

Underline/Strikeout Amendments

Title 14 Signs

CHAPTER 14.04 GENERAL PROVISIONS

14.04.030 DEFINITIONS

The following words and phrases where used in this ~~chapter title~~ shall, for the purposes of this ~~chapter title~~, have the meanings respectively ascribed to them in this section:

"Downtown zones" means the DMU, Downtown Mixed Use, and OS, Open Space, ~~DS, Downtown Storefront; DC, Downtown Commercial; DO, Downtown Office; DR, Downtown Residential; and DOS, Downtown Open Space Zones~~, as defined in the Zoning Ordinance.

"Other commercial zones" means the C-L, Limited Commercial; DMU, Downtown Mixed Use; ~~DS, Downtown Storefront; DC, Downtown Commercial; DO, Downtown Office; C-CS, Community Shopping Commercial; and C-G, General Commercial~~, Zones, as defined in the Zoning Ordinance.

"Residential-office-commercial zones" means the R-O-C, and R-1-B, ~~and DR~~ Zones, as defined in the Zoning Ordinance.

CHAPTER 14.16 SIGN DISTRICTS

14.16.060 DOWNTOWN ZONES

No sign shall be installed or maintained in the DMU or OS Zones ~~DC, DS, DO, DR and DOS Zones~~, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in this section.

A. Freestanding Sign

In the downtown zones, freestanding signs shall be monument type only. The sign face shall be no less than 60% of the total area of the monument. Pole signs are prohibited.

1. Area

The maximum permitted display surface area of a freestanding sign shall be computed on one square foot of area per lineal foot of street or highway frontage.

~~a. In the DO Zone the maximum area shall not exceed 40 square feet per display surface and 80 square feet overall.~~

ab. In the ~~DR and DOS~~ OS Zones the maximum area shall not exceed 32 square feet per display surface and 64 square feet overall.

2. Height and/or Clearance

a. In the ~~DC, DS and DO~~ DMU Zones, freestanding signs are limited to a maximum height of 7 feet. Properties with frontage on McLoughlin Boulevard may have freestanding signs with a maximum height of 15 feet and shall only be located along the McLoughlin Boulevard frontage. Freestanding sign height shall be

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measured from the top of the sign to the lowest finished grade within a 6-foot horizontal distance from the sign.

- b. In the ~~DR~~ and ~~DOS~~ OS Zones freestanding signs are limited to a maximum height of 6 feet above grade.

3. Number

One freestanding sign is permitted on a street or highway frontage.

- B. Wall Sign

1. Area

The maximum permitted area of a wall sign shall be 20% of the building face.

- a. In the ~~DR~~ and ~~DOS~~ OS Zones the maximum permitted area of a wall sign shall be 16 square feet.
- b. In addition to the sign size limitations of this chapter, if an original art mural permitted under Title 20 occupies a wall where a wall sign has been proposed, the size of the wall sign shall be limited such that the total area of the original art mural plus the area of the wall sign does not exceed the maximum allowed.

2. Height and/or Clearance

No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

3. Number

- a. Dictated by area requirements.
- b. In the ~~DR~~ and ~~DOS~~ OS Zones one wall sign is permitted in addition to one freestanding sign.

4. Location

Limited to the building surface or surfaces facing the public right-of-way only.

Title 19 Zoning

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.107 ZONING

19.107.1 Zone Classifications

For the purposes of this title, the following base zones and overlay zones are established in the City per Table 19.107.1:

Table 19.107.1 Classification of Zones	
Zone Description	Abbreviated Description
Base Zones	
Residential	R-10
Residential	R-7
Residential	R-5
Residential	R-3
Residential	R-2.5
Residential	R-2
Residential	R-1
Residential-Business Office	R-1-B
Residential-Office-Commercial	R-O-C
Downtown Mixed Use	DMU
Downtown Storefront	DS
Downtown Commercial	DC
Downtown Office	DO
Downtown Residential	DR
Downtown Open Space	DOS
Neighborhood Commercial	C-N
Limited Commercial	C-L
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI
Planned Development	PD
Tacoma Station Area Manufacturing	<u>M-TSA</u>
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Mixed Use	MU
Aircraft Landing Facility	L-F
Tacoma Station Area	<u>TSA</u>

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

Refer to individual chapters of this title for chapter-specific definitions.

Refer to Title 18 for definitions related to flood hazard areas.

As used in this title:

"Abutting" means to reach or touch; to touch at the end or be contiguous with; join at a border or boundary; terminate on. Abutting properties include properties across a street or alley.

"Awning" means a roof-like structure of fabric or similar non-rigid material attached to a rigid frame that is supported completely by either an exterior building wall or wall exterior to an individual tenant space.

"Balcony" means a platform projecting from the wall of a building, with a balustrade or railing along its outer edge, and accessed from the interior of the building through a door.

"Baluster" means a vertical supporting element, similar to a small column.

"Balustrade" means a complete railing system, including a top rail, balusters, and sometimes a bottom rail.

"Canopy" means a permanent roof-like structure of metal, glass, or similar rigid material that is supported completely by either an exterior building wall or wall exterior to an individual tenant space.

"Downtown zones" means the 2 5-zones that implements the Milwaukee Downtown and Riverfront Land Use Framework Plan— ~~Downtown Mixed Use (DMU), Downtown Storefront (DS), Downtown Commercial (DC), Downtown Office (DO), Downtown Residential (DR), and Downtown Open Space (DOS)~~

"Live/Work Unit" means a dwelling unit where residential and nonresidential spaces are combined and where the dwelling unit is the principal residence of the business operator/proprietor. Nonresidential spaces are typically located on the ground floor and residential spaces are located on upper floors.

"Mixed Use" means the combination of residential uses with commercial (e.g., office, retail, or services), civic, or light industrial uses on a site or in a building.

Office:

"Production-Related office" means offices that are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than Traditional Office uses and focus on the development, testing, production, processing, packaging, or assembly of goods and products. Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; call centers, and medical and dental labs.

"Professional and administrative office" means professional, executive, management, or administrative offices of firms or organizations. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, or others who through training are qualified to

perform services of a professional nature, and where no storage or sale of merchandise exists.

"Traditional office" means offices that are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and typically expected to generate foot traffic. Examples include: professional services such as lawyers, architects or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.

"Parapet" means a low wall, located at the top of any sudden drop, such as at the top of the facade of a building.

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

"Terrace" means an outdoor extension of a building, situated above the ground level, and open to the sky.

"Usable open space" means that portion of a lot or development site that is not covered by building or off-street parking area. Usable open space includes uncovered plazas, terraces, small parks, or similar.

CHAPTER 19.300 BASE ZONES

19.304 DOWNTOWN ZONES

19.304.1 Purpose

The downtown zones are Downtown Mixed Use Zone DMU and Open Space Zone OS. The zones are shown on Figure 19.304-1. These zones implement the Town Center and Public land use designations in the Milwaukie Comprehensive Plan. The downtown zones implement the Downtown and Riverfront Land Use Framework Plan and Milwaukie Comprehensive Plan.

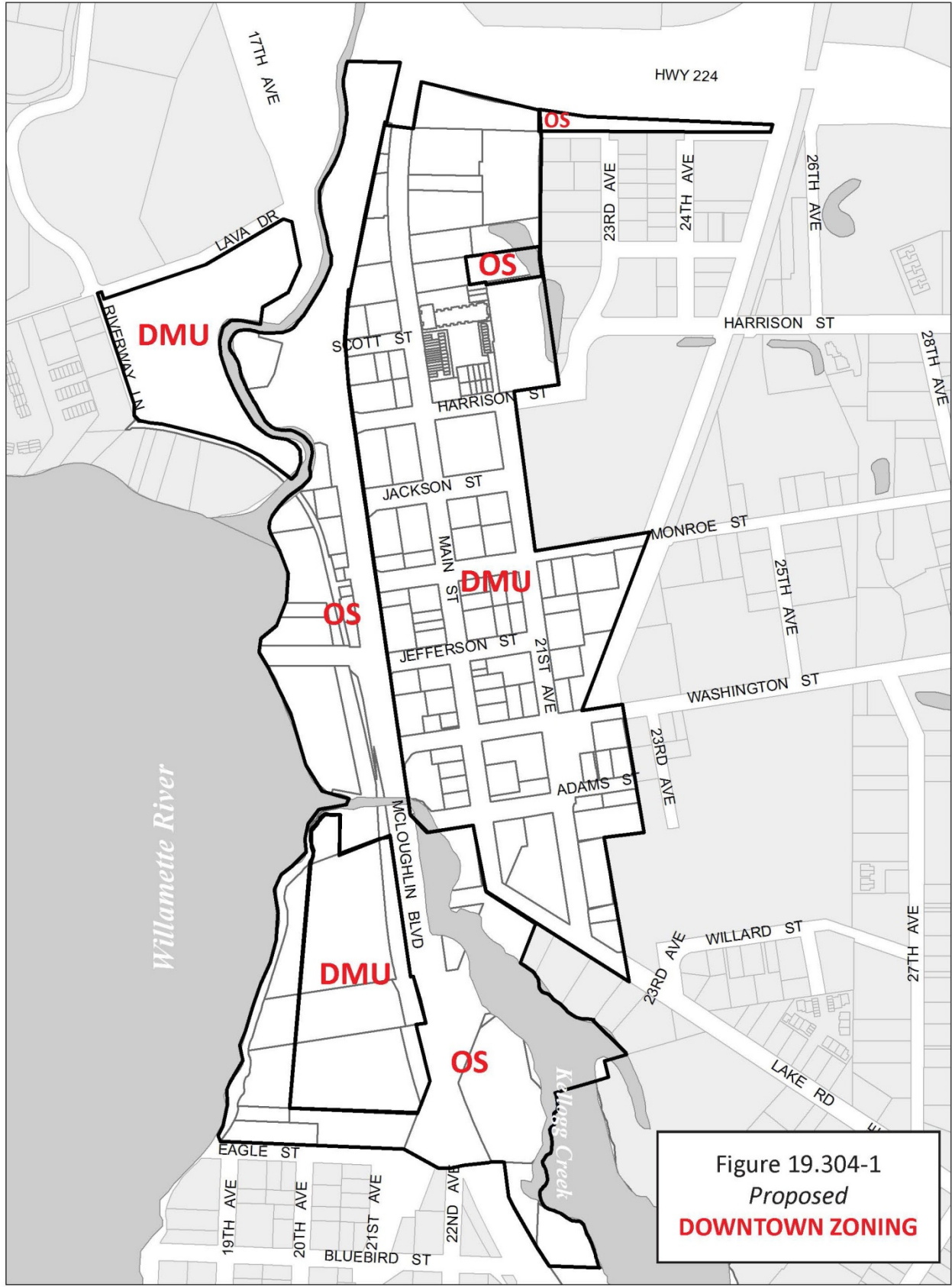
The downtown and riverfront area is envisioned as the focus of the community. Two zones are designated to distinguish between areas intended for public open space and those intended for downtown development. Specific use, development, and design standards are adopted for the downtown zones to assure an active, attractive, and accessible environment for shoppers, employees and residents.

A. Downtown Mixed Use (DMU)

The Downtown Mixed Use Zone provides for a wide range of uses, including retail, office, commercial and residential, that will bring visitors to the downtown to live, work, shop, dine and recreate. The desired character for this zone is a pedestrian-friendly and vibrant urban center with a prominent main street and connections to the riverfront, and includes buildings that are built to the right-of-way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots.

B. Open Space (OS)

The Open Space Zone provides a specific zone to accommodate open space, park, and riverfront uses. The Open Space Zone is generally applied to lands that are in public ownership along the Willamette River, Kellogg Creek, Spring Creek, and Johnson Creek in the downtown area. The desired character for the Open Space Zone includes parkland, open space, and riverfront amenities.



19.304.2 Uses

A. Permitted Uses

Uses allowed in the downtown zones are listed in Table 19.304.2 with a "P." These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

B. Conditional Uses

Uses listed in Table 19.304.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905. Type III review is required to establish a new CU or for major modification of an existing CU. Type I review is required for a minor modification of an existing CU.

C. Nonconforming Uses, Structures and Development

Existing structures and uses that do not meet the standards for the downtown zones 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 a Type II Downtown Design Review pursuant to Section 19.907. 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 listed in Table 19.304.2 with an "N," or uses not listed below, are prohibited as new uses. In addition, drive-through facilities are prohibited in the downtown zones.

E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards. Accessory uses include but are not limited to restrooms in City parks and refreshment stands at the library.

F. Similar Uses

Similar uses not listed in Table 19.304.2 may be allowed through a Director's Determination pursuant to Section 19.903.

<u>Table 19.304.2</u> <u>Downtown Zones—Uses</u>			
<u>Uses and Use Categories</u>	<u>DMU</u>	<u>OS</u>	<u>Standards/ Additional Provisions</u>
<u>Residential</u>			
<u>Rowhouse</u>	<u>P</u>	<u>N</u>	<u>Subsection 19.304.3.A.1</u> <u>Downtown residential use limitations</u> <u>Subsection 19.505.5</u> <u>Standards for Rowhouses</u>
<u>Multifamily</u>	<u>P</u>	<u>N</u>	<u>Figure 19.304-2</u> <u>Ground-Floor Residential Permitted</u> <u>Subsection 19.304.3.A.1</u> <u>Downtown residential use limitations</u>

			<u>Subsection 19.505.3 Design Standards for Multifamily Housing</u>
<u>Live/work units</u>	<u>P</u>	<u>N</u>	<u>Subsection 19.304.3.A.1 Downtown residential use limitations</u> <u>Subsection 19.505.6 Standards for Live/Work Units</u>
<u>Second-story housing</u>	<u>P</u>	<u>N</u>	<u>Section 19.508 Downtown Site and Building Design Standards</u>
<u>Senior and retirement housing</u>	<u>P</u>	<u>N</u>	<u>Subsection 19.304.3.A.1 Downtown residential use limitations</u> <u>Subsection 19.505.3 Design Standards for Multifamily Housing</u>
<u>Commercial</u>			
<u>Office—Traditional.</u> Traditional Office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and typically expected to generate foot traffic. Examples include: professional services such as lawyers, architects or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.	<u>P/CU</u>	<u>N</u>	<u>Subsection 19.304.3.A.3 Commercial use limitations</u> <u>Section 19.905 Conditional Uses</u>
<u>Office—Production-Related.</u> Production-Related Office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than Traditional Office uses and focus on the development, testing, production, processing, packaging, or assembly of goods and products. Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; call centers, and medical and dental labs.	<u>P/CU</u>	<u>N</u>	<u>Subsection 19.304.3.A.2 Main St limitations</u> <u>Subsection 19.304.3.A.3 Commercial use limitations</u> <u>Section 19.905 Conditional Uses</u>

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<p><u>Eating and drinking establishment.</u> Eating and Drinking Establishments primarily involve the sale of prepared food and beverages for consumption on-site or take-away. Examples include restaurants, delicatessens, retail bakeries, taverns, brew-pubs, coffee shops, concession stands, wine bars, and espresso bars.</p>	<p><u>P/CU</u></p>	<p><u>CU</u></p>	<p><u>Subsection 19.304.3.A.3</u> <u>Commercial use limitations</u> <u>Section 19.905 Conditional</u> <u>Uses</u></p>
<p><u>Indoor recreation.</u> Indoor recreation consists of for-profit facilities providing active recreational uses of a primarily indoor nature. 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/CU</u></p>	<p><u>N</u></p>	<p><u>Subsection 19.304.3.A.3</u> <u>Commercial use limitations</u> <u>Section 19.905 Conditional</u> <u>Uses</u></p>
<p><u>Retail-oriented sales.</u> Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public. 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.</p>	<p><u>P/CU</u></p>	<p><u>N</u></p>	<p><u>Subsection 19.304.3.A.3</u> <u>Commercial use limitations</u> <u>Section 19.905 Conditional</u> <u>Uses</u></p>
<p><u>Personal-service-oriented.</u> Personal-service-oriented firms are involved in providing consumer services. Examples include hair, tanning and spa services, pet grooming, photo and laundry drop-off, dry cleaners, and quick printing.</p>	<p><u>P/CU</u></p>	<p><u>N</u></p>	<p><u>Subsection 19.304.3.A.3</u> <u>Commercial use limitations</u> <u>Section 19.905 Conditional</u> <u>Uses</u></p>
<p><u>Repair-oriented.</u> Repair-oriented uses are establishments providing product repair of consumer and business goods. Examples include repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, office equipment, tailors and seamstresses, shoe repair, locksmiths, upholsterers, and some automobile service and repair.</p>	<p><u>P/CU</u></p>	<p><u>N</u></p>	<p><u>Subsection 19.304.3.A.3</u> <u>Commercial use limitations</u> <u>Subsection 19.304.3.A.4</u> <u>DMU Zone limitations</u> <u>Section 19.905 Conditional</u> <u>Uses</u></p>
<p><u>Day care.</u> 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</p>	<p><u>P</u></p>	<p><u>N</u></p>	<p><u>Subsection 19.304.3.A.5</u> <u>Day care limitation</u></p>

meeting all state requirements. Examples include nursery schools, before-and-after school care facilities, and child development centers.			
Commercial lodging. Commercial Lodging includes for-profit residential facilities where tenancy is typically less than one month. Examples include hotels, motels, and bed-and-breakfast establishments. Does not include senior and retirement housing.	<u>P</u>	<u>N</u>	
Boarding, lodging, or rooming house. 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. They normally provide "bed and board", that is, at least some meals as well as accommodation.	<u>CU</u>	<u>N</u>	Section 19.905 Conditional Uses
Parking facility. 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 Parking facility. Examples include short- and long-term fee parking facilities, commercial district shared parking lots and commercial shuttle parking.	<u>CU</u>	<u>P</u>	Subsection 19.304.3.A.6 OS Zone parking limitations Section 19.905 Conditional Uses Chapter 19.600 Off-Street Parking and Loading
Structured parking. Structured parking includes a structure that accommodates vehicle parking on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, is entirely covered, and has a parking surface at least 8 ft below grade. Structured parking does not include garages or carports.	<u>CSU</u>	<u>CSU</u>	Section 19.611 Parking Structures Section 19.904 Community Service Uses
Manufacturing			
Manufacturing and production. 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	<u>P</u>	<u>N</u>	Subsection 19.304.3.A.7 Manufacturing and production limitations

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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.			
Institutional			
Parks and open space. Parks and open space uses are lands focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few buildings. Examples include parks, public squares, plazas, recreational trails, botanical gardens, farmers markets, boat launching areas, nature preserves and community gardens.	<u>P</u>	<u>P</u>	
Community service uses	<u>CSU</u>	<u>CSU</u>	Section 19.904 Community Service Uses
Accessory and Other			
Accessory use	<u>P</u>	<u>P</u>	Subsection 19.304.2.E Accessory Uses Section 19.503 Accessory Uses
Home occupation	<u>P</u>	<u>P</u>	Section 19.507 Home Occupation Standards

P = Permitted.

N = Not permitted.

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.

19.304.3 Use Limitations, Restrictions, and Provisions

A. Use Limitations and Restrictions

The following provisions describe the limitations for uses listed in Table 19.304.2.

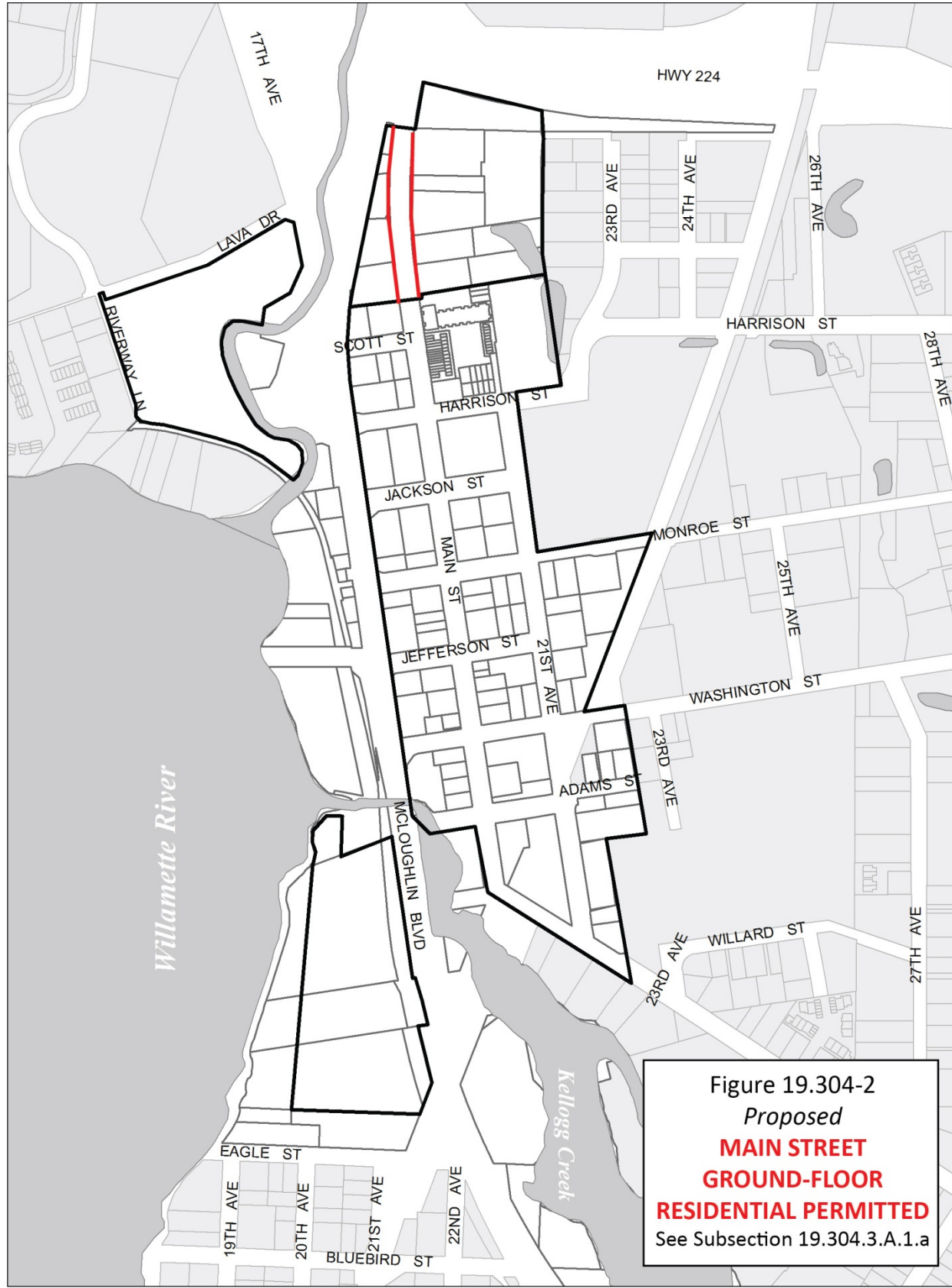
1. Residential uses are permitted throughout downtown Milwaukie, subject to the following limitations:

a. Along Main Street south of Scott Street, as shown in Figure 19.304-2, residential dwellings are only allowed on the second floor or above; they are not permitted on the ground floor.

- b. Lobbies for upper-level dwellings are allowed on the ground floor only if a commercial use is located along a majority of the property's street frontage. North of Scott Street, residential dwellings and/or lobbies are permitted anywhere on the ground floor along Main Street.
 - c. Live/Work units and rowhouses are not permitted on Main Street.
- 2. Production-related office uses are not permitted on the ground floor along Main Street.
- 3. Commercial uses are permitted throughout downtown, subject to the following limitations:
 - a. In the Downtown Mixed Use Zone, the following uses are limited to 20,000 sq ft in floor area per use on the ground floor.
 - (1) Office – Traditional
 - (2) Office – Production-related
 - (3) Eating/drinking establishments
 - (4) Indoor recreation
 - (5) Retail-oriented sales
 - (6) Personal-service oriented
 - (7) Repair-oriented
 - b. Above-listed uses larger than 20,000 sq ft in floor area on the ground floor may be approved through a conditional use review pursuant to Section 19.905.
- 4. Automobile/motor vehicle repair (excluding body and fender repair and painting) is permitted in the Downtown Mixed Use Zone only when conducted within a completely enclosed building.
- 5. Day care and childcare uses are limited to 5,000 sq ft.
- 6. Parking facilities in the Open Space Zone are limited to surface lots that are intended primarily for the users of the related park or open space.
- 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.

B. Use Provisions

- 1. The limit of 4 consecutive row houses established in Subsection 19.505.5.D does not apply in the DMU zone. In the DMU zone, there is no limit on the number of consecutive row houses.



19.304.4 Development Standards

In the downtown zones, the development standards in Table 19.304.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Subsection 19.304.5.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

The development standards address several issues of particular importance to maintaining the appropriate character for the downtown. Table 19.304.4 summarizes some of the development standards that apply downtown. Development standards are presented in full in Subsection 19.304.5.

Table 19.304.4 Downtown Zones—Summary of Development Standards			
Standard	DMU	OS	Standards/ Additional Provisions
A. Lot Standards			
1. Minimum lot size (sq ft)	750	None	
2. Minimum street frontage (ft)	15	None	Section 19.201 Definitions
B. Development Standards			
1. Floor area ratio a. Minimum b. Maximum	0.5:1-1:1 4:1	None None	Section 19.201 Definitions Subsection 19.304.5.A Floor Area Ratios Figure 19.304-3 Minimum Floor Area Ratios
2. Building height (ft) a. Minimum b. Maximum	25 35-65 (height bonus available)	None 15	Subsection 19.304.5.B Building Height Figure 19.304-4 Base Maximum Building Heights Subsection 19.304.5.I Transition Measures Subsection 19.304.5.B.3 Height Bonuses
3. Flexible ground-floor space	Yes, where applicable	None	Subsection 19.304.5.C Flexible Ground-Floor Space
4. Street Setbacks/Build-to Lines (ft) a. Minimum street setback b. Maximum street setback c. Side and rear setbacks	0 10-20 None	0 None None	Figure 19.304-5 First-Floor Build-To Lines Subsection 19.304.5.D Street Setbacks/Build-To Lines Subsection 19.304.5.I Transition Measures Subsection 19.501.2 Yard Exceptions
5. Frontage occupancy requirements	50-90%	None	Subsection 19.304.5.E Frontage Occupancy Requirements Figure 19.304-6 Minimum Frontage Occupancy
6. Primary entrances	Yes	No	Subsection 19.304.5.F Primary Entrances

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7. <u>Off-street parking required</u>	<u>Yes, where applicable</u>	<u>Yes</u>	<u>Subsection 19.304.5.G</u> <u>Off-Street Parking</u> <u>Chapter 19.600</u> <u>Off-Street Parking and Loading</u>
8. <u>Open Space</u>	<u>Yes, where applicable</u>	<u>None</u>	<u>Subsection 19.304.5.H</u> <u>Open Space</u> <u>Subsection 19.508.4.G</u> <u>Open Space/Plazas</u>
9. <u>Transition Measures</u>	<u>Yes, where applicable</u>	<u>No</u>	<u>Subsection 19.304.5.I</u> <u>Transition Measures</u> <u>Subsection 19.504.6</u> <u>Transition Area Measures</u>
<u>C. Other Standards</u>			
1. <u>Residential density requirements (dwelling units per acre)</u>			<u>Subsection 19.202.4</u> <u>Density Calculations</u> <u>Subsection 19.304.5.J</u> <u>Residential Density</u> <u>Subsection 19.501.4</u> <u>Density Exceptions</u>
a. <u>Rowhouses and live/work units</u>			
(1) <u>Minimum</u>	<u>10</u>	<u>None</u>	
(2) <u>Maximum</u>	<u>None</u>	<u>None</u>	
b. <u>Stand-alone multifamily</u>			
(1) <u>Minimum</u>	<u>30</u>	<u>None</u>	
(2) <u>Maximum</u>	<u>None</u>	<u>None</u>	
c. <u>Mixed-use buildings</u>	<u>None</u>	<u>None</u>	
2. <u>Signs</u>	<u>Yes</u>	<u>Yes</u>	<u>Section 14.16.060</u> <u>Downtown Zones</u>

Table 19.304.4 is supplemented by the explanation of the development standards provided in Subsection 19.304.5 below, and the following figures:

Figure 19.304-3—Minimum Floor Area Ratios

Figure 19.304-4—Base Maximum Building Heights

Figure 19.304-5—First-Floor Build-to Lines

Figure 19.304-6—Minimum Frontage Occupancy

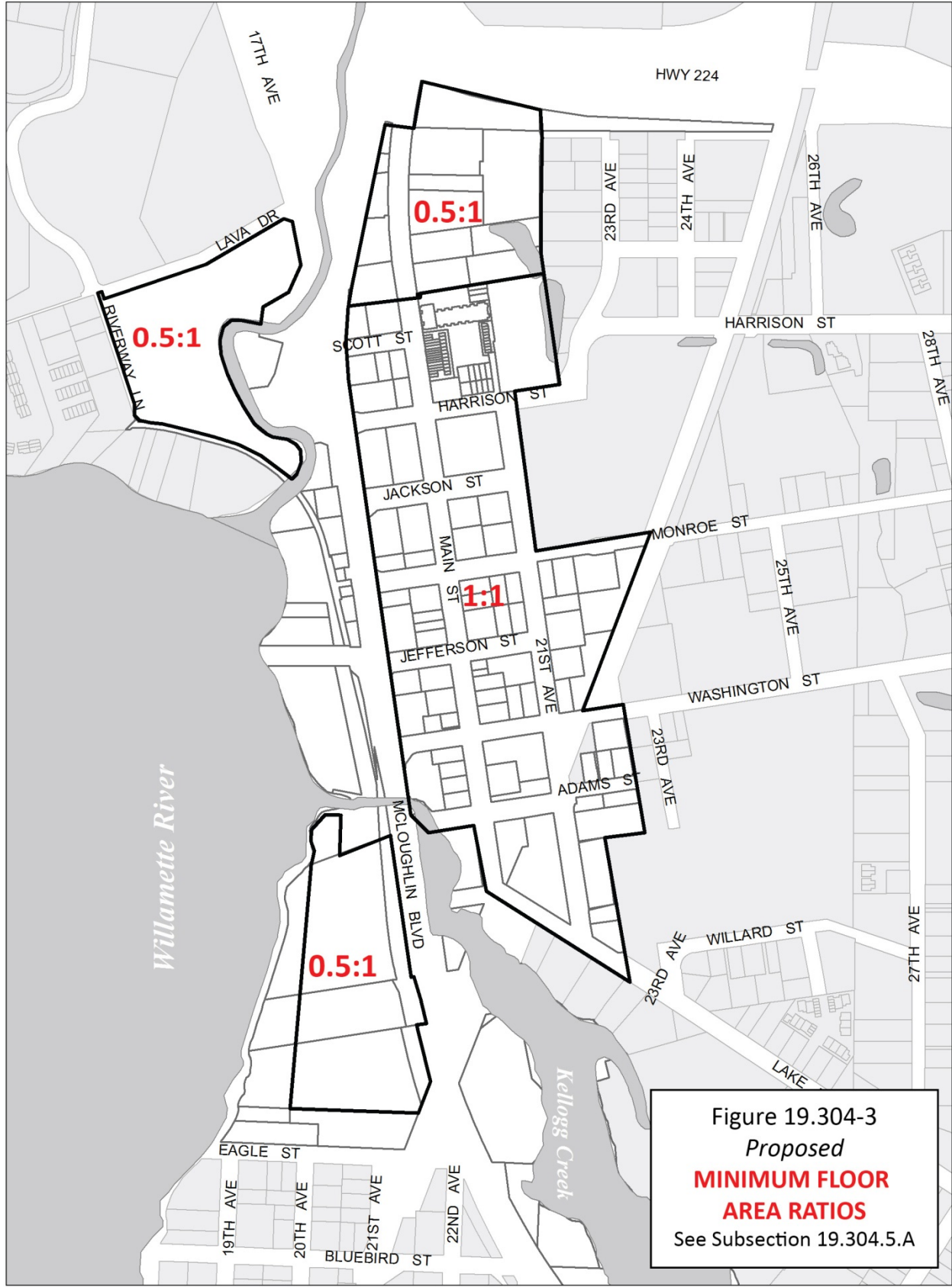
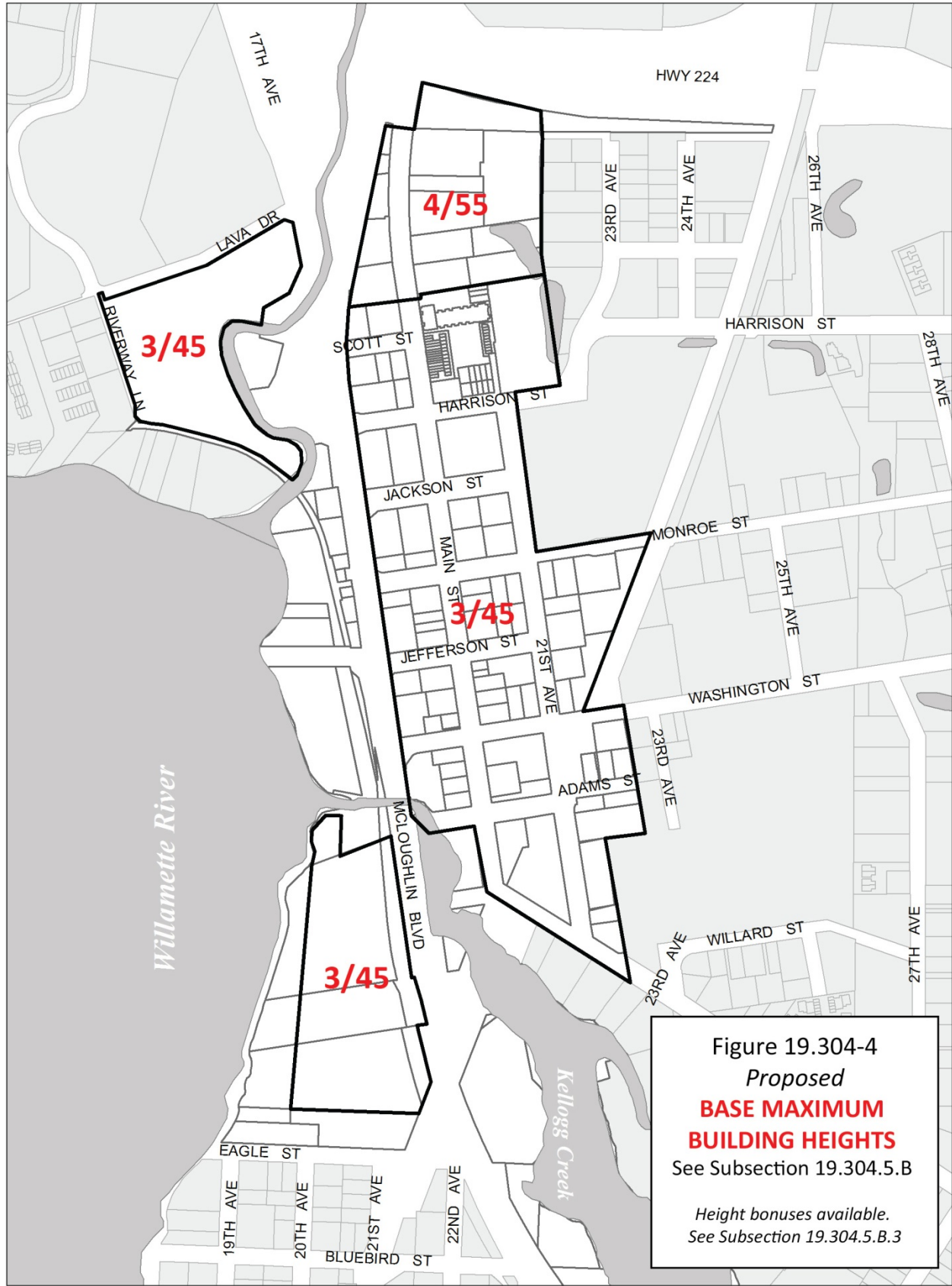


Figure 19.304-3
Proposed
**MINIMUM FLOOR
AREA RATIOS**
See Subsection 19.304.5.A



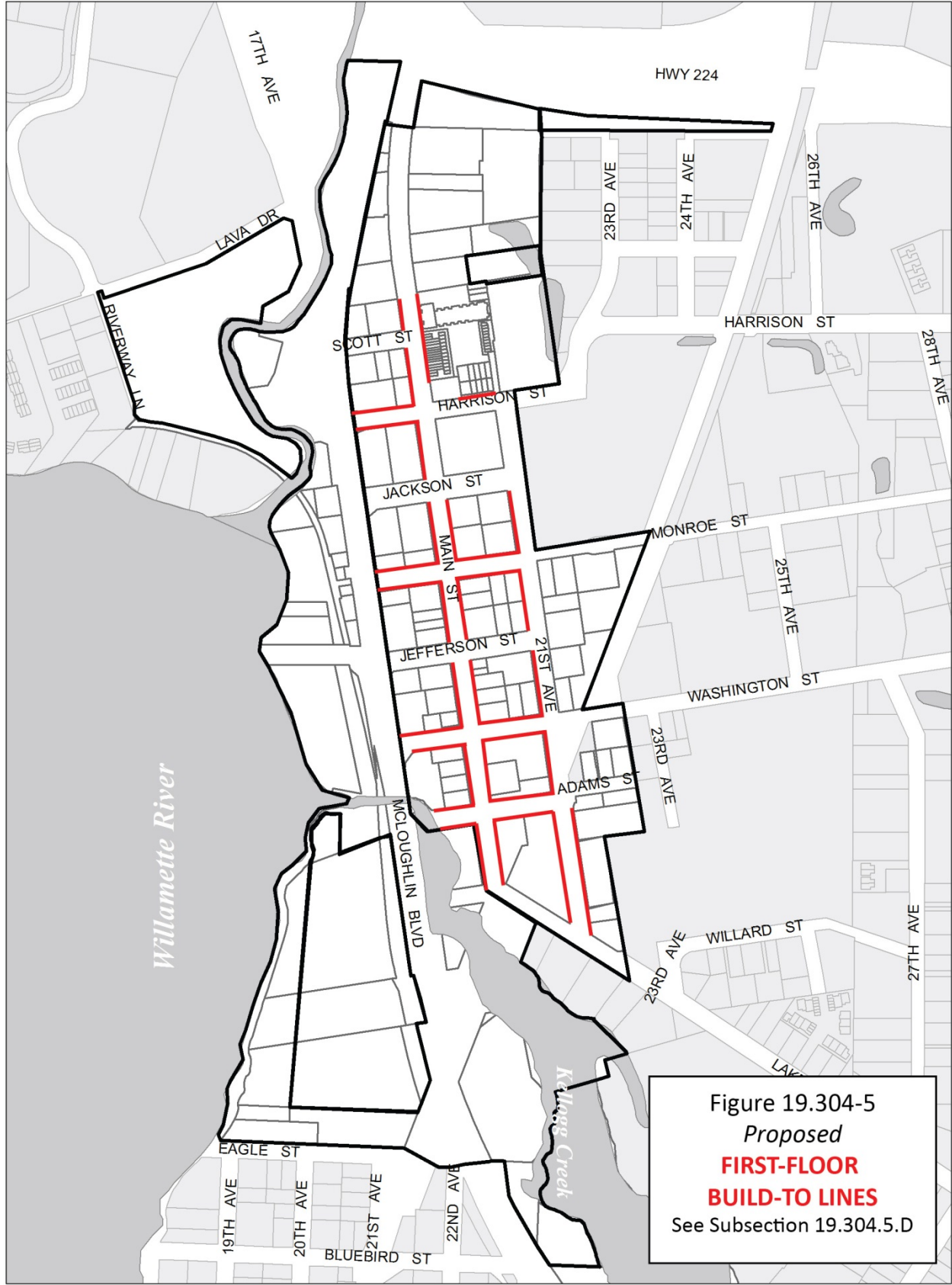
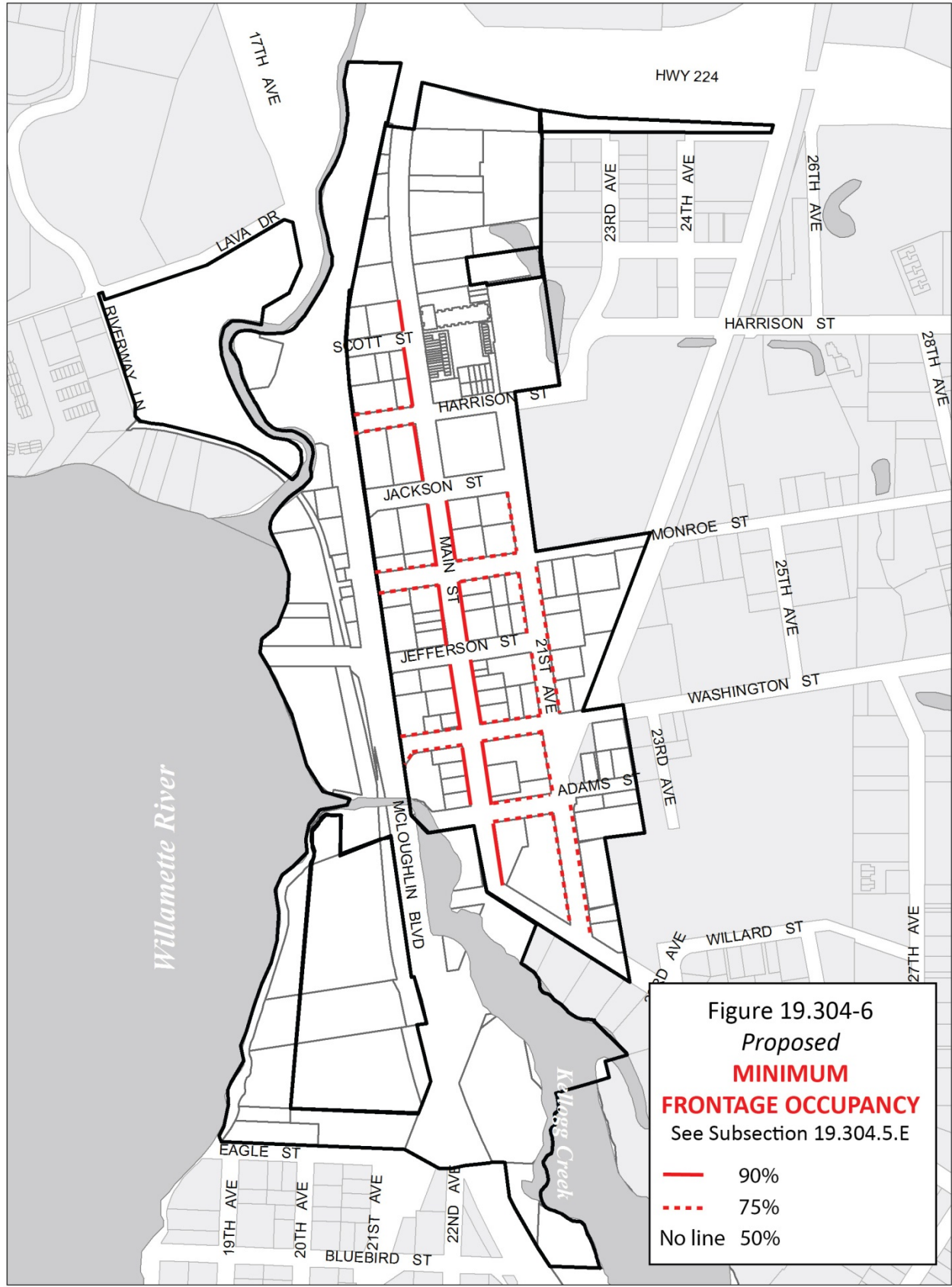


Figure 19.304-5
Proposed
**FIRST-FLOOR
BUILD-TO LINES**
See Subsection 19.304.5.D



19.304.5 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.304.4.

A. Floor Area Ratios

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 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 ratios in Subsection 19.304.4.B.1 apply to all nonresidential building development. Standalone residential densities are controlled by minimum density requirements.
- b. Required minimum floor area ratios 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 FARs.
- 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

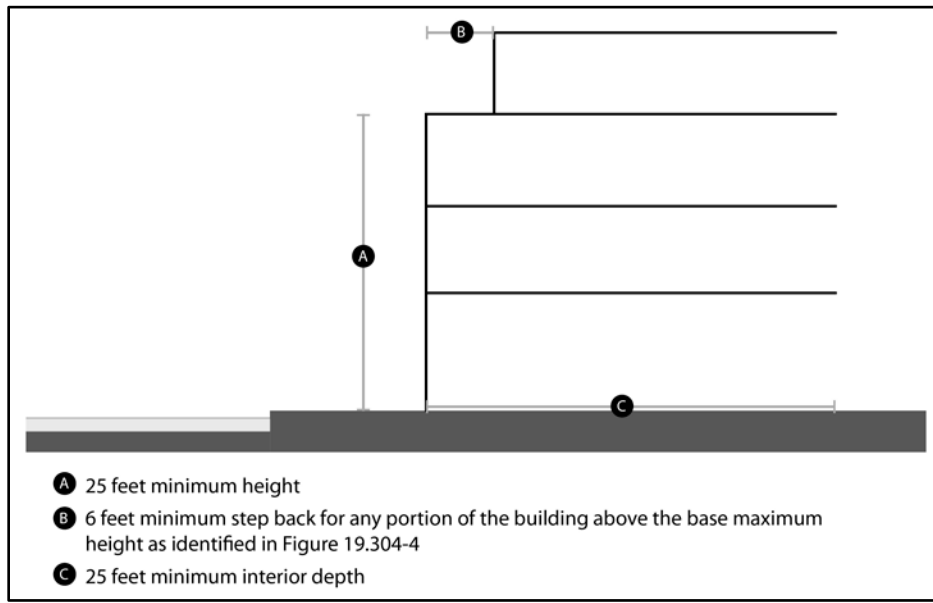
1. Intent

Minimum and 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. Standards

- a. The minimum building height standards apply to new commercial, office, residential, and mixed-use buildings.
- b. Minimum building heights are specified in Table 19.304.4. The minimum building height of 25 feet shall be met along all street frontages for a depth of at least 25 feet from the front of the building.
- c. Base maximum building heights are specified in Figure 19.304-4. Height bonuses are available for buildings that meet the standards of Subsection 19.304.5.B.3.
- d. Buildings shall provide a step back of at least 6 feet for any portion of the building above the base maximum height as identified in Figure 19.304-4.

**Figure 19.304.5.B.2
Building Height Standards**



3. Height Bonuses

To incentivize the provision of additional public amenities or benefits beyond those required by the baseline standards, height bonuses are available for buildings that include desired public amenities or components; increase downtown vibrancy; and/or help meet sustainability goals.

A building can utilize up to 2 of the development incentive bonuses of this subsection, for a total of 2 stories of height above the height maximum specified in Figure 19.304-4.

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

New buildings that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED, Earth Advantage, or Green Globes certified) are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

Height bonus eligibility shall be verified at the time of building permit submittal and shall be contingent upon submittal of green building certification. The height bonus may be binding under a development agreement and height bonus awards may be revoked, and/or other permits or approvals may be withheld, if the project fails to achieve certification.

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. Flexible Ground-Floor Space

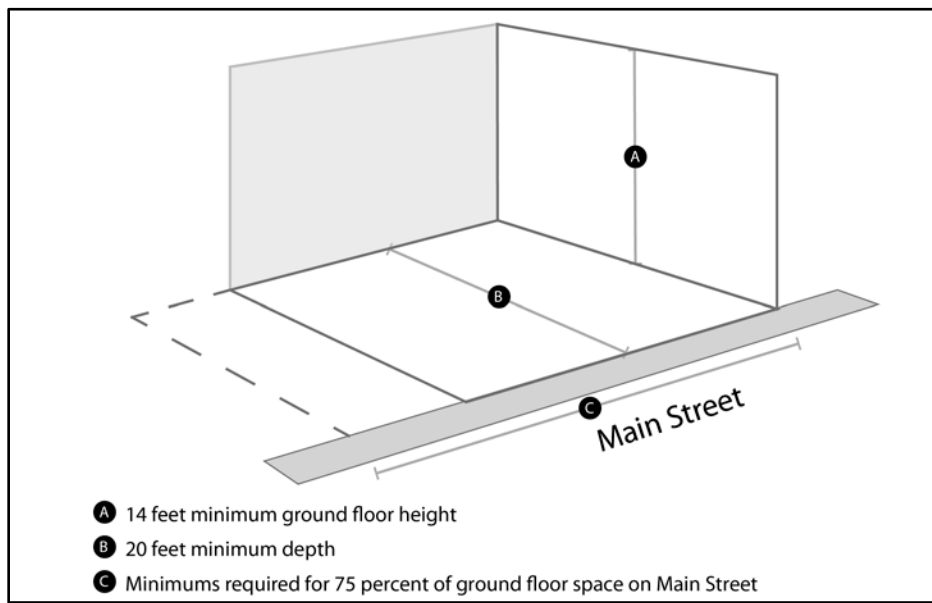
1. Intent

To ensure that new buildings in the downtown are designed and constructed to accommodate active uses such as retail and eating/drinking establishments.

2. Standards

- a. This standard applies to new buildings fronting Main Street.
- b. This standard is met when at least 75% of the ground-floor space in a new building meets the following requirements.
 - (1) The ground-floor height must be at least 14 feet, as measured from the finished floor to the ceiling, or from the finished floor to the bottom of the structure above (as in a multistory building). The bottom of the structure above is the lowest portion of the structure and includes supporting beams, and any heating, ventilation and/or fire suppression sprinkler systems.
 - (2) The interior floor area adjacent to Main Street must be at least 20 feet deep, as measured from the inside building wall or windows facing Main Street.

Figure 19.304.5.C.2
Flexible Ground-Floor Space Standards



3. Exemptions

Standalone residential buildings on Main Street as specified in Figure 19.304-2 are exempt from this requirement.

D. Street Setbacks/Build-to Lines

1. Intent

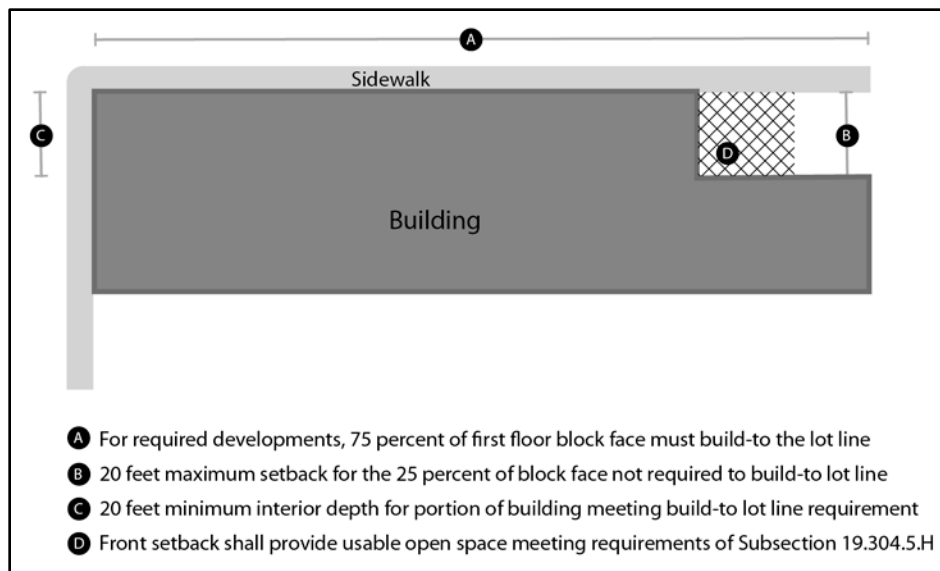
Proposed Code Amendment

Buildings are allowed and encouraged to build up to the street right-of-way in the DMU zone. Required build-to lines are used in combination with the frontage occupancy requirements of Subsection 19.304.5.E and are established in specific areas of the downtown to ensure that the ground floors of buildings engage the street right-of-way (see Figure 19.304-5). The build-to line ensures compatibility and harmony between buildings, enabling a series of different buildings to maintain or establish a continuous vertical street wall.

2. Standards

- a. No minimum street setbacks are required.
- b. First-floor build-to lines (required zero setbacks) are established for block faces identified on Figure 19.304-5. The build-to line applies to the portion of the building that is subject to the frontage occupancy requirements of Subsection 19.304.5.E as follows:
 - (1) For those block faces identified on Figure 19.304-5, 75% of the first floor shall be built to the front lot line (zero setback). The remaining 25% may be set back from the front lot line a maximum of 20 feet. The front setback shall provide usable open space, such as a public plaza or pedestrian amenities, that meets the requirements of Subsection 19.304.5.H.

Figure 19.304.5.D.2.b(1&3)
First-Floor Build-To Lines
for Block Faces Identified on Figure 19.304-5



- (2) For other block faces, there is no build-to line requirement and the maximum setback shall be 10 feet. The front setback shall provide usable open space that meets the requirements of Subsection 19.304.5.H.
- (3) The portions of the building used to meet the build-to line requirement in (1) above shall have a depth of at least 20 feet.

3. Exemption

The DMU zone is exempt from the clear vision area requirements of Chapter 12.24 of the Milwaukie Municipal Code, with the exception of driveway and street intersections with McLoughlin Boulevard.

E. Frontage Occupancy

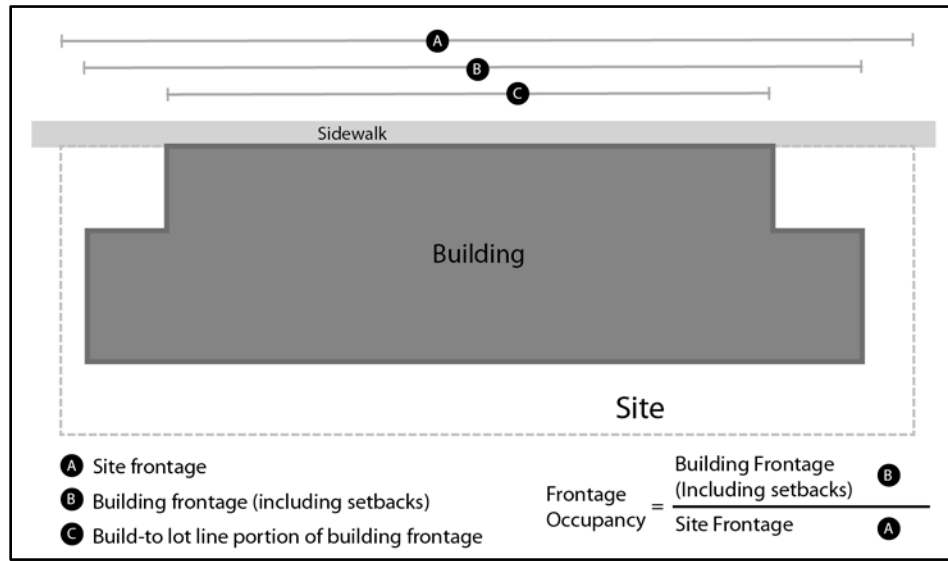
1. Intent

To ensure that buildings are used to create a "street wall" that contributes to a walkable and pedestrian-friendly environment.

2. Standards

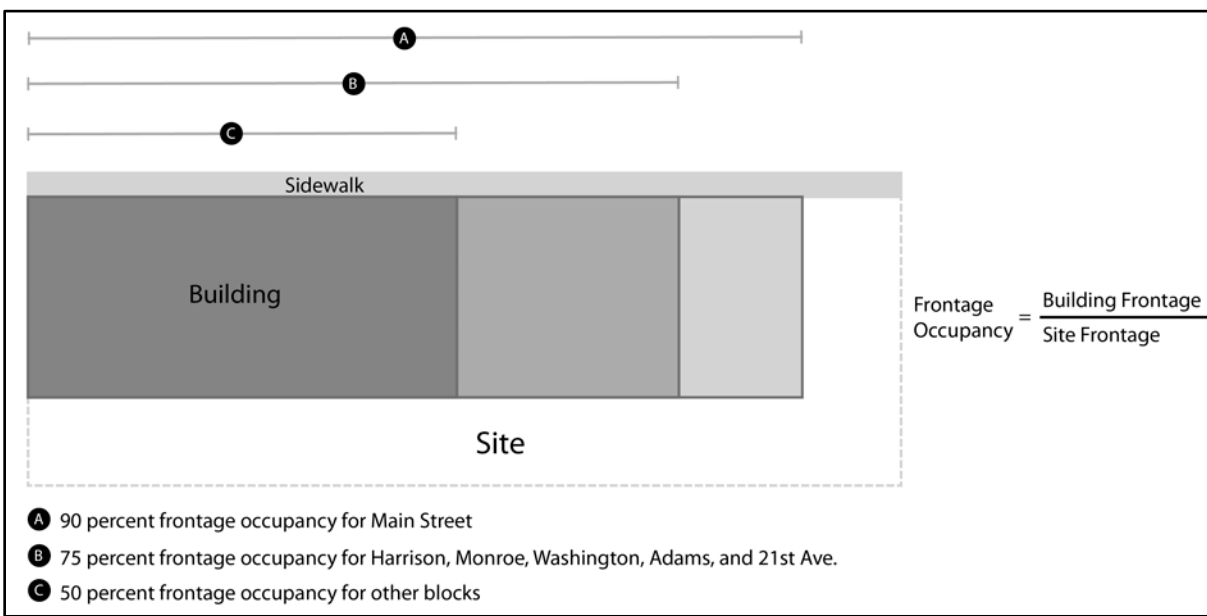
Minimum frontage occupancy requirements are established for block faces identified on Figure 19.304-6. Frontage occupancy requirements are used in combination with the required build-to line of Subsection 19.304.5.D. The frontage occupancy requirements apply as follows:

**Figure 19.304.5.E.2
Frontage Occupancy Requirements and Build-To Line**



- a. For block faces that front on Main Street, 90% of the site frontage must be occupied by a building or buildings. If the development site has frontage on Main Street and another street, the frontage occupancy requirement must be met on Main Street only.
- b. For block faces that front on Harrison, Monroe, Washington, and Adams Streets and 21st Avenue, 75% of the site frontage must be occupied by a building or buildings. Except for Subsection 19.304.5.E.2.a above, if the development site has frontage on one of the streets listed here and another street, the frontage occupancy requirement must be met on the streets listed here only.
- c. For other block faces, 50% of the site frontage must be occupied by a building or buildings. Except for Subsections 19.304.5.E.2.a-b above, if the development site has frontage on more than one street, the frontage occupancy requirement must be met on one street only.

Figure 19.304.5.E.2.a-c
Frontage Occupancy Requirements



d. 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.

F. Primary Entrances

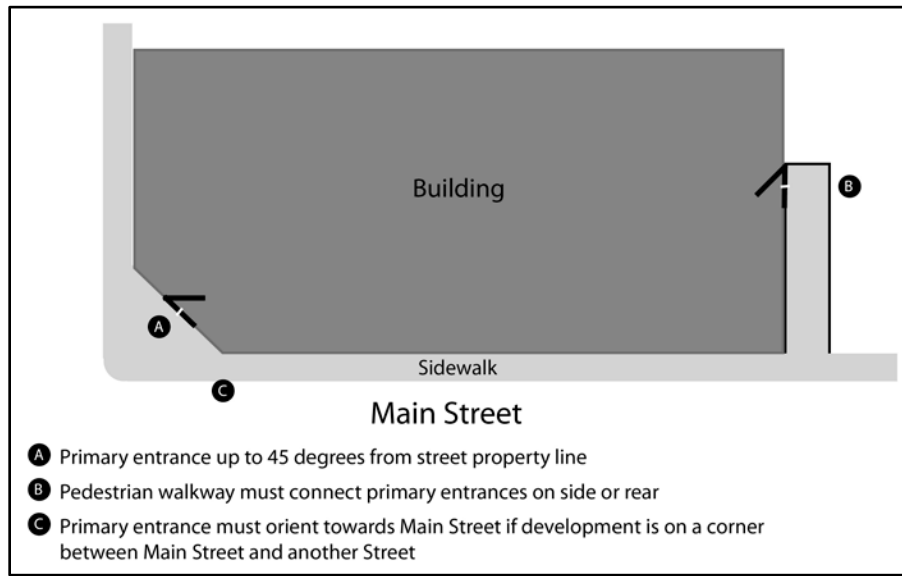
1. Intent

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 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 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 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 the corner of Main Street and another street, the primary entrance shall be oriented toward Main Street. If the development is on the corner of McLoughlin Boulevard and another street, the primary entrance may be oriented toward either street.

Figure 19.304.5.F.2
Primary Entrance Standards



G. Off-Street Parking

1. Intent

The desired character for the DMU Zone, particularly along Main Street, is defined by a continuous façade of buildings close to the street, with adjacent on-street parking.

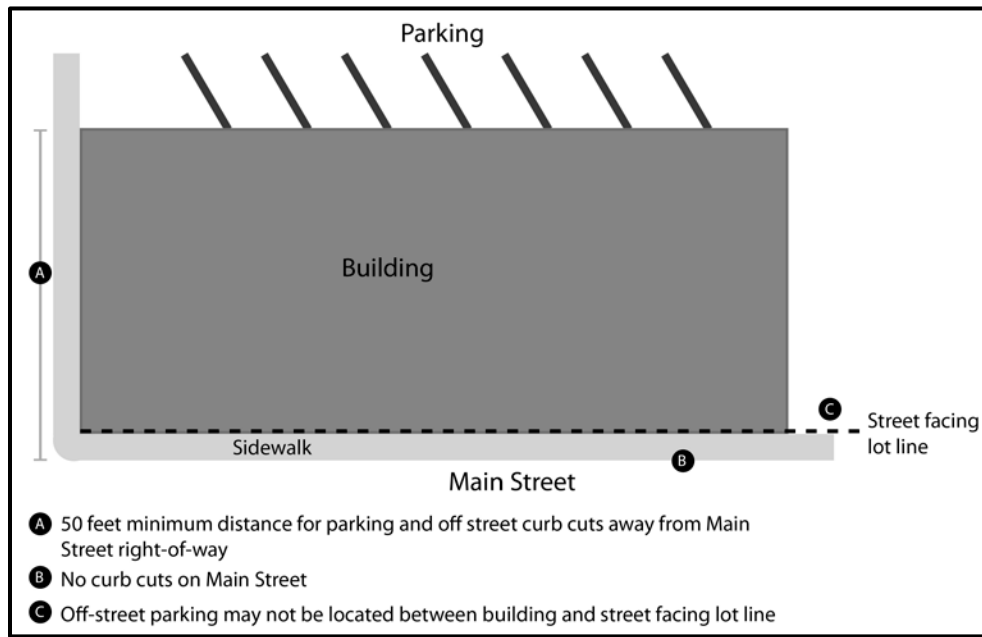
2. Standards

- a. Off-street parking for residential uses is required at the ratios established in Table 19.605.1. All other applicable standards of Chapter 19.600 apply.
- b. If off-street parking is provided for non-residential uses, the parking maximums in Table 19.605.1 shall apply. All other applicable standards of Chapter 19.600 shall also apply.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main Street right-of-way.

The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main Street right-of-way only upon finding through Type III Variance Review pursuant to Section 19.911 that:

- (1) The overall project meets the intent of providing a continuous façade of buildings close to Main Street;
 - (2) The off-street parking area or curb cut is visually screened from view from Main Street; and
 - (3) The community need for the off-street parking area or curb cut within 50 ft of Main Street outweighs the need to provide a continuous façade of buildings in that area.
- d. Off-street parking shall not be located between a building and the street-facing lot line.

Figure 19.304.5.G.2
Off-Street Parking Standards



3. Exemptions

All non-residential uses are exempt from the off-street parking requirements.

H. Open Space

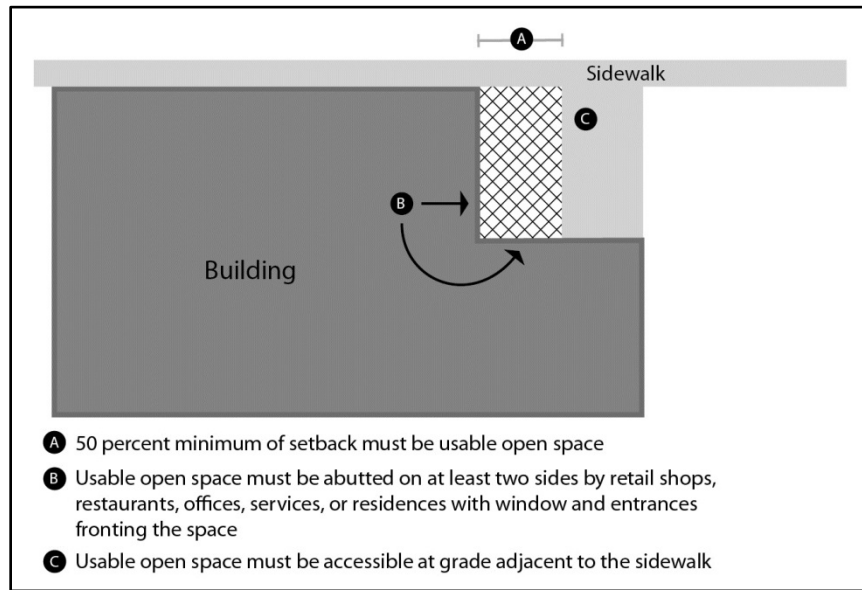
1. Intent

To provide amenities for downtown visitors and residents, promote livability, and help soften the effects of built and paved areas.

2. Standards

- a. When a building is set back from the sidewalk, at least 50% of the setback area shall provide usable open space, such as a public plaza or pedestrian amenities, that meets the standards of this subsection. Building setbacks cannot exceed the maximum setbacks established by Subsection 19.304.5.D and the frontage occupancy requirements of Subsection 19.304.5.E.
- b. Usable open space shall be abutted on at least two sides by retail shops, restaurants, offices, services, or residences with windows and entrances fronting on the space.
- c. Usable open space must be accessible at grade adjacent to the sidewalk.
- d. Open space may be hardscaped or landscaped, including plazas, courtyards, gardens, terraces, outdoor seating, and small parks.

**Figure 19.304.5.H.2
Open Space Standards**



I. Transition Measures

1. Intent

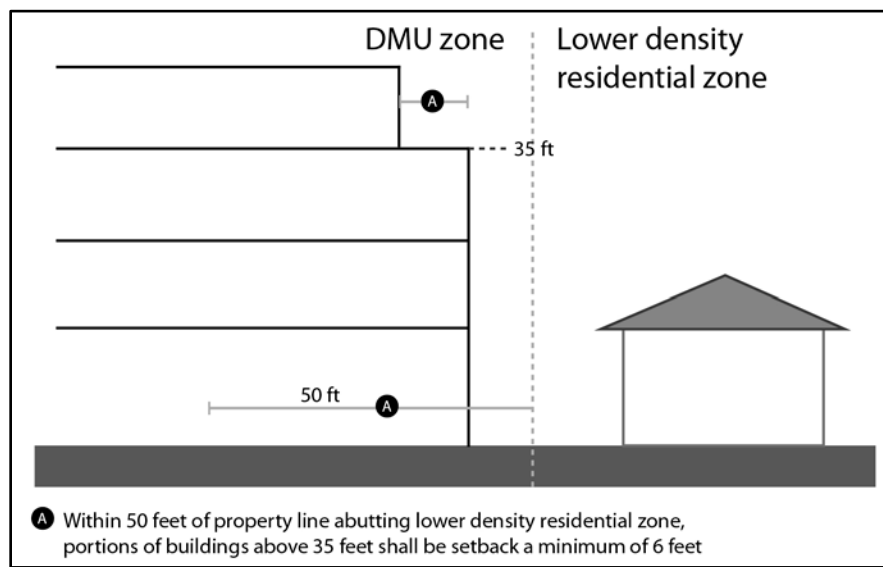
To minimize impacts of commercial or mixed-use development on lower-density residential uses.

2. Standards

For properties north of Harrison Street and located within 50 feet of a lower-density residential zone (R-10, R-7, or R-5), the Transition Area Measures in Subsection 19.504.6 apply. In addition:

- a. Within 50 feet of the property line abutting lower density residential zones, buildings shall provide a step back of at least 6 feet for any portion of the building above 35 feet.
- b. The height bonuses in Subsection 19.304.5.B.3 cannot be applied within 50 feet of a lower-density residential zone.

Figure 19.304.5.1.2
Transition Measure Standards



J. Residential Density

1. Intent

There is a minimal amount of land available for new housing development within the downtown zones. Minimum densities are applied to residential development in the DMU zone to assure efficient use of land at densities that support transit use and nearby downtown businesses.

2. Standards

- a. Minimum densities for rowhouses and live/work units shall be 10 units per acre.
- b. Minimum densities for stand-alone multifamily dwellings and senior/retirement housing in the DMU Zone shall be 30 units per acre. Maximum residential densities are controlled by height limits.

3. Exemption

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

19.304.6 Public Area Requirements

A. Purpose

The Public Area Requirements (PAR) implement the Downtown and Riverfront Land Use Framework Plan. The purpose of the PAR is to ensure that, as revitalization occurs in downtown, there will be a consistent and high-quality public right-of-way that establishes a safe, comfortable, contiguous pedestrian-oriented environment. Public area requirements are defined as improvements within the public right-of-way and include, but are not limited to, sidewalks, bicycle lanes, on-street parking, curb extensions, lighting, street furniture, and landscaping. The PAR is implemented through Chapter 19.700 and the Milwaukie Public Works Standards.

B. Applicability, Review Process, and Standards

Development in downtown zones is subject to the review process and standards of Chapter 19.700 as specified in the chapter's applicability provisions. Required public improvements along rights-of-way included in the PAR shall be consistent with the PAR as implemented in the Milwaukie Public Works Standards.

19.304.7 Additional Standards

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

A. Section 19.504 Site Design Standards

B. Section 19.505 Building Design Standards

C. Section 19.508 Downtown Site and Building Design Standards

19.304.8 Variances

The Planning Director or Planning Commission may authorize variances to the development standards under Subsection 19.304.4 in accordance with procedures of Section 19.911.

19.304 DOWNTOWN ZONES

19.304.1 Purpose

~~This section of the Zoning Ordinance implements the Downtown and Riverfront Land Use Framework Plan, Milwaukie Comprehensive Plan, and Town Center Master Plan. The downtown and riverfront area is envisioned as the focus of the community. Five zones are designated to reflect the distinctions between different areas of the Downtown and Riverfront Land Use Framework Plan. Specific development standards, public area requirements, and design standards are adopted for the downtown zones to assure an active, attractive, and accessible environment for shoppers, employees and residents.~~

19.304.2 Characteristics of the Downtown Zones

~~Five specific zones are adopted to implement the Downtown and Riverfront Land Use Framework Plan. The zones are shown on Figure 19.304-1. The "Zoning Map of Milwaukie, Oregon" provides a larger-scale map of zone boundaries. The zones reflect the varied land uses, densities, and urban design character planned for different areas, as described and illustrated in the Downtown and Riverfront Land Use Framework Plan. The characteristics of the individual zones are described below.~~

~~A. Downtown Storefront (DS)~~

~~The Downtown Storefront Zone is established to preserve and enhance the commercial "Main Street" character of downtown Milwaukie, ensuring that new development in areas designated DS is compatible with this desired character. This zone allows a full range of retail, service, business, and residential uses. Retail or restaurant uses are required as the predominant uses on the ground floors of buildings fronting on Main Street. Residential uses are allowed only on upper floors. Warehousing and industrial uses are not allowed. The desired character for this zone includes buildings that are built to the right of way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots. A "Village Concept Area" has been established in the DS Zone to allow a broader mix of uses on the site at the northeast corner of Main and Harrison streets. These uses include rowhouses and multifamily buildings.~~

Proposed Code Amendment

~~B. Downtown Commercial (DC)~~

~~The Downtown Commercial Zone is established to allow auto-accommodating commercial development in the area between McLoughlin Boulevard and Main Street, north of Harrison Street. A range of retail, service, office, and residential uses is permitted to support a gradual transition to higher densities and a greater mix of uses. Boulevard enhancements will improve the visual character of McLoughlin Boulevard and provide a link to the riverfront and adjacent downtown zones. The desired character for this zone includes buildings that engage at least 1 street right-of-way and include a pedestrian-oriented entry and well-landscaped parking lots.~~

~~C. Downtown Office (DO)~~

~~The Downtown Office Zone is established to provide for office, entertainment, and hotel uses along high-visibility major arterial streets, as designated by the City of Milwaukie's Transportation System Plan. The desired character for this zone will vary depending on the nature of the proposed use and individual site features.~~

~~D. Downtown Residential (DR)~~

~~The Downtown Residential Zone is established to increase housing opportunities in close proximity to downtown shopping, transit, and open space amenities. The major types of new housing will be apartments and condominiums. Minimum densities of 30 units per acre will assure that land is used efficiently and will increase the customer base for nearby businesses. Additionally, the higher densities will support urban features such as parking under structures and durable building materials. Development at minimum densities of 10 units per acre up to a maximum of 30 units per acre will be permitted in the Downtown Residential Transition Area to provide a transition to lower density residential zones. The desired character for the Downtown Residential Zone includes buildings located close to and oriented to the public sidewalk, with off-street parking located under or internal to building sites.~~

~~E. Downtown Open Space (DOS)~~

~~The Downtown Open Space Zone is established to implement the "Public" designation of the Milwaukie Comprehensive Plan and to provide a specific zone to accommodate open space, park, and riverfront uses. The Downtown Open Space Zone is generally applied to lands that are in public ownership along the Willamette River, Kellogg Creek, Spring Creek, and Johnson Creek in the downtown area. The desired character for the Downtown Open Space Zone includes parkland, open space, and riverfront amenities.~~

19.304.3 Uses

A. Permitted Uses

~~Uses allowed in the downtown zones are listed in Table 19.304.3 with a "P." These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.~~

Table 19.304.3 Downtown Zones—Uses					
Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
Residential					
Rowhouse	L[1]	N	N	L[1]	N

Multifamily	L[10]	P	N	P	N
Second-floor housing	P	P	P	P	N
Senior and retirement housing	N	P	N	P	N
Commercial/Office					
Automobile repair	N	L[2]	N	N	N
Commercial recreation	P	P	P	N	N
Eating/drinking establishment	P	P	L[3]	N	N
Financial institution	P	P	P	N	N
Hotel/motel	N	P	P	N	N
Manufacturing and production	L[11]	L[11]	L[11]	L[11]	N
Office, professional and administrative	L[4]	P	P	L[5]	N
Parking facility	P	P	P	N	L[6]
Personal/business services	L[7]	P	P	L[5]	N
Retail trade	P	P	L[3]	L[5]	N
Theater	P	P	P	N	N
Other					
Community service uses	L[8]	L[8]	L[8]	L[8]	L[8]
Day care/childcare	L[9]	L[9]	L[9]	L[9]	N
Marinas, boat ramp	N	N	N	N	P
Parks, plazas, open space	P	P	P	P	P

B. Limited Uses

Uses that are allowed subject to limitations are listed in Table 19.304.3 with an "L." These uses are allowed if they comply with the limitations listed in Subsection 19.304.3.G below, and if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

C. Nonconforming Uses

Existing structures and uses that do not meet the standards for a particular downtown zone may continue in existence. Alteration of a nonconforming use or structure that is not in compliance with applicable standards shall be subject to the provisions of Chapter 19.800 Nonconforming Uses. For privately owned property with legal nonconforming uses and structures within the Downtown Open Space Zone, Subsection 19.803.2 is not applicable, but all other provisions of Chapter 19.800 shall apply.

D. Prohibited Uses

Uses listed in Table 19.304.3 with an "N," or uses not listed above, are prohibited as new uses.

E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards. Accessory uses include but are not limited to restrooms in City parks and refreshment stands at the library.

F. Similar Uses

Proposed Code Amendment

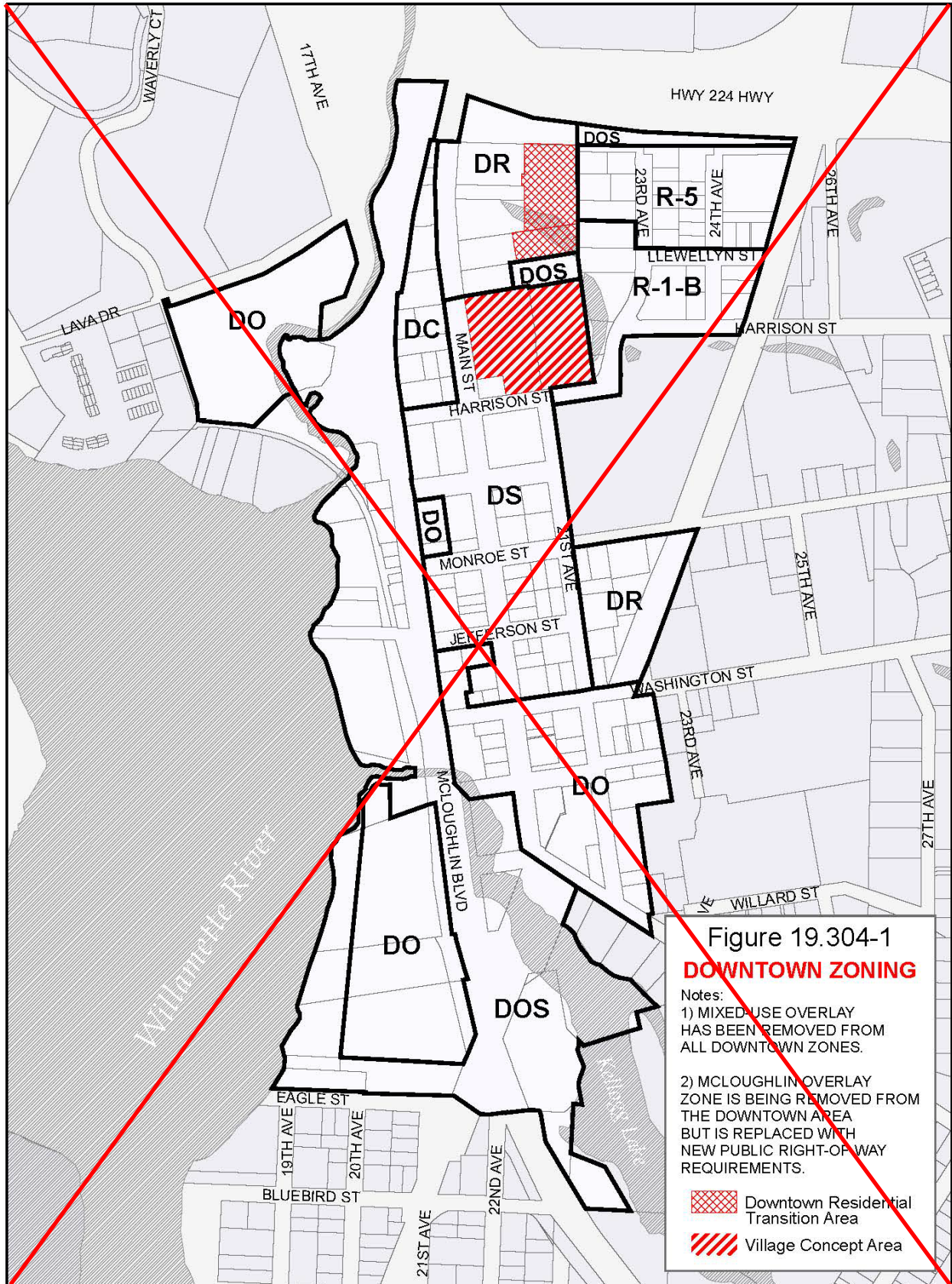
The Planning Director, through a Type I review, may determine that a use that is not listed is considered similar to a listed use in Table 19.304.3. The unlisted use shall be subject to the standards applicable to the similar listed use.

G. Use Limitations

The following provisions describe the use limitations and correspond with the footnote numbers for uses listed with an "L" in Table 19.304.3.

1. ~~Townhouse development is permitted only in a limited area of the Downtown Residential Zone as identified on the Zoning Map (see "Downtown Residential Transition Area" on Figure 19.304-1). This limited use provision is intended to provide an opportunity for owned, attached housing at a minimum density of 10 units per acre. Townhouse development is permitted only in a limited area of the Downtown Storefront Zone as identified on the Zoning Map (see "Village Concept Area" on Figure 19.304-1). Townhouses shall not be located within 50 ft of the Main Street frontage within the "Village Concept Area."~~
2. ~~Automobile/motor vehicle repair (excluding body and fender repair and painting) is permitted in the Downtown Commercial Zone when conducted within a completely enclosed building.~~
3. ~~In the Downtown Office Zone, eating and drinking establishments and retail trade uses are limited to 5,000 sq ft in floor area per use on the ground floor. An additional 5,000 sq ft in floor area per use on the ground floor is allowed for manufacturing or production areas associated with, and accessory to, eating or drinking establishments or retail trade uses. 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.~~
4. ~~In the portions of the Downtown Storefront Zone where ground floor retail/restaurant uses are required (see Figure 19.304-2), office uses are only allowed on or above the second floor.~~
5. ~~Office, personal service, and retail trade uses in the Downtown Residential Zone may only be developed as part of a mixed use building that includes housing. Office, personal service, and retail trade uses in the Downtown Residential Zone are limited to the ground floor; and an individual office, personal service, or retail use may not exceed 5,000 sq ft in floor area. Home occupations are permitted in accordance with Section 19.507 of this title.~~
6. ~~Parking facilities in the Downtown Open Space Zone are limited to surface lots.~~
7. ~~In the portions of the Downtown Storefront Zone where ground floor retail/restaurant uses are required (see Figure 19.304-2), personal/business service uses are limited to a maximum of 25% of the ground floor area of an individual building.~~
8. ~~A new community service use, or expansion/alteration of an existing community service use, may be permitted if approved under Section 19.904 and shall comply with the development and design standards of this section.~~
9. ~~Day care and childcare uses are limited to 3,000 sq ft.~~

- ~~10. Multifamily building development is permitted only in a limited area of the Downtown Storefront Zone as identified on the Zoning Map. See "Village Concept Area" on Figure 19.304-1.~~
- ~~11. Manufacturing and production are only permitted in combination with a retail or eating/drinking establishment use.~~



19.304.4 Development Standards

A. Purpose

The development standards address several issues of particular importance to maintaining the appropriate character for the downtown zones. Table 19.304.4 summarizes the development standards that apply in the downtown zones.

Standard	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
1. Minimum lot size	750 sq ft	10,000 sq ft	5,000 sq ft	750/5,000 sq ft ¹	None
2. Minimum street frontage	15'	30'	30'	15'/30' ¹	None
3. Floor area ratio					
Minimum	1:1	0.3:1	0.5:1	NA	NA
Maximum	4:1	2:1	3:1	NA	NA
4. Building height (see Figure 19.304-3)					
Minimum	35'	25'	25'	None	None
Maximum	45'-55'	55'	65'	45'-65'	None
5. Residential density					
Minimum	None	None	None	10-30 U/Acre	None
Maximum	None	None	None	None	None
6. Street setback (see Figure 19.304-4)					
Minimum	0'	0'	0'	0'	0'
Maximum	10'	50'	10'	None	None
7. Other setbacks (side and rear)	None	None	None	15' ²	None
8. Ground-floor retail with limited personal/business services (see Figure 19.304-2)	Yes	Yes	Yes	No	No
9. Ground-floor windows/doors (see Figure 19.304-5)	Yes	Yes	Yes	No	No
10. Drive-through facilities	No	No	No	No	No
11. Off-street parking required	No	Yes	No/Yes ³	Yes	Yes
12. Landscaping	None	10%	None	15%	20%

1 Townhouse lots may be as small as 750 sq ft, with a minimum street frontage of 15 ft. All other lots created in the DR Zone shall be a minimum of 5,000 sq ft, with a minimum street frontage of 30 ft.

2 Setbacks are required only where the DR Zone abuts a lower density residential zone.

3 Off-street parking is not required in the DO Zone to the north of Washington Street and east of McLoughlin Boulevard. Off-street parking is required in the DO Zone located outside of this boundary.

Table 19.304.4 is supplemented by the explanation of the development standards provided in Subsection 19.304.4.B below, and the following figures:

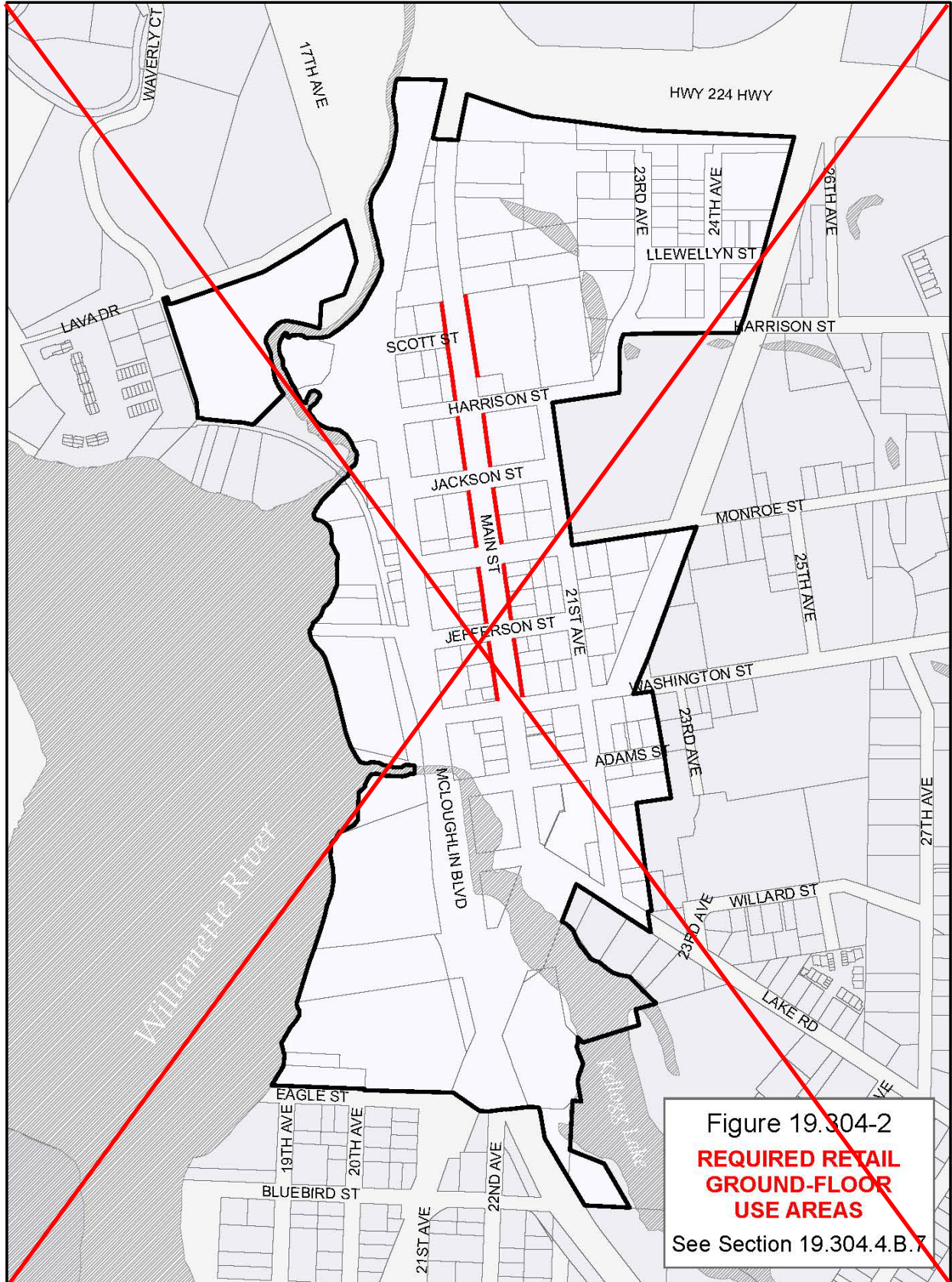
Proposed Code Amendment

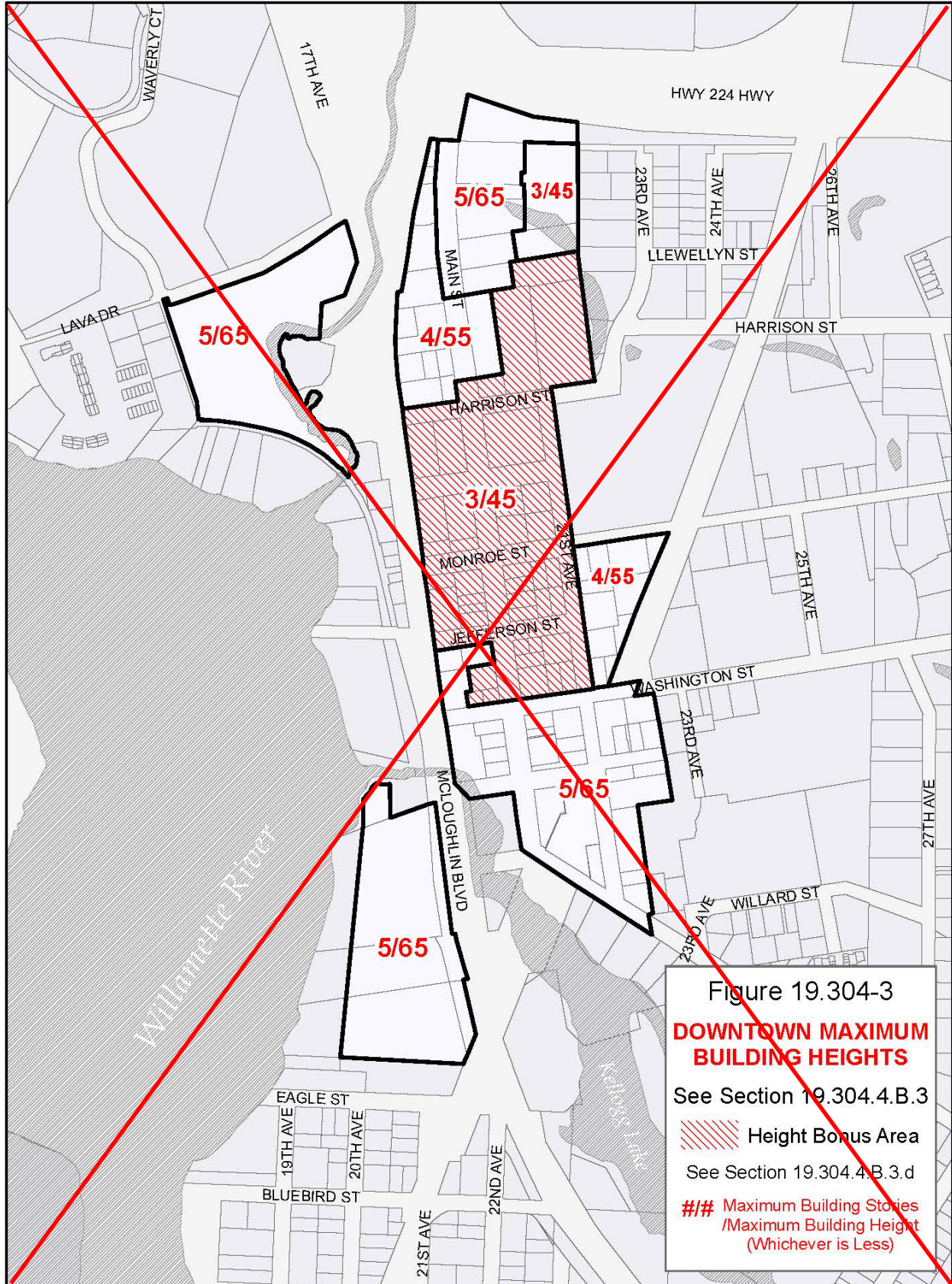
~~Figure 19.304-2—Required Retail Ground-Floor Use Areas~~

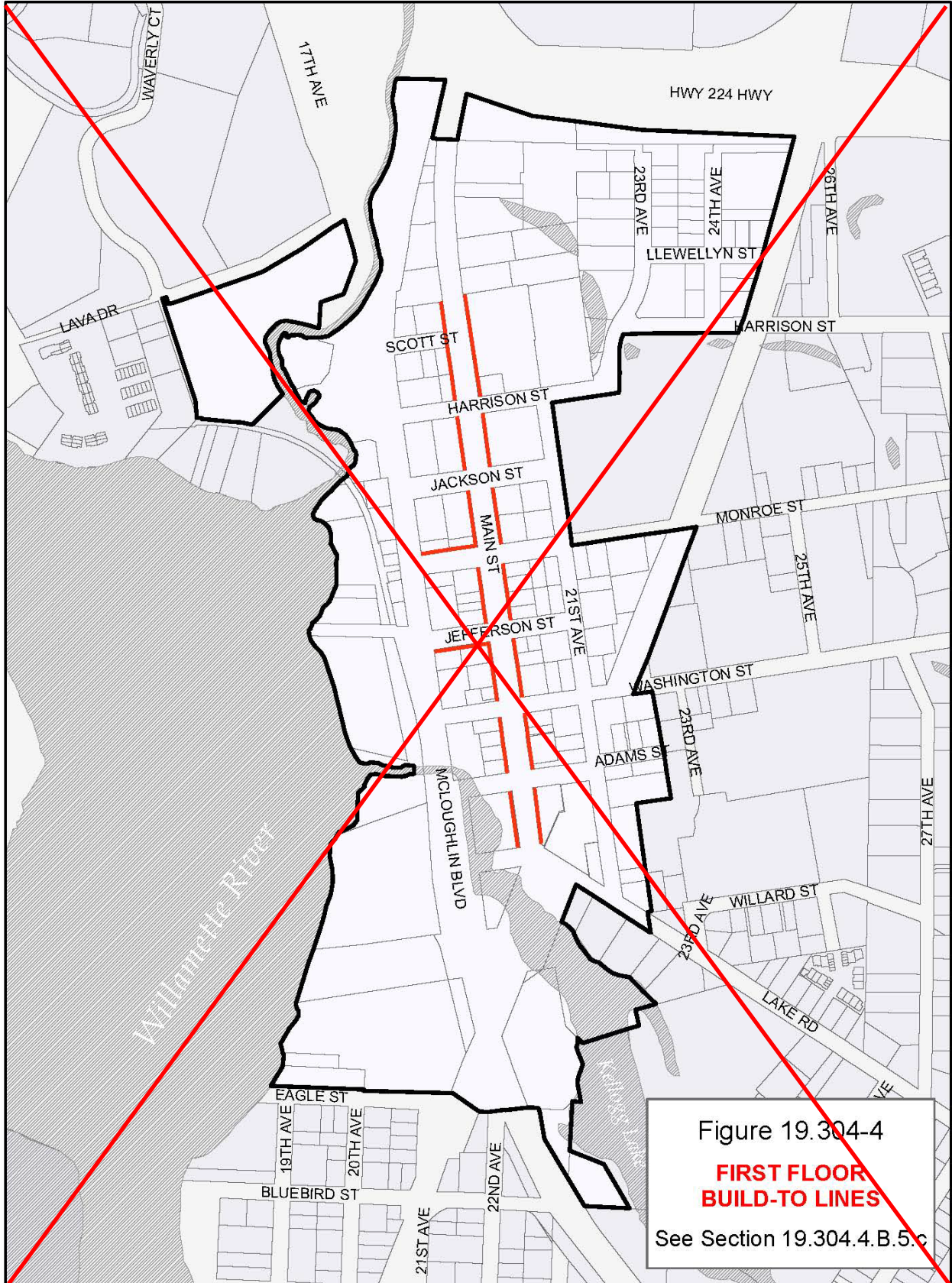
~~Figure 19.304-3—Maximum Building Heights~~

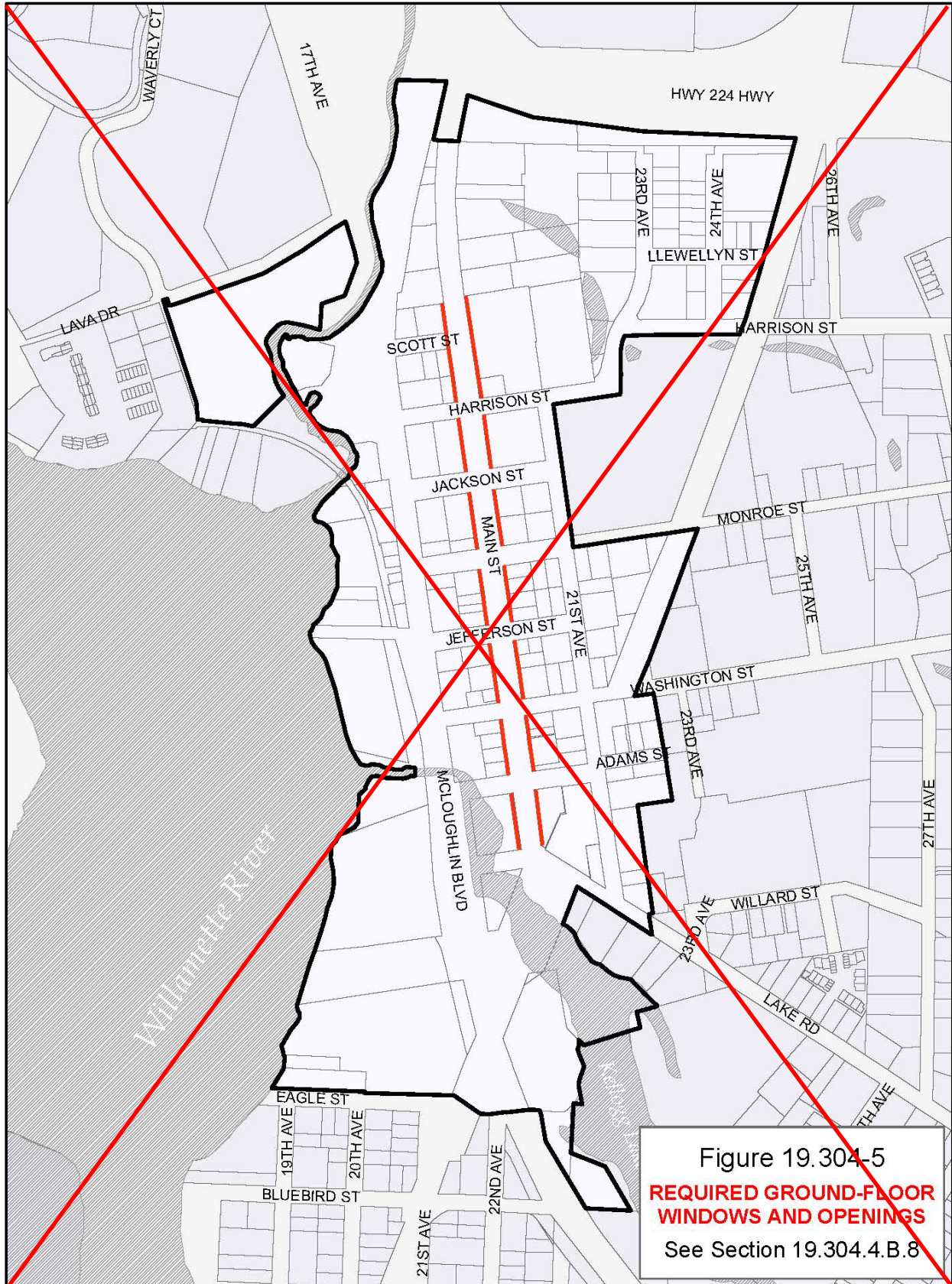
~~Figure 19.304-4—Build-to-Lines~~

~~Figure 19.304-5—Required Ground-Floor Windows and Openings~~









B. Explanation of Development Standards

1. Minimum Lot Size

New lots created in the downtown zones shall meet the minimum lot size standards of Table 19.304.4 as further described below.

- a. New lots in the Downtown Storefront Zone and townhouse lots in the Downtown Residential Zone (in the Downtown Residential Transition Area only) shall be a minimum of 750 sq ft, with a minimum street frontage of 15 ft.
- b. New lots in the Downtown Office and Downtown Residential Zones (other than those in the Downtown Residential Transition Area) shall be a minimum of 5,000 sq ft, with a minimum street frontage of 30 ft.
- c. New lots in the Downtown Commercial Zone shall be a minimum of 10,000 sq ft, with a minimum street frontage of 30 ft.
- d. Land divisions shall comply with applicable provisions of the Land Division Ordinance (Title 17 of the Milwaukie Municipal Code).

2. Floor Area Ratios

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 areas of the downtown.

- a. The minimum floor area ratios in Table 19.304.4 apply to all nonresidential building development.
- b. Required minimum floor area ratios 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 FARs.
- 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.
- d. The following uses are exempt from the minimum floor area ratios: commercial parking facilities and public parks and plazas.

3. Building Height

Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. Building height standards also establish a consistent streetscape.

- a. Minimum building heights are specified in Table 19.304.4. The minimum building height of 35 ft for the Downtown Storefront Zone applies only to buildings that front on Main Street. Buildings fronting on other streets in the Downtown Storefront Zone shall be a minimum height of 25 ft.
- b. The minimum building height standards apply to new commercial, office, and mixed use buildings. The standards do not apply to additions to existing buildings, accessory structures, or to buildings with less than 1,000 sq ft of floor area.
- c. Maximum building heights are specified in Table 19.304.4 and illustrated on Figure 19.304-3. If there is a conflict between Table 19.304.4 and Figure 19.304-3, the maximum building height provisions of Figure 19.304-3 shall control.

- d. ~~An opportunity is provided for a height bonus in a defined area of the downtown plan. For the area identified on Figure 19.304-3 as the height bonus area, the base building height is 3 stories or 45 ft, whichever is less. However, if at least one floor or 25% of the gross floor area is devoted to residential uses, the building is allowed a height of 4 stories or 55 ft, whichever is less.~~

4. ~~Residential Density~~

~~There is a minimal amount of land available for new housing development within the downtown zones. Minimum densities are applied in the Downtown Residential Zone to assure efficient use of land at densities that support transit use and nearby downtown businesses.~~

- a. ~~Minimum densities for the downtown residential transition area shall be 10 units per acre (see Figure 19.304-1). The maximum density for the residential transition area shall be 30 units per acre.~~
- b. ~~Minimum densities for stand-alone multifamily dwellings and senior/retirement housing in the Downtown Residential and Downtown Commercial Zones shall be 30 units per acre. Maximum residential densities are controlled by height limits.~~
- c. ~~There are no minimum density requirements when residential units are developed as part of a mixed use building in the Downtown Storefront, Downtown Commercial, and Downtown Office Zones. The minimum density standards apply only to stand-alone residential buildings. Second-floor housing is allowed in the Downtown Storefront, Downtown Commercial, and Downtown Office Zones. Maximum residential densities for mixed use buildings are controlled by height limits.~~

5. ~~Street Setbacks~~

~~Buildings are allowed and encouraged to build up to the street right-of-way in all downtown zones. Required build-to lines are established in specific areas of the downtown to ensure that the ground floors of buildings engage the street right-of-way (see Figure 19.304-4). The build-to line ensures compatibility and harmony between buildings, enabling a series of different buildings to maintain or establish a continuous vertical street wall.~~

- a. ~~No minimum street setbacks are required in any of the downtown zones.~~
- b. ~~The downtown zones are exempt from the clear vision area requirements of Chapter 12.24 of the Milwaukie Municipal Code, with the exception of driveway and street intersections with McLoughlin Boulevard.~~
- c. ~~First-floor build-to lines (required zero setbacks) are established for block faces identified on Figure 19.304-4. The build-to line includes a necessary degree of flexibility:
 - (1) ~~Projections or recesses of up to 18 in are allowed.~~
 - (2) ~~Doorways may be set back a maximum of 8 ft from the build-to line.~~~~
- d. ~~Maximum street setbacks of 10 ft are established for the Downtown Storefront and Downtown Office Zones. The 50-ft maximum setback for the Downtown Commercial Zone applies only to the McLoughlin Boulevard frontage. A build-to line (zero setback) is established for the Downtown Commercial Zone along the Main Street frontage.~~

~~6.—Other Setbacks~~

~~No specific side or rear yard setbacks are required for the downtown zones with the exception of the Downtown Residential Zone, where a minimum 15-ft side/rear yard setback is required where the Downtown Residential Zone abuts lower-density residential zones.~~

~~7.—Ground-Floor Retail/Restaurants~~

~~Retail uses and eating/drinking establishments are required at the ground floors of buildings fronting on Main Street and identified on Figure 19.304-2. This requirement will ensure that continuous retail storefronts and eating/drinking establishments are established and maintained along Main Street, to attract pedestrians and strengthen the shopping environment. When required, the retail uses and/or eating/drinking establishments must comprise at least 75% of the ground floor area of a building. Personal/business services are limited uses that are allowed to occupy a maximum of 25% of the ground floor area within these buildings.~~

~~New buildings in the required ground-floor active use areas shall be designed and constructed to accommodate active uses such as retail and eating/drinking establishments. This standard is met where no less than 75% of the ground-floor space in a new building fronting Main Street meets the following requirements.~~

- ~~a.—The ground-floor height must be at least 12 feet, as measured from the finished floor to the ceiling, or from the finished floor to the bottom of the structure above (as in a multistory building). The bottom of the structure above is the lowest portion of the structure and includes supporting beams, and any heating, ventilation and/or fire suppression sprinkler systems.~~
- ~~b.—The interior floor area adjacent to Main St. must be at least 25 feet deep, as measured from the inside building wall or windows facing Main Street.~~

~~8.—Ground-Floor Windows/Doors~~

~~Long expanses of blank walls facing the street or other public area have negative impacts on the streetscape and the pedestrian environment. To minimize these effects, the standards of this section are intended to enhance street safety and provide a comfortable walking environment by providing ground-level features of interest to pedestrians in specific areas of the downtown zones.~~

~~For block faces identified on Figure 19.304-5 (Ground-Floor Windows and Openings), the exterior wall(s) of the building facing the street/sidewalk must meet the following standards:~~

- ~~a.—50% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less.~~
- ~~b.—Doors and/or primary entrances must be located on the block faces identified on Figure 19.304-5, and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.~~
- ~~c.—Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazings are not permitted.~~
- ~~d.—Ground-floor windows for buildings on the block faces identified on Figure 19.304-5 shall allow views into storefronts, working areas, or lobbies. No more than 50%~~

~~of the window area may be covered by interior furnishings including but not limited to curtains, shades, signs, or shelves. Signs are limited to a maximum coverage of 20% of the window area.~~

~~9. Drive Through Facilities~~

~~Drive-through facilities can conflict with the easy, safe, and convenient movement of pedestrians. Therefore, drive-through facilities are prohibited in the downtown zones to create a pedestrian-friendly environment where transit, bicycles, and walking are encouraged.~~

~~10. Off-Street Parking~~

~~The desired character for the Downtown Storefront Zone, particularly along Main Street, is defined by a continuous façade of buildings close to the street, with adjacent on-street parking.~~

- ~~a. Development in the Downtown Storefront Zone, and the portion of the Downtown Office Zone located to the north of Washington Street and east of McLoughlin Boulevard, is exempt from the maximum and minimum quantity requirements for vehicle parking in Section 19.605.~~
- ~~b. With the exception of the two areas identified in Subsection 19.304.4.B.10.a above, standards and provisions of Chapter 19.600 shall apply to development in the downtown zones.~~
- ~~c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main Street right-of-way. The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main Street right-of-way only on the finding in a public hearing that:
 - ~~(1) The overall project meets the intent of providing a continuous façade of buildings close to Main Street;~~
 - ~~(2) The off-street parking area or curb cut is visually screened from view from Main Street; and~~
 - ~~(3) The community need for the off-street parking area or curb cut within 50 ft of Main Street outweighs the need to provide a continuous façade of buildings in that area.~~~~

~~11. Minimum Landscaping/Open Space~~

~~The minimum landscaping/open space requirements are established to provide amenities for downtown residents, promote livability, and help soften the effects of built and paved areas.~~

- ~~a. Required landscaping/open space in the downtown zones may include courtyards, roof top gardens, balconies, terraces, and porches.~~
- ~~b. Where possible, jointly improved landscaped areas are encouraged to facilitate continuity of landscape design. Street trees are required in all downtown zones as outlined in the Milwaukie Downtown and Riverfront Plan: Public Area Requirements.~~
- ~~c. All material in the minimum required landscaped area shall be live plant material. Materials such as bark or river rock may be used only if approved as part of the overall landscaping plan.~~

~~12. Right-of-Way Projections~~

~~Right-of-way projections of up to 4 ft are permitted in all downtown zones for upper-level, unenclosed balconies. All applicable building, fire, safety and public works standards shall also be met prior to permitting such balcony projections.~~

~~19.304.5 Public Area Requirements~~

~~A. Purpose~~

~~The Milwaukee Downtown and Riverfront Plan: Public Area Requirements (PAR) is an ancillary document to the Milwaukee Comprehensive Plan. The purpose of the PAR is to ensure that, as revitalization occurs in downtown, there will be a consistent and high-quality public right-of-way that establishes a safe, comfortable, contiguous pedestrian-oriented environment. Public area requirements are defined as improvements within the public right-of-way and include, but are not limited to, sidewalks, bicycle lanes, on-street parking, curb extensions, lighting, street furniture, and landscaping. The PAR is implemented through Chapter 19.700 and the Milwaukee Public Works Standards.~~

~~B. Applicability, Review Process, and Standards~~

~~Development in downtown zones is subject to the review process and standards of Chapter 19.700 as specified in the chapter's applicability provisions. Required public improvements along rights-of-way included in the PAR shall be consistent with the PAR as implemented in the Milwaukee Public Works Standards.~~

~~19.304.6 Design Standards~~

~~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, together with the public area requirements, will support the development of a cohesive, attractive, and safe downtown area and encourage private investment. The design standards do not prescribe a particular building or architectural style. The standards are intended to be clear and objective, and compliance with the standards is checked as part of building plan review.~~

~~B. Applicability~~

~~The design standards are applicable to all new construction and to major exterior alterations in the downtown zones. Standards regarding prohibited materials are applicable to minor exterior alterations in the downtown zones. Exterior maintenance and repair of buildings in the downtown zones are exempt from compliance with the design standards. Definitions of exterior maintenance and repair, minor exterior alteration, and major exterior alteration follow.~~

- ~~1. Exterior maintenance and repair includes refurbishing, painting, and weatherproofing of deteriorated materials, and in-kind restoration or replacement of damaged materials. Exterior maintenance and repair does not include replacement of materials due to obsolescence or when associated with minor or major exterior renovation, as defined below. Exterior maintenance and repair does not include the placement of signs.~~

~~The design standards are not applicable to exterior maintenance and repair as defined above.~~

- ~~2. Minor exterior alterations include the exterior alterations of any portion of a structure that do not fall within the definitions of "exterior maintenance and repair" or "major~~

~~exterior alterations." Minor exterior alterations include, but are not limited to, the application or installation of finish building treatments, including windows and other glazing, doors, lintels, copings, vertical and horizontal projections including awnings, and exterior sheathing and wall materials. Minor exterior alteration does not include the placement of signs.~~

~~Additions not exceeding 250 sq ft may be permitted under a minor exterior alteration only when the additional floor area is designed and used for utility, HVAC, other mechanical equipment, ADA upgrades, or egress required by applicable fire safety or building codes.~~

~~The design standards pertaining to prohibited exterior building materials (see Subsection 19.304.6.C below) are applicable to minor exterior alterations. No other design standards apply to minor exterior alterations.~~

~~3. Major exterior alterations include any of the following:~~

- ~~a. Alterations that do not fall within the definitions of "exterior maintenance and repair" or "minor exterior alterations";~~
- ~~b. Demolition or replacement of more than 25% of the surface area of any exterior wall or roof;~~
- ~~c. Floor area additions that exceed 250 sq ft or do not meet the limited purposes as defined under the minor exterior alteration (ADA upgrades, etc.).~~

~~The design standards are applicable to major exterior alterations as described below:~~

- ~~(1) Major exterior alterations involving a wall(s) shall comply with the design standards for walls and the design standards for windows for that wall(s).~~
- ~~(2) Major exterior alterations involving a roof shall comply with the design standards for roofs.~~

~~C. Design Standards~~

~~1. Design Standards for Residential~~

~~The following standards are applicable to "stand-alone" residential buildings in the Downtown Residential and Downtown Commercial Zones. Additional standards pertaining to walls, windows, and roofs are also applicable to residential buildings and are addressed in Subsections 19.304.6.C.2 through 4 below.~~

~~a. Residential Entries and Porches~~

- ~~(1) Porches, if provided, shall be a minimum of 6 ft deep by 8 ft wide.~~
- ~~(2) Front entries must face a public street or a landscaped courtyard.~~

~~b. Garages and Parking Areas~~

~~Garage entrances and parking areas shall not be located between the residential building(s) and the abutting public street.~~

~~c. Residential Courtyards, if Provided~~

- ~~(1) Courtyards shall have a minimum width of 30 ft.~~
- ~~(2) Up to 15% of the courtyard area may be claimed as private space. The remainder shall be common space.~~

~~(3) The courtyard shall be enclosed on a minimum of 2 sides by residential front entry doors.~~

~~(4) Garage doors shall not front onto the courtyard.~~

~~d. Residential Balconies~~

~~Balconies for residential units shall have a minimum depth of 6 ft and minimum width of 8 ft.~~

~~2. Design Standards for Walls~~

~~The following standards are applicable to the exterior walls of buildings facing streets, courtyards, and/or public squares in all of the downtown zones.~~

~~a. Exterior wall-mounted mechanical equipment is prohibited.~~

~~b. The following wall materials are prohibited at the street level of the building:~~

~~(1) EIFS or other synthetic stucco panels;~~

~~(2) Splitface or other masonry block.~~

~~c. The following wall materials are prohibited at all levels of the building in all downtown zones:~~

~~(1) Plywood paneling;~~

~~(2) Brick with dimensions larger than 4 by 8 by 2 in;~~

~~(3) Spandrel glazing/curtain wall;~~

~~(4) Vinyl or metal cladding;~~

~~(5) Composite wood fiberboard or composite cement-based siding, except as permitted in the Downtown Residential Zone in Subsection 19.304.6.C.2.d.(3);~~

~~(6) Metal panels, except at penthouse level.~~

~~d. The following wall materials are permitted only in the Downtown Residential Zone where densities are less than 30 units per acre:~~

~~(1) Board and batten cladding (limited to a maximum of 20% of the wall area);~~

~~(2) Wood shingles;~~

~~(3) Composite wood fiberboard or composite cement-based siding.~~

~~3. Design Standards for Windows~~

~~The following standards are applicable to building windows facing streets, courtyards, and/or public squares in all of the downtown zones.~~

~~a. Windows shall be "punched" openings recessed a minimum of 2 in from the wall surface.~~

~~b. Window height shall be equal to or greater than window width.~~

~~c. The following windows are prohibited:~~

~~(1) Reflective, tinted, or opaque glazing;~~

~~(2) Simulated divisions (internal or applied synthetic materials);~~

~~(3) Exposed, unpainted metal frame windows.~~

4. ~~Design Standards for Roofs~~

~~The following standards are applicable to building roofs in all of the downtown zones.~~

- ~~a. Flat roofs shall include a cornice with no less than 6 in depth (relief) and a height of no less than 12 in.~~
 - ~~b. Mansard or decorative roofs on buildings less than 3 stories are prohibited in all downtown zones.~~
 - ~~c. Metal roofs are prohibited only in the Downtown Residential Zone.~~
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CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

19.401 WILLAMETTE GREENWAY ZONE WG

19.401.3 Limitations on Use

All land use actions and any change or intensification of use, or development permitted in the underlying zone, are conditional uses, subject to the provisions of Section 19.905.

Prohibited uses:

- A. Commercial, industrial and residential structures and residential accessory structures exceeding 35 ft in height west of McLoughlin Blvd;
 - B. Residential floating structures;
 - C. New private noncommercial boathouses or storage structures, including temporary structures;
 - D. New private noncommercial docks exceeding 400 sq ft;
 - E. Grading and tree cutting is prohibited in the buffer, except as allowed in Subsections 19.401.8.B.1 through 6.
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CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.504 SITE DESIGN STANDARDS

19.504.6 Transition Area Measures

Where commercial, ~~mixed-use~~, 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.
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19.505 BUILDING DESIGN STANDARDS

19.505.3 Design Standards for Multifamily Housing

B. Applicability

The design elements in Table 19.505.3.D in this subsection apply, as described below, to all multifamily and congregate housing developments with 3 or more dwelling units on a single lot, ~~except within the downtown zones of Section 19.304~~. Cottage cluster housing and rowhouses on their own lots are subject to separate standards and are therefore exempt from Subsection 19.505.3. Housing development that is on a single lot and emulates the style of cottage cluster housing or rowhouses is subject to the standards of this subsection.

1. All new multifamily or congregate housing development is subject to the design elements in this subsection.
2. The following design elements are applicable for work that would construct a new building or increase the floor area on the site by more than 1,000 sq ft. Elements that are applicable only to additions do not apply to the site's existing development.
 - a. Subsection 19.505.3.D.1 Private Open Space, for the entire site.
 - b. Subsection 19.505.3.D.2 Public Open Space, for the entire site.
 - c. Subsection 19.505.3.D.5 Building Orientation and Entrances, only for additions or new buildings.
 - d. Subsection 19.505.3.D.6 Building Façade Design, only for additions or new buildings.
 - e. Subsection 19.505.3.D.7 Building Materials, only for additions or new buildings.
 - f. Subsection 19.505.3.D.8 Landscaping, for the entire site.
 - g. Subsection 19.505.3.D.9 Screening, only for additions or new buildings.

- h. Subsection 19.505.3.D.11 Sustainability, only for new buildings.
 - i. Subsection 19.505.3.D.12 Privacy Considerations, only for additions or new buildings.
 - j. Subsection 19.505.3.D.13 Safety, only for additions or new buildings.
3. Subsection 19.505.3.D.7 Building Materials is applicable for work that would replace more than 50% of the façade materials on a building within a 12-month period. The element applies only to the building on which the new façade materials are installed.
 4. Any activity not described in Subsections 19.505.3.D.2.a-c is exempt from the design elements in this subsection.

19.505.6 Design Standards for Live/Work Units

A. Purpose

This Section establishes regulations and standards for creating and operating live/work units as a primary use. The purposes of these provisions are to:

1. Allow for the creation of cost-efficient alternative work space that will provide an incentive for entrepreneurs, business owners, artists, artisans, and other individuals to work in Milwaukie and contribute to the City's economy;
2. Foster and encourage the development of small businesses;
3. Enliven the vitality of commercial corridors by encouraging on-site residential uses
4. Ensure the use and design of live/work units is compatible with the use and design of surrounding structures and development.

B. Applicability

These standards apply to live/work units, as defined in Section 19.201, wherever this use is allowed by the base zones in Chapter 19.300 or the overlay zones in Chapter 19.400.

1. Live/work units may be established through the conversion of existing buildings or through new construction.
2. The construction or creation of live/work units in the Downtown Mixed Use Zone is subject to the design standards and applicability of Subsection 19.508.
3. Development standards for live/work units are those of the base zone and 19.505.6.D.

C. Use Standards

1. Any nonresidential use allowed in the base zone within which a live/work unit is legally located may be conducted on the premises of that live/work unit.
2. At least one of the employees of the commercial portion of the live/work unit must reside in the unit. The residential portion shall not be rented or sold separately from the commercial space.
3. The ground floor of a live/work unit can be used for either commercial or residential purposes. When the ground floor is being used as part of the dwelling, the provisions of Subsection 19.508.4.E.5.e are not applicable.
3. A live/work unit is allowed instead of, or in addition to, a home occupation as defined by Section 19.201.

D. Development Standards

In addition to the standards of the base zone, live/work units shall comply with all of the following standards.

1. The nonresidential portion of the unit shall occupy at least 25 percent of the gross floor area.
2. The nonresidential portion of the building shall be located on the ground floor and the residential unit on the upper floors or to the rear of the nonresidential portion.
4. Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion.

D. Design Standards

1. Live/work units are subject to the design standards of Subsection 19.508.
2. The transitional entry standards of Subsection 19.505.5.C.2 do not apply to live/work units.

19.505.67 Building Orientation to Transit

19.508 DOWNTOWN SITE AND BUILDING DESIGN STANDARDS

This section contains building design standards to be used with the Type I and II Downtown Design Reviews as established in Section 19.907 and to provide additional direction when the Downtown Design Guidelines are applied through a Type III Downtown Design Review process.

19.508.1 Purpose

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards will support the development of a cohesive, attractive, and safe downtown area and encourage private investment. The design standards do not prescribe a particular building or architectural style. Compliance with the standards is reviewed as part of a Type I or II Downtown Design Review.

19.508.2 Applicability

The design standards in this section generally apply to the street-abutting facades of nonresidential, mixed-use, and residential-only multifamily buildings within the downtown zones. More detailed applicability language is provided at the beginning of each specific standard. Development is subject to the standards of this section as described below.

A. New development

1. All new development is subject to the standards of this section.
2. New development that does not meet one or more standards of this section is subject to Type III Downtown Design Review per Section 19.907 and review against the purpose statement and Downtown Design Guideline(s) related to that standard.

B. Expansions, additions, and/or changes to existing buildings or structures

The following elements are applicable to the expansions of and/or additions to existing buildings or structures. Elements that are applicable to expansions or additions do not apply

to existing buildings unless stated below. Expansions or additions that bring the building or structure out of conformance, or further out of conformance if already nonconforming, with the applicable design standard or standards are subject to Chapter 19.800 Nonconforming Uses and Development or Section 19.907 Downtown Design Review.

1. Expansions or additions that add 250 sq ft or less, and are not visible from the pedestrian level of adjacent streets, sidewalks, courtyards, and/or public parks or pedestrian walkways are exempt from the design standards of Section 19.508.
2. Expansions or additions to the street-abutting façade are subject to the following standards:
 - a. Subsection 19.508.4.A.2. Building Façade Details for the area of expansion or addition only.
 - b. Subsection 19.508.4.B Corners if applicable.
 - c. Subsection 19.508.4.C Weather Protection if the addition or expansion includes a building entry.
 - d. Subsection 19.508.4.D.3 For existing development, only for the area of the expansion.
 - e. Subsection 19.508.4.E Windows and Doors, only for the area of expansion or addition.
 - f. Subsection 19.508.4.F Roofs and Rooftop Equipment for expansions that include an additional floor, a new roof, and/or new rooftop equipment.
 - g. Subsection 19.508.4.G Open Space/Plazas.

C. Replacement of materials

The following elements are applicable for work that would replace any of the façade materials on a building or change elements of the façade such as windows, doors, awnings, canopies, and other structural elements. The element applies only to the portion of the facade on which the new materials are installed or the structural element being replaced.

1. Subsection 19.508.4.A.2.a(1)(b) for replacement of more than 25% of the building façade materials.
2. Subsection 19.508.4.A.2.a(2)(b) for replacement of more than 25% of the building façade materials..
3. Subsection 19.508.4.A.2.b Horizontal building façade for replacement of more than 25% of the building façade materials.
4. Subsection 19.508.4.D.3 For existing development.

- D. Any activity not described in Subsections 19.508.2.A-C is exempt from the design standards of this section.

19.508.3 Review Process

Design standards for development in downtown Milwaukie are applied through Downtown Design Review as established in Section 19.907. Projects subject to Downtown Design Review are described in the applicability language in Subsection 19.907.2.

For those projects that are subject to Downtown Design Review, there are three possible review paths. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met.

A. Type I

This provides for a Type I review process using clear and quantifiable design standards. It is intended to apply limited design standards to smaller building and site renovation projects.

B. Type II

This provides for a Type II process that requires staff review utilizing clear and quantifiable design standards. It generally applies to new development and renovation/remodeling projects.

C. Type III

This provides for a discretionary Type III review process through which the Design and Landmarks Committee and Planning Commission determine substantial consistency with the *Milwaukie Downtown Design Guidelines* document. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility.

Designing a project to meet the quantifiable design and development standards would result in an administrative (Type I or Type II) review process. However, applicants, at their discretion, may choose to use the Type III process with the Design and Landmarks Committee and Planning Commission.

19.508.4 Building Design Standards

All buildings that meet the applicability provisions in Subsection 19.508.2 shall meet the following design standards. An architectural feature may be used to comply with more than one standard.

A. Building Façade Details

1. Purpose

To provide cohesive and visually interesting building facades in the downtown, particularly along the ground floor.

2. Nonresidential and mixed-use buildings

The following standards apply only to nonresidential and mixed-use buildings.

a. Vertical building façade

Nonresidential and mixed-use buildings two stories and above shall provide a defined base, middle, and top.

(1) Base

The base extends from the sidewalk to the bottom of the second story or the belt course/string course that separates the ground floor from the middle of the building. The building base shall be defined by providing all of these elements:

(a) The street-facing ground floor shall be divided into distinct architectural bays that are no more than 30 feet on center. For the purpose of this standard, an architectural bay is defined as the zone between the outside edges of an engaged column, pilaster, post, or vertical wall area.

(b) The building base shall be constructed of brick, stone, or concrete to create a "heavier" visual appearance.

(c) Weather protection that complies with the standards of MMC 19.508.3.

(d) Windows that comply with the standards of MMC 19.508.5.

(2) Middle

The middle of a building extends from the top of the building base to the ceiling of the highest building story. The middle is distinguished from the top and base of the building by use of building elements. The middle of the building shall be defined by providing all of the following elements:

(a) Windows that comply with the standards of MMC 19.508.5.

(b) One of the following elements:

(i) A change in exterior cladding, and detailing and material color between the ground floor and upper floors. Differences in color must be clearly visible.

(ii) Either street-facing balconies or decks of at least 2 feet in depth and 4 feet in width, or a 6-foot minimum building step-back on the third floor or higher, for at least 25% of the length of the building.

(c) A change in wall plane of not less than 24 inches in depth and 24 inches in width. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, pediment, coursing, column, marquee, or similar architectural feature.

(3) Top

The top of the building extends from the ceiling of the uppermost floor to the highest vertical point on the roof of the building, and is the roof form/element at the uppermost portion of the façade that visually terminates the façade. The top of the building shall provide roofs that comply with the standards of MMC 19.508.5.

3. Residential buildings

- a. Standalone multifamily residential buildings are subject to the objective standards of Subsection 19.505.3.D.6 Building Façade Design, with the exception of the private and public open space requirements of Table 19.505.3.D.1 and 2. The open space requirements of Subsection 19.508.5 apply to standalone multifamily residential buildings in downtown.
- b. Rowhouses are subject to the objective standards of Subsection 19.505.5 Standards for Rowhouses, as revised by Subsection 19.304.3.B.
- c. Live/work units are subject to the objective standards in Subsection 19.505.6 Standards for Live/Work Units.

B. Corners

1. Purpose

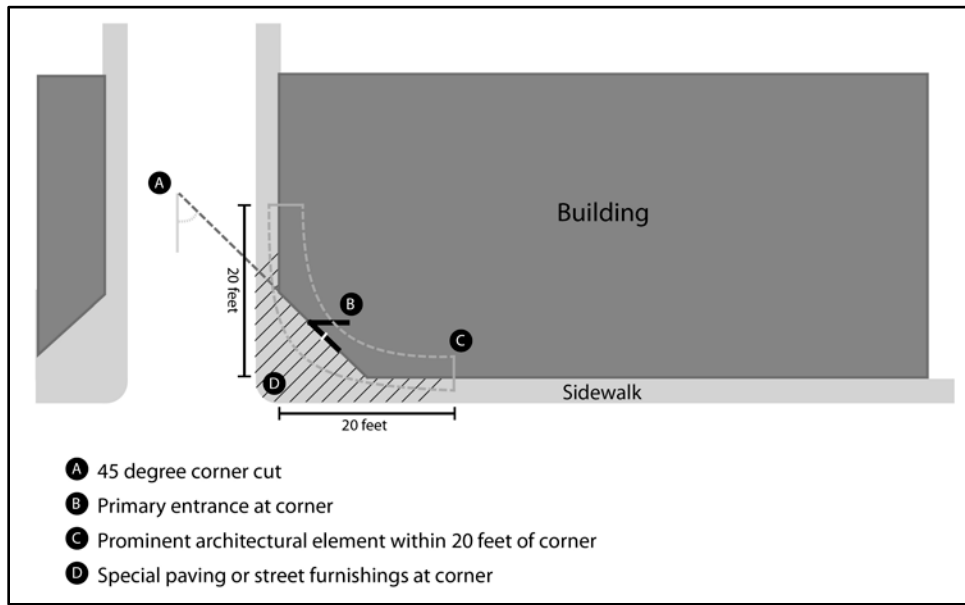
To create a strong architectural statement at street corners and establish visual landmarks and enhance visual variety.

2. Nonresidential or mixed-use buildings

Nonresidential or mixed-use buildings at the corner of two public streets or a street and public area, park or plaza (for the purposes of this standard an alley is not considered a public street) shall incorporate two of the following features:

- a. Locate the primary entry to the building at the corner;
- b. A prominent architectural element, such as increased building height or massing, a cupola, a turret or a pitched roof at the corner of the building or within 20 feet of the corner of the building;
- c. The corner of the building cut at a 45 degree angle, or a similar dimension “rounded” corner;
- d. A combination of special paving materials, street furnishings and, where appropriate, plantings, in addition to the front door.

**Figure 19.508.4.B.2
Corner Standards**



C. Weather Protection

1. Purpose

Create an all-season pedestrian environment.

2. Weather protection required

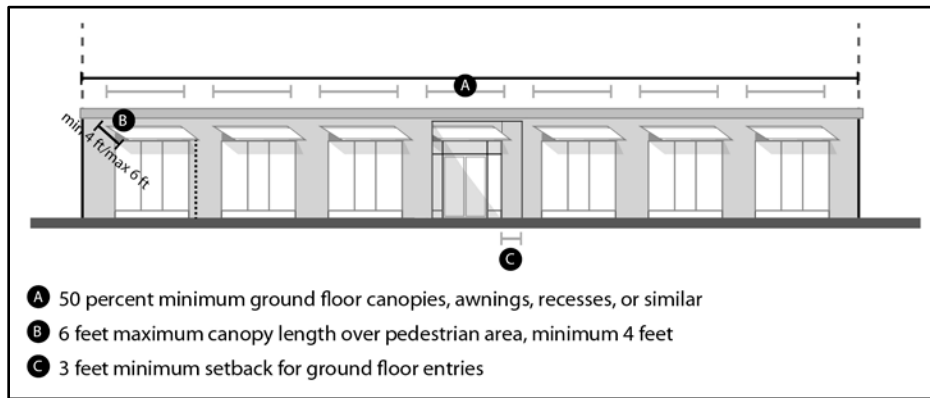
All buildings shall provide weather protection for pedestrians as follows:

a. Minimum weather protection coverage.

- (1) All ground-floor building entries shall be protected from the weather by canopies, or recessed behind the front building façade at least 3 feet.
- (2) Permanent awnings, canopies, recesses or similar weather protection shall be provided along at least 50 percent of the ground-floor elevation(s) of a building where the building abuts a sidewalk, civic space, or pedestrian access way.
- (3) Weather protection used to meet the above standard shall extend at least 4 feet and no more than 6 feet over the pedestrian area, and a maximum of 4 feet into the public right-of-way. Balconies meeting these dimensional requirements can be counted toward this requirement.
- (4) In addition, the above standards do not apply where a building has a ground-floor dwelling, as in a mixed-use development or live-work building, and the dwelling entrance has a covered entrance.

b. Weather protection design. Weather protection shall comply with applicable building codes, and shall be designed to be visually compatible with the architecture of a building. Where applicable, weather protection shall be designed to accommodate pedestrian signage (e.g., blade signs) while maintaining required vertical clearance.

Figure 19.508.4.C.2
Weather Protection Requirements



D. Exterior Building Materials

1. Purpose

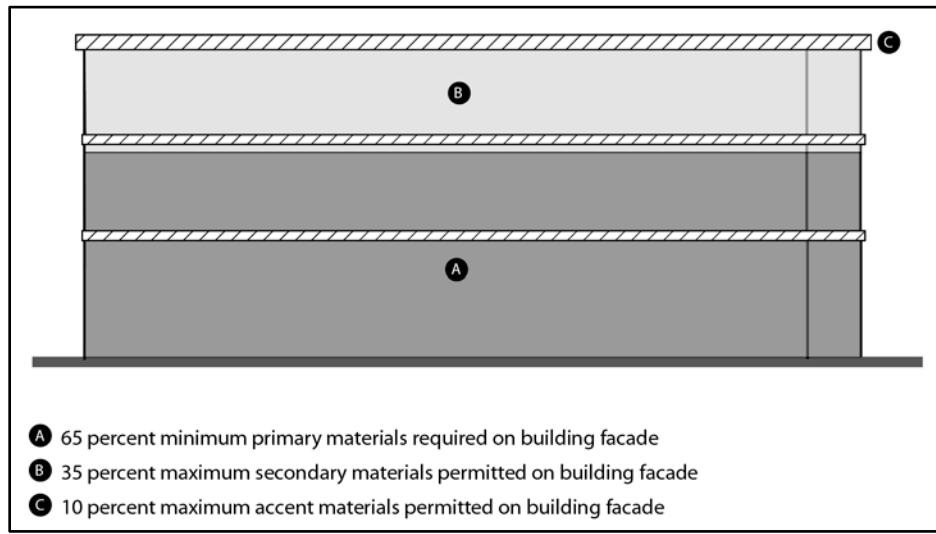
To encourage the construction of attractive buildings with materials that evoke a sense of permanence and are compatible with downtown Milwaukie and the surrounding built and natural environment.

2. Exterior wall standards

The following standards are applicable to the street-facing facades of all new buildings. For the purposes of this standard, street-facing facades are those abutting streets, courtyards, and/or public squares in all of the downtown. Table 19.508.4.D specifies the primary, secondary and prohibited material types referenced in this standard.

- a. Buildings shall utilize primary materials for at least 65% of each building facade.
- b. Secondary materials are permitted on no greater than 35% of each building facade.
- c. Accent materials are permitted on no greater than 10% of each building facade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.).
- d. Buildings shall not use prohibited materials on any exterior wall, whether or not it is a street-facing facade.

**Figure 19.508.4.D.2
Exterior Wall Standards**



3. For existing development

Facade modifications that affect more than 50% of the facade shall comply with standards in this section. The Planning Director may waive this requirement if application of the standards would create an incongruous appearance of existing and new materials.

**Table 19.508.4.D
Downtown Exterior Building Materials**

Material Type	Nonresidential and Mixed-Use	Residential
Brick	<u>P</u>	<u>P</u>
Stone/masonry	<u>P</u>	<u>P</u>
Genuine stucco	<u>P</u>	<u>P</u>
Glass (transparent, spandrel)	<u>P</u>	<u>P</u>
Finished wood, wood veneers and wood siding	<u>P</u>	<u>P</u>
Finished metal panels, such as anodized aluminum, stainless steel or copper, featuring a polished, brushed or patina finish	<u>S</u>	<u>S</u>
Concrete blocks with integral color (ground, polished or glazed finishes)	<u>S</u>	<u>S</u>
Concrete (poured in place or precast)	<u>S</u>	<u>S</u>
Fiber reinforced cement siding and panels	<u>S</u>	<u>S</u>
Ceramic tile	<u>S</u>	<u>S</u>
Concrete blocks with integral color (split face finish)	<u>A</u>	<u>A</u>
Standing seam and corrugated metal	<u>A</u>	<u>A</u>
Glass block	<u>A</u>	<u>A</u>
Vegetated wall panels or trellises	<u>A</u>	<u>A</u>
Vinyl siding	<u>N</u>	<u>N</u>
Plywood paneling	<u>N</u>	<u>N</u>

<u>Exterior insulation finishing system (EIFS) or other synthetic stucco panels</u>	<u>N</u>	<u>N</u>
<u>Plastic or vinyl fencing</u>	<u>N</u>	<u>N</u>
<u>Chain link fencing</u>	<u>N</u>	<u>N</u>

P = Primary Material

S = Secondary Material

A = Accent Material

N = Prohibited Material

E. Windows and Doors

1. Purpose

To enhance street safety and provide a comfortable pedestrian environment by adding interest to exterior facades, allowing for day lighting of interior space and creating a visual connection between interior and exterior spaces.

2. Main Street

For block faces along Main Street, 50% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 feet above finished grade, whichever is less.

3. Other streets

For all other block faces, the exterior wall(s) of the building facing the street/sidewalk must meet the following standards:

- a. 40% of the ground-floor street wall area must consist of openings; i.e. windows or glazed doors.
- b. Along McLoughlin Blvd the required coverage is 30%. The provisions of B(2) through B(6) also apply.

4. Upper level

Along all block faces, the following standards are applicable on the upper level building facades facing a street or public space.

- a. Upper building stories shall provide a minimum of 30% glazing. For the purposes of this standard, minimum glazing includes windows and any glazed portions of doors.
- b. The required upper floor window/door percentage does not apply to floors where sloped roofs and dormer windows are used.
- c. A minimum of 60% of all upper floor windows shall be vertically oriented. This vertical orientation applies to grouped window arrays as opposed to individual windows.

5. General standards

- a. Windows shall be designed to provide shadowing. This can be accomplished by recessing windows 4 inches into the façade and/or incorporating trim of a contrasting material or color.
- b. All buildings with nonresidential ground-floor windows must have a visible transmittance (VT) of 0.6 or higher.

Proposed Code Amendment

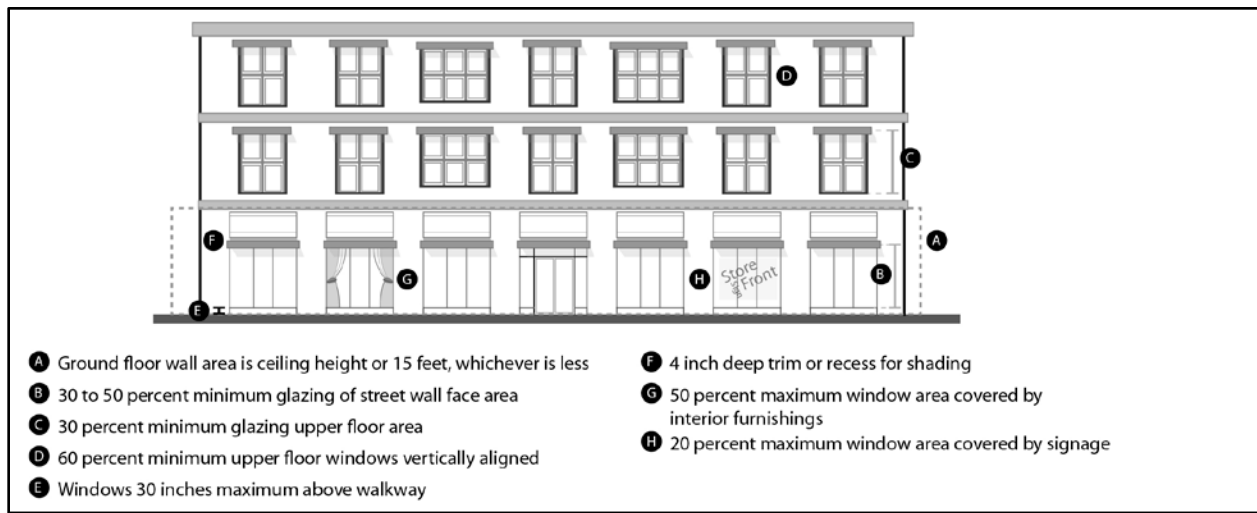
- c. Doors and/or primary entrances must be located on the street-facing block faces and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.
- d. The bottom edge of windows along pedestrian ways shall be constructed no more than 30 inches above the abutting walkway surface.
- e. Ground-floor windows for nonresidential buildings shall allow views into storefronts, working areas, or lobbies. No more than 50 percent of the window area may be covered by interior furnishings including but not limited to curtains, shades, signs, or shelves.
- f. Signs are limited to a maximum coverage of 20 percent of the required window area.

6. Prohibited window elements

For all building windows facing streets, courtyards, and/or public squares in the downtown, the following window elements are prohibited:

- a. Reflective, tinted, or opaque glazing
- b. Simulated divisions (internal or applied synthetic materials)
- c. Exposed, unpainted metal frame windows

Figure 19.508.4.E
Windows and Doors



F. Roofs and Rooftop Equipment

1. Purpose

To create a visually interesting condition at the top of the building that enhances the quality and character of the building.

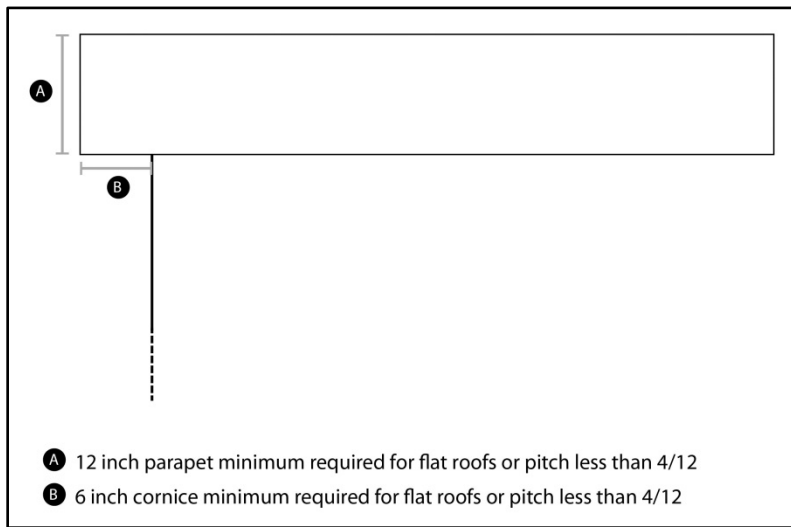
2. Roof forms

- a. The roof form of a building shall follow one (or a combination) of the following forms:
 - (1) Flat roof with parapet or cornice

- (2) Hip roof
- (3) Gabled roof
- (4) Dormers
- (5) Shed roof.

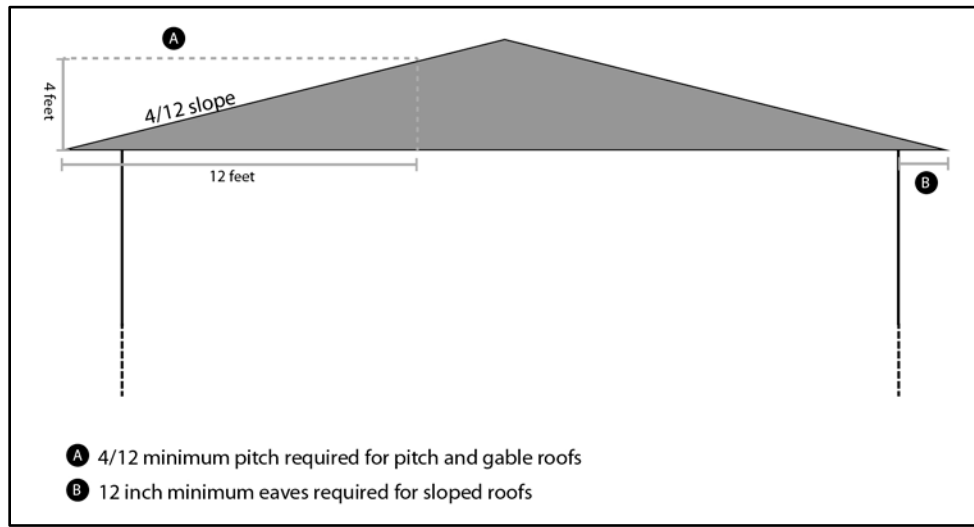
b. All flat roofs or those with a pitch of less than 4/12 shall be architecturally treated or articulated with a parapet wall that projects vertically above the roof line at least 12 inches and/or a cornice that projects from the building face at least 6 inches.

Figure 19.508.4.F.2.b
Flat Roof with Parapet or Cornice



- c. All hip or gables roofs exposed to view from adjacent public or private streets and properties shall have a minimum 4/12 pitch.
- d. Sloped roofs shall have eaves, exclusive of rain gutters, that project from the building wall at least 12 inches.

Figure 19.508.4.F.2.c&d
Pitch and Gable Roofs



e. When an addition to an existing structure or a new structure is proposed in an existing development, the roof forms for the new structure(s) shall have similar slope and be constructed of the same materials as the existing roofing.

3. Rooftop equipment and screening

a. The following rooftop equipment does not require screening:

(1) Solar panels, wind generators, and green roof features;

(2) Equipment under two feet in height, if set back a minimum of 5 ft from the outer edge of the roof.

b. Elevator mechanical equipment may extend above the height limit a maximum of 16 feet provided that the mechanical shaft is incorporated into the architecture of the building.

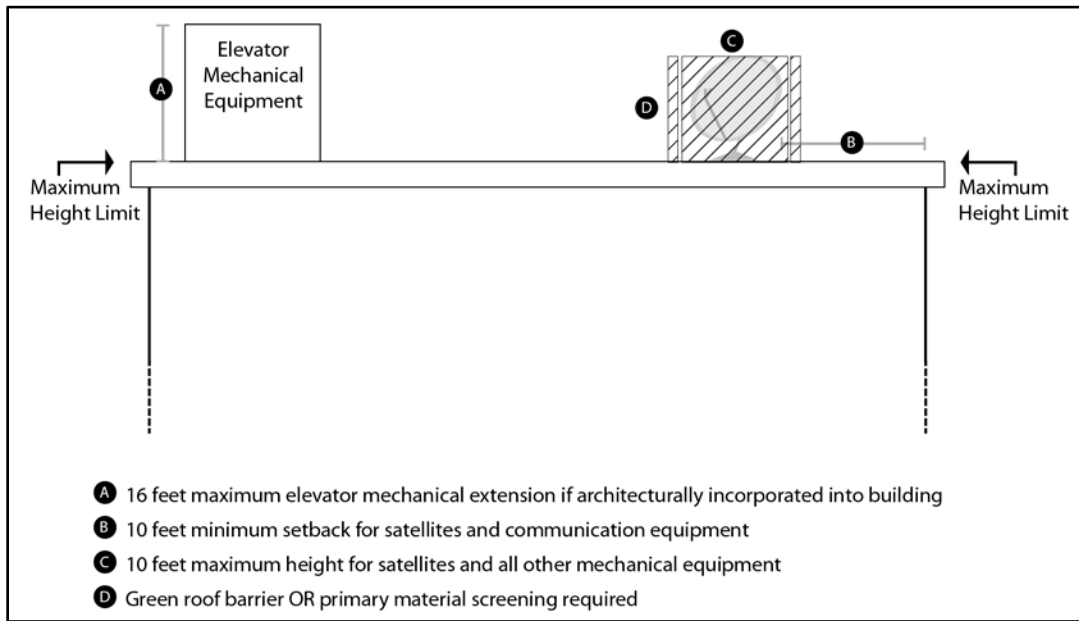
c. Satellite dishes, communications equipment and all other roof-mounted mechanical equipment shall be limited to 10 feet in height, shall be set back a minimum of 10 feet from the roof edge and shall be screened from public view and from views from adjacent buildings by one of the following methods:

(1) A screen around the equipment that is made of a primary exterior finish material used on other portions of the building or wood fencing or masonry;

(2) Green roof features or regularly maintained dense evergreen foliage that forms an opaque barrier when planted.

d. Required screening shall not be included in the building's maximum height calculation.

Figure 19.508.4.F.3
Rooftop Equipment and Screening



4. Rooftop structures

Rooftop structures related to shared outdoor space, such as arbors, trellises, or porticos related to roof decks or gardens, shall not be included in the building's maximum height calculation, as long as they do not exceed 10 feet in height.

G. Open Space/Plazas

1. Intent

To assure adequate public and private open space in the downtown.

2. Mixed-use and residential development

The following standards apply to mixed-use buildings with more than 4 residential units and residential-only multifamily developments.

a. Outdoor space required

50 square feet of private or common open space is required for each dwelling unit. The open space may be allocated exclusively for private or common use or may be a combination of the two uses.

b. Common Open Space

(1) Common open space may be provided in the form of decks, shared patios, roof gardens, recreation rooms, lobbies or other gathering spaces created strictly for the tenants and not associated with storage or circulation. Landscape buffer areas may not be used as common open space unless active and passive uses are integrated into the space and its use will not adversely affect abutting properties.

(2) With the exception of roof decks or gardens, outdoor common open space shall be abutted on at least two sides by residential units or by nonresidential uses with windows and entrances fronting on the space.

c. Private Open Space

- (1) Private open space may be provided in the forms of a porch, a deck, a balcony, a patio, a terrace, or other private outdoor area.
- (2) The private open space provided shall be contiguous with the unit.
- (3) Balconies used for entrances or exits shall not be considered as private open space except where such exits or entrances are for the sole use of the unit.
- (4) Balconies may project up to a maximum of 4 feet into the public right-of-way.

d. Credit for open space

An open space credit of 50% may be granted when a development is directly adjacent to or across a public right-of-way from an improved public park.

19.508.5 Variances

Variances cannot be granted for the design standards of Section 19.508. Projects that cannot meet the design standards in this section must be reviewed through a Type III Downtown Design Review and demonstrate compliance with the Milwaukie Downtown Design Guidelines, pursuant to Section 19.907.

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.601 PURPOSE

Chapter 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of Chapter 19.600 is to: provide adequate, but not excessive, space for off-street parking; avoid parking-related congestion on the streets; avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; encourage bicycling, transit, and carpooling; minimize parking impacts to adjacent properties; improve the appearance of parking areas; and minimize environmental impacts of parking areas.

Regulations governing the provision of on-street parking within the right-of-way are contained in Chapter 19.700 and ~~the Milwaukie Downtown and Riverfront Plan Public Area Requirements, which is an ancillary document to the Comprehensive Plan.~~ The management of on-street parking is governed by Chapter 10.20. Chapter 19.600 does not enforce compliance with the Americans with Disabilities Act (ADA). ADA compliance on private property is reviewed and enforced by the Building Official.

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

The purpose of Section 19.605 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratios for common land uses, and Subsection 19.605.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

Nonresidential development in the Downtown Mixed Use (DMU) and Open Space (OS) Zones are exempt from the requirements of Section 19.605.

~~The Downtown Storefront (DS) Zone and the portion of the Downtown Office (DO) Zone north of Washington Street and east of McLoughlin Boulevard are exempt from the requirements of Section 19.605.~~

19.606 PARKING AREA DESIGN AND LANDSCAPING

19.606.2 Landscaping

B. General Provisions

1. Parking area landscaping shall be required for the surface parking areas of all uses, except for cottage clusters, rowhouses, duplexes, and single-family detached dwellings. Landscaping shall be based on the standards in Subsections 19.606.2.C-E.
 2. Landscaped areas required by Subsection 19.606.2 shall count toward the minimum amount of landscaped area required in other portions of Title 19.
 3. Parking areas with 10 or fewer spaces in the Downtown Mixed Use Storefront Zone and ~~the portion of the Downtown Office Zone located to the north of Washington Street and east of McLoughlin Boulevard,~~ are exempt from the requirements of Subsection 19.606.2.
-

19.608 LOADING

19.608.1 General Provisions

- A. The purpose of off-street loading areas is to contain loading activity of goods on-site and avoid conflicts with travel in the public right-of-way; provide for safe and efficient traffic circulation on the site; and minimize the impacts of loading areas to surrounding properties.
 - B. Off-street loading areas may be required for commercial, industrial, public, and semipublic uses for the receipt or distribution of merchandise, goods, or materials by vehicles. Off-street loading is not required in the Downtown ~~Mixed Use Storefront and Downtown Office-Zones~~.
-

19.609 BICYCLE PARKING

19.609.1 Applicability

Bicycle parking shall be provided for all new commercial, industrial, community service use, and multifamily residential development. Temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units are exempt from Section 19.609. Bicycle parking shall be provided in the Downtown Mixed Use Zone ~~downtown-zones~~ and at transit centers.

19.611 PARKING STRUCTURES

The purpose of Section 19.611 is to regulate the design and location of structured parking, and to provide appropriate incentives for the provision of structured parking. Structured parking is allowed to accommodate parking that is required for a specific use, or as a parking facility that is a use by itself.

19.611.1 Permitted Zones and Review Procedures

- A. Parking structures, including underground parking, are allowed in all zoning districts except the R-10, R-7, R-5, and ~~Downtown-Open Space Zones~~. A parking structure can be permitted through approval of a Community Service Use application in all zones except the ~~Downtown-Open Space Zone~~.
-

CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS

~~19.710 DOWNTOWN REIMBURSEMENT~~

~~19.710.1 Reimbursement Eligibility~~

~~In downtown zones, the City will reimburse property owners for certain expenditures related to frontage improvements. The City will reimburse those requesting reimbursement for expenditures that meet all of the following criteria:~~

- ~~A. The expenditure is required as a prerequisite to obtaining a development or building permit.~~
- ~~B. The development approved by the permit for which the expenditure was a prerequisite, has been completed in its entirety.~~
- ~~C. The expenditure is either a payment made to the City as a fee in lieu of construction pursuant to Section 19.706, or is the amount paid to construct right-of-way frontage improvements, pursuant to Subsection 19.703.3.B.~~
- ~~D. The fee in lieu of construction was paid to the City, or the right-of-way permits for the frontage improvements were issued, between the dates of August 1, 2012, and March 21, 2013, the effective date of Ord. #2059.~~
- ~~E. The development or change in use would have been exempt under Subsection 19.702.3.B.~~
- ~~F. The expenditures for which reimbursement is requested were made by the party or parties requesting reimbursement or the successors in interest of such parties.~~

~~19.710.2 Reimbursement Amount~~

- ~~A. Reimbursement by the City under this subsection shall be for one of the following expenses:
 - ~~1. The total amount paid to the City by the party or parties requesting reimbursement as a fee in lieu of construction for right-of-way improvements on the property's frontage.~~
 - ~~2. The total amount expended by the party or parties requesting reimbursement on right-of-way improvements along the property's frontage.~~~~
- ~~B. The following expenses are not eligible for reimbursement by the City: system development charges, improvements identified as required mitigation by a Traffic Impact Study per Section 19.704, permit fees, or inspection fees.~~

~~19.710.3 Reimbursement Process~~

~~A property owner in a downtown zone must initiate the reimbursement process by submitting a written request for reimbursement to the Community Development Director.~~

- ~~A. The written request for reimbursement must include the following information:
 - ~~1. The address or tax lot number of the property in question.~~
 - ~~2. The name of the person or persons (individual or corporate) that are requesting the reimbursement.~~
 - ~~3. Documentation of current ownership of the property in question.~~
 - ~~4. The amount of the requested reimbursement.~~
 - ~~5. Written documentation of the payment to the City of a fee in lieu of construction or the amount expended on the construction of right-of-way improvements, by the party or parties requesting reimbursement, or the predecessors in interest to such parties.~~~~

Proposed Code Amendment

- ~~6. A copy of the decision requiring the construction of the subject right-of-way improvements, or a receipt for the payment of the subject fee in lieu of construction, for which reimbursement is requested.~~
- ~~B. Upon receipt of a written request for reimbursement, the Community Development Director shall review the request for consistency with the requirements and standards of this section. This review is not a land use decision.~~
- ~~C. Upon approval of a reimbursement request, the City shall make the funds payable to the requesting party or parties within 60 days.~~

~~19.710.4 Time Limit on Reimbursement~~

~~Section 19.710 shall be effective for one year from March 21, 2013, the effective date of Ord. #2059. On the 365th day after the effective date, this section shall be automatically repealed, no longer part of the Milwaukie Municipal Code, and no longer of any effect within the city.~~

CHAPTER 19.900 LAND USE APPLICATIONS

19.904 COMMUNITY SERVICE USES

19.904.11 Standards for Wireless Communication Facilities

Table 19.904.11.C				
Wireless Communication Facilities—Type and Review Process				
Towers		WCFs Not Involving New Tower		
Zones	New Monopole Tower 100 Feet	Building Rooftop or Wall Mounted Antenna¹	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions²
BI	P1	P2	P2	P2
M	P1	P2	P2	P2
M-TSA	<u>P1</u>	<u>P2</u>	<u>P2</u>	<u>P2</u>
C-N	N	P2	P2	P2
C-G	N	P2	P2	P2
C-L	N	P2	P2	P2
C-CS	N	P2	P2	P2
DC	N	P2	P2	P2
DR	N	P2	P2	P2
DO	N	P2	P2	P2
DS	N	P2	P2	P2
<u>OS</u>	<u>N</u>	<u>P2</u>	<u>P2</u>	<u>P2</u>
<u>DMU</u>	<u>N</u>	<u>P2</u>	<u>P2</u>	<u>P2</u>
R-O-C	N	P2	P2	P2
R-1-B	N	P2	P2	P2
R-1	N	N	P2	P2
R-2	N	N	P2	P2
R-2.5	N	N	P2	P2
R-3	N	N	P2	P2
R-5	N	N	P2	P2
R-7	N	N	P2	P2
R-10	N	N	P2	P2

1 = Type III review—requires a public hearing in front of the Planning Commission

2 = Type II review—provides for an administrative decision

P = Permitted

N = Not Permitted

¹ Rooftop extensions are not to exceed 15 ft in height above the roof top and are not to project greater than 5 ft from the wall of a building.

² Antennas placed on right-of-way utility poles may be extended 15 ft. If the pole cannot be extended, the carrier may replace the pole. The replacement utility pole shall not exceed 15 ft in height of the pole that is to be replaced.

F. Location and Size Restrictions

2. Height: maximum heights. Also see Table 19.904.11.C.

Proposed Code Amendment

a. Height Restrictions

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

- (1) ~~BI and M, and M-TSA~~ Zones: 100 ft.
- (2) New towers are not permitted in the R-1-B, R-1, R-2, R-2.5, R-3, R-5, R-7, R-7PD, R-10, R-10PD, R-O-C, C-N, C-G, C-L, ~~DC, DR, DO, DS~~ and the DOS OS, and DMU Zones.

19.907 DOWNTOWN DESIGN REVIEW

19.907.1 Purpose

Downtown Design Review is intended to achieve the following purposes:

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

19.907.2 Applicability

Applications for Downtown Design Review shall be processed through a Type I, II, or III procedure in accordance with Chapter 19.1000, as follows:

A. Exemptions

Downtown Design Review does not apply to the following projects:

1. Demolition, unless listed on the City of Milwaukie Historic Resource Inventory and subject to the standards of Section 19.403
2. Building additions of less than 250 square feet that are not visible from streets, sidewalks, courtyards, and/or public parks or pedestrian walkways
3. Maintenance, restoration and repair of a building in a manner that is consistent with previous approvals and/or necessary for safety. Examples include paint retouching and other routine upkeep of the building exterior, and in-kind restoration or replacement of damaged materials. Maintenance, restoration, and repair does not include replacement of materials due to obsolescence.
4. Minor building or site upgrades needed to bring an existing development into compliance with the Americans with Disabilities Act
5. Exterior painting and weatherproofing
6. Any exterior project that doesn't require a building permit

7. Interior remodeling

B. Type I

The following projects are subject to Type I Downtown Design Review:

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

C. Type II

The following projects are subject to Type II Downtown Design Review:

1. New development that meets the design standards of Section 19.508.
2. Demolition or replacement of more than 25% of the surface area of any exterior wall or roof
3. Addition, elimination, or change in location of windows that decreases the overall percentage of window coverage
4. For commercial and mixed-use developments, modification of more than 15% of on-site landscaping or modification that results in a reduction of overall landscaping percentage. Modification refers to changing the hardscape elements and the location of required landscaped areas and/or trees
5. Modification of an off-street parking area that results in a reduction in parking spaces and/or an increase in paved area.

Proposed Code Amendment

6. Addition of new fences and/or retaining walls of more than 4 ft in height
7. An increase in floor area proposed for a nonresidential use by more than 10% or 2,000 square feet, whichever is greater.
8. A reduction in the area reserved for common open space and/or usable open space which reduces the open space area by 10 percent or more
9. An increase in the height of an existing building up to the maximum height.
10. A reduction in the area reserved for common open space and/or usable open space which reduces the open space area below the minimum required or reduces the open space area by more than 10%.
11. A new stand-alone multifamily residential building or addition that satisfies the design guidelines in Table 19.505.3.D. Applicants may elect to process a stand-alone residential building through Type II Downtown Design Review if the applicant prefers to meet the design standards of Section 19.508.

D. Type III

The following projects are subject to Type III Downtown Design Review:

1. Any project, at the applicant's option
2. A project, addition, or expansion that is unable to meet one or more of the design standards of Sections 19.508.
3. A project that does not fit the applicability for Type I or Type II review.
4. Applicants may elect to process a stand-alone multifamily residential building through Type III Downtown Design Review rather than Type I or Type II Development Review if additional design flexibility is desired.

19.907.3 Review Process

A. General Provisions

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

B. Review Types

To achieve the purpose of the downtown design standards, there are three Downtown Design Review processes through which to apply for approval:

1. Type I

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

2. Type II

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

3. Type III

The discretionary review track provides for a Type III review process pursuant to Section 19.1006 through which the Design and Landmark Committee and Planning Commission determine substantial consistency with the purpose statement of the relevant standard or standards and the *Milwaukie Downtown Design Guidelines*. It generally applies to new development and renovation/remodeling projects listed in Subsection 19.907.2.D.

C. Review Options

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

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

19.907.4 Application

Applications for Downtown Design Review shall be filed with the Planning Department on forms prescribed by the Planning Director. The applicant shall demonstrate compliance with applicable zoning criteria. In addition to all information specified on the "Submittal requirements" and "Site plan requirements" forms, each application for Downtown Design Review shall be accompanied by the following information:

- A. Completed Downtown Design Review checklist (for Type III only).
- B. Written statement that describes the following:
 - 1. For Type I and II Downtown Design Review, how the proposal is consistent with applicable downtown design standards in Section 19.508.
 - 2. For Type III Design Review, how the proposal meets applicable design guidelines in the *Milwaukie Downtown Design Guidelines* document.
- C. Show footprints of surrounding buildings, including driveways and pedestrian connections.
- D. Location, dimension, and setbacks of all proposed buildings, structures, walls, and fences.
- E. Dimensioned building elevations indicating height, exterior materials, colors, and details of exterior architectural features, such as cornices, windows, and trim.
- F. A streetscape drawing showing the relationship of the proposed project to adjacent buildings.
- G. Frontage improvements in the public right-of-way per the Public Works Standards.

19.907.5 Approval Criteria

A. Type I Downtown Design Review

An application for Type I Downtown Design Review shall be approved when all of the following criteria have been met:

- 1. Compliance with Title 19

Proposed Code Amendment

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

B. Type II Downtown Design Review

An application for Type II Downtown Design Review shall be approved when all of the following criteria have been met:

1. Compliance with Title 19
2. Compliance with applicable design standards in Section 19.508

C. Type III Downtown Design Review

An application for Type III Downtown Design Review shall be approved when all of the following criteria have been met:

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

19.907.6 Report and Recommendation by Design and Landmarks Committee

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

19.907.7 Variances

- A. Variances cannot be granted for the downtown design standards of Section 19.508. Applications unable to meet one or more standards must use the Type III discretionary Downtown Design Review process.
- B. For applications using the Type III Downtown Design Review process, variances will only be allowed for the development standards and design standards that are not met. Variances to the design guidelines themselves will not be granted.

~~19.907 DOWNTOWN DESIGN REVIEW~~

~~19.907.1 Purpose~~

~~Design review is intended to achieve the following purposes:~~

- ~~A. Preserve and enhance the character of downtown Milwaukee;~~
- ~~B. Ensure a degree of order, harmony, and quality in the downtown zones, providing buildings and projects that are attractive individually yet contribute to a downtown that is unified and distinctive as a whole; and~~
- ~~C. To ensure that new development and alterations or enlargement of existing development are consistent with the Downtown Design Guidelines and Downtown and Riverfront Land Use Framework Plan.~~

~~19.907.2 Applicability~~

~~All new construction and changes to buildings and/or properties in the downtown zones involving exterior maintenance and repair, minor exterior alterations, and major exterior~~

alterations as defined in Subsection 19.304.6.B are subject to design review in accordance with the procedures as outlined below under Subsection 19.907.5.

19.907.3 Design Guidelines

Design guidelines shall be established for the downtown zones and shall be considered as part of design review applications in accordance with the provisions of Section 19.304.

19.907.4 Duty to Review—Planning Director

The Planning Director shall review each application for a building permit or other approval in the downtown zones. The purpose of this review is to ensure that improvements within the downtown zones maintain consistent standards of design and to ensure that development is consistent with adopted design guidelines.

19.907.5 Application Procedure

Applications for design review shall be processed in accordance with Chapter 19.1000, Type I, Type II, and Type III procedures as indicated in this section, as follows:

A. Exterior Maintenance and Repair

Exterior maintenance and repair, as defined in Subsection 19.304.6.B.1, shall be processed as a Type I review in accordance with the procedures in Section 19.1004. Exterior painting, repair, and refurbishing of existing building materials that does not require a building permit shall be exempt from Type I review.

B. Minor Exterior Alterations

Minor exterior alterations, as defined in Subsection 19.304.6.B.2, shall be processed as a Type I review in accordance with the procedures in Section 19.1004. The Planning Director may change a Type I review to a Type II review upon finding the following:

1. The work is visible from streets, courtyards, and/or public squares and significantly changes the architectural character of the building, which may include changes to exterior wall materials and changes in architectural style; and/or
2. The work is inconsistent with the Downtown Design Guidelines.

C. Major Exterior Alterations

Major exterior alterations, as defined in Subsection 19.304.6.B.3, shall be evaluated through a Type III review in accordance with the procedures in Section 19.1006. Applications for major exterior alterations shall be reviewed at a public hearing and decided by the Planning Commission, except as follows:

The following major exterior alterations shall be processed by Type II review:

1. Additions not more than 250 sq ft in floor area that do not face streets, courtyards, and/or public squares and are not designed and used for utility, HVAC, or other mechanical equipment, building upgrades as needed to comply with the Americans with Disabilities Act, or egress required by applicable fire safety or building codes.
2. Demolition or replacement of no more than 25% of the surface area of any exterior wall or roof that does not face streets, courtyard, and or public squares.

D. Residential

1. "Stand-Alone" Residential Buildings

~~"Stand-alone" residential buildings that do not include nonresidential uses are exempt from design review, but shall be subject to the clear and objective design standards under Subsection 19.304.6. Applicants may elect to process a stand-alone residential building design review.~~

~~2. Mixed Use Buildings~~

~~The residential portion of mixed use buildings shall be subject to the clear and objective standards under Subsection 19.304.6. The nonresidential portion of the building is subject to design review as provided in this section. Applicants may elect to process the entire mixed use building through design review.~~

~~Any change in use of the residential portion of a mixed use building that elected only to apply clear and objective standards, and where exterior changes to the building are proposed shall require approval by the Planning Commission.~~

~~19.907.6 Application~~

~~Applications for design review shall be filed with the Planning Department on forms prescribed by the Planning Director. Design review applications shall include a narrative explaining how the development considered each of the Downtown Design Guidelines. The applicant shall demonstrate consistency with the design guidelines and compliance with applicable zoning criteria. In addition to all information specified on the "Submittal requirements" and "Site plan requirements" forms, each application for design review shall be accompanied by the following information:~~

- ~~A. Completed design review checklist.~~
- ~~B. Written statement that describes how the proposal meets applicable design guidelines. Where a guideline is not met, the applicant shall provide justification indicating why it is not applicable or demonstrate other site or project characteristics that warrant an exception.~~
- ~~C. Show footprints of surrounding buildings, including driveways and pedestrian connections.~~
- ~~D. Location, dimension, and setbacks of all proposed buildings, structures, walls, and fences.~~
- ~~E. Dimensioned building elevations indicating height, exterior materials, colors, and details of exterior architectural features, such as cornices, windows, and trim.~~
- ~~F. A streetscape drawing showing the relationship of the proposed project to adjacent buildings.~~
- ~~G. Frontage improvements in the public right-of-way per the Public Area Requirements.~~

~~19.907.7 Approval Criteria for Design Review~~

~~The approval authority may approve, approve with conditions, or deny design review based on the following approval criteria:~~

- ~~A. Compliance with Title 19;~~
- ~~B. Substantial consistency with the Downtown Design Guidelines; and~~
- ~~C. Submittal of a complete application and applicable fee as adopted by the City Council.~~

~~19.907.8 Report and Recommendation by Design and Landmarks Committee~~

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

~~19.907.9 Variances to Development Standards~~

~~The Planning Commission may authorize variances to the development standards under Subsection 19.304.4 in accordance with procedures of Section 19.911.~~

~~19.907.10 Modification of Design Standards~~

~~The Planning Commission may authorize modification of the design standards under Subsection 19.304.6.C, in accordance with the following procedures.~~

~~A modification to a design standard may be granted at a public hearing in accordance with Section 19.1006 when all of the following criteria are satisfied:~~

- ~~A. The modification is integral to the overall design concept for the building;~~
- ~~B. The modification:
 - ~~1. Substantially meets the intent of the design standard; or~~
 - ~~2. In combination with other design elements of the project, the modification meets the intent of the design standard; and~~~~
- ~~C. The project is substantially consistent with the Downtown Design Guidelines applicable to the design standard.~~

~~19.907.11 Consideration of Prohibited Material or Design Features~~

~~The Planning Commission may authorize the use of prohibited materials or design features specified in Subsection 19.304.6.C subject to the following criteria:~~

- ~~A. The applicant demonstrates that the prohibited material is substantially comparable to an allowed material with regards to quality, appearance, style, architectural effect, and durability.~~
- ~~B. Use of the prohibited materials is consistent with design considerations specified for the particular design element in the Milwaukie Downtown Design Guidelines.~~

Updates for Section References and Housekeeping Only

19.406

19.406 TACOMA STATION AREA OVERLAY ZONE TSA

19.708.1.C

C. Development in Downtown Zones

Street design standards and right-of-way dedication for the downtown zones are subject to the requirements of the Milwaukie Public Works Standards, which implement the streetscape design of the Milwaukie Downtown and Riverfront Plan: Public Area Requirements (PAR). Unless specifically stated otherwise, the standards in Section 19.708 do not apply to development located in the downtown zones or on street sections shown in the PAR per Subsection ~~19.304.5~~ 19.304.6.

19.1011.1.A.2:

2. If the applicant does not extend the 120-day decision requirement, the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection ~~19.907.8~~ 19.907.6.
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19.1011.3.D

- D. An abstaining or disqualified member of the committee shall be counted for purposes of forming a quorum. If all members of the committee abstain or are disqualified, the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection ~~19.907.8~~ 19.907.6.