



# CITY OF MILWAUKIE

## Milwaukie Zoning Code Proposed Amendments for Minor Code Fixes January 2023 Primary Land Use File #ZA-2023-001

Amendments to the following code sections are proposed as clarifications or minor tweaks that are not intended to affect meaning or intent of existing regulations. The code amendments are considered minor code fixes and are a way of cleaning up the code.

Please contact Vera Koliass, Senior Planner with the City of Milwaukie Planning Department, at 503-786-7653 or [koliassv@milwaukieoregon.gov](mailto:koliassv@milwaukieoregon.gov) with questions or comments about the proposed code amendments and/or the code adoption process.

### Zoning Map - Rename HDR to R-HD

#### Municipal Code - Title 17 Land Division

- Chapter 17.24 FINAL PLAT
  - Section 17.24.060 Bond

#### Municipal Code - Title 19 Zoning Ordinance

- 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 19.312 North Milwaukie Innovation Area
- Chapter 19.400 OVERLAY ZONES AND SPECIAL AREAS
  - Section 19.401 Willamette Greenway Zone
- Chapter 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS
  - Section 19.502 Accessory Structures
  - Section 19.505 Building Design Standards
- Chapter 19.1000 REVIEW PROCEDURES
  - Section 19.1006 Type III Review
  - Section 19.1010 Appeals
- Chapter 19.1100 ANNEXATIONS AND BOUNDARY CHANGES
  - Section 19.1102 Annexations

## 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 ~~strike through~~ 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.

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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.

## COMMENTARY

### TITLE 17 LAND DIVISION

#### CHAPTER 17.16 APPLICATION REQUIREMENTS AND PROCEDURES

The proposed amendment removes an error in the list of details to be shown on a land division plan. The application fee is not shown on a plan.

#### Title 17 Land Division

##### 17.16.040 LOT CONSOLIDATION AND PROPERTY LINE ADJUSTMENT

The following shall accompany applications for lot consolidation and property line adjustments:

- E. A plan drawn to scale showing the following details:
  - 7. Location of existing structures to remain and proposed structures, if any, with setbacks shown to all existing and proposed lot lines; and
  - 8. Deeds of the properties involved; and
  - 9. ~~Application fee as adopted by the City Council. (Ord. 1907 (Attach. 1), 2002)~~

#### CHAPTER 17.24 FINAL PLAT

The proposed amendment adds the City Engineer and Community Development Director to the list of staff that have the authority to set the bond amount to provide for contingency staff when needed and recognizes that the City Engineer typically sets the bond amount as a matter of practice.

#### CHAPTER 17.24 FINAL PLAT

##### 17.24.060 BOND

- A. The applicant shall file with the notice one of the following to assure his or her full and faithful performance:
  - 1. An agreement to make improvements in a form approved by the City Attorney;
  - 2. A letter of credit;

3. Cash.

B. Such assurance of full and faithful performance shall be for a sum determined by the Public Works Director, City Engineer, or Community Development Director as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection.

C. If the applicant fails to carry out said improvements and the City has unreimbursed costs or expenses resulting from such failure, the City may call the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost incurred by the City, the City shall release the remainder. If the amount of the bond or cash deposit is less than the cost incurred by the City, the applicant shall be liable to the City for the difference. (Ord. 1907 (Attach. 1), 2002)

**COMMENTARY**  
**TITLE 19 ZONING**  
**CHAPTER 19.100**  
**INTRODUCTORY PROVISIONS**

**Table 19.201 Definitions**

The proposed amendment makes the following changes:

- Revises the definition of family child care home to be consistent with state law (HB 3109).
- Revises the definition of major pruning so it matches the definition in the tree code (MMC 16.32).
- Revises the definition of structure to clarify that storage containers, sheds, and carports are considered structures. This allows the minimum setbacks to be applied.
- Deletes the definition of primary entrance because the code already includes "building entrance".

**Title 19 Zoning Ordinance**

**CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS**

**19.201 DEFINITIONS**

"Family child care home" means a child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280 (2) or is registered under ORS 329A.330. A family child care home is a ~~"Family day care" means a private residence occupied by the family day care provider and is permitted in all areas zoned for residential or commercial purposes and used as a home occupation by the provider. for the care of fewer than 13 children, including children of the provider, regardless of full-time or part-time care status.~~

"Front lot line" means, in the case of an interior lot, the lot line separating the lot from the street other than an alley; in the case of a corner lot, a line separating the lot from the street on which the existing or contemplated development will face; and, in the case of a through lot, a line separating the lot from the street on which the contemplated development will face. In the case of a flag lot or back lot, the front lot line is the lot line closest to the street from which the property takes access, excluding lot lines that are part of the pole portion of the flag lot.

## Proposed Code Amendment with Commentary

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“Major pruning” means removal of more than 20% of a tree’s canopy, or injury or cutting of over ~~40~~ 15% of the root system, during any 12-month period.

“Primary building entrance” means the entrance to a building that most pedestrians are expected to use. Generally, each building has one primary entrance; however, some buildings may have more than one primary entrance or may have entrances that open directly into the building’s lobby or principal interior ground-level circulation space.

~~“Primary entrance” means the entrance to a building that most pedestrians are expected to use. Generally, each building has 1 primary entrance. Primary entrances are the widest entrances of those provided for use by pedestrians. In multitenant buildings, primary entrances open directly into the building’s lobby or principal interior ground-level circulation space. When a multitenant building does not have a lobby or common interior circulation space, each tenant’s outside entrance is a primary entrance. In single-tenant buildings, primary entrances open directly into lobby, reception, or sales areas.~~

“Structure” means something constructed or built and having a fixed base or fixed connection to the ground or another structure. Structures include storage containers, prefabricated sheds, pop-up carports, etc. (Streets and utilities are excluded from this definition.)

**COMMENTARY**

**TITLE 19 ZONING**

**CHAPTER 19.300 BASE ZONES**

**CHAPTER 19.301 MODERATE DENSITY RESIDENTIAL ZONES**

**19.301.4 Development Standards**

The table of Development Standards is proposed to be amended to correct a numbering reference in Section 19.504.

**19.301.5.B Additional Development Standards - Lot Coverage**

The current language states that the additional lot coverage for a residential dwelling is only for a new dwelling or an addition that does not exceed 20 ft in height.

This is an issue because the lot coverage bonus does not include accessory structures which are also part of a residential property and are consistent with the intent of the bonus, which is to allow people to add on to their structures and stay on the property. If someone proposes a new home with an accessory structure and meets the standard, they can take advantage of the bonus. But if someone wishes to add a small accessory structure to a property that is already developed, they cannot take advantage of the bonus. The issue becomes one of timing rather than development intent.

Staff proposes to allow people to use the 10-percentage point lot coverage increase even for building an accessory structure. Staff's experience is that it seems like the timing of what gets built when should not disqualify some sites where the end result would be the same.

**CHAPTER 19.300 BASE ZONES**

**19.301 MODERATE DENSITY RESIDENTIAL ZONES**

<b>Table 19.301.4 Moderate Density Residential Development Standards</b>					
<b>Standard</b>	<b>R-MD</b>				<b>Standards/ Additional Provisions</b>
	<b>Lot size (square feet)</b>				
	<b>1,500 – 2,999</b>	<b>3,000–4,999</b>	<b>5,000- 6,999<sup>2</sup></b>	<b>7,000 and up</b>	
<b>B. Lot Standards</b>					
Flag lot	NA <sup>3</sup>	25	25	25	<b>Subsection 19.504.76</b> Flag Lot and Back Lot Design and Development Standards
Double flag lot	NA <sup>3</sup>	25	25	25	

## Proposed Code Amendment with Commentary

<b>C. Development Standards</b>					
1. Minimum yard requirements for primary structures (ft)					<b>Subsection</b> <b>19.504.76</b> Flag Lot and Back Lot Design and Development Standards
Front yard	20	20	20	20	
Side yard	5	5	5	5/10	
Street side yard	15	15	15	20	<b>Subsection</b>
Rear yard	15	20	20	20	<b>19.301.5.C</b> Front Yard Minimum Vegetation
Minimum vegetation (percent of total lot area)	15%	25%	25%	30%	<b>Subsection</b> <b>19.504.65</b> Minimum Vegetation

### 19.301.5 Additional Development Standards

#### B. Lot Coverage

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

##### 2. Increased Lot Coverage for Single Detached and Middle Housing Dwellings

a. The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a single detached dwelling, ~~or an addition to an existing single detached dwelling, or an accessory structure,~~ provided that the portions of the any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

b. The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a middle housing dwelling (except for townhouses and cottage clusters), ~~or an addition to an existing middle housing dwelling (except for townhouses and cottage clusters), or an accessory structure,~~ provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

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

#### H. Additional Standards

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



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

1. Subsection 19.504.4 Buildings on the Same Lot
2. Subsection 19.504.76 Flag Lot and Back Lot Design and Development Standards

**CHAPTER 19.301 MODERATE DENSITY RESIDENTIAL ZONES**

**19.302.4 Development Standards**

The table of Development Standards is proposed to be amended to correct a numbering reference in Section 19.504.

**19.301.5.B Additional Development Standards - Lot Coverage**

The current language states that the additional lot coverage for a residential dwelling is only for a new dwelling or an addition that does not exceed 20 ft in height.

This is an issue because the lot coverage bonus does not include accessory structures which are also part of a residential property and are consistent with the intent of the bonus, which is to allow people to add on to their structures and stay on the property. If someone proposes a new home with an accessory structure and meets the standard, they can take advantage of the bonus. But if someone wishes to add a small accessory structure to a property that is already developed, they cannot take advantage of the bonus. The issue becomes one of timing rather than development intent.

Staff proposes to allow people to use the 10-percentage point lot coverage increase even for building an accessory structure. Staff's experience is that it seems like the timing of what gets built when should not disqualify some sites where the end result would be the same.

**19.302 HIGH DENSITY RESIDENTIAL ZONES**

Table 19.302.4		
High Density Residential Development Standards		
Standard	<b>HDR-R-HD</b>	Standards/ Additional Provisions
<b>A. Lot Standards</b>		

4. Minimum street frontage requirements (ft)		<b>Subsection 19.504.6</b> Flag Lots
a. Townhouse	20	
b. Standard lot	35	
c. Flag lot	25	
d. Double flag lot	25	
<b>B. Development Standards</b>		
5. Minimum vegetation (percent of total lot area)	15%	<b>Subsection 19.504.75</b> Minimum Vegetation  <b>Subsection 19.302.5.C</b> Minimum Vegetation  <b>Subsection 19.302.5.D</b> Front Yard Minimum Vegetation

**19.302.5 Additional Development Standards**

**B. Lot Coverage**

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

1. Increased Lot Coverage for Single Detached Dwellings

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

b. The maximum lot coverage percentage in Subsection 19.302.4 is increased by 10 percentage points for development of a middle housing dwelling (except for townhouses and cottage clusters), ~~or an addition to an existing middle housing dwelling (except for townhouses and cottage clusters),~~ or an accessory structure, provided that the portions of ~~the any structure(s) on the site~~ that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only

portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

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

**K. Additional Standards**

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

1. Subsection 19.504.4 Buildings on the Same Lot
2. Subsection 19.504.76 Flag Lot and Back Lot Design and Development Standards
3. Subsection 19.504.87 On-Site Walkways and Circulation
4. Subsection 19.504.98 Setbacks Adjacent to Transit

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**19.303 COMMERCIAL MIXED-USE ZONES**

**19.303.3 Development Standards**

These development standards are intended to ensure that new development in the commercial mixed-use zones is appropriate for a mixed-use district in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.303.3 summarizes some of the development standards that apply in the commercial mixed-use zones. Development standards are presented in detail in Subsection 19.303.4.

<b>Table 19.303.3</b>			
<b>Commercial Mixed Use Zones—Summary of Development Standards</b>			
<b>Standard</b>	<b>GMU</b>	<b>NMU</b>	<b>Standards/ Additional Provisions</b>
<b>Development Standards</b>			
7. Primary <u>building</u> entrances	Yes	Yes	<b>Subsection 19.303.4.E</b> Primary <u>Building</u> Entrances

**E. Primary Building 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 1 primary entrance facing an abutting public street (i.e., within 45 degrees of the street property line); or, if the building entrance must be turned more than 45 degrees from the public 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 public street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to a 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 a corner in the GMU Zone, the primary building entrance may be oriented toward either street.
- d. If a development is on the corner of 32nd Ave or 42nd Ave and another street in the NMU Zone, the primary building entrance must be oriented toward 32nd Ave or 42nd Ave.

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## CHAPTER 19.312 NORTH MILWAUKIE INNOVATION AREA

### 19.312.2 Allowed Uses

The proposal amends the list of permitted uses to include consumer e-commerce businesses and to clarify that in-person retail-oriented businesses are not the intended businesses in the wholesale trade and warehousing list of permitted uses. This revision is proposed to provide consistency with the common understanding that a warehouse use with a fulfillment center would not be considered a traditional retail use, even though the business is selling directly to consumers. The proposed amendment draws a clear distinction between traditional brick and mortar retail businesses with on-site sales and direct to consumer e-commerce businesses which are more in keeping with the allowed warehouse use.

### 19.312.7 Design Standards for All Uses in the MUTSA and on NME Key Streets

The proposal revises the graphic associated with key streets to be consistent with the word list in MMC 19.312.7. This corrects an error of inconsistency in the code.

**19.312 NORTH MILWAUKIE INNOVATION AREA**

<b>Table 19.312.2</b>			
<b>Uses Allowed in the North Milwaukie Innovation Area</b>			
<b>Uses and Use Categories</b>	<b>NME</b>	<b>MUTSA</b>	<b>Standards/Additional Provisions</b>
<b>Industrial, Manufacturing and Production</b>			
1. Floor area ratio (min/max)	0.5:1/3:1	0.5:1/3:1	
Wholesale trade, warehousing, distribution This category comprises establishments engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users; direct to consumers via e-commerce (such as fulfillment centers); or to other wholesalers, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers sell or distribute merchandise exclusively to other businesses, not the general public, and normally operate from a warehouse or office and are not intended for walk-in traffic or in-person retail-oriented sales.	25 45-90	25 45-90	<b>Subsection 19.312.6.A</b> Building height bonus  <b>Subsection 19.510</b> Green Building Standards

<b>Table 19.312.5</b>			
<b>North Milwaukie Innovation Area — Summary of Development Standards</b>			
<b>Standard</b>	<b>NME</b>	<b>MUTSA</b>	<b>Standards/Additional Provisions</b>
<b>B. Development Standards</b>			
6. Flexible ground-floor space	Yes, where applicable	Yes, where applicable	<b>Subsection 19.312.7.A.6</b> Flexible ground-floor space
8. Frontage occupancy	50%	50%	<b>Subsection 19.312.7.A.7</b> Frontage occupancy

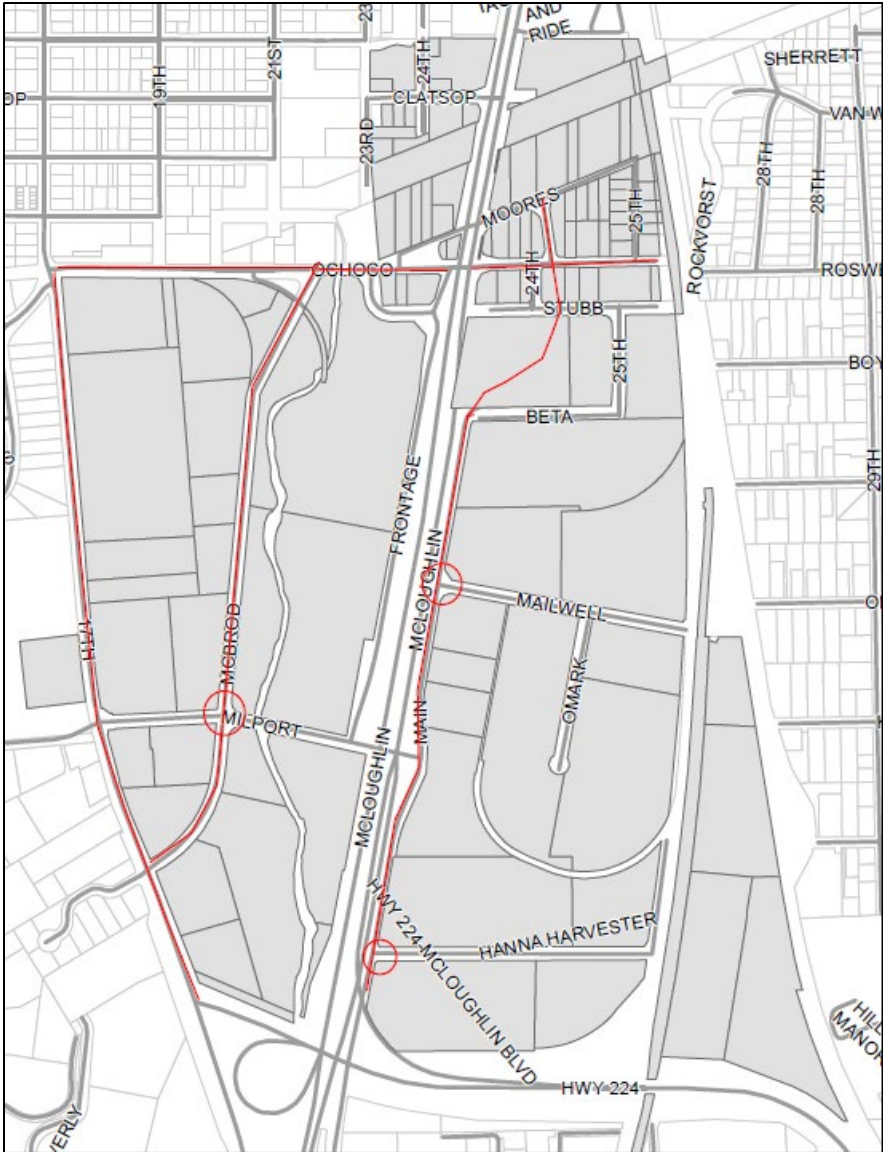
**19.312.7 Development Design Standards for All Uses in the MUTSA and on NME Key Streets**

The following development standards apply to all uses in the MUTSA Zone and in the NME Zone on properties located on the following key streets and key corners: McBrod Avenue, Main Street, 17th Avenue, and Ochoco Street (see Figure 312.7.1).

Figure 19.312.7.1

Key Streets





**COMMENTARY**

**TITLE 19 ZONING**

**CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS**

**CHAPTER 19.401 WILLAMETTE GREENWAY ZONE**

**19.401.5 Procedures**

The proposal revises the list of activities exempt from review to ensure consistency with statewide Goal 15.

**CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS**

**19.401 WILLAMETTE GREENWAY ZONE**

**19.401.5 Procedures**

The following procedures shall govern the application of WG zones:

B. Willamette Greenway review is not required for any of the activities listed below:

7. Establishment of residential accessory structures or uses, such as lawns, gardens, and play areas, subject to the vegetation buffer requirements of Subsection 19.401.8;
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**COMMENTARY**

**TITLE 19 ZONING**

**CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS**

**CHAPTER 19.502 ACCESSORY STRUCTURES**

The proposed language revises the language for residential accessory structures to clarify that retaining walls are exempt from the requirements and limitations.

The amendments include street side yard requirements in Table 19.502.2.A.1.a rather than have that requirement be in a word list.

The proposed amendments also correct numbering in a list of additional standards.

**CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS**

**19.502 ACCESSORY STRUCTURES**

**19.502.1 General Provisions**

A. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way, including, but not limited to, streets, alleys, and public and private easements, unless permitted in accordance with Chapter 12.14.

H. Retaining walls are exempt from accessory structure limitations.

**19.502.2 Specific Provisions for Accessory Structures**

Table 19.502.2.A.1.a CONTINUED			
Residential Accessory Structure Height and Footprint Standards			
Standard	Type A	Type B	Type C
Required rear yard	3 ft	5 ft	Base zone required rear yard
Required side yard	3 ft	5 ft	Base zone required side yard
<u>Required street side yard</u>	<u>Base zone required street side yard</u>		
Required front yard	Not allowed in front yard unless the structure is at least 40 ft away from the front lot line.		

B. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

1. Fences, walls, and plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fences, walls, and plantings shall meet clear vision standards provided in Chapter 12.24. Fences and walls ~~on lot perimeters~~ in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained to the following standards

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**19.504 SITE DESIGN STANDARDS**

**~~19.504.4~~ Distance from Property Line**

~~Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least 3 ft from the property line.~~

**19.504.5 4 Transition Area Measures**

**~~19.504.6~~ 5 Minimum Vegetation**

**19.504.7 6 Flag Lot and Back Lot Design and Development Standards**

**Figure 19.504.7.6.E**

**Figure 19.504.7.6.F**

**19.504.8 7 On-Site Walkways and Circulation**

**19.504.9 8 Setbacks Adjacent to Transit**

**~~19.504.10~~ 9 Preliminary Circulation Plan**

**D. Screening of Adjoining Properties**

Flag lots and back lots must be screened in accordance with this subsection. Fencing and screening must conform to the clear vision standards of Chapter 12.24. Fencing must conform to the standards of Subsection 19.502.2.B.

2. Driveways on flag lots and back lots must be screened to the greatest extent practicable. Continuous screening along lot lines of the flag lot, or back lot, abutting any neighboring lot that is not part of the parent lot from which the flag lot, or back lot, was created is required as described below. See Figures 19.504.7.6.E. and 19.504.7.6.F.

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## CHAPTER 19.505 BUILDING DESIGN STANDARDS

The proposed language makes several amendments across several sections in this subsection of the code.

The proposal re-organizes the design standards so that the cottage cluster and townhouse code sections are all-inclusive (MMC 19.505.1, 19.505.4, and 19.505.5). Staff acknowledges that the draft code appears to have a lot of new code language, but in fact it reflects duplicate code in two additional sections - it is not new language (other than some minor amendments reflective state law). State law does not permit cities to apply design standards to developments that convert existing single detached dwellings into middle housing.

- The current language consolidates many design standards for single detached dwellings and middle housing, but also includes separate sections for cottage cluster and townhouse development with additional standards.
  - This is an issue because developers of middle housing must read through two different code sections, creating confusion for both the public and staff in making sure all standards are followed.
  - Staff proposes to treat one to four dwellings, cottage clusters, and townhouse developments separately so that all applicable standards are housed in their own sections to ensure clarity and simplification of the code. While duplicative, it allows each type of housing to include all applicable standards in one code section.

The proposal also modifies the design details section so that the list of roofing materials includes clay tile or slate materials rather than just the word "tile."

### 19.505 BUILDING DESIGN STANDARDS

#### 19.505.1 ~~Single Detached Dwellings and Middle Housing~~ One- to Four-Unit Residential Development

##### A. Purpose

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

Dwellings must address the following design objectives:

- a. Articulation – All street-facing buildings must incorporate design elements that break up façades into smaller planes.

- b. Eyes on the street – A certain percentage of the area of each street-facing façade must be windows or entrance doors.
- c. Main entrance – On street-facing façades, at least one main entrance must meet standards for location, orientation, and visibility.
- d. Detailed design – All street-facing buildings must include several features selected from a menu.

In addition, site design standards are intended to facilitate the development of attractive housing that encourages multimodal transportation. They encourage good site design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.

Site design is intended to meet the following objectives:

- 7. Livability –Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private open spaces for outdoor use.
- 8. Compatibility –Development should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of Milwaukie.
- 9. Safety and Functionality –Development should be safe and functional, by providing visibility into and within a residential development and by creating a circulation system that prioritizes bicycle and pedestrian safety.
- 10. Sustainability –Development should incorporate sustainable design and building practices, such as energy conservation, preservation of trees and open space, quality building materials, and alternative transportation modes.

#### B. Applicability of Design Standards

The building design standards in this subsection apply to the types of development listed development of one to four units when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line and to dwellings in a cluster or grouping, either facing a shared open space (e.g., a common courtyard) or a pedestrian path. The site design standards apply to plex developments (i.e., two to four units).

~~1. Placement of a new manufactured home on a lot outside of a manufactured home park is subject to the requirements of Section 19.506 and the standards of Subsection 19.505.1.~~

#### 1. New construction

The full list of design standards applies to construction of new single detached and plex dwellings.

#### **Table 19.505.1.B.1 Applicability by Housing Type**

Design Standard	1-4 units
Articulation	{2}
Eyes on the street	{2} {3}
Main entrance	{2} {3}
Detailed design	{2}
Common open space	
Pedestrian circulation	{1} {5}
Off-street parking	
Privacy and screening	{4}
Recycling areas	{5}
Sustainability	{6}

- ~~2. Applicable to the entire site~~
- ~~3. Applicable to dwellings facing the street~~
- ~~4. Applicable to dwellings in a cluster or grouping, either facing a shared open space (e.g. a common courtyard) or a pedestrian path.~~
- ~~5. Applicable to clustered parking where parking spaces exceed 4~~
- ~~6. Applicable only for additions or new buildings~~
- ~~7. Applicable only for new buildings~~

- 2. Expansions of single detached dwellings structures in Subsection 19.505.1.B.1 that add area to any street-facing façade are subject to. ~~The design standards for such expansions are applicable as follows:~~
  - a. Expansions that add 75 sq ft or less of street-facing façade area are exempt from all design standards in Subsection 19.505.1.
  - b. Expansions that add more than 75 sq ft and less than 200 sq ft of street-facing façade area are subject to Subsection 19.505.1.C.2 Eyes on the Street. The expanded façade area must meet the standards of Subsection 19.505.1.C.2 without consideration of the original street-facing façade area.
  - c. Expansions that add 200 sq ft or more of street-facing façade area are subject to the following design standards:
    - (1) The entire street-facing façade shall comply with Subsection 19.505.1.C.2 Eyes on the Street.

- (2) Subsection 19.505.1.C.3 Main Entrance is applicable if an expansion would create a new main entrance. No expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
- (3) Subsection 19.505.1.C.1 Articulation is applicable for expansions that add 20 lineal ft or more to the length of the street-facing façade.
- d. Subsection 19.505.1.C.4 Detailed Design is not applicable for expansions. However, no expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the Detailed Design standards.
- e. Multiple expansions are allowed within a five-year period if the street-facing façade will comply with the design standards that would have been applicable if the expansions occurred at the same time.
- f. Conversions of an attached garage to a habitable residential space. When applicable, the design standards apply only to the street-facing façade of the garage being converted. The following design standards are applicable:
  - (1) Subsection 19.505.1.C.3 Main Entrance is applicable if the garage conversion would create a new main entrance. No conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
  - (2) Subsection 19.505.1.C.4 Detailed Design is not applicable. However, no conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.

3. Remodels, additions, and conversions that create new dwelling units.

- a. Internal conversion of an existing single detached dwelling, or an addition to an existing single detached dwelling, into a duplex, triplex, or quadplex (as provided in OAR 660-046-0230) is exempt from this section, provided that the conversion or addition does not increase nonconformance with applicable clear and objective standards. New duplexes, triplexes, and quadplexes created by adding square footage on a site occupied by an existing single detached dwelling must comply with this section.
- ~~a. that convert an attached garage to a habitable residential space. When applicable, the design standards apply only to the street-facing façade of the garage being converted. The following design standards are applicable:~~
  - ~~a. Subsection 19.505.1.C.3 Main Entrance is applicable if the garage conversion would create a new main entrance. No conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.~~
  - ~~b. Subsection 19.505.1.C.4 Detailed Design is not applicable. However, no conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.~~
- b. Conversion of an existing accessory structure into a plex dwelling unit must meet the Eyes on the Street standard for the street-facing façade(s).

4. Placement of a new manufactured home on a lot outside of a manufactured home park is subject to the requirements of Section 19.506 and the standards of Subsection 19.505.1.

C. Dwelling Standards

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

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

1. Articulation

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

- a. For buildings with 30-60 ft of street frontage, a minimum of ~~4~~one of the following elements must be provided along the street-facing façades:
  - (1) A porch at least 5 ft deep.
  - (2) A balcony that is at least 2 ft deep and is accessible from an interior room.
  - (3) A bay window that extends at least 2 ft wide.
  - (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.
  - (5) A gabled dormer.
- b. For buildings with over 60 ft of street frontage, at least ~~4~~one element in Subsection 19.505.1.C.1.a(1)-(4) above must be provided for every 30 ft of street frontage. Elements must be distributed along the length of the façade so that there are no more than 30 ft between ~~2~~two elements.
- c. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

3. Main Entrance

At least ~~4~~one main entrance must meet both of the following standards. See Figure 19.505.1.C.3 for illustration of main entrances. Dwellings on flag lots or back lots are exempt from these main entrance design standards.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards:
  - (1) Be at least 25 sq ft in area with a minimum 4-ft depth.

- (2) Have at least ~~4~~one porch entry facing the street.
- (3) Have a roof that is no more than 12 ft above the floor of the porch.
- (4) Have a roof that covers at least 30% of the porch area.

4. Detailed Design

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

- g. Clay tile, slate, or wood shingle roofs.
- q. The following design element counts as two ~~(2)~~ elements. Dwelling must be built to meet universal access as follows:
  - a) Dwelling must have a bedroom on the ground floor.
  - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
  - c) Doors must have a minimum clear width of 32 ~~inches~~.
  - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

D. Site Design Standards

The site design standards do not apply to single detached dwellings, only to plex developments.

- 1. Minimum separation between detached units is 6 ft.

~~1. Common Open Space~~

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

- ~~a. The common courtyard must be a single, contiguous piece.~~
- ~~b. Cottages must abut the common courtyard on at least two sides of the courtyard.~~
- ~~c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection (1) of this section (C)).~~
- ~~d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.~~
- ~~e. The common courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard must not exceed 75 percent of the total common courtyard area.~~



- ~~f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard must count toward the courtyard's minimum dimension and area. Parking areas, required setbacks between cottages, and driveways do not qualify as part of a common courtyard.~~

#### ~~42. Pedestrian circulation~~

The on-site pedestrian circulation system must include the following:

- ~~a. Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas.~~
- ~~b. At least four pedestrian connection to an abutting street frontage for each 200 linear ft of street frontage.~~
- ~~c. Pedestrian walkways must be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.~~
- ~~d. Walkways must be constructed with a hard surface material, must be permeable for stormwater, and must be no less than 3 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway must be provided. The walkways must be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.~~

#### ~~2 Off-Street Parking~~

- ~~1. Off-street parking may be arranged in clusters, subject to the following standards:
  - ~~i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.~~
  - ~~ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.~~
  - ~~iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.~~
  - ~~iv. Clustered parking areas may be covered.~~~~
- ~~1. Off-street parking spaces and vehicle maneuvering areas must not be located:
  - ~~i. Within of 20 feet from any street property line, except alley property lines;~~
  - ~~ii. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.~~
  - ~~iii. Off-street parking spaces must not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.~~~~
- ~~2. Landscaping, fencing, or walls at least three feet tall must separate clustered parking areas and parking structures from common courtyards and public streets.~~

- ~~3. Garages and carports (whether shared or individual) must not abut common courtyards.~~
- ~~4. Individual attached garages up to 200 square feet must be exempted from the calculation of maximum building footprint for cottages.~~
- ~~5. Individual detached garages must not exceed 400 square feet in floor area.~~
- ~~6. Garage doors for attached and detached individual garages must not exceed 20 feet in width.~~

### 3. Privacy and screening

- a. Mechanical and communication equipment and outdoor garbage and recycling areas must be screened so they are not visible from streets and common open spaces.
- b. Utilities such as transformers, heating and cooling, electric meters, and other utility equipment must not be located within 5 ft of a front entrance and must be screened with sight-obscuring materials.
- c. All fences on the interior of the development must be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

### 4. Sustainability

In order to promote more sustainable development, plex developments must incorporate the following elements:

- a. Building orientation that does not preclude utilization of solar panels, or an ecoroof on at least 20% of the total roof surfaces.
- b. Windows that are operable by building occupants.
- c. Window orientation, natural shading, and/or sunshades to limit summer sun and to allow for winter sun penetration.

### 5. Recycling areas

A recycling area or recycling areas within a plex development must meet the following standards:

- a. The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated cardboard, tin, and aluminum.
- b. The recycling collection area must be located at least as close to the dwelling units as the closest garbage collection/container area.
- c. Recycling containers must be covered by either a roof or weatherproof lids.
- d. The recycling collection area must have a collection capacity of at least 100 cu ft in size for every 10 dwelling units or portion thereof.
- e. The recycling collection area must be accessible to collection service personnel between the hours of 6:00 a.m. and 6:00 p.m.
- f. The recycling collection area and containers must be labeled, to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants.
- g. Fire Department approval will be required for the recycling collection area.

h. Review and comment for the recycling collection area will be required from the appropriate franchise collection service.

**19.505.3 Multi-Unit Housing**

B. Applicability

4. Any activity not described in Subsections 19.505.3.B.1-3 ~~19.505.3.D.2.a through 19.505.3.D.2.c~~ is exempt from the design elements in this subsection.

**19.505.4 Cottage Cluster Housing**

<b>Table 19.505.4.C.1 Cottage Cluster Development Standards</b>		
<b>Standards</b>	<b>R-MD</b>	<b><u>HDR R-1, R-2, R-2.5, R-3, R-4-B</u></b>
<b>A. Home Types</b>		
1. Building types allowed, minimum and maximum number per cluster	Detached cottages 3 minimum 12 maximum dwelling units	Detached and Attached 3 minimum 12 maximum dwelling units
<b>B. Home Size</b>		
1. Max building footprint per home	900 sf	
2. Max average floor area per dwelling unit	1,400 sf	
<b>C. Height</b>		
1. Max height	25 feet or 2 stories, whichever is greater	
2. Max structure height between 5 & 10 ft of rear lot line	15 ft	
3. Max height to eaves facing common green	1.618 times the narrowest average width between two closest buildings	
<b>D. Setbacks, Separations, and Encroachments</b>		
1. Separation between structures (minimum)	6 ft	
2. Side and rear site setbacks	5 ft	
3. Front site setback (minimum)	10 ft	
4. Front site setback (maximum)	20 ft	
5. Separation between clusters (minimum)	10 ft	

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<b>E. Impervious Area, Vegetated Area</b>		
1. Impervious area (maximum)	60%	65%
2. Vegetated site area (minimum)	35%	35%
<b>F. Community and Common Space</b>		
1. Community building footprint (maximum) <sup>1</sup>	1,000 sf	1,000 sf
2. Common Space	<del>49.505.1.D-19.505.4.E.1</del>	<del>49.505.1.D-19.505.4.E.1</del>
<b>G. Parking (see also 19.505.1.D.3)</b>		
1. Automobile parking spaces per primary home (minimum)	0.5	0.5
2. Dry, secure bicycle parking spaces per home (minimum)	1.5	
3. Guest bicycle parking spaces per home (minimum)	0.5	

<sup>1</sup> Use of an existing home, per Subsection 19.505.4.E.4, as the community building is exempt from this standard. Community buildings are not required in a cottage cluster development.

**D. Cottage Standards**

1. Size

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

2. Height

The height for all structures must not exceed 25 ft or two stories, whichever is greater.

3. Orientation

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

(1) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.

(2) A minimum of 50% of cottages within a cluster must be oriented to the common courtyard and must:

(a) Have a main entrance facing the common courtyard;

(b) Be within 10 ft from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

- (c) Be connected to the common courtyard by a pedestrian path.
- (3) Cottages within 20 ft of a street property line may have their entrances facing the street.
- (4) Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

#### 4. Design

The design standards in this subsection apply to cottages when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line, when the front of the cottage faces the street, and to dwellings in a cluster or grouping, either facing a shared open space (e.g. a common courtyard) or a pedestrian path. An architectural feature may be used to comply with more than one standard.

An applicant may request a variance to the Detailed Design standards in Subsection 19.505.4.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

##### 1. Articulation

All buildings must incorporate design elements that break up all street-facing façades into smaller planes as follows:

- a. For buildings with 30-60 ft of street frontage, a minimum of one of the following elements must be provided along the street-facing façades.
  - (1) A porch at least 5 ft deep.
  - (2) A balcony that is at least 2 ft deep and is accessible from an interior room.
  - (3) A bay window that extends at least 2 ft wide.
  - (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.
  - (5) A gabled dormer.
- b. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

##### 2. Eyes on the Street

At least 15% of the area of each street-facing façade must be windows or entrance doors.

- a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
- b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.

- c. Window area is considered the entire area within the outer window frame, including any interior window grid.
- d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
- e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

### 3. Main Entrance

At least one main entrance must meet both of the following standards.

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

### 4. Detailed Design

All buildings shall include at least five of the following features on any street-facing façade.

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

- l. Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building façade.
- m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.
- n. One roof pitch of at least 500 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- o. Bay window at least 2 ft deep and 5 ft wide.
- p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.
- q. The following design element counts as two elements. Dwelling must be built to meet universal access as follows:
  - a) Dwelling must have a bedroom on the ground floor.
  - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
  - c) Doors must have a minimum clear width of 32 in.
  - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

E. Site Design and Other Standards

1. Number of Cottages Allowed

A cottage cluster must include a minimum of ~~3~~three cottages and a maximum of 12 cottages, subject to Table 19.505.4.B.1. Minimum separation between detached units is 6 ft.

~~12.~~ Common Open Space

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

- a. The common courtyard must be a single, contiguous piece.
- b. Cottages must abut the common courtyard on at least two sides of the courtyard.
- c. The common courtyard must contain a minimum of 150 sq ft per cottage within the associated cluster (as defined in Subsection 19.505.1.C.1).
- d. The common courtyard must be a minimum of 15 ft wide at its narrowest dimension.

e. The common courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard must not exceed 75% of the total common courtyard area.

f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard must count toward the courtyard's minimum dimension and area. Parking areas, required setbacks between cottages, and driveways do not qualify as part of a common courtyard.

### 23. Pedestrian Circulation

The on-site pedestrian circulation system must include the following:

a. Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas.

b. At least one pedestrian connection to an abutting street frontage for each 200 linear ft of street frontage.

c. Pedestrian walkways must be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.

d. Walkways must be constructed with a hard surface material, must be permeable for stormwater, and must be no less than 3 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway must be provided. The walkways must be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.

### 4. Off-Street Parking

a. There must be at least 0.5 off-street parking spaces per dwelling unit per Table 19.505.4.B.1. The parking space must be located together with parking spaces for other cottages in a common area, and not located on the same lot as an individual cottage unit.

b. A cottage cluster parking area must be set back from the street. The distance of the setback is dependent on the orientation of the structure or lot. If the axis of the longest dimension of the parking area has an angle of 45 degrees or more to the lot line, the narrow dimension may be within 5 ft of the street. If the angle is less than 45 degrees, the parking area must be at least 20 ft from the street.

c. If there are more than 8 units in a cottage cluster, there must be at least 2two separate parking areas with a minimum of 4four parking spaces in each area. A drive aisle connecting the 2two areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.



d. Parking spaces may be located within a garage or a carport. Garages or carports in a cottage cluster may not contain more than four parking spaces, must be at least 10 ft from any cottage dwelling; and must match the materials, trim, and roof pitch of the cottages. The interior height of a garage or carport shall not exceed 8 ft high, unless a modification is requested for cases that would use space saving parking technology (e.g., interior car stacking) that might require additional interior height. This modification would be requested per Section 19.911 Variances.

e. Parking spaces that are not in a garage or carport must be screened from common open space, public streets, and adjacent residential uses by landscaping and/or screen, such as a fence. Chain-link fencing with slats are not allowed as a screen.

2. Off-street parking may be arranged in clusters, subject to the following standards:

- i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five contiguous spaces.
- ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight contiguous spaces.
- iii. Parking clusters must be separated from other spaces by at least 4 ft of landscaping.
- iv. Clustered parking areas may be covered.

3. Off-street parking spaces and vehicle maneuvering areas must not be located:

- i. Within of 20 ft from any street property line, except alley property lines;
- ii. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
- iii. Off-street parking spaces must not be located within 10 ft of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 ft of other property lines.

35. Fences

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

46. Conversions

A preexisting single detached dwelling may remain on a lot or parcel with a cottage cluster as described below:

- a. The preexisting single detached dwelling may be nonconforming with respect to the requirements of the applicable code;
- b. The preexisting single detached dwelling may be expanded up to the maximum height, footprint, or unit size required by the applicable code; however, a preexisting single detached dwelling that exceeds the maximum height, footprint, or unit size of the applicable code may not be expanded;
- c. The preexisting single detached dwelling may count as a unit in the cottage cluster or as the community building;
- d. The floor area of the preexisting single detached dwelling does not count towards any cottage cluster average or cottage cluster project average or total unit or community building size limits.

### **19.505.5 Townhouses**

#### **B. Applicability**

1. The standards of Subsection 19.505.5 apply to single dwellings on their own lot, where the dwelling shares a common wall across a side lot line with at least one other dwelling, and where the lots meet the standards for a townhouse lot in both Section 19.302 and Subsection 19.505.5.E. Townhouse development may take place on existing lots that meet the lot standards for townhouse lots or on land that has been divided to create new townhouse lots.
2. Development standards for townhouses are in Subsections 19.301.4 and 19.302.4.
- ~~3. Design standards for single detached dwellings in Subsections 19.505.1 and 19.505.2 are also applicable to townhouses.~~
43. Dwelling units that share a common side wall and are not on separate lots are subject to the standards for single detached dwellings, middle housing, or multi-unit housing.
45. Creation of new lots or parcels as part of a townhouse development is subject to the applicable land division process in Title 17 of this code.

#### **C. Townhouse Design Standards**

##### ~~4. Design~~

The design standards in this subsection apply to townhouses when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line. An architectural feature may be used to comply with more than one standard.

An applicant may request a variance to the Detailed Design standards in Subsection 19.505.5.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to

any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation

All buildings must incorporate design elements that break up all street-facing façades into smaller planes as follows.

a. For buildings with 30-60 ft of street frontage, a minimum of one of the following elements must be provided along the street-facing façades.

(1) A porch at least 5 ft deep.

(2) A balcony that is at least 2 ft deep and is accessible from an interior room.

(3) A bay window that extends at least 2 ft wide.

(4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.

(5) A gabled dormer.

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

2. Eyes on the Street

At least 15% of the area of each street-facing façade must be windows or entrance doors.

a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.

b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.

c. Window area is considered the entire area within the outer window frame, including any interior window grid.

d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.

e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

3. Main Entrance

At least one main entrance must meet both of the following standards.

a. Be no further than 8 ft behind the longest street-facing wall of the building.

b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.

(1) Be at least 25 sq ft in area with a minimum 4-ft depth.

(2) Have at least one porch entry facing the street.

(3) Have a roof that is no more than 12 ft above the floor of the porch.

(4) Have a roof that covers at least 30% of the porch area.

#### 4. Detailed Design

All buildings shall include at least five of the following features on any street-facing façade.

a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.

b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.

c. Offset on the building face of at least 16 in from one exterior wall surface to the other.

d. Dormer that is at least 4 ft wide and integrated into the roof form.

e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.

f. Roof line offsets of at least 2 ft from the top surface of one roof to the top surface of the other.

g. Tile or wood shingle roofs.

h. Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.

i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.

j. Gable roof, hip roof, or gambrel roof design.

k. Window trim around all windows at least 3 in wide and 5/8 in deep.

l. Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building façade.

m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.

n. One roof pitch of at least 500 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.

o. Bay window at least 2 ft deep and 5 ft wide.

p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.

q. The following design element counts as two elements. Dwelling must be built to meet universal access as follows:

a) Dwelling must have a bedroom on the ground floor.

b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.

c) Doors must have a minimum clear width of 32 in.

- d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

~~1. Townhouses are subject to the design standards for single detached dwelling housing in Subsection 19.505.1.~~

2.5. Townhouses must include an area of transition between the public realm of the right-of-way and the entry to the private dwelling. The entry may be either vertical or horizontal, as described below.

- a. A vertical transition shall be an uncovered flight of stairs that leads to the front door or front porch of the dwelling. The stairs must rise at least 3 ft, and not more than 8 ft, from grade. The flight of stairs may encroach into the required front yard, and the bottom step must be at least 4 ft from the front lot line.

- b. A horizontal transition shall be a covered porch with a depth of at least 6 ft. The porch may encroach into the required front yard, but it must be at least 4 ft from the front lot line.

#### D. Number of Townhouses Allowed

In the High Density Zone, no more than 4four consecutive townhouses that share a common wall(s) are allowed. A set of 4four townhouses with common walls is allowed to be adjacent to a separate set of 4four townhouses with common walls.

In the R-MD zone, the maximum number of consecutive attached townhouses is four4.

#### E. Townhouse Lot Standards

1. Townhouse development is allowed only where there are at least 2two abutting lots on the same street frontage whose street frontage, lot width, lot depth, and lot area meet or exceed the base zone requirements listed in Tables 19.301.4 and 19.302.4.

2. Townhouse development must meet the minimum lot size of 1,500 sq ft.

#### F. Driveway Access and Parking

1. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveway accesses in front of a townhouse are prohibited unless the following standards are met. See Figure 19.505.5.F.1.

- a. Development of 2two or 3three townhouses has at least one shared access between the lots, and development of 4four townhouses has 2two shared accesses.

- b. Outdoor on-site parking and maneuvering areas do not exceed 10 ft wide on any lot.

- c. The garage width does not exceed 12 ft, as measured from the inside of the garage door frame.
  - d. Shared accesses are spaced a minimum of 24 ft apart.
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### **19.507 HOME OCCUPATION STANDARDS**

It is the intent of these regulations to support and encourage home occupations but at the same time protect the residential character of the City's residential neighborhoods. A home occupation shall be allowed as an accessory use to all residential uses permitted by right, subject to the following restrictions. Home occupation businesses, ~~which that~~ are not clearly accessory and incidental to the residential use, are prohibited. All activities permitted under this section must be consistent with this section.

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## COMMENTARY

### TITLE 19 ZONING

#### CHAPTER 19.1000 REVIEW PROCEDURES

##### CHAPTER 19.1006 TYPE III REVIEW

###### 19.1006.3 Type III Public Notice

The proposed language revises the public notice language to clarify that a Measure 56 notice is not required for owner-initiated zoning map amendments.

##### CHAPTER 19.1010 APPEALS

###### 19.1010.7 Notice of Decision

The proposal adds language to include instructions on issuing a notice of decision for appeals; no such language exists in the current code.

##### CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES

###### 19.1102.1 Administration and Approval Process

The proposed language clarifies that annexation applications are exempt from the standard 120-day rule, per a City Attorney opinion.

#### CHAPTER 19.1000 REVIEW PROCEDURES

##### 19.1006 TYPE III REVIEW

###### 19.1006.3 Type III Public Notice

###### D. Mailed Notice

###### 3. Notice requirements specific to Zoning Map amendments are as follows:

- b. A Measure 56 notice that conforms to Subsection 19.1008.3.D shall be mailed at least 20 days, but not more than 40 days, prior to the first public hearing on the application to all owners of property affected by the proposal. A Measure 56 notice is not required for owner-initiated zoning map amendments when the subject property or properties are owned by a single person or entity.

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## 19.1010 APPEALS

### 19.1010.7 Notice of Decision

A. Written notice of decision shall be mailed to the following parties within 7 days of the date of the decision:

1. The applicant and/or the applicant's authorized representative.
2. The owner(s) of record of the subject property.
3. Any group or individual who submitted written comments at or prior to any public hearing.
4. Any group or individual who submitted oral testimony during any public hearing.
5. Any governmental agency that is entitled to receive notice per the municipal code or has requested notice of the decision.
6. Any group or individual who requested notice of the decision, including those who signed the attendance sheet at any public hearing on the application.

B. The notice of decision shall include the following:

1. A description of the proposal with sufficient detail to explain the project background.
2. A description of the hearings and process to date.
3. A statement of the limitations on evidence.
4. A statement of the applicable criteria, findings, and conditions of approval.
6. A statement that only persons who submitted comments or made an appearance of record at a public hearing on the application have standing to appeal the decision by filing a written appeal within the appeal period for the Land Use Board of Appeals.
7. A statement that the complete case file is available for review, including findings, conclusions, and conditions of approval, if any. The notice shall list when and where the case file is available and the name and telephone number of the City representative to contact about reviewing the case file.
8. A summary of the requirements for appealing the decision to the Land Use Board of Appeals.



**19.1010.7 g Remand from the Land Use Board of Appeals**

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**CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES**

**19.1102 ANNEXATIONS**

**19.1102.1 Administration and Approval Process**

E. Annexation petitions are exempt from the requirements of ORS 227.178 that the city must take final action on the application within 120 days after the application is deemed complete.

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**19.1203 SOLAR ACCESS FOR NEW DEVELOPMENT**

**19.1203.4 Exemptions from Design Standard**

A development is exempt from Subsection 19.1203.3 if the Planning Manager ~~Director~~ finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from Subsection 19.1203.3 to the extent the Planning Manager ~~Director~~ finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with Subsection 19.1203.3.

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The following sections relate to re-naming the HDR zone to R-HD only.

**14.040.030 Definitions**

“Residential zones” means the R-MD and ~~HDR~~ R-MD Residential Zones as defined in the Zoning Ordinance.

**14.16.020 HIGH DENSITY RESIDENTIAL ZONE**

No sign shall be installed or maintained in the ~~HDR~~ R-HD Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.020.

**Table 14.16.020 Standards for Signs in High Density Residential Zone ~~HDR~~ R-HD**

Table 19.107.1 Classification of Zones	
Zone Description	Abbreviated Description
<b>Base Zones</b>	
Residential	R-MD
Residential	<del>HDR</del> <u>R-HD</u>

19.302 HIGH DENSITY RESIDENTIAL ZONES

The high density residential zones is Residential Zone R-HD. ~~HDR~~ This zone implements the high density residential land use designations in the Milwaukie Comprehensive Plan.

Table 19.302.2 High Density Residential Uses Allowed		
Use	<del>HDR</del> <u>R-HD</u>	Standards/ Additional Provisions
<b>Residential Uses</b>		
Use	<del>HDR</del> <u>R-HD</u>	Standards/ Additional Provisions

Table 19.302.4 High Density Residential Development Standards		
<u>Standard</u>	<del>HDR</del> <u>R-HD</u>	<u>Standards/</u> Additional Provisions

Table 19.505.4.C.1 Cottage Cluster Development Standards		
Standards	R-MD	<del>HDR</del> <u>R-HD</u>
<b>A. Home Types</b>		
1. Building types allowed, minimum and maximum number per cluster	Detached cottages 3 minimum 12 maximum dwelling units	Detached and Attached 3 minimum 12 maximum dwelling units

<b>Table 19.904.10.C Wireless Communication Facilities—Type and Review Process</b>				
<b>Towers</b>		<b>WCFs Not Involving New Tower</b>		
<b>Zones</b>	<b>New Monopole Tower up to 100 Ft</b>	<b>Building Rooftop or Wall Mounted Antenna</b>	<b>Water Towers, Existing Towers, and Other Stealth Designs</b>	<b>On Existing Utility Pole in Row with or w/out Extensions</b>
<del>HDR</del> <u>R-HD</u>	N	P/I/II	P/I/II	P/I/II

F. Location and Size Restrictions

2. Height: maximum heights. Also see Table 19.904.10.C.

a. Height Restrictions

The maximum height limitation of the monopole tower and antennas shall not exceed the following:

(1) BI, M, NME, and MUTSA Zones: 100 ft.

(2) New towers are not permitted in the R-HD ~~HDR~~, R-MD, GMU, NMU, C-N, C-G, C-L, OS, and DMU Zones.

19.1104.1 Administration and Approval Process

<b>Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes</b>		
<b>County Zoning Designation</b>	<b>Assigned City Zoning Designation</b>	<b>Assigned Comprehensive Plan Land Use Designation</b>
R-20	R-MD	<del>Low</del> <u>Moderate</u> density residential
R-15	R-MD	<del>Low</del> <u>Moderate</u> density residential
R-10	R-MD	<del>Low</del> <u>Moderate</u> density residential
R-8.5	R-MD	<del>Low</del> <u>Moderate</u> density residential
R-7	R-MD	<del>Low</del> <u>Moderate</u> density residential
MR1	<del>HDR</del> <u>R-HD</u>	<del>Medium</del> <u>High</u> density residential
MR2	<del>HDR</del> <u>R-HD</u>	<del>Medium</del> <u>High</u> density residential
PMD	<del>HDR</del> <u>R-HD</u>	High density residential
HDR	<del>HDR</del> <u>R-HD</u>	High density residential
SHD	<del>HDR</del> <u>R-HD</u>	High density residential



## Milwaukie Zoning Map Proposed Amendments

- City of Milwaukie
- County Boundary
- MUTSA
- BI
- GMU
- C-CS
- DMU
- C-G
- C-L
- C-N
- NMU
- OS
- M
- NME
- R-MD
- R-HD HDR



Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center  
 Date: Wednesday, November 16, 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.

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