NEW TEXT IS SHOWN IN <u>UNDERLINE</u> AND DELETIONS OF CURRENT TEXT ARE SHOWN IN <u>STRIKEOUT</u>. THIS DRAFT INCLUDES ONLY CHAPTERS AND SECTIONS OF CODE WITH PROPOSED AMENDMENTS AND SOME SURROUNDING SECTIONS FOR CONTEXT. CODE SECTIONS NOT INCLUDED IN THIS DRAFT WOULD NOT BE AMENDED.

## **CHAPTER 19.500**

# SUPPLEMENTARY DEVELOPMENT REGULATIONS

#### 19.501 GENERAL EXCEPTIONS

The exceptions listed in Subsections 19.501.1–4 below are "by right" exceptions. "By right" exceptions are either automatically required or allowed outright and require no special review or approval by the City to implement.

# 19.501.1 Lot Size Exceptions

If a lot or the aggregate of contiguous lots or parcels platted prior to effective date of the ordinance codified in this chapter has an area or dimension which does not meet the requirements of said ordinance, the lot or aggregate holdings may be put to a use permitted by the requirements of the zoning ordinance, with the following limitations:

- A. The development must conform to all other applicable standards of Title 19, unless a variance is granted per Section 19.911.
- B. Single-family detached dwellings shall not be built on a lot with less than 3,000 sq ft of lot area or with no frontage on a public street.
- C. Subsection 19.505.1 does not apply in the downtown zones.

If a lot or the aggregate of contiguous lots or parcels platted prior to effective date of the ordinance codified in this chapter has an area or dimension which does not meet the requirements of said ordinance, the lot or aggregate holdings may be put to a use permitted outright subject to the other requirements of the zone in which the property is located except that a residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the density requirements of the zone. However, no dwelling shall be built on a lot with less area than 3,000 sq ft, or with no frontage on a public street. This section shall not apply in the downtown zones.

## 19.501.2 Yard Exceptions

A. In addition to yard requirements listed for each zoning district, buildings along certain major streets are subject to additional yard requirements as provided in Table 19.501.2 below. Yards shall be measured so that the minimum distance from the center line of the right-ofway to the closest point of any building is the distance listed in Table 19.501.2 plus the yard requirement of the underlying zone.

Table 19.501.2 Additional Yard Requirements		
Major Street	Distance from Centerline (plus yard requirements in zone)	
Firwood Street (55th Ave. to Stanley Ave.)	25'	
Harmony Road	40'	

Oatfield Road

Ochoco Street

Railroad Avenue

Olsen Street

Harrison Street (Milwaukie Expressway to 44th Ave.)	<u>30</u> 4 <del>0</del> '
Harrison Street (Milwaukie Expressway to McLoughlin Blvd.)	30'
Harvey Street (32nd Ave. to 42nd Ave.)	25'
Howe Street (42nd Ave. to 43rd Ave.)	30'
Johnson Creek Boulevard	30'
King Road	40'

**Table 19.501.2 CONTINUED** 

30'

30'

25'

30'

# Additional Yard Requirements Distance from Centerline (plus yard requirements in zone) Linwood Avenue Lake Road Logus Road Monroe Street (52nd Ave. to Linwood Ave.) Oak Street 30'

55th Avenue (Firwood St. to Johnson Creek Blvd.) 25'
--

- B. The required front yard need not exceed the average depth of the 2 shallowest front yards within 250 ft of the lot containing the proposed structure. If the depth of the second shallowest front yard exceeds the required front yard depth, the shallowest front yard depth and the required front yard depth may be average instead. The following exceptions to the yard requirements are established for a lot in any one zone:
  - 1. The required front yard need not exceed the average depth of the 2 abutting front yards within 100 ft of the proposed structure.
  - 2. The required front yard need not exceed the average depth of the abutting front yard within 100 ft of the proposed structure and the required front yard depth.
- C. Architectural features such as cornices, eaves, canopies, sunshades, gutters, steps, unroofed landings, and flues may project up to 24 in into a required side yard or 36 in into a required front or rear yard. Such features that extend from a residential accessory structure located less than 5 ft from a property line shall not be closer than 18 in from a property line.
- <u>D. A covered porch on a single-family detached dwelling may extend 5 ft into a required front yard if the following standards are met.</u>
  - 1. The porch is not enclosed on any side. Enclosures not extending more than 3 ft from the surface of the porch, railings, and retractable sunshades, screens, or netting are not considered to be enclosures.
  - 2. The surface of the porch does not exceed 18 in in height above the average grade.
  - 3. The porch is at least 5 ft from the front lot line.

# 19.501.3 Building Height Exceptions

Projections such as chimneys, spires, domes, elevator shaft housings, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of this chapter, except as provided in an L-F Zone.

- A. Projections such as chimneys, spires, domes, elevator shaft housings, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of this chapter, except as provided in an L-F Zone.
- B. One additional story may be permitted in excess of the required maximum standard. An additional 10% of site area that is retained in vegetation beyond the minimum is required for each additional story. This provision does not apply to the R-10, R-7, R-5, or downtown zones.

# 19.501.4 Density Exceptions

- A. In exchange for the dedication of parkland, residential density may be increased (and lot sizes decreased) so that overall parcel density remains the same.
- B. For any housing development proposed, an additional housing unit will be allowed for each unit priced for sale at 25% below the average new single-family housing cost. The cost shall be that established in the most recent edition of "Real Estate Trends," published semiannually by the Metropolitan Portland Real Estate Research Committee, Inc. Overall project density may not exceed the allowable density plus 10%. The planned unit development density increase specified in Section 19.317 and this density increase are additive.

#### 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.
- B. Multiple accessory structures are permitted subject to building separation, building coverage, and minimum vegetation requirements of the zoning district in which the lot is located.
- C. An accessory structure shall comply with all of the requirements of the Uniform Building Code.
- D. Accessory structures excluding fences, pergolas, arbors, or trellises may not be located within the required front yard except as otherwise permitted in this chapter.
- E. An accessory structure must maintain a minimum side and rear yard setback of 5 ft, except where other requirements of this title are more restrictive.
- F. Alteration or modification of nonconforming accessory structures is subject to the provisions of Chapter 19.800 Nonconforming Uses and Development.
- G. Pergolas, arbors, and trellises are permitted in yards in all residential zones.

# 19.502.2 Single-Family Residential Specific Provisions for Accessory Structures

A. The following standards are applicable for residential accessory structures on single-family detached, duplex, rowhouse, and cottage cluster properties. The standards in Subsection 19.502.2.A do not apply to pools, uncovered decks, and patios.

The purpose of these regulations is to allow residential properties to have accessory structures that accommodate the typical needs for a single family residence, and to protect the appearance and character of single family neighborhoods by ensuring that accessory structures have appropriate design standards and appropriate height and setbacks.

1. Required Yards, Maximum Height, and Maximum Building Footprint.

The required yards, height, and maximum building footprint for residential accessory structures is listed in the following table. Residential accessory structures are allowed to have the maximum building height and footprint listed in a column only if the structure meets or exceeds all the yard requirements listed in that column.

Residential accessory structures are not allowed to have yard setbacks that are less than what is listed in Column A.

Table 19.502.2.A.1 Residential Accessory Structure Standards				
Standard A B C				
Required Front Yard	Prohibited in front yard	Prohibited in front yard	Prohibited in front yard	
Required Side and Rear Yard	3 ft	Base zone standard	Base zone standard	
Required Street Side Yard	10 ft	5 ft	Base zone standard	

Table 19.502.2.A.1 Residential Accessory Structure Standards				
Standard A B C				
Maximum Building Height	10 ft	15 ft	Lesser of 25 ft OR not taller than highest point of the primary structure	
Maximum Building Footprint	200 sq ft	600 sq ft	[75-100]% of primary structure	

## 2. General Requirements.

- a. Multiple accessory structures are allowed on a lot subject to lot coverage and minimum vegetation standards of base zone.
- b. A minimum of [4/5] ft is required between the exterior wall of an accessory structure and any other structure on a site.
- c. A covered walkway or breezeway is allowed between a primary structure and accessory structure. Such connection shall not exempt the accessory structure from compliance with the standards of this section, unless the connection is fully enclosed and meets the building code definition of a conditioned space, and matches the design of the primary structure for roof, materials, and color.

#### 3. Design Standards.

a. Structures less than or equal to 10 ft in height with a footprint of less than 200 sq ft.

<u>PVC or plastic supports, and fabric, tarpaulin, or other similar materials are prohibited for structures visible from the right of way at a pedestrian level.</u>

b. Structures less than or equal to 15 ft in height with a footprint of less than 600 sq ft.

In addition to the standards of Subsection 19.502.2.A.3.a, metal siding is prohibited. Exterior siding and roofing materials that are commonly used on residential structures shall be used.

c. Structures greater than 15 ft in height with a footprint of 600 sq ft or more.

In addition to the standards of Subsection 19.502.2.A.3.a and b, the materials, colors, roof pitch must match or be generally compatible with that of the primary structure.

#### 4. Roof Pitch.

There are no roof pitch requirements for an accessory structure with a height equal to or less than 10 ft. A 4/12 roof pitch is required accessory for an accessory structure with a height over 10 ft, unless this would conflict with another subsection requiring the roof pitch to be compatible with that of the primary structure on the property.

- A. Residential accessory structures excluding pools, uncovered decks, and patios are subject to the following:
  - 1. For lots 10,000 sq ft or less, the footprint of an accessory structure may not exceed 500 sq ft. For lots greater than 10,000 sq ft the footprint of an accessory building may not exceed 850 sq ft.

- 2. An accessory structure may not exceed 15 ft in height as measured from the average finished grade within a 10-ft horizontal distance from the base of the building to the highest point of the roof.
- 3. Flat roofs and shed roofs are prohibited on accessory structures that have a floor-to-ceiling height greater than 9 ft.
- 4. The minimum roof pitch for accessory structures with other than a flat or shed roof is 4 in rise for every 12 in of run.
- 5. The placement of fill to raise grade elevations that has the effect of exceeding building height limitations is prohibited.
- 6. Metal siding is prohibited on accessory structures with a footprint greater than 120 sq ft. For accessory structures greater than 120 sq ft, exterior siding and roofing materials that are commonly used on residential structures shall be used.
- 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:
    - a. Residential Zones and Residential Uses in All Zones
      - Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft. No electrified, barbed, or razor wire fencing is permitted. <u>Specific standards for fences on cottage cluster</u> developments are contained in Subsection 19.505.6.X.
    - b. Commercial Zones
      - Maximum height 6 ft. No electrified wire is permitted. Barbed or razor wire may be permitted for security purposes on top of a maximum height fence, following a Type II review per Section 19.1005 in which a determination has been made that the proposed fencing will not adversely impact the health, safety, or welfare of adjacent property occupants. All outdoor storage shall require a 6-ft-high sight-obscuring fence.
    - c. Industrial Zones
      - Maximum height 8 ft. No electrified wire is permitted. Barbed or razor wire may be permitted for security purposes on top of a maximum height fence, except where such fencing is proposed adjacent to residential zones or residential uses, in which case such may be allowed following a Type II review per Section 19.1005 in which a determination has been made that the proposed fencing will not adversely impact the health, safety, or welfare of adjacent property occupants. All outdoor storage shall require a sight-obscuring fence with a minimum height of 6 ft.

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2. In all cases, fence and wall height shall be measured from the top of the fence or wall to the highest ground level within a 1-ft horizontal distance from the fence.

C. Regardless of the yard requirements of the zone, a side, rear, or front yard may be reduced to 3 ft for an uncovered patio, deck, or swimming pool not exceeding 18 in. in height above the average grade of the adjoining ground (finished elevation).

## 19.502.3 Sustainability-Related Accessory Structures

A. Purpose. The purpose of these regulations is to allow residential small-scale structures that generate renewable energy and aide in the collection of stormwater, subject to standards that ensure these structures are appropriate for their surroundings in both design and scale.

#### [Placeholder section]

#### 19.503 ACCESSORY USES

#### 19.503.1 General Provisions

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this chapter and shall comply with the following limitations:

- A. A guesthouse without kitchen facilities may be maintained accessory to a dwelling, provided that the guesthouse is not occupied for more than 4 months in a calendar year. A detached accessory dwelling unit approved per Subsection 19.910.X is not considered a guesthouse.
- B. A greenhouse or hothouse may be maintained accessory to a dwelling provided nothing grown is sold on the premises.
- C. Keeping of livestock or poultry shall be in buildings that fully comply with building and sanitary codes. The keeping of chickens or other domestic or domesticated fowl shall not exceed 50 in number and shall require the written consent of all owners of real property (or a part thereof) within 100 ft of any point on the boundary of the property on which the chickens or domesticated fowl are proposed to be kept.
- D. Keeping of colonies of bees shall be prohibited except that the Planning Commission may approve an application to keep not more than 2 colonies of bees whenever such application is accompanied by the written consent of all the owners of real property (or a part thereof) within 100 ft of any point on the boundary of the property on which the bees are proposed to be kept.
- E. Amateur and CB radio equipment and operations shall be considered an accessory use. Radio and television structures or towers outside of dwellings shall be subject to building regulations. Such structures and towers shall conform to height, yard, and other standards of the Zoning Ordinance. Any deviation from these standards will require a variance by the Planning Commission. Operational characteristics and limitations of such equipment shall be as established and administered by the FCC.

#### 19.504 SITE DESIGN STANDARDS

#### 19.504.1 Clear Vision Areas

A clear vision area shall be maintained on the corners of all property at the intersection of 2 streets or a street and a railroad according to the provisions of the clear vision ordinance in Chapter 12.24.

#### 19.504.2 Maintenance of Minimum Ordinance Requirements

No lot area, yard, other open space, or off-street parking or loading area shall be reduced by conveyance or otherwise below the minimum requirements of this title, except by dedication or conveyance for a public use.

# 19.504.3 Dual Use of Required Open Space

No lot area, yard, or other open space or off-street parking or loading area which is required by this title for one use shall be used to meet the required lot area, yard, or other open space or off-street parking area for another use, except as provided in Subsection 19.605.4.

#### 19.504.4 Buildings on the Same Lot

- A. In R-10, R-7, and R-5 Zones, only one primary dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1.
- B. In the R-3 zone, only 1 single family detached dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1. Multifamily housing with multiple structures designed for dwelling purposes may be permitted as a conditional use per Section 19.905.

A minimum distance of 6 ft as measured between the closest points of the structures shall be maintained between a building designed for dwelling purposes and other buildings on the same lot. In R-10, R-7, R-5, and R-3 Zones, only 1 building designed for dwelling purposes shall be permitted per lot.

# 19.504.5 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.

#### 19.504.6 Transition Area Measures

Where multifamily, commercial, or industrial development is proposed adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses. The downtown zones are exempt from this subsection.

- A. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be at least as wide as the required front yard width of the adjacent lower-density zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable.
- B. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to the 6-ft level to screen lower-density residential uses from direct view across the open space.

## 19.504.7 Minimum Vegetation

In the vegetation area a maximum of area shall be for planting and a minimum for bark dust. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard.

## 19.504.8 Multifamily Recycling Requirements

#### A. Purpose

This subsection is intended to promote recycling and to meet requirements of ORS 459.165, which requires local jurisdictions to provide opportunities for recycling, and ORS Chapter 90, which requires landlords to provide a location in multifamily residential dwelling projects for recycling.

#### B. Definition

For the purposes of this subsection, the following definition shall apply:

"Recycling collection area" means a specific location where recyclable materials may be deposited and contained for regular collection by a material collection service.

## C. Applicability

All new multifamily apartment and condominium dwelling projects, and projects proposing unit expansion to existing multifamily apartment and condominium dwellings, must provide area(s) for recycling collection subject to the standards herein.

#### D. Recycling Collection Area Standards

Standards for recycling collection areas are as follows:

- 1. The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated cardboard, tin, and aluminum.
- 2. The recycling collection area must be located at least as close to the dwelling units as the closest garbage collection/container area.
- 3. Recycling containers must be covered either by roof or weatherproof lids.
- 4. If located outdoors, the recycling collection area must be screened from the street and adjacent properties by sight-obscuring materials.
- 5. The recycling collection area(s) must have a collection capacity of at least 100 cu ft in size for every 10 dwelling units or portion thereof.
- 6. The recycling collection area must be easily accessible to collection service personnel between the hours of 6:00 a.m. and 6:00 p.m.
- 7. The recycling collection area and containers must be clearly labeled, to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants.
- 8. City Fire Department approval will be required for all recycling collection areas.
- 9. Review and comment for all recycling collection areas will be required from the appropriate franchise collection service.
- E. Review of recycling collection areas for new multifamily dwelling projects that require conditional use approval shall be made by the Planning Commission following the procedures of Section 19.1006 Type III Review.
- F. Review of recycling collection areas for new multifamily projects that are permitted outright shall be made at the time of project building permit review following the procedures of Section 19.1004 Type I Review.

## 19.504.10 On-Site Walkways and Circulation

#### A. Requirement

All development subject to Chapter 19.700 (excluding single-family and multifamily residential development) shall provide a system of walkways that encourages safe and convenient pedestrian movement within and through the development site. Redevelopment projects that involve remodeling or changes in use shall be brought closer into conformance with this requirement to the greatest extent practicable. On-site walkways shall link the site with the public street sidewalk system. Walkways are required between parts of a site where the public is invited to walk. Walkways are not required between buildings or portions

of a site that are not intended or likely to be used by pedestrians, such as truck loading docks and warehouses.

#### B. Location

A walkway into the site shall be provided for every 300 ft of street frontage.

## C. Connections

Walkways shall connect building entrances to one another and building entrances to adjacent public streets and existing or planned transit stops. On-site walkways shall connect with walkways, sidewalks, bicycle facilities, alleys, and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institutional, or park use. The City may require connections to be constructed and extended to the property line at the time of development.

## D. Routing

Walkways shall be reasonably direct. Driveway crossings shall be minimized. Internal parking lot circulation and design shall provide reasonably direct access for pedestrians from streets and transit stops to primary buildings on the site.

## E. Design Standards

Walkways shall be constructed with a hard surface material and shall be no less than 5 ft in width. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials. On-site walkways shall be lighted to an average 5/10-footcandle level. Stairs or ramps shall be provided where necessary to provide a direct route.

## 19.504.11 Setbacks Adjacent to Transit

The following requirement applies to all new multifamily, commercial, office, and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

When adjacent to a street served by transit, new commercial, office, or institutional development, including uses authorized under Section 19.904 Community Service Uses, shall be set back no more than 30 ft from the right-of-way that is providing transit service.

- A. An individual building may be set back more than 30 ft, provided the building is part of an approved phased development that will result in a future building(s) that complies with the 30-ft setback standard.
- B. For sites with multiple buildings, the maximum distance from a street with transit to a public entrance of the primary building shall be no more than 100 ft.
- C. If the proposed building is part of an institutional campus, the Planning Director may allow flexibility in the setback and orientation of the building. As a trade-off for this flexibility, enhanced sidewalk connections shall be provided between the institutional building(s) and nearby transit stops.
- D. If the site abuts more than 1 street served by transit, then the maximum setback requirement need only apply to 1 street.

#### 19.505 BUILDING DESIGN STANDARDS

# 19.505.1 Design Standards for Single-Family Dwellings and Duplexes

- A. Purpose. The design standards for single-family dwellings and duplexes require a minimum level of design on every dwelling. These standards are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles.
- B. Applicability. The design standards in this section apply to the types of development listed below.
  - 1. New single-family detached dwellings, duplexes, and rowhouses on individual lots.
  - Expansions of single-family detached or duplex dwellings that add more than 300 sq ft to any street-facing façade. When applicable, design standards apply only to the expanded façade.
  - 3. Remodels that convert an attached garage to a habitable residential space. When applicable, the design standards apply only to the street-facing façade of the garage being converted.
  - 4. Manufactured homes on lots outside of a manufactured home park are subject to the requirements of Section 19.506 and the standards of this subsection. Manufactured home on lots outside of a manufactured home park are exempt from standards of this subsection that are deemed to be more restrictive than the requirements of Oregon Revised Statute 197.307(5).
- C. Standards. All buildings that meet the applicability provisions in Subsection 19.505.1.B above shall meet the following design standards. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.
  - Articulation. All buildings shall incorporate design elements that break up all streetfacing 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 2 of the following elements shall be provided along the street-facing façades.
      - (1) A porch at least 5 ft deep
      - (2) A balcony that is at least 2 ft deep and is accessible from an interior room;
      - (3) A bay window that extends at least 2 ft in width; or
      - (4) Recessing a section of the façade by at least 2 ft in depth and 6 ft in length.
    - b. For buildings with over 60 ft of street frontage, at least one element in (a)(i-iii) above shall be provided for every 30 ft of street frontage. Elements shall be distributed along the length of the façade so that there is no more than 30 ft between two elements.
    - c. For buildings with less than 30 ft of street frontage, one of the elements in (a)(i-iii) above shall be provided along the street-facing facade.

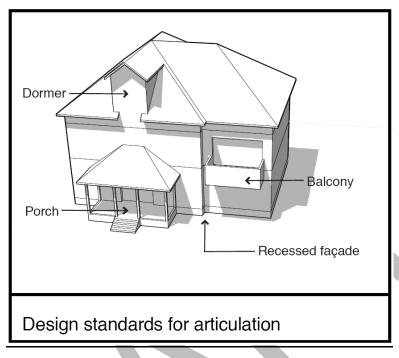


Figure 19.505.1.C.1 Building Articulation

- Eyes on the street. At least 15% of the area of each street-facing façade must be windows or entrance doors. See Figure 19.505.1.C.2 for illustration of eyes on the street.
  - a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
  - b. Windows in attached garage doors do not count toward meeting this standard, but windows in attached garage walls do count toward meeting this standard.
  - c. Window area is considered the entire area within the outer window frame, including any interior window grid.
  - d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
  - e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

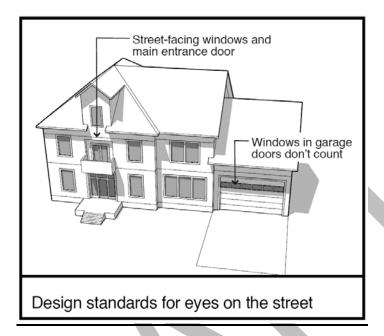


Figure 19.505.1.C.2 Eyes on the Street

- 3. Main entrances. At least one main entrance for each building must:
  - a. Be no further than 8 ft behind the longest street-facing wall of the building; and
  - b. Face the street, or 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:
    - (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.

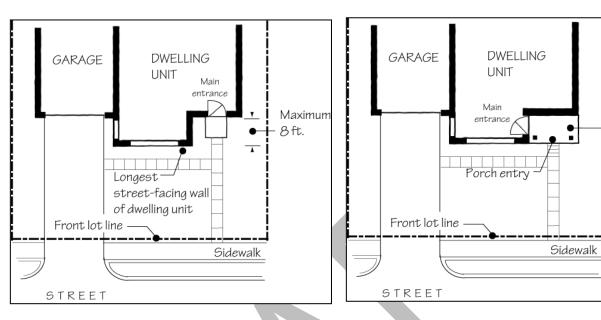


Figure 19.505.1.C.3 Main Entrances

- 4. Detailed design. All buildings shall include at least 5 of the following features on any street-facing façade. See Figure 19.505.1.C.4 for illustration of detailed design elements.
  - a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.
  - b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
  - c. Offset on the building face of at least 16 in from 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 6 in wide (the visible portion once installed).
  - 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.

Porch

- I. All windows recessed 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.

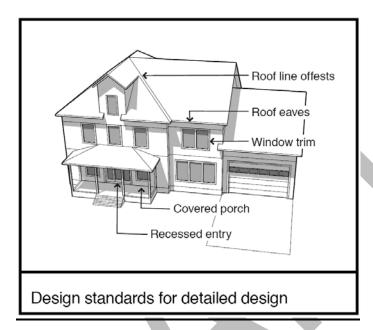


Figure 19.5xx Detailed Design Elements

- 5. Standards for Duplexes. In addition to the other standards in Subsection 19.505.1, duplexes shall also comply with the following standards.
  - a. The height of each of the units shall be within 4 ft of each other.
  - b. The exterior finish of the structure must be the same for both units, or visually match in type, size and placement.
  - c. The predominant roof pitch over each unit must be the same.
  - d. The eaves must be uniform for entire structure.
  - e. The trim must be the same in type, size, and location for entire structure.
  - f. Windows must match in proportion and orientation for entire structure.
  - g. For duplexes or corner lots, each entrance is required to face a separate street frontage. Where an existing house is being converted, one main entrance with internal access to both units is allowed.
  - h. For duplexes facing one frontage, the following standards apply.
    - (1) Only 1 entrance is required to face the frontage.
    - (2) Where more than one entrance to the structure faces the street, each separatee entrance is required to meet the standards of Subsection 19.505.1.c.3.
    - (3) A second entrance is not allowed within [10-15] feet of side or rear property line.

## 19.505.2 Garage Standards

- A. Purpose. These standards are intended to prevent garages from obscuring or dominating the street-facing facade of a dwelling and provide for a pleasant pedestrian environment in residential areas.
- B. Applicability. The standards in this section apply to all new attached and detached garages on properties with a single-family detached dwelling, duplex, or rowhouse when the street-facing façade of the garage is located within 50 ft of the front property line.

#### C. Standards.

- 1. The front of the garage can be no closer to the front lot line than the front of the house. The following exceptions apply:
  - a. A garage may extend up to 5 ft in front of the house if there is a covered front porch and the garage does not extend beyond the front of the porch.
  - b. A garage may extend up to 5 ft in front of the house if the garage is part of a twostory facade that has a window at least 12 sq ft in area on the second story that faces the street.
- 2. The width of a street-facing garage wall may not exceed 35% of the width of the street-facing wall of the house, or 12 ft, whichever is greater.
- 3. Garages may be side-oriented to the front lot line if the "eyes on the street" standard in 19.505.1.C.2 is met.
- A. All new single-family attached and detached dwelling units shall meet the following design standards:
  - The main entrance of the dwelling shall be oriented to the street upon which the lot fronts or which provides vehicle access. The main entrance shall be considered to be oriented to the street if the front door faces the street or if the front door leads to a porch, patio, or sidewalk that is located in the front yard.
  - 2. The area of windows on all exterior wall elevation(s) facing the street shall be at least 12% of the area of those elevations. Roofs, including gable ends, shall not be included in wall area.
- B. All dwellings, except temporary dwellings approved in accordance with this chapter, shall include at least 3 of the following features on any building elevation that faces, or is visible to, the street (if on a corner lot, visible to the street where the dwelling takes access). Manufactured homes are subject to additional requirements of this chapter:
  - 1. Covered porch at least 5 ft deep.
  - 2. Entry area recessed at least 2 ft from the exterior wall to the door.
  - 3. Bay or bow window that projects at least 1 ft from exterior wall.
  - 4. Offset on the building face of at least 16 in from 1 exterior wall surface to the other.
  - 5. Dormer.
  - 6. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
  - 7. Roof line offsets of at least 16 in from the top surface of one roof to the top surface of the other.

- 8. Attached garage.
- 9. Cupola.
- 10. Tile or wood shingle roofs.
- 11. Horizontal lap siding.
- 12. Brick covering at least 40% of the building elevation that is visible from the street.

# 19.505.3 Design Standards for Multifamily Housing

- A. Purpose. The purpose of these design standards is to help facilitate the development of attractive multifamily housing that encourages multi-modal transportation. The regulations identify characteristics of good site and building design, which contribute to livability, safety, and sustainability, help create a stronger community and foster a quality environment for people utilizing the development and in the surrounding neighborhood.
- B. Applicability. The standards in this section apply to all new multifamily developments with three or more dwelling units on a single lot. Cottage clusters housing and rowhouses on their own lots are subject to separate standards and are therefore exempt from 19.505.4. Housing development that emulates the style of cottage cluster housing or rowhouses and is done on a single lot are subject to the standards of this subsection.
- C. Review process. Two possible review processes are available for review of multifamily 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 flexibility in designing the multifamily development. Regardless of the review type, the applicant must demonstrate how the standards or guidelines are being met.
  - Projects reviewed through the Objective process will be evaluated through a Type I
     Development Review pursuant to Chapter 19.906.
  - 2. Projects reviewed through the Discretionary process will be evaluated through either a Type II or Type III Development Review pursuant to Chapter 19.906.
  - 3. The two review types may not be combined for one project. For example, a project may not use some of the Objective standards and some of the Discretionary guidelines in one application; an applicant must choose either the Objective or Discretionary review process.
- D. Design guidelines and standards. Applicable guidelines and standards for multifamily design are located in Table 19.505.4. The illustrations provided in Figure 19.5xx are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. The guidelines and standards are intended to achieve the following principles for multifamily development:
  - Livability. The city encourages multifamily development that contributes 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.
  - Compatibility. The city encourages multifamily development that is appropriate in scale to the surrounding neighborhood and maintains the overall residential character of Milwaukie.

- 3. Safety and Functionality. The city encourages multifamily development that is safe and functional by providing visibility into and within a multifamily development and by creating a circulation system that prioritizes bicycle and pedestrian safety.
- 4. Sustainability. The city encourages multifamily development that promotes elements of sustainability such as energy conservation, preservation of trees and open space, quality building materials, and alternative transportation modes.



<u>Table 19.505.4</u> <u>Multifamily Design Guidelines and Standards</u>			
<u>Design</u> <u>Element</u>	Design Guideline (Discretionary Process)	Design Standard (Objective Process)	
A. Private Open Space	The development should provide individual private open spaces for dwelling units. Private open space should have direct access from the dwelling unit and should be visually and/or physically separate from common areas.	Private open space (patios or balconies) shall be provided as follows:  1. For each dwelling unit located on the ground floor, or within 5 feet of finished grade, a minimum of 96 square feet of private open space.  2. For each dwelling unit located more than 5 feet above finished grade, a minimum of 48 square feet of private open space.  3. For each dwelling unit with private open space, a direct and accessible route shall be provided from the dwelling to the private open space.  4. Private open space shall be visually separated from common open space and adjacent dwelling units through the use of landscaping, fencing or a wall.	
B. Common Open Space	The development should provide sufficient open space for the purpose of outdoor recreation, scenic amenity, or shared exterior space for people to gather.	Common open space shall be provided as follows:  a. For buildings with more than 5 dwelling units, a minimum of 10% of the gross site area, or 750 square feet, whichever is greater, shall be designated as common open space.  b. The minimum dimension for any shared open space shall be 20 feet.  c. Designated open space shall contain one or more of the following: recreation area, protection of sensitive lands, play fields, children's play area, sport courts, gardens, swimming pools, walking trails, pedestrian amenities, or similar open space amenities for residents.  d. If a development includes a children's play area, the play area shall be located such that it is visible from at least 50% of the abutting units. Play areas shall not be located within required yard setbacks.	
C. Pedestrian Circulation	Site design should promote safe, direct and usable pedestrian facilities and connections throughout the development. Ground floor units should provide a clear transition from the public realm to private spaces.	The on-site pedestrian circulation system shall include the following:  1. Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas. 2. At least one pedestrian connection to an abutting street frontage for each 200 linear feet of street frontage. 3. For sites greater than 40,000 square feet, a direct connection	

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Table 19.505.4  Multifamily Design Guidelines and Standards			
<u>Design</u> <u>Element</u>	Design Guideline (Discretionary Process)	Design Standard (Objective Process)	
		from one end of the site to the other to facilitate travel through the site.  4. Pedestrian walkways shall be separated from vehicle parking and maneuvering areas through physical barriers such as planter strips, raised curbs, or bollards.	
D. Vehicle Parking	The development should include a parking strategy that accommodates vehicles while reducing the visual impact of parking on the public realm.	Parking for the development shall comply with the following:  1. On site surface parking areas, garages, and vehicle circulation areas shall not be located between a building and an abutting street right-of-way.  2. Parking located to the side of the primary building shall be limited to 50% of the linear frontage of that side.  3. All attached garages shall be located at least 4 feet behind the front building façade.  4. Detached garages or carports shall reflect the architectural style and/or building materials used for the dwelling structure(s).	
E. Building Orientation & Entrances	Buildings should be located with the principal façade oriented to the street or a street-facing open space such as a courtyard. Building entrances should be well-defined and promote user comfort.	1. The primary building entry or entries for ground floor units shall face the street right-of-way or a central courtyard. Secondary entries may face parking lots or other interior site areas.      2. Building entrances shall be visually prominent and receive architectural emphasis through the use of recesses, projections, corner entry, landscape treatments or other similar technique.      3. For sites not on an arterial street, at least 50% of a site's street.	
		frontage (not including accessways) shall be occupied by buildings that are located no further than 10 feet from the required setback line.  4. For sites on an arterial street, at least 50% of a site's street frontage (not including accessways) shall be occupied by buildings that are located no further than 20 feet from the required setback line.	
F. Neighborhood Compatibility	Building Massing. The development should be designed to minimize the impact of large building expanses by providing elements that break down the scale of buildings, and provide visual interest.      Transitions. When abutting existing lower-scale residential development, multifamily buildings should	1. Buildings shall have, at a minimum, a base and top. a. The "base" (ground floor level) shall be considered from grade and it shall be twelve to twenty (12-20) feet tall. The base shall include a distinct physical transition between the base and any upper floors. The transition could include a change in brick pattern and other materials, articulation of a floor line, change in window	

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	Table 19.505.4  Multifamily Design Guidelines and Standards		
<u>Design</u>	Design Guideline (Discretionary Process)	Design Standard (Objective Process)	
<u>Element</u>			
	respect and mirror the massing of neighboring	types, or other similar indication of transition.	
	structures by stepping back upper stories or increasing	b. The "top" of a building shall be considered either the upper story	
	setbacks.	or the top of the façade and shall have a distinct visual design from	
		the "base" through material treatment, color, texture, or change in	
		materials or roof form.	
		2. To avoid long, monotonous, uninterrupted walls, buildings shall	
		incorporate exterior wall off-sets, projections and/or recesses. At	
		least 1 foot of horizontal variation shall be used at intervals of 40 feet	
		or less along the building's primary façade on the ground floor level.	
		3. Buildings shall not have an overall horizontal distance exceeding	
		150 linear feet as measured from end wall to end wall.	
		4. Where a multifamily development abuts or is across a street from	
		a property zoned R-5, R-7 or R-10, the following is required.	
		a. On sites that abut an R-5, R-7 or R-10 zone the following must be met:	
		i. In the portion of the site within 25 feet of the lower density	
		residential zone, the building height limits are equal to those of the	
		adjacent residential zone.	
		ii. Landscaping or a combination of fencing and landscaping shall be	
		used to provide a sight-obscuring screen six feet in height along the	
		abutting property line.	
		b. On sites across the street from an R-5, R-7 or R-10 zone, on the	
		portion of the site within 15 feet of the intervening street, the height	
		limit shall be those of the lower density residential zone across the	
		street.	

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	<u>Table 19.505.4</u> <u>Multifamily Design Guidelines and Standards</u>				
<u>Design</u> <u>Element</u>	Design Guideline (Discretionary Process)	Design Standard (Objective Process)			
G. Building Façade Design	Buildings should be designed to create a visually interesting façade that considers and complements neighboring buildings and the public street. Wall plane articulation or wall treatments should be used to break up the massing of large buildings and create a human-scaled environment.	1. Street-facing elevations shall be divided into wall planes that reflect individual dwelling units. This can be achieved by doing one or more of the following:  a. Incorporating elements such as porches or decks into the wall plane.  b. Recessing the building a minimum of 2 feet in depth by 6 feet in length.  c. Extending an architectural bay at least 2 feet from the primary street-facing façade.  2. Windows shall occupy a minimum of 25% of the total street-facing facade.			
H. Building Materials	Buildings should be constructed with architectural materials that provide a sense of permanence and high quality.	1. The following building materials are prohibited on street-facing building facades and shall not be used on more than 35% of any other building façade:  a. Vinyl PVC siding  b. Plywood  c. Exterior insulation finishing (EIFS)  d. Corrugated metal e. Plain concrete or concrete block f. Spandrel glass g. Sheet pressboard 2. The following fence materials are prohibited: a. Plastic or vinyl b. Chain link			
I. Landscaping	Landscaping of multifamily developments should be used to provide a canopy for open spaces and courtyards, and to serve as a buffer from adjacent homes. Existing, healthy trees should be preserved whenever possible.	1. For every 2,000 square feet of site area, one tree shall be planted or one existing tree shall be preserved.     a. New trees must be on the city's list of approved tree species.     b. Preserved tree(s) must be at least 6 inches in diameter at breast height (DBH) and cannot be an invasive or prohibited species per the city's tree list.     2. Trees shall be planted to provide, at maturity, canopy coverage to at least one-third of any established common open space or courtyard.			

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<u>Table 19.505.4</u> <u>Multifamily Design Guidelines and Standards</u>		
<u>Design</u> <u>Element</u>	Design Guideline (Discretionary Process)	Design Standard (Objective Process)
J. Screening	Mechanical equipment, garbage collection areas, and other site equipment and utilities should be screened so they are not visible from the street and public or private open spaces. Screening should be visually compatible with other architectural elements in the development.	Mechanical and communication equipment and components shall be screened so they are not visible from streets and other street level public spaces, including alleys. They shall be screened in a manner that is compatible with the architectural character of the building.  1. Appropriate screening for rooftop equipment includes parapet walls or architecturally compatible fabricated enclosures such as panels and walls.  2. The Planning Director may require a review of screening of rooftop equipment by requesting sight line studies.  3. Solar equipment is exempt from this requirement.  4. Utilities such as transformers, heating and cooling, electric meters and other utility equipment shall be not be located within five (5) feet
K. Recycling Areas	Recycling areas should be appropriately sized to accommodate the amount of recyclable materials generated by residents. Areas should be located such that it provides convenient access for residents and for waste and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that the area is not a prominent feature viewed from the street.	of a front entrance and shall be screened with landscape materials.  1. The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated cardboard, tin, and aluminum.  2. The recycling collection area must be located at least as close to the dwelling units as the closest garbage collection/container area.  3. Recycling containers must be covered either by roof or weatherproof lids.  4. If located outdoors, the recycling collection area must be screened from the street and adjacent properties by sight-obscuring materials.  5. The recycling collection area(s) must have a collection capacity of at least 100 cu ft in size for every 10 dwelling units or portion thereof.  6. The recycling collection area must be easily accessible to collection service personnel between the hours of 6:00 a.m. and 6:00 p.m.  7. The recycling collection area and containers must be clearly labeled, to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants.  8. City Fire Department approval will be required for all recycling collection areas.  9. Review and comment for all recycling collection areas will be

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<u>Table 19.505.4</u> <u>Multifamily Design Guidelines and Standards</u>			
Design	Design Guideline (Discretionary Process)	Design Standard (Objective Process)	
<u>Element</u>			
		required from the appropriate franchise collection service.	
L. Sustainability	Multifamily development should optimize building orientation for heat gain, shading, day-lighting, and natural ventilation.	In order to promote more sustainable development, multifamily developments shall incorporate the following elements:  1. Roof pitch and building orientation that do not preclude utilization of solar panels  2. Windows that are operable by building occupants  3. Windows that are high quality, durable and energy efficient with insulating double or triple panes  4. Window orientation, natural shading, and/or sunshades designed to effectively limit summer sun and to allow for winter sun penetration.	
M. Privacy Considerations	Multifamily development should consider the privacy of and sight lines to adjacent properties.	In order to protect the privacy of adjacent properties, multifamily developments shall incorporate the following elements:  1. Buildings shall be oriented for privacy, to the extent practicable, both within the project and to the neighborhood.  2. The placement of windows and openings, including balconies, above the first story shall not create a direct line of sight into the living space or the back yard of adjacent properties.  3. Where privacy between adjacent residences is a concern, windows shall be staggered, placed at the top third of the wall, or frosted.	

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#### 19.905.4 Design Standards for Cottage Cluster Housing

- A. Purpose. These regulations area intended to: support the growth management goal of more efficient use of urban residential land; support development of diverse housing in accordance with the Comprehensive Plan; increase the variety of housing types available for smaller households; provide opportunities for small, detached dwelling units within existing neighborhoods; and provide opportunities for creative, diverse, and high quality infill development that is compatible with existing neighborhoods.
- B. Applicability. These standards apply to cottage cluster housing, as defined in Section

  19.201, wherever this housing type is allowed by the base zones in Chapter 19.300. The

  standards apply to development of new cottage clusters and modifications to existing
  cottage cluster development.
- C. Standards. The standards listed below are the applicable development and design standards for cottage cluster housing. The base zone development standards for height, yards, lot coverage, and minimum vegetation, and the design standards in Subsection 19.505.1 are not applicable to cottage cluster housing.
  - 1. Dwelling size.

The total floor area of each cottage unit shall not exceed 1,000 square feet. Total floor area is the area included with the surrounding exterior walls, but excluding any space where the floor to ceiling height is less than six feet.

2. Number of cottages allowed.

The number of cottages allowed shall not exceed the dwelling unit maximum of the base zone in which the cottage cluster development is located. A cottage cluster development shall include a minimum of 4 cottages and a maximum of 12 cottages.

3. Separation of cottage cluster developments.

Cottage housing developments shall be separate from each other by at least 1,000 feet.

4. Maximum height.

The height limit for all structures shall not exceed 18 feet. Cottages or amenity buildings having pitched roofs with a minimum slope of 6:12 may extend up to 25 feet at the ridge of the roof.

5. Common space.

Cottage housing units shall be oriented around a central common space. The common open space must be at least 400 square feet per cottage housing unit. The common space shall have cottage units facing at least two sides. Open space with a dimension of less than 20 feet shall not be included in the calculated common open space.

6. Private open space.

Each cottage housing unit shall be provided with a private use open space on the ground of at least 300 square feet with no dimension of less than 10 feet on one side. It should be contiguous to each cottage, for the exclusive use of the cottage resident, and oriented toward the common open space.

7. Ownership

Cottages are for residential use only and may not be operated as transient accommodations. Cottage housing developments shall be created by subdividing the land to create individual parcels and may include shared amenities owned in common.

#### 8. Separation of structures.

All structures shall maintain no less than 10 feet of separation within the cluster. Eaves may project into the required separation up to 12 inches.

#### 9. Parking requirements.

There shall be at least one off street parking space per dwelling unit.

## 10. Parking areas.

- a. Setback a minimum of 5 to 20 feet from the street, depending on the orientation of the structure or lot. If the structure or lot is perpendicular to the street, the narrow dimension may be within 5 feet of the street. If parallel to the street the lot or structure must be at least 20 feet from the street.
- b. Clustered and separated from the common areas by landscaping and/or an architectural screen. Solid board fencing shall not be allowed as an architectural screen;
- c. Screened from public streets and adjacent residential uses by a landscaping and/or architectural screen, which shall not include a solid board fence.

#### 11. Setbacks.

Setbacks for all structures from the property lines shall be an average of 10 feet, but shall not be less than 5 feet and not less than 15 feet from a public street.

## 12. Useable Porches.

Each unit shall have a covered porch with an area of at least 80 square feet and a minimum dimension of 5 feet. The porches on at least half the units shall face the common space.

#### 13. Fences.

All fences on the interior of the development shall be no more than 3 feet in height.

Fences along the exterior of the development may be up to 6 feet in height, except as restricted by intersection clear vision standards. Chain link fences shall not be allowed.

14. Maximum lot coverage and impervious area.

The total footprint of all structures shall not exceed 40 percent of the site area. Impervious surfaces shall not exceed 60 percent of the site area.

#### 15. Cottage Design standards.

- <u>a.</u> Cottages fronting a street shall avoid blank walls by including at least one of the following:
  - (1) Changes in exterior siding material and paint color;
  - (2) Windows which may include bay windows; and/or
  - (3) Building modulation with a depth measuring at least one foot.

b. Structures shall be provided with substantial exterior trim elements consistent with traditional northwest cottage design and small home craftsmanship.

# 19.505.5 Building Orientation to Transit 19.505.2 Building Orientation to Transit

The following requirement applies to all new multifamily, commercial, office, and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

New buildings shall have their primary orientation toward a transit street or, if not adjacent to a transit street, a public right-of-way which leads to a transit street. The primary building entrance shall be visible from the street and shall be directly accessible from a sidewalk connected to the public right-of-way. A building may have more than 1 entrance. If the development has frontage on more than 1 transit street, the primary building entrance may be oriented to either street or to the corner.

