



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

5/27/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Milwaukie Plan Amendment
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, June 11, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Ryan Marquardt, City of Milwaukie
Gloria Gardiner, DLCD Urban Planning Specialist
Bill Holmstrom, DLCD Transportation Planner
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

MAY 24 2010

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Milwaukie**

Local file number: **ZA-10-01**

Date of Adoption: **5/18/2010**

Date Mailed: **5/21/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **2/3/2010**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The City of Milwaukie revised its entire off-street parking and loading chapter. The key items in the revised chapter are: a clearer applicability section; clearer direction about nonconforming parking areas; a simplified and updated parking ratio table; a new process for adjusting ratios and determining ratios for unlisted uses; and allowances for swales in landscaping areas and for pervious parking surface materials. Other new standards and changes to existing standards are proposed

Does the Adoption differ from proposal? Yes, Please explain below:

Regulations for parking on single family residential properties were changed in response to neighborhood comments and regional requirements of the Metro Functional Growth Plan, Title 2. Other minor changes, including housekeeping amendments to other sections of the zoning code, were made between the proposed regulations and the adopted ordinance.

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **NA**

to: **NA**

Location: **NA**

Acres Involved: **0**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 001-10 (18100) [16151]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:
Metro, TriMet

Local Contact: **Ryan Marquardt**

Phone: (503) 786-7658 Extension:

Address: 6101 SE Johnson Creek Blvd.

Fax Number: 503-774-8236

City: Milwaukie

Zip: 97266-

E-mail Address: marquardt@cl.milwaukie.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.



May 21, 2010

File(s): ZA-10-01

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie City Council on May 18, 2010.

Applicant(s): Katie Mangle, Planning Director, for City of Milwaukie
Location(s): NA
Tax Lot(s): NA
Application Type(s): Milwaukie Municipal Code Text Amendment
Decision: Approved as Proposed
Review Criteria: Milwaukie Zoning Ordinance:

- 19.900 Amendments
- 19.1011.5 Legislative Actions


Neighborhood(s): All

Amendments to Milwaukie Municipal Code (MMC) Title 19 Zoning Ordinance and MMC Title 17 Land Division Ordinance, amending the City's transportation regulations, were adopted by City Council on May 18, 2010. A copy of the final ordinance containing all text changes and findings in support of approval can be viewed at 6101 SE Johnson Creek Blvd and on the City's web page at <http://www.ci.milwaukie.or.us/council/ordresprocs2009.html>.

The City Council's decision on this matter may be appealed to the State. Appeals must be filed within 21 days of the date of this notice as shown below.

Appeal period closes: 5:00 p.m., June 11, 2010

Appeals to the State are handled by the Land Use Board of Appeals (LUBA) at: 550 Capitol Street NE, Suite 235, Salem, Oregon 97301-2552, 503-373-1265 (<http://luba.state.or.us/>). Proper forms and procedures for appeals should be obtained directly from LUBA.


Katie Mangle
Planning Director

Notice of Decision for ZA-10-01

cc: Planning Commission
Kenny Asher, Community Development/Public Works Director
Gary Parkin, Engineering Director
Brad Albert, Civil Engineer
Tom Larsen, Building Official
Bonnie Lanz, Permit Specialist
Department of Land Conservation & Development
Miranda Bateschell, Metro
Heather Boll, TriMet
Doug Whiteley, Lieutenant Deputy Fire Marshal
Interested Persons
NDA(s): All NDA Chairs and Land Use Committee members
File(s): ZA-10-01

ORDINANCE NO. 2015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 19 OF THE MILWAUKIE MUNICIPAL CODE. THE AMENDMENTS REPEAL AND REPLACE THE OFF-STREET PARKING AND LOADING CHAPTER. (FILE #ZA-10-01).

WHEREAS, it is the City's goal to update and improve its zoning regulations on a consistent basis; and

WHEREAS, the amendments improve the City's regulations concerning off-street parking and loading areas; and

WHEREAS, the proposed amendments implement the City's goals to strengthen neighborhoods, lead to quality redevelopment, and decrease the impacts of parking lots; and

WHEREAS, the Planning Commission conducted a public hearing on March 23, 2010 and April 27, 2010, as required by Zoning Ordinance Section 1011.5 Legislative Actions, and adopted a motion in support of the amendments; and

WHEREAS, legal and public notices have been provided as required by law; and

WHEREAS, City Council finds that the amendments are in the public interest;

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

Section 1. Findings. Findings of fact in support of the proposed amendments are attached as Exhibit A.

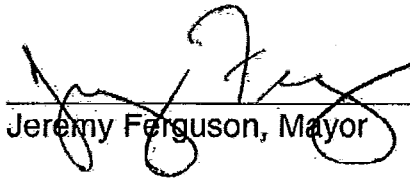
Section 2. Title 19 of the Milwaukie Municipal Code is amended as described in Exhibit B (replacement of Chapter 19.500), Exhibit C (strikeout amendments) and Exhibit D (clean version amendments).

Section 3. All sections not amended as described in Exhibits B, C, and D remain as written.

Read the first time on 5/18/10, and moved to second reading by 5-0 vote of the City Council.

Read the second time and adopted by the City Council on 5/18/10.

Signed by the Mayor on 5/18/10.



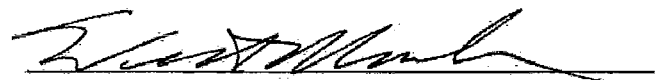
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC



Pat DuVal, City Recorder



City Attorney

Document2 (Last revised 2/6/2008)

EXHIBIT A

Findings in Support of Approval Land Use File ZA-10-01

1. The City of Milwaukie proposes to amend various regulations that are contained in Title 19 of the Milwaukie Municipal Code, also referred to as the Zoning Ordinance. The land use application for these amendments is ZA-10-01.
2. The purpose of the proposed code amendments is to make the City's off-street parking and loading regulations easier to understand, use, and defend. The majority of the proposed amendments are to Milwaukie Municipal Code (MMC) Chapter 19.500, which is the City's main regulatory document for off-street parking and loading. The proposed amendments would repeal the existing chapter and replace it with a new chapter. Since off-street parking regulations are referenced elsewhere in the municipal code, amendments are proposed to other code sections. In addition, housekeeping amendments are proposed. The housekeeping amendments affect the following code sections:
 - MMC Section 19.103 (Title 19 Definitions)
 - MMC Subsection 19.312.4 (Development Standards for Downtown Zones)
 - MMC Subsection 19.314 (Manufacturing zone)
 - MMC Subsection 19.318 (Mixed Use Overlay zone)
 - MMC Subsection 19.320 (Willamette Greenway Overlay zone)
 - MMC Subsection 19.321 (Community Service Use)
 - MMC Subsection 19.403.1 (Storage in Front Yard)
 - MMC Subsection 19.602.10 (Type II Accessory Dwelling Unit)
 - MMC Section 19.708 (Circumstances for Granting Home Improvement Exceptions)
 - MMC Subsection 19.1502 (Annexations)
3. The proposed amendments are subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Chapter 19.900 Amendments
 - MMC Subsection 19.1011.5 Legislative Actions
4. Sections of the Milwaukie Municipal Code not addressed in these findings are found to be not applicable to the decision on this land use application.
5. Public notice was provided in accordance with MMC Subsection 19.1011.5 Legislative Actions.
6. Milwaukie Municipal Code Chapter 19.900 – Amendments.
 - A. MMC Section 19.901 requires that a text amendment to the Milwaukie Zoning Ordinance be initiated by the City Council, Planning Commission, or by a property owner.
 - The amendments are proposed by the City of Milwaukie and were initiated by the Planning Commission at its meeting on March 23, 2010. This criterion is met.

B. MMC Section 19.902 – Amendment Procedure.

- i) MMC Subsection 19.902.1.A requires that proposed amendments be heard at a public hearing and follow the procedures outlined in MMC Subsection 19.1011.5 –Legislative Actions.

The Planning Commission held a public hearing on the proposed amendments on March 23, 2010 and April 27, 2010. The City Council held a public hearing on May 18, 2010. Public notice was provided in accordance with MMC Subsection 19.1011.5 for the Planning Commission hearing and will be provided for the City Council hearing. This criterion is met.

- ii) MMC Subsection 19.902.1.B establishes standards for providing notice to Metro of any proposed amendments to the City's Comprehensive Plan or Zoning Ordinance.

Metro was provided notice of the proposed amendments on February 4, 2010, which exceeds the 45-day notification requirement. An analysis demonstrating compliance with the Metro Urban Growth Management Functional Plan will be sent to Metro no later than fourteen days prior to the final City Council hearing on the proposed amendments. This criterion is met.

- iii) MMC Subsection 19.902.1.D requires that the Planning Director forward the Planning Commission's recommendation to City Council within forty days of the final Planning Commission hearing on the proposed amendments.

The Planning Director forwarded the Planning Commission's April 27, 2010 recommendation to City Council on May 11, 2010, within 40 days of the recommendation date. This criterion is met.

C. MMC Subsection 19.904.1 requires that proposals for zoning text amendments provide written evidence that the following requirements are satisfied:

- i) Applicable requirements of MMC Section 19.1003, which specify the form of petitions, applications, and appeals.

The Planning Director submitted an application on the prescribed form. Because no development is proposed, the other portions of MMC Section 19.1003 are not applicable. City Council finds that this requirement is met.

- ii) Reasons for requesting the proposed text amendments.

The City of Milwaukie seeks to update its off-street parking regulations to ensure that the code remains current with best professional practices, complies with Metro requirements, and reflects the community's vision for how development should look and function. The proposed amendments are intended to make the code more clear and easy to implement and to provide flexibility in the regulations to respond to unique situations.

See the commentary version of the proposed amendments for more detail (Attachment 2 of the May 18, 2010 staff report to City Council). This requirement is met.

- iii) Explanation of how the proposed code amendments are consistent with other provisions of this title.

The proposed code amendments are designed to ensure that they are consistent with the provisions of Title 19. The main focus of the proposed code amendments is to update the City's off-street parking regulations. The updates make the off-street parking regulations more consistent with other provisions of the title by making the parking quantity table easier to apply to the multiple uses listed in Chapter 19.300, clarifying the relationship between required accessory parking and parking facilities as a separate land use, and tying the applicability of the off-street parking regulations to terms that are already defined in the Zoning Ordinance. The updates are intended to ensure that all internal code references are consistent and accurate, all new and existing terms are clearly defined, and all affected code sections are appropriately located. See the commentary version of the proposed amendments for more detail (Attachment 2 of the May 18, 2010 staff report to City Council). This criterion is met.

- iv) The approval criteria of MMC Section 19.905.

The applicable approval criteria of MMC Section 19.905 are addressed below.

- D. MMC Section 19.905 contains the approval criteria for zoning ordinance text amendments.

- i) The proposed code amendments 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 (Functional Plan), and applicable regional policies.

Compliance with Milwaukie Comp Plan

The proposed code amendments conform to the following applicable Comp Plan goals, policies, and objectives.

Chapter 3 – Environment and Natural Resources; Air, Water and Land Resources Quality Element; Objective #2; Policy 2: "Milwaukie will encourage the reduction of vehicle emissions by improving local flow and seeking ways to increase transit ridership." The proposed code amendments seek increased use of transit by providing parking reductions for sites near transit lines and for the provision of transit facilities on a site.

Chapter 3 – Environment and Natural Resources; Air, Water and Land Resources Quality Element; Objective #3; Policy 7: "The City will encourage, through its building code enforcement program, adequate noise protection be provided between adjoining attached or multi-family residential structures. Noise from inside adjacent living units should not reasonably interfere with normal domestic activities." The proposed code amendments require increased buffering for parking areas that are adjacent to residential uses, which will provide noise protection from parking areas.

Chapter 4 – Commercial Land Use Element; Objective #9; Policy 3: “The City will ensure that future improvements and land use changes provide adequate visual buffers to adjacent residential areas, including such devices as landscaping and fencing.” The proposed code amendments require landscape buffers on the perimeters of parking areas and visual screening of parking areas that are adjacent to residential uses.

Chapter 4 – Neighborhood Element; Neighborhood Area 1; Guideline #2; “Projects should have adequate off-street parking.” The proposed code amendments are aimed at ensuring that an adequate but not excessive amount of off-street parking is provided. The parking ratios in the proposed code have been revised based on regional requirements to be consistent with what is required by other jurisdictions in the region.

Environmental quality (multiple sections) – The proposed code amendments support goals and policies of reducing the environmental impacts of development. The amendments include allowances for the use of pervious parking areas and allow for parking area landscaping to serve as stormwater management facilities.

Encouragement of Transit, Bicycle, and Pedestrian modes of transportation (multiple sections) - The proposed code amendments support goals and policies of encouraging modes of transportation aside from vehicles. The amendments include parking reduction incentives for the provision of transit, bicycle, and carpool facilities on site. The amendments also support pedestrian travel by providing standards for safe pedestrian walkways through off-street parking areas.

Land Use (multiple sections) - The proposed code amendments support goals and policies of efficient use of existing land by not requiring more land than necessary to be used for off-street parking. The amendments include multiple by-right reductions to required parking, allowance for uses to study their parking demand and build the appropriate amount of parking, and large reductions in required parking for small commercial areas within neighborhoods. The amendments also increase the potential for shared parking areas to be used, which can minimize the amount of parking constructed.

Compliance with City Ordinances

These findings demonstrate compliance with all applicable City ordinances.

Compliance with Functional Plan

City submitted a report demonstrating compliance with the applicable titles of the Metro Functional Plan on April 26, 2010, more than 15 days prior to the City Council hearing on the proposed amendments. The proposed amendments bring the parking regulations closer into conformance with Title 2 of the Functional Plan that addresses regional parking policy. Metro staff responded on May 6, 2010 that the proposed amendments are in compliance with the Metro Functional Compliance Plan.

In processing the proposed amendments, the City followed its own requirements for citizen involvement. The proposed amendments were referred to the City's Neighborhood District Associations for review and were discussed at several neighborhood, Planning Commission, and City Council meetings.

This criterion is met.

- ii) The anticipated development must meet the intent of the proposed zone.

The proposed code amendments are legislative in nature and do not involve a specific development proposal in a particular zone. This criterion is not applicable.

- iii) The proposed code amendments will meet or can be determined to reasonably meet applicable regional, state, and federal regulations.

The proposed amendments will comply with all applicable regional regulations. The only applicable regulation related to the proposed amendments is the Metro Functional Plan. Conformance to this plan was demonstrated in the Functional Plan Compliance Report submitted to Metro. Conformance of the proposed amendments was acknowledged by Metro on May 6, 2010. This criterion is met.

- 3. MMC Subsection 19.1011.5 outlines the procedures for processing legislative land use policies and plans. Specifically, it requires the City to do the following:

- A. Public Notification. Publish a notice of a hearing once each week for two consecutive weeks in a newspaper of general circulation in the city. The second publication shall not be less than five days prior to the date of the hearing.

The City provided the required published notice. This criterion is met.

- B. Decision. The Planning Commission shall conduct a public hearing and shall make a decision based on compliance with the applicable goals and policies of the comprehensive plan. The Planning Commission shall prepare a recommendation to the City Council. If the Commission approves the proposal, a report and recommendation, including findings and conclusions, shall be forwarded to Council. The City Council shall conduct a public hearing.

The Planning Commission held a public hearing on March 23, 2010 and April 27, 2010. The City Council held a public hearing on the approval of the proposed amendments on May 18, 2010. This criterion is met.

- 4. The application was referred to various City departments, governmental agencies, neighborhood district associations, and stakeholders. The proposed amendments, commentary on the amendments, materials from public meetings regarding the amendments, and summaries of the key issues within the amendments were posted on the City's website starting on February 10, 2010. All verbal and written comments made on the proposed amendments were summarized and made available to the Planning Commission and City Council in advance of the public hearings.

Off-Street Parking and Loading

Sections:

19.501	Purpose
19.502	Applicability
19.503	Review Process and Submittal Requirements
19.504	General Parking Standards
19.505	Vehicle Parking Quantity Requirements
19.506	Parking Area Design and Landscaping
19.507	Off-Street Parking Standards for Residential Areas
19.508	Loading
19.509	Bicycle Parking
19.510	Carpool and Vanpool Parking
19.511	Parking Structures

19.501 PURPOSE

Chapter 19.500 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of Chapter 19.500 is to: provide adequate, but not excessive, space for off-street parking; avoid parking-related congestion on the streets; avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; encourage bicycling, transit, and carpooling; minimize parking impacts to adjacent properties; improve the appearance of parking areas; and minimize environmental impacts of parking areas.

Regulations governing the provision of on-street parking within the right-of-way are contained in Chapter 19.1400 and the Milwaukie Downtown and Riverfront Plan Public Area Requirements, which is an ancillary document to the Comprehensive Plan. The management of on-street parking is governed by Chapter 10.20. Chapter 19.500 does not enforce compliance with the American's with Disabilities Act (ADA). ADA compliance on private property is reviewed and enforced by the Building Official.

19.502 APPLICABILITY

19.502.1 General Applicability

The regulations of Chapter 19.500 apply to all off-street parking areas and off-street loading areas, whether required by the City as part of development or a change in use, per Subsection 19.502.3, or voluntarily installed for the convenience of users, per Subsection 19.502.4. Activity that is not described by Subsections 19.502.3 or 19.502.4 is exempt from compliance with the provisions of Chapter 19.500. Changes to nonconforming off-street parking and loading are addressed through Chapter 19.500 and not through the provisions of Chapter 19.800.

19.502.2 Maintenance Applicability

Property owners shall comply with the regulations of Chapter 19.500 by ensuring conformance with the standards of Chapter 19.500 related to ongoing maintenance, operations, and use of off-street parking and loading areas. Changes to existing off-street parking or loading areas that bring the area out of conformance with Chapter 19.500, or further out of conformance if already nonconforming, are prohibited.

19.502.3 Applicability for Development and Change in use Activity

The provisions of Chapter 19.500 apply to development and changes of use as described in Subsection 19.502.3.

- A. Development of a vacant site shall have off-street parking and off-street loading areas that conform to the requirements of Chapter 19.500. 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 19.500. 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.
- B. Existing off-street parking and loading areas shall be brought closer into conformance with the standards of Chapter 19.500, per Subsection 19.502.5, when the following types of development or change in use occur.
 - 1. Development that results in an increase of less than 100% of the existing floor area and/or structure footprint.
 - 2. Changes of use, as defined in Section 19.103.

19.502.4 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 19.502.3 shall conform to the requirements of Sections 19.504 and 19.506-19.511. 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 19.505.
- 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 19.502.3 shall conform to the requirements Sections 19.504 and 19.506-19.511. The requirements of Section 19.505 do not apply to parking areas described under Subsection 19.502.4.

19.502.5 Improvements to Existing Off-Street Parking and Loading Areas

A. Purpose

The purpose of Subsection 19.502.5 is to improve nonconforming off-street parking and loading areas as redevelopment occurs. These improvements should occur in conjunction with a development or change in use.

B. Limitations on Required Improvements

The cost of materials for any required improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or tenant improvements associated with a change in use. The cost of capital equipment such as manufacturing or operational equipment is exempt from the building permit value for purposes of this regulation. This exemption does not include building infrastructure such as electrical, plumbing heating, venting, or air conditioning equipment.

C. Areas of Required Improvement

The Planning Director will evaluate the applicant's parking plan and use the prioritized list below when determining what improvements will be required.

- 1. Paving and striping of parking areas, per Subsection 19.506.3.A.
- 2. Minimum required vehicle parking spaces, per Section 19.505.

3. Minimum required bicycle parking spaces, per Section 19.509.
4. Landscaping of existing buffers, islands, and medians, per Subsection 19.506.2.D.
5. New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.506.2.E.
6. Other applicable standards within Chapter 19.500, as determined by the Planning Director.

19.503 REVIEW PROCESS AND SUBMITTAL REQUIREMENTS

19.503.1 Review Process

The Planning Director shall apply the provisions of Chapter 19.500 in reviewing all land use and development permit applications, except when an application is subject to a quasi-judicial land use review or appeal, in which case the body reviewing the application or appeal has the authority to implement and interpret the provisions of Chapter 19.500.

19.503.2 Submittal Requirements

Except for single-family dwellings, a development or change in use subject to Chapter 19.500 as per Section 19.502 shall submit a parking plan, drawn to scale. The parking plan shall show that all applicable standards are met, and shall include but not be limited to the items listed below, unless waived by the Planning Director.

- A. Delineation of individual spaces and wheel stops.
- B. Drive aisles necessary to serve spaces.
- C. Access ways, including driveways and driveway approaches, to streets, alleys, and properties to be served.
- D. Pedestrian pathways and circulation.
- E. Bicycle parking areas and rack specifications.
- F. Fencing.
- G. Abutting land uses.
- H. Grading, drainage, surfacing, and subgrading details.
- I. Location and design of lighting fixtures and levels of illumination.
- J. Delineation of existing and proposed structures.
- K. Parking and loading area signage.
- L. Landscaping, including the following information.
 1. The location and area of existing and proposed trees, vegetation, and plant materials, including details about the number, size, and species of such items.
 2. Notation of the trees, plants, and vegetation to be removed, and protection measures for existing trees and plants to be preserved.

19.504 GENERAL PARKING STANDARDS

19.504.1 Parking Provided with Development Activity

All required off-street parking areas shall be provided at the time the structure is built; at the time a structure or site is enlarged; or when there is change in use or an increase in density or intensity. All required off-street parking areas shall be provided in conformance with the standards of Chapter 19.500 prior to issuance of a certificate of occupancy, or final development permit approval, or as otherwise specified in any applicable land use decision.

19.504.2 Parking Area Location

Accessory parking shall be located in one or more of the following areas.

- A. On the same site as the primary use for which the parking is accessory.
- B. On a site owned by the same entity as the site containing the primary use that meets the standards of Subsection 19.505.4.B.2. Accessory parking that is located in this manner shall not be considered a parking facility for purposes of the use zones in Chapter 19.300.
- C. Where shared parking is approved in conformance with Subsection 19.505.4.

19.504.3 Use of Parking Areas

All required off-street parking areas shall continually be available for the parking of operable vehicles of intended users of the site. Required parking shall not be rented, leased, sold, or otherwise used for parking that is unrelated to the primary or accessory use of the site, except where a shared parking agreement per 19.505.4 has been recorded. Subsection 19.504.3 does not prohibit charging fees for parking when the parking serves the primary or accessory uses on site.

19.504.4 Storage Prohibited

No required off-street parking area shall be used for storage of equipment or materials, except as specifically authorized by Subsection 19.507.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking.

19.505 VEHICLE PARKING QUANTITY REQUIREMENTS

The purpose of Section 19.505 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.505.1 establishes parking ratios for common land uses, and Subsection 19.505.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.505.2.

The Downtown Storefront (DS) Zone and the portion of the Downtown Office (DO) Zone north of Washington Street and east of McLoughlin Boulevard are exempt from the requirements of Section 19.505.

19.505.1 Minimum and Maximum Requirements

- A. Development shall provide at least the minimum and not more than the maximum number of parking spaces as listed in Table 19.505.1. Modifications to the standards in Table 19.505.1 may be made as per Section 19.505. Where multiple ratios are listed, the Planning Director shall determine which ratio to apply to the proposed development or use.
- B. When a specific use has not been proposed or identified at the time of permit review, the Planning Director may elect to assign a use category from Table 19.505.1 to determine the

minimum required and maximum allowed parking. Future tenants or property owners are responsible for compliance with Chapter 19.500 per the applicability provisions of Section 19.502.

- C. If a proposed use is not listed in Table 19.505.1, the Planning Director has the discretion to apply the quantity requirements of a similar use listed in the table upon finding that the listed use and unlisted use have similar parking demands. If a similar use is not listed, the quantity requirements will be determined per Subsection 19.505.2.
- D. Where the calculation of minimum parking spaces does not result in a whole number, the result shall be rounded down to the next whole number. Where the calculation of maximum parking spaces does not result in a whole number, the result shall be rounded to the nearest whole number.
- E. Parking spaces for disabled persons, and other improvements related to parking, loading, and maneuvering for disabled persons, shall conform to the Americans with Disabilities Act and shall be subject to review and approval by the Building Official. Spaces reserved for disabled persons are included in the minimum required and maximum allowed number of off-street parking spaces.
- F. Uses that have legally established parking areas that exceed the maximum number of spaces allowed by Subsection 19.505 prior to the effective date of Ordinance # ___ shall be considered nonconforming with respect to the quantity requirements. Such uses shall not be considered parking facilities as defined in Section 19.103.

**Table 19.505.1
Minimum To Maximum Off-Street Parking Requirements**

Use	Minimum Required	Maximum Allowed
A. Residential Uses		
1. Single-family dwellings, including manufactured homes.	1 space per dwelling unit.	No maximum.
2. Multifamily dwellings containing 3 or more dwelling units (includes senior and retirement housing). <ul style="list-style-type: none"> a. Dwelling units with 800 sq ft of floor area or less. b. Dwelling units with more than 800 sq ft of floor area. 	1 space per dwelling unit.	2 spaces per dwelling unit.
3. Residential homes and similar facilities allowed outright in residential zones.	1 space per dwelling unit plus 1 space per employee on the largest shift.	Minimum required parking plus 1 space per bedroom.
4. Accessory Dwelling Units (ADU) -Types I and II.	Property containing an ADU and primary dwelling must have 2 spaces.	No maximum.

Table 19.505.1 CONTINUED Minimum To Maximum Off-Street Parking Requirements		
Use	Minimum Required	Maximum Allowed
B. Community Service and Other Public Uses		
1. Religious institutions.	1 space per 4 seats.	1 space per 2 seats.
2. Day-care center ("family day-care" as defined in Section 19.103 has no parking requirements).	2 spaces per 1,000 sq ft of floor area.	3.5 spaces per 1,000 sq ft of floor area.
3. School—elementary or junior high.	1 space per classroom.	2 spaces per classroom.
4. School—senior high.	0.25 spaces per student, plus 1 space per staff.	0.33 spaces per student, plus 1 space per staff.
5. Meeting room, club, lodge, or association.	5 spaces per 1,000 sq ft of floor area, or 1 space per 4 seats if seats are permanently installed.	16.66 spaces per 1,000 sq ft of floor area, or 1 space per 3 seats if seats are permanently installed.
6. Library, museum, art gallery.	1 space per 1,000 sq ft of floor area.	1.2 spaces per 1,000 sq ft of floor area.
7. Nursing, convalescent, and extended-care facilities	1 space per 4 beds.	1 space per 3 beds.
C. Lodging Places		
1. Motel, hotel, boarding house.	1 space per lodging unit.	1.5 spaces per lodging unit.
2. Bed and breakfast establishments.	1 space per lodging unit, plus 1 space for the permanent residence.	1.5 spaces per lodging unit, plus 2 spaces for the permanent residence.
D. Commercial Uses—Recreational		
1. Indoor Recreation, such as a health club, gym, bowling alley, arcades, etc.	3 spaces for each 1,000 sq ft of floor area.	5.5 spaces per 1,000 sq ft of floor area.
2. Theater, auditorium, or stadium	1 space per 4 seats.	1 space per 3 seats.

Table 19.505.1 CONTINUED
Minimum To Maximum Off-Street Parking Requirements

Use	Minimum Required	Maximum Allowed
E. Commercial Uses—Retail Goods		
1. Eating and drinking establishments	4 spaces per 1,000 sq ft floor area	15 spaces per 1,000 sq ft of floor area
2. General retail – grocery stores, convenience stores, specialty retail and shops	2 spaces per 1,000 sq ft of floor area.	5 spaces per 1,000 sq ft of floor area.
3. Bulk retail – furniture and home furnishing, appliances, vehicles, building materials, and similar large items	1 space per 1,000 sq ft of floor area.	3 spaces per 1,000 sq ft of floor area.
4. Gas stations	No minimum	1.25 spaces per 4 pumps.
F. Commercial Uses—Services		
1. General Office, including banks	2 spaces per 1,000 sq ft of floor area	3.4 spaces per 1,000 sq ft of floor area
2. Medical/ dental office (non-hospital), veterinary clinic	3.9 spaces per 1,000 sq ft of floor area.	4.9 spaces per 1,000 sq ft of floor area.
3. Personal services, such as a barber shop, beauty parlor, etc.	4 spaces per 1,000 square floor area.	5.4 spaces per 1,000 sq ft of floor area.
4. Commercial services, such as dry cleaners and repair shops (does not include vehicle repair).	2.8 spaces per 1,000 sq ft of floor area.	5.1 spaces per 1,000 sq ft of floor area.
5. Vehicle Repair	2 spaces per 1,000 sq ft of floor area	2.5 spaces per 1,000 sq ft of floor area
6. Quick vehicle repair and servicing, such as oil change and tire shops	2 spaces per service bay	3 spaces per service bay
7. Mortuary/Funeral Home	1 space per 5 chapel or parlor seats	1 space per 3 chapel or parlor seats
8. Car Wash	No minimum	2 spaces per wash bay for self-service washes, or 2 spaces per 1,000 sq ft of floor area for full service washes.

Table 19.505.1 CONTINUED Minimum To Maximum Off-Street Parking Requirements		
Use	Minimum Required	Maximum Allowed
G. Industrial Uses		
1. Manufacturing	1 space per 1,000 sq ft of floor area.	2 spaces per 1,000 sq ft of floor area.
2. Storage, warehouse, wholesale establishment less than 150,000 sq ft	0.5 spaces per 1,000 sq ft of floor area	1 space per 1,000 sq ft of floor area.
3. Storage, warehouse, wholesale establishment 150,000 sq ft or greater	0.3 spaces per 1,000 sq ft of floor area	0.4 spaces per 1,000 sq ft of floor area.
4. Mini-warehouse; self-service storage.	1 space per 45 storage units, plus 1 space per employee of the largest shift.	1 space per 20 storage units, plus 1 space per employee of the largest shift.

19.505.2 Quantity Modifications and Required Parking Determinations

Subsection 19.505.2 allows for the modification of minimum and maximum parking ratios from Table 19.505.1 as well as the determination of minimum and maximum parking requirements. Parking determinations shall be made when the proposed use is not listed in Table 19.505.1 and for developments with large parking demands.

A. Applicability

The procedures of Subsection 19.505.2 shall apply in the following situations.

1. If the proposed use is not listed in Table 19.505.1 and the quantity requirements for a similar listed use cannot be applied.
2. If the applicant seeks a modification from the minimum required or maximum allowed quantities as calculated per Table 19.505.1.

B. Application

Determination of parking ratios in situations listed above shall be reviewed as a Type II land use decision, per Subsection 19.1011.2. The application for a determination must include the following.

1. Describe the proposed uses of the site, including information about the size and types of the uses on site, and information about site users (employees, customers, etc.).
2. Identify factors specific to the proposed use and/or site, such as the proximity of transit, parking demand management programs, availability of shared parking, and/or special characteristics of the customer, client, employee or resident population that affect parking demand.
3. Provide data and analysis specified in Subsection 19.505.2.B.3 to support the determination request. The Planning Director may waive requirements of Subsection 19.505.2.B.3 if the information is not readily available or relevant, so long as sufficient documentation is provided to support the determination request.
 - a. Analyze parking demand information from professional literature that is pertinent to the proposed development. Such information may include data or literature from

the Institute of Transportation Engineers, American Planning Association, Urban Land Institute, or other similar organizations.

- b. Review parking standards for the proposed use or similar uses found in parking regulations from other jurisdictions.
 - c. Present parking quantity and parking use data from existing developments that are similar to the proposed development. The information about the existing development and its parking demand shall include enough detail to evaluate similarities and differences between the existing development and the proposed development.
4. Propose a minimum and maximum parking ratio. For phased projects, and for projects where the tenant mix is unknown or subject to change, the applicant may propose a range (low and high number of parking spaces) for each development phase and both a minimum and maximum number of parking spaces to be provided at buildout of the project.
 5. Address the approval criteria in Subsection 19.505.2.C.

C. Approval Criteria

The Planning Director shall consider the following criteria in deciding whether to approve the determination or modification. The Planning Director, based on the applicant's materials and other data the Planning Director deems relevant, shall set the minimum parking requirement and maximum parking allowed. Conditions of approval may be placed on the decision to ensure compliance with the parking determination.

1. All modifications and determinations must demonstrate that the proposed parking quantities are reasonable based on existing parking demand for similar use in other locations; parking quantity requirements for the use in other jurisdictions; and professional literature about the parking demands of the proposed use.
2. In addition to the criteria in Subsection 19.505.2.C.1, requests for modifications to decrease the amount of minimum required parking shall meet the following criteria.
 - a. The use of transit, parking demand management programs, and/or special characteristics of the site users will reduce expected vehicle use and parking space demand for the proposed use or development, as compared with the standards in Table 19.505.1.
 - b. The reduction of off-street parking will not adversely affect available on-street parking.
 - c. The requested reduction is the smallest reduction needed based on the specific circumstances of the use and/or site.
3. In addition to the criteria in Subsection 19.505.2.C.1, requests for modifications to increase the amount of maximum allowed parking shall meet the following criteria.
 - a. The proposed development has unique or unusual characteristics that create a higher-than-typical parking demand.
 - b. The parking demand cannot be accommodated by shared or joint parking arrangements or by increasing the supply of spaces that are exempt from the maximum amount of parking allowed under Subsection 19.505.3.A.
 - c. The requested increase is the smallest increase needed based on the specific circumstances of the use and/or site.

19.505.3 Exemptions and By-Right Reductions to Quantity Requirements

The following exemptions and by-right reductions cannot be used to further modify any parking modification or determination granted under Subsection 19.505.2.

A. Exemptions to Maximum Quantity Allowance

The following types of parking do not count toward the maximum amount of parking allowed on a site. This exemption applies only to the quantity requirements of Section 19.505 and not to the other requirements of Chapter 19.500. The City may impose conditions to ensure that parking spaces associated with these parking types are appropriately identified and used for the intended purpose.

1. Spaces for a parking facility.
2. Spaces for a transit facility or park and ride facility.
3. Storage or display areas for vehicle sales.
4. Employee carpool parking, when spaces are dedicated or reserved for that use.
5. Fleet parking.
6. Truck loading areas.

B. Reductions to Minimum Parking Requirements

Applicants are allowed to utilize multiple reductions from Subsections 19.505.3.B.2-7, provided that the total reduction in required parking does not exceed 25% of the minimum quantity requirement listed in Table 19.505.1. Applicants may not utilize the reduction in Subsection 19.505.3.B.1 in conjunction with any other reduction in Subsection 19.505.3.B.

1. Reductions for Neighborhood Commercial Areas

The minimum parking requirements of Table 19.505.1 shall be reduced by 50% for the properties described below.

- a. Properties zoned Commercial Limited (C-L).
- b. Properties zoned Commercial Neighborhood (C-N).
- c. Properties in the Commercial General (C-G) zone in the area bounded by 42nd Avenue, King Road, 40th Avenue and Jackson Street.
- d. Properties in the Commercial General (C-G) zone in the area bounded by 42nd Avenue, Harrison Street, 44th Avenue, and Jackson Street.

2. Proximity to Public Transit

- a. Parking for commercial and industrial uses may be reduced by up to 10% percent if the development is within 500 ft walking distance, as defined in Subsection 19.505.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.
- b. Parking for multifamily uses may be reduced by up to 20% if the development is within 500 ft walking distance, as defined in Subsection 19.505.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.
- c. Parking for all uses except single-family attached and detached dwellings may be reduced by 25% if the development is within 1,000 ft walking distance, as defined in Subsection 19.505.3.B.2.d, of a light rail transit stop.

- d. In determining walking distance, the applicant shall measure the shortest route along sidewalks, improved pedestrian ways, or streets if sidewalks or improved pedestrian ways are not present. Walking distance shall be measured along the shortest course from the point on the development site that is nearest to the transit stop.

3. Multitenant Commercial Sites

Where multiple commercial uses occur on the same site, minimum parking requirements shall be calculated as described below. The Planning Director shall have the authority to determine when multiple uses exist on a site.

- a. Use with highest parking requirement. The use that has the largest total number of minimum parking spaces required shall be required to provide 100% of the minimum number of parking spaces.
- b. All other uses. All other uses on the site shall be required to provide 80% of the minimum number of parking spaces.

4. Carpool/Vanpool

Commercial and industrial developments that provide at least 2 carpool/vanpool parking spaces may reduce the required number of parking spaces by up to 10 percent. This reduction may be taken whether the carpool/vanpool space is required pursuant to Subsection 19.510 or voluntarily provided.

5. Bicycle Parking

The minimum amount of required parking for all non-single-family residential uses may be reduced by up to 10 percent for the provision of bicycle parking in addition to what is required by Section 19.509. A reduction of one vehicle parking space is allowed for every 6 additional bicycle parking spaces installed. The bicycle spaces shall meet all other standards of Subsection 19.509. The area of an existing parking space in an off-street parking area may be converted to bicycle parking to utilize this reduction.

6. Car Sharing

Required parking may be reduced by up to 5% if at least 1 off-street parking space is reserved for a vehicle that is part of a car sharing program. The car sharing program shall be sufficiently large enough, as determined by the Planning Director, to be accessible to persons throughout Milwaukie and its vicinity. The applicant must provide documentation from the car sharing program that the program will utilize the space provided.

7. Provision of Transit Facility Improvements

The number of existing required parking spaces may be reduced by up to 10% percent for developments that provide facilities such as bus stops and pull-outs, bus shelters, or other transit-related facilities. A reduction of 1 parking space is allowed for each 100 sq ft of transit facility provided on the site.

19.505.4 Shared Parking

Some or all of a use's required parking spaces may be accommodated off-premises on the parking area of a different site through shared parking, pursuant to the standards of Subsection 19.505.4. The standards of Subsection 19.505.4 do not apply to voluntary shared parking agreements that are not created in order to conform to the quantity requirements of Section 19.505.

Proposed Code Amendment

A. Review

The Planning Director shall determine in accordance with Subsection 19.1011.1 Type I Administrative Review whether the shared parking standards are met. The Planning Director may require a nonconforming parking area be brought into conformance, or closer to conformance as per Subsection 19.502.5, before it may be used for shared parking.

B. Standards

1. The applicant must demonstrate that the shared parking area has a sufficient quantity of spaces for the uses that will share the parking area. The Planning Director may require the applicant to provide data substantiating the claim that the proposed parking is sufficient for multiple uses during peak hours of demand for each use.
2. The nearest parking spaces shall be no further than 1,000 ft from the principal structure(s) or use(s). The measurement shall be along a route that is adequately illuminated; has vertical or horizontal separation from travel lanes within the right-of-way; uses legal crosswalks for right-of-way crossing; and has an asphalt, concrete or similar surface material. The applicant may propose to construct new facilities or modify existing facilities to comply with Subsection 19.505.4.B.2.
3. Legal documentation between the property owners that guarantees access to the shared parking shall be recorded with the County. The documentation shall be reviewed and approved by the Planning Director prior to being recorded. The agreement shall run with the land and not be tied to property ownership. The agreement shall not be terminated without City approval. The request for terminating the agreement must demonstrate that the properties in the agreement and their uses will comply with the quantity requirements of Section 19.505 after dissolution of the agreement. A copy of the recorded documentation shall be provided to the City prior to obtaining a building permit.

19.506 PARKING AREA DESIGN AND LANDSCAPING

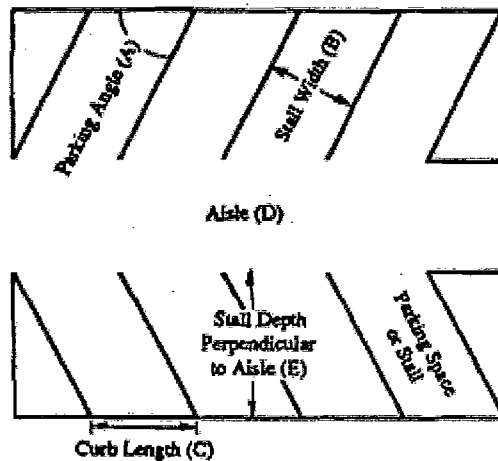
The purpose of Section 19.506 is to ensure that off-street parking areas are safe, environmentally sound, aesthetically pleasing, and that they have efficient circulation. These standards apply to all types of development except for single-family attached dwellings, single-family detached dwellings, and residential homes.

19.506.1 Parking Space and Aisle Dimensions

A. The dimensions for required off-street parking spaces and abutting drive aisles, where required, shall be no less than in Table 19.506.1. The minimum dimensions listed in Table 19.506.1 are illustrated in Figure 19.506.1.

Table 19.506.1 Minimum Parking Space And Aisle Dimensions					
Angle (A)	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Depth (E)
0° (Parallel)	8.5'	22'	12'	19'	8.5'
30°	9'	17'	12'	19'	16.5'
45°	9'	12'	13'	19'	18.5'
60°	9'	10'	17'	19'	19'
90°	9'	9'	22'	22'	18'

**Figure 19.506.1
Parking Dimension Factors**



- B. The dimension of vehicle parking spaces provided for disabled persons shall be according to federal and state requirements.
- C. Parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.
- D. Drive aisles shall be required in parking areas greater than 5 spaces. Drive aisles shall meet the minimum width standards of Subsection 19.506.1. Where a drive aisle or portion thereof does not abut a parking space(s), the minimum allowed width for a one way drive aisle shall be 8 ft and the minimum allowed width for a two way drive aisle shall be 16 ft.

19.506.2 Landscaping

A. Purpose

The purpose of the off-street parking lot landscaping standards is to provide vertical and horizontal buffering between parking areas and adjacent properties, break up large

expanses of paved area, help delineate parking spaces and drive aisles, and provide environmental benefits such as stormwater management, carbon dioxide absorption, and a reduction of the urban heat island effect.

B. General Provisions

1. Parking area landscaping shall be required for the surface parking areas of all uses, except for single-family detached and single-family attached residences. Landscaping shall be based on the following standards in Subsections 19.506.2.C-19.506.2.H.
2. Landscaped areas required by Subsection 19.506.2 shall count toward the minimum amount of landscaped area required in other portions of Title 19.
3. Parking areas with 10 or fewer spaces in the Downtown Storefront zone, and the portion of the Downtown Office zone located to the north of Washington Street and east of McLoughlin Boulevard are exempt from the requirements of Subsection 19.506.2.

C. Perimeter Landscaping

The perimeter landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.506.2.C.

1. Dimensions

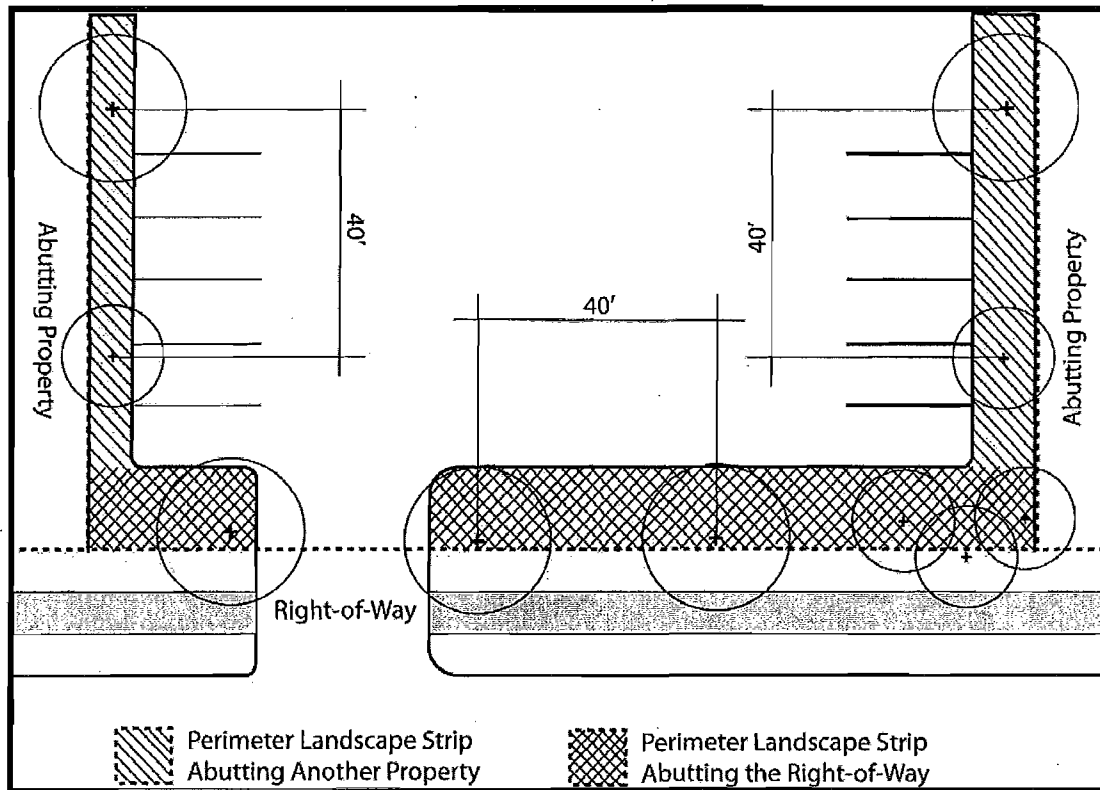
The minimum width of perimeter landscape areas are shown in Table 19.506.2.C.1. Where a curb provides the border for a perimeter landscape area, the dimension shall be measured from the inside of the curb(s). The Planning Director may reduce the required minimum width of a perimeter landscaping area where existing development or site constraints make it infeasible to provide drive aisles, parking spaces, and the perimeter landscaping buffer width listed in Table 19.506.2.C.1.

Location	Downtown Zones	All Other Zones
Lot line abutting a right-of-way	4'	8'
Lot line abutting another property, except for abutting properties that share a parking area	0'	6'

2. Planting Requirements

Landscaping requirements for perimeter buffer areas shall include 1 tree planted per 40 lineal ft of landscaped buffer area. Where the calculation of the number of trees does not result in a whole number, the result shall be rounded up to the next whole number. Trees shall be planted at evenly spaced intervals along the perimeter buffer to the greatest extent practicable. The remainder of the buffer area shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.

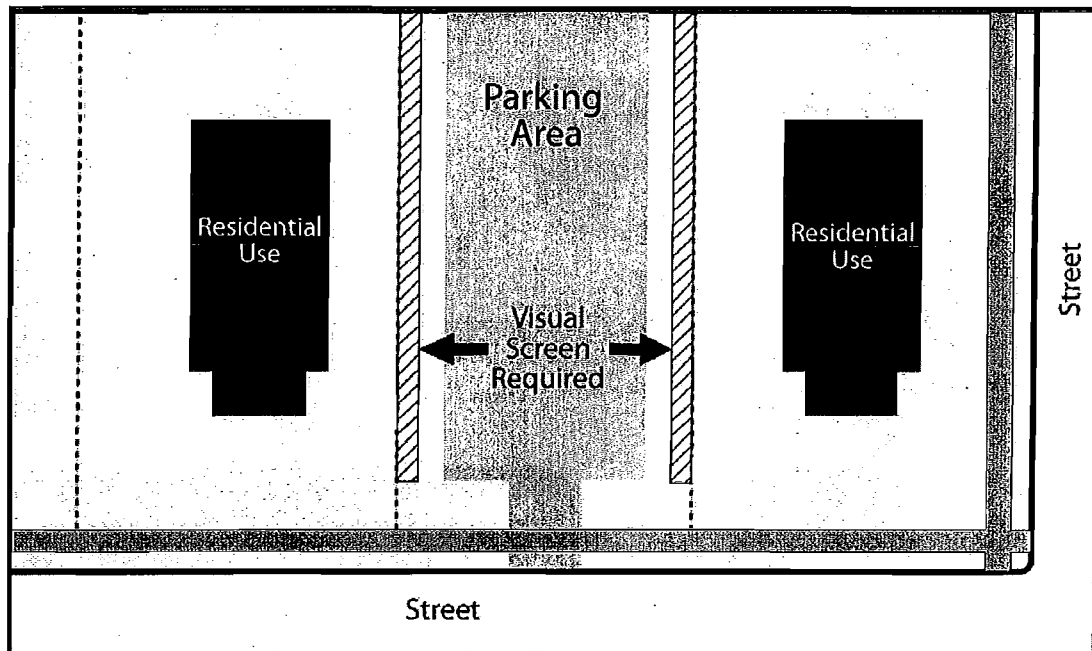
Figure 19.506.2.C
Perimeter Landscaping Areas



3. Additional Planting Requirements Adjacent to Residential Uses

In addition to the planting requirements of Subsection 19.506.2.D.2, all parking areas adjacent to a residential use shall have a continuous visual screen in the landscape perimeter area that abuts the residential use. The area of required screening is illustrated in Figure 19.506.2.C.3. The screen must be opaque throughout the year from 1 to 4 ft above ground to adequately screen vehicle lights. These standards must be met at the time of planting. Examples of acceptable visual screens are a fence or wall, an earth berm with plantings, and other plantings of trees and shrubs.

**Figure 19.506.2.C.3
Additional Planting Requirements Adjacent to Residential Uses**



D. Interior landscaping

The interior landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.506.2.D.

1. General Requirements

Interior landscaping of parking areas shall be provided for sites where there are more than 10 parking spaces on the entire site. Landscaping that is contiguous to a perimeter landscaping area and exceeds the minimum width required by Subsection 19.506.2.C.1 will be counted as interior landscaping if it meets all other requirements of Subsection 19.506.2.D.

2. Required Amount of Interior Landscaped Area

At least 25 sq ft of interior landscaped area must be provided for each parking space. Planting areas must be at least 120 sq ft in area and dispersed throughout the parking area.

3. Location and Dimensions of Interior Landscaped Areas

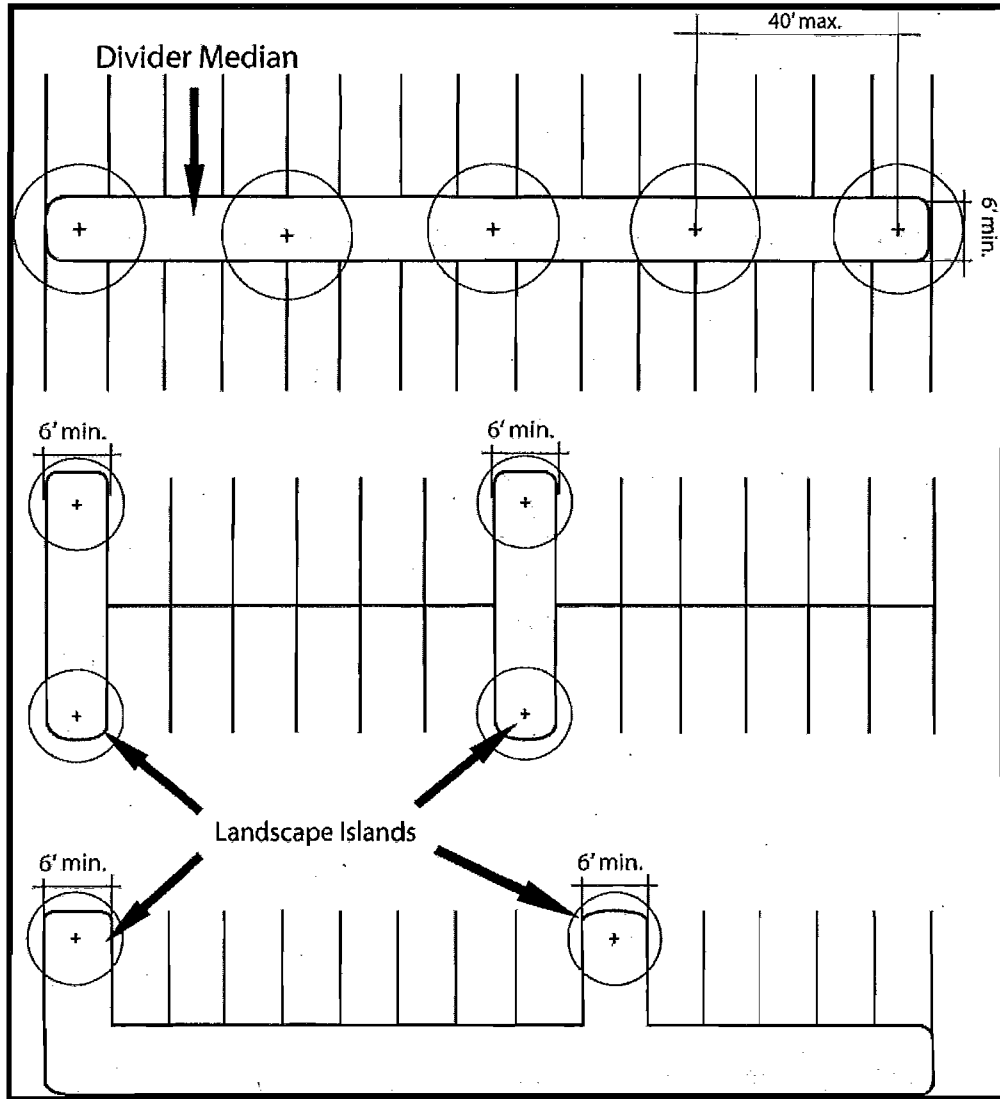
- a. Interior landscaped area shall be either a divider median between opposing rows of parking, or a landscape island in the middle or at the end of a parking row.
- b. Interior landscaped areas must be a minimum of 6 ft in width. Where a curb provides the border for an interior landscape area, the dimension shall be measured from the inside of the curb(s).

4. Planting Requirements for Interior Landscaped Areas

- a. For divider medians, at least 1 shade or canopy tree must be planted for every 40 linear ft. Where the calculation of the number of trees does not result in a whole number, the result shall be rounded up to the next whole number. Trees shall be planted at evenly spaced intervals to the greatest extent practicable.

- b. For landscape islands, at least 1 tree shall be planted per island. If 2 interior islands are located contiguously, they may be combined and counted as 2 islands with 2 trees planted.
- c. The remainder of any divider median or landscape island shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.

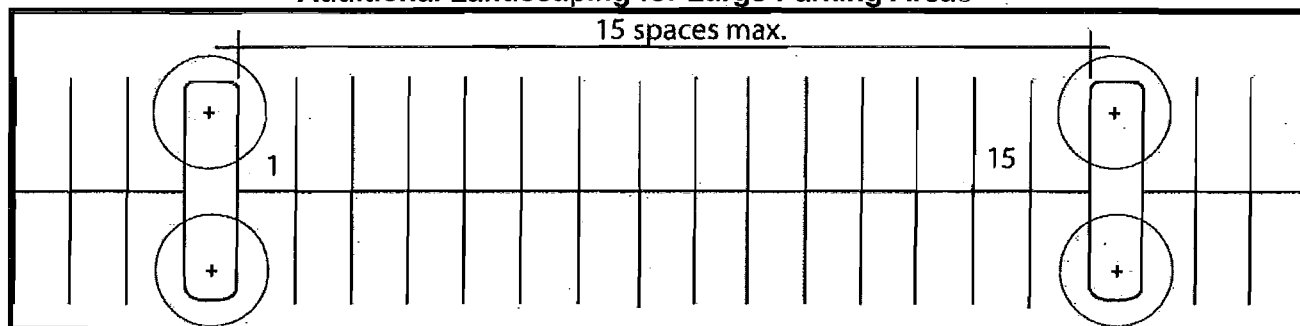
**Figure 19.506.2.D
Location and Dimensions of Interior Landscaped Areas**



5. Additional Landscaping for Large Parking Areas

Parking areas with more than 100 spaces on a site shall not have more than 15 spaces in a row without providing an interior landscaped island. See Figure 19.506.2.D.5.

**Figure 19.506.2.D.5
Additional Landscaping for Large Parking Areas**



E Other Parking Area Landscaping Provisions

1. Preservation of existing trees is encouraged in the off-street parking area and may be credited toward the total number of trees required, based on staff's review.
2. Installation of parking area landscaping shall be required before a certificate of occupancy is issued, unless a performance bond is posted with the city. Then landscaping shall be installed within 6 months thereafter or else the bond will be foreclosed and plant materials installed by the city.
3. Parking area landscaping shall be maintained in good and healthy condition.
4. Required parking landscaping areas may serve as stormwater management facilities for the site. The Engineering Director has the authority to review and approve the design of such areas for conformance with the Public Works Standards. This allowance does not exempt the off-street parking landscape area from meeting the design or planting standards of Subsection 19.506.2.
5. Pedestrian walkways are allowed within perimeter and interior landscape buffer if the landscape buffer is at least 2 ft wider than required in Subsections 19.506.2.C.1 and 19.506.2.D.3.b.

19.506.3 Additional Design Standards

A. Paving and Striping

Paving and striping are required for all required maneuvering and standing areas. Off-street parking areas shall have a durable and dust-free hard surface, shall be maintained for all-weather use, and shall be striped to show delineation of parking spaces and directional markings for driveways and access ways. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.

B. Wheel Stops

Parking bumpers or wheel stops, of a minimum 4-in height, shall be provided at parking spaces to prevent vehicles from encroaching on the street right-of-way, adjacent landscaped areas, or pedestrian walkways. Curbing may substitute for wheel stops if vehicles will not encroach into the minimum required width for landscape or pedestrian areas.

C. Site Access and Drive Aisles

1. Accessways to parking areas shall be the minimum number necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street.

Driveway approaches shall comply with the access spacing standards of Chapter 12.16.

2. Drive aisles shall meet the dimensional requirements in Subsection 19.506.1.
3. Parking drive aisles shall align with the approved driveway access and shall not be wider than the approved driveway access within 10 ft of the right-of-way boundary.
4. Along collector and arterial streets, no parking space shall be located such that its maneuvering area is in an ingress or egress aisle within 20 ft of the back of the sidewalk, or from the right-of-way boundary where no sidewalk exists.
5. Driveways and on-site circulation shall be designed so that vehicles enter the right-of-way in a forward motion.

D. Pedestrian Access and Circulation

Subsection 19.403.12 establishes standards that are applicable to an entire property for on-site walkways and circulation. The purpose of Subsection 19.506.3.D is to provide safe and convenient pedestrian access routes specifically through off-street parking areas.

Walkways required by Subsection 19.506.3.D are considered part of the on-site walkway and circulation system required by Subsection 19.403.12.

1. Pedestrian access shall be provided for off-street parking areas so that no parking space is further than 100 ft away, measured along vehicle drive aisles, from a building entrance, or a walkway that meets the standards of Subsection 19.506.3.D.2.
2. Walkways through off-street parking areas must be continuous, must lead to a building entrance, and meet the design standards of Subsection 19.403.12.E.

E. Internal Circulation

1. General Circulation

The Planning Director has the authority to review the pedestrian, bicycle, and vehicular circulation of the site and impose conditions to ensure safe and efficient on-site circulation. Such conditions may include, but are not limited to, on-site signage, pavement markings, addition or modification of curbs, and modifying drive aisle dimensions.

2. Connections to Adjacent Parking Areas

Where feasible, parking areas shall be designed to connect with parking areas on adjacent sites to eliminate the use of the street for cross movements.

3. Drive-Through Uses and Queuing Areas

The following standards apply to uses with drive-through services and uses such as gas stations and quick vehicle service facilities where vehicles queue rather than park on the site. The Planning Director has the authority to determine when the standards apply to a proposed use.

- a. The drive-up/drive-through facility shall be along a building face that is oriented to an alley, driveway, or interior parking area, and shall not be on a building face oriented toward a street.

- b. None of the drive-up, drive-in, or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 ft of the right-of-way.
- c. Queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way. Applicants may be required to submit additional information regarding the expected frequency and length of queues for a proposed use.

F. Lighting

Lighting is required for parking areas with more than 10 spaces. The Planning Director may require lighting for parking areas of less than 10 spaces if the parking area would not be safe due to the lack of lighting. Lighting shall be designed to enhance safe access for vehicles and pedestrians on the site, and shall meet the following standards:

- 1. Lighting luminaires shall have a cutoff angle of 90 degrees or greater to ensure that lighting is directed toward the parking surface.
- 2. Parking area lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site.
- 3. Pedestrian walkways and bicycle parking areas in off-street parking areas shall have a minimum illumination level of 0.5 footcandles, measured horizontally at the ground level.

19.507 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS

19.507.1 Residential Driveways and Vehicle Parking Areas

Subsection 19.507.1 is intended to preserve residential neighborhood character by establishing off-street parking standards. The provisions of Subsection 19.507.1 apply to passenger vehicles and off-street parking areas for single-family attached dwellings, single-family detached dwellings, and residential homes in all zones.

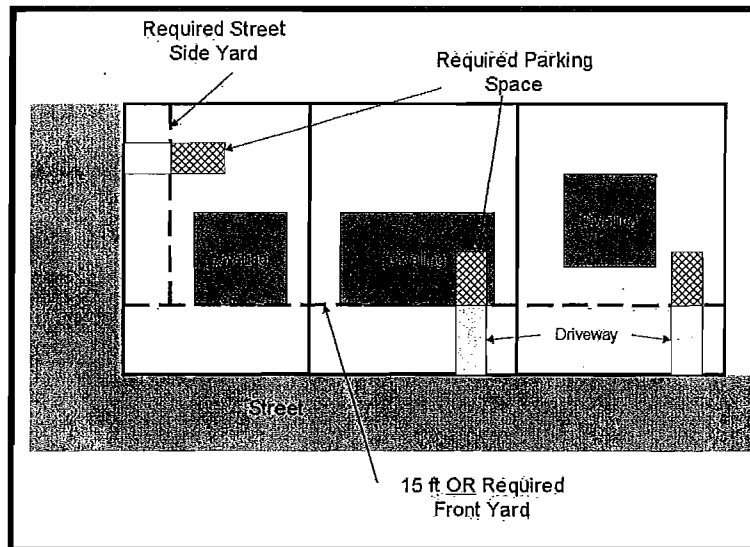
A. Dimensions

Off-street parking space dimensions for required parking spaces are 9 ft wide x 18 ft deep.

B. Location

- 1. Off-street vehicle parking for single-family attached dwellings, single-family detached dwellings, and residential homes shall be located on the same lot as the associated dwelling, unless shared parking is approved per Subsection 19.505.4.
- 2. No portion of the required parking space for single-family attached dwellings, single-family detached dwellings, or residential homes is allowed within the following areas. See Figure 19.507.1.B.2.
 - a. Within the required front yard or within 15 ft of the front lot line, whichever is greater.
 - b. Within a required street side yard.

**Figure 19.507.1.B.2
Required Parking Space Location**



C. Parking Surface Materials

Parking of vehicles on a property with a single-family attached dwelling, single-family detached dwelling, or residential home shall only be allowed on surfaces described in Subsection 19.507.1.C.

1. The following areas are required to have a durable and dust-free hard surface, and shall be maintained for all-weather use. The use of pervious concrete, pervious paving, driveway strips, or an in-ground grid or lattice surface is encouraged to reduce stormwater runoff.
 - a. Required parking space(s).
 - b. All vehicle parking spaces and maneuvering areas located within a required front or side yard. Areas for boat or RV parking are exempt from this requirement and may be graveled.
 - d. All off-street parking and maneuvering areas for a residential home.
2. Maneuvering areas and unrequired parking areas that are outside of a required front or side yard are allowed to have a gravel surface.

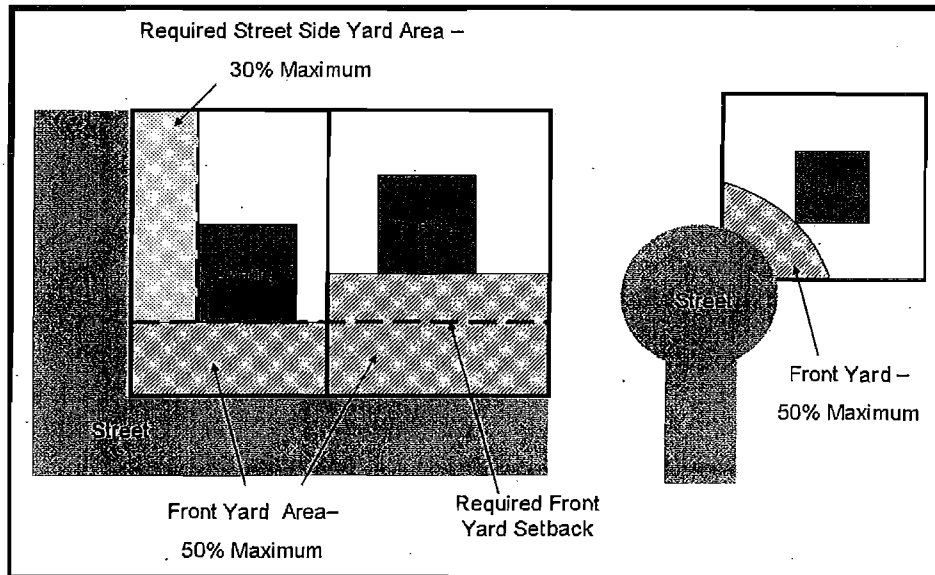
D. Parking Area Limitations

Uncovered parking spaces and maneuvering areas for vehicles, and for Recreational Vehicles and Pleasure Craft as described in Subsection 19.507.2.B, have the following area limitations. See Figure 19.507.1.D. The pole portion of a flag lot is not included in these area limitations.

- a. Uncovered parking spaces and maneuvering areas cannot exceed 50% of the front yard area.
- b. Uncovered parking spaces and maneuvering areas cannot exceed 30% of the required street side yard area.
- c. No more than 3 residential parking spaces are allowed within the required front yard. A residential parking space in the required front yard is any 9- x 18-ft

rectangle that is entirely within the required front yard that does not overlap with another 9- x 18-ft rectangle within the required front yard.

Figure 19.507.1.D
Front and Street Side Yard Parking Area Limits



E. Additional Driveway Standards

1. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approved driveway approach within 10 ft of the right-of-way boundary.
2. Properties that take access from streets other than local streets and neighborhood routes shall provide a turnaround area on site that allows vehicles to enter the right-of-way in a forward motion.

19.507.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking

Subsection 19.507.2 is intended to preserve residential neighborhood character by minimizing the impacts created by the parking and storing of commercial vehicles, pleasure crafts, and recreational vehicles. The standards of Subsection 19.507.2 apply to off-street parking areas for single-family attached dwellings, single-family detached dwellings, and residential homes in all zones.

- A. Commercial vehicles shall not be permitted to be parked or stored in the front yard or required street side yard on single-family attached dwelling, single-family detached dwelling, or residential home properties. Commercial vehicles may be present anywhere on these properties for up to 12 hours in one day if the vehicle is engaged in loading or unloading materials for a residence(s).
- B. Recreational vehicles and pleasure crafts on single-family attached, single-family detached, or residential home properties must comply with the following regulations.

1. On residential lots less than 1 acre, only 1 recreational vehicle or private pleasure craft that is not located in an enclosed structure such as a garage shall be allowed. Canoes and other crafts less than 12 ft in length shall be exempt from this requirement. On lots larger than 1 acre, 1 additional recreational vehicle or private pleasure craft that is not located in an enclosed structure is allowed for each 1/2 acre of area over 1 acre.
2. No vehicle or pleasure craft shall be lived in, have housekeeping maintained, or have hook-up to utilities while parked or stored on, or otherwise attached or moored to, a lot used for a single-family attached dwelling, single-family detached dwelling, or residential home.
3. A recreational vehicle or pleasure craft may be parked anywhere on a residential lot for up to 24 hours for the purposes of loading or unloading the vehicle.
4. A recreational vehicle or pleasure craft is encouraged to be parked or stored in the side or rear yard area of a residential lot.
5. Recreational vehicles and pleasure craft must be stored on a surface that meets the requirements of Subsection 19.507.1.C.1 or 19.507.1.C.2. Parking areas for recreational vehicle and pleasure craft are considered excess parking, and may be graveled as allowed by Subsection 19.507.1.C.2. The prohibitions in Subsection 19.507.1.C.2 on graveled areas in front yard or side yard setbacks are not applicable for areas where recreational vehicles and pleasure crafts are parked.

19.508 LOADING

19.508.1 General Provisions

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

19.508.2. Number of Loading Spaces

The Planning Director shall determine whether to require off-street loading for commercial, industrial, public, and semipublic uses. The ratios listed below should be the minimum required unless the Planning Director finds that a different number of loading spaces are needed upon reviewing the loading needs of a proposed use.

A. Residential Buildings

Buildings where all of the floor area is in residential use should meet the following standards.

1. Fewer than 50 dwelling units on a site that abuts a local street: No loading spaces are required.
2. All other buildings: 1 loading space.

B. Nonresidential and Mixed Use Buildings

Buildings where any floor area is in nonresidential uses should meet the following standards.

Proposed Code Amendment

1. Less than 20,000 sq ft total floor area: No loading spaces required.
2. 20,000 to 50,000 sq ft of total floor area: 1 loading space.
3. More than 50,000 sq ft of total floor area: 2 loading spaces.

19.508.3 Loading Space Standards

- A. Loading spaces shall be at least 35 ft long and 10 ft wide, and shall have a height clearance of at least 13 ft
- B. Loading areas shall be provided on the site and be separate from parking spaces.
- C. Off-street loading areas shall have a durable and dust-free hard surface. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.
- D. Lighting of loading areas shall conform to the standards of Subsection 19.506.3.F.
- E. Off-street loading areas for materials and merchandise shall be located outside of the minimum front and side yard requirements for structures.
- F. Off-street loading areas shall be located where not a hindrance to drive aisles, walkways, public or private streets, or adjacent properties.

19.508.4 Prohibitions

- A. Loading activity for a site, regardless of whether loading spaces are required, shall not obstruct travel within the right-of-way.
- B. The accumulation of goods in loading areas shall be prohibited when it renders the space useless for loading and unloading of goods and passengers.

19.509 BICYCLE PARKING

19.509.1 Applicability

Bicycle parking shall be provided for all new commercial, industrial, community service use, and multifamily residential development. Temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units are exempt from Section 19.509. Bicycle parking shall be provided in the downtown zones and at transit centers.

19.509.2 Quantity of Spaces

- A. The number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use. In no case shall less than 2 spaces be provided. The number of bicycle parking spaces at transit centers shall be provided at the ratio of at least 1 space per 100 daily boardings.
- B. Covered or Enclosed Bicycle Parking. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (lockers) in either of the following situations.
 1. When 10% or more of vehicle parking is covered.
 2. If more than 10 bicycle parking spaces are required.

19.509.3 Space Standards and Racks

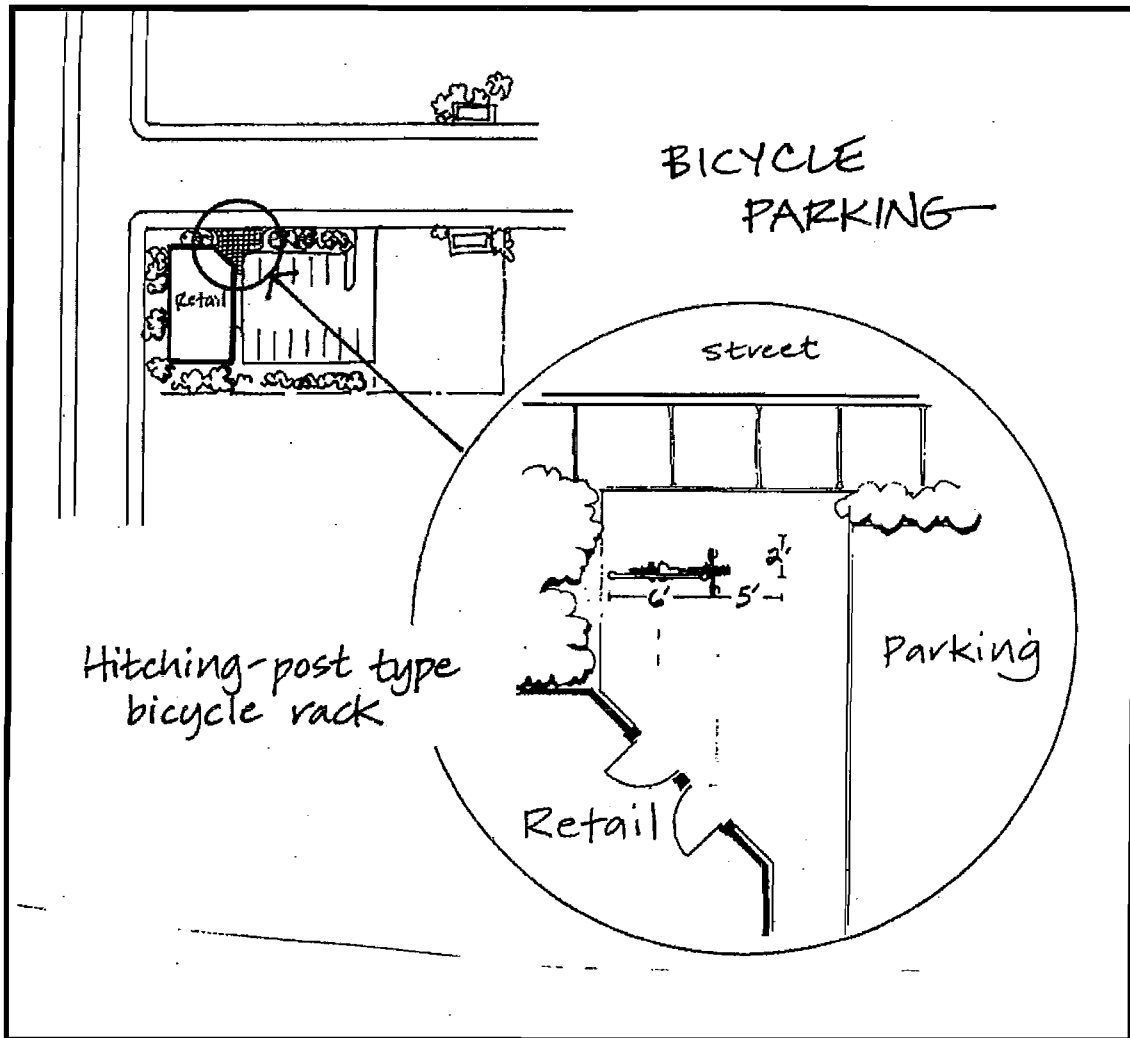
- A. The dimension of each bicycle parking space shall be a minimum of 2 x 6 ft. A 5-ft-wide access aisle must be provided. If spaces are covered, 7 ft of overhead clearance must be provided. Bicycle racks must be securely anchored and designed to allow the frame and 1 wheel to be locked to a rack using a high security, U-shaped, shackle lock.

B. Lighting shall conform to the standards of Subsection 19.506.3.F.

19.509.4 Location

- A. Bicycle parking facilities shall meet the following requirements.
1. Located within 50 ft of the main building entrance.
 2. Closer to the entrance than the nearest non-ADA designated vehicle parking space.
 3. Designed to provide direct access to a public right-of-way.
 4. Dispersed for multiple entrances.
 5. In a location that is visible to building occupants or from the main parking lot.
 6. Designed not to impede pedestrians along sidewalks or public rights-of-way.
 7. Separated from vehicle parking areas by curbing or other similar physical barriers.
- B. The public right-of-way may be utilized for bicycle parking when parking cannot be reasonably accommodated on the site and the location is convenient to the building's front entrance. The bicycle parking area in the right-of-way must leave a clear, unobstructed width of sidewalk that meets the Engineering Department's Public Works Standards for sidewalk passage. See Figure 19.509 for illustration of space and locational standards. A Right-of-Way permit is required.

Figure 19.509
Bicycle Parking



19.510 CARPOOL AND VANPOOL PARKING

19.510.1 Applicability

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

19.510.2 Number of Spaces

The number of carpool/vanpool parking spaces shall be at least 10% of the minimum amount of required parking spaces. The minimum amount of required parking spaces shall take into account the reduction allowed by Subsection 19.505.3.B.4.

19.510.3 Location

Parking for carpools/vanpools shall be located closer to the main entrances of the building than other employee or student parking, except ADA spaces.

19.510.4 Standards

Carpool/vanpool spaces shall be clearly designated with signs or pavement markings for use only by carpools/vanpools.

19.511 PARKING STRUCTURES

The purpose of Section 19.511 is to regulate the design and location of structured parking, and to provide appropriate incentives for the provision of structured parking. Structured parking is allowed to accommodate parking that is required for a specific use, or as a parking facility that is a use by itself.

19.511.1 Permitted Zones and Review Procedures

- A. Parking structures, including underground parking, are allowed in all zoning districts except the R-10, R-7, R-5, and Downtown Open Space zones. A parking structure can be permitted through approval of a Community Service Use application in all zones except the Downtown Open Space zone.
- B. Applications for parking structures with fewer than 20 spaces are subject to Type II review, per the procedures of Subsection 19.1011.2. Applications for parking structures with 20 spaces or more shall be reviewed by the planning commission at a public hearing per Subsection 19.1011.3 Minor Quasi-Judicial Review. The Planning Commission may impose conditions on the proposed structure to make it compatible with surrounding properties.

19.511.2 Compliance with Other Sections of Chapter 19.500

- A. Spaces in parking structures can be used to satisfy the minimum quantity requirements of Section 19.505. Spaces in parking structures are exempt from counting against maximum parking allowances if the spaces are utilized for types of parking listed in Subsection 19.505.3.A.
- B. The space and drive aisle dimensions required in Subsection 19.506.1 shall apply to structured parking unless the applicant requests that the dimensions be reduced. Dimensions may be reduced if the applicant can demonstrate that the reduced dimensions can safely accommodate parking and maneuvering for standard passenger vehicles.
- C. In addition to the standards in Subsection 19.511.3, parking structures shall comply with the development standards, design standards, and design guidelines for the base zone(s) in which the structure will be located.

19.511.3 Standards and Design Criteria for Structured Parking

- A. A minimum of 75% of the length of any façade of a parking structure that faces a street shall provide ground-floor windows or wall openings. Blank walls are prohibited.
- B. The structure shall be compatible with related structures on the lot in terms of appearance, size, scale, and bulk.
- C. The required yard setbacks between the property line and the structure shall be landscaped, per the requirements of Subsection 19.506.2.D.3.
- D. The structure shall provide safe pedestrian connections between parking structure and the public sidewalk or principal building.
- E. The structure shall provide adequate lighting to ensure motorist and pedestrian safety within the structured parking facility and connecting pedestrian ways to the principal building.

19.511.4 Incentives for Provision of Structured Parking.

- A. An applicant shall be allowed an additional 0.5 sq ft of floor area above the maximum allowed floor area ratio for every 1 sq ft of structured parking provided. The applicant shall meet the other requirements of the development standards for the base zone in which it is located.
- B. If structured parking is underground, the applicant shall be relieved from Subsection 19.511.3.C and can locate the underground structure within any part of the setback and yard area.

**Underline/Strikeout Amendments to
Chapters 19.100, 19.300, 19.400, 19.600, 19.700, and 19.1500**

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.103 DEFINITIONS

"Accessory structure or accessory use" means a structure or use incidental and subordinate to the main use of property and located on the same lot as the main use, including accessory parking. ~~any required off-street parking within 200 feet (measured in a straight line) of the building or use it is intended to serve.~~

"Accessory parking" means off-street parking that serves the parking demand of a specific use(s). Accessory parking is distinct from a "parking facility," as defined in Section 19.103.

~~"Commercial parking facility" means any off-street parking area a parking structure, surface, or below-grade parking lot, for which a charge or fee is assessed for parking. Commercial parking facilities provide parking that is not accessory to a specific use. Examples include short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking. Accessory parking areas that occasionally charge the public to park for nearby events are not considered parking facilities.~~

"Commercial vehicle" means a vehicle designed or used primarily for commercial purposes, and which is either 9 ft tall or taller as measured from ground height, or has an enclosed storage area greater than 6 ft in height and 9 ft in length. Recreational vehicles that are not used for profit are not considered commercial vehicles.

"Maneuvering area" means an area on a site over which vehicles travel between a parking space and the street.

"New construction" means development on a site that was previously undeveloped or from which previously existing structures have been demolished. New construction can also occur on sites with existing structures. New construction includes the following: (1) new structures, (2) new additions to existing structures, and (3) reconstruction of fully or partially demolished structures.

"Parking space" means an area meeting the dimensions of Chapter 19.500 that is available for the parking of an a standard American automobile. ~~or compact size.~~

"Story" means portion of a building between any floor and the next floor above. If the floor level directly above a basement or unused under-floor space is more than 6 ft feet above grade for more than 50% of the total perimeter or is more than 10 ft feet above grade at any point, such basement or unused under-floor space shall be considered as a story.

"Half-story" means a story under a gable, gambrel, or hip roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2 ft feet above the floor of such story. If the floor level directly above a basement or unused under-floor space is less than 6 ft feet above grade, for more than 50% of the total perimeter ~~or~~ and is not more than 10 ft feet above grade at any point, such basement or unused under-floor space shall be considered as a half-story.

"Structured parking" means a structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a

vehicle parking area that is not underneath a structure, is entirely covered, and has a parking surface at least 8 ft below grade. Structured parking does not include garages or carports.

CHAPTER 19.300 USE ZONES

19.312 DOWNTOWN ZONES

19.312.4 Development Standards

B. Explanation of Development Standards

10. Off-Street Parking

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

- a. Development in the Downtown Storefront Zone, and the portion of the Downtown Office Zone located to the north of Washington Street and east of McLoughlin Boulevard, is exempt from the maximum and minimum quantity requirements for vehicle parking in Section 19.505, Chapter 19.500. Off-Street Parking Requirements.
- b. With the exception of the two areas identified in Subsection 19.312.4.B.10.a above, ~~the minimum and maximum parking standards specified in~~ standards and provisions of Chapter 19.500 shall apply to development in the downtown zones.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 feet of the Main Street right-of-way. The Planning Commission may permit off-street parking lots and curb cuts within 50 feet of the Main Street right-of-way only on the finding in a public hearing that:
 - (1) The overall project meets the intent of providing a continuous façade of buildings close to Main Street;
 - (2) The off-street parking area or curb cut is visually screened from view from Main Street; and
 - (3) The community need for the off-street parking area or curb cut within 50 feet of Main Street outweighs the need to provide a continuous façade of buildings in that area.

19.314 MANUFACTURING ZONE M

19.314.1 Permitted Uses

Permitted uses are limited to industrial uses meeting the following criteria:

- A. Any combination of manufacturing, office, and/or commercial uses are allowed when at least 25% of the total project involves an industrial use as described under Subsection 19.314.1.B 19.314.2.B below. The combined uses shall provide at least 10 employees per net acre.

19.318 MIXED USE OVERLAY ZONE MU

19.318.7 Application Materials

An application for a mixed use overlay review shall include the following:

- J. ~~12 copies of d~~Detailed and dimensioned plans, drawn to scale for the specific project, including, but not limited to, the site development plan, building elevations, floor plans, landscaping plan, and parking plan. These plans shall show lot dimensions based on a survey of the property; existing and proposed property boundaries; the distance from structures to property lines and between structures; the building footprint with all projections; and location of driveways, walkways, paved areas, and disabled access and parking. Parking shall address all requirements of Chapters 19.500 and 19.1400 of the Zoning Ordinance;

19.320 WILLAMETTE GREENWAY ZONE

19.320.5 Procedures

The following procedures shall govern the application of WG Zones:

E. Submittal Requirements

A vegetation/buffer plan must be submitted for each application for a greenway conditional use permit. A buffer plan is required only if the proposed development impacts the vegetation buffer defined in Subsection 19.320.8.

19.320.6 Criteria

The following shall be taken into account in the consideration of a conditional use:

- H. Protection of the natural environment according to regulations in Section 19.322 the Natural Resource overlay Zone;

19.321 COMMUNITY SERVICE USE CSU

19.321.4 Notice Requirements

Except as provided in Subsections ~~19.321.5.C~~ 19.321.6.C and 19.321.14, Wireless Communication Facilities, the Planning Commission shall hold a public hearing for a community service use request per the procedures outlined in Subsection 19.1011.3.C Minor Quasi-Judicial Review, Community Service Use.

19.321.9 Review of Application (Repealed by Ord. _____)

Upon receipt of an application, the Director shall:

- A. ~~Review the application for completeness and shall either accept the application or return it to the applicant with a written list of omissions within 7 calendar days of the date of submittal. Date of acceptance shall be noted.~~
- B. ~~A preapplication conference may be scheduled at the request of either the applicant or staff.~~
- C. ~~As soon as an application is accepted as complete, notice will be sent if required by Section 19.1011.~~
- D. ~~A field visit to the site will be required prior to preparation of the staff report.~~

19.321.12 Specific Standards for Institutions—Public, Private, Religious, and Other Facilities not Covered by Other Standards

- J. Park-and-ride facilities may be encouraged for institutions along transit routes that do not have days and hours in conflict with weekday uses (e.g., religious institutions or fraternal

organizations). Such uses may be encouraged to allow portions of their parking areas to be used for park-and-ride lots.

CHAPTER 19.400 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.403 SITE AND BUILDING DESIGN PROVISIONS

19.403.1 ~~Storage in front yard. (Repealed by Ord. _____)~~

~~Vehicles that are partially dismantled or do not have a valid state license shall not be stored more than ten (10) days in a required front yard or street side yard. All vehicles, licensed or unlicensed, shall be stored in driveway areas only. Vehicles used for commercial purposes (such as trucks) shall be screened or stored from view of the street.~~

CHAPTER 19.600 CONDITIONAL USES

19.602 STANDARDS GOVERNING CONDITIONAL USES

19.602.10 Type 2 Accessory Dwelling Unit

A 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:

2. Off-street parking shall be provided in accordance with Chapter 19.500 ~~1 off-street parking space is provided for the accessory unit in addition to the required parking for the primary dwelling;~~

CHAPTER 19.700 VARIANCES, EXCEPTIONS, AND HOME IMPROVEMENT EXCEPTIONS

19.708 CIRCUMSTANCES FOR GRANTING HOME IMPROVEMENT EXCEPTIONS

A home improvement exception may be granted only when the Planning Director finds all of the following criteria satisfied:

19.708.1 Circumstances

- A. There are conditions applicable to the property, or the existing structure has a design, such that the proposed project would result in only minor exterior changes.
- B. The home improvement exception sustains the integrity of or enhances an existing design concept or the neighborhood character.
- C. The granting of the application will not be detrimental or injurious to the property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare, or convenience.
- D. The home improvement exception only authorizes uses or activities that are permitted by the zoning district.
- E. The home improvement exception is consistent with the objectives of the Comprehensive Plan and Zoning Ordinance.

In determining whether to approve or deny exceptions pursuant to Section 19.708 ~~this section~~, the Planning Director shall consider such applicable residential design guidelines as may be adopted for the neighborhood district in which the site is located.

A home improvement exception can be used to legalize a situation that is in violation of the Building Code or Zoning Ordinance. However, a home improvement exception shall not be granted for a structure if a Building Code or Zoning Ordinance violation other than the violation being addressed by the home improvement exception exists at the site. A Building Code violation cannot be used to justify the integrity of an existing design concept, and a final building permit inspection for a home improvement exception may not occur until all building violations have been corrected.

CHAPTER 19.1500 BOUNDARY CHANGES

19.1502 ANNEXATIONS

19.1502.2 The Petition

- C. An annexation petition shall include the completed petition form and the following information ~~13 copies of each of the following, except for each drawing submitted there shall be 12 at the original scale and 1 copy reduced to an 8½- by 11-inch paper size.~~

**Amendments to
Chapters 19.100, 19.300, 19.400, 19.600, 19.700, and 19.1500**

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.103 DEFINITIONS

“Accessory structure or accessory use” means a structure or use incidental and subordinate to the main use of property and located on the same lot as the main use, including accessory parking. “Accessory parking” means off-street parking that serves the parking demand of a specific use(s). Accessory parking is distinct from a “parking facility,” as defined in Section 19.103.

“Parking facility” means any off-street parking area that is not accessory to a specific use. Examples include short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking. Accessory parking areas that occasionally charge the public to park for nearby events are not considered parking facilities.

“Commercial vehicle” means a vehicle designed or used primarily for commercial purposes, and which is either 9 ft tall or taller as measured from ground height, or has an enclosed storage area greater than 6 ft in height and 9 ft in length. Recreational vehicles that are not used for profit are not considered commercial vehicles.

“Maneuvering area” means an area on a site over which vehicles travel between a parking space and the street.

“New construction” means development on a site that was previously undeveloped or from which previously existing structures have been demolished. New construction can also occur on sites with existing structures. New construction includes the following: (1) new structures, (2) new additions to existing structures, and (3) reconstruction of fully or partially demolished structures.

“Parking space” means an area meeting the dimensions of Chapter 19.500 that is available for the parking of an automobile.

“Story” means portion of a building between any floor and the next floor above. If the floor level directly above a basement or unused under-floor space is more than 6 ft above grade for more than 50% of the total perimeter or is more than 10 ft above grade at any point, such basement or unused under-floor space shall be considered as a story.

“Half-story” means a story under a gable, gambrel, or hip roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2 ft above the floor of such story. If the floor level directly above a basement or unused under-floor space is less than 6 ft above grade, for more than 50% of the total perimeter and is not more than 10 ft above grade at any point, such basement or unused under-floor space shall be considered as a half-story.

“Structured parking” means a structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, is entirely covered, and has a parking surface at least 8 ft below grade. Structured parking does not include garages or carports.

CHAPTER 19.300 USE ZONES

19.312 DOWNTOWN ZONES

19.312.4 Development Standards

B. Explanation of Development Standards

10. Off-Street Parking

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

- a. Development in the Downtown Storefront Zone, and the portion of the Downtown Office Zone located to the north of Washington Street and east of McLoughlin Boulevard, is exempt from the maximum and minimum quantity requirements for vehicle parking in Section 19.505. ...
- b. With the exception of the two areas identified in Subsection 19.312.4.B.10.a above, standards and provisions of Chapter 19.500 shall apply to development in the downtown zones.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 feet of the Main Street right-of-way. The Planning Commission may permit off-street parking lots and curb cuts within 50 feet of the Main Street right-of-way only on the finding in a public hearing that:
 - (1) The overall project meets the intent of providing a continuous façade of buildings close to Main Street;
 - (2) The off-street parking area or curb cut is visually screened from view from Main Street; and
 - (3) The community need for the off-street parking area or curb cut within 50 feet of Main Street outweighs the need to provide a continuous façade of buildings in that area.

19.314 MANUFACTURING ZONE M

19.314.1 Permitted Uses

Permitted uses are limited to industrial uses meeting the following criteria:

- A. Any combination of manufacturing, office, and/or commercial uses are allowed when at least 25% of the total project involves an industrial use as described under Subsection 19.314.1.B. The combined uses shall provide at least 10 employees per net acre.

19.318 MIXED USE OVERLAY ZONE MU

19.318.7 Application Materials

An application for a mixed use overlay review shall include the following:

- J. Detailed and dimensioned plans, drawn to scale for the specific project, including, but not limited to, the site development plan, building elevations, floor plans, landscaping plan, and parking plan. These plans shall show lot dimensions based on a survey of the property; existing and proposed property boundaries; the distance from structures to property lines and between structures; the building footprint with all projections; and location of driveways,

walkways, paved areas, and disabled access and parking. Parking shall address all requirements of Chapters 19.500 and 19.1400 of the Zoning Ordinance;

19.320 WILLAMETTE GREENWAY ZONE

19.320.5 Procedures

The following procedures shall govern the application of WG Zones:

E. Submittal Requirements

A vegetation/buffer plan must be submitted for each application for a greenway conditional use permit. A buffer plan is required only if the proposed development impacts the vegetation buffer defined in Subsection 19.320.8.

19.320.6 Criteria

The following shall be taken into account in the consideration of a conditional use:

H. Protection of the natural environment according to regulations in Section 19.322 ;

19.321 COMMUNITY SERVICE USE CSU

19.321.4 Notice Requirements

Except as provided in Subsections 19.321.6.C and 19.321.14, Wireless Communication Facilities, the Planning Commission shall hold a public hearing for a community service use request per the procedures outlined in Subsection 19.1011.3.C Minor Quasi-Judicial Review, Community Service Use.

19.321.9 (Repealed by Ord. ____)

19.321.12 Specific Standards for Institutions—Public, Private, Religious, and Other Facilities not Covered by Other Standards

J. Park-and-ride facilities may be encouraged for institutions along transit routes that do not have days and hours in conflict with weekday uses (e.g., religious institutions or fraternal organizations). Such uses may be encouraged to allow portions of their parking areas to be used for park-and-ride lots.

CHAPTER 19.400 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.403 SITE AND BUILDING DESIGN PROVISIONS 19.403.1 (Repealed by Ord. ____)

CHAPTER 19.600 CONDITIONAL USES

19.602 STANDARDS GOVERNING CONDITIONAL USES

19.602.10 Type 2 Accessory Dwelling Unit

A 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:

2. Off-street parking shall be provided in accordance with Chapter 19.500 ;

CHAPTER 19.700 VARIANCES, EXCEPTIONS, AND HOME IMPROVEMENT EXCEPTIONS

19.708 CIRCUMSTANCES FOR GRANTING HOME IMPROVEMENT EXCEPTIONS

A home improvement exception may be granted only when the Planning Director finds all of the following criteria satisfied:

19.708.1 Circumstances

- A. There are conditions applicable to the property, or the existing structure has a design, such that the proposed project would result in only minor exterior changes.
- B. The home improvement exception sustains the integrity of or enhances an existing design concept or the neighborhood character.
- C. The granting of the application will not be detrimental or injurious to the property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare, or convenience.
- D. The home improvement exception only authorizes uses or activities that are permitted by the zoning district.
- E. The home improvement exception is consistent with the objectives of the Comprehensive Plan and Zoning Ordinance.

In determining whether to approve or deny exceptions pursuant to Section 19.708, the Planning Director shall consider such applicable residential design guidelines as may be adopted for the neighborhood district in which the site is located.

A home improvement exception can be used to legalize a situation that is in violation of the Building Code or Zoning Ordinance. However, a home improvement exception shall not be granted for a structure if a Building Code or Zoning Ordinance violation other than the violation being addressed by the home improvement exception exists at the site. A Building Code violation cannot be used to justify the integrity of an existing design concept, and a final building permit inspection for a home improvement exception may not occur until all building violations have been corrected.

CHAPTER 19.1500 BOUNDARY CHANGES

19.1502 ANNEXATIONS

19.1502.2 The Petition

- C. An annexation petition shall include the completed petition form and the following information .



049J82053457

\$0 1.90

05/21/2010

Mailed From 97222

US POSTAGE



Planning Department
6101 SE Johnson Creek Blvd.
Milwaukee, OR 97206

TO:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPT. OF LAND
CONSERVATION & DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540

