

19.304 DOWNTOWN ZONES

19.304.1 Purpose

The downtown zones are Downtown Mixed Use Zone DMU and Open Space Zone OS. The zones are shown on Figure 19.304-1. These zones implement the Town Center and Public land use designations in the Milwaukie Comprehensive Plan. The downtown zones implement the Downtown and Riverfront Land Use Framework Plan and Milwaukie Comprehensive Plan.

The downtown and riverfront area is envisioned as the focus of the community. Two zones are designated to distinguish between areas intended for public open space and those intended for downtown development. Specific use, development, and design standards are adopted for the downtown zones to assure an active, attractive, and accessible environment for shoppers, employees, and residents.

A. Downtown Mixed Use (DMU)

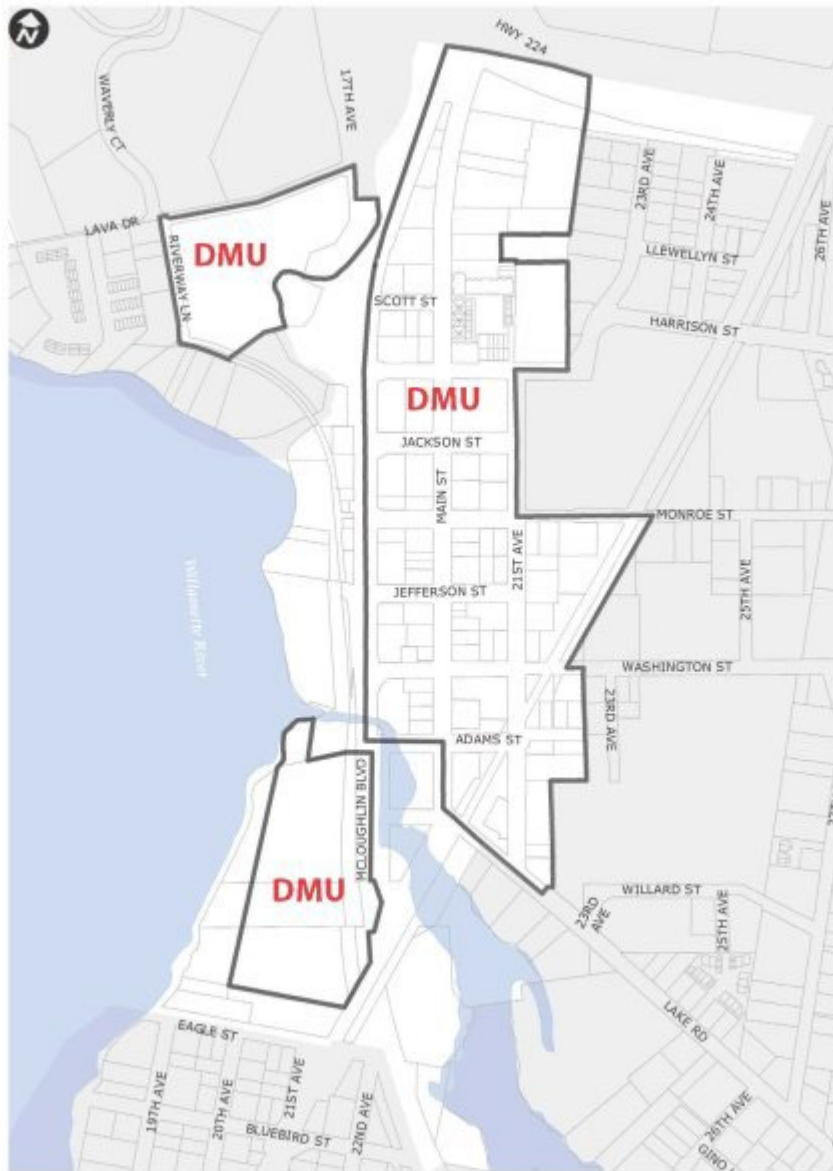
The Downtown Mixed Use Zone provides for a wide range of uses—including retail, office, commercial, and residential—that will bring visitors to the downtown to live, work, shop, dine, and recreate. The desired character for this zone is a pedestrian-friendly and vibrant urban center, with a prominent main street and connections to the riverfront, and which includes buildings that are built to the right-of-way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots.

B. Open Space (OS)

The Open Space Zone provides a specific zone to accommodate open space, park, and riverfront uses. The Open Space Zone is generally applied to lands that are in public ownership along the Willamette River, Kellogg Creek, Spring Creek, and Johnson Creek in the downtown area. The desired character for the Open Space Zone includes parkland, open space, and riverfront amenities.

Figure 19.304-1
Downtown Zoning

FIGURE 19.304 -1- DOWNTOWN ZONING



19.304.2 Uses

A. Permitted Uses

Uses allowed in the downtown zones are listed in Table 19.304.2 with a “P.” These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

B. Conditional Uses

Uses listed in Table 19.304.2 as “CU” are permitted only as conditional uses in conformance with Section 19.905. Type III review is required to establish a new CU or for major modification of an existing CU. Type I review is required for a minor modification of an existing CU.

C. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards for the downtown zones may continue in existence. Alteration or expansion of a nonconforming use, structure, or development that brings the use, structure, or development closer to compliance may be allowed through a Type II downtown design review pursuant to Section 19.907. Alteration or expansion of a nonconforming use or structure that does not bring the use or structure closer to compliance may be allowed through a Type III Variance pursuant to Section 19.911. Except where otherwise stated in this section, the provisions of Chapter 19.800 Nonconforming Uses and Development apply.

D. Prohibited Uses

Uses listed in Table 19.304.2 with an “N,” or uses not listed below, are prohibited as new uses. In addition, drive-through facilities are prohibited in the downtown zones.

E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards. Accessory uses include but are not limited to restrooms in City parks and refreshment stands at the library.

F. Similar Uses

Similar uses not listed in Table 19.304.2 may be allowed through a Director determination pursuant to Section 19.903.

**Table 19.304.2
Uses Allowed in Downtown Zones**

Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Residential			
Boarding house	CU	N	Section 19.905 Conditional Uses
Rowhouse <u>Townhouse</u>	P	N	Subsection 19.304.3.A.1 Downtown residential use limitations Figure 19.304-2 <u>Downtown Residential Use Limitations</u> Subsection 19.505.5 Rowhouses <u>Townhouses</u>
Multifamily	P	N	Figure 19.304-2 Ground-Floor Residential Permitted <u>Downtown Residential Use Limitations</u> Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.3 Multifamily Housing
Live/work units	P	N	Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.6 Live/Work Units
Second-story housing	P	N	Section 19.508 Downtown Site and Building Design Standards
Senior and retirement housing	P	N	Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.3 Multifamily Housing
Commercial			
<p>Traditional office</p> <p>Traditional office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic.</p> <p>Examples include: professional services such as lawyers, architects, or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.</p>	P/CU	N	Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses

**Table 19.304.2 CONTINUED
Uses Allowed in Downtown Zones**

Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Commercial CONTINUED			
<p>Production-related office</p> <p>Production-related office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, research, production, processing, packaging, or assembly of goods and products.</p> <p>Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; call centers, marijuana testing and research facilities, and medical and dental labs.</p>	P/CU	N	<p>Subsection 19.304.3.A.2 Main Street limitations</p> <p>Subsection 19.304.3.A.3 Commercial use limitations</p> <p>Subsection 19.509.2 Security and odor control for certain marijuana business</p> <p>Section 19.905 Conditional Uses</p> <p>Note: Production, processing, packaging, and assembly uses must meet the standards listed below under Manufacturing.</p>
<p>Eating and drinking establishment</p> <p>Eating and drinking establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeaway.</p> <p>Examples include restaurants, delicatessens, retail bakeries, taverns, brewpubs, coffee shops, concession stands, wine bars, and espresso bars.</p>	P/CU	CU	<p>Subsection 19.304.3.A.3 Commercial use limitations</p> <p>Section 19.905 Conditional Uses</p>
<p>Indoor recreation</p> <p>Indoor recreation consists of facilities providing active recreational uses of a primarily indoor nature.</p> <p>Examples include gyms; dance studios; tennis, racquetball, and soccer centers; recreational centers; skating rinks; bowling alleys; arcades; shooting ranges; and movie theaters.</p>	P/CU	N	<p>Subsection 19.304.3.A.3 Commercial use limitations</p> <p>Section 19.905 Conditional Uses</p>

**Table 19.304.2 CONTINUED
Uses Allowed in Downtown Zones**

Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Commercial CONTINUED			
<p>Retail-oriented sales</p> <p>Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.</p> <p>Examples include stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media.</p>	P/CU	P/CU	<p>Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses</p>
<p>Personal/business services</p> <p>Personal/business services are involved in providing consumer services.</p> <p>Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.</p>	P/CU	N	<p>Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses</p>
<p>Repair-oriented</p> <p>Repair-oriented uses are establishments providing product repair of consumer and business goods.</p> <p>Examples include repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, office equipment, tailors and seamstresses, shoe repair, locksmiths, upholsterers, and some automobile service and repair.</p>	P/CU	N	<p>Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses</p>
<p>Day care</p> <p>Day care is the provision of regular child care, with or without compensation, to 4 or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all State requirements.</p> <p>Examples include nursery schools, before- and after-school care facilities, and child development centers.</p>	P	N	<p>Subsection 19.304.3.A.5 Day care limitation</p>

**Table 19.304.2 CONTINUED
Uses Allowed in Downtown Zones**

Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Commercial CONTINUED			
<p>Commercial lodging Commercial lodging includes for-profit residential facilities where tenancy is typically less than 1 month. Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments. Does not include senior and retirement housing.</p>	P/CU	N	Section 19.905 Conditional Uses (for vacation rentals only)
<p>Parking facility Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a parking facility. Examples include short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking.</p>	CU	P	Subsection 19.304.3.A.6 OS Zone parking limitations Section 19.905 Conditional Uses Chapter 19.600 Off-Street Parking and Loading
<p>Marijuana retailer Marijuana retailer means a state-licensed business that sells or distributes marijuana and marijuana-derived products to consumers. A marijuana retailer may sell or distribute recreational or medical marijuana.</p>	P/CU	N	Subsection 19.509.1 Standards for Marijuana Retailers
Manufacturing			
<p>Manufacturing and production Uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; marijuana processors; weaving or production of textiles or apparel; woodworking, including cabinet makers; manufacture or assembly of machinery, equipment, instruments (including musical instruments), vehicles, appliances, precision items, and other electrical items; and production of artwork and toys.</p>	P	N	Subsection 19.304.3.A.8 Manufacturing and production limitations Subsection 19.509.2 Security and odor control for certain marijuana businesses

**Table 19.304.2 CONTINUED
Uses Allowed in Downtown Zones**

Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Institutional			
Parks and open space Parks and open space uses are lands focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few buildings. Examples include parks, public squares, plazas, recreational trails, botanical gardens, farmers markets, boat launching areas, nature preserves, and community gardens.	P	P	
Community service uses	CSU	CSU	Section 19.904 Community Service Uses
Accessory and Other			
Accessory use	P	P	Subsection 19.304.2.E Accessory Uses Section 19.503 Accessory Uses
Home occupation	P	N	Section 19.507 Home Occupation Standards
Short-term rentals	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.

19.304.3 Use Limitations, Restrictions, and Provisions

A. Use Limitations and Restrictions

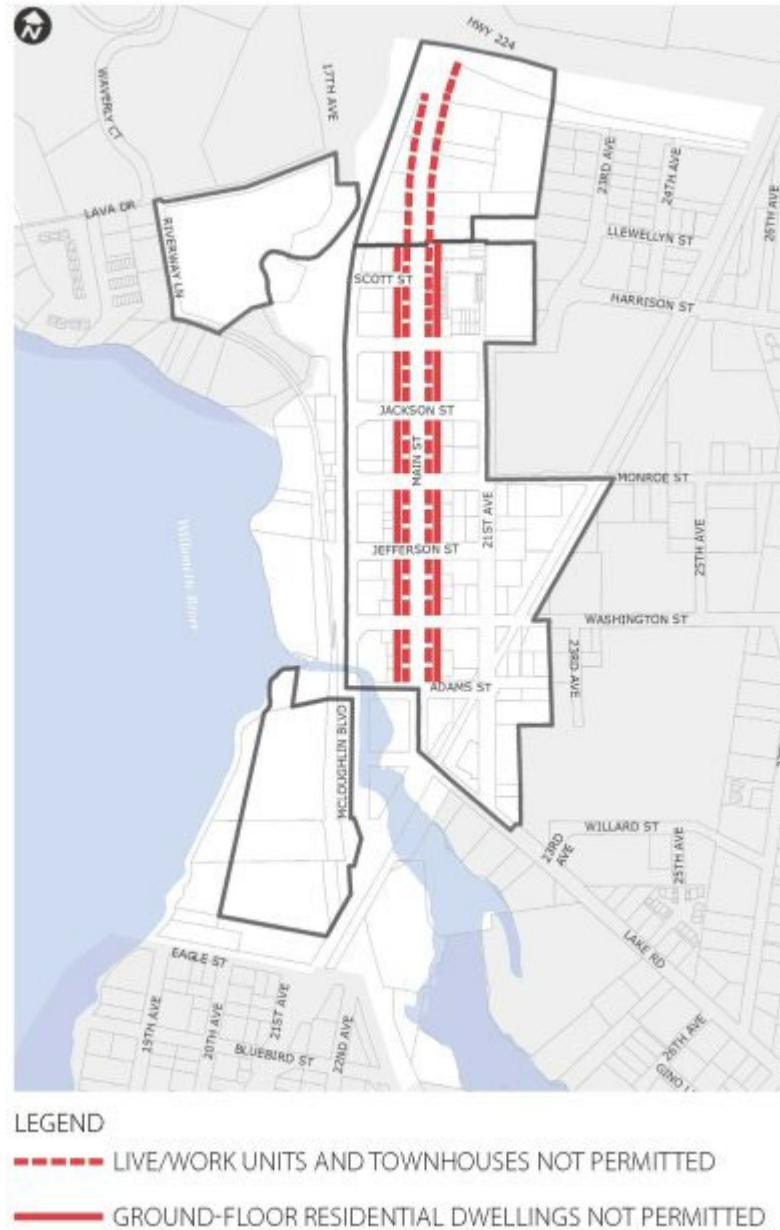
The following provisions describe the limitations for uses listed in Table 19.304.2.

1. Residential uses are permitted throughout downtown Milwaukie, subject to the following limitations and as shown in Figure 19.304-2.
 - a. Along Main Street south of the intersection with Scott Street, as shown in Figure 19.304-2, residential dwellings are only allowed on the second floor or above; they are not permitted on the ground floor. Lobbies for upper-level dwellings are allowed on the ground floor only if a commercial use is located along a majority of the property's street frontage.

- b. ~~Lobbies for upper-level dwellings are allowed on the ground floor only if a commercial use is located along a majority of the property's street frontage.~~ Along Main Street ~~n~~North of the intersection with Scott Street and on all other streets, residential dwellings and/or lobbies are permitted anywhere on the ground floor along Main Street.
- c. Live/work units and ~~rowhouses~~ townhouses are not permitted on Main Street.

Figure 19.304-2
Downtown Residential Use Limitations

FIGURE 19.304 -2- MAIN STREET GROUND-FLOOR RESIDENTIAL PERMITTED



2. Production-related office uses are not permitted on the ground floor along Main Street.
3. Commercial uses are permitted throughout downtown, subject to the following limitations:
 - a. In the ~~Downtown Mixed-Use DMU Zone~~, the following uses are limited to 20,000 sq ft in floor area per use on the ground floor.

- (1) Traditional office
 - (2) Eating/drinking establishments
 - (3) Indoor recreation
 - (4) Retail-oriented sales
 - (5) Personal-service-oriented
 - (6) Repair-oriented
- b. In the ~~Open Space~~ OS Zone, retail-oriented sales are limited to 20,000 sq ft in floor area per use on the ground floor.
 - c. Uses listed in Subsections 19.304.3.A.3.a-b that are larger than 20,000 sq ft in floor area on the ground floor may be approved through a conditional use review pursuant to Section 19.905.
 - d. In the DMU Zone, production-related office uses are limited to 20,000 sq ft in total area.
 - e. Uses listed in Subsection 19.304.3.A.3.d that are larger than 20,000 sq ft in total area may be approved through conditional use review pursuant to Section 19.905.
4. Automobile/motor vehicle repair (excluding body and fender repair and painting) is permitted in the ~~Downtown Mixed-Use~~ DMU Zone only when conducted within a completely enclosed building.
 5. Day care and childcare uses are limited to 5,000 sq ft.
 6. Parking facilities in the ~~Open Space~~ OS Zone are limited to surface lots that are intended primarily for the users of the related park or open space.
 7. Manufacturing and production uses are limited to 5,000 sq ft in floor area per use on the ground floor and are only permitted when associated with, and accessory to, a related retail-oriented sales or eating/drinking establishment use. For purposes of this subsection, manufacturing and production involve goods that are sold or distributed beyond or outside of the associated on-site eating or drinking establishment or retail trade use. For example, a brewing facility that distributes or sells its products elsewhere would be considered a manufacturing and production use, while a restaurant kitchen that prepares food that is purchased on-site would not be considered manufacturing or production. Marijuana production is prohibited.

B. Use Provisions

1. The limit of 4 consecutive ~~rowhouses~~ townhouses established in Subsection 19.505.5.D does not apply in the DMU Zone. In the DMU Zone, there is no limit on the number of consecutive ~~rowhouses~~ townhouses.

19.304.4 Development Standards

In the downtown zones, the development standards in Table 19.304.4 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 19.304.5.

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

The development standards address several issues of particular importance to maintaining the appropriate character for the downtown. Table 19.304.4 summarizes some of the development standards that apply downtown. Development standards are presented in full in Subsection 19.304.5.

Table 19.304.4 Downtown Zones—Summary of Development Standards			
Standard	DMU	OS	Standards/ Additional Provisions
A. Lot Standards			
1. Minimum lot size (sq ft)	750	None	
2. Minimum street frontage (ft)	15	None	Section 19.201 Definitions
B. Development Standards			
1. Floor area ratio a. Minimum b. Maximum	0.5:1–1:1 4-6:1 (FAR bonus available)	None None	Section 19.201 Definitions Subsection 19.304.5.A Floor Area Ratios Figure 19.304-3 Minimum Floor Area Ratios Subsection 19.611.4 Incentives for Provision of Structured Parking
2. Building height (ft) a. Minimum b. Maximum	25 45– 60 –55 (height bonus available)	None 15	Subsection 19.304.5.B Building Height Figure 19.304-4 Base Maximum Building Heights Subsection 19.304.5.I Transition Measures Subsection 19.304.5.B.3 Height Bonuses Section 19.510 Green Building Standards Subsection 19.911.6 Building Height Variance in the Downtown Mixed Use Zone
3. Flexible ground floor space	Yes, where applicable	None	Subsection 19.304.5.C Flexible Ground Floor Space
43. Street setbacks/build to lines (ft) a. Minimum street setback b. Maximum street setback c. Side and rear setbacks	0 10–20 None	0 None None	Figure 19.304-5 First Floor Build To Lines Subsection 19.304.5.DC Street Setbacks/Build To Lines Subsection 19.304.5.I Transition Measures Subsection 19.501.2 Yard Exceptions

**Table 19.304.4 CONTINUED
Downtown Zones—Summary of Development Standards**

Standard	DMU	OS	Standards/ Additional Provisions
B. Development Standards CONTINUED			
5. Frontage occupancy requirements	50-90%	None	Subsection 19.304.5.E Frontage Occupancy Requirements Figure 19.304.6 Minimum Frontage Occupancy
6. Primary entrances	Yes	No	Subsection 19.304.5.F Primary Entrances
74. Off-street parking required	Yes, where applicable	Yes, where applicable	Subsection 19.304.5.GD Off-Street Parking Chapter 19.600 Off-Street Parking and Loading
8. Open space	Yes, where applicable	Yes, where applicable	Subsection 19.304.5.H Open Space Subsection 19.508.4.G Open Space/Plazas
9. Transition measures	Yes, where applicable	No	Subsection 19.304.5.I Transition Measures Subsection 19.504.6 Transition Area Measures
C. Other Standards			
1. Residential density requirements (dwelling units per acre)			Subsection 19.202.4 Density Calculations Subsection 19.304.5.JE Residential Density Subsection 19.501.4 Density Exceptions
a. Rowhouses-Townhouses and live/work units			
(1) Minimum	40-25	None-n/a	
(2) Maximum	None	None-n/a	
b. Stand-alone multifamily			
(1) Minimum	30	None-n/a	
(2) Maximum	None	None-n/a	
c. Mixed-use buildings	None	None-n/a	
2. Signs	Yes	Yes	Section 14.16.060 Downtown Zones

Table 19.304.4 is supplemented by the explanation of the development standards provided in Subsection 19.304.5 below, and the following figures:

Figure 19.304-3 Minimum Floor Area Ratios

Figure 19.304-4 Base Maximum Building Heights

Figure 19.304-5 First Floor Build-To Lines

Figure 19.304-6 Minimum Frontage Occupancy

Figure 19.304-3
Minimum Floor Area Ratios

FIGURE 19.304 -3- MINIMUM FLOOR AREA RATIOS

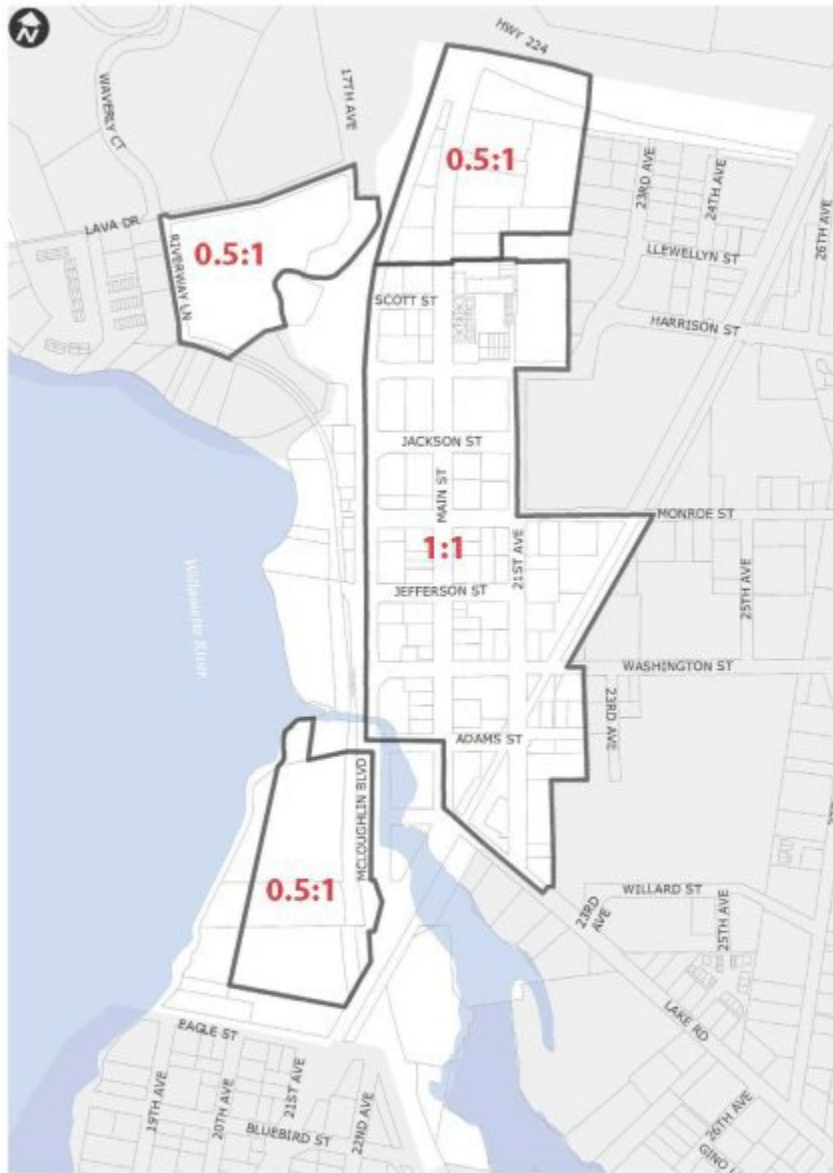
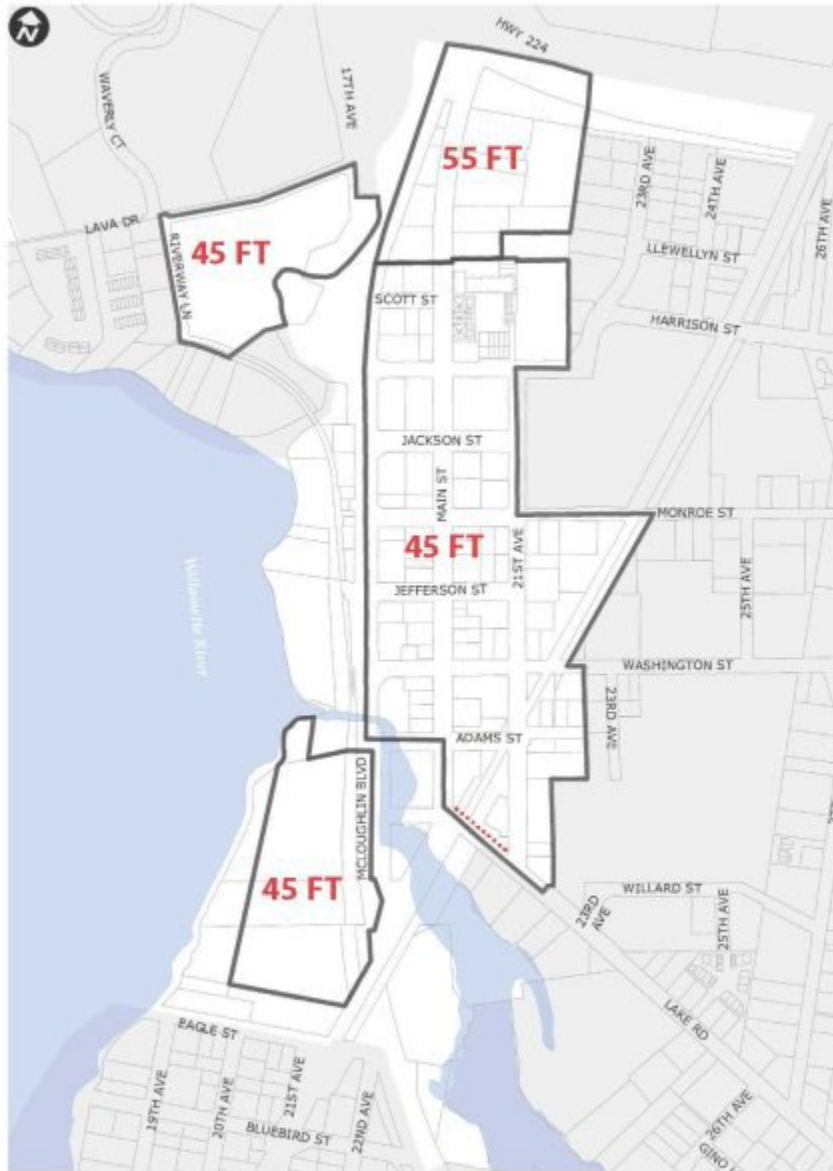


Figure 19.304-4
Base Maximum Building Heights

FIGURE 19.304 -4- BASE MAXIMUM BUILDING HEIGHTS



[delete the four following existing maps]



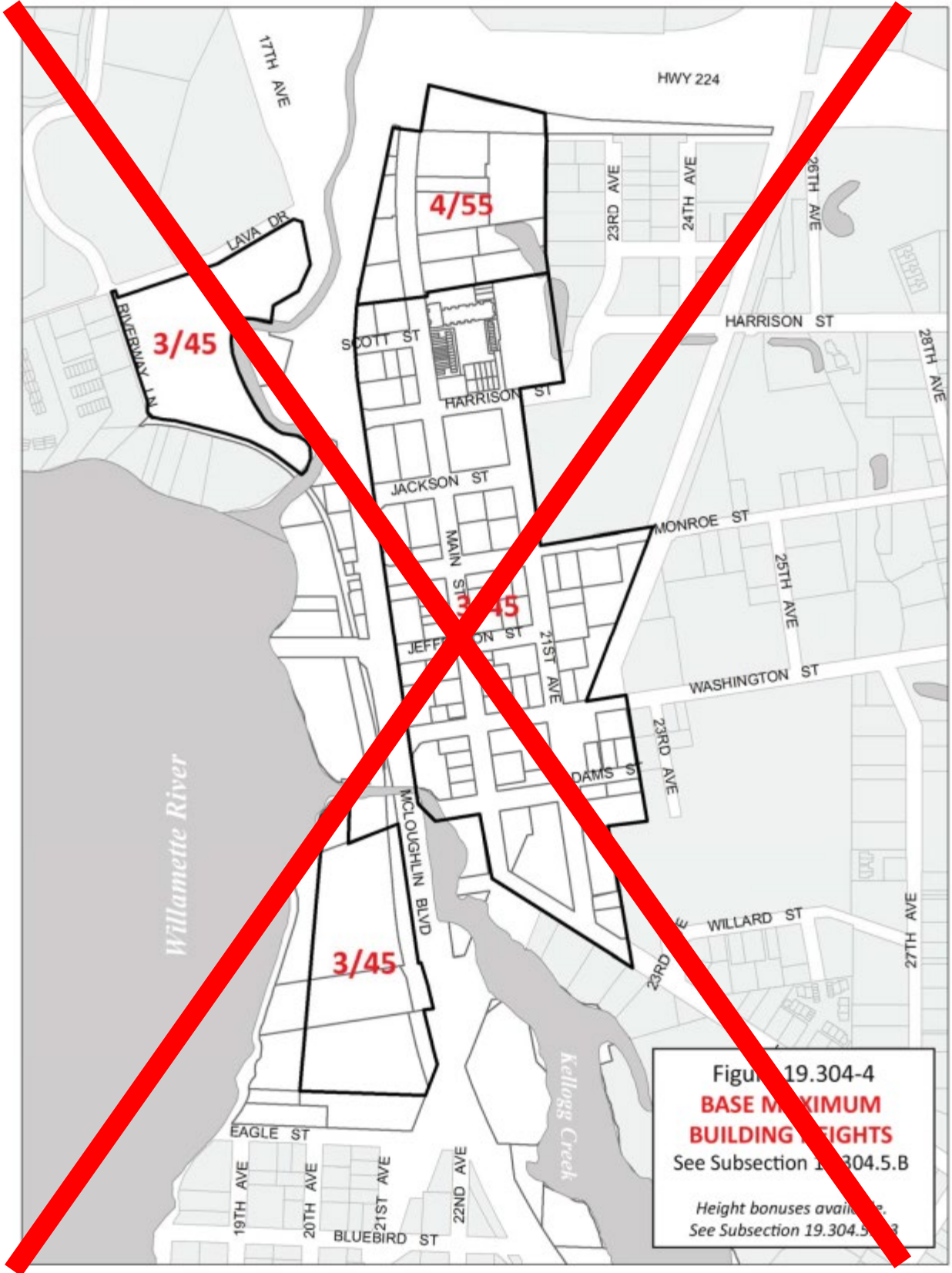


Figure 19.304-4
BASE MAXIMUM BUILDING HEIGHTS
See Subsection 19.304.5.B
Height bonuses available. See Subsection 19.304.5.C





19.304.5 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.304.4.

A. Floor Area Ratios

1. Intent

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum floor area ratios help to ensure that the intensity of development is controlled and that more intense forms are confined to appropriate areas of the downtown. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

2. Standards

- a. The minimum floor area ratios in Subsection 19.304.4.B.1 apply to all nonresidential building development. Stand-alone residential densities are controlled by minimum density requirements.
- b. Required minimum floor area ratios shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.
- d. FAR bonuses are available for provision of structured parking per Subsection 19.611.4.

3. Exemptions

The following are exempt from the minimum floor area ratio requirement.

- a. Parking facilities
- b. Public parks and plazas

B. Building Height

1. Intent

Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. A minimum building height is established to ensure that the traditional building scale for the downtown area is maintained.

2. Standards

- a. The minimum building height standards apply to new commercial, office, residential, and mixed-use buildings.
- b. Minimum building heights are specified in Table 19.304.4. The minimum building height of 25 ft shall be met along all street frontages for a depth of at least 25 ft from the front of the building.

- c. Base maximum building heights are specified in Figure 19.304-4. Height bonuses are available for buildings that meet the standards of Subsection 19.304.5.B.3.

3. Height Bonuses

To incentivize the provision of additional public amenities or benefits beyond those required by the baseline standards, height bonuses are available for buildings that include desired public amenities or components; increase downtown vibrancy; and/or help meet sustainability goals.

A building can utilize up to ~~2~~two of the development incentive bonuses of this subsection, for a total of ~~2 stories or~~ 24 ft of additional height, ~~whichever is less,~~ above the height maximum specified in Figure 19.304-4.

Height bonuses cannot be applied within 50 ft of the moderate density residential (R-MD) zone.

a. Residential

New buildings that devote at least one story or 25% of the gross floor area to residential uses are permitted ~~4 additional story or~~ an additional 12 ft of building height, ~~whichever is less.~~ The residential height bonus cannot be used in combination with the lodging height bonus.

b. Lodging

New buildings that devote at least one story, or 25% of the gross floor area, to lodging uses are permitted ~~4 additional story, or~~ an additional 12 ft of building height, ~~whichever is less.~~ The lodging height bonus cannot be used in combination with the residential height bonus.

c. Green Building

Project proposals that receive approvals and certification as identified in Section 19.510 are permitted ~~4 additional story or~~ an additional 12 ft of building height, ~~whichever is less.~~

d. Building Height Variance

Additional building height may be approved through Type III variance review, per Subsection 19.911.6 Building Height Variance.

4. Exemptions

The following are exempt from the minimum building height standards.

- a. Additions to existing buildings.
- b. Accessory structures.
- c. Buildings with less than 1,000 sq ft of floor area.

~~G. Flexible Ground-Floor Space~~

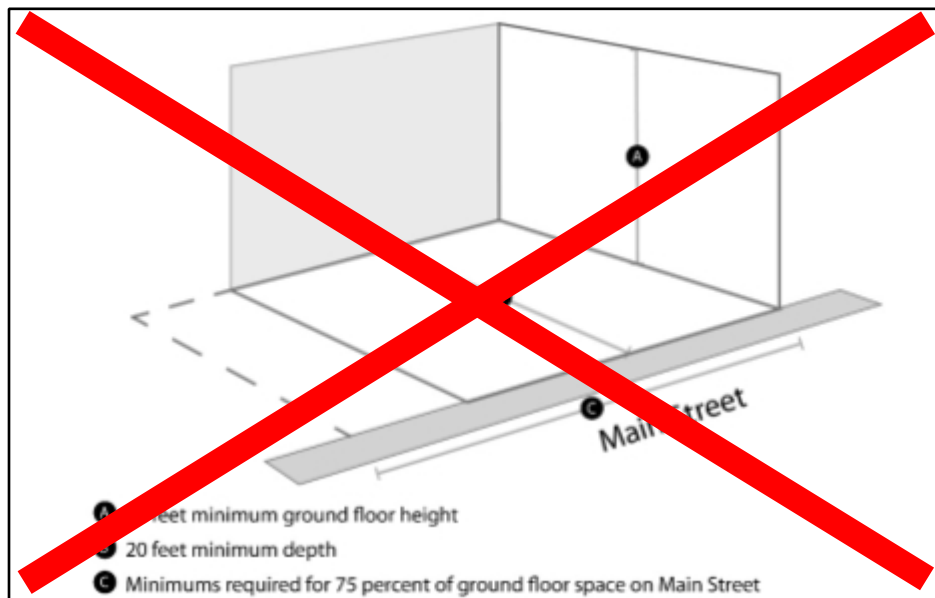
~~1. Intent~~

~~To ensure that new buildings in the downtown are designed and constructed to accommodate active uses such as retail and eating/drinking establishments.~~

~~2. Standards~~

- a. ~~This standard applies to new buildings fronting Main St.~~
- b. ~~This standard is met when at least 75% of the ground floor space in a new building meets the following requirements.~~
 - (1) ~~The ground floor height must be at least 14 ft, as measured from the finished floor to the ceiling, or from the finished floor to the bottom of the structure above (as in a multistory building). The bottom of the structure above is the lowest portion of the structure and includes supporting beams, and any heating, ventilation and/or fire suppression sprinkler systems.~~
 - (2) ~~The interior floor area adjacent to Main St must be at least 20 ft deep, as measured from the inside building wall or windows facing Main St.~~

Figure 19.304.5.C.2
Flexible Ground Floor Space Standards



3. ~~Exemptions~~

~~Stand-alone residential buildings on Main St as specified in Figure 19.304-2 are exempt from this requirement.~~

DC. ~~Street Setbacks/Build-To-Lines~~

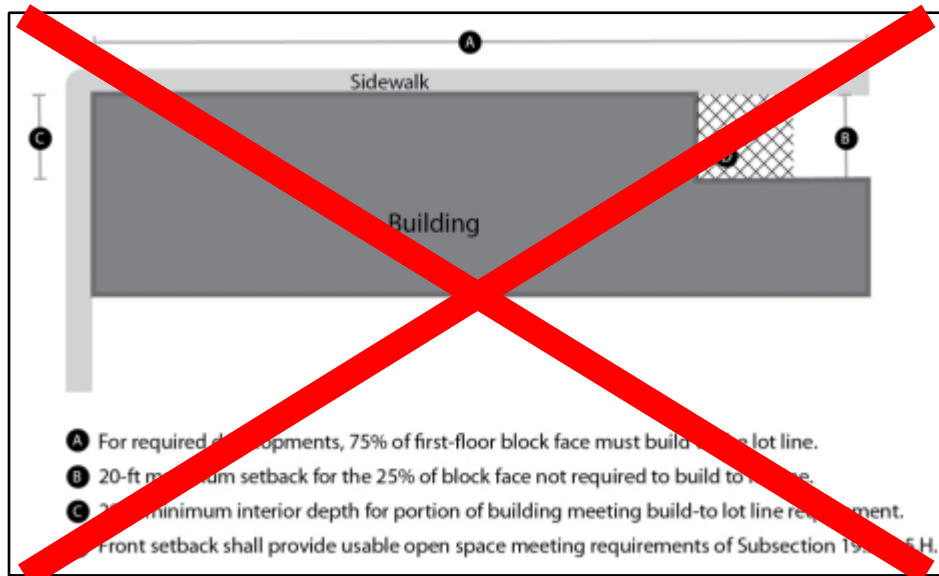
1. Intent

Buildings are allowed and encouraged to build up to the street right-of-way in the DMU Zone to ensure that the ground floors of buildings engage the street right-of-way. ~~Required build-to-lines are used in combination with the frontage occupancy requirements of Subsection 19.304.5.E and are established in specific areas of the downtown to ensure that the ground floors of buildings engage the street right-of-way (see Figure 19.304-5). The build-to-line ensures compatibility and harmony between buildings, enabling a series of different buildings to maintain or establish a continuous vertical street wall.~~

2. Standards

- a. No minimum street setbacks are required.
- b. Minimum setbacks are used in combination with the Site Frontage design element in Subsection 19.508.4.A.
- ~~b. First floor build to lines (required zero setbacks) are established for block faces identified on Figure 19.304-5. The build to line applies to the portion of the building that is subject to the frontage occupancy requirements of Subsection 19.304.5.E as follows:
 - (1) ~~For those block faces identified on Figure 19.304-5, 75% of the first floor shall be built to the front lot line (zero setback). The remaining 25% may be set back from the front lot line a maximum of 20 ft. The front setback shall provide usable open space, such as a public plaza or pedestrian amenities, that meets the requirements of Subsection 19.304.5.H.~~~~

**Figure 19.304.5.D.2.b(1&3)
First-Floor Build-To Lines
for Block Faces Identified on Figure 19.304-5**



- (2) ~~For other block faces, there is no build to line requirement and the maximum setback shall be 10 ft. The front setback shall provide usable open space that meets the requirements of Subsection 19.304.5.H.~~
- (3) ~~The portions of the building used to meet the build to line requirement in (1) above shall have a depth of at least 20 ft.~~

3. Exemption

The DMU Zone is exempt from the clear vision area requirements of Chapter 12.24 of the Milwaukie Municipal Code, with the exception of driveway and street intersections with McLoughlin Blvd.

~~E. Frontage Occupancy~~

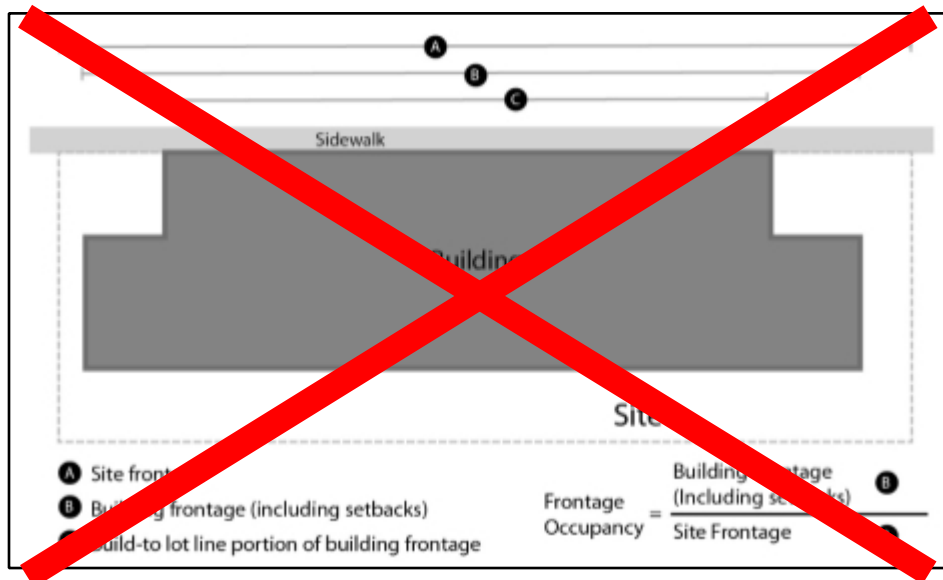
~~1. Intent~~

~~To ensure that buildings are used to create a “street wall” that contributes to a walkable and pedestrian-friendly environment.~~

~~2. Standards~~

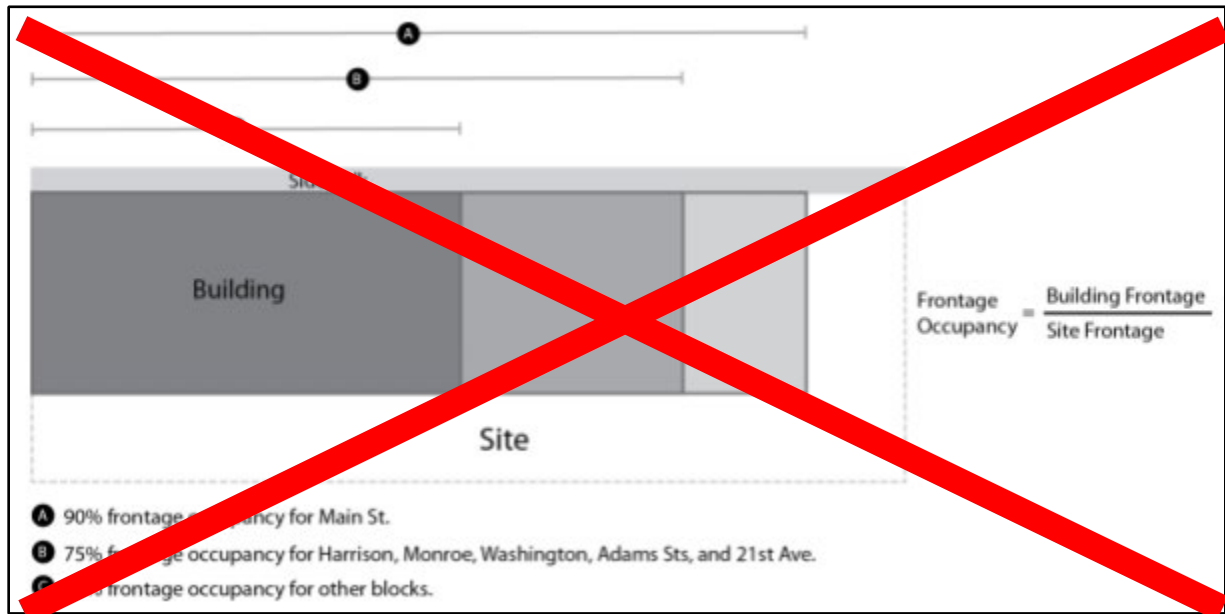
~~Minimum frontage occupancy requirements are established for block faces identified on Figure 19.304-6. Frontage occupancy requirements are used in combination with the required build-to line of Subsection 19.304.5.D. The frontage occupancy requirements apply as follows:~~

~~**Figure 19.304.5.E.2**
Frontage Occupancy Requirements and Build-To Line~~



- ~~a. For block faces that front on Main St, 90% of the site frontage must be occupied by a building or buildings. If the development site has frontage on Main St and another street, the frontage occupancy requirement must be met on Main St only.~~
- ~~b. For block faces that front on Harrison, Monroe, Washington, and Adams Sts and 21st Ave, 75% of the site frontage must be occupied by a building or buildings. Except for Subsection 19.304.5.E.2.a above, if the development site has frontage on one of the streets listed here and another street, the frontage occupancy requirement must be met on the streets listed here only.~~
- ~~c. For other block faces, 50% of the site frontage must be occupied by a building or buildings. Except for Subsections 19.304.5.E.2.a b above, if the development site has frontage on more than one street, the frontage occupancy requirement must be met on one street only.~~

Figure 19.304.5.E.2.a-c
Frontage Occupancy Requirements



d. ~~Building façades with recesses incorporated to comply with façade articulation requirements are considered to be occupying the site frontage if the recesses do not exceed 24 in.~~

F. ~~Primary Entrances~~

1. ~~Intent~~

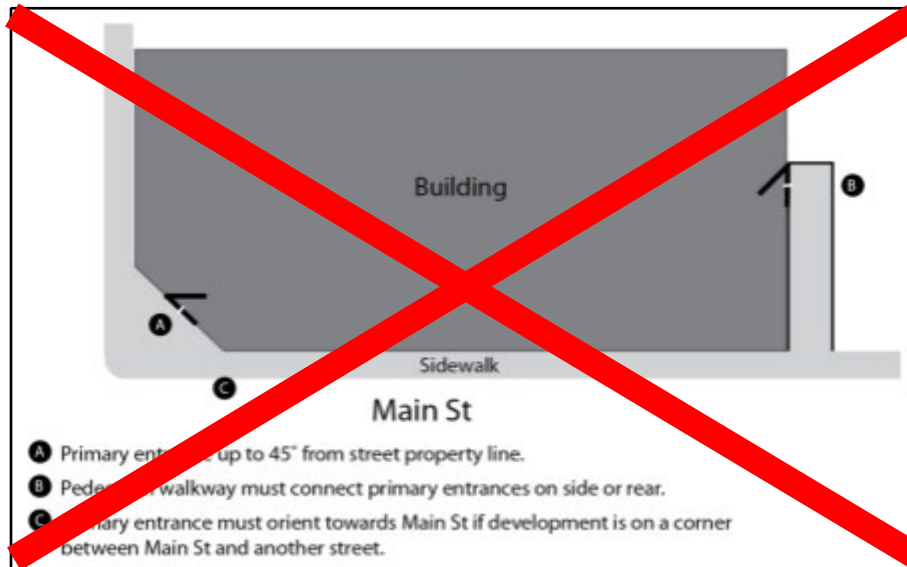
~~To promote pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.~~

2. ~~Standards~~

- a. ~~All new buildings shall have at least one primary entrance facing an abutting street (i.e., within 45° of the street property line) or, if the building entrance must be turned more than 45° from the street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk.~~
- b. ~~Where a development contains multiple buildings and there is insufficient street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to plaza, courtyard, or similar pedestrian space containing pedestrian amenities. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway.~~
- c. ~~If a development is on the corner of Main St and another street, the primary entrance shall be oriented toward Main St. If the development is on the~~

~~corner of McLoughlin Blvd and another street, the primary entrance may be oriented toward either street.~~

**Figure 19.304.5.F.2
Primary Entrance Standards**



GD. Off-Street Parking

1. Intent

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

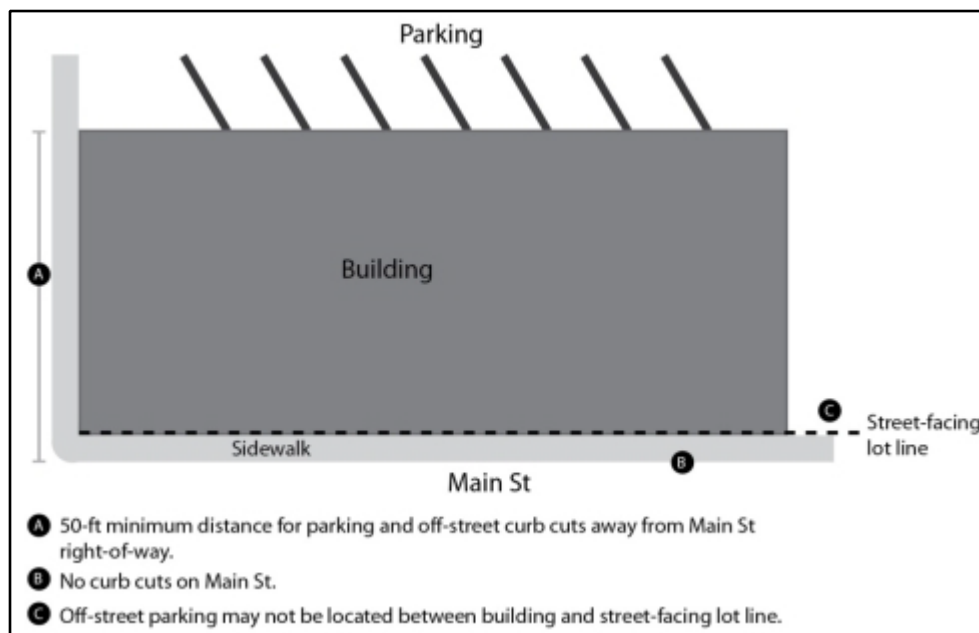
2. Standards

- a. Off-street parking for residential uses is required at the ratios established in Table 19.605.1. All other applicable standards of Chapter 19.600 apply.
- b. No off-street parking is required for nonresidential uses. If off-street parking is provided for nonresidential uses, the parking maximums in Table 19.605.1 shall apply. All other applicable standards of Chapter 19.600 shall also apply.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main Street right-of-way. Off-street surface parking lots approved prior to October 31, 2015, the effective date of Ordinance #2106, are exempt from this prohibition. This exemption applies only to the property owner on file with the Clackamas County Assessor as of October 31, 2015, the effective date of Ordinance #2106, and is dissolved upon transfer of ownership.

The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main Street right-of-way only upon finding, through Type III Variance review pursuant to Section 19.911, that:

- (1) The overall project meets the intent of providing a continuous façade of buildings close to Main Street.
 - (2) The off-street parking area or curb cut is visually screened from view from Main Street.
 - (3) The community need for the off-street parking area or curb cut within 50 ft of Main Street outweighs the need to provide a continuous façade of buildings in that area.
- d. Off-street parking shall not be located between a building and the street-facing lot line.

**Figure 19.304.5.G-D.2
Off-Street Parking Standards**



3. Exemptions

All nonresidential uses are exempt from the off-street parking requirements.

H. Open Space

1. Intent

To provide amenities for downtown visitors and residents, promote livability, and help soften the effects of built and paved areas.

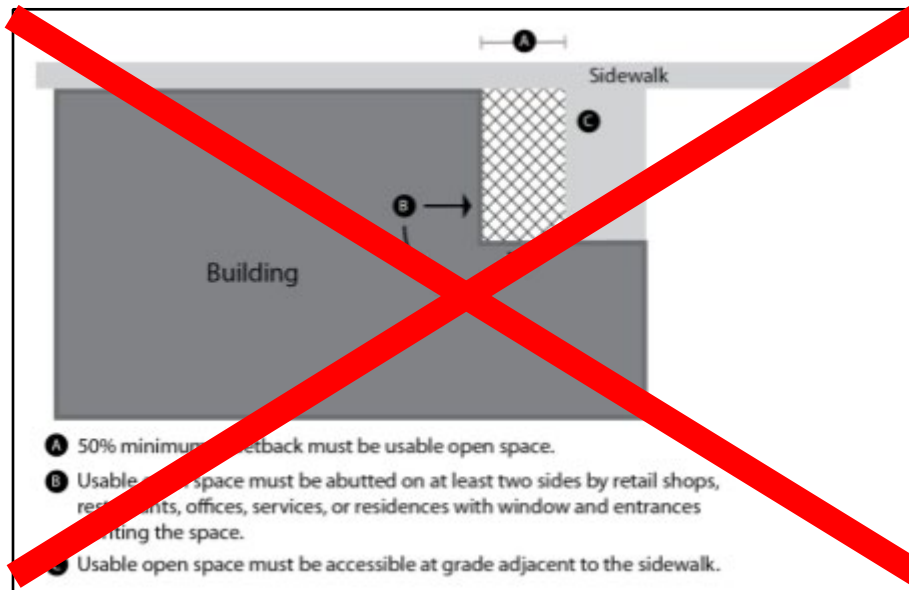
2. Standards

- a. When a building is set back from the sidewalk, at least 50% of the setback area shall provide usable open space, such as a public plaza or pedestrian amenities, that meets the standards of this subsection. Building setbacks cannot exceed the maximum setbacks established by Subsection

~~19.304.5.D and the frontage occupancy requirements of Subsection 19.304.5.E.~~

- ~~b. Usable open space shall be abutted on at least two sides by retail shops, restaurants, offices, services, or residences with windows and entrances fronting on the space.~~
- ~~c. Usable open space must be accessible at grade adjacent to the sidewalk.~~
- ~~d. Open space may be hardscaped or landscaped, including plazas, courtyards, gardens, terraces, outdoor seating, and small parks.~~

**Figure 19.304.5.H.2
Open Space Standards**



~~1. Transition Measures~~

~~1. Intent~~

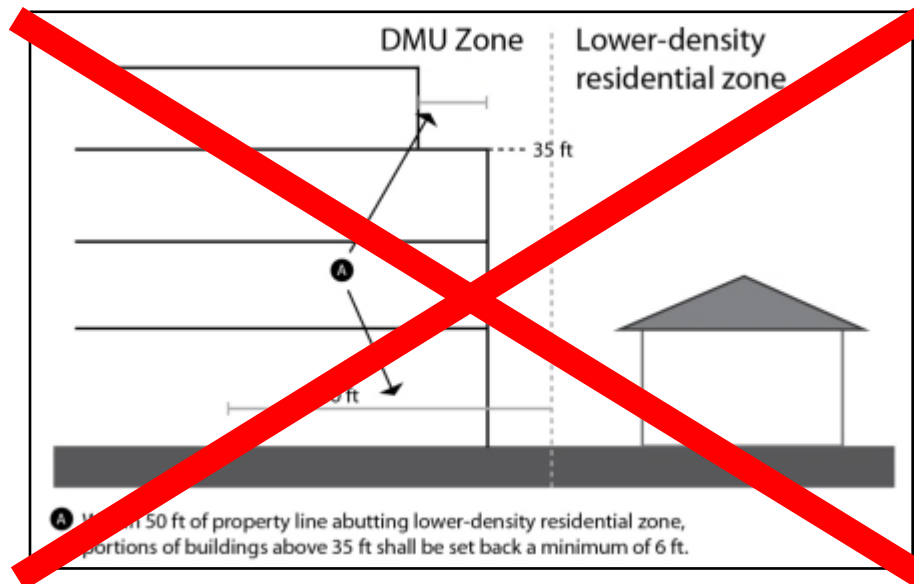
~~To minimize impacts of commercial or mixed-use development on lower-density residential uses.~~

~~2. Standards~~

~~For properties north of Harrison St and located within 50 ft of a lower-density residential zone (R-10, R-7, or R-5), the transition area measures in Subsection 19.504.6 apply. In addition:~~

- ~~a. Within 50 ft of the property line abutting lower-density residential zones, buildings shall provide a step back of at least 6 ft for any portion of the building above 35 ft.~~
- ~~b. The height bonuses in Subsection 19.304.5.B.3 cannot be applied within 50 ft of a lower-density residential zone.~~

**Figure 19.304.5.1.2
Transition Measure Standards**



JE. Residential Density

1. Intent

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

2. Standards

- a. Minimum densities for ~~rowhouses~~ townhouses and live/work units ~~shall be are~~ 10-25 units per acre. There is no maximum residential density for townhouses or live/work units.
- b. Minimum densities for stand-alone multifamily dwellings and senior/retirement housing in the DMU Zone ~~shall be are~~ 30 units per acre. Maximum residential densities are effectively controlled by height limits.

3. Exemption

There are no minimum density requirements when residential units are developed as part of a mixed-use building.

19.304.6 Public Area Requirements

A. Purpose

The Public Area Requirements (PAR) implement the Downtown and Riverfront Land Use Framework Plan. The purpose of the PAR is to ensure that, as revitalization occurs in downtown, there will be a consistent and high-quality public right-of-way that establishes a safe, comfortable, contiguous pedestrian-oriented environment. Public area requirements are defined as improvements within the public right-of-way and include, but are not limited to, sidewalks, bicycle lanes, on-street parking, curb

extensions, lighting, street furniture, and landscaping. The PAR is implemented through Chapter 19.700 and the Milwaukie Public Works Standards.

B. Applicability, Review Process, and Standards

Development in downtown zones is subject to the review process and standards of Chapter 19.700 as specified in the chapter's applicability provisions. Required public improvements along rights-of-way included in the PAR shall be consistent with the PAR as implemented in the Milwaukie Public Works Standards.

19.304.7 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.

- A. Section 19.504 Site Design Standards
- B. Section 19.505 Building Design Standards
- C. Section 19.508 Downtown Site and Building Design Standards and Guidelines

19.304.8 Variances

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