CITY OF MILWAUKIE

Milwaukie Code
Proposed Substantive Amendments

March 2023
Primary Land Use File #ZA-2023-002

Amendments to the following code sections are proposed as a package of substantive amendments to various code sections for the purpose of addressing clarifications, revisions to applicability of certain code requirements, and changes to some review processes and standards.

Please contact Vera Kolias, Senior Planner with the City of Milwaukie Planning Department, at 503-786-7653 or koliasv@milwaukieoregon.gov with questions or comments about the proposed code amendments and/or the code adoption process.

Municipal Code - Title 19 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
    - Section 19.312 North Milwaukie Innovation Area
- Chapter 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS
    - Section 19.501 General Exceptions
    - Section 19.502 Accessory Structures
    - Section 19.505 Building Design Standards – Cottage Clusters
- Chapter 19.600 OFF-STREET PARKING

Municipal Code – Title 12 Access Management

- Multiple sections

Municipal Code – Title 17 Land Division

- Section 17.28 – Design Standards

Reader Guide

Commentary
A commentary section precedes each section of code amendments. The commentary provides a non-technical summary of the proposed amendments and highlights proposed policy changes. The commentary section is labeled as commentary and presented in Comic Sans font (the same font of this sentence).

Amendments
Unless otherwise noted in the document, underlined text is proposed text, and ~~strikethrough~~ text is existing code language proposed for deletion.
Standards shown in [brackets] are those that still require Planning Commission discussion and direction.

Context/Surrounding Code
The chapter, section, and subsection for the proposed code amendments are listed for reference in this document. Line breaks, like the one below, between subsequent amendments indicate that there is intervening text within the section or subsection that is not included in this document.

Please be advised that this document shows only sections of code for which amendments are proposed, along with limited surrounding sections for context. It does not include all sections of the Milwaukie Municipal Code.

COMMENTARY

Access Management (MMC 12.16 – multiple sections)

- **Revise and reorganize** this code section to clarify standards and, more importantly, expand the City Engineer's authority to modify requirements based on studies and evidence submitted by the applicant. The current code provides for a modification process for some standards and requires a Type III variance for relief from others. The proposed language gives the City Engineer the authority, based on specific required evidence, to modify this subsection's requirements to provide more appropriate design flexibility determined by sound engineering principles. The Type III variance process is not a good avenue for resolving engineering and safety issues. Since the City Engineer already has this authority, it is reasonable to expand that authority to cover the entire subsection. The proposed language also includes revised requirements for the access study and provides for an appeal process.

Underline/Strikeout Amendments

TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES

CHAPTER 12.16 ACCESS MANAGEMENT

12.16.040 ACCESS REQUIREMENTS AND STANDARDS

A. Access

Private property ~~shall~~ must be provided street access with the use of accessways. Driveway approaches ~~shall~~ must be constructed as set forth in the Milwaukie Public Works Standards.

B. ~~Access Spacing~~ Accessway Location

Spacing and location criteria are based upon several factors, including stopping sight distance, ability of turning traffic to leave a through lane with minimal disruption to operation, minimizing right turn conflict overlaps, maximizing egress capacity, and reducing compound turning conflicts where queues for turning/decelerating traffic encounter conflicting movements from entering/exiting streets and driveways.

1. ~~Standards~~ Spacing Between Accessways

Spacing between accessways is measured between the closest edges of driveway aprons where they abut the roadway. Spacing between accessways and street intersections is measured between the nearest edge of the driveway apron and the nearest face of curb of the intersecting street. Where intersecting streets do not have curb, the spacing is measured from the nearest edge of pavement.

a. Spacing for accessways on arterial streets, as identified in the Milwaukie Transportation System Plan, ~~shall~~ must be a minimum of six hundred (600) feet.

b. Spacing for accessways on collector streets, as identified in the Milwaukie Transportation System Plan, ~~shall~~ must be a minimum of three hundred (300) feet.

~~c. For middle housing development, access spacing requirements may be modified by the City Engineer per Subsection 12.16.040.B.2 based on a variety of factors, including average daily traffic, anticipated increase of traffic to and from the proposed development, crash history at or near the access point, sight distance, and/or other safety elements.~~

2. Double Frontage

When a lot has frontage on two (2) or more streets, access must be provided first from the street with the lowest classification. For example, access must be provided from a local street before a collector or arterial street.

3. Location Limitations

Individual access to single detached residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the City Engineer only if there is no practicable alternative to access the site, shared access is provided by easement with adjacent properties, and the accessway is designed to contain all vehicle backing movements on the site and provide shared access with adjacent properties.

4. Distance from Property Line

The nearest edge of the driveway apron must be at least five (5) feet from the side property line in residential districts and at least ten (10) feet from the side property line in all other districts. This standard does not apply to accessways shared between two (2) or more properties.

5. Distance from Intersection – Public Streets and Private Access Drives

To protect the safety and capacity of street intersections, the following minimum distances from the nearest intersecting street face of curb to the nearest edge of driveway apron must be maintained. Where intersecting streets do not have curbs, the distances must be measured from the nearest intersecting street edge of pavement. Distance from intersection may be modified as described in MMC Section 12.16.050. Distance from private access drives will be reviewed by the City Engineer on a case-by-case basis, and will include factors such as volume of traffic on both the private access drive and public street it is connected to, clear sight distance, and accident history.

a. At least forty-five (45) feet for single detached residential properties, plex development (i.e., a duplex, triplex, or quadplex), cottage clusters with four (4) or fewer units, and townhouses of four (4) or fewer units accessing local and neighborhood streets. Where the distance cannot be met on existing lots, the driveway apron must be located as far from the nearest intersection street face of curb as practicable; in such cases a formal modification is not required.

b. At least one hundred (100) feet for multi-unit residential properties, or cottage cluster developments of five (5) or more units and all other uses accessing local and neighborhood streets.

c. At least three hundred (300) feet for collectors, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

d. At least six hundred (600) feet for arterials, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

~~2. Modification of Access Spacing~~

~~Access spacing may be modified with submission of an access study prepared and certified by a registered Professional Traffic Operations Engineer (PTOE) in the State of Oregon. The Access Study shall assess transportation impacts adjacent to the project frontage within a distance equal to the access spacing requirement established in Subsection 12.16.040.B.1. For example, for a site with arterial access, the access study~~

~~would include evaluation of site access and capacity along the project frontage plus capacity and access issues within six hundred (600) feet of the adjacent property. The access study shall include the following:~~

~~a. Review of site access spacing and design;~~

~~b. Evaluation of traffic impacts adjacent to the site within a distance equal to the access spacing distance from the project site;~~

~~c. Review of all modes of transportation to the site;~~

~~d. Mitigation measures where access spacing standards are not met that include, but are not limited to, assessment of medians, consolidation of accessways, shared accessways, temporary access, provision of future consolidated accessways, or other measures that would be acceptable to the City Engineer.~~

~~C. Accessway Location~~

~~1. Double Frontage~~

~~When a lot has frontage on two (2) or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.~~

~~2. Location Limitations~~

~~Individual access to single detached residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the City Engineer only if there is no practicable alternative to access the site, shared access is provided by easement with adjacent properties, and the accessway is designed to contain all vehicle backing movements on the site and provide shared access with adjacent properties.~~

~~3. Distance from Property Line~~

~~The nearest edge of the driveway apron shall be at least five (5) feet from the side property line in residential districts and at least ten (10) feet from the side property line in all other districts. This standard does not apply to accessways shared between two (2) or more properties.~~

~~4. Distance from Intersection~~

~~To protect the safety and capacity of street intersections, the following minimum distance from the nearest intersecting street face of curb to the nearest edge of driveway apron shall be maintained. Where intersecting streets do not have curbs, the distance shall be measured from the nearest intersecting street edge of pavement. Distance from intersection may be modified with a modification as described in MMC Section 12.16.040.B.2.~~

~~a. At least forty-five (45) feet for single detached residential properties or middle housing developments of four (4) or fewer units accessing local and neighborhood streets. Where the distance cannot be met on existing lots, the driveway apron shall be located as far from the nearest intersection street face of curb as practicable.~~

~~b. At least one hundred (100) feet for multi-unit residential properties or middle housing developments of five (5) or more units and all other uses accessing local and neighborhood streets.~~

~~c. At least three hundred (300) feet for collectors, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.~~

~~d. At least six hundred (600) feet for arterials, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.~~

~~D~~C. Number of Accessway Locations

1. Safe Access

Accessway locations ~~shall~~ must be the minimum necessary to provide access without inhibiting the safe circulation and carrying capacity of the street.

2. Shared Access

The number of accessways on collector and arterial streets ~~shall~~ must be minimized whenever possible through the use of shared accessways and coordinated on-site circulation patterns. Within commercial, industrial, and multi-unit areas, shared accessways and internal access between similar uses are required to reduce the number of access points to the higher-classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared accessways or internal access between uses ~~shall~~ must be established by means of common access easements.

3. Single Detached Residential and Middle Housing

One accessway per property is allowed for single detached residential uses, plex development, cottage cluster development up to four units, and townhouses ~~and middle housing developments~~ up to four (4) units.

a. For lots with more than one street frontage on a local street and/or neighborhood route, one additional accessway may be granted. Under such circumstances, a street frontage ~~shall~~ must have no more than one driveway approach.

b. For lots with one street frontage on a local street and/or neighborhood route, one additional accessway may be granted where the driveway approaches can be spaced fifty (50) feet apart, upon review and approval by the City Engineer. The spacing is measured between the nearest edges of the driveway aprons. Where the fifty (50) foot spacing cannot be met, an additional accessway shall not be granted.

c. No additional accessways shall be granted on collector and arterial streets.

4. All Uses Other than Single Detached Residential and Middle Housing

The number of accessways for uses other than single detached residential and middle housing developments up to four (4) units is subject to the following provisions:

a. Access onto arterial and collector streets is subject to the access spacing requirements of Subsection 12.16.040.B~~;~~.

b. One accessway is allowed on local streets and neighborhood routes. One additional accessway is allowed per frontage where the driveway approaches, including adjacent property accessways, can be spaced one hundred fifty (150) feet apart. The spacing is measured between the nearest edges of the driveway aprons.

~~E~~D. Accessway Design

1. Design Guidelines

Driveway approaches ~~shall~~ must meet all applicable standards of the Americans with Disabilities Act, U.S. Access Board guidelines or requirements, and Milwaukie Public Works Standards.

2. Authority to Restrict Access

The City Engineer may restrict the location of accessways on streets and require that accessways be placed on adjacent streets upon finding that the proposed access would:

a. Cause or increase existing hazardous traffic conditions;

b. Provide inadequate access for emergency vehicles; or

c. Cause hazardous conditions that would constitute a clear and present danger to the public health, safety, and general welfare.

3. Backing into the Right-of-Way Prohibited

Accessways ~~shall~~ must be designed to contain all vehicle backing movements on the site, except for detached or attached single detached residential uses on local streets and neighborhood routes.

~~F~~E. Accessway Size

The following standards allow adequate site access while minimizing surface water runoff and reducing conflicts between vehicles, bicyclists, and pedestrians.

1. Accessways ~~shall~~must be the minimum width necessary to provide the required number of vehicle travel lanes. The City Engineer may require submission of vehicle turning templates to verify that the accessway is appropriately sized for the intended use.

2. Single attached and detached residential uses ~~shall~~must have a minimum driveway apron width of twelve (12) feet and a maximum width of twenty (20) feet.

3. Plex development, cottage cluster developments with up to four units, or townhouse developments ~~Multi-unit residential or middle housing development~~ comprised of up to four (4) units, ~~shall~~must have a minimum driveway apron width of twelve (12) feet on local or neighborhood streets and sixteen (16) feet on collector or arterial streets, and a maximum driveway apron width of twenty (20) feet on all streets.

4. Multi-unit residential or ~~middle housing~~cottage cluster developments with between five (5) and eight (8) units ~~shall~~must have a minimum driveway apron width of sixteen (16) feet on local or neighborhood streets and twenty (20) feet on collector or arterial streets, and a maximum driveway apron width of twenty-four (24) feet.

5. Multi-unit residential or ~~middle housing~~cottage cluster developments with more than eight (8) dwelling units, and off-street parking areas with sixteen (16) or more spaces, ~~shall~~must have a minimum driveway apron width of twenty (20) feet on local or neighborhood streets and twenty-four (24) feet on collector or arterial streets, and a maximum driveway apron width of thirty (30) feet.

6. Commercial, office, and institutional uses ~~shall~~must have a minimum driveway apron width of sixteen (16) feet and a maximum width of thirty-six (36) feet.

7. Industrial uses ~~shall~~must have a minimum driveway apron width of twenty-four (24) feet and a maximum width of forty-five (45) feet.

8. Maximum driveway apron widths for commercial and industrial uses may be increased if the City Engineer determines that more than two (2) lanes are required based on the number of trips anticipated to be generated or the need for on-site turning lanes. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2168 § 2, 2019; Ord. 2004 § 1, 2009)

12.16.050 ~~VARIANCE~~ MODIFICATIONS

~~Relief from any access management requirement or standard of Section 12.16.040 may be granted through a variance process, which requires submission and approval of a Variance land use application. Variance criteria and procedures are located in Section 19.911. (Ord. 2025 § 3, 2011; Ord. 2004 § 1, 2009)~~

Access management standards may be modified with submission of an access study prepared and certified by a registered Professional Traffic Operations Engineer (PTOE) in the State of Oregon, when required by the City Engineer based on street classification. The Access Study must assess transportation impacts adjacent to the project frontage within a distance equal to the access spacing requirement established in Subsection 12.16.040.B.1. For example, for a site with arterial access, the access study would include evaluation of site access and capacity along the project frontage plus capacity and access issues within six hundred (600) feet of the adjacent property. The access study must include the following:

1. Review of site access spacing and design;

2. Evaluation of traffic impacts adjacent to the site within a distance equal to the access spacing distance from the project site;
3. Traffic Safety: provide ODOT crash data (for the most recent five-year period for which data is available) adjacent to the site within a distance equal to the access spacing distance from the project site;
4. Review of all modes of transportation to the site;
5. Evaluation of traffic volume, traffic type, and speed of existing traffic on street(s) where access is proposed to be taken;
6. Mitigation measures where access standards are not met that include, but are not limited to, assessment of medians, consolidation of accessways, shared accessways, temporary access, provision of future consolidated accessways, or other measures that would be acceptable to the City Engineer.

12.16.060 RIGHT OF APPEAL

If the applicant is dissatisfied with the written decision of the City Engineer for a modification request submitted pursuant to Subsection 12.16.050, the applicant may file a written appeal with the Community Development Director no later than thirty (30) days from the date that the decision was mailed. The appeal must contain a statement of the reasons why the applicant is dissatisfied with the written decision, and must be signed by the applicant, or by someone authorized to sign on the applicant's behalf. A notice of receipt must be mailed to the applicant by registered mail within five (5) days of the receipt of the appeal. The Community Development Director must act upon the appeal no later than sixty (60) days after receipt, and a copy of the written decision must be mailed to the applicant by registered mail no later than five (5) days after preparation of the decision. The decision of the Community Development Director shall be final.

~~Appeal of~~ the decision of the City Engineer for a modification request submitted pursuant to Subsection 12.16.050 ~~any access management requirement or standard of Section 12.16.040 not associated with a land use decision is subject to the provisions of Section 19.1006 Type III Review. (Ord. 2025 § 3, 2011; Ord. 2004 § 1, 2009)~~

12.16.070 VIOLATION PENALTY

Any person, firm, or corporation violating any of the provisions of this chapter, or causing, permitting, or suffering the same to be done, shall be fined not more than two hundred fifty dollars ($250.00). Each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted. (Ord. 2004 § 1, 2009)

COMMENTARY

General Lot Design (MMC 17.28.040)

- **Revise** this code section to allow an increase in the allowance for compound line segments in the design of new lots. Requiring a Type III variance for small sections of irregular lot design is an onerous and cumbersome process that does not provide a significant benefit. The small increase will not result in major problems with lot design and would still maintain the general concept of rectilinear lot shapes while accounting for minimal issues when partitioning land for future development.

Definitions (MMC 19.201)

- **Add** a definition for "plex development" which is used in the code to distinguish duplexes, triplexes, and quadplexes from cottage clusters and townhouse development. Using the general term of "middle housing" to cover all of those housing types is not specific enough in some cases because there are instances where cottage clusters or townhouses require different standards due to the number of units or that they are on individual lots, for example.

Title 17 Land Division

CHAPTER 17.28 DESIGN STANDARDS

17.28.040 GENERAL LOT DESIGN

This section does not apply to units of land that are created for purposes other than land development including parks, natural areas, right-of-way dedications, or reservations of a similar nature. Lots and tracts created for cottage cluster housing development, per Subsection 19.505.4, are also exempt from the requirements of this section.

C. Limits on Compound Lot Line Segments

Changes in direction alongside and rear lot lines ~~shall~~must be avoided. Cumulative lateral changes in direction of a side or rear lot line exceeding ~~10%~~ 20% of the distance between opposing lot corners along a given lot line may only be permitted through the variance provisions of MMC Subsection 19.911. Changes in direction ~~shall~~must be measured from a straight line drawn between opposing lot corners.

Title 19 Zoning Ordinance

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

Residential Uses and Structures

"Plex development" means a duplex, triplex, or quadplex

COMMENTARY

Residential Zones (MMC 19.301 and 19.302)

- **Revise** the minimum lot size for townhouses on corner lots. The proposed amendments would allow townhouses on corner lots up to 3,500 sq ft in size. Currently, townhouses are only allowed on lots that are between 1,500 – 2,999 sq ft. The amendment is necessary because the street-side-yard setback, which is 15 ft, combined with the maximum lot size of 2,999 sq ft has the effect of disallowing townhouses on a standard corner lot in the city. This is because a typical townhouse is at least 20 ft wide; if you add in the required 15-foot street-side-yard setback, the true minimum width required to accommodate a townhouse is 35 ft. A typical depth for many lots in the city is 100 ft. A lot that is 35 x 100 feet deep exceeds the maximum lot size for a townhouse. The intent of the minimum lot size was not to disallow townhouses on corner lots, so the proposed amendments are limited to corner lots so that these developments are possible.

North Milwaukie Innovation Area – NMIA (MMC 19.312.7)

- **Revise** the applicability of design standards for new construction to only those developments where the closest wall of the street-facing façade is within 50 ft of a front or street side lot line. The proposed amendment acknowledges that developments set far back from the street should not be held to detailed design standards and is consistent with the applicability of residential design standards. This proposed amendment responds to the recently approved variance application for an addition on SE Moores St, which was a good example of why this amendment in appropriate.

Title 19 Zoning Ordinance

CHAPTER 19.300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONE

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[2]**	**7,000 and up**	
A. Permitted Dwelling Type					
	Townhouse[1], ~~Cottage[1],~~ ~~Cottage[1]~~	~~Cottage[1],~~ Duplex, Triplex, Quadplex	Single Detached Dwelling, Single Detached Dwelling, with up to 2 ADUs, ~~Cottage[1],~~ Duplex, Triplex, ~~Quadplax~~ Quadplex	Single Detached Dwelling, Single Detached Dwelling, with 2 ADUs, ~~Cottage[1],~~ Duplex, Triplex, Quadplex, Cottage Cluster	**Subsection 19.501.1** Lot Size Exceptions

1 ~~For a cottage within a cottage cluster only.~~ A townhouse is permitted on a corner lot up to 3,500 sq ft in area.

19.302 HIGH DENSITY RESIDENTIAL ZONE

19.302.4 Development Standards

In the high density residential zone, the development standards in Table 19.302.4 apply. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column. Additional standards are provided in Section 19.302.5.

The standards in Subsection 19.302.4 are not applicable to cottage cluster development except where specifically referenced by Subsection 19.505.4.

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

In the high density residential zone the following housing types are permitted on lot sizes as follows:

Between 1,500 to 2,999 sq ft: Townhouse; a townhouse is permitted on a corner lot up to 3,500 sq ft in area. ~~, Cottage in a cottage cluster~~

Table 19.302.2 High Density Residential Uses Allowed		
Use	**R-HD**	**Standards/ Additional Provisions**
Residential Uses		
Use	**R-HD**	**Standards/ Additional Provisions**
Mixed Use	P	**Subsection 19.505.7** Nonresidential Development

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 and Middle Housing

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19.312 NORTH MILWAUKIE INNOVATION AREA

19.312.7 Design Standards for All Uses in the MUTSA and on NME Key Streets

The following development standards apply to all uses in the MUTSA Zone and in the NME Zone on properties located on the following key streets and key corners: McBrod Avenue, Main Street, 17th Avenue, and Ochoco Street (see Figure 312.7.1).

A. Design Standards for All New Construction and Major Exterior Alterations

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards in this section ~~generally~~ apply to the street-facing façades of new, and major alterations to, commercial, institutional, manufacturing, and mixed-use buildings when the closest wall of the street-facing façade is within 50 ft of a front or street-side lot line. Exterior maintenance and repair and minor exterior alterations are not subject to these standards. Subsection 19.312.7.B below defines exterior maintenance and repair and major/minor exterior and interior alterations.

COMMENTARY

Supplementary Development Regulations (MMC 19.500)

- **Revise** the language allowing front porches to encroach up to 6 ft into the front yard setback to include covered decks in the backyard (MMC 19.501.2). The proposed language would require that back decks seeking this exception would need to meet the same standards as front porches (unenclosed and no more than 18 inches above grade). Staff has reviewed several proposals for covered back decks on homes constructed with the minimum rear yard setback, which would require a variance. The proposed language would allow for reasonable additional use of a property's back yard without the need for a costly variance application.
- **Revise** the design standards for accessory structures to increase the maximize size for structures proposing metal siding to a Type B accessory structure (600 sq ft and/or 15 ft tall – MMC 19.502.2). Common prefabricated metal sheds/shops are typically up to 600 sq ft; this proposed amendment responds to numerous resident requests to install such a structure without the requirement of adding wood siding to cover the metal siding or require a more expensive stick-built structure to meet the standard to avoid a Type III variance. Maximum lot coverage and minimum setbacks remain in place – the only change is allowance of reasonable design flexibility for larger accessory structures.

Building Design Standards – Cottage Cluster Housing (MMC 19.505.4)

- **Revise** the development standards to allow attached cottages in the R-MD zone. The proposed amendment would allow up to three attached cottages, providing an opportunity for a more efficient design and construction of cottage developments in addition to the more traditional single unit cottage. All other size standards for each individual dwelling unit would remain.
- **Revise** the development standards to limit the number of attached cottages in the R-HD zone to four. This ensures that a cottage cluster development proposal will not conflict with the multi-unit residential definition of five or more units in a building.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.501 GENERAL EXCEPTIONS

19.501.2 Yard Exceptions

C. A covered porch or deck on a single detached dwelling or middle housing unit may extend 6 ft into a required front or rear yard if all of the following standards are met:

1. The porch or deck is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling. The following are not considered to be enclosures: structural supports for a covered porch, projections not extending more than 3 ft upward from the surface of the porch, railings, retractable sunshades, screens, or netting.

2. The surface of the porch or deck does not exceed 18 in high above the average grade.

3. The porch or deck is at least 5 ft from the front and/or rear lot line.

19.502 ACCESSORY STRUCTURES

19.502.2 Specific Provisions for Accessory Structures

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

The purpose of these standards is to allow accessory structures that accommodate the typical needs of a ~~single-family detached~~ residence. ~~while protecting the character of single-family neighborhoods.~~

1. Development Standards

    b. Other Development Standards

    ~~(3) A minimum of 5 ft is required between the exterior wall of an accessory structure and the exterior wall of any other structure on a site, excluding a fence or similar structure.~~

~~(4)~~ (3) A covered walkway or breezeway is allowed between a primary structure and accessory structure. Such connection shall not exempt the accessory structure from compliance with the standards of this section, unless the connection is fully enclosed and meets the building code definition of a conditioned space, and is all of the following, which results in an addition and is not an accessory structure:

2. Design Standards

a. Metal siding is prohibited on structures more than ~~10~~ 15 ft high or with a footprint greater than ~~200~~ 600 sq ft, unless the siding replicates the siding on the primary dwelling or has the appearance of siding that is commonly used for residential structures.

~~b. Structures located in a front, side, or street side yard that are visible from the right-of-way at a pedestrian level shall use exterior siding and roofing materials that are commonly used on residential structures.~~

19.505 BUILDING DESIGN STANDARDS

19.505.4 Cottage Cluster Housing

C. Development Standards

The standards listed below in Table 19.505.4.C.1 are the applicable development and design standards for cottage cluster housing. Additional design standards are provided in Subsection 19.505.1.

Table 19.505.4.C.1 Cottage Cluster Development Standards

Standards	R-MD	R-HD
A. ~~Home~~ Structure Types		
1. Building types allowed, minimum and maximum number per cluster	Detached and Attached cottages 3 minimum 12 maximum dwelling units Maximum number of attached units = 3	Detached and Attached cottages 3 minimum 12 maximum dwelling units Maximum number of attached units = 4
B. ~~Home~~ Dwelling Unit Size		
1. Max building footprint per ~~home~~ dwelling unit	900 sf	
2. Max average floor area per dwelling unit	1,400 sf	

COMMENTARY

Off-Street Parking (MMC 19.600)

- **Revise** the parking code language to clarify that the new requirements for electric vehicle (EV) charging infrastructure apply when new parking spaces are constructed, and the new or existing use involves a building. The amendments also extend the EV charging requirement to commercial parking structures (as new parking spaces involving a building).

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.602.3 Applicability for Development and Change in Use Activity

The provisions of Chapter 19.600 apply to development and changes of use as described in Subsection 19.602.3.

A. Development of a vacant site shall have off-street parking and off-street loading areas that conform to the requirements of Chapter 19.600. Development of a site that results in an increase of 100% or more of the existing floor area and/or structure footprint on a site shall also conform to the requirements of Chapter 19.600. The construction of new off-street parking spaces may be subject to the electric vehicle charging requirements of Subsection 19.605.5. The floor area and/or footprint of structures demolished prior to development or redevelopment on the site shall not be considered when calculating the increase in floor area and/or structural footprints.

19.602.4 Applicability not Associated With Development or Change in Use

A. Any parking or loading area developed to serve an existing use(s) that is not associated with development activity or a change in use described in Subsection 19.602.3 shall conform to the requirements of Sections 19.604 and 19.606-19.611, as well as to the electric vehicle (EV) charging requirements of Subsection 19.605.5 as applicable. The total number of spaces in the existing parking area and new parking area shall not exceed the maximum allowed quantity of parking as established in Section 19.605.

B. Any parking or loading area that is not developed to serve an existing use and is not associated with development activity or a change in use as described in Subsection 19.602.3 shall conform to the requirements of Sections 19.604 and 19.606-19.611. The requirements of Section 19.605 do not apply to parking areas described under Subsection 19.602.4.B.

19.605 Vehicle Parking Quantity Requirements

The purpose of Section 19.605 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratios for common land uses, and Subsection 19.605.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Subsection 19.605.5 details requirements for installing electric vehicle (EV) charging infrastructure in multi-unit, mixed-use, commercial, and industrial developments. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

19.605.5 Electric Vehicle (EV) Charging Requirements

Required EV charging spaces. All buildings that are commercial, industrial, multi-unit with 5 or more dwelling units, or mixed-use with 5 or more dwelling units and that provide off-street parking must include sufficient space for electrical service capacity to support at least a Level 2 EV charger at required EV charging spaces as outlined below. For terms not defined elsewhere in Title 19, see applicable sections of the state building code and/or OAR 918-460-0200.

A. **Commercial and Industrial ~~Parking~~ Buildings.** For commercial and industrial buildings ~~that provide off-street parking~~, where new off-street parking spaces are constructed, choose one of the following:

1) At least 50% of the total number of newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger;

OR

2) At least 20% of the total number of newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 5% of newly constructed parking spaces must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.

B. **Multi-Unit and Mixed-Use Residential ~~Parking~~ Buildings.** For multi-unit and mixed-use buildings with five or more dwelling units, where new off-street parking spaces are ~~provided~~ constructed, choose one of the following:

1) All (100%) of the newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger;

OR

2) At least 40% of the total number of newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 10% of newly constructed parking spaces must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 40% minimum requirement.

C. **Structured Parking Facilities.** For structured parking facilities, where new off-street parking spaces are constructed, choose one of the following:

1) At least 50% of the total number of newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger;

OR

2) At least 20% of the total number of newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 5% of newly constructed parking spaces must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.