

**COUNCIL ORDINANCE No. 2260**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE (MMC) TITLE 17 LAND DIVISION AND TITLE 19 ZONING TO MAKE MINOR CHANGES TO SELECT SECTIONS FOR THE PURPOSE OF CLARIFICATION AND IMPROVED EFFECTIVENESS (FILE #ZA-2025-004).**

WHEREAS the proposed amendments to Titles 17 and 19 make changes and clarifications that will more effectively communicate and implement existing policy and state law; and

WHEREAS legal and public notices have been provided as required by law, and opportunities for public review and input have been provided; and

WHEREAS, on December 9, 2025, the Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a motion in support of the amendments; and

WHEREAS the City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

**Now, Therefore, the City of Milwaukie does ordain as follows:**

Section 1. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The Milwaukie Municipal Code (MMC) is amended as described in Exhibit B (underline/strikeout version), and Exhibit C (clean version).

Section 3. Effective Date. The amendments shall become effective immediately on the date of adoption.

Read the first time on 1/20/26 and moved to second reading by 4:0 vote of the City Council.

Read the second time and adopted by the City Council on 1/20/26.

Signed by the Council President on 1/20/26



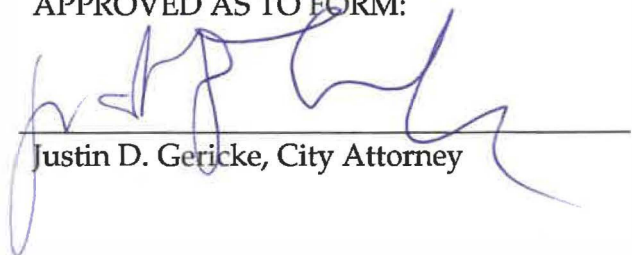
Will Anderson, Council President

ATTEST:

APPROVED AS TO FORM:



Scott S. Stauffer, City Recorder



Justin D. Gericke, City Attorney

## **Exhibit A**

### **Recommended Findings in Support of Approval File #ZA-2025-004, Minor Code Fix Amendments**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, the City of Milwaukie, proposes to amend various regulations that are contained in Title 17 Land Division and Title 19 Zoning Ordinance of the Milwaukie Municipal Code (MMC). The land use application file number is ZA-2025-004.
2. The purpose of the proposed code amendments is as a collection of “housekeeping” amendments – clarifications or minor tweaks – that are not intended to affect the meaning or intent of existing regulations; they are not intended to be a change in policy. The amendments are located in several titles of the municipal code:
  - Municipal Code – Title 17 Land Division
    - Chapter 17.04 ADMINISTRATION AND ENFORCEMENT
    - Section 17.04.020 Authority
    - CHAPTER 17.12 Application Procedure
    - CHAPTER 17.18 Approval Criteria
    - CHAPTER 17.22 Final Plat
    - CHAPTER 17.26 Middle Housing And Expedited Land Divisions
    - Section 17.26.010 Middle Housing Land Divisions
    - Section 17.26.020 Expedited Land Division
    - CHAPTER 17.32 IMPROVEMENTS
    - MMC 17.28 – Land Division – Clarify bonding authority
  - Zoning Ordinance –
    - Chapter 19.200 – DEFINITIONS AND MEASUREMENTS
    - Chapter 19.300 – BASE ZONES
      - Section 19.301 Moderate Density Residential Zone
      - Section 19.302 High Density Residential Zones
    - Chapter 19.400 OVERLAY ZONES AND SPECIAL AREAS
      - Section 19.401 Willamette Greenway Zone
    - Chapter 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS
      - Section 19.502 Accessory Structures
      - Section 19.504 Site Design Standards
      - Section 19.505 Building Design Standards
      - Section 19.506 Manufactured Dwelling Siting and Design Standards
      - Section 19.507 Home Occupation Standards
      - Section 19.508 Downtown Site and Building Design Standards and Guidelines
    - Chapter 19.600 Off-Street Parking and Loading
    - Chapter 19.900 Land Use Applications

- Section 19.910 Residential Dwellings
  - Section 19.911 Variances
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
    - MMC 19.902 Amendments to Maps and Ordinances
    - MMC 19.1000 Review Procedures
  4. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on December 9, 2025 and January 20, 2026 as required by law.
  5. MMC 19.902 Amendments to Maps and Ordinances
    - a. MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.
      - (1) MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.

*The Planning Commission held a duly advertised public hearing on December 9, 2025. A public hearing before City Council was held on January 20, 2026. Public notice was provided in accordance with MMC Subsection 19.1008.3.*
      - (2) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.
        - (a) MMC Subsection 19.905.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

*The proposed amendments have been coordinated with and are consistent with other provisions of the Milwaukie Municipal Code. The amendments are clarifying in nature and are not intended to affect policy.*
        - (b) MMC Subsection 19.902.5.B.2 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan.

*Only the goals, objectives, and policies of Comprehensive Plan that are listed below are found to be relevant to the proposed text amendment.*

          - (i) Goal 4.3 for the Willamette Greenway reads as follows:

Coordinate public and private land uses and ensure compatibility of uses within the Willamette Greenway.

Policy 4.3.1 states:

Utilize the Willamette Greenway Zone in combination with underlying land use designations to manage uses and implement City Willamette Greenway objectives and Statewide Planning Goal 15.

*The proposed amendments revises the list of activities exempt from review to ensure consistency with Statewide Goal 15.*

- (c) MMC Subsection 19.902.5.B.3 requires that the proposed amendment be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies.*

- (d) MMC Subsection 19.902.5.B.4 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. DLCD did not identify any inconsistencies with relevant State statutes or administrative rules.*

*The proposed amendments are found to be consistent with the Transportation Planning Rule for the following reason. The proposed text amendment does not impact the transportation system given that the amendments are clarifying in nature and do not create the opportunity for any more vehicle trips than are currently allowed by other similar uses in each respective zone.*

- (e) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.

*Relevant federal regulations are those that address land use, the environment, or development in the context of local government planning. Typically, regulations such as those set forth under the following acts may be relevant to a local government land use process: the Americans with Disabilities Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Fair Housing Act, the National Environmental Policy Act, the Religious Land Use and Institutionalized Persons Act, and the Resource Conservation and Recovery Act. None of these acts include regulations that impact the subject proposal or that cannot be met through normal permitting procedures. Therefore, the proposal is found to be consistent with federal regulations that are relevant to local government planning.*

- 6. MMC 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.
  - a. MMC 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.

*The amendments were initiated by the Planning Manager on October 1, 2025.*
  - b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V review have been met as follows:

- (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.

*Opportunity for public comment and review has been provided.*

*The current version of the draft amendments has been posted on the City's website since November 4, 2025. Public notices have also been posted at City Hall, the Johnson Creek Facility, the Public Safety Building, and the Ledding Library, since November 5, 2025.*

- (2) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

*A notice of the Planning Commission's December 9, 2025, hearing was posted as required on November 4, 2025. A notice of the City Council's January 20, 2026 public hearing was posted as required on December 18, 2025.*

- (3) Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

*The Planning Manager has determined that the proposal affects a large geographic area. Notice to individual property owners and individual properties was not required.*

- (4) Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

*Notice of the proposed amendments was sent to DLCD on November 3, 2025.*

- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 35 days prior to the first evidentiary hearing.

*Notice of the proposed amendments was sent to Metro on November 3, 2025.*

- (6) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

*The proposed amendments generally do not further restrict the use of property. In general, the proposed amendments implement current interpretation, compliance with state law, and provide clarification.*

- (7) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.

*The Planning Commission held a duly advertised public hearing on December 9, 2025 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on January 20, 2026 and approved the amendments.*

## Exhibit B

### Underline/Strikeout Amendments

#### Title 17 Land Division

#### CHAPTER 17.04 ADMINISTRATION AND ENFORCEMENT

##### 17.04.020 AUTHORITY

B. The City Engineer, or designee, has the authority to accept, conditionally accept, or reject construction and engineering plans and specifications in accordance with professional judgment and accepted engineering or surveying practices.

(Ord. 1907 (Attach. 1), 2002; Ord. 2242, 4/16/2024)

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#### CHAPTER 17.12 APPLICATION PROCEDURE

##### 17.12.010 PURPOSE.

The purpose of this chapter is to specify the process and procedures for lot consolidation, property line adjustment, partition, and subdivision as detailed in Table 17.12.020.

(Ord. 1907 (Attach. 1), 2002; Ord. 2242, 4/16/2024)

##### 17.12.020 APPLICATION PROCEDURE.

A. Applications for land division and property boundary changes will be processed in accordance with Chapter 19.1000 Type I and Type II procedures as indicated in this section.

B. An increase in the number of lots within the original boundaries of a partition plat must be reviewed as a subdivision when the number of existing lots that are to be modified combined with the number of proposed new lots exceeds three.

C. A modification to a plat (i.e., a replat) that relocates or eliminates all or a portion of a common property line between abutting properties, including underlying lot lines, that does not create an additional lot or parcel will be processed as a property line adjustment or lot consolidation. This process ~~requires~~ may require a deed to be recorded that stipulates the lot to be a single lot for development and legal purposes.

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#### CHAPTER 17.18 Approval Criteria

##### 17.18.030 APPROVAL CRITERIA FOR FINAL PLAT.

Following the Type I procedure, the Planning Manager and the City Engineer, or designee must review the final plat and must approve or deny the final plat based on findings of compliance with the following:

*[No changes to Sections 17.18.030 to the end]*

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## **CHAPTER 17.22 Final Plat**

### **17.22.030 APPROVAL OF FINAL PLAT**

Approval of the final plat must be indicated by signature of the Planning Manager and City Engineer, or designee.

(Ord. 1907 (Attach. 1), 2002; Ord. 2219 § 2 (Exh. B), 2022; Ord. 2242, 4/16/2024)

### **17.22.050 NOTICE FOR IMPROVEMENTS**

Before approval is certified on the final plat, the applicant must either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision or file with the City Engineer, or designee, a notice specifying the period within which required improvements and repairs will be completed. In either case, the applicant must reimburse the City for the cost of plan review and construction inspection by the City at a rate established by the City Council. All required improvements must be guaranteed and bonded as provided in Chapter 17.32 of this title.

(Ord. 1907 (Attach. 1), 2002; Ord. 2242, 4/16/2024)

### **17.22.060 BOND**

A. The applicant must file with the notice one of the following to assure their full and faithful performance:

1. An agreement to make improvements in a form approved by the City Attorney;
2. A letter of credit;
3. Cash.

B. Such assurance of full and faithful performance must be for a sum determined by the City Engineer, or designee, as sufficient to cover the cost of the improvements and repairs.

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## **CHAPTER 17.26 MIDDLE HOUSING AND EXPEDITED LAND DIVISIONS**

### **17.26.010 MIDDLE HOUSING LAND DIVISIONS.**

B. Applications for any land division affecting middle housing as provided in ORS 197.758(2) must be processed as an expedited land division process as outlined in ORS 197.360 to 197.380. Pursuant to the expedited land division process, a middle housing land division will be processed under the procedures set forth in ORS 92.031 and ORS 197.360-197.380. ~~according to Section 19.1005 Type II Review.~~ Further division of the resulting lots or parcels (sublots) in an approved middle housing land division is prohibited.

### **C. Approval Through Two-Step Process**

A middle housing land division requires a two-step process: a preliminary plat and a final plat.

1. Preliminary plat. A middle housing land division preliminary plat application is processed under the procedures set forth in ORS 92.031 and ORS 197.360-197.380. ~~through an expedited Type II procedure, as provided in Section 19.1005.~~

2. Final plat. The preliminary plat must be approved before the final plat can be submitted for approval. The final plat must satisfy all conditions of approval imposed as part of the preliminary plat approval.

#### D. Approval Criteria – Preliminary Plat

6. Approval of a preliminary plat for a middle housing land division will be granted if the Planning Manager finds that the applicant has met all of the following criteria:

a. The middle housing development complies with, or will comply with, the Oregon Residential Specialty code and the applicable middle housing regulations in this code. To demonstrate compliance with this criterion, the applicant must submit approved building permits or concurrent building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and middle housing regulations in Titles 12 and 19. If building permits have not been applied for, a condition of approval will be included requiring compliance with the Oregon Residential Specialty Code.

#### E. Conditions of Approval

The approval authority may attach such conditions as are necessary to carry out the applicable ordinances and regulations and may require access control strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.

1. The City will attach conditions of approval of a preliminary plat for a middle housing land division: ~~to:~~

a. Require that a notation appear on the final plat indicating:

(1) The ~~sublots~~ resulting lots shown on the tentative plan were created pursuant to a middle housing land division. ~~and may not be further divided.~~

(2) The middle housing developed on the ~~sublots~~ resulting lots shown on the preliminary plat must remain middle housing and will not be considered to be any other housing type as a result of the middle housing land division.

~~(3) Accessory dwelling units are not permitted on sublots resulting from a middle housing land division.~~

(4) ~~3~~ Ensure that improvements associated with review criteria in this section are provided.

b. The preliminary plat approval of a middle housing land division is void if and only if a final middle housing land division plat is not approved within three years of the tentative approval.

c. The resulting lots shown on the preliminary plat may not be further divided.

d. Accessory dwelling units are not permitted on sublots resulting from a middle housing land division.

#### F. Approval Criteria - Final Plat

The Planning Manager and the City Engineer, or designee, must review the final plat and must approve or deny the final plat based on findings of compliance with the following:

***[No changes to Sections 17.26.010.F to the end]***

#### 17.26.020 EXPEDITED LAND DIVISION.

#### D. Approval Criteria - Final Plat

The Planning Manager and the City Engineer, or designee, must review the final plat and must approve or deny the final plat based on findings of compliance with the following:

***[No changes to Sections 17.26.020.D to the end]***

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## CHAPTER 17.32 IMPROVEMENTS

### 17.32.030 GUARANTEE.

All improvements installed by the applicant must be guaranteed as to workmanship and material for a period of two years following acceptance by the City. Such guarantee must be secured by cash deposit or maintenance warranty bond in the amount of the value of the improvements as set by the City Engineer, or designee. Said cash or bond must comply with the terms and conditions of Sections 17.22.060 and 17.32.030.

(Ord. 1907 (Attach. 1), 2002; Ord. 2003 § 2, 2009; Ord. 2242, 4/16/2024)

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## Title 19 Zoning Ordinance

### CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

#### 19.201 Definitions

"Lot coverage" means the amount of area covered by building(s) on a lot expressed as a percentage of the total lot area. Lot coverage includes open structures, such as pole barns; building features such as patio covers, roofed porches, and covered decks; or similar features with a surface height of more than 18 in above average grade. Lot coverage does not include eaves.

"Lot line" means the property line bounding a lot. The lot lines defined below are depicted in Figures 19.201-1 and 19.201-2.

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

Residential uses and structures:

H. "Cottage cluster" means a grouping of no fewer than 4four ~~detached~~ dwelling units (detached or attached as allowed by the base zone) per acre with a footprint of less than 900 square feet each that includes a common courtyard per Subsection 19.505.4. Cottage cluster units may be located on a single lot or parcel, or on individual lots or parcels.

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## CHAPTER 19.300 BASE ZONES

### 19.301 MODERATE DENSITY RESIDENTIAL ZONES

<b>Table 19.301.4</b>					
<b>Moderate Density Residential Development Standards</b>					
<b>Standard</b>	<b>R-MD</b>				<b>Standards/ Additional Provisions</b>
	<b>Lot size (square feet)</b>				
	<b>1,500 – 2,999</b>	<b>3,000– 4,999</b>	<b>5,000- 6,999<sup>2</sup></b>	<b>7,000 and up</b>	
<b>C. Development Standards</b>					
1. Minimum yard requirements for primary structures (ft)					<b>Subsection 19.301.5.A</b> Yards <b>Subsection <a href="#">19.501.2</a></b> Yard Exceptions <b>Subsection <a href="#">19.504.6</a></b> Flag Lot and Back Lot Design and Development Standards <b>Subsection <a href="#">19.505.4</a></b> Cottage Cluster Housing <b>Subsection <a href="#">19.505.5</a></b> Townhouses
a. Front yard	20	20	20	20	
b. Side yard	5	5	5	5/10	
c. Street side yard	<del>15</del> 5	15	15	20	
d. Rear yard	15	20	20	20	

## 19.301.5 Additional Development Standards

### B. Lot Coverage

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

#### ~~1. Decreased Lot Coverage for Large Lots~~

~~The maximum lot coverage percentage in Subsection 19.301.4.B.4 is reduced by 10 percentage points for a single detached dwelling, duplex, or residential home on a lot that is more than 10,000 sq ft in Subsection 19.301.4.A.1.~~

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

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

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

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

#### ~~3. Increased Lot Coverage for Duplexes~~

~~The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 20 percentage points for a duplex.~~

#### 4.2. Increased Lot Coverage for ~~Detached~~ Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by a total of 5 percentage points for the development of a new detached or attached accessory dwelling units. This allowance applies only to the ~~detached~~ accessory

~~dwelling units structure~~ and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

**19.302 HIGH DENSITY RESIDENTIAL ZONES**

Table 19.302.4 High Density Residential Development Standards		
Standard	R-HD	Standards/Additional Provisions
<b>B. Development Standards</b>		
Minimum yard requirements for primary structures (ft)	-	Subsection <a href="#">19.504.5 T</a> Transition Area Measures
Front yard	20	
Side yard	See Subsection 19.302.5.A	
Street side yard	15 <sup>4</sup>	
Rear yard	15	

- 1 Minimum lot size for single detached dwelling applies to lots created on or after June 3, 2022, the effective date of Ordinance #2218.
- 2 Townhouses are allowed at 4 times the maximum density allowed for single detached dwellings in the same zone or 25 dwelling units per acre, whichever is less. Duplexes, triplexes, quadplexes, and cottage clusters are exempt from density maximums.
- 3 The density for single room occupancy (SRO) developments is calculated as follows: four SRO rooms equal one dwelling unit.
- 4 The street side yard setback for townhouses is 5 ft.

**19.302.5 Additional Development Standards**

**B. Lot Coverage**

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

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

exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

b. The maximum lot coverage percentage in Subsection 19.302.4 is increased by 10 percentage points for development of a middle housing dwelling (except for townhouses and cottage clusters), an addition to an existing middle housing dwelling (except for townhouses and cottage clusters), or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure(s) that are ~~less than~~ 20 ft high or less are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

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

## 2. Increased Lot Coverage for ~~Detached~~ Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by a total of 5 percentage points for the development of a new detached or attached accessory dwelling units. This allowance applies only to the ~~detached~~ detached accessory dwelling units ~~structure~~ and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

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## CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

### 19.401 Willamette Greenway Zone WG

#### 19.401.5 Procedures

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

7. Establishment of ~~residential~~ accessory structures up to 200 sq ft or accessory uses, such as lawns, gardens, and play areas, subject to the vegetation buffer requirements of Subsection 19.401.8;

*[No other changes to Sections 19.401.5.B to the end]*

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## CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

### 19.502 ACCESSORY STRUCTURES

#### 19.502.2 Specific Provisions for Accessory Structures

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

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

a. Residential Zones and Residential Uses in All Zones

1. Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft.
2. No electrified, barbed, or razor wire fencing is permitted.
3. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.E.3.
4. Middle housing plex development. All fences on the interior of a development must ~~shall~~ be no more than ~~3~~ 6 ft high. Fences along the side and rear perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

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## 19.504 SITE DESIGN STANDARDS

### 19.504.6 Flag Lot and Back Lot Design and Development Standards.

B. Development Standards—Flag Lots

4. Frontage, Accessway, and Driveway Design

a. Flag lots must ~~shall~~ have frontage or access on a public street. The minimum width of the accessway and street frontage is 25 ft. The accessway is the pole portion of the lot that provides access to the flag portion of the lot.

b. Abutting flag lots must ~~shall~~ have a combined frontage and accessway of 25 ft. For abutting accessways of 2 or more flag lots, the accessway of any individual lot shall not be less than ~~45~~ 10 ft.

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## 19.505 BUILDING DESIGN STANDARDS

### 19.505.1 One-to Four-Unit Residential Development

B. Applicability of Design Standards

2. Expansions of single detached dwellings in Subsection 19.505.1.B.1 that add area to any street-facing façade are subject to the design standards as follows:

a. Expansions that add 75 sq ft or less of street-facing façade area are exempt from all design standards in Subsection 19.505.1.

b. Expansions that add more than 75 sq ft and less than 200 sq ft of street-facing façade area are subject to Subsection 19.505.1.C.2 Eyes on the Street. The expanded façade area must meet the standards of Subsection 19.505.1.C.2. ~~without consideration of the original street-facing façade area.~~

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

a. Internal conversion of an existing single detached dwelling, or an addition to an existing single detached dwelling, into a duplex, triplex, or quadplex (as provided in OAR 660-046-0230) is exempt from this section, provided that the conversion or addition does not increase nonconformance with applicable clear and objective standards. New duplexes, triplexes, and quadplexes created by adding square footage on a site occupied by an existing single detached dwelling must comply with this section.

b. Conversion of an existing accessory structure into a plex dwelling unit must meet the Eyes on the Street standard for the street-facing façade(s) and is exempt from minimum base zone setback requirements and the minimum building separation requirements in 19.505.1.D.1.

5. Remodels of existing dwellings that affect the street-facing façade, but that do not add new area to the street-facing façade, must not bring the façade further out of conformance with design standards.

#### D. Site Design Standards

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

#### ~~2. Pedestrian Circulation~~

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

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

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

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

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

#### ~~3-2. Privacy and Screening~~

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

#### 4. Sustainability

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

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

#### 5. Recycling Areas

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

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

## 19.505.2 Garages and Carports

### B. Applicability

The standards in this subsection apply to all new attached garages and carports on properties with a single-family detached dwelling, residential home, or duplex, triplex, or quadplex when the street-facing façade of the garage, or columns of the carport, are located within 50 ft of the front property line. Standards for garages in rowhouse development are in Subsection 19.505.5.

## 19.505.4 Cottage Cluster Housing

### D. Cottage Standards

#### 4. Design

##### b. Eyes on the Street

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

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

~~(2) Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.~~

~~(3)~~ (2) Window area is considered the entire area within the outer window frame, including any interior window grid.

~~(4)~~ (3) Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.

~~(5)~~ (4) Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

##### d. Detailed Design

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

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

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

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

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

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

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

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

E. Site Design and Other Standards

4. Off-Street Parking

- a. When off-street parking is provided, parking spaces must be located together with parking spaces for other cottages in a common area, and not located on the same lot as an individual cottage unit.. Cottages are not permitted to have an attached garage.
  
- d. Parking spaces may be located within a garage or a carport, but not a garage or carport attached to a cottage. Garages or carports in a cottage cluster may not contain more than 4-four parking spaces, must be at least 10 ft from any cottage dwelling; and must match the materials, trim, and roof pitch of the cottages. The interior height of a garage or carport shall not exceed 8 ft high, unless a modification is requested for cases that would use space saving parking technology (e.g., interior car stacking) that might require additional interior height. This modification would be requested per Section 19.911 Variances.

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**19.505.5 Townhouses**

C. Townhouse Design Standards

- 5. Townhouses must include an area of transition between the public realm of the right-of-way and the entry to the private dwelling. The entry may be either vertical or horizontal, as described below.
  - a. A vertical transition shall be an uncovered flight of stairs that leads to the front door or front porch of the dwelling. The stairs must rise at least 3 ft, and not more than 8 ft, from grade. The flight of stairs may encroach into the required front yard, and the bottom step must be at least 4 ft from the front lot line.
  
  - b. A horizontal transition shall be a covered porch with a depth of at least 6 5 ft. The porch may encroach into the required front yard, but it must be at least 4 ft from the front lot line.

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**19.505.7 Nonresidential Development**

B. Applicability

1. The design standards in this section generally apply to the street-facing façades of new commercial, institutional, manufacturing, and mixed-use buildings within the commercial mixed-use zones and the High Density Residential Zone. The standards do not apply to change in use or additions or expansions of existing non-residential structures.
  2. The standards in this section do not apply to ~~rowhouses~~ townhouses or live/work units. ~~Rowhouses~~ Townhouses and live/work units are subject to the design standards in Subsections 19.505.5 ~~Row houses~~ Townhouses and 19.505.6 Live/Work Units.
  3. The standards in this section do not apply to stand-alone ~~multifamily~~ multi-unit housing. Standalone ~~multifamily~~ multi-unit buildings are subject to the design standards in Subsection 19.505.3 ~~multifamily~~ Multi-unit Housing.
  4. The standards in this section do not apply to cottage cluster housing. Cottage cluster housing is subject to the design standards in Subsection 19.505.4 Cottage Cluster Housing.
  5. The standards in this section do not apply to development in the Downtown Mixed Use Zone, which is subject to the Downtown Site and Design Standards in 19.508.
- 

## 19.506 MANUFACTURED DWELLING SITING AND DESIGN STANDARDS

### 19.506.1 Purpose.

This section is intended to meet State legislative requirements for the placement and design of manufactured homes on individual lots.

### 19.506.2 Applicability.

Manufactured homes placed on individual lots are subject to the provisions of this Section.

### 19.506.3 Definition.

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

"Manufactured home" means a single-family residential structure as defined in ORS 446.003(25) ~~21~~(a) ~~(C)~~ which includes a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Sections 5401 et seq.) as amended on August 22, 1981.

### 19.506.4 Siting Standards.

Manufactured homes are allowed by right in any zone that allows single detached ~~D~~dwelling by right. Manufactured homes placed on individual lots shall must meet the design standards in Subsection 19.505.1 and the following standards:

~~A. The unit must be placed on an excavated and backfilled foundation with the bottom no more than 12 in above grade and enclosed at the perimeter by skirting of pressure treated wood,~~

~~masonry, or concrete wall construction and complying with the minimum setup standards of the adopted State Administrative Rules for Manufactured Dwellings, Chapter 918.~~

~~B. Bare metal is not allowed as a roofing material and is not allowed on more than 25% of any façade of the unit.~~

~~A-G. The unit shall must comply with the definition for manufactured home as identified in this section.~~

~~B-D. If provided, the unit shall must comply with single-family parking and paving standards as described in Chapter 19.600.~~

#### ~~19.506.5 Implementation of Siting Standards.~~

~~A. For unit placement on an individual lot within all residential zones, the siting standards shall be administered as part of the building permit process for the unit placement.~~

~~B. Manufactured home placement as authorized by the temporary structure permit process of Subsection 19.910.4 is not subject to the siting standards of this section.~~

#### ~~19.506.6 Occupancy.~~

~~Manufactured homes placed on individual lots shall comply with all siting standards of Subsection 19.506.4 before being approved for occupancy.~~

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### **19.507 HOME OCCUPATION STANDARDS**

#### **19.507.5 Special Provisions for Specific Uses.**

Short-Term Rentals. A short-term rental is an accessory use to a primary residence and allowed as a home occupation provided the following provisions are met:

A. The residence must be occupied by the owner or a primary operator for not less than 270 days per year.

B. Unhosted rentals (where the primary occupants vacate the unit or site during the rental period) are limited to no more than 95 days per year.

C. If a dwelling on a property with an accessory dwelling unit is being used for short-term rental purposes, either the primary residence or the accessory dwelling unit must be occupied by the property owner or a primary operator for not less than 270 days per year.

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### **19.508 DOWNTOWN SITE AND BUILDING DESIGN STANDARDS AND GUIDELINES**

#### **19.508.4 Downtown Design Elements**

C. Exterior Building Materials

2. Design Standards

a. New Buildings

The following standards are applicable to the street-facing façades of all new buildings, as well as façades facing plazas and/or open spaces.

(1) Façade coverage

(a) Table 19.508.4.C.2.a.(1) establishes façade coverage requirements.

(b) The use of the following materials requires a Director's Determination consistent with Section 19.903. ~~The Planning Manager must consult with Design and Landmarks Commission in making the determination, and the~~ applicant must provide materials specifications and proposed installation details to inform the determination.

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**CHAPTER 19.600 OFF-STREET PARKING AND LOADING**

**19.610 Carpool and Vanpool Parking**

**19.610.1 Applicability.**

New industrial, institutional, and commercial development with 20 or more ~~required~~ parking spaces shall must provide carpool/vanpool parking.

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**CHAPTER 19.900 LAND USE APPLICATIONS**

**19.904.10 Standards for Wireless Communication Facilities.**

C. Application Process

1. Exemptions

The following are exempt from the provisions of this chapter, subject to any other applicable provisions of this code:

a. Temporary WCF during an emergency declared by the City.

b. Temporary WCF located on the same site as, and during the construction of, a permanent WCF for which appropriate permits have been granted.

c. Licensed amateur (ham) radio stations.

d. Satellite dish antennas 6 ft or less in diameter when located in nonresidential zones, and satellite dish antennas 3 ft or less in diameter when located in residential zones, including direct-to-home satellite services, when used as an accessory use of the property.

e. Any maintenance or repair of previously approved wireless communications facilities provided that such activity does not increase the height, width, or mass of the facility.

f. Antennas and equipment completely located within an existing structure whose purpose is to enhance or facilitate communication function of other structures on the same property.

g. Small cell wireless facility within the right-of-way, subject to the following:

- 1) Small cell antennas and accessory equipment mounted to existing public infrastructure or small cell monopoles, when they meet all conditions outlined in 47 CFR 1.6002;
- 2) A valid lease, license, or franchise agreement is in place for the use of the public facility improvement or public infrastructure;
- 3) A right-of-way permit has been issued for the installation of the antenna and accessory equipment.
- 4) The color of the antenna and accessory equipment are of similar color to the supportive infrastructure.
- 5) All small cell wireless facilities must comply with the Milwaukie Public Works Standards, including Section 5.0210.

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## 19.910 RESIDENTIAL DWELLINGS

### 19.910.1 Accessory Dwelling Units

#### E. Standards

##### 4. Standards for Detached Accessory Dwelling Units

The standards in Subsection 19.901.1.E.4 apply to stand alone detached accessory dwelling units and to accessory structures that contain accessory dwelling units that are separate from the primary structure on the property. The design standards for detached accessory dwelling units require a minimum level of design. These standards are intended to promote attention to detail, while affording flexibility to use a variety of architectural styles.

##### a. Maximum Allowed Floor Area

The floor area of the accessory dwelling unit is limited to 800 sq ft. ~~of the floor area of the primary structure.~~

b. Footprint, Height, and Required Yards

The maximum structure footprint, height, and yard regulations for a detached accessory dwelling unit are listed in Table 19.910.1.E.4.b. ~~structures that exceed any of the maximums associated with an ADU require Type II review.~~ A variance of up to a 25% increase in the floor area and/or structure footprint of an Accessory Dwelling Unit as identified in Subsection 19.910.1.E.4 is subject to Type II review, per 19.911.3.

e. Conversion of Existing Structure

Creation of a detached accessory dwelling unit through conversion of an accessory structure legally established on or after June 3, 2022, the effective date of Ordinance #2218, is required to meet all applicable standards for a new detached accessory dwelling unit.

Creation of a detached accessory dwelling unit through the conversion of an existing accessory structure that was legally established prior to June 3, 2022, the effective date of Ordinance #2218, is allowed. The conversion must meet all standards that apply to creation of a new detached accessory dwelling, except for the design standards in Subsection 19.910.1.E.4.c., the maximum structure footprint, and minimum setbacks. However, the floor area of the ADU must not exceed the maximum floor area standard in Subsection 19.910.1.~~D~~E.4.a. The conversion must not bring the accessory structure out of conformance, or further out of conformance if already nonconforming, with any design standards in that subsection.

**19.910.3 Manufactured Dwelling Parks.**

A. Purpose

This subsection is intended to complement the policies of the Comprehensive Plan to provide for a variety of housing types including manufactured dwelling parks. ~~in areas with suitable services and facilities in zones allowing 6 to 12 dwelling units per acre.~~

B. Application

1. Manufactured dwelling park developments are only allowed in the ~~R-3~~ R-HD and R-MD Zones. A site plan review is required prior to development of a manufactured dwelling park within these zones. The development must show conformance with all requirements of this subsection.

2. Each application for a manufactured dwelling park shall include a plot plan drawn to scale of the specific layout of the entire park. The plot plan shall include both the dimensions and the existing and proposed locations of all utilities, roadways, structures, parking, landscaping and open areas, and manufactured dwelling spaces on the site. In addition, the location of structures on adjacent properties shall be shown.

C. General Requirements

Manufactured dwelling parks shall be subject to review under Section 19.1006 Type III Review.

D. Development Requirements

All manufactured dwelling parks shall meet the following minimum requirements:

1. The minimum size of a manufactured dwelling park shall be 2 1 acres.

~~9. All manufactured dwellings shall be set onto an excavated area with perimeter foundation, and the excavated area shall be backfilled, or the dwelling must be installed with an approved foundation siding/skirting enclosing the entire perimeter of the dwelling. Foundation siding/skirting and backup framing shall be weather resistant, noncombustible, or self-extinguishing materials which blend with the exterior siding of the dwelling. Below grade level and for a minimum distance of 6 in above finished grade, the materials shall be resistant to decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendations or approved equal standards.~~

~~10.9.~~ Requirements for lighting, utility systems, decks, play areas, park sanitation, and maintenance not specified herein shall be those specified in OAR 814-28 Mobile Home Parks and OAR 814-23 Mobile Homes, Manufactured Homes, Recreational Vehicles and Accessory Buildings or Structures.

~~11-10.~~ Standards of the underlying zone also apply except where otherwise provided for in this subsection.

~~12~~ 11. The entire manufactured dwelling park shall must comply with the above requirements prior to occupancy.

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**19.911 VARIANCES**

**19.911.3 Review Process**

B. Type II Variances

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

9. A variance of up to a 25% increase in the size floor area and/or structure footprint of an Accessory Dwelling Unit as identified in Subsection 19.910.1.E.4.

**19.911.7 Building Height Variance in the General Mixed Use Zone**

C. Review Process

The building height variance shall be subject to Type III review and approval by the Planning Commission, in accordance with Section 19.1011.

1. Because the building height variance provides substantial flexibility and discretion, additional time will be required for public input and technical evaluation of the proposal. To use this option, the applicant shall must sign a waiver of the 120-day decision requirement.

~~2. The applicant may request design advice from the Design and Landmarks Committee prior to submitting an application. Design advice requests provide the opportunity to assess approval potential prior to committing excessive time or money to detailed design plans.~~

~~3. Design advice requests may not be made for a specific project or site with an active land use review application.~~

4 2. A special application fee may be required to use this Type III option to allow the City to contract with a registered architect to assist in the review of the height variance application.

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## CHAPTER 19.1000 REVIEW PROCEDURES

### 19.1005 Type II Review

#### 19.1005.5 Type II Decision.

A. The decision shall be issued with sufficient time to allow the appeal authority for a Type II application to issue a final decision within 120 days from the date that the application was deemed complete. The final decision for an affordable housing application, as defined in, and subject to all of the provisions of ORS 197.311, shall be issued within 100 days from when the application was deemed complete. ~~Pursuant to Subsection 17.12.020.G, the final decision for a middle housing or expedited land division as defined in, and subject to the applicable provisions of ORS 92.010 to 92.192 and further referenced in ORS 197.360 and ORS 197.380, must be issued within 63 days from when the application was deemed complete, or extended by the city not to exceed 120 days.~~

#### 19.1005.6 Appeal of a Type II Decision.

A Type II decision may be appealed by filing a written appeal within 15 days from the date that the notice of decision was mailed. The appeal authority for a Type II decision is the Planning Commission. Appeal requirements and procedures are outlined in Section 19.1010.

~~Appeals of a Type II decision for a middle housing or expedited land division are processed subject to the applicable provisions found in ORS 197.360 — ORS 197.375.~~

## **Exhibit C**

### **Clean Amendments**

#### **Title 17 Land Division**

##### **CHAPTER 17.04 ADMINISTRATION AND ENFORCEMENT**

###### 17.04.020 AUTHORITY

B. The City Engineer, or designee, has the authority to accept, conditionally accept, or reject construction and engineering plans and specifications in accordance with professional judgment and accepted engineering or surveying practices.

(Ord. 1907 (Attach. 1), 2002; Ord. 2242, 4/16/2024)

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##### **CHAPTER 17.12 APPLICATION PROCEDURE**

###### 17.12.010 PURPOSE.

The purpose of this chapter is to specify the process and procedures for lot consolidation, property line adjustment, partition, and subdivision as detailed in Table 17.12.020.

(Ord. 1907 (Attach. 1), 2002; Ord. 2242, 4/16/2024)

###### 17.12.020 APPLICATION PROCEDURE.

A. Applications for land division and property boundary changes will be processed in accordance with Chapter 19.1000 Type I and Type II procedures as indicated in this section.

B. An increase in the number of lots within the original boundaries of a partition plat must be reviewed as a subdivision when the number of existing lots that are to be modified combined with the number of proposed new lots exceeds three.

C. A modification to a plat (i.e., a replat) that relocates or eliminates all or a portion of a common property line between abutting properties, including underlying lot lines, that does not create an additional lot or parcel will be processed as a property line adjustment or lot consolidation. This process may require a deed to be recorded that stipulates the lot to be a single lot for development and legal purposes.

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##### **CHAPTER 17.18 Approval Criteria**

###### 17.18.030 APPROVAL CRITERIA FOR FINAL PLAT.

Following the Type I procedure, the Planning Manager and the City Engineer, or designee must review the final plat and must approve or deny the final plat based on findings of compliance with the following:

*[No changes to Sections 17.18.030 to the end]*

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## **CHAPTER 17.22 Final Plat**

### **17.22.030 APPROVAL OF FINAL PLAT**

Approval of the final plat must be indicated by signature of the Planning Manager and City Engineer, or designee.

(Ord. 1907 (Attach. 1), 2002; Ord. 2219 § 2 (Exh. B), 2022; Ord. 2242, 4/16/2024)

### **17.22.050 NOTICE FOR IMPROVEMENTS**

Before approval is certified on the final plat, the applicant must either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision or file with the City Engineer, or designee, a notice specifying the period within which required improvements and repairs will be completed. In either case, the applicant must reimburse the City for the cost of plan review and construction inspection by the City at a rate established by the City Council. All required improvements must be guaranteed and bonded as provided in Chapter 17.32 of this title.

(Ord. 1907 (Attach. 1), 2002; Ord. 2242, 4/16/2024)

### **17.22.060 BOND**

A. The applicant must file with the notice one of the following to assure their full and faithful performance:

1. An agreement to make improvements in a form approved by the City Attorney;
2. A letter of credit;
3. Cash.

B. Such assurance of full and faithful performance must be for a sum determined by the City Engineer, or designee, as sufficient to cover the cost of the improvements and repairs.

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## **CHAPTER 17.26 MIDDLE HOUSING AND EXPEDITED LAND DIVISIONS**

### **17.26.010 MIDDLE HOUSING LAND DIVISIONS.**

B. Applications for any land division affecting middle housing as provided in ORS 197.758(2) must be processed as an expedited land division process as outlined in ORS 197.360 to 197.380. Pursuant to the expedited land division process, a middle housing land division will be processed under the procedures set forth in ORS 92.031 and ORS 197.360-197.380. Further division of the resulting lots or parcels (sublots) in an approved middle housing land division is prohibited.

### **C. Approval Through Two-Step Process**

A middle housing land division requires a two-step process: a preliminary plat and a final plat.

1. Preliminary plat. A middle housing land division preliminary plat application is processed under the procedures set forth in ORS 92.031 and ORS 197.360-197.380.

2. Final plat. The preliminary plat must be approved before the final plat can be submitted for approval. The final plat must satisfy all conditions of approval imposed as part of the preliminary plat approval.

#### D. Approval Criteria – Preliminary Plat

6. Approval of a preliminary plat for a middle housing land division will be granted if the Planning Manager finds that the applicant has met all of the following criteria:

a. The middle housing development complies with, or will comply with, the Oregon Residential Specialty code and the applicable middle housing regulations in this code. To demonstrate compliance with this criterion, the applicant must submit approved building permits or concurrent building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and middle housing regulations in Titles 12 and 19. If building permits have not been applied for, a condition of approval will be included requiring compliance with the Oregon Residential Specialty Code.

#### E. Conditions of Approval

The approval authority may attach such conditions as are necessary to carry out the applicable ordinances and regulations and may require access control strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.

1. The City will attach conditions of approval of a preliminary plat for a middle housing land division:

a. Require that a notation appear on the final plat indicating:

(1) The resulting lots shown on the tentative plan were created pursuant to a middle housing land division.

(2) The middle housing developed on the resulting lots shown on the preliminary plat must remain middle housing and will not be considered to be any other housing type as a result of the middle housing land division.

(3) Ensure that improvements associated with review criteria in this section are provided.

b. The preliminary plat approval of a middle housing land division is void if and only if a final middle housing land division plat is not approved within three years of the tentative approval.

c. The resulting lots shown on the preliminary plat may not be further divided.

d. Accessory dwelling units are not permitted on sublots resulting from a middle housing land division.

#### F. Approval Criteria - Final Plat

The Planning Manager and the City Engineer, or designee, must review the final plat and must approve or deny the final plat based on findings of compliance with the following:

*[No changes to Sections 17.26.010.F to the end]*

#### 17.26.020 EXPEDITED LAND DIVISION.

#### D. Approval Criteria - Final Plat

The Planning Manager and the City Engineer, or designee, must review the final plat and must approve or deny the final plat based on findings of compliance with the following:

*[No changes to Sections 17.26.020.D to the end]*

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## **CHAPTER 17.32 IMPROVEMENTS**

### **17.32.030 GUARANTEE.**

All improvements installed by the applicant must be guaranteed as to workmanship and material for a period of two years following acceptance by the City. Such guarantee must be secured by cash deposit or maintenance warranty bond in the amount of the value of the improvements as set by the City Engineer, or designee. Said cash or bond must comply with the terms and conditions of Sections 17.22.060 and 17.32.030. (Ord. 1907 (Attach. 1), 2002; Ord. 2003 § 2, 2009; Ord. 2242, 4/16/2024)

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## **Title 19 Zoning Ordinance**

### **CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS**

#### **19.201 Definitions**

"Lot coverage" means the amount of area covered by building(s) on a lot expressed as a percentage of the total lot area. Lot coverage includes open structures, such as pole barns; building features such as patio covers, roofed porches, and covered decks; or similar features with a surface height of more than 18 in above average grade. Lot coverage does not include eaves.

"Lot line" means the property line bounding a lot. The lot lines defined below are depicted in Figures 19.201-1 and 19.201-2.

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

Residential uses and structures:

H. "Cottage cluster" means a grouping of no fewer than four dwelling units (detached or attached as allowed by the base zone) per acre with a footprint of less than 900 square feet each that includes a common courtyard per Subsection 19.505.4. Cottage cluster units may be located on a single lot or parcel, or on individual lots or parcels.

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## **CHAPTER 19.300 BASE ZONES**

### **19.301 MODERATE DENSITY RESIDENTIAL ZONES**

**Table 19.301.4  
Moderate Density Residential Development Standards**

Standard	R-MD				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000– 4,999	5,000- 6,999 <sup>2</sup>	7,000 and up	
<b>C. Development Standards</b>					
1. Minimum yard requirements for primary structures (ft)					<b>Subsection 19.301.5.A</b> Yards <b>Subsection 19.501.2</b> Yard Exceptions <b>Subsection 19.504.6</b> Flag Lot and Back Lot Design and Development Standards <b>Subsection 19.505.4</b> Cottage Cluster Housing <b>Subsection 19.505.5</b> Townhouses
a. Front yard	20	20	20	20	
b. Side yard	5	5	5	5/10	
c. Street side yard	5	15	15	20	
d. Rear yard	15	20	20	20	

### 19.301.5 Additional Development Standards

#### B. Lot Coverage

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

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

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

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

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

##### 2. Increased Lot Coverage for Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by a total of 5 percentage points for the development of a new detached or attached accessory dwelling units. This allowance applies only to the accessory dwelling units and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

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### 19.302 HIGH DENSITY RESIDENTIAL ZONES

#### Table 19.302.4 High Density Residential Development Standards

Standard	R-HD	Standards/Additional Provisions
<b>B. Development Standards</b>		
Minimum yard requirements for primary structures (ft)	-	Subsection 19.504.5 Transition Area Measures
Front yard	20	
Side yard	See Subsection 19.302.5.A	
Street side yard	15 <sup>4</sup>	
Rear yard	15	

- 1 Minimum lot size for single detached dwelling applies to lots created on or after June 3, 2022, the effective date of Ordinance #2218.
- 2 Townhouses are allowed at 4 times the maximum density allowed for single detached dwellings in the same zone or 25 dwelling units per acre, whichever is less. Duplexes, triplexes, quadplexes, and cottage clusters are exempt from density maximums.
- 3 The density for single room occupancy (SRO) developments is calculated as follows: four SRO rooms equal one dwelling unit.
- 4 The street side yard setback for townhouses is 5 ft.

### 19.302.5 Additional Development Standards

#### B. Lot Coverage

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

##### 1. Increased Lot Coverage for Single Detached Dwellings

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

b. The maximum lot coverage percentage in Subsection 19.302.4 is increased by 10 percentage points for development of a middle housing dwelling (except for townhouses and cottage clusters), an addition to an existing middle housing dwelling (except for townhouses and cottage clusters), or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure(s) that are 20 ft high or less are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

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

## 2. Increased Lot Coverage for Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by a total of 5 percentage points for the development of new detached or attached accessory dwelling units. This allowance applies only to the accessory dwelling units and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

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## CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

### 19.401 Willamette Greenway Zone WG

#### 19.401.5 Procedures

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

7. Establishment of accessory structures up to 200 sq ft or accessory uses, such as lawns, gardens, and play areas, subject to the vegetation buffer requirements of Subsection 19.401.8;

*[No other changes to Sections 19.401.5.B to the end]*

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## CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

### 19.502 ACCESSORY STRUCTURES

#### 19.502.2 Specific Provisions for Accessory Structures

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

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

a. Residential Zones and Residential Uses in All Zones

1. Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft.
2. No electrified, barbed, or razor wire fencing is permitted.
3. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.E.3.
4. Middle housing plex development. All fences on the interior of a development must be no more than 6 ft high. Fences along the side and rear perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

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## **19.504 SITE DESIGN STANDARDS**

### **19.504.6 Flag Lot and Back Lot Design and Development Standards.**

#### **B. Development Standards—Flag Lots**

##### **4. Frontage, Accessway, and Driveway Design**

a. Flag lots must have frontage or access on a public street. The minimum width of the accessway and street frontage is 25 ft. The accessway is the pole portion of the lot that provides access to the flag portion of the lot.

b. Abutting flag lots must have a combined frontage and accessway of 25 ft. For abutting accessways of 2 or more flag lots, the accessway of any individual lot shall not be less than 10 ft.

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## **19.505 BUILDING DESIGN STANDARDS**

### **19.505.1 One-to Four-Unit Residential Development**

#### **B. Applicability of Design Standards**

2. Expansions of single detached dwellings in Subsection 19.505.1.B.1 that add area to any street-facing façade are subject to the design standards as follows:

a. Expansions that add 75 sq ft or less of street-facing façade area are exempt from all design standards in Subsection 19.505.1.

b. Expansions that add more than 75 sq ft and less than 200 sq ft of street-facing façade area are subject to Subsection 19.505.1.C.2 Eyes on the Street. The expanded façade area must meet the standards of Subsection 19.505.1.C.2.

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

a. Internal conversion of an existing single detached dwelling, or an addition to an existing single detached dwelling, into a duplex, triplex, or quadplex (as provided in OAR 660-046-0230) is exempt from this section, provided that the conversion or addition does not increase nonconformance with applicable clear and objective standards. New duplexes, triplexes, and quadplexes created by adding square footage on a site occupied by an existing single detached dwelling must comply with this section.

b. Conversion of an existing accessory structure into a plex dwelling unit must meet the Eyes on the Street standard for the street-facing façade(s) and is exempt from minimum base zone setback requirements and the minimum building separation requirements in 19.505.1.D.1.

5. Remodels of existing dwellings that affect the street-facing façade, but that do not add new area to the street-facing façade, must not bring the façade further out of conformance with design standards.

#### D. Site Design Standards

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

#### 2. Privacy and Screening

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

### 19.505.2 Garages and Carports

#### B. Applicability

The standards in this subsection apply to all new attached garages and carports on properties with a single-family detached dwelling, residential home, duplex, triplex, or quadplex when the street-facing façade of the garage, or columns of the carport, are located within 50 ft of the front property line. Standards for garages in rowhouse development are in Subsection 19.505.5.

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### 19.505.4 Cottage Cluster Housing

#### D. Cottage Standards

##### 4. Design

##### b. Eyes on the Street

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

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

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

d. Detailed Design

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

- o. Bay window at least 2 ft deep and 5 ft wide.
- p. The following design element counts as two elements. Dwelling must be built to meet universal access as follows:
  - a) Dwelling must have a bedroom on the ground floor.
  - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
  - c) Doors must have a minimum clear width of 32 in.
  - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

E. Site Design and Other Standards

4. Off-Street Parking

- a. When off-street parking is provided, parking spaces must be located together with parking spaces for other cottages in a common area, and not located on the same lot as an individual cottage unit. Cottages are not permitted to have an attached garage.
- d. Parking spaces may be located within a garage or a carport, but not a garage or carport attached to a cottage. Garages or carports in a cottage cluster may not contain more than 4-four parking spaces, must be at least 10 ft from any cottage dwelling; and must match the materials, trim, and roof pitch of the cottages. The interior height of a garage or carport shall not exceed 8 ft high, unless a modification is requested for cases that would use space saving parking technology (e.g., interior car stacking) that might require additional interior height. This modification would be requested per Section 19.911 Variances.

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**19.505.5 Townhouses**

C. Townhouse Design Standards

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

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

b. A horizontal transition shall be a covered porch with a depth of at least 5 ft. The porch may encroach into the required front yard, but it must be at least 4 ft from the front lot line.

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**19.505.7 Nonresidential Development**

B. Applicability

1. The design standards in this section generally apply to the street-facing façades of new commercial, institutional, manufacturing, and mixed-use buildings within the commercial mixed-use zones and the High Density Residential Zone. The standards do not apply to change in use or additions or expansions of existing non-residential structures.

2. The standards in this section do not apply to townhouses or live/work units. Townhouses and live/work units are subject to the design standards in Subsections 19.505.5 Townhouses and 19.505.6 Live/Work Units.

3. The standards in this section do not apply to stand-alone multi-unit housing. Standalone multi-unit buildings are subject to the design standards in Subsection 19.505.3 Multi-unit Housing.

4. The standards in this section do not apply to cottage cluster housing. Cottage cluster housing is subject to the design standards in Subsection 19.505.4 Cottage Cluster Housing.

5. The standards in this section do not apply to development in the Downtown Mixed Use Zone, which is subject to the Downtown Site and Design Standards in 19.508.

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**19.506 MANUFACTURED DWELLING SITING AND DESIGN STANDARDS**

**19.506.1 Purpose.**

This section is intended to meet State legislative requirements for the placement and design of manufactured homes on individual lots.

**19.506.2 Applicability.**

Manufactured homes placed on individual lots are subject to the provisions of this Section.

**19.506.3 Definition.**

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

"Manufactured home" means a single-family residential structure as defined in ORS 446.003(25 21)(a) ~~(C)~~ which includes a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Sections 5401 et seq.) as amended on August 22, 1981.

**19.506.4 Siting Standards.**

Manufactured homes are allowed by right in any zone that allows single detached dwellings by right. Manufactured homes placed on individual lots must meet the design standards in Subsection 19.505.1 and the following standards:

- A. The unit must comply with the definition for manufactured home as identified in this section.
- B. If provided, the unit must comply with single-family parking and paving standards as described in Chapter 19.600.

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**19.507 HOME OCCUPATION STANDARDS**

**19.507.5 Special Provisions for Specific Uses.**

Short-Term Rentals. A short-term rental is an accessory use to a primary residence and allowed as a home occupation provided the following provisions are met:

- A. The residence must be occupied by the owner or a primary operator for not less than 270 days per year.
- B. Unhosted rentals (where the primary occupants vacate the unit or site during the rental period) are limited to no more than 95 days per year.
- C. If a dwelling on a property with an accessory dwelling unit is being used for short-term rental purposes, either the primary residence or the accessory dwelling unit must be occupied by the property owner or a primary operator for not less than 270 days per year.

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**19.508 DOWNTOWN SITE AND BUILDING DESIGN STANDARDS AND GUIDELINES**

**19.508.4 Downtown Design Elements**

C. Exterior Building Materials

2. Design Standards

a. New Buildings

The following standards are applicable to the street-facing façades of all new buildings, as well as façades facing plazas and/or open spaces.

(1) Façade coverage

(a) Table 19.508.4.C.2.a.(1) establishes façade coverage requirements.

(b) The use of the following materials requires a Director's Determination consistent with Section 19.903. The applicant must provide materials specifications and proposed installation details to inform the determination.

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**CHAPTER 19.600 OFF-STREET PARKING AND LOADING**

**19.610 Carpool and Vanpool Parking**

**19.610.1 Applicability.**

New industrial, institutional, and commercial development with 20 or more parking spaces must provide carpool/vanpool parking.

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**CHAPTER 19.900 LAND USE APPLICATIONS**

**19.904.10 Standards for Wireless Communication Facilities.**

C. Application Process

1. Exemptions

The following are exempt from the provisions of this chapter, subject to any other applicable provisions of this code:

a. Temporary WCF during an emergency declared by the City.

- b. Temporary WCF located on the same site as, and during the construction of, a permanent WCF for which appropriate permits have been granted.
- c. Licensed amateur (ham) radio stations.
- d. Satellite dish antennas 6 ft or less in diameter when located in nonresidential zones, and satellite dish antennas 3 ft or less in diameter when located in residential zones, including direct-to-home satellite services, when used as an accessory use of the property.
- e. Any maintenance or repair of previously approved wireless communications facilities provided that such activity does not increase the height, width, or mass of the facility.
- f. Antennas and equipment completely located within an existing structure whose purpose is to enhance or facilitate communication function of other structures on the same property.
- g. Small cell wireless facility within the right-of-way, subject to the following:
  - 1) Small cell antennas and accessory equipment mounted to existing public infrastructure or small cell monopoles, when they meet all conditions outlined in 47 CFR 1.6002;
  - 2) A valid lease, license, or franchise agreement is in place for the use of the public facility improvement or public infrastructure;
  - 3) A right-of-way permit has been issued for the installation of the antenna and accessory equipment.
  - 4) The color of the antenna and accessory equipment are of similar color to the supportive infrastructure.
  - 5) All small cell wireless facilities must comply with the Milwaukie Public Works Standards, including Section 5.0210.

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## **19.910 RESIDENTIAL DWELLINGS**

### **19.910.1 Accessory Dwelling Units**

#### **E. Standards**

##### **4. Standards for Detached Accessory Dwelling Units**

The standards in Subsection 19.901.1.E.4 apply to stand alone detached accessory dwelling units and to accessory structures that contain accessory dwelling units that are separate from the primary structure on the property. The design standards for detached accessory dwelling units require a minimum level of design. These standards are intended to promote attention to detail, while affording flexibility to use a variety of architectural styles.

##### **a. Maximum Allowed Floor Area**

The floor area of the accessory dwelling unit is limited to 800 sq ft.

b. Footprint, Height, and Required Yards

The maximum structure footprint, height, and yard regulations for a detached accessory dwelling unit are listed in Table 19.910.1.E.4.b. A variance of up to a 25% increase in the floor area and/or structure footprint of an Accessory Dwelling Unit as identified in Subsection 19.910.1.E.4 is subject to Type II review, per 19.911.3.

e. Conversion of Existing Structure

Creation of a detached accessory dwelling unit through conversion of an accessory structure legally established on or after June 3, 2022, the effective date of Ordinance #2218, is required to meet all applicable standards for a new detached accessory dwelling unit.

Creation of a detached accessory dwelling unit through the conversion of an existing accessory structure that was legally established prior to June 3, 2022, the effective date of Ordinance #2218, is allowed. The conversion must meet all standards that apply to creation of a new detached accessory dwelling, except for the design standards in Subsection 19.910.1.E.4.c., the maximum structure footprint, and minimum setbacks. However, the floor area of the ADU must not exceed the maximum floor area standard in Subsection 19.910.1.E.4.a. The conversion must not bring the accessory structure out of conformance, or further out of conformance if already nonconforming, with any design standards in that subsection.

**19.910.3 Manufactured Dwelling Parks.**

A. Purpose

This subsection is intended to complement the policies of the Comprehensive Plan to provide for a variety of housing types including manufactured dwelling parks.

B. Application

1. Manufactured dwelling park developments are only allowed in the ~~R-3~~ R-HD and R-MD Zones. A site plan review is required prior to development of a manufactured dwelling park within these zones. The development must show conformance with all requirements of this subsection.

2. Each application for a manufactured dwelling park shall include a plot plan drawn to scale of the specific layout of the entire park. The plot plan shall include both the dimensions and the existing and proposed locations of all utilities, roadways, structures, parking, landscaping and open areas, and manufactured dwelling spaces on the site. In addition, the location of structures on adjacent properties shall be shown.

C. General Requirements

Manufactured dwelling parks shall be subject to review under Section 19.1006 Type III Review.

D. Development Requirements

All manufactured dwelling parks shall meet the following minimum requirements:

1. The minimum size of a manufactured dwelling park shall be 1 acre.

9. Requirements for lighting, utility systems, decks, play areas, park sanitation, and maintenance not specified herein shall be those specified in OAR 814-28 Mobile Home Parks and OAR 814-23 Mobile Homes, Manufactured Homes, Recreational Vehicles and Accessory Buildings or Structures.

10. Standards of the underlying zone also apply except where otherwise provided for in this subsection.

11. The entire manufactured dwelling park must comply with the above requirements prior to occupancy.

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## **19.911 VARIANCES**

### **19.911.3 Review Process**

#### **B. Type II Variances**

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

9. A variance of up to a 25% increase in the floor area and/or structure footprint of an Accessory Dwelling Unit as identified in Subsection 19.910.1.E.4.

### **19.911.7 Building Height Variance in the General Mixed Use Zone**

#### **C. Review Process**

The building height variance shall be subject to Type III review and approval by the Planning Commission, in accordance with Section 19.1011.

1. Because the building height variance provides substantial flexibility and discretion, additional time will be required for public input and technical evaluation of the proposal. To use this option, the applicant must sign a waiver of the 120-day decision requirement.

2. A special application fee may be required to use this Type III option to allow the City to contract with a registered architect to assist in the review of the height variance application.

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## **CHAPTER 19.1000 REVIEW PROCEDURES**

**19.1005 Type II Review**

**19.1005.5 Type II Decision.**

A. The decision shall be issued with sufficient time to allow the appeal authority for a Type II application to issue a final decision within 120 days from the date that the application was deemed complete. The final decision for an affordable housing application, as defined in, and subject to all of the provisions of ORS 197.311, shall be issued within 100 days from when the application was deemed complete.

**19.1005.6 Appeal of a Type II Decision.**

A Type II decision may be appealed by filing a written appeal within 15 days from the date that the notice of decision was mailed. The appeal authority for a Type II decision is the Planning Commission. Appeal requirements and procedures are outlined in Section 19.1010.

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