



CITY OF MILWAUKIE

Milwaukie Zoning Code Proposed Amendments for High Density Residential Zones August 2022 Primary Land Use File #ZA-2022-002

Amendments to the following code sections are proposed to consolidate the high density residential zones (R3, R2, R2.5, R1, and R-1-B) and to provide clarification to use definitions related to various types of residential uses, including adult care, senior housing, boarding houses and related housing types.

Please contact Vera Kalias, Senior Planner with the City of Milwaukie Planning Department, at 503-786-7653 or kaliasv@milwaukieoregon.gov with questions or comments about the proposed code amendments and/or the code adoption process.

Milwaukie Comprehensive Plan

- Comprehensive Plan Residential Land Use Designations

Municipal Code - Title 19 Zoning Ordinance

- Chapter 19.100 - INTRODUCTORY PROVISIONS
 - Section 19.107 Zoning
- Chapter 19.200 - DEFINITIONS AND MEASUREMENTS
- Chapter 19.300 - BASE ZONES
 - Section 19.301 Moderate Density Residential Zone
 - Section 19.302 High Density Residential Zones
 - Section 19.303 Commercial Mixed-Use Zones
 - Section 19.304 Downtown Zones
 - Section 19.306 Limited Commercial Zones
 - Section 19.307 General Commercial Zone
 - Section 19.312 North Milwaukie Innovation Area
- Chapter 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS
 - Section 19.505 Building Design Standards
- Chapter 19.600 OFF-STREET PARKING

- Chapter 19.900 LAND USE APPLICATIONS
 - Section 19.904 Community Service Uses
 - Section 19.905 Conditional Uses
- Chapter 19.1100 ANNEXATIONS AND BOUNDARY CHANGES
 - Section 19.1104 Expedited Process

Municipal Code - Title 14 Signs

- Chapter 14.04 GENERAL PROVISIONS
 - Section 14.04.030 Definitions

Reader Guide

Commentary

A commentary section precedes each section of code amendments. The commentary provides a non-technical summary of the proposed amendments and highlights proposed policy changes. The commentary section is labeled as commentary and presented in Comic Sans font (the same font of this sentence).

Amendments

Unless otherwise noted in the document, underlined text is proposed text, and ~~strikethrough~~ text is existing code language proposed for deletion. Standards shown in [brackets] are those that still require Planning Commission discussion and direction.

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.

The goal of these amendments is the consolidation of the city's five (5) high density residential zones (R3, R2.5, R2, R1, and R-1-B) into fewer zones to simplify the zoning map. The proposed amendments relate to simplification of uses, clarification of definitions, streamlining of land use review processes, and consolidation of the high density residential zones. Some clarifications affect other sections of the code, but the primary driver of the amendment package is to simplify and consolidate the high density residential zones as a next step following the middle housing code amendments adopted in May 2022.

Consolidation of the high density residential zones was originally envisioned as part of the Phase 1 Comprehensive Plan Implementation project. However, due to the complexity involved in the permitted uses and their respective review processes across the zones, the effort was paused until now.

Definitions

Milwaukie's code includes outdated definitions for several residential use types, including several housing types typically occupied by seniors. Despite having similar land use impacts, the city is inconsistent in how it treats these housing types in high density residential zones. This inconsistency has impacted the development and land use review processes for some recent projects, in some cases requiring applicants to pursue both a Community Service Use (CSU) and Conditional Use (CU) process for the same site. Neighboring jurisdictions, including Tigard and Beaverton, have simplified their codes to better match the evolving terminology for these types of residential uses.

The amendments are proposed so that:

1. The code defines Use Categories by the external impacts of the use, such as foot and vehicle traffic, rather than biasing the land use review process with a focus on the internal aspects of the use.
2. The definitions in our code reflect those used by the State of Oregon in its licensing of Community Based Care Settings and used by the city to issue Certificates of Occupancy.

The following residential types are proposed for re-definition, removal, or renaming:

- Residential Home
- Congregate Housing Facility
- Senior and Retirement Housing
- Nursing or Convalescent Home

Issues with the above list:

1. The State of Oregon does not use any of the first four terms in its licensing of Community Based Care Settings, and the City has typically listed the State's updated use terminology when issuing Certificates of Occupancy.

2. Definitions of Congregate Housing Facility and Residential Home date back to federal legislation from 1978 and 1988. None of the neighboring jurisdictions researched by staff use the term Residential Home in their respective codes.
3. City code does not define Nursing or Convalescent Home, but the term is used and has specific standards in CSU section of the code (MMC 19.904.8).

The definitions for Adult Foster/Care Homes, Nursing Facility, Assisted Living Facility, and Memory Care Community are defined by the State of Oregon for the purpose of licensing different types of Community Based Care Settings. To simplify land use review for these use types, the proposed amendments:

- Renames Residential Home to Adult Foster/Care Home
- Creates a new land use type called Residential Care Facility, which includes facilities such as:
 - Nursing Facility
 - Assisted Living Facility
 - Memory Care Community

Boarding Houses and Single Room Occupancy (SROs):

In the mid-nineteenth century, the term "SRO" emerged to refer to many kinds of Single Room Occupancy housing: low-cost residential hotels, boarding houses, rooming houses, lodging houses, and the renting out of rooms in private apartments. In general, these are examples of group living in a building with multiple separated bedroom units that often include shared elements like a kitchen, bathrooms, and other resident services.

Boarding houses and SROs were historically a bedrock of affordable housing for laborers in American cities. However, from the 1950s onward, they were increasingly stigmatized because their affordability at the bottom of the market made them a housing choice of last resort for many single person households, unhoused, disabled, and mentally ill people. Without adequate services and containing problematic design elements, many of these SROs created chaotic and unhealthy living environments. As a result, many cities put significant restrictions on the development and operation of SROs. Many cities banned them outright and there has been a steady decline in affordable SRO units.

Preserving these units has become a goal in region. Portland and Multnomah County recently invested more than \$20 million in two new SRO projects intended to create housing bundled with social services for people suffering from addiction or other issues. These projects often receive substantial subsidy in their development and management and are commonly managed by nonprofit organizations.

In recent years, however, some developers have rebranded SROs to appeal to people with a wider range of incomes. There are many examples of market-rate SRO-style developments more akin to adult dormitory living with added amenities, particularly in Seattle. These developments are often referred to as micro-units though they are compatible with prior and current definitions of SROs. New SROs—whether affordable or

market rate—improve upon the historical problems with the SRO model by integrating critical aspects like privacy, adequate community spaces, and supportive programming for residents.

After reviewing the history of the term, existing code, researching other jurisdictions code, and discussing the boarding house/SRO concept with housing professionals, staff propose retiring the term “boarding house” and instead use the term SRO in the code.

The amendments include the following changes related to this list of care facilities:

Current Use Type	New Use Type and Definition
Residential Home	Adult foster care/home
Congregate Housing Facility	Residential Care Facility
Senior and Retirement Housing	Residential Care Facility
Nursing or Convalescent Home	Residential Care Facility
Boarding House	Single Room Occupancy

After addressing definitions and terms, the final step in this process is the consolidation of the high density zones.

During the middle housing code amendment process, consolidation of both the medium and high density zones was discussed. However, a number of inconsistencies exist between the high density zones. To consolidate the zones, a decision would have to be made to either change some uses to be permitted by right that are now subject to Type III Conditional Use review or make those same uses now subject to Type III review where they are permitted by right. This is particularly concerning when addressing multifamily housing, for example. Because the city’s goal is to provide more opportunities for the development of different types of housing, staff does not recommend making these types of developments subject to a Type III review in the R-2, R-1, and R-1-B zones. Conversely, to allow multifamily development by right in the R-3 and R-2.5 zones during the middle housing discussion would have introduced a new topic to the discussion that would have distracted from the main focus of this project which was to provide middle housing opportunities throughout the residential zones in the city.

The key differences between the high density zones are:

- Where manufactured dwelling parks are permitted
- How multi-unit developments are permitted (Conditional Use or Permitted outright)
- How residential care facilities are permitted (Conditional Use or Permitted outright)
- Which commercial uses are permitted and what type of land use review is required (Conditional Use or Permitted outright)

The proposed code amendments consolidate the five high density zones into three:

- R3 = R3, R2.5
- R2 = R2, R1
- R1B = R1B (no change)

The key changes resulting from the consolidation are:

1. Multi-unit housing is proposed to be allowed by right in the R3 instead of through a CU process
2. Residential care facilities are proposed to be permitted by right instead of through a CU
3. The proposed amendments add business/personal services (such as salons and pet groomers) to the list of allowed commercial activities based on the numerous requests for such businesses in the R-1-B zone. These uses are proposed to be permitted by right as limited uses (floor area limited to 2,000 sq ft) in the R3 and R2 zones.
4. The proposed amendments consolidate office terms from three types to two types and ensure their consistent use throughout the code to reduce confusion. This would generally mimic the use categories recently adopted in the DMU and NMIA zones. Office uses are proposed to be permitted by right as limited uses (floor area limited to 2,000 sq ft) in the R3 and R2 zones.
5. Hotel and motel uses are proposed to be permitted as conditional uses in the R3 and R2 zones rather than be prohibited.

The proposed consolidation also affects development standards, which are currently different across the zones for various standards. The main differences are for maximum building height, maximum lot coverage, minimum vegetation, and density.

The proposed consolidation results in a new table of standards that are consistent with the intent and purpose of the high density zones as well as the goals of the comprehensive plan. The proposed density range for the new R2 zone is proposed to be the same as the R1 zone.

Additionally, the proposed amendments eliminate the "Minimum Site Size" requirements for multi-unit developments in the R-2, R-1, and R-1-B zones established in 19.302.5.F.2. These site size requirements may unintentionally discourage or prevent development of multi-unit housing. As with other zones, the proposed amendments rely upon the density standards to regulate development size, rather than the size of the lot. This also addresses the issue that middle housing does not have maximum densities and would bring multi-unit development more in line with the goals and objectives of the high density zones.

Office Uses

During the consolidation process staff also noticed there are some inconsistencies in the code around the term office use and propose to remedy these inconsistencies. As part of the Moving Forward Milwaukie project in 2015, the downtown code amendments proposed a variety of types of offices in an effort to distinguish certain types when located at street level. These types were meant to acknowledge that some office types can help activate the street because they generate foot traffic (such as banks or medical offices) while others do not (such as data processing or call centers). In the current code, these office types replaced the previous generic "office" or "general office" use categories:

Office:

"Production-related office" means offices that 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. 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; and medical and dental labs.

"Professional and administrative office" means professional, executive, management, or administrative offices of firms or organizations. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

"Traditional office" means offices that 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. 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.

While these office types are regulated in both the DMU and NMIA zones, they were not carried over into the other commercial zones in the city, which still retain the singular "office" use category or some variation on that category. Because office uses are permitted either outright or as conditional uses in the high density zones, this is an opportunity to create consistency throughout the code. It is also an opportunity to

consolidate the types as there is some overlap between the definitions for “professional and administrative office” and “traditional office”.

The proposed amendments include the office definition as follows:

- Keep production-related office as is
- Consolidate the other two office types:
 - “Professional and administrative office” means professional, executive, management, or administrative offices of firms or organizations, including government, 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. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, 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, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

Further, the proposed amendments:

- Consolidate the terms in the use tables for the DMU and NMIA zones
- Revise the use tables in the other commercial zones that currently allow offices to allow both types of offices.

The proposed amendments include ensuring that the proposed language is consistent throughout the code, so other zones are affected even though they are not high density residential zones. These are more administrative amendments to ensure consistency across the code sections.

Underline/Strikeout Amendments

Title 14 Signs

14.040.030 Definitions

“Residential zones” means the R-MD, R-3, ~~R-2.5~~, R-2, and R-1-B Residential Zones as defined in the Zoning Ordinance.

Title 19 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-MD
Residential	R-3
Residential	R-2.5
Residential	R-2
Residential	R-4
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 Mixed Use	MUTSA
General Mixed Use	GMU
North Milwaukie Employment	NME
Neighborhood Mixed Use	NMU
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F

See attached proposed zoning map.

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

~~“Boarding house” means a building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily, by persons paying consideration for sleeping purposes where meals may or may not be provided, and which is not occupied as a single-family unit. Lodging capacity is subject to provisions of the Uniform Building Code.~~

~~“Congregate housing facility” means a multidwelling unit, permanent housing center with individual or common housekeeping facilities and services provided for residents who require or desire a more supportive living environment than typically available to residents in traditional~~

~~apartment or single-family residential housing. These facilities may provide regular on-premises supervision by registered medical staff or care providers. Occupants of these facilities may include the elderly, disabled, handicapped, or other persons as defined in the Federal Fair Housing Amendments Act of 1988. Congregate housing facilities are permitted outright in all residential zones that permit multifamily apartments, and they require conditional use approval in those residential zones that allow multifamily uses conditionally. In each case, density standards of the zone shall determine number of units allowed.~~

Office:

“Production-related office” means offices that 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. 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; and medical and dental labs.

“Professional and administrative office” means professional, executive, management, or administrative offices of firms or organizations, including government, 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. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, 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, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

~~“Traditional office” means offices that 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. 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.~~

Residential Uses and Structures:

“Adult foster/care homes” means a dwelling unit operated to provide a permanent residence and licensed care for up to five people who are elderly, disabled, handicapped, or otherwise require such a residence.

“Single room occupancy housing (SRO)” means a building wherein five (5) or more rooms are offered for rent and where rooms, individually or collectively, do not constitute separate dwellings. Each room is without a kitchen, but may have provision for counter-top appliances and refrigerator. The toilet/bath may be private or shared with other room(s). SRO developments are designed to be occupied by long-term residents on a monthly or longer

Proposed Code Amendment with Commentary

basis. SRO developments are permitted outright in all residential zones that permit multi-unit development. In each case, density standards of the zone shall determine number of units allowed.

“Multi-unit development” means a structure that contains five or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-unit development includes structures commonly called garden apartments, apartments, and condominiums. Residential care facilities are considered a type of multi-unit development.

~~“Residential home” means a dwelling unit operated as a single housekeeping unit for the purpose of providing a permanent residence—which includes food, shelter, personal services, and care—for the elderly, disabled, handicapped, or others requiring such a residence, as defined by the Federal Fair Housing Amendments Acts of 1988.~~

~~“Senior and retirement housing” means a multiunit dwelling where persons who are of retirement age reside. Activity levels, including traffic generation and parking of cars, are generally lower than for other types of housing. Common facilities for eating and activities may be provided; nursing care, medical supplies, and personal services may be provided on a limited basis. One person may own the entire complex, or each dwelling unit may be owned separately as in a condominium.~~

“Residential care facility” means a licensed living facility for more than five (5) non-related persons, which provides specialized care, supervision, treatment or training, or a combination of these for residents. This use classification includes, but is not limited to assisted living facilities, nursing facilities, and memory care facilities.

“Temporary or transitional facility” means a facility which ~~may~~ provides temporary or transitional services to families or individuals, including lodging where the average stay is 60 days or less. Such facilities shall be classified as community service uses and may include shelters, community counseling centers, rehabilitation centers, and detention and detoxification facilities.

CHAPTER 300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONES

Table 19.301.2 Moderate Density Residential Uses Allowed		
Use	R-MD	Standards/Additional Provisions
Residential Uses		
Single detached dwelling	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Duplex	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Triplex	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development

Quadplex	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Townhouse	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.5 Standards for Townhouses
Cottage Cluster	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.4 Cottage Cluster Housing
Residential home <u>Adult foster/care home</u>	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Accessory dwelling unit	P	Subsection 19.910.1 Accessory Dwelling Units
Manufactured dwelling park	III	Subsection 19.910.3 Manufactured Dwelling Parks.
Senior and retirement housing <u>Residential care facility</u> <u>Examples include:</u> <u><i>assisted living, nursing facilities, and memory care communities</i></u>	CU <u>CSU</u>	Subsection 19.905.9.G Senior and Retirement Housing Subsection 19.904.8 <u>Specific Standards for Residential Care Facilities</u>

19.302 HIGH DENSITY RESIDENTIAL ZONES

The high density residential zones are Residential Zone R-3, ~~Residential Zone R-2.5~~, Residential Zone R-2, ~~Residential Zone R-4~~, and Residential-Business Office Zone R-1B. 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 High Density Residential Zones

Uses allowed, either allowed by right 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.

Proposed Code Amendment with Commentary

Table 19.302.2 High-Density Residential Uses Allowed						
Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential Uses						
Single detached dwelling	P	P	P	P	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Duplex	P	P	P	P	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Triplex	P	P	P	P	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Quadplex	P	P	P	P	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Residential home	P	P	P	P	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Accessory dwelling unit	P	P	P	P	P	Subsection 19.910.1 Accessory Dwelling Units
Manufactured dwelling park	III	N	N	N	N	Subsection 19.910.3 Manufactured Dwelling Parks
Townhouse	P	P	P	P	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.5 Standards for Townhouses
Cottage cluster	P	P	P	P	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.4 Cottage Cluster Housing

Table 19.302.2—CONTINUED High-Density Residential Uses Allowed						
Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential Uses—CONTINUED						
Multi-unit Housing	CU	CU	P	P	P	Subsection 19.505.3 Multi-Unit Housing

Proposed Code Amendment with Commentary

						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 Multi-Unit 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
<u>Personal/Business Services</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>P</u>	
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

Table 19.302.2 High Density Residential Uses Allowed				
Use	R-3	R-2	R-1-B	Standards/ Additional Provisions
Residential Uses				
Use	R-3	R-2	R-1-B	Standards/ Additional Provisions
<u>Single detached dwelling</u>	<u>P</u>	<u>P</u>	<u>P</u>	Subsection 19.505.1 <u>Single Detached and Middle Housing Residential Development</u>
<u>Duplex</u>	<u>P</u>	<u>P</u>	<u>P</u>	Subsection 19.505.1 <u>Single Detached and Middle Housing Residential Development</u>
<u>Triplex</u>	<u>P</u>	<u>P</u>	<u>P</u>	Subsection 19.505.1 <u>Single Detached and Middle Housing Residential Development</u>
<u>Quadplex</u>	<u>P</u>	<u>P</u>	<u>P</u>	Subsection 19.505.1 <u>Single Detached and Middle Housing Residential Development</u>
<u>Adult foster/care home</u>	<u>P</u>	<u>P</u>	<u>P</u>	Subsection 19.505.1 <u>Single Detached and Middle Housing Residential Development</u>
<u>Accessory dwelling unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	Subsection 19.910.1 <u>Accessory Dwelling Units</u>
<u>Manufactured dwelling park</u>	<u>III</u>	<u>N</u>	<u>N</u>	Subsection 19.910.3 <u>Manufactured Dwelling Parks</u>
<u>Townhouse</u>	<u>P</u>	<u>P</u>	<u>P</u>	Subsection 19.505.1 <u>Single Detached and Middle Housing Residential Development</u> Subsection 19.505.5 <u>Standards for Townhouses</u>
<u>Cottage cluster</u>	<u>P</u>	<u>P</u>	<u>P</u>	Subsection 19.505.1 <u>Single Detached and Middle Housing Residential Development</u> Subsection 19.505.4 <u>Cottage Cluster Housing</u>
<u>Multi-unit Housing</u>	<u>CU P</u>	<u>P</u>	<u>P</u>	Subsection 19.505.3 <u>Multi-Unit Housing</u> Subsection 19.302.5.F <u>Residential Densities</u> Subsection 19.302.5.H <u>Building Limitations</u>

<u>Single room occupancy housing</u>	<u>CU</u> <u>P</u>	<u>P</u>	<u>P</u>	Subsection 19.505.3 <u>Multi-Unit Housing</u> Subsection 19.302.5.F <u>Residential Densities</u> Subsection 19.302.5.H <u>Building Limitations</u>
<u>Residential Care Facility</u> <u>Examples include: assisted living, nursing facilities, and memory care communities</u>	<u>P</u>	<u>P</u>	<u>P</u>	Subsection 19.505.3 <u>Multi-Unit Housing</u> Subsection 19.302.5.F <u>Residential Densities</u> Subsection 19.302.5.H <u>Building Limitations</u>
<u>Office: Production-related office and Professional and administrative office</u>	<u>L</u>	<u>L</u>	<u>P</u>	Subsection 19.302.3 <u>Use Limitations and Restrictions</u>
<u>Personal/Business Services</u>	<u>L</u>	<u>L</u>	<u>P</u>	
<u>Hotel or motel</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	Section 19.905 <u>Conditional Uses</u>
<u>Bed and breakfast or vacation rental</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	Section 19.905 <u>Conditional Uses</u>
<u>Accessory use</u>	<u>P</u>	<u>P</u>	<u>P</u>	Section 19.503 <u>Accessory Uses</u>
<u>Agricultural or horticultural use</u>	<u>P</u>	<u>P</u>	<u>P</u>	Subsection 19.302.3 <u>Use Limitations and Restrictions</u>
<u>Community service use</u>	<u>CSU</u>	<u>CSU</u>	<u>CSU</u>	Section 19.904 <u>Community Service Uses</u>
<u>Home occupation</u>	<u>P</u>	<u>P</u>	<u>P</u>	Section 19.507 <u>Home Occupation Standards</u>
<u>Short-term rental</u>	<u>P</u>	<u>P</u>	<u>P</u>	Section 19.507 <u>Home Occupation Standards</u>

19.302.3 Use Limitations and Restrictions

B. Office uses allowed in the 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. Office and personal service uses in the R-3 and R-2 zones are permitted provided the floor area does not exceed 2,000 sq ft.

Table 19.302.4						
High-Density Residential Development Standards						
Standard	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
A. Lot Standards						
Minimum lot size (sq ft)	1,500					Subsection 19.501.1 Lot Size Exceptions Subsection 19.505.4 Cottage Cluster Housing Subsection 19.505.5 Townhouses
Minimum lot width (ft)	20					-
Minimum lot depth (ft)	70					
Minimum street frontage requirements (ft)	-					
Townhouse	20					
Standard lot	35					
Flag lot	25					
Double flag lot	25					
B. Development Standards						
Minimum yard requirements for primary structures (ft)						-
Front yard						20
Side yard				See Subsection 19.302.5.A		
Street side yard						15
Rear yard						15
Maximum building height for primary structures	35 ft				45 ft	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
--	--	--	---

Table 19.302.4 CONTINUED						
High Density Residential Development Standards						
Standard	R-3	R-2.5	R-2	R-1	R-1B	Standards/ Additional Provisions
Side yard height plane limit		-			-	Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
Height above ground at minimum required side yard depth (ft)		20			25	
Slope of plane (degrees)		45			45	
Maximum lot coverage (percent of total lot area)		40%		45%	50%	Section 19.201 "Lot coverage" definition
Minimum vegetation (percent of total lot area)		35%			15%	Subsection 19.504.7 Minimum Vegetation Subsection 19.302.5.D Front Yard Minimum Vegetation Subsection 19.302.5.C Minimum Vegetation
C. Other Standards						
Density requirements (dwelling units per acre)	-	-	-	-	-	Subsection 19.202.4 Density Calculations
Minimum	11.6		11.6		25.0	
Maximum ²	14.5		17.4		32.0	Subsection 19.302.5.F Residential Densities Subsection 19.501.4 Density Exceptions

Table 19.302.4				
High Density Residential Development Standards				
<u>Standard</u>	<u>R-3</u>	<u>R-2</u>	<u>R-1-B</u>	<u>Standards/</u> Additional Provisions
A. Lot Standards				
<u>Minimum lot size (sq ft)</u>		<u>1,500</u>		<u>Subsection 19.501.1 Lot Size Exceptions</u> <u>Subsection 19.505.4 Cottage Cluster Housing</u> <u>Subsection 19.505.5 Townhouses</u>
<u>Minimum lot width (ft)</u>		<u>20</u>		
<u>Minimum lot depth (ft)</u>		<u>70</u>		
<u>Minimum street frontage requirements (ft)</u>		-		
<u>Townhouse</u>		<u>35</u>		
<u>Standard lot</u>		<u>25</u>		
<u>Flag lot</u>		<u>25</u>		
<u>Double flag lot</u>				
B. Development Standards				
<u>Minimum yard requirements for primary structures (ft)</u>			-	
<u>Front yard</u>			<u>20</u>	
		<u>See Subsection 19.302.5.A</u>		

Side yard		15	
Street side yard		15	
Rear yard			
Maximum building height for primary structures	35 ft	45 ft	<p>Subsection 19.302.5.E Height Exceptions</p> <p>Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions</p> <p>Subsection 19.302.5.I Transition Measures</p>

Table 19.302.4 CONTINUED

High Density Residential Development Standards

Standard				Standards/
	R-3	R-2	R-1B	Additional Provisions
Side yard height plane limit	-	-	-	Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
Height above ground at minimum required side yard depth (ft)	20	25	25	
Slope of plane (degrees)	45	45	45	
Maximum lot coverage (percent of total lot area)	40%	45%	50%	Section 19.201 "Lot coverage" definition
Minimum vegetation (percent of total lot area)	35%	15%	15%	<p>Subsection 19.504.7 Minimum Vegetation</p> <p>Subsection 19.302.5.D Front Yard Minimum Vegetation</p> <p>Subsection 19.302.5.C Minimum Vegetation</p>
C. Other Standards				
Density requirements (dwelling units per acre)	-	-	-	Subsection 19.202.4 Density Calculations

Proposed Code Amendment with Commentary

Minimum	11.6	25.0	25.0	Subsection 19.302.5.F Residential Densities
Maximum ^{2, 3}	14.5	32.0	32.0	
				Subsection 19.501.4 Density Exceptions

³ The density for single room occupancy (SRO) developments is calculated as follows: four SRO rooms equal one dwelling unit.

19.302.4 Development Standards

In the 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 high density residential zones the following housing types are permitted on lot sizes as follows:

Between 1,500 to 2,999 sq ft: Townhouse, Cottage in a cottage cluster

Between 3,000 to 4,999 sq ft: Duplex, Triplex, and Quadplex.

Between 5,000 to 6,999 sq ft: Single Detached Dwelling, Single Detached Dwelling with up to 2 ADUs, Duplex, Triplex, and Quadplex.¹

7,000 sq ft and up: Single Detached Dwelling, Single Detached Dwelling with up to 2 ADUs, Duplex, Triplex, Quadplex, Cottage Cluster, Multi-Unit Housing.

All other uses require a minimum lot size of 5,000 sq ft.

19.302.5 Additional Development Standards

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 single detached dwelling or accessory dwelling units are exempt from the minimum and maximum density requirements. Middle housing, except for townhouses, is exempt from 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	1,500 sq ft per unit	1,400 sq ft per unit

19.303 COMMERCIAL MIXED-USE ZONES

Table 19.303.2

Uses Allowed in Commercial Mixed-Use Zones

Uses and Use Categories	GMU	NMU	Standards/Additional Provisions
Residential			
Single-family detached	N	CU	Subsection 19.505.1 Single Family Dwellings Section 19.905 Conditional Uses
Rowhouse ¹	P	CU	Subsection 19.505.5 Rowhouses
Multifamily <u>Multi-unit Housing</u>	P	CU	Subsection 19.505.3 <u>Multifamily Multi-unit Housing</u>
Cottage cluster housing	P	CU	Subsection 19.505.4 Cottage Cluster Housing
Mixed use ²	P	P	
Live/work units	P	P	Subsection 19.505.6 Live/Work Units
Senior and retirement housing	P	CU	Subsection 19.505.3 <u>Multifamily Multi-unit Housing</u>

Table 19.303.2 CONTINUED			
Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	GMU	NMU	Standards/Additional Provisions
Commercial^{3, 4} CONTINUED			
<p>General office</p> <p>General office means professional, executive, management, or administrative offices of firms or organizations.</p> <p>Examples include professional services such as lawyers, architects, or accountants; financial businesses such as lenders, credit unions, or real estate agents; sales offices; offices for testing and research-related businesses (including marijuana testing and research), and medical and dental clinics.</p> <p><u>Production-related office</u></p> <p><u>Professional and administrative office</u></p>	P	P	<p>Subsection 19.303.6.C Marijuana testing and research facilities</p>
<p>Commercial lodging.</p> <p>Commercial lodging includes for-profit residential facilities where tenancy is typically less than one month.</p> <p>Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments. Does not include senior and retirement housing.</p>	P	P	

19.304 DOWNTOWN ZONES

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
<u>Single room occupancy housing</u>	<u>P</u>	<u>N</u>	Subsection 19.505.3 Multi-unit Housing
Rowhouse	P	N	Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.5 Rowhouses
Multifamily <u>Multi-unit Housing</u>	P	N	Figure 19.304-2 Ground-Floor Residential Permitted Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.3 Multifamily <u>Multi-unit Housing</u>
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 <u>Multi-unit Housing</u>

Table 19.304.2 CONTINUED			
Uses Allowed in Downtown Zones			
Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Commercial			
<p>Commercial lodging</p> <p>Commercial lodging includes for-profit residential facilities where tenancy is typically less than 1 month.</p> <p>Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments. Does not include senior and retirement housing.</p>	P/CU	N	<p>Section 19.905 Conditional Uses (for vacation rentals only)</p>
<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 St 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>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>P/CU</p>	<p>N</p>	<p>Subsection 19.304.3.A.3 Commercial use limitations</p> <p>Section 19.905 Conditional Uses</p>
<p><u>Professional and Administrative Office</u></p>	<p><u>P/CU</u></p>	<p><u>N</u></p>	<p>Subsection <u>19.304.3.A.3</u> Commercial use limitations</p> <p>Section 19.905 Conditional Uses</p>

19.304.5 Detailed Development Standards

J. 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 and live/work units shall be 10 units per acre.

- b. Minimum densities for stand-alone multifamily dwellings ~~and senior/retirement housing~~ in the DMU Zone shall be 30 units per acre. Maximum residential densities are controlled by height limits.
-

19.306 LIMITED COMMERCIAL ZONE C-L

19.306.2 Conditional Uses and Community Service Uses Permitted

In a C-L Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section [19.905](#):

- A. Funeral home;
- B. Marina and boat sales;
- C. Parking facility;
- D. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;
- E. Financial institution;
- F. Trade or commercial school;
- G. ~~Single-family unit~~ detached dwelling;
- H. Agricultural or horticultural use, provided that poultry or 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. Marijuana production is not permitted as an agricultural use;
- I. ~~Duplex or multifamily development~~ Middle housing or multi-unit housing;
- J. Adult foster/care home ~~Senior and retirement housing~~;
- K. ~~Residential home~~;
- L. ~~Congregate housing facility~~;

In a C-L Zone the following community service uses and their accessory uses are permitted subject to the provisions of Section 19.904:

- A. Residential care facility

19.307 GENERAL COMMERCIAL ZONE C-G

In a C-G Zone the following regulations shall apply:

19.307.1 Uses Permitted Outright

In a C-G Zone the following uses and their accessory uses are permitted outright:

- A. Production-related office; ~~Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature;~~
- B. Professional and administrative office; ~~Offices for administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, testing, scientific or statistical businesses or organizations;~~

19.312 NORTH MILWAUKIE INNOVATION AREA

Table 19.312.2			
Uses Allowed in the North Milwaukie Innovation Area			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
Commercial			
<p>Office</p> <p>1. 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: corporate headquarters, architects, engineers, financial services or accounting firm headquarters, call offices/call centers; software and internet</p>	P	P	

Table 19.312.2 CONTINUED			
Uses Allowed in the North Milwaukee Innovation Area			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
<p>content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; government and utility research offices; call centers, marijuana testing and research facilities, and medical and dental labs or research/bioscience facility.</p> <p><u>2. Professional and Administrative Office</u></p> <p>2. Service-related office</p> <p>Traditional service related office uses are characterized by activities that generally focus on direct in-person, customer-focused services including 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; financial businesses such as lenders, retail brokerage houses, bank branches, or real estate agents; sales offices; government offices and public utility offices; counseling offices; and medical and dental clinics.</p>	L	L	<p>Subsection 19.312.4.A Standards for Limited Uses</p>

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.505 BUILDING DESIGN STANDARDS

19.505.3 Multi-unit Housing

B. Applicability

The design elements in Table 19.505.3.D in this subsection apply, as described below, to all multi-unit developments and residential care facilities ~~congregate housing developments~~ with 3 or more dwelling units on a single lot. Cottage cluster housing and rowhouses on their own lots are subject to separate standards and are therefore exempt from Subsection 19.505.3.

1. All new multi-unit or residential care facilities ~~congregate housing development~~ is subject to the design elements in this subsection.

C. Review Process

Two possible review processes are available for review of ~~multifamily multi-unit or residential care facilities congregate housing development~~: objective and discretionary. An applicant may choose which process to use. The objective process uses clear objective standards that do not require the use of discretionary decision-making. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met.

D. Design Guidelines and Standards

Applicable guidelines and standards for ~~multifamily multi-unit and residential care facilities congregate housing~~ are located in Table 19.505.3.D. These standards should not be interpreted as requiring a specific architectural style.

CHAPTER 19.600 OFF-STREET PARKING

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements		
Use	Minimum Required	Maximum Allowed
A. Residential Uses		
1. Single detached dwellings, including manufactured homes.	1 space per dwelling unit.	No maximum.
2. Multi-Unit Dwellings	1 space per dwelling unit.	2 spaces per dwelling unit.

Proposed Code Amendment with Commentary

3. Middle Housing ¹		
a. Duplexes	0	1 space per dwelling unit
b. Triplexes	0	1 space per dwelling unit
c. Quadplexes	0	1 space per dwelling unit
d. Townhouses ²	0	1 space per dwelling unit
e. Cottage Clusters	0.5 spaces per dwelling unit	1 space per dwelling unit
4. Residential homes <u>Adult foster/care homes</u> and similar facilities allowed by right in residential zones.	1 space per dwelling unit plus 1 space per employee on the largest shift.	Minimum required parking plus 1 space per bedroom.
B. Community Service and Other Public Uses		
7. <u>Residential care facilities</u> Nursing, convalescent, and extended care facilities.	1 space per 4 beds.	1 space per 3 beds.

CHAPTER 19.900 LAND USE APPLICATIONS

19.904 COMMUNITY SERVICE USES

A. Institutions—Public/Private and Other Public Facilities

1. Schools, public or private, and their accompanying sports facilities, day-care centers, private kindergartens;
2. Government office buildings for local, state, or federal government such as a City hall, courthouse, police station, or other similar buildings;
3. Hospital;
4. Cemetery;
5. ~~Nursing or convalescent home~~ Residential care facility;

~~19.904.8 Specific Standards for Nursing or Convalescent Homes~~

~~A. Public services must be adequate to serve the facility.~~

~~B. Facilities will access on arterial or collector streets.~~

~~C. Setbacks must be the greater of 25 ft or the setback of an adjacent residential zone or of the underlying zone.~~

~~D. Maximum height shall not exceed 45 ft.~~

~~E. Buffering of noise and light from adjacent streets and between adjacent properties may be required.~~

~~F. Sites which could cause hazard to disoriented patients through proximity to heavily traveled streets, water hazards, or ravines or steep slopes shall not be approved unless the applicant can satisfy the commission that safety measures will be used to prevent injury to patients.~~

~~G. On parcels surrounded by existing dwellings, additional conditions may be necessary to:~~

~~1. Mitigate the effects of traffic caused by shift changes, particularly regarding noise at night and safety of school children in transit; and/or~~

~~2. Maintain neighborhood scale, particularly regarding size of structure, width of driveway, signs, exterior lighting, and placement of parking facilities.~~

~~H. Conversion of existing dwellings may be allowed if state codes and rules can be met and the conditions of this subsection are satisfied.~~

~~I. Off street parking must be provided as per Chapter 19.600.~~

~~J. 15% of the total site is to be landscaped~~

19.904.9 8 Specific Standards for Institutions—Public, Private, Religious, and Other Facilities not Covered by Other Standards

19.904.409 9 Specific Standards for Solid Waste Facilities

19.904.4410 Standards for Wireless Communications Facilities

C. Application Process

3. Type II Review

Placement, construction, or modification of WCFs not involving the construction of a new monopole, other than those activities described in Subsection 19.904.4410.C.1, are subject to Section 19.1005 Type II Review, provided that the antennas and base equipment comply with the standards contained in this subsection. Also see Table 19.904.4410.C.

4. Type III Review

All proposed new monopole towers, and projects exceeding the applicability for Type II review, are subject to Section 19.1006 Type III Review. Also see Table 19.904.4410.C.

Towers		WCFs Not Involving New Tower		
Zones	New Monopole Tower up to 100 Ft	Building Rooftop or Wall Mounted Antenna	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions
BI	III	P/I/II	P/I/II	P/I/II
M	III	P/I/II	P/I/II	P/I/II
M-TSA	III	P/I/II	P/I/II	P/I/II
C-N	N	P/I/II	P/I/II	P/I/II
C-G	N	P/I/II	P/I/II	P/I/II
C-L	N	P/I/II	P/I/II	P/I/II
C-CS	N	P/I/II	P/I/II	P/I/II
OS	N	P/I/II	P/I/II	P/I/II
DMU	N	P/I/II	P/I/II	P/I/II
GMU	N	P/I/II	P/I/II	P/I/II
NMU	N	P/I/II	P/I/II	P/I/II
R-1-B	N	P/I/II	P/I/II	P/I/II
R-1	N	N	P/I/II	P/I/II
R-2	N	N	P/I/II	P/I/II
R-2.5	N	N	P/I/II	P/I/II
R-3	N	N	P/I/II	P/I/II
R-MD	N	N	P/I/II	P/I/II

F. Location and Size Restrictions

1. Separation for New Monopole Towers

New monopole towers may not be constructed within 1,500 ft of any preexisting tower. The Planning Commission has the authority to approve a reduction in the minimum separation requirement to not less than 1,000 ft, provided that the applicant can demonstrate the need to the satisfaction of the Planning Commission, for the distance reduction. A tower shall include any preexisting tower or any tower for which the City has issued a building permit, or for which a land use application has been filed and not denied. This distance shall be measured in a straight line from the base of the existing tower to the base of the proposed tower.

2. Height: maximum heights. Also see Table 19.904.4410.C.

d. For antennas on utility poles in the right-of-way, one 15-ft extension is permitted to the original installation by the owner. The carrier may replace the existing pole with a new utility pole not to exceed 15 ft above the height of the pole that is to be replaced. Equipment cabinets shall be attached to the utility pole. Where this is not practicable, the base equipment shall be subject to requirements of Subsection 19.904.4410.G.1.b.

G. Development Standards for All WCFs

1. Setbacks and Equipment Cabinets

a. Setbacks for new monopole towers and equipment cabinets shall be established from the property line and not the leased area. Regardless of the zone, the setbacks shall be as follows:

(5) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.4410.G.6 Landscaping and Fencing Requirements.

b. For antennas placed on existing utility pole and other support structures located in the right-of-way, the equipment cabinet shall be located on the utility pole to the greatest extent.

(3) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.4410.G.6 Landscaping and Fencing Requirements.

c. Equipment cabinets for water towers, “stealth” designs or other antenna support structures not covered by the previous subsections.

(2) The equipment cabinet shall meet the vegetative screening requirements addressed in Subsection 19.904.4410.G.6 Landscaping and Fencing Requirements.

19.905 CONDITIONAL USES

19.905.9 Standards Governing Conditional Uses

~~G. Senior and Retirement Housing~~

~~In considering a conditional use application for senior and retirement housing, the Planning Commission shall consider the following:~~

- ~~1. Pedestrian access to transit.~~
- ~~2. Pedestrian access to convenience facilities such as grocery store, pharmacy, laundromat, park and open space, and senior activity center.~~
- ~~3. Pedestrian access to banking, churches, hospitals, and restaurants.~~
- ~~4. Quality of project as a living environment for residents.~~
- ~~5. Minimizing impact on the surrounding area.~~

~~An applicant shall submit materials and the Planning Commission shall attach conditions that will ensure that the special nature of the housing, and the groups to be served, are clearly defined and maintained in perpetuity. A project is required to meet the definition for this type of housing in Section [19.201](#).~~

~~HG. Vacation Rentals~~

CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES

19.1104.1 Administration and Approval Process



















Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes

County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
R-20	R-MD	Low Moderate density residential

Proposed Code Amendment with Commentary

R-15	R-MD	Low <u>Moderate</u> density residential
R-10	R-MD	Low <u>Moderate</u> density residential
R-8.5	R-MD	Low <u>Moderate</u> density residential
R-7	R-MD	Low <u>Moderate</u> density residential
MR1	R-2	Medium <u>High</u> density residential
MR2	R-2	Medium <u>High</u> density residential

Milwaukie Comprehensive Plan Zoning Proposed Designations

-  City of Milwaukie
-  County Boundary
-  MUTSA
-  BI
-  GMU
-  C-CS
-  DMU
-  C-G
-  C-L
-  C-N
-  NMU
-  OS
-  M
-  NME
-  R-MD
-  R-1-B
-  R-2
-  R-3



Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center

Date: Monday, August 22, 2022

The information depicted on this map is for general reference only. The City of Milwaukie cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated.

GIS Coordinator
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206
(503) 786-7687

0 0.25 0.5
Miles

