

CHAPTER 19.300 BASE ZONES

§ 19.301. Moderate Density Residential Zones

The moderate density residential zone is Residential Zone R-MD. This zone implements the Moderate Density residential land use designation in the Milwaukie Comprehensive Plan.

(Ord. 2051 § 2, 2012; Ord. 2110 § 2 (Exh. G), 2015; Ord. 2120 § 2, 2016; Ord. 2134 § 2, 2016; Ord. 2168 § 2, 2019; Ord. 2218 § 2 (Exh. B), 2022; Ord. 2224 § 2, 2022; Ord. 2229 § 2, 2023; Ord. 2236 § 2, 2023; Ord. 2245, 8/6/2024)

§ 19.301.1. Purpose.

The moderate density residential zone is intended to create, maintain, and promote neighborhoods and allow a broad range of housing types. Some non-residential uses are allowed, but overall the character is one of residential neighborhoods.

§ 19.301.2. Allowed Uses in Moderate Density Residential Zones.

Uses allowed, either allowed by right or conditionally, in the moderate density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director's determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

Table 19.301.2 Moderate Density Residential Uses Allowed		
Use	R-MD	Standards/Additional Provisions
Residential Uses		
Single detached dwelling	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Duplex	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Triplex	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development

Table 19.301.2 Moderate Density Residential Uses Allowed		
Use	R-MD	Standards/Additional Provisions
Quadplex	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Townhouse	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.5 Standards for Town-houses
Cottage Cluster	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.4 Cottage Cluster Housing
Adult foster/care home	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Accessory dwelling unit	P	Subsection 19.910.1 Accessory Dwelling Units
Manufactured dwelling park	III	Subsection 19.910.3 Manufactured dwelling parks
Residential care facility Examples include: assisted living, nursing facilities, and memory care communities	CSU	Subsection 19.904.8 Specific Standards for Residential Care Facilities
Commercial Uses		
Bed and breakfast or Vacation rental	CU	Section 19.905 Conditional Uses
Accessory and Other Uses		
Accessory use	P	Section 19.503 Accessory Uses

Table 19.301.2 Moderate Density Residential Uses Allowed		
Use	R-MD	Standards/Additional Provisions
Agricultural or horticultural use	P	Subsection 19.301.3 Use Limitations and Restrictions
Community service use	CSU	Section 19.904 Community Service Uses
Home occupation	P	Section 19.507 Home Occupation Standards
Short-term rental	P	Section 19.507 Home Occupation Standards

Notes:

P	=	Permitted/allowed by right
N	=	Not permitted.
CSU	=	Permitted with Community Service Use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.
CU	=	Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.
III	=	Type III review required.

§ 19.301.3. Use Limitations and Restrictions.

A. Agricultural or horticultural uses are permitted, provided that the following

conditions are met.

1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.
 2. Livestock, other than usual household pets, are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 sq ft per head of livestock.
 3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than one acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.
- B. Marijuana production is not permitted in moderate density residential zones except as follows:
1. State-licensed production for medical marijuana patients is permitted provided the operation is entirely indoors and meets the security and odor control standards set forth in Subsection 19.509.2.
 2. Growing marijuana indoors or outdoors for personal use is permitted consistent with state laws.

§ 19.301.4. Development Standards.

In the moderate density residential zone, the development standards in Table 19.301.4 apply. Notes and/or cross references to other applicable code sections are listed in the "standards/Additional Provisions" column. Additional standards are provided in Subsection 19.301.5.

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

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Table 19.301.4
Moderate Density Residential Development Standards

Standard		R-MD				Standards/ Additional Provisions
		Lot size (square feet)				
Standard		1,500 – 2,999	3,000–4,999	5,000-6,999 ²	7,000 and up	
A. Permitted Dwelling Type						
	Townhouse ¹	Duplex, Triplex, Quadplex	Single Detached Dwelling, Single Detached Dwelling, with up to 2 ADUs, Duplex, Triplex, Quadplex	Single Detached Dwelling, Single Detached Dwelling, with 2 ADUs, Duplex, Triplex, Quadplex, Cottage Cluster	Subsection 19.501.1 Lot Size Exceptions	
B. Lot Standards						
1. Minimum lot width (ft)	20	30	50	60		
2. Minimum lot depth (ft)	70	80	80	80		
3. Minimum street frontage requirements (ft)						
a. Townhouse	20					
b. Standard lot	35	30	35	35		
c. Flag lot	NA ³	25	25	25	Subsection 19.504.6 Flag Lot and Back Lot Design and Development Standards	
d. Double flag lot	NA ³	25	25	25		
C. Development Standards						
1. Minimum yard requirements for primary structures (ft)					Subsection 19.301.5.A Yards Subsection 19.501.2 Yard Exceptions Subsection 19.504.6 Flag Lot and Back Lot Design and Development Standards Subsection 19.505.4 Cottage Cluster Housing Subsection 19.505.5 Townhouses	
a. Front yard	20	20	20	20		
b. Side yard	5	5	5	5/10		
c. Street side yard	15	15	15	20		
d. Rear yard	15	20	20	20		

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Standard	R-MD				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000-4,999	5,000-6,999²	7,000 and up	
2. Maximum building height for primary structures	35 ft				Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
3. Side yard height plane limit					Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
a. Height above ground at minimum required side yard depth (ft)	20				
b. Slope of plane (degrees)	45				
4. Maximum lot coverage (percent of total lot area)	45%	35%	35%	30%	Section 19.201 "Lot coverage" definition Subsection 19.301.5,B Lot Coverage
5. Minimum vegetation (percent of total lot area)	15%	25%	25%	30%	Subsection 19.301.5,C Front Yard Minimum Vegetation Subsection 19.504.5 Minimum Vegetation
D. Other Standards					
1. Density requirements (dwelling units per acre)					Subsection 19.301.5,D Residential Densities Subsection 19.501.4 Density Exceptions For Cottage Clusters and Townhouse Density Exceptions, see 19.501.4
a. Minimum	25	7.0	7.0	5.0	
b. Maximum⁴	25	8.7	8.7	6.2	

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Notes:	
1	A townhouse is permitted on a corner lot up to 3,500 sq ft in area.
2	Minimum lot size for single detached dwelling applies to lots created on or after June 3, 2022, the effective date of Ordinance #2218.
3	Townhouses are not permitted on flag lots.
4	Townhouses are allowed at 4 times the maximum density allowed for single detached dwellings in the same zone or 25 dwelling units per acre, whichever is less. Duplexes, triplexes, quadplexes, and cottage clusters are exempt from density maximums.

§ 19.301.5. Additional Development Standards.**A. Yards**

On lots greater than 7,000 sq ft in the R-MD Zone, one side yard shall be at least 5 ft and one side yard shall be at least 10 ft, except on a corner lot the street side yard shall be 20 ft.

B. Lot Coverage

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

1. Decreased Lot Coverage for Large Lots

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

2. Increased Lot Coverage for Single Detached and Middle Housing Dwellings

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

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

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

Figure 19.301.5.B.2 Increased Lot Coverage for Single Detached Dwellings and Middle Housing

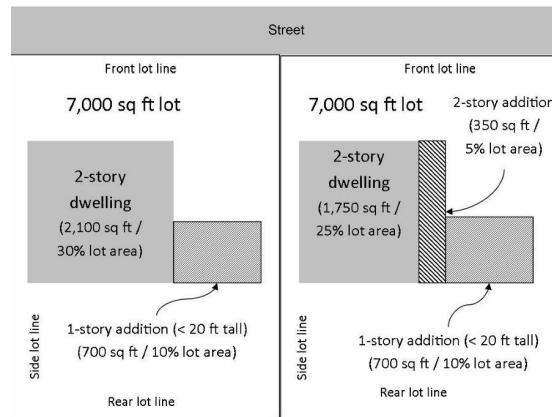


Figure 19.301.5.B.2 illustrates an example of increased lot coverage for lots in Residential Zone R-MD.

3. Increased Lot Coverage for Duplexes

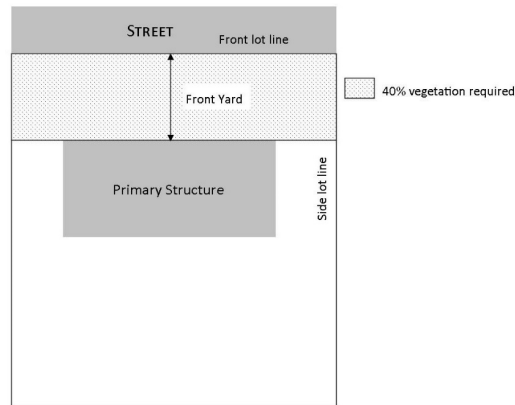
The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 20 percentage points for a duplex.

4. Increased Lot Coverage for Detached Accessory Dwelling Units

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

C. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

Figure 19.301.5.C Front Yard Minimum Vegetation**D. Residential Densities**

The minimum development densities in Subsection 19.301.4.C.1 are applicable for land divisions and replats that change the number of lots. Maximum densities apply to single detached dwellings; middle housing is exempt from maximum density, except for townhouses.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

E. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

F. Off-Street Parking and Loading

Off-street parking and loading is required as specified in Chapter 19.600.

G. Public Facility Improvements

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

H. Additional Standards

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