



**MILWAUKIE**  
*Dogwood City of the West*

# Neighborhood Main Streets Use, Development, and Design Standards

## Proposed Code Amendments

**August 4, 2015, Draft**

### Title 19 Zoning Ordinance

Chapter 19.303 General Mixed-Use Zone

Chapter 19.500 Supplementary Development Regulations

Please contact Li Alligood, Senior Planner with the City of Milwaukie Planning Department, at 503-786-7627 or [alligoodl@milwaukieoregon.gov](mailto:alligoodl@milwaukieoregon.gov) with questions or comments about the proposed code amendments and/or the code adoption process.

## 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.

### **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 a 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 Comprehensive Plan or Municipal Code.

## COMMENTARY

### TITLE 19 ZONING

#### CHAPTER 19.300 BASE ZONES

#### CHAPTER 19.303 GENERAL MIXED-USE ZONE

##### Overview

The following pages contain recommended amendments to the base zone use and development standards for the City's "neighborhood main street" commercial areas of 32<sup>nd</sup> and 42<sup>nd</sup> Avenues. The amendments are intended to broaden the permitted uses in these areas as well as to strengthen pedestrian-friendly development standards for new development.

The 32<sup>nd</sup> Ave commercial area is currently zoned Limited Commercial C-L, and the 42<sup>nd</sup> Ave commercial area is currently zoned General Commercial C-G. Generally, the proposed amendments expand the permitted uses in the 32<sup>nd</sup> Ave commercial area and revise the permitted uses in the 42<sup>nd</sup> Ave commercial area.

##### 19.303.1 Purpose

This section has been revised to reflect the addition of a new Neighborhood Mixed-Use Zone NMU. New language describes the intended characteristics of each of this zone.

##### 19.303.2 Uses

Currently, any alteration or expansion of a nonconforming use, structure, or development in the C-L and C-G zones is subject to Type III Nonconforming Use Alteration review. New language states that alteration or expansion of nonconforming use, structure, or development in the NMU Zone that brings the nonconformity closer to compliance may be reviewed through Type II Development Review rather than Type III Nonconforming Use Alteration Review. Alterations or expansions that do not bring the nonconformity closer to compliance would continue to be reviewed through a Type III Nonconforming Use Alteration review.

New language clarifies that drive-through facilities are permitted as conditional uses in the NMU Zone. These facilities are currently prohibited in the 32<sup>nd</sup> Ave commercial area and permitted outright in the 42<sup>nd</sup> Ave commercial area.

##### Table 19.303.2

- A new column is added for the NMU Zone.
- Several revisions to permitted uses are proposed:
  - A size restriction for non-residential uses is proposed. New non-residential uses permitted outright would be restricted to 10,000 sf per use; uses larger than

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- 10,000 sf would require Type III Conditional Use review and approval by the Planning Commission. This restriction applies to each use, not the size of the building itself. Uses larger than 10,000 sq ft would become nonconforming uses. Currently, the only use that would be affected is Safeway at 42<sup>nd</sup> Ave and King Rd.
- Single-family detached and multifamily development is permitted as a conditional use in the C-L Zone, and is not allowed in the C-G Zone. Single-family detached and multifamily residential would continue to require Type III Conditional Use in the 32<sup>nd</sup> Ave area, and would be now permitted as a conditional use in the 42<sup>nd</sup> Ave area.
  - Vehicle repair and service are permitted in both areas through Type III Conditional Use review, and must be conducted within a completely enclosed building.
  - Several new types of uses are added as outright permitted uses:
    - Mixed-use development. This type of development includes a combination of residential uses with commercial uses (e.g. office, retail, or services) on a site or in a building.
    - Live/Work Units. These types of units combine living space with business space. Generally, the living space is above the business (on the second or higher level) while the business is on the ground floor.
    - Day care uses of up to 5,000 sq ft. Currently, day care uses (other than home occupations) require Type III Community Service Use review.
    - Commercial lodging, such as bed and breakfast establishments.
    - Manufacturing and production of up to 5,000 sq ft when associated with, and accessory to, a related retail or eating establishment. Examples include brew pubs or commercial bakeries with a retail storefront.
  - Some new types of uses are allowed conditionally (through Type III review):
    - Single-family and multifamily development (3 or more units). They are currently allowed as conditional uses in the 32<sup>nd</sup> Ave commercial area and will now be allowed in the 42<sup>nd</sup> Ave commercial area.
    - Rowhouse. This type of development can be either a single-family or multifamily (3 or more units) type of development.
    - Boarding, Lodging, or Rooming House. This type of use would be permitted through Type III Conditional Use review and approval by the Planning Commission. These types of facilities could provide low-cost housing options in the neighborhood main street areas.
    - Drinking establishments are currently not permitted in the 32<sup>nd</sup> Ave commercial area and are permitted in the 42<sup>nd</sup> Ave commercial area as a conditional use. They would now be permitted in both areas through Type III Conditional Use review.

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- Some uses are prohibited:
  - Vehicle sales and rentals. This activity is currently permitted in the 42<sup>nd</sup> Ave area, and would be prohibited. Any existing vehicle sales and rentals business would become a nonconforming use.

### 19.303.3 Development Standards

#### Table 19.303.3 Mixed Use Zones – Summary of Development Standards

- A new column is added for the NMU Zone.
- Minimum lot size. Current minimum lot size requirements are 5,000 sf. A standard minimum lot size of 1,500 sf is proposed to allow for a range of development options, including rowhouses and live/work units as well as small commercial occupancies.
- Minimum street frontage. Current minimum street frontage is 35 ft. A street frontage of 25 ft is proposed to permit smaller lot sizes.
- Minimum floor area ratio (FAR). A minimum of 0.5:1 (50% of the lot area) is established to ensure efficient use of the commercial areas.
- Building height. No change. Buildings in the NMU Zone would not be eligible for height bonuses.
- Street setbacks. A maximum street setback of 10 ft is established to ensure a pedestrian-friendly environment.
- Frontage occupancy requirements. As proposed, this requirement would not be applicable in the NMU Zone.
- Maximum lot coverage. No change.
- Minimum vegetation. No change.
- Primary entrances. A requirement that primary entrances face key public streets is established to provide easy pedestrian access.
- Off-street parking required. New language prohibits off-street parking between a building and street-facing lot line. Off-street parking must be located adjacent to or behind a building.
- Transit street. Adds cross-reference to building orientation standards that apply to buildings facing 32<sup>nd</sup> Ave and Harrison St.
- Transition measures. Adds cross-reference to transition area measures. See the code and commentary for Chapter 19.500 for further details.
- Residential density. A minimum residential density is established for stand-alone residential development (there is no minimum residential density required for mixed-use development). The proposed density range of 11.6-14.5 dwelling units per acre is equal to the R-3 Zone, which is adjacent to the 42nd Ave commercial area.

**CHAPTER 19.300 BASE ZONES****19.303 GENERAL COMMERCIAL MIXED-USE ZONES GMU****19.303.1 Purpose**

- A. General Mixed-Use. The General Mixed-Use (GMU) Zone is intended to recognize the importance of Central Milwaukie as a primary commercial center and promote a mix of uses that will support a lively and economically robust district. It is also intended to ensure high quality urban development that is pedestrian-friendly and complementary to the surrounding area.
- B. Neighborhood Mixed-Use. The Neighborhood Mixed-Use (NMU) Zone is intended to recognize 32<sup>nd</sup> and 42<sup>nd</sup> Avenues as neighborhood commercial centers. This zone allows for a mix of small-scale retail and services, along with residential uses, that meet the needs of nearby residents and contribute to a vibrant, local economy. It is also intended to provide a safe and pleasant pedestrian environment while maintaining a neighborhood-scale identity.

**19.303.2 Uses**

## A. Permitted Uses

Uses allowed outright in the ~~GMU zone~~ commercial mixed-use zones are listed in Table 19.303.2 with a "P." These uses are allowed if they comply with the development and design standards and other regulations of this title.

## B. Conditional Uses

Uses listed in Table 19.303.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905.

## C. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards for the commercial mixed-use zones ~~GMU zone~~ may continue in existence. Alteration or expansion of a nonconforming use, structure or development that brings the use, structure or development closer to compliance may be allowed through Type II Development Review pursuant to Section 19.906. Alteration or expansion of a nonconforming use or structure that does not bring the use or structure closer to compliance may be allowed through a Type III Variance pursuant to Section 19.911. Except where otherwise stated in this section, the provisions of Chapter 19.800 Nonconforming Uses and Development apply.

## D. Prohibited Uses

Uses not listed in Table 19.303.2, and not considered accessory or similar pursuant to (E) and (F) below, are prohibited. Uses listed with an "N" in Table 19.303.2 are also prohibited.

## E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards. ~~For the purposes of this section, drive-through facilities are considered an accessory use and must conform to Section 19.606.3.~~

## F. Similar Uses

The Planning Director, through a Type I review per 19.903.4, may determine that a use that is not listed is considered similar to an example use listed in Table 19.303.2. The unlisted use shall be subject to the standards applicable to the similar example use.

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G. Drive-through Uses. For the purpose of this section, drive-through uses are not considered an accessory use and must be approved through a conditional use review in the NMU Zone in conformance with Section 19.905. Drive-through facilities must also conform to Section 19.606.3.

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<b>Table 19.303.2 General Mixed Use Zone Uses</b>			
<b>Uses and Use Categories</b>	<b>GMU</b>	<b><u>NMU</u></b>	<b>Standards/Additional Provisions</b>
<b>Residential</b>			
Single-family Detached	<u>N</u>	<u>CU</u>	<b>Subsection 19.505.1</b> Single Family Dwellings <b>Section 19.905</b> Conditional Uses
Rowhouse <sup>1</sup>	P	<u>CU</u>	<b>Subsection 19.505.5</b> Standards for Rowhouses <b>Section 19.905</b> Conditional Uses
Multifamily	P	<u>CU</u>	<b>Subsection 19.505.3</b> Design Standards for Multifamily Housing <b>Section 19.905</b> Conditional Uses
Mixed use <sup>2</sup>	P	<u>P</u>	<b>Subsection 19.505.6</b> Commercial & Mixed Use Development
Live/work units	P	<u>P</u>	<b>Subsection 19.505.6</b> Standards for Live/Work Units
Senior and retirement housing	P	<u>CU</u>	<b>Subsection 19.505.3</b> Design Standards for Multifamily Housing <b>Section 19.905</b> Conditional Uses
<b>Commercial<sup>3</sup></b>			
<p><b>General office.</b> General office means professional, executive, management, or administrative offices of firms or organizations.</p> <p>Examples include: professional services such as lawyers, architects or accountants; financial businesses such as lenders, brokerage houses, banks or credit unions; headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.</p>	P	<u>P</u>	
<p><b>Indoor recreation.</b> Indoor recreation consists of facilities providing active recreational uses of a primarily indoor nature.</p> <p>Examples include: gyms, dance studios, tennis, racquetball and soccer centers, recreational centers, skating rinks, bowling alleys, arcades, shooting ranges, and movie theaters.</p>	P	<u>P</u>	



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<p><b>Retail-oriented sales.</b> Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.</p> <p>Examples include: stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media. <del>May also include car sales and other auto-oriented retail uses.</del></p>	P	<u>P</u>	
<p><b>Drinking establishments.</b> Drinking establishments primarily involve the sale of alcoholic beverages for consumption on-site.</p> <p>Examples include: tavern, bar, or cocktail lounge.</p>	<u>P</u>	<u>CU</u>	<b>Section 19.905</b> Conditional Uses
<p><b>Eating and drinking establishments.</b> Eating and Drinking E-establishments primarily involve the sale of prepared food and beverages for consumption on-site or take-away. Eating establishments may include incidental sales of alcoholic beverages.</p> <p>Examples include: restaurants, delicatessens, retail bakeries, <del>taverns,</del> <del>brew pubs,</del> coffee shops, concession stands, and espresso bars.</p>	P	<u>P</u>	
<p><b>Medical marijuana facility<sup>6</sup>.</b> Medical marijuana facility means a business that dispenses medical marijuana in accordance with the regulations set forth by ORS Chapter 475 and related Oregon Administrative Rules. State-registered grow sites are not considered to be medical marijuana facilities and are not permitted under the City of Milwaukie's medical marijuana facility regulations.</p>	<u>P</u>	<u>P</u>	<b>Subsection 19.303.6</b> Standards for Medical Marijuana Facilities
<p><b>Vehicle sales and rentals.</b> Vehicle sales and rentals means a business that sells or leases consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, boats and other recreational vehicles.</p>	<u>P</u>	<u>N</u>	

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<p><b>Personal service oriented.</b> Personal service oriented firms are involved in providing consumer services.</p> <p>Examples include: hair, tanning and spa services, pet grooming, photo and laundry drop-off, dry cleaners, and quick printing.</p>	P	<u>P</u>	
<p><b>Repair-oriented.</b> Repair-oriented uses are establishments providing product repair of consumer and business goods.</p> <p>Examples include: repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, office equipment, tailors and seamstresses, shoe repair, locksmiths, <u>and upholsterers,</u> <del>and some automobile and boat service and repair.</del></p>	P	<u>P</u>	
<p><b>Vehicle repair and service.</b> <sup>4</sup> <u>Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Also includes quick-servicing activities where the driver generally waits in the car before and while the service is performed.</u></p> <p><u>Examples include gas stations, quick oil change shops, car washes, vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.</u></p>	<u>P</u>	<u>CU</u>	<b><u>Section 19.905 Conditional Uses</u></b>
<p><b>Day care.</b> <sup>5</sup> Day Care is the provision of regular child care, with or without compensation, to four or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all state requirements.</p> <p>Examples include: nursery schools, before-and-after school care facilities, and child development centers.</p>	P	<u>P</u>	
<p><b>Commercial lodging.</b> Commercial Lodging includes for-profit residential facilities where tenancy is typically less than one month.</p> <p>Examples include: hotels, motels, and bed-and-breakfast establishments. Does not include senior and retirement housing.</p>	P	<u>P</u>	

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<p><b>Boarding, lodging, or rooming house.</b> Generally means a private home where lodgers rent one or more rooms for one or more nights, and sometimes for extended periods of weeks, months, and years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied. Examples include: Boarding house and cooperative housing</p>	CU	<u>CU</u>	<b>Section 19.905</b> Conditional Uses
<p><del>Commercial parking</del> <b>Parking facility.</b> Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a <del>Commercial</del> Parking facility. Examples include structured parking, short- and long-term fee parking facilities, commercial district shared parking lots and commercial shuttle parking.</p>	CU	<u>CU</u>	<b>Section 19.905</b> Conditional Uses <b>Subsection 19.611</b> Parking Structures
<b>Manufacturing and Production</b>			
<p><b>Manufacturing and production.</b><sup>z</sup> Uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; weaving or production of textiles or apparel; woodworking, including cabinet makers; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; and production of artwork and toys.</p>	P	<u>P</u>	
<b>Institutional</b>			
Community service uses	CSU	<u>CSU</u>	<b>Section 19.904</b> Community Service Uses

P = Permitted.

N = Prohibited.

CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

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1. The limit of 4 consecutive row houses established in 19.505.5 does not apply in the GMU zone. In the GMU zone, there is no limit on the number of consecutive row houses.
2. Residential uses built as part of a vertical mixed-use building are not subject to conditional use review.
3. In the NMU Zone, unless otherwise specified in this section, all non-residential uses listed in Table 19.303.2 shall be no greater than 10,000 square feet in area per use. A non-residential use greater than 10,000 square feet in area may be approved through a conditional use review pursuant to Section 19.905.
24. Repair oriented uses are permitted in the GMU Zone only when conducted within a completely enclosed building.
35. Day care and childcare uses are limited to 5,000 sq. ft.
6. Medical marijuana facilities shall meet the following standards:
  - a. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility.
  - b. A medical marijuana facility shall not be co-located with another business.
  - c. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
  - d. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.
- 4.7. Manufacturing and production uses are limited to 5,000 sq ft in floor area per use on the ground floor and are only permitted when associated with, and accessory to, a related retail oriented sales or eating/drinking establishment use. For purposes of this subsection, manufacturing and production involve goods that are sold or distributed beyond or outside of the associated on-site eating or drinking establishment or retail trade use. For example, a brewing facility that distributes or sells its products elsewhere would be considered a manufacturing and production use, while a restaurant kitchen that prepares food that is purchased on-site would not be considered manufacturing or production.

### 19.303.3 Development Standards

These development standards are intended to ensure that new development in the commercial mixed-use zones ~~GMU zone~~ 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 ~~GMU zone~~. Development standards are presented in ~~detail full~~ in Section 19.303.4. ~~Subsection 19.313.3 (B)~~.

Table 19.303.3 General Mixed Use Zones—Summary of Development Standards			
Standard	GMU	NMU	Standards/ Additional Provisions
<b>A. Lot Standards</b>			
1. Minimum lot size (sq ft)	1,500	<u>1,500</u>	
2. Minimum street frontage (ft)	25	<u>25</u>	
<b>B. Development Standards</b>			
1. Minimum floor area ratio <sup>1</sup>	0.5:1	<u>0.5:1</u>	<b>Section 19.303.4.A</b> Floor Area Ratio
2. Building height (ft)			<b>Section 19.303.4.B</b> Building Height
a. Base maximum	45	<u>45</u>	
b. Maximum with height bonus	57	<u>Height bonus not available</u>	
3. Street Setbacks (ft)			<b>Section 19.501.2</b> Yard Exceptions <b>Section 19.303.4.C</b> Street
a. Minimum street setback	0-15 <sup>2</sup>	<u>None</u>	
b. Maximum street setback	10-20 <sup>3</sup>	<u>10</u>	

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c. Side and rear setbacks	None	<u>None</u>	Setbacks
4. Frontage occupancy	50%	<u>None</u>	<b>Section 19.303.4.D</b> Frontage Occupancy Requirements <b>Figure 19.303.4.D</b> Frontage Occupancy Requirements
5. Maximum lot coverage	85%	<u>85%</u>	<b>Section 19.303.4.E</b> Lot Coverage
6. Minimum vegetation	15%	<u>15%</u>	<b>Section 19.303.4.F</b> Minimum Vegetation
7. Primary entrances	Yes	<u>Yes</u>	<b>Section 19.303.4.G</b> Primary Entrances
8. Off-street parking required	Yes	<u>Yes</u>	<b>Chapter 19.600</b> Off-Street Parking and Loading
9. Transit Street	Yes	<u>Yes</u>	<b>Subsection 19.505.8</b> Building Orientation to Transit
<u>910.</u> Transition Measures	Yes	<u>Yes</u>	<b>Subsection 19.504.6</b> Transition Area Measures
<b>C. Other Standards</b>			
1. Residential density requirements (dwelling units per acre)			<b>Subsection 19.202.4</b> Density Calculations <b>Subsection 19.303.4.H</b> Residential Density <b>Subsection 19.501.4</b> Density Exceptions
a. Stand-alone residential			
(1) Minimum	25	<u>11.6</u>	
(2) Maximum	50	<u>14.5</u>	
b. Mixed-use buildings	None	<u>None</u>	
2. Signs	Yes	<u>Yes</u>	<b>Section 14.16.040</b> Commercial Zone

1. ~~Commercial parking~~ Parking facilities and public parks and plazas are exempt from the minimum floor area ratio requirement.
2. Residential edge standards apply to properties as shown on Figure 19.303.5.
3. Commercial edge standards apply to properties as shown on Figure 19.303.4.C-2.b.

### 19.303.4 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.303.3

#### A. Floor Area Ratio

##### 1. Intent

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

##### 2. Standards

- a. The minimum floor area ratio in Table 19.303.3 applies to all nonresidential building development.

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- b. Required minimum floor area ratio shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FAR.
- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.

### 3. Exemptions

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

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

## B. Building Height

### 1. Intent

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

### 2. Base Maximum Building Height Standard

- a. The base maximum building height in the GMU zone is 3 stories or 45 feet, whichever is less, unless the height bonus in (b) Subsection 3 below is applied.
- b. The base maximum building height in the NMU zone is 3 stories or 45 feet, whichever is less. No building height bonus is available in the NMU zone.

### 3. Height Bonuses

A building can utilize one of the development incentive bonuses of this subsection.

#### a. Residential

New buildings that devote at least 1 story or 25% of the gross floor area to residential uses are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

#### b. Green Building

Project proposals that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED, Green Globes or Earth Advantage certified) are permitted an additional story or an additional 12 ft of building height, whichever is less, ~~is allowed.~~

### ~~4. Exemptions~~

~~The following are exempt from the minimum building height standards.~~

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

## C. Street Setbacks

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## 1. Intent

Buildings are allowed and encouraged to build up to the street right-of-way in the mixed-use zones. ~~GMU zone~~. This ensures that buildings engage the street right-of-way.

## 2. Standards

- a. No minimum street setbacks are required, except for Residential Street Edges in Figure 19.303.5.
- b. In the GMU zone, the ~~M~~maximum street setback is 20 feet. For properties shown as having a commercial edge on Figure 19.303.4.C.2.b, the following standards apply.
  - (1) No minimum street setback is required. Maximum street setback is 10 feet.
  - (2) The area within the street setback, if provided, shall be landscaped.
- c. In the NMU zone, the maximum street setback is 10 feet unless the yard exception standards of Section 19.501.2 apply.
- d. When a building is set back from the sidewalk, the setback area must be landscaped.
  - (1) The setback area may include usable open space such as plazas, courtyards, terraces and small parks.
  - (2) Usable open space may be counted toward the minimum vegetation requirement in Subsection (F) below.
- de. No vehicle parking is permitted between the building and the street. Vehicle parking must be located behind and/or to the side of buildings except in cases of a through-lot or lots which front on 3 or more streets, in which case this standard applies to 2 streets.

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### D. Frontage Occupancy Requirements

The intent of this standard is to establish a consistent "street wall" along key streets. Minimum frontage occupancy requirements are established for block faces identified on Figure 19.303.4.D. The requirements apply as follows:

1. For block faces identified on Figure 19.303.4.D, 50 percent of the site frontage must be occupied by a building or buildings. If the development site has frontage on more than one street, the frontage occupancy requirement must be met on one street only.
- ~~2. Building facades with recesses incorporated to comply with façade articulation requirements are considered to be occupying the site frontage if the recesses do not exceed 24 inches.~~

### E. Lot Coverage

The maximum area that may be covered by primary and accessory buildings shall not exceed 85 percent of the total lot area.

### F. Minimum Vegetation

The minimum vegetation area that shall be retained or planted in trees, grass, shrubs, bark dust for planting beds, etc., shall be 15 percent of the total lot area.

### G. Primary Entrances

#### 1. Intent

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

#### 2. Standards

- a. All new buildings shall have at least one primary entrance facing an abutting 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 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 entrance may be oriented toward either street.
- d. If a development is on a corner in the NMU zone, the primary entrance must be oriented toward 32<sup>nd</sup> Ave or 42<sup>nd</sup> Ave.



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**Proposed Code Amendment with Commentary**


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**H. Residential Density**
**1. Intent**

Minimum densities are applied to residential development in the ~~GMU zone~~ commercial mixed-use zones to assure efficient use of land at densities that support transit use and nearby businesses.

**2. Standards**

a. Minimum density for stand-alone residential development in the GMU zone is 25 units per acre and maximum density is 50 units per acre.

b. Minimum density for stand-alone residential development in the NMU zone is 11.6 units per acre and maximum density is 14.5 units per acre.

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

~~c. Maximum residential densities for mixed-use buildings are controlled by height limits.~~

**3. Exemption**

There are no minimum or maximum density requirements when residential units are developed as part of a mixed-use building. Maximum residential densities for mixed-use buildings are controlled by height limits.

**19.303.5 Standards for Residential Street Edges**

For properties shown as having a residential edge on Figure 19.303.5, and for development that occurs adjacent to or abutting an R-3 or an R-5 zone, the following standards apply.

A. A minimum setback of 15 feet shall apply.

B. Along the property line adjacent to the residential zone, buildings within 50 feet of 37th Ave and Monroe St shall provide a step back of at least 6 feet for any portion of the building above 35 feet.

C. A height bonus consistent with Section 19.303.3.B(4)(b) may only be applied to buildings or portions of a building that are at least 50 feet away from the adjacent residential zone.

## **Proposed Code Amendment with Commentary**

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### **19.303.6 Additional Provisions**

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

A. Section 19.500 Supplementary Development Regulations

This section contains standards for site and building design that will apply to most new types of development, including residential and commercial. Relevant sections include:

1. 19.501 General Exceptions
2. 19.502 Accessory Structures
3. 19.503 Accessory Uses
4. 19.504 Site Design Standards
5. 19.505 Building Design Standards
6. 19.507 Home Occupation Standards

B. Section 19.600 Off-Street Parking and Loading

Contains standards for vehicle and bicycle parking, including required number of spaces and design standards for parking and loading areas.

C. Section 19.700 Public Facility Improvements

Contains standards for transportation, utility and other public facility improvements that may be required as part of development.

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## **CHAPTER 19.500 SUPPLEMENTARY REGULATIONS**

### **19.504.6 Transition Area Measures**

This section has been revised to exempt the 32<sup>nd</sup> Ave commercial area from the transition area measures where it is separated from lower-density residential zones but a public right-of-way. The transition area measures would still apply to development next to or behind lower-density residential zones.

### **19.505.7 Nonresidential Development**

The design standards of this section would apply to the new NMU Zone. These standards will be adopted as part of the Central Milwaukie code package.

## CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

### 19.504.6 Transition Area Measures

Where commercial, mixed-use, or industrial development is proposed abutting or 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.

- 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. This standard is not applicable in the NMU Zone where commercial, mixed-use, or industrial development is separated from lower-density zones by a public right-of-way.
- 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.

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### 19.505.7 Nonresidential Development

#### A. Purpose

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards support development of an attractive, cohesive and pedestrian-friendly commercial area. The design standards do not prescribe a particular building or architectural style.

#### B. Applicability

1. The design standards in this section generally apply to the street-facing facades of new commercial, institutional, manufacturing and mixed-use buildings within the GMU and NMU zones.
2. The standards in this section do not apply to rowhouses or live/work units. Rowhouses and live/work units are subject to the design standards in Section 19.505.6 Live/Work Units.
3. The standards in this section do not apply to stand-alone multifamily housing. Stand-alone multifamily buildings are subject to the design standards in Section 19.505.3 Multifamily Housing.