

ORDINANCE NO. 1854

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1712, THE ZONING ORDINANCE, BY ADOPTING CERTAIN TEXT AMEDNMENTS RELATED TO METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN COMPLIANCE: TITLE 1, TITLE 2, TITLE 6, AND TITLE 8.

Milwaukie Community Development Application ZA-98-02-A

WHEREAS, the Metro Growth Management Functional Plan requires that cities and counties in the Metropolitan Service District demonstrate timely compliance with its provisions; and

WHEREAS, on August 19, 1998, after an extensive public involvement process, the Milwaukie City Council adopted the Milwaukie Functional Plan Compliance Report that enumerates recommended changes to the City's Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance; and

WHEREAS, the Functional Plan Compliance Steering Committee, consisting of three Planning Commission members and three Neighborhood District Association Land Use Committee Chairpersons, was formed to assist the development of proposed code changes to implement the recommendations of the Functional Plan Compliance Report; and

WHEREAS, all required referrals and notices of public hearings on the proposed amendments have been made; and

WHEREAS, the proposed amendments were subject to an extensive public involvement process, including: a notice of public hearings to be held on January 26, 1999 and February 16, 1999 that was mailed to all property owners in the City, and a public open house held on January 13, 1999; and

WHEREAS, the Milwaukie Planning Commission held public hearings on January 26, 1999 and February 9, 1999; and

WHEREAS on February 9, 1999 the Milwaukie Planning Commission adopted a motion recommending the City Council approve the proposed amendments to the Milwaukie Zoning Ordinance; and

WHEREAS, the Milwaukie City Council held work sessions on February 1, 1999 and March 15, 1999; and

WHEREAS, the Milwaukie City Council held a public hearing on February 16, 1999 and April 6, 1999,

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings. Findings of fact in support of these amendments contained in application ZA-98-02 are as follows:

1. The zoning text amendments have been made in conformance with the provisions of Zoning Ordinance Section 1011.5-Legislative Actions.
2. All applications for zoning ordinance text amendments are subject to Milwaukie Zoning Ordinance Section 904-Requirements for Zoning Text Amendments as follows.
 - a. **Applicable administrative requirements of Zoning Ordinance Section 1003.**

The administrative requirements concerning submission of applications for zoning and subdivision text amendments have been met.
 - b. **Reasons for requesting the proposed text amendments.**

Text amendments have been proposed in order to implement code revisions necessary for compliance with the Metro Growth Management Functional Plan.
 - c. **Explanation of how the proposed text amendments are consistent with other provisions of the Zoning Ordinance.**

The amendments are consistent with current provisions of the Zoning Ordinance. No known inconsistencies exist between the proposed amendments and existing regulations.
3. All applications for zoning ordinance text amendments are subject to Milwaukie Zoning Ordinance Section 905-Approval Criteria for All Amendments as follows:
 - a. **Conformance with applicable Comprehensive Plan goals, policies, and objectives.**

The amendments are consistent with the Comprehensive Plan and preserve the intent, goals, and policies of the Comprehensive Plan. There are no departures from stated goals and policies.
 - b. **Consistency of proposed development with the intent of the underlying zone.**

The amendments do not result in any development or change of zoning. The above criterion does not apply.
 - c. **The amendments meet or can reasonably meet applicable regional, state, or federal regulations.**

The purpose of the amendments is to meet Metro regional policy. There are no applicable federal policies. The amendments are consistent with Oregon Statewide Planning Goals.

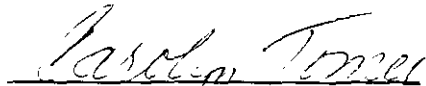
- d. **The proposed amendments demonstrate existing or planned public facilities and are sufficient to accommodate anticipated development.**
The amendments do not change existing development potential. This criterion does not apply.

Section 2. The Milwaukie Zoning Ordinance is amended as described in Exhibit 1.

Read the first time on April 6, and moved to a second reading by 5 - 0 vote of the City Council.

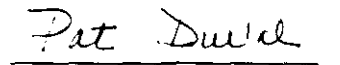
Read the second time and adopted by the City Council on April 6, 1999

Signed by the Mayor on April 6, 1999



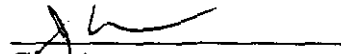
Carolyn Tomei, Mayor

ATTEST



Pat Duval, City Recorder

APPROVED AS TO FORM
RAMIS CREW CORRIGAN &
BACCACH, LLP



City Attorney

EXHIBIT 1
Amendments to the Zoning Ordinance (Ord. 1712)
Community Development Application ZA-98-02-A

Strikeout text = text to be deleted.

Underline text = text to be added.

TITLE 1 AMENDMENTS

Section 100 – Introductory Provisions

103 - Definitions

Dwelling unit: Means one or more rooms designed for occupancy by one family, but excluding a recreational vehicle.

~~**Secondary Dwelling Unit:** Means a dwelling unit allowed in conjunction with another dwelling unit either by means of existing space or by means of an addition.~~

~~**Dwelling, single family**~~**Single-family attached:** Means two dwelling units, each occupied as a housekeeping unit, sharing common structural walls.

~~**Dwelling, single family**~~**Single-family detached:** Means a house or a manufactured home normally occupied by one family with no structural connection to adjacent units. The dwelling and lot are usually under single ownership.

~~**Dwelling, multifamily**~~**Multifamily apartment:** Means a single structure containing three or more dwelling units, usually for rent, and sharing common structural walls.

~~**Dwelling, multifamily**~~**Multifamily condominium:** Means a single structure containing three or more individually owned dwelling units, with all other common elements jointly owned on a specified basis.

~~**Dwelling, interior**~~**Interior single-family attached, interior multifamily condominium:** Means that dwelling unit or units that are interior to the whole residential structure and does not include the dwelling units that are on the ends of the structure facing lot lines.

Accessory dwelling: Means a dwelling unit that is clearly incidental and subordinate to a detached single-family dwelling, located in a single-family structure designed for occupancy by a housekeeping unit, and not containing more than one cooking facility. For the purpose of this definition "cooking facility" shall mean an oven, stove, range, or other device used or intended for the preparation or heating of food.

Type 1 accessory dwelling: Means an accessory dwelling unit not less than 225 square feet gross floor area and not more than 600 square feet gross floor area and meeting the requirements of Section 402. For the purpose of this Section, gross floor area is measured from the inside face of walls enclosing the unit including all storage space, closets, halls, stairwells, and rooms.

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TITLE 1 AMENDMENTS continued

Type 2 accessory dwelling: Means an accessory dwelling unit other than a Type 1 Accessory Dwelling Unit, as permitted by subsection 602.10.

Section 301 Residential Zone R-10

Section 301.2 Conditional uses permitted

- D. ~~Secondary dwelling unit.~~ Type 2 accessory dwelling unit.

Section 302 Residential Zone R-7

Section 302.2 Conditional uses permitted

- D. ~~Secondary dwelling unit.~~ Type 2 accessory dwelling unit.

Section 303 Residential Zone R-5

Section 303.2 Conditional uses permitted

- C. ~~Secondary dwelling unit.~~ Type 2 accessory dwelling unit.

Section 304 Residential Zone R-3

Section 304.2 Conditional uses permitted

- F. ~~Secondary dwelling unit.~~ Type 2 accessory dwelling unit.

Section 306 Residential Zone R-2

Section 306.2 Conditional uses permitted

- F. ~~Secondary dwelling unit.~~ Type 2 accessory dwelling unit.

MINIMUM DENSITY AMENDMENTS

Section 300 – Use Zones

Section 301 Residential Zone R-10

Section 301.3.K (new):

- K. Minimum density: Minimum development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 1103.1, Minor Quasi-Judicial review, shall be at least 3.5 to 4.4 dwelling units per net acre.

Section 302 Residential Zone R-7

Section 302.3.K (new):

- K. Minimum density: Minimum development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 1103.1, Minor Quasi-Judicial review, shall be at least 5.0 to 6.2 dwelling units per net acre.

TITLE 1 AMENDMENTS continued

MINIMUM DENSITY AMENDMENTS continued

Section 303 Residential Zone R-5

Section 303.3.L (new):

- L. Minimum density: Minimum development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 1103.1, Minor Quasi-Judicial review, shall be at least 7.0 to 8.7 dwelling units per net acre.

Section 304 Residential Zone R-3

Section 304.3.L (new):

- L. Minimum density: Minimum development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 1103.1, Minor Quasi-Judicial review, shall be at least 11.6 to 14.5 dwelling units per net acre.

Section 305 Residential Zone R-2.5

Section 305.3.J (new):

- J. Minimum density: Minimum development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 1103.1, Minor Quasi-Judicial review, shall be at least 11.6 to 17.4 dwelling units per net acre.

Section 306 Residential Zone R-2

Section 306.3.L (new):

- L. Minimum density: Minimum development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 1103.1, Minor Quasi-Judicial review, shall be at least 11.6 to 17.4 dwelling units per net acre.

Section 307 Residential-Business Office-Commercial Zone R-1-B

Section 307.3.L (new):

- L. Minimum density: Minimum residential densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 1103.1, Minor Quasi-Judicial review, shall be at least 25 to 32 dwelling units per net acre.

TITLE 1 AMENDMENTS continued

MINIMUM DENSITY AMENDMENTS continued

Section 308 Residential Zone R-1

Section 308.3.M (new):

- M. Minimum density: Minimum residential densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 1103.1, Minor Quasi-Judicial review, shall be at least 25 to 32 dwelling units per net acre.

Section 309 Residential-Office-Commercial Zone R-O-C

Section 309.3.M (new):

- M. Minimum density: Minimum residential densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 1103.1, Minor Quasi-Judicial review, shall be at least 25 to 32 dwelling units per net acre.

ACCESSORY DWELLING UNIT AMENDMENTS

Section 402 (new):

402 TYPE 1 ACCESSORY DWELLING UNIT

Type 1 accessory dwelling unit is a permitted accessory use in all residential zones that allow single-family detached structures subject to the following.

402.1 Purpose

To provide the means for reasonable accommodation of accessory dwelling units, providing affordable and decent housing while providing home owners with alternative financial resources, thereby encouraging maintenance of existing housing stock. It is the intent of this Section that development of accessory dwelling units not diminish the single-family character of a neighborhood and that any single-family residence containing an accessory dwelling maintain the appearance of a single-family dwelling as viewed from the street. Any conversion or alteration of a single-family structure that requires exterior additions or modifications must be designed so that the outward appearance of the structure is consistent with general design characteristics of single-family structures and is consistent with the architectural treatment of the existing structure.

402.2 Approval required

Type 1 accessory dwelling units are subject to subsection 1011.2, Type II Administrative review. Applications shall be made on forms provided by the Planning Department and shall be accompanied by the following information.

TITLE 1 AMENDMENTS

ACCESSORY DWELLING UNIT AMENDMENTS continued

Section 402 (new) continued:

- A. Completed application forms.
- B. Site plan showing the following:
 - 1. Lot lines and location and dimensions of existing and proposed structures with yard dimensions.
 - 2. Location and dimension of existing and proposed parking.
 - 3. Location of structures on adjoining lots.
- C. Dimensioned architectural drawings showing existing and proposed floor plans and elevations. Elevations are to identify existing and proposed details such as siding material, window and door design, roof style and height, and otherwise as necessary to demonstrate compliance with the requirements of this regulation. Floor plans are to identify existing and proposed layout with all spaces identified.

402.3 General

- A. The applicant must demonstrate the proposed modifications comply with applicable building and fire safety codes.
- B. Notwithstanding the maximum allowable gross floor area of 600 square feet, the accessory dwelling unit shall not exceed 40 percent of the gross floor area of the primary structure.
- C. Construction of an accessory dwelling unit is subject to Milwaukie Municipal Code Chapter 13.28, Capital Improvements.

402.4 Ownership and tenancy

Either the primary residence or the accessory unit must be occupied by the property owner. Proof of owner-occupancy shall be made annually in accordance with a procedure and submission requirements established by the Planning Director. Ownership of the accessory units shall not be subdivided or otherwise separated from ownership of the primary residence.

402.5 Business license required

A Milwaukie business license is required for operation of rental property, pursuant to Milwaukie Municipal Code Chapter 5.04.

TITLE 1 AMENDMENTS

ACCESSORY DWELLING UNIT AMENDMENTS continued

Section 402 (new) continued:

402.6 Use, alteration, or conversion of structure

Type 1 accessory dwelling units may be located in a single-family residential structure provided the following criteria are met.

- A. All exterior modifications shall be consistent with general design characteristics of single-family residential design. In reviewing applications for exterior modifications for consistency of architectural treatment with existing design, consideration shall be given to design elements such as, but not limited to, placement of doors and windows, finish materials, location of parking, lighting, and the like.
- B. For fronting lots, only one entrance to the residential structure shall face the street. Exterior access to the accessory unit shall be located in side or rear yards or by means of the existing main entrance.
- C. No portion of a building that encroaches within a required yard setback may be converted to or used as an accessory dwelling unit.
- D. Exterior lighting for accessory unit doorways shall not encroach beyond the property line of the lot on which it is located.
- E. No fire escape or exterior stair for access to an upper level may be located on the front of the building.
- F. No more than 1 accessory dwelling unit per lot is permitted.

402.7 Required parking

Off-street parking shall be provided in accordance with Section 500. If new parking must be constructed to meet minimum required parking, it shall be located contiguous to existing parking.

(PLEASE NOTE: Original Sections 402-420, and references to the same, become renumbered to 403-421.)

TITLE 1 AMENDMENTS

ACCESSORY DWELLING UNIT AMENDMENTS continued

Section 600 – Conditional Uses

Section 602.10 – Secondary Dwelling Unit:

602.10 ~~Secondary~~ Type 2 accessory dwelling unit

A ~~secondary~~ Type 2 accessory dwelling unit may be allowed in conjunction with a detached single-family dwelling by conversion of existing space, or by means of an addition.

A. Requirements for conversion of existing space or addition:

1. The unit is in conformance with the site development requirements of the underlying zone.
2. One off-street parking space is provided for the ~~secondary~~ accessory unit in addition to the required parking for the primary dwelling.
3. Garage or carport space may not be converted to an ~~secondary~~ accessory dwelling unit, unless parking standards can be met after the completion of the unit.
4. Public facilities must be adequate to serve both dwelling units, as determined by the Public Works Department.
5. One unit shall be occupied by the property owner.
6. The Planning Commission may impose conditions regarding ~~height modification~~ modification of building height, landscaping, buffering and orientation of the ~~secondary~~ accessory unit to protect privacy of the neighbors, and any other conditions deemed necessary to ensure compliance with the requirements of this section, except that no condition may be imposed that prohibits rental occupancy, separate access, and full kitchens in any accessory unit.

(PLEASE NOTE: Original subsections 602.10.6 & 7, and references to the same, become renumbered to 602.10.7 & 8.)

TITLE 2 AMENDMENTS

Section 500 – Off-Street Parking and Loading

Table 503.3 deleted and replaced (later) by Table 503.9.

Subsections 503.4 & 503.5 deleted:

~~503.4 Reduction in required parking~~

~~Commercial and industrial developments may reduce the required number of parking spaces by 10 percent if:~~

- ~~A. the development is within 500 feet of a transit route;~~
- ~~B. the development is utilizing shared parking;~~
- ~~C. the developer seeks to protect additional open space; or~~
- ~~D. the developer provides at least one carpool/vanpool space near the entrance of the structure/use.~~

~~In no case shall any development be allowed a greater than 20 percent reduction in the number of parking spaces.~~

~~Multifamily developments may reduce the number of required parking spaces by 20 percent if located within 500 feet of a transit route.~~

~~503.5 Determination of unlisted uses and/or alternative parking plans~~

~~The Community Development Director shall determine the appropriate required number of parking spaces for unlisted uses, and approve alternative parking plans pursuant to Section 1011.1, unless there is an application under review by the Planning Commission; then the Planning Commission shall make the determination. The City's decision shall be based on the applicant's submittal of required parking, which shall be based on a similarly listed use from the Institute of Transportation Engineers (ITE) or Urban Land Institute (ULI) standards. For alternative parking plans, an applicant may submit a parking plan that provides adequate technical data and analyses using ULI or ITE standards or similar justification for parking needs.~~

Subsections 503.3-503.8 (new):

503.3 Minimum number of required parking spaces and maximum allowable parking

- A. Parking shall be provided for all uses in accordance with specifications of Table 503.9. Where a use is not named in Table 503.9, determination of applicable parking standards shall be made in accordance with subsection 503.5.

TITLE 2 AMENDMENTS

Section 500 Offstreet Parking & Loading continued

Subsections 503.3-503.8 (new) continued:

- B. Except as provided herein, parking provided shall not be less than "minimum parking required" nor shall parking provided exceed "maximum allowable parking" as shown in Table 503.9.

503.4 Special exemption from maximum allowable parking standards

The following uses shall be exempt from maximum allowable parking standards of Table 503.9. This exemption does not limit any provision or authority to restrict the size, location, or design of such uses. On sites where the following parking is provided, it shall not be included in the parking count used for determining maximum allowable parking.

- A. Structured parking
- B. Valet lots
- C. Pay lots
- D. Employee carpool parking, when such areas are dedicated by way of on-site reservation or dedication
- E. Fleet parking
- F. Automobile sales lots
- G. Truck loading areas

503.5 Determination of parking zone classification

- A. Zone A
1. All areas zoned Mixed Use Overlay shall be classified Zone A; and
 2. all properties located within one-quarter mile walking distance of a transit bus stop that provides 20-minute peak hour service shall be classified Zone A. In determining walking distance, the shortest course measured along sidewalks, improved pedestrian ways, or streets, where sidewalks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the nearest point of the subject lot located along the nearest street frontage that allows for the shortest walking distance. The transit provider shall be the official source for transit stop location and peak service availability.

TITLE 2 AMENDMENTS

Section 500 Offstreet Parking & Loading continued

Subsections 503.3-503.8 (new) continued:

B. Zone B

1. All properties not located within Zone A shall be classified Zone B.

503.6 Determination of required parking for unlisted uses

The Planning Director shall determine the minimum required parking spaces and maximum allowable parking spaces for all uses not listed in Table 503.9; unless an application is under review by the Planning Commission, in which case the Commission shall make the determination. In all determinations for unlisted uses, the applicant shall be required to submit studies or technical information about the use, parking demand, traffic generation, and otherwise as deemed necessary to make a determination. The City may consider testimony and publications of individuals, agencies, or institutions experienced in parking and traffic engineering in its determination of parking standards.

503.7 Reduction of required parking

Notwithstanding provisions for modification of parking requirements found in subsection 503.8, the following reductions of minimum required parking may be taken by right. Reductions provided below may not be taken jointly. No reduction taken pursuant to this Section shall discount required minimum parking used in any request for modification of required parking. In determining walking distance, the shortest course measured along sidewalks, improved pedestrian ways, or streets, where sidewalks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the point on the subject lot located nearest to the transit stop along the shortest course.

- A. Parking for commercial and industrial uses may be reduced by 10 percent providing the development is within 500 feet walking distance of a transit stop.
- B. Parking for multifamily uses may be reduced by 20 percent providing the development is located within 500 feet walking distance of a transit stop.
- C. Commercial and industrial developments may reduce the required number of parking spaces by 10 percent if at least one carpool/vanpool space is located near the entrance of the structure.

TITLE 2 AMENDMENTS

Section 500 Offstreet Parking & Loading continued

Subsections 503.3-503.8 (new) continued:

503.8 Modification of minimum and maximum parking

- A. Minimum parking required and maximum parking allowed may be modified by the Planning Director; unless there is an application under review by the Planning Commission, in which case the Commission shall consider the request for modification. Any request must demonstrate the modification is acceptable through parking and traffic analyses prepared by a qualified professional using methods generally accepted in the field. The procedure for Planning Director review shall be in accordance with subsection 1011.1, Type I Administrative review. This provision shall not be used in cases of zoning hardship. Any proposed modification of parking related to hardship shall be reviewed in accordance with variance procedures in Section 700.
- B. For uses requiring a minimum of 10 or more parking spaces, inclusive of all uses in the case of mixed used, required parking may be reduced by up to 15 percent of the minimum required for sites located in Parking Zone A, upon a demonstration the modification is warranted, pursuant to subsection 503.8.A, and meets the following criteria.
1. Will not result in undue site congestion;
 2. will not result in traffic hazards on the site or adjoining streets; and
 3. will not result in an undue reduction in the availability of on-street parking or parking located in facilities owned and/or operated by the City.
- C. A reduction of up to 25 percent of total required parking may be granted for new development, redevelopment, and substantial improvements subject to subsection 503.8.A and 503.8.B in such cases where:
1. the project is utilizing shared parking in accordance with subsection 503.2; or
 2. for mixed use projects, the site is located within Parking Zone A and no less than ½ of the total gross floor area is dedicated to residential uses.
- For the purposes of this Section, "substantial improvement" shall mean any construction, renovation, or modification where the value of proposed site and building improvements exceeds 30 percent of the value of the land and buildings thereon. Any request for reduction of required parking pursuant to subsection 503.8.C shall be subject to Section 600, Conditional Uses.
- D. Mitigation of adverse impacts such as those named above in subsection 503.8.B may be required as a condition necessary to make a reduction of required parking acceptable.

TITLE 2 AMENDMENTS

Section 500 Offstreet Parking & Loading continued

Subsections 503.3-503.8 (new) continued:

- E. Maximum parking allowed may be increased up to 15 percent of the applicable standard, subject to subsection 503.8.A, and further subject to compliance with all zoning standards and management of related storm water runoff.

Subsection 503.9:

503.9 Number of required off-street parking spaces

(PLEASE NOTE: The following table replaces the original Table 503.3. The information is rearranged; however, the only substantive text changes are to the following subsections which appear in *bold italic*:

- 503.9.A.1 & 3;
 503.9.F.1.b;
 503.9.F.3;
 503.9.G.7; and
 503.9.H.2 & 3.)**

Table 503.9			
Minimum to maximum off-street parking requirements:			
Use	Minimum Required	Zone A Maximum Allowed	Zone B Maximum Allowed
A. Residential uses			
1. <i>1- and 2-unit attached home; manufactured home; single-family detached</i>	<i>2 spaces per dwelling unit, one of which must be covered.</i>	<i>Not applicable.</i>	<i>Not applicable.</i>
2. <i>Flag lots</i>	<i>2 spaces per dwelling unit, one of which must be covered, plus 1 additional parking space per dwelling unit, which shall not be located within any access strip or required paved turnaround area.</i>	<i>Not applicable.</i>	<i>Not applicable.</i>
3. <i>Studio or 1-bedroom unit 600 sf or less (see Section 100)</i>	<i>1 space per dwelling unit; enclosure/cover not required.</i>	<i>None.</i>	<i>None.</i>
4. <i>Attached dwellings containing 3 or more dwelling units</i>	<i>1.25 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.</i>	<i>2 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.</i>	<i>Same as Zone A</i>

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5. Mobile home park	2 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 10 dwelling units for recreational vehicles, boats, etc.	Same as minimum.	Same as Zone A
6. Residential employees, staff, caregivers, and caretakers	1 space per each full-time equivalent (FTE) employee or fraction thereof over .5 FTE, in addition to the normal residential space requirements.	Same as minimum.	Same as Zone A
B. Residential support uses			
1. Church	1 space per 5 seats, or 1 space per 12 lineal feet of bench.	1 space per 3 seats, or 1 space per 8 lineal feet of bench.	Same as Zone A
2. College, university, institute of higher learning	1 space per 3 students.	1 space per 2 students.	Same as Zone A
3. Day-care center	1 space per employee on the largest shift, plus 1 space per facility vehicle, plus 1 space per 8 pupils.	1 space per employee on the largest shift, plus 1 space per facility vehicle, plus 1 space per 5 pupils.	Same as Zone A
4. School—elementary or junior high	1.75 spaces per classroom.	1.5 spaces per classroom.	Same as Zone A
5. School—senior high	.33 space per student, plus 1 space per staff.	.25 space per student, plus 1 space per staff.	Same as Zone A
C. Lodging places			
1. Motel, hotel	.9 space per lodging unit.	1.1 spaces per lodging unit.	Same as Zone A
2. Boarding house	1 space per guest room.	1.25 spaces per guest room.	Same as Zone A
3. Bed and breakfast establishment	1 space per guest room, plus 1.5 spaces per permanent residents.	1 space per guest room, plus 2 spaces per permanent residents.	Same as Zone A
D. Places of public assembly			
1. Auditorium or meeting room (other than church or school)	1 space per 4 seats, or 1 space per 60 square feet of floor area.	1 space per 3 seats, or 1 space per 45 square feet of floor area.	Same as Zone A
2. Club, lodge, or association	1 space per 4 persons allowed within the maximum occupancy load as established by local, State, fire, building, or health codes.	1 space per 3 persons allowed within the maximum occupancy load as established by local, State, fire, building, or health codes.	Same as Zone A
3. Library, museum, art gallery	1 space per 1,000 square feet of gross floor area.	1.2 spaces per 1,000 square feet of gross floor area.	Same as Zone A
E. Commercial uses—recreational			
1. Amusement park	1 space for each 1,000 square feet of gross floor area.	Same as minimum.	Same as Zone A
2. Billiard hall	1 space per table, plus 1 space per employee of the largest shift.	Same as minimum.	Same as Zone A

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3. Bowling alley	2 spaces for each alley, plus 1 space per employee of the largest shift.	4 spaces for each alley, plus 1 space per employee of the largest shift.	Same as Zone A
4. Dance hall, skating rink, or gymnasium	1 space per 100 square feet of gross floor area.	1 space per 50 square feet of gross floor area.	Same as Zone A
5. Golf driving range	1 space per each driving tee.	1.5 spaces per each driving tee.	Same as Zone A
6. Indoor arena or theater	1 space per 4 seats, or 1 space per 5 occupants as calculated under the Uniform Building Code.	1 space per 3 seats.	Same as Zone A
7. Miniature golf	1.25 spaces per hole.	1.5 spaces per hole.	Same as Zone A
8. Race track or stadium	1 space per 4 seats, or 1 space for 8 feet of bench length.	1 space per 3.5 seats, or 1 space for 6 feet of bench length.	Same as Zone A
9. Indoor racquet courts	2 spaces per court, plus 1 space per employee of largest shift.	3 spaces per court, plus 1 space per employee of largest shift.	Same as Zone A
F. Commercial uses—retail goods			
1. Eating and drinking establishments			
a. Sit-down	10 spaces per 1,000 square feet of gross floor area.	15 spaces per 1,000 square feet of gross floor area.	Same as Zone A
b. Fast food	9.9 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.	12.4 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.	14.9 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.
2. Convenience store	4 spaces per 1,000 square feet of gross floor area.	5 spaces per 1,000 square feet of gross floor area.	Same as Zone A
3. Grocery store	1 space per 245 square feet of gross floor area.	1 space per 200 square feet of gross floor area.	1 space per 165 square feet of gross floor area.
4. Apparel and department stores	3 spaces per 1,000 square feet of gross floor area.	4 spaces per 1,000 square feet of gross floor area.	Same as Zone A
5. Furniture and home furnishings	1 space per 1,000 square feet of gross floor area.	1.5 spaces per 1,000 square feet of gross floor area.	Same as Zone A
6. Gas stations			
a. Gas-only	1 space per 4 pumps.	1.25 spaces per 4 pumps.	Same as Zone A
b. Full-service	1 space per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.	1.25 spaces per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.	Same as Zone A
7. Auto, boat, or trailer sales	1 space per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.	2 spaces per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.	Same as Zone A
G. Commercial uses—services			
1. Banking			
a. Automatic teller	2 spaces per machine.	Same as minimum.	Same as Zone A

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b. Bank (walk-in only)	3 spaces per 1,000 square feet of gross floor area.	4 spaces per 1,000 square feet of gross floor area.	Same as Zone A
c. Bank (with drive-in windows)	3 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.	3.5 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.	Same as Zone A
2. Barber shop or beauty parlor	1 space per 125 square feet of floor area.	1 space per 100 square feet of floor area.	Same as Zone A
3. Health practitioner's office	4 spaces per 1,000 square feet of floor area.	5 spaces per 1,000 square feet of floor area.	Same as Zone A
4. Animal hospital/veterinary clinic	4 spaces per 1,000 square feet of floor area.	5 spaces per 1,000 square feet of floor area.	Same as Zone A
5. Hospital	1 space per bed.	2 spaces per bed.	Same as Zone A
6. Nursing, convalescent, and extended-care facilities	1 space per 4 beds.	1 space per 3 beds.	Same as Zone A
7. Professional services	1 space per 370 square feet of gross leasable area.	1 space per 295 square feet of floor area.	1 space per 245 square feet of floor area.
8. Personal services	1 space per 125 square feet of floor area.	1 space per 100 square feet of floor area.	Same as Zone A
9. Repair shops (items other than motorized vehicles)	1 space per 350 feet of gross floor area.	1 space per 300 feet of gross floor area.	Same as Zone A
10. Car wash			
a. Self-serve	2 spaces, plus 1 space per wash bay (clear of the right-of-way)	2 spaces, plus 2 spaces per wash bay (clear of the right-of-way)	Same as Zone A
b. Full-serve	1 space per 1,000 square feet of gross floor area.	Same as minimum.	Same as Zone A
11. Dry cleaners	1 space per 350 square feet of gross floor area.	1 space per 300 square feet of gross floor area.	Same as Zone A
12. Mortuary/funeral home	1 space per each 5 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space reserved for hearse or company vehicle.	1 space per each 4 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space reserved for hearse or company vehicle.	Same as Zone A
13. Automotive, truck, and trailer rental	1 space per 400 square feet of gross floor area.	1 space per 350 square feet of gross floor area.	Same as Zone A
H. Industrial uses			
1. Manufacturing	1 space per 1,000 square feet of gross floor area.	1.25 spaces per 1,000 square feet of gross floor area.	Same as Zone A
2. Storage, warehouse, wholesale establishment less than 150,000 square feet	1 space per 1,500 square feet of gross floor area.	1 space per 1,000 square feet of gross floor area.	Same as Zone A

3. <i>Storage, warehouse, wholesale establishment greater than or equal to 150,000 square feet</i>	<i>1 space per 3,000 square feet of gross floor area.</i>	<i>1 space per 2,500 square feet of gross floor area.</i>	<i>1 space per 2,000 square feet of gross floor area.</i>
4. Miniwarehouse; self-service storage	1 space per 12 storage units, plus 1 space per employee of the largest shift.	1 space per 10 storage units, plus 1 space per employee of the largest shift.	Same as Zone A

(PLEASE NOTE: Original subsections, Tables, and Figures 503.6-503.18, and references to same, become renumbered as 503.10-503.22.)

TITLE 6 AMENDMENTS

Section 318.8 Mixed Use Overlay Zone, Development Standards.

Subsection 318.8.A.22 (new):

22. Bicycle and pedestrian routes shall be provided to permit direct connection from the development to the following:
- a. nearby residential development such as adjoining subdivisions, other residential uses, or mixed use projects;
 - b. public right-of-ways and other bicycle and pedestrian paths;
 - c. existing and planned commercial services, schools, and parks; and/or
 - d. other neighborhoods.

Connecting routes may be provided by way of public right-of-way dedications or easements. Such routes shall be provided wherever possible to reduce walking distance between pedestrian destinations. Reservation of future on-site easements or right-of-ways for future development of improved routes may be required when the timing of development does not warrant present construction of improved paths. Provision of improved pedestrian or bicycle routes shall not eliminate any requirement to provide sidewalks along a proposed or existing roadway. All pedestrian routes shall be constructed in accordance with standards specified by the Public Works Department.

TITLE 8 AMENDMENTS

Section 900 Amendment Procedures

Subsection 902.1.B (new):

- B. Notice to Metro. The Planning Department shall provide notice to Metro of any proposed amendment to the Comprehensive Plan or Zoning Ordinance, subject to Milwaukie Zoning Ordinance subsection 1011.4, Major Quasi-Judicial review, and 1011.5, Legislative actions. Any copy of notice required pursuant to subsections 1011.4 and 1011.5, and provided to Oregon Department of Land Conservation and Development (DLCD) pursuant to ORS 197.610 or 197.615, shall be sent to Metro's Executive Officer at least 45 days before the final hearing on the adoption of any amendment. Notice to Metro shall include the same content as notice to DLCD pursuant to ORS 197.610 or 197.615 and, if available, shall include analysis demonstrating that the proposed amendments are consistent with the Metro Urban Growth Management Functional Plan. If the analysis demonstrating consistency with the functional plan is not included in the initial notice, a report containing the analysis shall be delivered to Metro no later than 14 days before a final hearing.

(PLEASE NOTE: Original subsections 902.1.B & C, and references to the same, become renumbered to 902.1.C & D.)

Subsection 905.1.A:

- 905.1 For all proposals, the applicant shall have the burden of proof regarding the following criteria:**
- A. The proposed amendment must conform to applicable Comprehensive Plan goals, policies, and objectives and be consistent with the provisions of City ordinances, Metro Urban Growth Management Functional Plan, and applicable regional policies.

