

19.907 DOWNTOWN DESIGN REVIEW

19.907.1 Purpose

Downtown design review is intended to achieve the following purposes:

- A. Preserve and enhance the character of downtown Milwaukie.
- B. Ensure a degree of order, harmony, and quality in the downtown, providing buildings and projects that are attractive individually yet contribute to a downtown that is distinctive as a whole.
- C. Ensure that new development, and alterations or enlargement of existing development, are consistent with the downtown site and building design standards and guidelines of Section 19.508 ~~or Downtown Design Guidelines~~.
- D. Implement the vision of the Downtown and Riverfront Land Use Framework Plan.
- E. Provide a design review process that allows applicants to choose standards or more flexible discretionary guidelines.

19.907.2 Applicability

Applications for downtown design review shall be processed through a Type I, II, or III procedure, in accordance with Chapter 19.1000, as follows:

A. Exemptions

Downtown design review does not apply to the following projects:

1. Demolition, unless listed on the City of Milwaukie Historic Resource Inventory and subject to the standards of Section 19.403.
2. Building additions of less than 250 sq ft that are not visible from streets, sidewalks, courtyards, public parks, and/or pedestrian walkways.
3. Maintenance, restoration, and repair of a building in a manner that is consistent with previous approvals and/or necessary for safety. Examples include paint retouching, and other routine upkeep of the building exterior, and in-kind restoration or replacement of damaged materials. Maintenance, restoration, and repair does not include replacement of materials due to obsolescence.
4. Minor building or site upgrades needed to bring an existing development into compliance with the Americans with Disabilities Act.
5. Exterior painting and weatherproofing.
6. Any exterior project that doesn't require a building permit.
7. Interior remodeling.
8. Minor site improvements, including, but not limited to, installation of benches, trash cans, bicycle racks, informational kiosks, site lighting, signs, and other similar improvements as determined by the Planning Director. A guide for determining whether a proposed improvement is exempt shall be the consideration of whether there are any applicable design standards provided in Section 19.508.
9. In City parks, improvements that are consistent with an approved master plan.
10. Fences and/or retaining walls, which are subject to Subsection 19.502.2.B, including the standards for commercial zone fencing in Subsection 19.502.2.B.1.b.

B. Type I

The following projects are subject to Type I downtown design review:

- ~~1. Demolition or replacement of less than 25% of the surface area of any exterior wall or roof.~~
- ~~2. Addition, elimination, or change in location of windows that does not decrease the overall percentage of window coverage.~~
- ~~3. Addition, elimination, or change in location of entry doors and loading doors.~~
- ~~4. Addition of new, or change to existing, awnings, canopies, and other mounted structures to an existing façade.~~
- ~~5. For commercial and mixed-use developments, modification of up to 15% of on-site landscaping with no reduction of the overall landscaping percentage. Modification refers to changing the hardscape elements and the location of required landscaped areas and/or trees.~~
- ~~6. Modification of an off-street parking area with no reduction in parking spaces or increase in paved area, including restriping.~~
- ~~7. Addition of new fences and/or retaining walls of 4 ft height or less.~~
- ~~8. Change of existing grade.~~
- ~~9. An increase in floor area proposed for a nonresidential use of less than 10% up to a maximum of 2,000 sq ft.~~
- ~~10. A reduction in the area reserved for common open space and/or usable open space which does not reduce the open space area below the minimum required or which reduces the open space area by less than 10%. Reduction of the open space area below the minimum required requires variance review per Chapter 19.911.~~
- ~~11. A new stand-alone multifamily residential building or addition that meets the objective design standards in Table 19.505.3.D. Applicants may elect to process a stand-alone residential building through Type II downtown design review if the applicant prefers to meet the design standards of Section 19.508.~~
1. New development and expansions or modifications of existing development that meet the applicable downtown design standards of Section 19.508.

C. Type II

The following projects are subject to Type II downtown design review:

- ~~1. New development that meets the design standards of Section 19.508.~~
- ~~21. Demolition or replacement of more-less than 25% of the surface area of any exterior wall or roof that does not meet the applicable standards of Section 19.508.~~
- ~~32. Addition, elimination, or change in location of windows that decreases the overall percentage of window coverage and that does not meet the applicable standards of Section 19.508.~~
- ~~4. For commercial and mixed-use developments, modification of more than 15% of on-site landscaping or modification that results in a reduction of overall landscaping percentage.~~

~~Modification refers to changing the hardscape elements and the location of required landscaped areas and/or trees.~~

- ~~5. Modification of an off-street parking area that results in a reduction in parking spaces and/or an increase in paved area.~~
- ~~6. Addition of new fences and/or retaining walls more than 4 ft high.~~
73. An increase in floor area proposed for a nonresidential use by ~~more~~less than 10% or 2,000 sq ft, whichever is greater.
84. A reduction in the area reserved for common open space and/or usable open space ~~which~~that reduces the open space area below the minimum required or by 10% or ~~more~~less.
- ~~9. An increase in the height of an existing building up to the maximum height.~~
- ~~10. A reduction in the area reserved for common open space and/or usable open space which reduces the open space area below the minimum required or reduces the open space area by more than 10%.~~
- ~~11. A new stand-alone multifamily residential building or addition that satisfies the design guidelines in Table 19.505.3.D. An applicant may elect to process a stand-alone residential building through Type II downtown design review if the applicant prefers to meet the design standards of Section 19.508.~~

D. Type III

The following projects are subject to Type III downtown design review:

1. Any project, at the applicant's option.
2. A project, addition, or expansion that ~~is unable~~proposes to meet one or more of the design standards ~~guidelines~~of Section 19.508 in lieu of complying with the design standards of Section 19.508 because additional design flexibility is desired.
3. A project that does not fit the applicability for Type I or II review.
- ~~4. A stand-alone multifamily residential building, if applicants elect to process through Type III downtown design review rather than Type I or II Development Review because additional design flexibility is desired.~~

19.907.3 Review Process

A. General Provisions

Downtown design review generally includes review of the proposed structure(s) and site improvements for compliance with applicable design standards and/or guidelines. For expansions or modifications of existing development, the review is limited to the modified portions of the site or structure and any other site improvements that may be affected by the proposed modifications.

B. Review Types

To achieve the purpose of the downtown design standards and guidelines, there are three downtown design review processes through which to apply for approval:

1. Type I

The ministerial review track provides for a Type I review process pursuant to Section 19.1004 using the design standards in Section 19.508. ~~It is generally intended for smaller building and site renovation projects, as listed in Subsection 19.907.2.B.~~

2. Type II

The administrative review track provides for a Type II process pursuant to Section 19.1005 that requires staff review utilizing the design standards and applicable guidelines in Section 19.508. ~~It generally applies to new development and renovation/remodeling projects, as listed in Subsection 19.907.2.C.~~

3. Type III

The discretionary review track provides for a Type III review process pursuant to Section 19.1006, through which the Design and Landmarks Committee and Planning Commission determine substantial consistency compliance with the purpose statement of the relevant standard or standards and the Milwaukee Downtown Design Guidelines downtown design guidelines in Section 19.508. ~~It generally applies to new development and renovation/remodeling projects, as listed in Subsection 19.907.2.D.~~

C. Review Options

Designing a project to the design standards would result in a Type I ~~or II~~ review process. However, applicants, at their option, may choose to use Type III discretionary review.

Through Type II or III review, applicants can address downtown design review requirements through a combination of satisfying certain design standards in Section 19.508 and, in instances where they elect not to utilize design standards, satisfying the purpose statement of the applicable standard or standards and the applicable design guidelines in Section 19.508 instead. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable design guidelines only.

19.907.4 Application

Applications for downtown design review shall be filed with the Planning Department on forms prescribed by the Planning ~~Director~~ Manager. The applicant shall demonstrate compliance with applicable zoning criteria. In addition to all information specified on the “Submittal Requirements” and “Site Plan Requirements” forms, each application for downtown design review shall be accompanied by the following information:

~~A. Completed downtown design review checklist (for Type III only).~~

BA. Written statement that describes the following:

1. For Type I ~~and II~~ downtown design review, how the proposal is consistent with applicable downtown design standards in Section 19.508.
2. For Type II and III Design Review, how the proposal meets applicable design standards and/or design guidelines in the Milwaukee Downtown Design Guidelines document Section 19.508.

~~CB.~~ Footprints of surrounding buildings, including driveways and pedestrian connections.

~~DC.~~ Location, dimension, and setbacks of all proposed buildings, structures, walls, and fences.

~~ED~~. Dimensioned building elevations indicating height, exterior materials, colors, and details of exterior architectural features, such as cornices, windows, and trim.

~~FE~~. A streetscape drawing showing the relationship of the proposed project to adjacent buildings.

~~GE~~. Frontage improvements in the public right-of-way per the Public Works Standards.

19.907.5 Approval Criteria

A. Type I Downtown Design Review

An application for Type I downtown design review ~~shall~~will be approved when all of the following criteria have been met:

1. Compliance with Title 19.
2. Compliance with applicable design standards in Section 19.508 and any prior land use approvals.

B. Type II Downtown Design Review

An application for Type II downtown design review ~~shall~~will be approved when all of the following criteria have been met:

1. Compliance with Title 19.
2. Compliance with applicable design standards and/or design guidelines in Section 19.508.

C. Type III Downtown Design Review

An application for Type III downtown design review ~~shall~~will be approved when all of the following criteria have been met:

1. Compliance with Title 19.
2. Compliance with applicable design standards in Section 19.508.
3. ~~Substantial consistency with the purpose statement of the applicable design standard and the applicable Downtown Design Guideline(s)~~ Compliance with the applicable design guidelines in Section 19.508 being utilized in place of the applicable design standard(s).

19.907.6 Report and Recommendation by Design and Landmarks Committee

The Design and Landmarks Committee ~~shall~~will hold a public meeting and prepare a downtown design review report for Type III applications pursuant to Section 19.1011. The Planning Commission shall consider the findings and recommendations contained in the downtown design review report during a public hearing on the proposal.

19.907.7 Variances

A. Variances cannot be granted for the downtown design standards of Section 19.508.

Applications unable to meet one or more standards must meet the applicable downtown design guideline(s) in Subsection 19.508.4 instead and use the Type III discretionary downtown design review process.

B. ~~For applications using the Type III downtown design review process, variances will only be allowed for the development standards and design standards that are not met. Variances to the design guidelines themselves will not be granted. Variances can be granted for the downtown development standards of Section 19.304 unless otherwise specified, through the variance review process in Section 19.911.~~