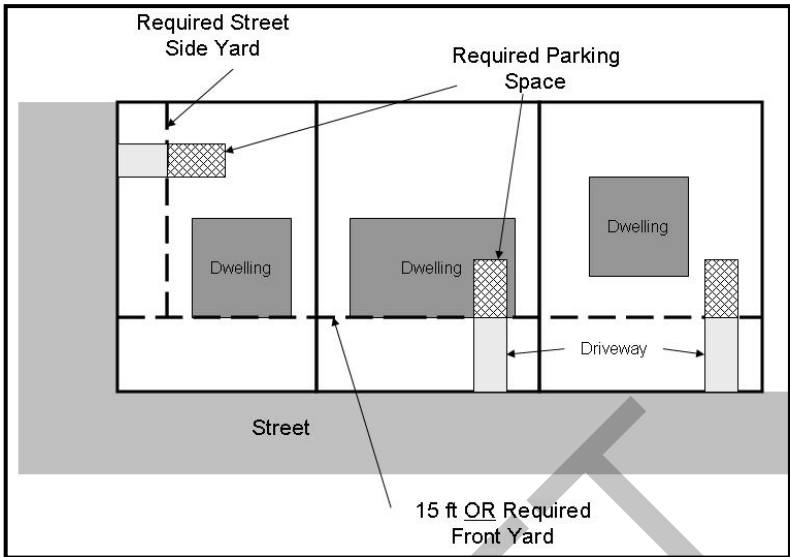
A. Dimensions

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

B. Location

1. Off-street vehicle parking shall be located on the same lot as the associated dwelling, unless shared parking is approved per Subsection 19.605.4.
2. No portion of the required parking space is allowed within the following areas. See Figure 19.607.1.B.2. These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4.
 - a. ~~Within the required front yard or within 15 ft of the front lot line, whichever is greater~~ an adjacent public street right-of-way or access easement.
 - b. ~~Within a required street side yard~~ Over a public sidewalk.

**Figure 19.607.1.B.2
Required Parking Space Location**



Amend Figure 19.607.1.B.2 to coincide with the text amendments by eliminating the required front/side yard lines and showing a street right-of-way line and public sidewalk along the street.

C. Parking Surface Materials

Parking of vehicles shall only be allowed on surfaces described in Subsection 19.607.1.C.

1. The following areas are required to 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.
 - a. Required parking space(s).
 - b. All vehicle parking spaces and maneuvering areas located within a required front or side yard. Areas for boat or RV parking are exempt from this requirement and may be graveled.
 - c. All off-street parking and maneuvering areas for a residential home.
2. ~~Maneuvering areas and unrequired parking areas that are outside of a required front or side yard~~ are allowed to have a gravel surface within a front or side yard subject to the standards in Subsection 19.607.1.D.

D. Parking Area Limitations

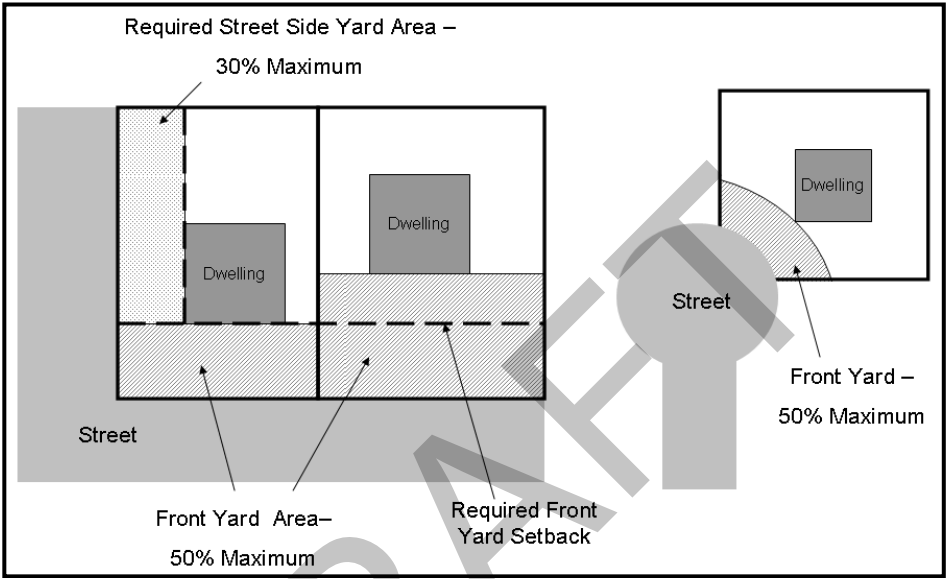
Uncovered parking spaces and maneuvering areas for vehicles, and for recreational vehicles and pleasure craft as described in Subsection 19.607.2.B, have the following area limitations. See Figure 19.607.1.D. The pole portion of a flag lot is not included in these area limitations.

These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4; nor to rowhouses, which are subject to the standards in Subsection 19.505.5.

- a. Uncovered parking spaces and maneuvering areas cannot exceed 50% of the front yard area.

- b. Uncovered parking spaces and maneuvering areas cannot exceed 30% of the ~~required~~ street side yard area.
- c. No more than 3 residential parking spaces are allowed within the ~~required~~ front yard. A residential parking space in the ~~required~~ front yard is any 9- x 18-ft rectangle that is entirely within the ~~required~~ front yard that does not overlap with another 9- x 18-ft rectangle within the ~~required~~ front yard.

**Figure 19.607.1.D
Front and Street Side Yard Parking Area Limits**

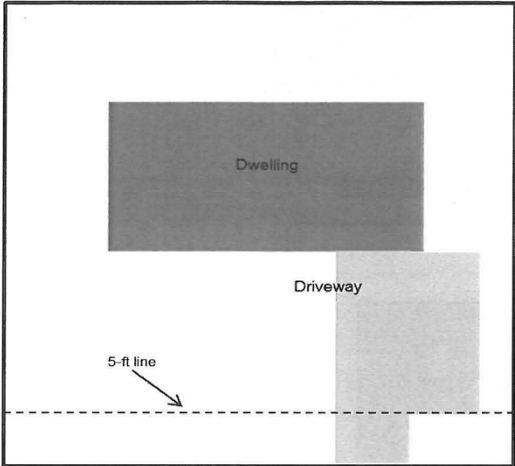


Amend Figure 19.607.1.D to coincide with the amendments to Figure 19.607.1.B.2 by eliminating the front/side yard line and adding the street right-of-way line. This would mean that the percentage maximums would apply to the entire front/side yard area, not just the required yard area.

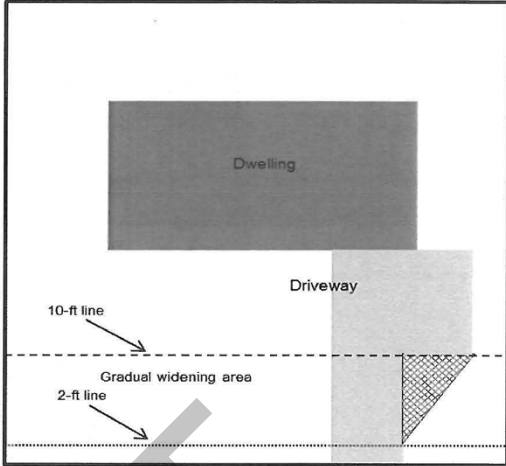
E. Additional Driveway Standards

- 1. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approved driveway approach within 5 ft of the right-of-way boundary (Option 1—see Figure 19.607.1.E.1). Alternately, a gradual widening of the onsite driveway is allowed to the 10-ft point at a ratio of 1:1 (driveway width: distance onto property), starting 2 ft behind the ~~front property line~~ right-of-way boundary (Option 2—see Figure 19.607.1.E.2).

**Figure 19.607.1.E.1
Driveway Widening Limitation—Option 1**



**Figure 19.607.1.E.2
Driveway Widening Limitation—Option 2**



- 2. 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.

CHAPTER 19.900 LAND USE APPLICATIONS

19.901 INTRODUCTION

Table 19.901 CONTINUED Land Use Applications		
Application Type	Municipal Code Location	Review Types
Land Divisions:	Title 17	
Final Plat	Title 17	I
Lot Consolidation	Title 17	I
Partition	Title 17	II
Property Line Adjustment	Title 17	I, II
Replat	Title 17	I, II, III
Subdivision	Title 17	III
Miscellaneous:	Chapters 19.500	
Barbed Wire Fencing	Subsection 19.502.2.B.1.b-c	II
Modification to Existing Approval	Section 19.909	I, II, III
Natural Resource Review	Section 19.402	I, II, III, V
Nonconforming Use Alteration	Chapter 19.804	III
Parking:	Chapter 19.600	

Quantity Determination	Subsection 19.605.2	II
Quantity Modification	Subsection 19.605.2	II
Shared Parking	Subsection 19.605.4	I
Structured Parking	Section 19.611	II, III
Planned Development	Section 19.311	IV
Residential Dwellings:	Section 19.910	
Accessory Dwelling Unit	Subsection 19.910.1	I, P, II
Duplex	Subsection 19.910.2	#
Manufactured Dwelling Park	Subsection 19.910.3	III
Temporary Dwelling Unit	Subsection 19.910.4	I, III
Sign Review	Title 14	Varies
Transportation Facilities Review	Chapter 19.700	II
Variances:	Section 19.911	
Use Exception	Subsection 19.911.5	III
Variance	Subsection 19.911.1-4	II, III
Willamette Greenway Review	Section 19.401	III

CHAPTER 19.900 LAND USE APPLICATIONS

19.906 DEVELOPMENT REVIEW

19.906.2 Development Review, Applicability

C. Exemptions

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

1. New or expanded ~~single-family~~ single unit or middle housing detached or attached residential dwellings.
2. ~~Single-family r~~ Residential accessory uses and structures including accessory dwelling units.
3. Interior modifications to existing buildings that do not involve a change of use.
4. Construction of public facilities in the public right-of-way.
5. Temporary events as allowed in Chapter 11.04.

19.906.2 Applicability

A. Type I Review

The following development proposals must submit a development review application and are subject to the requirements of this section, unless explicitly stated otherwise in an

applicable land use approval, waived by the Planning Director at the time of development permit submittal, outright allowed, or exempted per Subsection 19.906.2.C.

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

B. Type II Review

The following development proposals must submit a development review application and are subject to the requirements of this section. Type II development review does not apply to development proposals in the downtown zones as these zones have a separate design review process.

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

C. Exemptions

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

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

19.910 RESIDENTIAL DWELLINGS

19.910.1 Accessory Dwelling Units

A. Purpose

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

B. Applicability

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

C. Procedures

An application to establish an accessory dwelling unit shall be ~~evaluated through a Type I review, per Section 19.1004, or a Type II review, per Section 19.1005, as per~~ outright permitted. Accessory dwelling units shall be subject to the standards of Table 19.910.1.E.4.B.

~~Where a detached accessory dwelling unit is proposed that would undergo a Type I review, properties adjoining the site shall receive mailed notice of the proposed development. The notice shall include a site plan, building elevations, and a description of the standards and review process for the development. The notice shall be mailed within 7 days of the date that the application is deemed complete per Subsection 19.1003.3.~~

D. Approval Standards and Criteria

1. An application for an accessory dwelling unit is allowed outright provided ~~reviewed through a Type I review shall be approved~~ if the following standards are met.
 - a. An accessory dwelling unit is an allowed use in the base zones, and any applicable overlay zones or special areas, where the accessory dwelling unit would be located.
 - ~~b. The primary use of property for the proposed accessory dwelling unit is a single-family detached dwelling.~~
 - eb. One accessory dwelling unit per lot is allowed.
 - ec. The development standards of Subsection 19.910.1.E are met.
 - ed. The proposal complies with all other applicable standards of this title.
- ~~2. An application for an accessory dwelling unit reviewed through a Type II review shall be approved if the following criteria are met.~~
 - ~~a. The standards in Subsection 19.910.1.D.1 are met.~~
 - ~~b. The accessory dwelling unit is not incompatible with the existing development on the site, and on adjacent lots, in terms of architectural style, materials, and colors.~~
 - ~~c. The massing of the accessory dwelling unit and its placement on the site maximizes privacy for, and minimizes impacts to, adjacent properties.~~

- ~~d. There will be an appropriate level of screening for nearby yards and dwellings, provided by the design of the accessory dwelling unit and existing and proposed vegetation and other screening.~~

E. Standards

1. Creation

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

2. Coordination of Standards

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

3. Standards for Attached Accessory Dwelling Units

The standards listed below apply to accessory dwelling units that are part of the primary structure on the property. ~~An attached accessory dwelling unit shall be reviewed by a Type I review per Subsection 19.1004.~~

a. Maximum Allowed Floor Area

The floor area of an attached accessory dwelling unit is limited to 800 sq ft or 75% of the floor area of the primary structure, whichever is less. The measurements are based on the floor areas of the primary and accessory dwelling units after completion of the accessory dwelling unit.

b. Design Standards

- (1) The façade of the structure that faces the front lot line ~~shall~~ must have only 1 entrance. A secondary entrance for the accessory dwelling unit is allowed on any other façade of the structure.
- (2) Stairs, decks, landings, or other unenclosed portions of the structure leading to the entrance of the accessory dwelling unit are not allowed on the façade of the structure that faces the front lot line.
- (3) Proposals for attached accessory dwelling units that would increase floor area through new construction are subject to the following design standards.
 - (a) The exterior finish on the addition ~~shall~~ must match the exterior finish material of the primary dwelling unit in type, size, and placement.
 - (b) Trim must be the same in type, size, and location as the trim used on the primary dwelling unit.
 - (c) Windows on street-facing façades must match those in the primary dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).
 - (d) Eaves must project from the building walls at the same proportion as the eaves on the primary dwelling unit.

4. Standards for Detached Accessory Dwelling Units

The standards in Subsection 19.901.1.E.4 apply to accessory dwelling units that are separate from the primary structure on the property. The design standards for detached accessory dwelling units require a minimum level of design. These standards are intended to promote attention to detail, while affording flexibility to use a variety of architectural styles.

a. Maximum Allowed Floor Area

The floor area of the accessory dwelling unit is limited to 800 sq ft or 75% of the floor area of the primary structure, whichever is less.

b. Footprint, Height, and Required Yards

The maximum structure footprint, height, and yard regulations for a detached accessory dwelling unit are listed in Table 19.910.1.E.4.b. Structures that exceed any of the maximums associated with a ~~Type I~~ Type B ADU review require Type II review. ~~Structures are not allowed to exceed any of the maximums associated with a Type II review without approval of a variance per Section 19.911.~~

Table 19.910.1.E.4.b Footprint, Height, and Required Yards for Detached Accessory Dwelling Units		
Standard	Type I <u>Type A ADU</u>	Type II <u>Type B ADU</u>
Maximum Structure Footprint	600 sq ft	800 sq ft
Maximum Structure Height	15', limited to 1 story	25', limited to 2 stories
Required Side and Rear Yard	<u>5 ft</u> Base zone requirement for side and rear yard	<u>Base zone requirement for side and rear yard</u> 5-ft
Required Front Yard	10' behind front yard as defined in Section 19.201, unless located at least 40' from the front lot line.	
Required Street Side Yard	Base zone requirement for street side yard	

c. Design Standards

- (1) A detached accessory structure ~~shall~~ must include at least ~~2~~ two of the design details listed below. An architectural feature may be used to comply with more than ~~4~~ one standard.
 - (a) Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.
 - (b) Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
 - (c) Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
 - (d) Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
 - (e) Window trim around all windows at least 3 in wide and 5/8 in deep.

- (2) An applicant may request a variance to the design standards in Subsection 19.901.1.E.4.c(1) through a Type II variance review, pursuant to Subsection 19.911.3.B.
- (3) An accessory dwelling unit structure with a floor-to-ceiling height of 9 ft or more is required to have a roof pitch of at least 4/12.
- (4) ~~A yurt may be used as a detached accessory dwelling unit and is exempt from the design standards of Subsection 19.901.1.E.4.c.(1). To be used as a detached accessory dwelling unit, a yurt must be approved as a dwelling by the Building Official, and must meet all other applicable development standards.~~

d. Privacy Standards

- (1) ~~Privacy standards are required for detached accessory dwelling units processed through a Type I review. A detached accessory dwelling unit permitted through a Type II review may be required to include privacy elements to meet the Type II review approval criteria.~~
 Privacy standards are required on or along wall(s) of a detached accessory dwelling unit, or portions thereof, that meet all of the following conditions.
 - (a) The wall is within 20 ft of a side or rear lot line.
 - (b) The wall is at an angle of 45 degrees or less to the lot line.
 - (c) The wall faces an adjacent residential property.
- (2) A detached accessory dwelling unit meets the privacy standard if either of the following standards is met.
 - (a) All windows on a wall shall must be placed in the upper third of the distance between a floor and ceiling.
 - (b) Visual screening is in place along the portion of a property line next to the wall of the accessory dwelling unit, plus an additional 10 lineal ft beyond the corner of the wall. The screening shall must be opaque; shall be at least 6 ft high; and may consist of a fence, wall, or evergreen shrubs. Newly planted shrubs shall must be no less than 5 ft above grade at time of planting, and they shall must reach a 6-ft high height within 1 year. Existing features on the site can be used to comply with this standard.

e. Conversion of Existing Structure

Creation of a detached accessory dwelling unit through conversion of an accessory structure legally established less than three (3) years before the time of the ADU permit submittal established on or after December 1, 2012, the effective date of Ordinance #2051, is required to meet all applicable standards for a new detached accessory dwelling unit.

Creation of a detached accessory dwelling unit through the conversion of an existing accessory structure that was legally established a minimum of three (3) years before the time of the ADU permit submittal prior to December 1, 2012, the effective date of Ordinance #2051, is allowed. The conversion must meet all standards that apply to creation of a new detached accessory dwelling, except for the design standards in Subsection 19.910.1.E.4.c. and the maximum structure

footprint. However, the floor area of the ADU must not exceed the maximum floor area standard in Subsection 19.910.1.D.4.a. However, the ~~The conversion shall~~ must not bring the accessory structure out of conformance, or further out of conformance if already nonconforming, with any design standards in that subsection.

F. Additional Provisions

~~1. Either the primary or accessory dwelling unit shall be occupied by the owner of the property. At the time an accessory dwelling unit is established, the owner shall record a deed restriction on the property with the Clackamas County Recording Division that 1 of the dwellings on the lot shall be occupied by the property owner. A copy of the recorded deed restriction shall be provided to the Milwaukie Planning Department.~~

~~The Planning Director may require verification of compliance with this standard. Upon the request of the Planning Director, the property owner shall provide evidence, such as voter registration information or account information for utility services, to demonstrate residence in 1 of the dwelling units.~~

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

23. Additional home occupations are allowed for a property with an accessory dwelling unit in accordance with the applicable standards of Section 19.507.

19.910.2 Duplexes

A. Purpose

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

B. Applicability

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

C. Review Process

~~1. The following review process is required for proposals to establish a duplex, either by construction of a new structure or conversion of, or addition to, an existing structure.~~

~~a. In Residential Zones R-5, R-3, R-2.5, R-2, R-1, R-1-B, and R-O-C, a duplex is allowed outright, subject to the lot size requirements for the zone. The review of applicable development and design standards that occurs during the review of a development permit. The approval criteria in Subsection 19.910.2.D are not applicable.~~

~~b. A duplex in Residential Zone R-10 or R-7 is allowed outright, subject to the lot size requirements for the zone, in either of the following situations. The review of applicable development and design standards occurs during the review of a development permit. The approval criteria in Subsection 19.910.2.D are not applicable.~~

- ~~(1) The property has frontage on a collector or arterial street, as identified by the Milwaukie Transportation System Plan.~~
- ~~(2) The property is a corner lot.~~
- ~~c. A duplex in Residential Zone R-10 or R-7 that is not eligible as an outright allowed use under Subsection 19.910.2.C.1.b is allowed through a Type II review per Section 19.1005.~~
- ~~d. A duplex in the Limited Commercial Zone C-L is allowed through a Type II review per Section 19.1005.~~
- ~~2. For additions or modifications to an existing duplex, the review of applicable development and design standards occurs during the review of a development permit. The approval criteria in Subsection 19.910.2.D are applicable.~~

~~D. Approval Criteria~~

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

19.911 VARIANCES

19.911.3 Review Process

B. Type II Variances

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

1. A variance of up to 40% to a side yard width standard.
2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.
3. A variance of up to 10% to lot coverage or minimum vegetation standards.
4. A variance of up to 10% to lot width or depth standards.
5. A variance of up to 10% to a lot frontage standard.

6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with Subsection 19.901.1.E.4.c.(1) in cases where a unique and creative housing design merits flexibility from the requirements of that subsection.
7. A variance to compliance with Subsection 19.505.7.C Building Design Standards in cases where a unique design merits flexibility from the requirements of that subsection.
8. A variance to fence height to allow up to a maximum of 6 ft for front yard fences and 8 ft for side yard, street side yard, and rear yard fences. Fences shall meet clear vision standards provided in Chapter 12.24.
9. A variance of up to a 25% increase in the size of a Type B Accessory Dwelling unit as identified in Subsection 19.910.1.E.4.
10. A variance to interior height of a garage in a cottage cluster to allow up to a maximum of 15 ft for cases that would use space saving parking technology (e.g., interior car stacking) that might require additional interior height.

19.1001 GENERAL PROVISIONS

19.1001.4 Review Types

All land use applications have both a review type and an application type. This chapter establishes the review procedures associated with each review type. Chapter 19.900 contains a list of application types and their associated review types.

A. Review Types

There are five types of review: Types I, II, III, IV, and V. Table 19.901 contains a list of the City's land use applications and their associated review types. In addition there are land uses that are allowed outright. These land uses do not require land use review and are only required to obtain a building permit.

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