



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: December 18, 2015

Jurisdiction: City of Milwaukie

Local file no.: ZA-2015-002

DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/18/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

<b>FOR DLCD USE</b>	
File No.:	003-15 {24007}
Received: 12/18/2015	

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Milwaukie

Local file no.: **ZA-2015-002**

Date of adoption: 12/15/15

Date sent: 12/18/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 9/8/15

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No

If yes, describe how the adoption differs from the proposal:

Cottage Cluster Housing added as a Conditional Use

Existing Safeway store at 42<sup>nd</sup> and King exempted from maximum use size requirements; future outright permitted tenants restricted to retail uses.

Local contact (name and title): Li Alligood, Senior Planner

Phone: 503-786-7627

E-mail: [alligoodl@milwaukieoregon.gov](mailto:alligoodl@milwaukieoregon.gov)

Street address: 6101 SE Johnson Creek Blvd

City: Milwaukie

Zip: 97206-

**PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY**

**For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

NA

**For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

- |                |       |        |  |
|----------------|-------|--------|--|
| Change from NA | to NA | acres. | A goal exception was required for this change. |
| Change from    | to    | acres. | A goal exception was required for this change. |
| Change from    | to    | acres. | A goal exception was required for this change. |
| Change from    | to    | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Title 14 Sign Ordinance:  
 14.04.030 Definitions  
 14.16.040 Commercial Zones

Title 19 Zoning Ordinance:  
 19.107 Zoning  
 19.201 Definitions  
 19.303 Commercial Mixed-Use Zones  
 19.504 Site Design Standards  
 19.505 Building Design Standards  
 19.600 Off-Street Parking and Loading  
 19.901.11 Standards for Wireless Communication Facilities

Housekeeping:  
 19.202 Measurements  
 19.400 Overlay Zones  
 19.700 Public Facility Improvements  
 19.901 Land Use Applications

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from C-G	to NMU	Acres: 9.96
Change from C-L	to NMU	Acres: 6.74
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: NA	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: Clackamas County, Metro

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

See attached.



**CITY OF MILWAUKIE**  
*"Dogwood City of the West"*

**Ordinance No. 2112**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE MUNICIPAL CODE (TITLES 14 SIGNS AND 19 ZONING), AND AMENDING THE ZONING MAP (FILE #ZA-2015-002).**

**WHEREAS**, it is the intent of the City of Milwaukie to support neighborhood-serving small businesses and pedestrian-scale development in the "neighborhood main streets" of 32<sup>nd</sup> and 42<sup>nd</sup> Avenues; and

**WHEREAS**, the City Council approved Resolution 53-2013 to execute an intergovernmental agreement with Metro's Construction Excise Tax grant program to provide resources to the City to encourage appropriate development in these areas; and

**WHEREAS**, the *Neighborhood Main Streets and Moving Forward Milwaukie: Enhancing Our Commercial Districts* projects have identified zoning code and map revisions to encourage small businesses and pedestrian-scale development in these areas; and

**WHEREAS**, all affected property owners and tenants were notified of the amendments and opportunity for public input has been provided at multiple public meetings and through the City website; and

**WHEREAS**, the City has prepared amendments to the Municipal Code and Zoning Map that will result in updated use, development and design standards that reflect the community's vision for future development in the "neighborhood main street" commercial areas; and

**WHEREAS**, the proposed amendments have been processed pursuant to a Type V Legislative Review per Milwaukie Municipal Code Section 19.1008, with notice provided per the requirements of the Milwaukie Municipal Code and Oregon Revised Statutes, and with duly advertised public hearings on the proposed amendments before the Planning Commission and City Council.

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

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

Section 2. Amendments. The Milwaukie Municipal Code is amended as described in Exhibit B (Titles 14 and 19 underline/strikeout version), Exhibit C (Titles 14 and 19 clean version), and Exhibit D (Zoning Map).

Section 3. Effective Date. The amendments shall become effective 60 days from the date of adoption.

Read the first time on 12/15/15, and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 12/15/15.

Signed by the Mayor on 12/15/15.



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Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC



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Pat DuVal, City Recorder



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City Attorney

## EXHIBIT A

### **Findings in Support of Approval File #ZA-2015-002, Neighborhood Main Streets Code and Map Amendments**

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

1. The applicant, the City of Milwaukie, proposes to amend various commercial regulations that are contained in Title 14 Sign Ordinance and Title 19 Zoning Ordinance of the Milwaukie Municipal Code (MMC) and the Zoning Map. The land use application file number is ZA-2015-002.
2. The purpose of the proposed code amendments is to encourage appropriately-scaled, pedestrian friendly development and uses in the city's "neighborhood main street" commercial areas. While the proposed amendments are located in several titles of the municipal code, the most substantive amendments are proposed to the following chapters of Title 19:

- Chapter 19.303 General Mixed Use Zone
- Chapter 19.500 Supplementary Development Regulations

Additionally, amendments are proposed to Title 14 to coordinate with the proposed amendments to Title 19.

3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC Section 19.902 Amendments to Maps and Ordinances
  - MMC Chapter 19.1008 Type V Review
4. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.
  - a. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.

*The amendments are proposed by the City of Milwaukie and were initiated by the Planning Director on August 28, 2015.*
  - b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V Review have been met as follows:
    - (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.

*Opportunity for public comment and review has been provided. Staff held a public open house on June 3, 2015, for review of the draft amendments. The Planning Commission has had 1 worksession about the proposed amendments. The draft amendments were sent to members of the project steering committee, for review on May 14, 2015. In addition, property owners within 400 ft of the affected properties received mailed notice. Comments received are summarized in Finding 6.*
    - (2) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

*A notice of the Planning Commission's October 13, 2015, hearing was posted as required on September 11, 2015, at City Hall, Ledding Library, Public Safety*

*Building, and Johnson Creek Facility. A notice of the City Council's November 17, 2015, hearing was posted as required on October 16, 2015, at the same locations.*

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

*The proposed amendments will apply to properties in the 32<sup>nd</sup> Ave Limited Commercial Zone C-L roughly between Boyd St to the north and Kelvin St to the south; and the 42<sup>nd</sup> Ave General Commercial Zone C-G between King Rd to the north, 44<sup>th</sup> Ave to the east, Jackson St to the south, and 1-2 parcels west of 42<sup>nd</sup> Ave to the west. Although specific property owner notice is not required, given the scope of these amendments, all affected property owners were notified of the hearing date via the Measure 56 notice (see Finding 4.b.6). In addition, property owners within 400 ft of the affected properties received mailed notice.*

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

*The first evidentiary hearing was held before the Planning Commission on October 13, 2015. Notice of the proposed amendments was sent to DLCD on September 8, 2015.*

- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 45 days prior to the first evidentiary hearing.

*The first evidentiary hearing was held before the Planning Commission on October 13, 2015. Notice of the proposed amendments was sent to Metro on August 28, 2015.*

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

*The proposed amendments would affect uses and development on properties in the proposed Neighborhood Mixed Use Zone NMU. The City sent a Measure 56 Notice summarizing the proposal and announcing the date of the first public hearing to all property owners in the proposed NMU Zone on September 8, 2015.*

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

*The Planning Commission held a duly advertised public hearing on October 13, 2015, 2015. The City Council held a duly advertised public hearing on November 17, 2015.*

5. MMC Chapter 19.902 establishes requirements for amendments to the text of the Milwaukie Comprehensive Plan and the Milwaukie Municipal Code. The City Council finds that these requirements have been met as follows.

- a. MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.

- (1) MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.



*The Planning Commission held a duly advertised public hearing on October 13, 2015, 2015. The City Council held a duly advertised public hearing on November 17, 2015. Public notice was provided in accordance with MMC Subsection 19.1008.3.*

- (2) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.

- (a) MMC Subsection 19.905.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

*The proposed amendments expand the permitted uses and establish pedestrian-friendly development and design standards for new development and significant renovations in the proposed NMU Zone. The amendments do not conflict with any provision of the Milwaukie Municipal Code. All other code provisions remain effective and can be enforced..*

- (b) MMC Subsection 19.902.5.B.2 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan.

*The proposed amendments are consistent with the relevant goals and policies of the MCP, which are contained in Chapter 4: Land Use.*

*Economic Base and Industrial/Commercial Land Use Element*

- *Objective #9, Policy 3*

*This policy establishes protections for residential areas adjacent to commercial areas. The proposed land use changes will not change the existing transition area measures, which provide adequate visual buffers to adjacent residential areas, including devices such as landscaping and fencing.*

*Neighborhood Element*

- *Objective #2, Neighborhood Area 2, Guideline #4*

*This policy supports the rehabilitation of existing buildings in the existing 32<sup>nd</sup> Ave C-L Zone area. The proposed amendments will provide additional flexibility for property and business owners, which could encourage rehabilitation of existing buildings.*

- *Objective #3, Policy 6*

*This policy recommends zoning regulations to support the King Road Neighborhood Center vision to encourage land uses that will enhance its value as a commercial and residential neighborhood center. These recommendations include a mix neighborhood scale uses, pedestrian-friendly development standards, and a mix of housing types. The proposed amendments establish pedestrian-friendly development and design standards and allow housing as part of mixed-use development, as well as single-family and multifamily development as conditional uses.*

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

*The Urban Growth Management Functional Plan is Section 3.07 of the Metro Code. The plan provides tools to meet goals of the 2040 Growth Concept, Metro's long-range growth management plan for the Portland metropolitan area. The proposed amendments are consistent with Functional Plan and relevant regional policies, which are contained in Title 1 and Title 8.*

- *Title 1: Requirements for Housing and Employment Accommodation*

*The proposed amendments would not reduce the City's housing capacity or the region's employment capacity. The new NMU zone replaces a commercial-only zone and allows mixed-use development (commercial and residential) and live/work units, which has the effect of increasing the City's housing capacity.*

- *Title 8: Compliance Procedures*

*The City's land use regulations and Comprehensive Plan are in compliance with the Functional Plan. The proposed amendments shall be deemed to comply with the Functional Plan if no appeal to the Land Use Board of Appeals is made within the 21-day period set forth in ORS 197.830(9). As required by MMC Subsection 19.1008.3.C, the City provided notice of the proposed amendments to Metro's Chief Operating Officer at least 45 days prior to the initial evidentiary hearing on the proposed amendments.*

*In processing the proposed amendment, the City followed its own requirements for citizen involvement as described in Finding 4.*

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

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

*Relevant Statewide Planning Goals include Goal 10 Housing. The proposed amendments clarify that standalone residential development in the proposed NMU Zone (including multifamily, rowhouse, and live/work unit development) is subject to the clear and objective multifamily design standards of MMC 19.505.3 Design Standards for Multifamily Housing; 19.505.5 Standards for Rowhouses; and 19.505.6 Design Standards for Live/Work Units.*

*The proposed amendments are consistent with the Milwaukie Transportation System Plan (TSP), which is in turn consistent with the Regional Transportation Plan (RTP) and the Transportation Planning Rule (TPR). The TSP projects future travel demand based on land uses and projected development. The existing zoning in the proposed NMU Zone areas is commercial, which permits a range of commercial, retail, and office uses. The proposed amendments introduce residential uses, which generate less traffic than currently permitted commercial uses, and do not*

*affect project development patterns or introduce additional traffic generation.*

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

*No federal regulations are relevant to the proposed zoning text amendment.*

- b. MMC 19.902.5 establishes requirements for amendments to the Zoning Map. The City Council finds that these requirements have been met as follows.

- (1) MMC Subsection 19.902.6.A states that changes to the Zoning Map shall be evaluated through either a Type III or a Type V review.

*The Zoning Map amendments involve approximately 63 properties and 45.4 acres. The amendments are legislative in nature and subject to Type V review.*

*The Planning Commission held a duly advertised public hearing on October 13, 2015, 2015. The City Council held a duly advertised public hearing on November 17, 2015. Public notice was provided in accordance with MMC Subsection 19.1008.3.*

- (2) MMC Subsection 19.902.6.B contains approval criteria for changes to the Zoning Map.

- (a) The proposed amendment is compatible with the surrounding area based on the following factors:

- a. Site location and character of the area.

*The NMU Zone areas are commercial in nature and permit a broad range of commercial and office uses. The proposed amendments would retain and enhance the commercial character of the areas while ensuring that new development is attractive and pedestrian-friendly. Both commercial areas are well-served by public transit.*

- b. Predominant land use pattern and density of the area.

*The predominant land use pattern of the NMU Zone areas is medium and large parcels developed with small- and medium-scale buildings. The proposed amendments would encourage a more compact and pedestrian-friendly land use pattern that would complement the surrounding residential areas.*

- c. Expected changes in the development pattern for the area.

*The development pattern for the area is expected to intensify as Milwaukie's high quality of life and affordability continue to attract residents. The NMU Zone will shape this new development so that it supports a pedestrian-friendly commercial district.*

- (b) The need is demonstrated for uses allowed by the proposed amendment.

*The existing regulations of the C-L Zone restrict potential uses, while the C-G Zone allows a broad range of uses that are not appropriate in a neighborhood commercial district. The proposed amendments are intended standardize the regulations and allow a broad range of uses that serve the daily needs of the surrounding neighborhoods. The proposed amendments*

*retain the current mix of uses and add additional uses requested by the community, including live/work units and eating establishments.*

- (c) The availability is shown of suitable alternative areas with the same or similar zoning designation.

*The most suitable area in Milwaukie for the application of the proposed NMU Zone are the "neighborhood main street" commercial areas of 32<sup>nd</sup> and 42<sup>nd</sup> Avenues as identified by the 2000 King Road Neighborhood Center Concept and 2012 Neighborhood Main Streets Project. There may be other sites that are suitable candidates for the NMU Zone in the future (including sites in the C-G, C-L, and/or C-N zones, but the Moving Forward Milwaukie project is focused on the commercial areas of 32<sup>nd</sup> and 42<sup>nd</sup> Avenues.*

- (d) The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.

*The public transportation facilities, public utilities, and services in the proposed NMU Zone are adequate to support both the current and proposed uses. The proposed amendment does not intensify the development potential of the NMU Zone areas, and the existing level of development intensity has been evaluated by the Transportation System Plan and the Regional Transportation Plan. The proposed amendments introduce residential uses, which have lower demand on infrastructure than commercial uses, and so would not increase the demand on the facilities, utilities, or services in the proposed NMU Zone.*

- (e) The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

*The proposed amendment does not intensify the development potential of the NMU Zone areas, and the existing level of development intensity has been evaluated by the Transportation System Plan, and a transportation impact study is not required. The proposed amendment may have the effect of reducing vehicle usage in the subject areas through the encouragement of mixed-use development.*

- (f) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

*The subject area is designated Commercial C. The proposed amendments are consistent with the relevant goals and policies of the MCP related to commercial uses, which are contained in Chapter 4: Land Use.*

*Economic Base and Industrial/Commercial Land Use Element*

- *Objective #9, Policy 1*

*The proposed NMU Zone will support the continuation of the 42<sup>nd</sup> and King Rd area as a District Center and one of the primary commercial*

*areas in the City, and provide for the day-to-day shopping needs of City residents.*

- *Objective #10, Policy 2*

*Application of the NMU Zone to the "convenience center" of 32<sup>nd</sup> Ave as well as the "district center" of 42<sup>nd</sup> Ave will allow the uses and development of these areas to support and complement each other by providing day-to-day needs for surrounding property owners.*

*Neighborhood Element*

- *Objective #3, Policy 6*

*This policy recommends zoning regulations to support the King Road Neighborhood Center vision to encourage land uses that will enhance its value as a commercial and residential neighborhood center. The NMU Zone will allow a range of neighborhood scale uses, pedestrian-friendly development standards, and a mix of housing types. The proposed amendments establish pedestrian-friendly development and design standards and allow housing as part of mixed-use development, as well as single-family and multifamily development as conditional uses.*

- (g) The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*See Finding 4.c.2.c.*

- (h) The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*See Finding 4.c.2.d.*

6. In addition to the Measure 56 notice sent to affected property owners in advance of the Planning Commission and City Council hearings, the application was referred to the following on September 23 and October 16, 2015:

- Ardenwald, Hector-Campbell, and Lewelling Neighborhood District Association Chairpersons and Land Use Committees
- Property owners and tenants within 400 ft of affected properties

The comments received are summarized as follows: Concerns about conversion of existing uses to nonconforming uses; concerns about noise due to increased outdoor seating and activity; concerns about parking impacts from new businesses along 32<sup>nd</sup> Ave; and requests for height bonuses in the NMU Zone.

## Underline/Strikeout Amendments

### Title 14 Signs

*These amendments are based on the adoption of the **Downtown** amendments by Council on September 1, 2015, and the adoption of the **Central Milwaukie** amendments by Council on December 15, 2015.*

#### CHAPTER 14.04 GENERAL PROVISIONS

##### 14.04.030 DEFINITIONS

The following words and phrases where used in this title shall, for the purposes of this title, have the meanings respectively ascribed to them in this section:

"Other commercial zones" means the C-L, Limited Commercial; ~~DMU, Downtown Mixed Use~~; C-CS, Community Shopping Commercial; GMU, General Mixed Use; NMU, Neighborhood Mixed Use Zone; and C-G, General Commercial, Zones, as defined in the Zoning Ordinance.

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#### CHAPTER 14.16 SIGN DISTRICTS

##### 14.16.040 COMMERCIAL ZONES

No sign shall be installed or maintained in the C-L, C-CS, NMU, and GMU Zones, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.040.

**Table 14.16.040**  
**Standards for Signs in Commercial Zones C-L, C-CS, NMU, and GMU**

## Zoning Ordinance

*These amendments are based on the adoption of the **Downtown** amendments by Council on September 1, 2015, and the expectation that the **Central Milwaukie** amendments will have been adopted before these **Neighborhood Main Streets** amendments go to the Milwaukie City Council for adoption.*

### CHAPTER 19.100 INTRODUCTORY PROVISIONS

#### 19.107 ZONING

##### 19.107.1 Zone Classifications

For the purposes of this title, the following base zones and overlay zones are established in the City per Table 19.107.1:

Table 19.107.1 Classification of Zones	
Zone Description	Abbreviated Description
<b>Base Zones</b>	
Residential	R-10
Residential	R-7
Residential	R-5
Residential	R-3
Residential	R-2.5
Residential	R-2
Residential	R-1
Residential-Business Office	R-1-B
Downtown Mixed Use	DMU
Open Space	OS
Neighborhood Commercial	C-N
Limited Commercial	C-L
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI
Planned Development	PD
Tacoma Station Area Manufacturing	M-TSA
General Mixed Use	GMU
Neighborhood Mixed Use	NMU
<b>Overlay Zones</b>	
Willamette Greenway	WG
Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F
Tacoma Station Area	TSA

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**CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS**

**19.201 DEFINITIONS**

"Transient occupancy" means a period of occupancy that does not exceed 30 days.

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## CHAPTER 19.300 BASE ZONES

### 19.303 ~~GENERAL COMMERCIAL MIXED-USE ZONES~~ GMU

#### 19.303.1 Purpose

- A. The General Mixed Use Zone is intended to recognize the importance of central Milwaukee as a primary commercial center and promote a mix of uses that will support a lively and economically robust district. It is also intended to ensure high-quality urban development that is pedestrian-friendly and complementary to the surrounding area.
- B. The Neighborhood Mixed Use Zone is intended to recognize 32nd and 42nd Avenues as neighborhood commercial centers. This zone allows for a mix of small-scale retail and services, along with residential uses, that meet the needs of nearby residents and contribute to a vibrant, local economy. It is also intended to provide a safe and pleasant pedestrian environment while maintaining a neighborhood-scale identity.

#### 19.303.2 Uses

##### A. Permitted Uses

Uses allowed outright in the ~~GMU commercial mixed-use Zones~~ are listed in Table 19.303.2 with a "P." These uses are allowed if they comply with the development and design standards and other regulations of this title.

##### B. Conditional Uses

Uses listed in Table 19.303.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905.

##### C. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards for the ~~GMU commercial mixed-use Zones~~ may continue in existence. Alteration or expansion of a nonconforming use, structure, or development that brings the use, structure, or development closer to compliance may be allowed through development review pursuant to Section 19.906. Alteration or expansion of a nonconforming use or structure that does not bring the use or structure closer to compliance may be allowed through a Type III variance pursuant to Section 19.911. Except where otherwise stated in this section, the provisions of Chapter 19.800 Nonconforming Uses and Development apply.

##### D. Prohibited Uses

Uses not listed in Table 19.303.2, and not considered accessory or similar pursuant to Subsections 19.303.2.E and ~~FG~~ below, are prohibited. Uses listed with an "N" in Table 19.303.2 are also prohibited.

##### E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards. ~~For the purposes of this section, drive-through facilities are considered accessory uses and must conform to Subsection 19.606.3.~~

##### F. Drive-Through Uses

For the purpose of this section, drive-through uses are not considered accessory uses and must be approved through a conditional use review in the NMU Zone in conformance with Section 19.905. Drive-through facilities must also conform to Section 19.606.3.

**FG. Similar Uses**

The Planning Director, through a Type I review, may determine that a use that is not listed is considered similar to an example use listed in Table 19.303.2. The unlisted use shall be subject to the standards applicable to the similar example use.

<b>Table 19.303.2</b>			
<b>Uses Allowed in General Commercial Mixed-Use Zones Uses</b>			
<b>Uses and Use Categories</b>	<b>GMU</b>	<b>NMU</b>	<b>Standards/Additional Provisions</b>
<b>Residential</b>			
<u>Single-family detached</u>	<u>N</u>	<u>CU</u>	<b>Subsection 19.505.1 Single Family Dwellings</b> <b>Section 19.905 Conditional Uses</b>
Rowhouse <sup>1</sup>	P	<u>CU</u>	<b>Subsection 19.505.5 Rowhouses</b>
Multifamily	P	<u>CU</u>	<b>Subsection 19.505.3 Multifamily Housing</b>
Cottage cluster housing	P	<u>CU</u>	<b>Subsection 19.505.4 Cottage Cluster Housing</b>
Mixed use <sup>2</sup>	P	<u>P</u>	
Live/work units	P	<u>P</u>	<b>Subsection 19.505.6 Live/Work Units</b>
Senior and retirement housing	P	<u>CU</u>	<b>Subsection 19.505.3 Multifamily Housing</b>
<u>Accessory dwelling units</u>	<u>N</u>	<u>CU</u>	<b>Section 19.905 Conditional Uses</b> <b>Subsection 19.910.1 Accessory Dwelling Units</b>
<b>Commercial<sup>3,4</sup></b>			
General office General office means professional, executive, management, or administrative offices of firms or organizations. Examples include professional services such as lawyers, architects, or accountants; financial businesses such as lenders, credit unions, or real estate agents; sales offices; and medical and dental clinics.	P	<u>P</u>	
<u>Drinking establishments</u> <u>Drinking establishments primarily involve the sale of alcoholic beverages for on-site consumption.</u> <u>Examples include taverns, bars, or cocktail lounges.</u>	<u>P</u>	<u>CU</u>	<b>Section 19.905 Conditional Uses</b>

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<p><del>Eating and drinking establishments</del></p> <p>Eating and drinking establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeout. <u>Eating establishments may include incidental sales of alcoholic beverages.</u></p> <p>Examples include restaurants, delicatessens, retail bakeries, <del>taverns, brewpubs,</del> coffee shops, concession stands, and espresso bars.</p>	P	<u>P</u>	
<p>Indoor recreation</p> <p>Indoor recreation consists of facilities providing active recreational uses of a primarily indoor nature.</p> <p>Examples include gyms; dance studios; tennis, racquetball, and soccer centers; recreational centers; skating rinks; bowling alleys; arcades; shooting ranges; and movie theaters.</p>	P	<u>P</u>	
<p>Retail-oriented sales</p> <p>Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.</p> <p>Examples include stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media. <del>May also include vehicle sales and other auto-oriented retail uses, including boats, RVs, and motorcycles.<sup>2</sup></del></p>	P	<u>P</u>	
<p><u>Vehicle sales and rentals<sup>5</sup></u></p> <p><u>Vehicle sales and rentals means a business that sells or leases consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, boats, and other recreational vehicles.</u></p>	<u>P</u>	<u>N</u>	
<p>Personal-service-oriented</p> <p>Personal-service-oriented firms are involved in providing consumer services.</p> <p>Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.</p>	P	<u>P</u>	

<p>Repair-oriented<sup>3</sup></p> <p>Repair-oriented uses are establishments providing product repair of consumer and business goods.</p> <p>Examples include repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, and office equipment; tailors and seamstresses; shoe repair; locksmiths; <del>and upholsterers; and some automobile and boat service and repair.</del></p>	<p>P</p>	<p><u>P</u></p>	
<p>Vehicle repair and service<sup>6</sup></p> <p><u>Firms servicing passenger vehicles; light and medium trucks; and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Also includes quick-servicing activities, where the driver generally waits in the car before and while the service is performed.</u></p> <p><u>Examples include gas stations, quick oil change shops, car washes, vehicle repair, transmission or muffler shops, auto body shops, alignment shops, auto upholstery shop, auto detailing, and tire sales and mounting.</u></p>	<p><u>P</u></p>	<p><u>CU</u></p>	<p><b>Section 19.905</b> Conditional Uses</p>
<p>Day care.<sup>47</sup></p> <p>Day care is the provision of regular childcare, with or without compensation, to 4 or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all State requirements.</p> <p>Examples include nursery schools, before- and after-school care facilities, and child development centers.</p>	<p>P</p>	<p><u>P</u></p>	
<p>Commercial lodging.</p> <p>Commercial lodging includes for-profit residential facilities where tenancy is typically less than one month.</p> <p>Examples include hotels, motels, and bed-and-breakfast establishments. Does not include senior and retirement housing.</p>	<p>P</p>	<p><u>P</u></p>	

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<p>Boarding, lodging, or rooming house</p> <p>Boarding, lodging, or rooming house generally means a private home where lodgers rent one or more rooms for one or more nights, and sometimes for extended periods of weeks, months, and years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied.</p> <p>Examples include boarding house and cooperative housing.</p>	<p>CU</p>	<p><u>CU</u></p>	<p><b>Section 19.905</b> Conditional Uses</p>
<p><u>Parking facility</u></p> <p><u>Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a commercial parking facility.</u></p> <p><u>Examples include structured parking, short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking.</u></p>	<p>N</p>	<p><u>CU</u></p>	<p><b>Section 19.611</b> Parking Structures</p>
<p>Medical marijuana facility</p> <p>Medical marijuana facility means a business that dispenses medical marijuana in accordance with the regulations set forth by ORS Chapter 475 and related Oregon Administrative Rules. State-registered grow sites are not considered to be medical marijuana facilities and are not permitted under the City of Milwaukie's medical marijuana facility regulations.</p>	<p>P</p>	<p><u>P</u></p>	<p><b>Subsection 19.303.6</b> Standards for Medical Marijuana Facilities</p>

Manufacturing and Production			
<p>Manufacturing and production.<sup>58</sup></p> <p>Manufacturing and production uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used.</p> <p>Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; weaving or production of textiles or apparel; woodworking, including cabinet makers; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; and production of artwork and toys.</p>	P	<u>P</u>	
Institutional			
Community service uses	CSU	<u>CSU</u>	<b>Section 19.904</b> Community Service Uses

P = Permitted.

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.

1. The limit of 4 consecutive rowhouses established in 19.505.5 does not apply in the GMU Zone. In the GMU Zone, there is no limit on the number of consecutive rowhouses.
2. Residential uses built as part of a vertical mixed-use building are not subject to conditional use review in the NMU Zone.
3. In the NMU Zone, unless otherwise specified in this section, all nonresidential uses listed in Table 19.303.2 shall be no greater than 10,000 sq ft in area per use. A nonresidential use greater than 10,000 sq ft in area may be approved through a conditional use review pursuant to Section 19.905.
4. The 10,000 sq ft size limitation in Footnote 3 of Table 19.303.2 does not apply to "retail-oriented sales" uses established within the existing lot and building situated at 4320 SE King Rd, within the lot's boundaries that exist on February 13, 2016, the effective date of Ordinance #2112. Redevelopment of the site is subject to all standards of Table 19.303.2.
25. Vehicle retail sales are permitted in the GMU Zone only when conducted within a completely enclosed building (including inventory display and storage).
36. ~~Repair-oriented Vehicle repair and service~~ uses are permitted in the ~~GMU Zone~~ commercial mixed-use zones only when conducted within a completely enclosed building.
47. Day care and childcare uses are limited to 5,000 sq ft.
58. Manufacturing and production uses are limited to 5,000 sq ft in floor area per use on the ground floor and are only permitted when associated with, and accessory to, a related retail-oriented sales or eating/drinking establishment use. For purposes of this subsection, manufacturing and production involve goods that are sold or distributed beyond or outside of the associated on-site eating or drinking establishment or retail trade use. For example, a brewing facility that distributes or sells its products elsewhere would be considered a manufacturing and production use, while a restaurant kitchen that prepares food that is purchased on the site would not be considered manufacturing or production.

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### 19.303.3 Development Standards

These development standards are intended to ensure that new development in the ~~GMU Zone commercial mixed-use zones~~ is appropriate for a mixed-use district in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.303.3 summarizes some of the development standards that apply in the ~~GMU Zone commercial mixed-use zones~~. Development standards are presented in ~~full detail~~ in Subsection ~~19.303.3 (B)~~ 19.303.4.

<b>Table 19.303.3 General Commercial Mixed Use Zones—Summary of Development Standards</b>			
Standard	GMU	<u>NMU</u>	Standards/ Additional Provisions
<b>A. Lot Standards</b>			
1. Minimum lot size (sq ft)	1,500	<u>1,500</u>	
2. Minimum street frontage (ft)	25	<u>25</u>	
<b>B. Development Standards</b>			
1. Minimum floor area ratio	0.5:1	<u>0.5:1</u>	<b>Subsection 19.303.4.A</b> Floor Area Ratio
2. Building height (ft)			<b>Subsection 19.303.4.B</b> Building Height
a. Base maximum	45	<u>45</u>	<b>Subsection 19.911.7</b> Building Height Variance in the General Mixed Use Zone
b. Maximum with height bonus	57–69	<u>Height bonus not available</u>	
3. Street setbacks (ft)			<b>Subsection 19.303.4.C</b> Street Setbacks
a. Minimum street setback	0–15 <sup>1</sup>	<u>None</u>	<b>Section 19.501.2</b> Yard Exceptions
b. Maximum street setback	10–20 <sup>2</sup>	<u>10</u>	
c. Side and rear setbacks	None	<u>None</u>	
4. Frontage occupancy	50%	<u>None</u>	<b>Subsection 19.303.4.D</b> Frontage Occupancy Requirements <b>Figure 19.303.4.D</b> Frontage Occupancy Requirements
5. Maximum lot coverage	85%	<u>85%</u>	
6. Minimum vegetation	15%	<u>15%</u>	<b>Subsection 19.504.7</b> Minimum Vegetation
7. Primary entrances	Yes	<u>Yes</u>	<b>Subsection 19.303.4.E</b> Primary Entrances
8. Off-street parking required	Yes	<u>Yes</u>	<b>Chapter 19.600</b> Off-Street Parking and Loading
9. Transit street	Yes	<u>Yes</u>	<b>Subsection 19.505.8</b> Building Orientation to Transit
10. Transition measures	Yes	<u>Yes</u>	<b>Subsection 19.504.6</b> Transition Area Measures
<b>C. Other Standards</b>			
1. Residential density requirements (dwelling units per acre)			<b>Subsection 19.202.4</b> Density Calculations
a. Stand-alone residential			<b>Subsection 19.303.4.F</b>

(1) Minimum	25	<u>11.6</u>	Residential Density <b>Subsection 19.501.4</b> Density Exceptions
(2) Maximum	50	<u>14.5</u>	
b. Mixed-use buildings	None	<u>None</u>	
2. Signs	Yes	<u>Yes</u>	<b>Subsection 14.16.040</b> Commercial Zone

1. Residential edge treatments apply to properties as shown in Figure 19.303.5.
2. Commercial edge treatments apply to properties as shown in Figure 19.303.4.C.2.b.

**19.303.4 Detailed Development Standards**

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.303.3.

**A. Floor Area Ratio**

1. Intent

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum FARs help to ensure that the intensity of development is controlled. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

2. Standards

- a. The base maximum building height in the GMU Zone is 3 stories or 45 ft, whichever is less. Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.
- b. Buildings in the GMU Zone shall provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height as shown in Figure 19.303.4.B.2.b.
- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.

3. Exemptions

The following are exempt from the minimum FAR requirement:

- a. Parking facilities.
- b. Public parks and plazas.

**B. Building Height**

1. Intent

Maximum building height standards promote a compatible building scale and relationship of one structure to another.

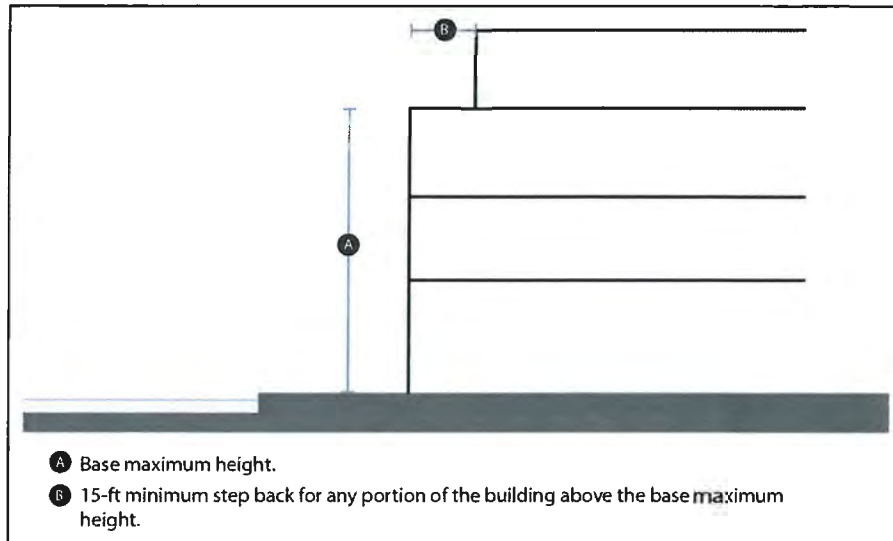
2. Standards

- a. The base maximum building height in the GMU Zone is 3 stories or 45 ft, whichever is less. Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.
- b. Buildings in the GMU Zone shall provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height as shown in Figure 19.303.4.B.2.b.



- c. The maximum building height in the NMU Zone is 3 stories or 45 ft, whichever is less. No building height bonuses are available in the NMU Zone.

**Figure 19.303.4.B.2.b  
Building Height Standards**



3. Height Bonuses

To incentivize the provision of additional public amenities or benefits beyond those required by the baseline standards, height bonuses are available for buildings that include desired public amenities or components, increase area vibrancy, and/or help meet sustainability goals.

A building in the GMU Zone can utilize up to 2 of the development incentive bonuses in Subsection 19.303.4.B.3.a. and 3.b, for a total of 2 stories or 24 ft of additional height, whichever is less. Buildings that elect to use both height bonuses for a 5-story building are subject to Type III review per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

a. Residential

New buildings that devote at least 1 story or 25% of the gross floor area to residential uses are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

b. Green Building

Project proposals that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED, Green Globes, or Earth Advantage) are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

c. Building Height Variance

Additional building height may be approved through Type III variance review, per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

C. Street Setbacks

1. Intent

Buildings are allowed and encouraged to build up to the street right-of-way in the commercial mixed-use zones ~~GMU Zone~~. This ensures that buildings engage the street right-of-way.

2. Standards

a. No minimum street setbacks are required, except for residential street edges per Subsection 19.303.5.

b. In the GMU Zone, mMaximum street setback is 20 ft. For properties shown as having a commercial edge on Figure 19.303.4.C.2.b, the following standards apply:

(1) No minimum street setback is required. Maximum street setback is 10 ft.

(2) The area within the street setback, if provided, shall be landscaped.

c. In the NMU Zone, the maximum street setback is 10 ft unless the yard exception standards of Subsection 19.501.2 apply.

ed. The setback area may include usable open space such as plazas, courtyards, terraces, and small parks.

de. Usable open space may be counted toward the minimum vegetation requirement in Subsection 19.303.3.B.6.

ef. No vehicle parking is permitted between the building and the street. Vehicle parking must be located behind and/or to the side of buildings, except in cases of a through-lot or lots which front on 3 or more streets, in which case this standard applies to 2 streets.

D. Frontage Occupancy Requirements

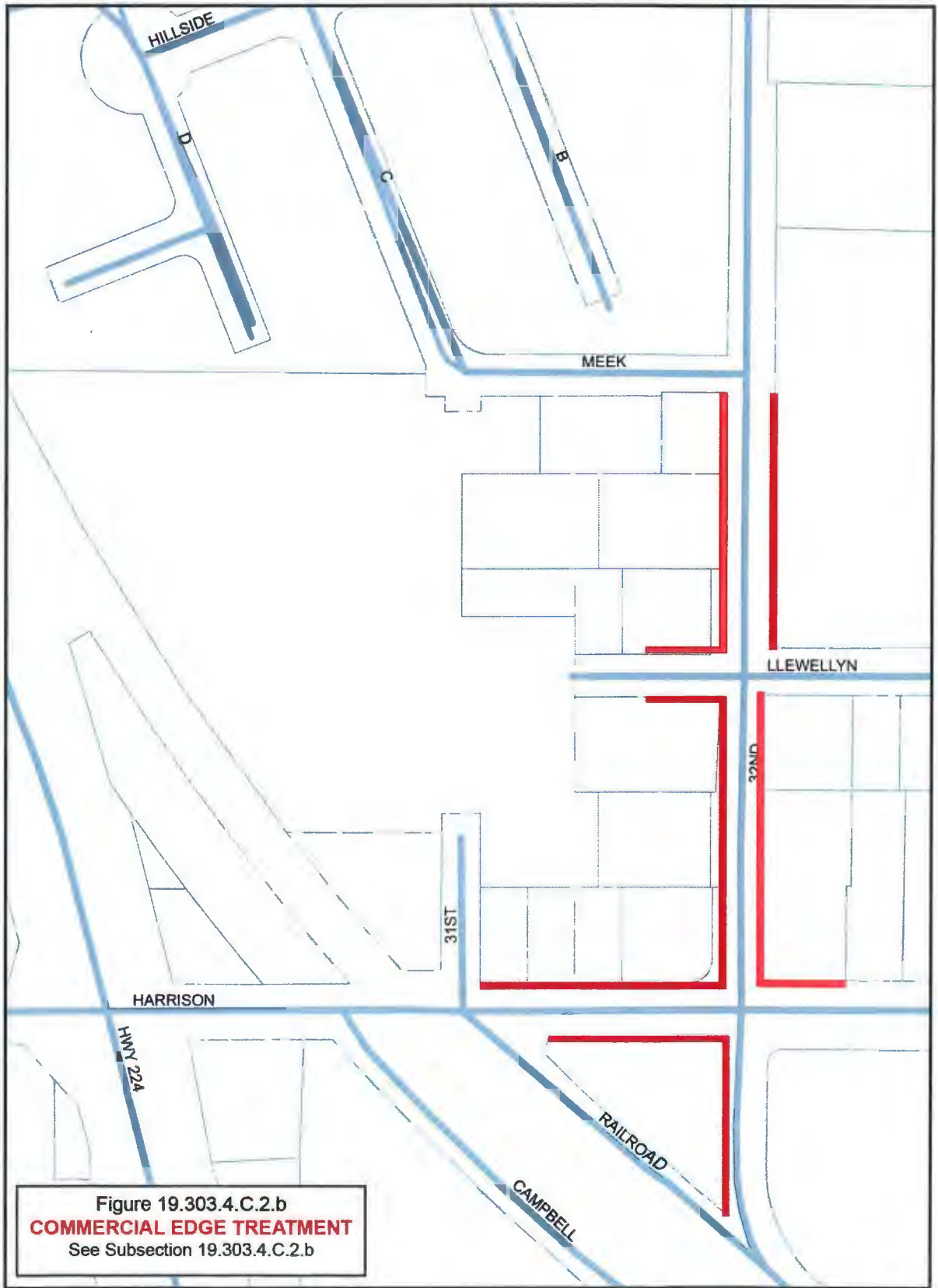
1. Intent

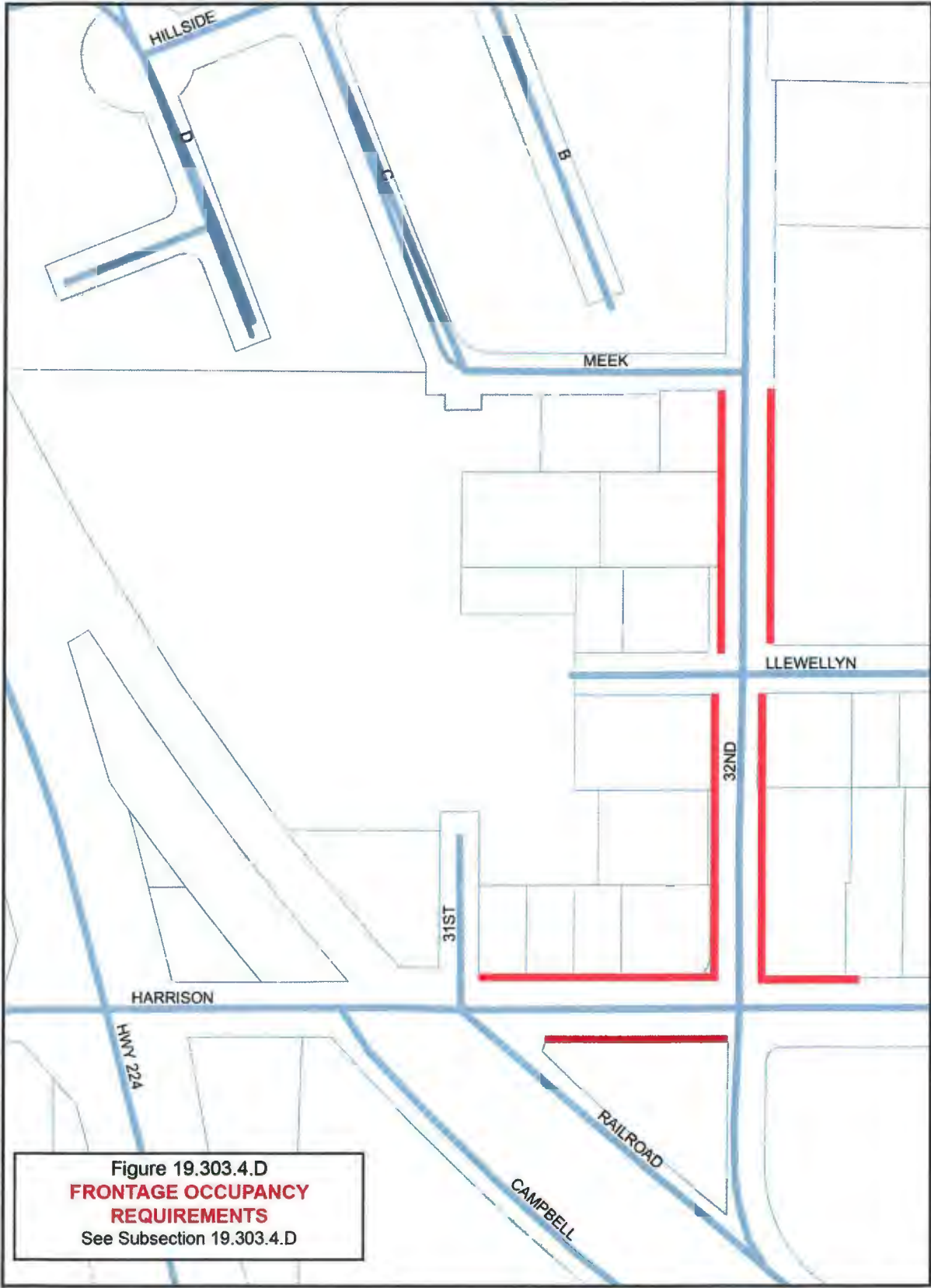
The intent of this standard is to establish a consistent street wall along key streets. Minimum frontage occupancy requirements are established for block faces identified on Figure 19.303.4.D.

2. Standards

a. For block faces identified in Figure 19.303.4.D, 50% of the site frontage must be occupied by a building or buildings.

b. If the development site has frontage on more than 1 street, the frontage occupancy requirement must be met on 1 street only.





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### E. Primary Entrances

#### 1. Intent

To promote pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.

#### 2. Standards

- a. All new buildings shall have at least 1 primary entrance facing an abutting public street (i.e., within 45 degrees of the street property line); or, if the building entrance must be turned more than 45 degrees from the public street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk.
- b. Where a development contains multiple buildings and there is insufficient public street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to a plaza, courtyard, or similar pedestrian space containing pedestrian amenities. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway.
- c. If a development is on a corner in the GMU Zone, the primary entrance may be oriented toward either street.
- d. If a development is on the corner of 32<sup>nd</sup> Ave or 42<sup>nd</sup> Ave and another street in the NMU Zone, the primary entrance must be oriented toward 32nd Ave or 42nd Ave.

### F. Residential Density

#### 1. Intent

Minimum densities are applied to residential development in the commercial mixed-use zones ~~GMU Zone~~ to assure efficient use of land at densities that support transit use and nearby businesses.

#### 2. Standards

- a. Minimum density for stand-alone residential development in the GMU Zone is 25 units per acre, and maximum density is 50 units per acre.
- b. Minimum density for stand-alone residential development in the NMU Zone is 11.6 units per acre, and maximum density is 14.5 units per acre.
- ~~b. There are no minimum density requirements when residential units are developed as part of a mixed-use building or development.~~
- ~~c. Maximum residential densities for mixed-use buildings are controlled by height limits.~~

#### 3. Exemptions

There are no minimum or maximum density requirements when residential units are developed as part of a mixed-use building. Maximum residential densities for mixed-use buildings are controlled by height limits.

### 19.303.5 Standards for Residential Street Edges

For properties shown as having a residential edge on Figure 19.303.5, and for development that occurs adjacent to or abutting an R-3 or R-5 Zone, the following standards apply:

- A. A minimum setback of 15 ft shall apply.
- B. Along the property line adjacent to the residential zone, buildings within 50 ft of 37<sup>th</sup> Ave and Monroe St shall provide a step back of at least 15 ft for any portion of the building above 35 ft.
- C. An additional minimum 8-ft-wide densely planted buffer is required along property lines where flex space development abuts a residential zone.

**19.303.6 Standards for Medical Marijuana Facilities**

In the commercial mixed-use zones ~~GMU Zone~~, medical marijuana facilities shall meet the following standards:

- A. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.
- B. A medical marijuana facility shall not be colocated with another business.
- C. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
- D. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.





**19.303.7 Additional Provisions**

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

A. Section 19.500 Supplementary Development Regulations

This section contains standards for site and building design that will apply to most new types of development, including residential and commercial. Relevant sections include:

1. 19.501 General Exceptions
2. 19.502 Accessory Structures
3. 19.503 Accessory Uses
4. 19.504 Site Design Standards
5. 19.505 Building Design Standards

B. Section 19.600 Off-Street Parking and Loading

Contains standards for vehicle and bicycle parking, including required number of spaces and design standards for parking and loading areas.

C. Section 19.700 Public Facility Improvements

Contains standards for transportation, utility, and other public facility improvements that may be required as part of development.

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## CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

### 19.504.6 Transition Area Measures

Where commercial, mixed-use, or industrial development is proposed abutting or adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses.

- A. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be at least as wide as the required front yard width of the adjacent lower-density zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable, except in the NMU Zone. In the NMU Zone, the base zone front yard requirements supersede these requirements.
- B. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to at least the 6-ft level to screen lower-density residential uses from direct view across the open space, subject to the provisions of Subsection 19.502.2.B.

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## 19.505 BUILDING DESIGN STANDARDS

### 19.505.7 Nonresidential Development

#### A. Purpose

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards support development of an attractive, cohesive, and pedestrian-friendly commercial area. The design standards do not prescribe a particular building or architectural style.

#### B. Applicability

1. The design standards in this section generally apply to the street-facing facades of new commercial, institutional, manufacturing, and mixed-use buildings within the commercial mixed-use zones ~~GMU Zone~~.
- ~~3~~2. The standards in this section do not apply to stand-alone multifamily housing. Stand-alone multifamily buildings are subject to the design standards in Subsection 19.505.3 Multifamily Housing.
- ~~2~~3. The standards in this section do not apply to rowhouses or live/work units. Rowhouses and live/work units are subject to the design standards in Subsections 19.505.5 Rowhouses and 19.505.6 Live/Work Units.
4. The standards in this section do not apply to cottage cluster housing. Cottage cluster housing is subject to the design standards in Subsection 19.505.4 Design Standards for Cottage Cluster Housing.

#### C. Building Design Standards

All buildings that meet the applicability provisions in Subsection 19.505.7.B shall meet the following design standards.

An applicant may request a variance to the building design standards in Subsection 19.505.7.C through a Type II review, pursuant to Subsection 19.911.3.B.7.

1. Corners

The intent of this standard is to reinforce intersections as an important place for people to gather.

Buildings located at a key corner in the GMU Zone, as shown on Figure 19.505.7.C.1, shall incorporate one of the following features:

- a. The primary entry to the building located at the corner.
- b. A prominent architectural element, such as increased building height or massing, a cupola, a turret, or a pitched roof at, or within 20 ft of, the corner of the building.
- c. The corner of the building cut at a 45-degree angle.

2. Weather Protection

The intent of this standard is, through the use of awnings and canopies along the ground floor of buildings, to protect pedestrians from rain and provide shade, to encourage window shopping and lingering, and to create visual interest on the ground floor of a building.

Buildings shall provide weather protection for pedestrians as follows:

- a. Minimum weather protection coverage  
All ground-floor building entries (excluding loading docks, bays, etc.) shall be protected from the weather by canopies or recessed at least 3 ft behind the front building façade.
- b. Weather protection design  
Weather protection shall comply with applicable building codes ~~and shall be designed to be visually compatible with the architecture of a building.~~ Where applicable, weather protection shall be designed to accommodate pedestrian signage (e.g., blade signs) while maintaining required vertical clearance.

3. Exterior Building Materials

The intent of this standard is to provide a sense of permanence, through the use of certain permitted building materials; to provide articulation and visual interest to larger buildings; and to allow for a variety of materials and designs.

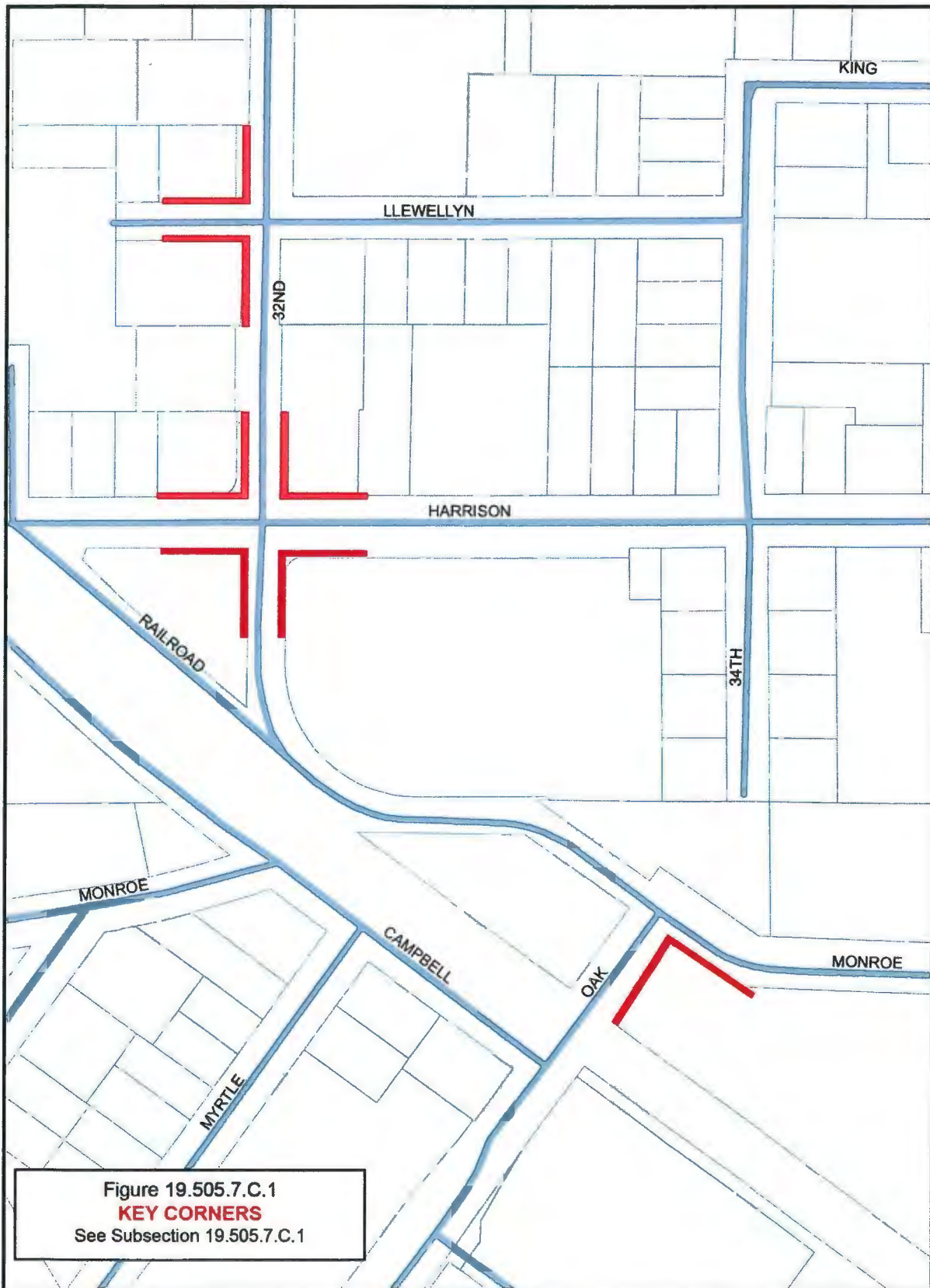
The following standards are applicable to the exterior walls of new buildings facing streets, courtyards, and/or public squares. Table 19.505.7.C.3 specifies the primary, secondary, and prohibited material types referenced in this standard.

- a. Buildings shall utilize primary materials for at least 60% of the applicable building facades.
- b. Secondary materials are permitted on no greater than 40% of each applicable building facade.
- c. Accent materials are permitted on no greater than 10% of each applicable building facade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.).
- d. Buildings shall not utilize materials listed as (N) prohibited material.
- e. For existing development, façade modifications that affect more than 50% of the façade shall comply with standards in this subsection. The Planning Director may

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waive this requirement if application of the standards would create an incongruous appearance of existing and new materials.



<b>Table 19.505.7.C.3 Commercial Exterior Building Materials</b>	
<b>Material Type</b>	<b>Nonresidential and Mixed-Use</b>
Brick	P
Stone/masonry	P
Stucco	P
Glass (transparent, spandrel)	P
Concrete (poured in place or precast)	P
Finished wood, wood veneers, and wood siding	S
Finished metal panels—such as anodized aluminum, stainless steel, or copper—featuring polished, brushed or patina finish	S
Concrete blocks with integral color (ground, polished, or glazed finish)	S
Fiber-reinforced cement siding and panels	S
Ceramic tile	S
Concrete blocks with integral color (split-face finish)	A
Standing seam and corrugated metal	A
Glass block	A
Vegetated wall panels or trellises	A
Vinyl siding	N
Exterior insulation finishing system (EIFS)	N
Plywood paneling	N

P = Primary material  
 S = Secondary material  
 A = Accent material  
 N = Prohibited material

4. Windows and Doors

The standards of this section are intended to enhance street safety and provide a comfortable pedestrian environment by providing ground-level transparency between the interior of buildings and the sidewalk.

- a. For nonresidential and mixed-use buildings, 30% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less.
- b. For all buildings, the following applies:
  - (1) Nonresidential ground-floor windows must have a visible transmittance (VT) of 0.6 or higher.

- (2) Doors and/or primary entrances must be located on the street-facing block faces and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.
  - (3) Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazings are not permitted.
  - (4) The bottom edges of windows along pedestrian ways shall be constructed no more than 36 in above grade.
  - (5) Ground-floor windows for nonresidential uses shall allow views into storefronts, working areas, or lobbies. Signs are limited to a maximum coverage of 50% of the required window area.
  - c. Windows shall be designed to provide shadowing. This can be accomplished by recessing windows 4 in into the façade and/or incorporating trim of a contrasting material or color.
  - d. For all building windows facing streets, courtyards, and/or public squares, the following window elements are prohibited:
    - (1) Reflective, tinted, or opaque glazing.
    - (2) Simulated divisions (internal or applied synthetic materials).
    - (3) Exposed, unpainted metal frame windows.
5. Roofs
- a. The intent of this standard is to enliven the pedestrian experience and create visual interest through roof form. The roof form of a building shall follow one (or a combination) of the following forms:
    - (1) Flat roof with parapet or cornice.
    - (2) Hip roof.
    - (3) Gabled roof.
    - (4) Dormers.
    - (5) Shed roof.
  - b. All sloped roofs exposed to view from adjacent public or private streets and properties shall have a minimum 4/12 pitch.
  - c. Sloped roofs shall have eaves, exclusive of rain gutters, that project from the building wall at least 12 in.
  - d. All flat roofs, or those with a pitch of less than 4/12, shall be architecturally treated or articulated with a parapet wall that projects vertically above the roofline at least 12 in and/or a cornice that projects from the building face at least 6 in.
  - e. When an addition to an existing structure, or a new structure, is proposed in an existing development, the roof forms for the new structure(s) shall have similar slope and be constructed of the same materials as the existing roofing.
6. Rooftop Equipment and Screening
- The intent of this standard is to integrate mechanical equipment into the overall building design.

- a. The following rooftop equipment does not require screening:
    - (1) Solar panels, wind generators, and green roof features.
    - (2) Equipment under 2 ft in height.
  - b. Elevator mechanical equipment may extend above the height limit a maximum of 16 ft provided that the mechanical shaft is incorporated into the architecture of the building.
  - c. Satellite dishes, communications equipment, and all other roof-mounted mechanical equipment shall be limited to 10 ft in height, shall be set back a minimum of 5 ft from the roof edge, and shall be screened from public view and from views from adjacent buildings by one of the following methods:
    - (1) A screen around the equipment that is made of a primary exterior finish material used on other portions of the building, wood fencing, or masonry.
    - (2) Green roof features or regularly maintained dense evergreen foliage that forms an opaque barrier when planted.
  - d. Required screening shall not be included in the building's maximum height calculation.
7. Ground-Level Screening
- Mechanical and communication equipment, outdoor storage, and outdoor garbage and recycling areas shall be screened so they are not visible from streets, other ground-level private open space, or common open spaces.
8. Rooftop Structures
- Rooftop structures related to shared outdoor space—such as arbors, trellises, or porticos related to roof decks or gardens—shall not be included in the building's maximum height calculation, as long as they do not exceed 10 ft in height.

## CHAPTER 19.600 OFF-STREET PARKING AND LOADING

### 19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

#### 19.605.3 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 19.605.2.

##### B. Reductions to Minimum Parking Requirements

Applicants are allowed to utilize multiple reductions from Subsections 19.605.3.B.2-7, provided that the total reduction in required parking does not exceed 25% of the minimum quantity requirement listed in Table 19.605.1. The total reduction in required parking is increased to 30% in the Downtown Mixed Use Zone DMU. Applicants may not utilize the reduction in Subsection 19.605.3.B.1 in conjunction with any other reduction in Subsection 19.605.3.B.

##### 1. Reductions for Neighborhood Commercial Areas

The minimum parking requirements of Table 19.605.1 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)~~ Neighborhood Mixed Use (NMU) Zone in the area bounded by 42nd Avenue, King Road, 40th Avenue, and Jackson Street.
- d. Properties in the ~~Commercial General (C-G)~~ Neighborhood Mixed Use (NMU) Zone in the area bounded by 42nd Avenue, Harrison Street, 44th Avenue, and Jackson Street.



**CHAPTER 19.900 LAND USE APPLICATIONS**

**19.904 COMMUNITY SERVICE USES**

**19.904.11 Standards for Wireless Communication Facilities**

Table 19.904.11.C Wireless Communication Facilities—Type and Review Process				
Towers		WCFs Not Involving New Tower		
Zones	New Monopole Tower 100 Feet	Building Rooftop or Wall Mounted Antenna <sup>1</sup>	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions <sup>2</sup>
BI	P1	P2	P2	P2
M	P1	P2	P2	P2
M-TSA	P1	P2	P2	P2
C-N	N	P2	P2	P2
C-G	N	P2	P2	P2
C-L	N	P2	P2	P2
C-CS	N	P2	P2	P2
OS	N	P2	P2	P2
DMU	N	P2	P2	P2
GMU	N	P2	P2	P2
NMU	N	P2	P2	P2
R-1-B	N	P2	P2	P2
R-1	N	N	P2	P2
R-2	N	N	P2	P2
R-2.5	N	N	P2	P2
R-3	N	N	P2	P2
R-5	N	N	P2	P2
R-7	N	N	P2	P2
R-10	N	N	P2	P2

1 = Type III review—requires a public hearing in front of the Planning Commission

2 = Type II review—provides for an administrative decision

P = Permitted                      N = Not Permitted

<sup>1</sup> Rooftop extensions are not to exceed 15 ft in height above the roof top and are not to project greater than 5 ft from the wall of a building.

<sup>2</sup> Antennas placed on right-of-way utility poles may be extended 15 ft. If the pole cannot be extended, the carrier may replace the pole. The replacement utility pole shall not exceed 15 ft in height of the pole that is to be replaced.

**F. Location and Size Restrictions**

2. Height: maximum heights. Also see Table 19.904.11.C.

a. Height Restrictions

The maximum height limitation of the monopole tower and antennas shall not exceed the following:

- (1) BI, M, and M-TSA Zones: 100 ft.
  - (2) New towers are not permitted in the R-1-B, R-1, R-2, R-2.5, R-3, R-5, R-7, R-7PD, R-10, R-10PD, GMU, NMU, C-N, C-G, C-L, OS, and DMU Zones.
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## Updates for Section References and Housekeeping Only

*These amendments are based on the adoption of the **Downtown** amendments by Council on September 1, 2015, and the expectation that the **Central Milwaukie** amendments will have been adopted before these **Neighborhood Main Streets** amendments go to the Milwaukie City Council for adoption.*

### **19.201**

“Physical characteristics” means the physical, natural, and/or man-made features characteristic to a property or properties, including, but not limited to, trees and other vegetation, rocks and outcrops, topography and ground features such as knolls and depressions, water bodies and wetlands, soil characteristics, excavations and fill, boundaries, and embankments.

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### **19.202.2.C**

#### C. Exterior Height of Accessory Structures

The exterior height of an accessory structure is the vertical distance above the average of the highest and lowest points of finished grade, within a 10-ft horizontal distance from the base of the building, and the top of a building described in Subsection ~~19.902.2.B.2~~ 19.202.B.2.

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### **19.202.4.D.2**

#### 2. Density Calculation

The minimum number of dwelling units required is calculated by dividing the net area by 43,560 sq ft to convert the area to acres, then by multiplying the acreage by the minimum required dwelling unit density in the applicable base zone in Chapter 19.300.

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### **19.202.4.E.2**

#### 2. Density Calculation

The maximum number of dwelling units allowed is calculated by dividing the net area by 43,560 sq ft to convert the area to acres, then by multiplying the acreage by the maximum allowed dwelling unit density in the applicable base zone in Chapter 19.300.

### **19.401 WILLAMETTE GREENWAY ZONE WG**

~~In a W-G Zone the following regulations shall apply:~~

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### **19.403 HISTORIC PRESERVATION OVERLAY ZONE HP**

~~In an HP Zone the following regulations shall apply:~~

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### **19.405 AIRCRAFT LANDING FACILITY ZONE L-F**

~~In an L-F Zone the following regulations shall apply:~~

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**19.707.1.C**

C. Metro and Clackamas County: If the proposed development is within 200 ft of a designated arterial or collector roadway, as identified in Figure 8-~~13b~~ of the TSP.

**19.708 TRANSPORTATION FACILITY REQUIREMENTS**

The City's street design standards are based on the street classification system described in the TSP. Figure 8-~~13a~~ of the TSP identifies the functional street classification for every street in the City and Figure 10-1 identifies the type and size of street elements that may be appropriate for any given street based on its classification.

**Table 19.901**

Table 19.901 Land Use Applications		
Application Type	Municipal Code Location	Review Types
Miscellaneous:	Chapters 19.500	
Barbed Wire Fencing	Subsection 19.502.2.B.1.b-c	II
Bee Colony	Subsection 19.503.1.D	III

## Clean Amendments

### Title 14 Signs

*These amendments are based on the adoption of the **Downtown** amendments by Council on September 1, 2015, and the adoption of the **Central Milwaukie** amendments by Council on December 15, 2015.*

#### CHAPTER 14.04 GENERAL PROVISIONS

##### 14.04.030 DEFINITIONS

The following words and phrases where used in this title shall, for the purposes of this title, have the meanings respectively ascribed to them in this section:

"Other commercial zones" means the C-L, Limited Commercial; C-CS, Community Shopping Commercial; GMU, General Mixed Use; NMU, Neighborhood Mixed Use Zone; and C-G, General Commercial, Zones, as defined in the Zoning Ordinance.

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#### CHAPTER 14.16 SIGN DISTRICTS

##### 14.16.040 COMMERCIAL ZONES

No sign shall be installed or maintained in the C-L, C-CS, NMU, and GMU Zones, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.040.

**Table 14.16.040**  
**Standards for Signs in Commercial Zones C-L, C-CS, NMU, and GMU**

## Zoning Ordinance

These amendments are based on the adoption of the **Downtown** amendments by Council on September 1, 2015, and the expectation that the **Central Milwaukie** amendments will have been adopted before these **Neighborhood Main Streets** amendments go to the Milwaukie City Council for adoption.

### CHAPTER 19.100 INTRODUCTORY PROVISIONS

#### 19.107 ZONING

##### 19.107.1 Zone Classifications

For the purposes of this title, the following base zones and overlay zones are established in the City per Table 19.107.1:

Table 19.107.1 Classification of Zones	
Zone Description	Abbreviated Description
<b>Base Zones</b>	
Residential	R-10
Residential	R-7
Residential	R-5
Residential	R-3
Residential	R-2.5
Residential	R-2
Residential	R-1
Residential-Business Office	R-1-B
Downtown Mixed Use	DMU
Open Space	OS
Neighborhood Commercial	C-N
Limited Commercial	C-L
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI
Planned Development	PD
Tacoma Station Area Manufacturing	M-TSA
General Mixed Use	GMU
Neighborhood Mixed Use	NMU
<b>Overlay Zones</b>	
Willamette Greenway	WG
Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F
Tacoma Station Area	TSA

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**CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS**

**19.201 DEFINITIONS**

"Transient occupancy" means a period of occupancy that does not exceed 30 days.

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## CHAPTER 19.300 BASE ZONES

### 19.303 COMMERCIAL MIXED-USE ZONES

#### 19.303.1 Purpose

- A. The General Mixed Use Zone is intended to recognize the importance of central Milwaukee as a primary commercial center and promote a mix of uses that will support a lively and economically robust district. It is also intended to ensure high-quality urban development that is pedestrian-friendly and complementary to the surrounding area.
- B. The Neighborhood Mixed Use Zone is intended to recognize 32nd and 42nd Avenues as neighborhood commercial centers. This zone allows for a mix of small-scale retail and services, along with residential uses, that meet the needs of nearby residents and contribute to a vibrant, local economy. It is also intended to provide a safe and pleasant pedestrian environment while maintaining a neighborhood-scale identity.

#### 19.303.2 Uses

##### A. Permitted Uses

Uses allowed outright in the commercial mixed-use zones are listed in Table 19.303.2 with a "P." These uses are allowed if they comply with the development and design standards and other regulations of this title.

##### B. Conditional Uses

Uses listed in Table 19.303.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905.

##### C. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards for the commercial mixed-use zones may continue in existence. Alteration or expansion of a nonconforming use, structure, or development that brings the use, structure, or development closer to compliance may be allowed through development review pursuant to Section 19.906. Alteration or expansion of a nonconforming use or structure that does not bring the use or structure closer to compliance may be allowed through a Type III variance pursuant to Section 19.911. Except where otherwise stated in this section, the provisions of Chapter 19.800 Nonconforming Uses and Development apply.

##### D. Prohibited Uses

Uses not listed in Table 19.303.2, and not considered accessory or similar pursuant to Subsections 19.303.2.E and G below, are prohibited. Uses listed with an "N" in Table 19.303.2 are also prohibited.

##### E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards.

##### F. Drive-Through Uses

For the purpose of this section, drive-through uses are not considered accessory uses and must be approved through a conditional use review in the NMU Zone in conformance with Section 19.905. Drive-through facilities must also conform to Section 19.606.3.



G. Similar Uses

The Planning Director, through a Type I review, may determine that a use that is not listed is considered similar to an example use listed in Table 19.303.2. The unlisted use shall be subject to the standards applicable to the similar example use.

Table 19.303.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	GMU	NMU	Standards/Additional Provisions
<b>Residential</b>			
Single-family detached	N	CU	<b>Subsection 19.505.1</b> Single Family Dwellings <b>Section 19.905</b> Conditional Uses
Rowhouse <sup>1</sup>	P	CU	<b>Subsection 19.505.5</b> Rowhouses
Multifamily	P	CU	<b>Subsection 19.505.3</b> Multifamily Housing
Cottage cluster housing	P	CU	<b>Subsection 19.505.4</b> Cottage Cluster Housing
Mixed use <sup>2</sup>	P	P	
Live/work units	P	P	<b>Subsection 19.505.6</b> Live/Work Units
Senior and retirement housing	P	CU	<b>Subsection 19.505.3</b> Multifamily Housing
Accessory dwelling units	N	CU	<b>Section 19.905</b> Conditional Uses <b>Subsection 19.910.1</b> Accessory Dwelling Units
<b>Commercial<sup>3, 4</sup></b>			
General office General office means professional, executive, management, or administrative offices of firms or organizations. Examples include professional services such as lawyers, architects, or accountants; financial businesses such as lenders, credit unions, or real estate agents; sales offices; and medical and dental clinics.	P	P	
Drinking establishments Drinking establishments primarily involve the sale of alcoholic beverages for on-site consumption. Examples include taverns, bars, or cocktail lounges.	P	CU	<b>Section 19.905</b> Conditional Uses

**Proposed Code Amendment**

<p>Eating establishments</p> <p>Eating establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeout. Eating establishments may include incidental sales of alcoholic beverages.</p> <p>Examples include restaurants, delicatessens, retail bakeries, coffee shops, concession stands, and espresso bars.</p>	P	P	
<p>Indoor recreation</p> <p>Indoor recreation consists of facilities providing active recreational uses of a primarily indoor nature.</p> <p>Examples include gyms; dance studios; tennis, racquetball, and soccer centers; recreational centers; skating rinks; bowling alleys; arcades; shooting ranges; and movie theaters.</p>	P	P	
<p>Retail-oriented sales</p> <p>Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.</p> <p>Examples include stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media.</p>	P	P	
<p>Vehicle sales and rentals<sup>5</sup></p> <p>Vehicle sales and rentals means a business that sells or leases consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, boats, and other recreational vehicles.</p>	P	N	
<p>Personal-service-oriented</p> <p>Personal-service-oriented firms are involved in providing consumer services.</p> <p>Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.</p>	P	P	

<p>Repair-oriented</p> <p>Repair-oriented uses are establishments providing product repair of consumer and business goods.</p> <p>Examples include repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, and office equipment; tailors and seamstresses; shoe repair; locksmiths; and upholsterers.</p>	<p>P</p>	<p>P</p>	
<p>Vehicle repair and service<sup>6</sup></p> <p>Firms servicing passenger vehicles; light and medium trucks; and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Also includes quick-servicing activities, where the driver generally waits in the car before and while the service is performed.</p> <p>Examples include gas stations, quick oil change shops, car washes, vehicle repair, transmission or muffler shops, auto body shops, alignment shops, auto upholstery shop, auto detailing, and tire sales and mounting.</p>	<p>P</p>	<p>CU</p>	<p><b>Section 19.905</b> Conditional Uses</p>
<p>Day care.<sup>7</sup></p> <p>Day care is the provision of regular childcare, with or without compensation, to 4 or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all State requirements.</p> <p>Examples include nursery schools, before-and after-school care facilities, and child development centers.</p>	<p>P</p>	<p>P</p>	
<p>Commercial lodging.</p> <p>Commercial lodging includes for-profit residential facilities where tenancy is typically less than one month.</p> <p>Examples include hotels, motels, and bed-and-breakfast establishments. Does not include senior and retirement housing.</p>	<p>P</p>	<p>P</p>	

**Proposed Code Amendment**

<p>Boarding, lodging, or rooming house</p> <p>Boarding, lodging, or rooming house generally means a private home where lodgers rent one or more rooms for one or more nights, and sometimes for extended periods of weeks, months, and years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied.</p> <p>Examples include boarding house and cooperative housing.</p>	<p>CU</p>	<p>CU</p>	<p><b>Section 19.905</b> Conditional Uses</p>
<p>Parking facility</p> <p>Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a commercial parking facility.</p> <p>Examples include structured parking, short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking.</p>	<p>N</p>	<p>CU</p>	<p><b>Section 19.611</b> Parking Structures</p>
<p>Medical marijuana facility</p> <p>Medical marijuana facility means a business that dispenses medical marijuana in accordance with the regulations set forth by ORS Chapter 475 and related Oregon Administrative Rules. State-registered grow sites are not considered to be medical marijuana facilities and are not permitted under the City of Milwaukie's medical marijuana facility regulations.</p>	<p>P</p>	<p>P</p>	<p><b>Subsection 19.303.6</b> Standards for Medical Marijuana Facilities</p>

Manufacturing and Production			
<p>Manufacturing and production.<sup>b</sup></p> <p>Manufacturing and production uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used.</p> <p>Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; weaving or production of textiles or apparel; woodworking, including cabinet makers; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; and production of artwork and toys.</p>	P	P	
Institutional			
Community service uses	CSU	CSU	<b>Section 19.904</b> Community Service Uses

- P = Permitted.
  - 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.
1. The limit of 4 consecutive rowhouses established in 19.505.5 does not apply in the GMU Zone. In the GMU Zone, there is no limit on the number of consecutive rowhouses.
  2. Residential uses built as part of a vertical mixed-use building are not subject to conditional use review in the NMU Zone.
  3. In the NMU Zone, unless otherwise specified in this section, all nonresidential uses listed in Table 19.303.2 shall be no greater than 10,000 sq ft in area per use. A nonresidential use greater than 10,000 sq ft in area may be approved through a conditional use review pursuant to Section 19.905.
  4. The 10,000 sq ft size limitation in Footnote 3 of Table 19.303.2 does not apply to "retail-oriented sales" uses established within the existing lot and building situated at 4320 SE King Rd, within the lot's boundaries that exist on February 13, 2016, the effective date of Ordinance #2112. Redevelopment of the site is subject to all standards of Table 19.303.2.
  5. Vehicle retail sales are permitted in the GMU Zone only when conducted within a completely enclosed building (including inventory display and storage).
  6. Vehicle repair and service uses are permitted in the commercial mixed-use zones only when conducted within a completely enclosed building.
  7. Day care and childcare uses are limited to 5,000 sq ft.
  8. Manufacturing and production uses are limited to 5,000 sq ft in floor area per use on the ground floor and are only permitted when associated with, and accessory to, a related retail-oriented sales or eating/drinking establishment use. For purposes of this subsection, manufacturing and production involve goods that are sold or distributed beyond or outside of the associated on-site eating or drinking establishment or retail trade use. For example, a brewing facility that distributes or sells its products elsewhere would be considered a manufacturing and production use, while a restaurant kitchen that prepares food that is purchased on the site would not be considered manufacturing or production.

## Proposed Code Amendment

### 19.303.3 Development Standards

These development standards are intended to ensure that new development in the commercial mixed-use zones is appropriate for a mixed-use district in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.303.3 summarizes some of the development standards that apply in the commercial mixed-use zones. Development standards are presented in detail in Subsection 19.303.4.

<b>Table 19.303.3 Commercial Mixed Use Zones—Summary of Development Standards</b>			
<b>Standard</b>	<b>GMU</b>	<b>NMU</b>	<b>Standards/ Additional Provisions</b>
<b>A. Lot Standards</b>			
1. Minimum lot size (sq ft)	1,500	1,500	
2. Minimum street frontage (ft)	25	25	
<b>B. Development Standards</b>			
1. Minimum floor area ratio	0.5:1	0.5:1	<b>Subsection 19.303.4.A</b> Floor Area Ratio
2. Building height (ft)			<b>Subsection 19.303.4.B</b> Building Height
a. Base maximum	45	45	<b>Subsection 19.911.7</b> Building Height Variance in the General Mixed Use Zone
b. Maximum with height bonus	57–69	Height bonus not available	
3. Street setbacks (ft)			<b>Subsection 19.303.4.C</b> Street Setbacks
a. Minimum street setback	0–15 <sup>1</sup>	None	<b>Section 19.501.2</b> Yard Exceptions
b. Maximum street setback	10–20 <sup>2</sup>	10	
c. Side and rear setbacks	None	None	
4. Frontage occupancy	50%	None	<b>Subsection 19.303.4.D</b> Frontage Occupancy Requirements <b>Figure 19.303.4.D</b> Frontage Occupancy Requirements
5. Maximum lot coverage	85%	85%	
6. Minimum vegetation	15%	15%	<b>Subsection 19.504.7</b> Minimum Vegetation
7. Primary entrances	Yes	Yes	<b>Subsection 19.303.4.E</b> Primary Entrances
8. Off-street parking required	Yes	Yes	<b>Chapter 19.600</b> Off-Street Parking and Loading
9. Transit street	Yes	Yes	<b>Subsection 19.505.8</b> Building Orientation to Transit
10. Transition measures	Yes	Yes	<b>Subsection 19.504.6</b> Transition Area Measures
<b>C. Other Standards</b>			
1. Residential density requirements (dwelling units per acre)			<b>Subsection 19.202.4</b> Density Calculations
a. Stand-alone residential			<b>Subsection 19.303.4.F</b> Residential Density
(1) Minimum	25	11.6	

(2) Maximum b. Mixed-use buildings	50 None	14.5 None	<b>Subsection 19.501.4</b> Density Exceptions
2. Signs	Yes	Yes	<b>Subsection 14.16.040</b> Commercial Zone

1. Residential edge treatments apply to properties as shown in Figure 19.303.5.
2. Commercial edge treatments apply to properties as shown in Figure 19.303.4.C.2.b.

**19.303.4 Detailed Development Standards**

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.303.3.

**A. Floor Area Ratio**

1. Intent

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum FARs help to ensure that the intensity of development is controlled. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

2. Standards

- a. The base maximum building height in the GMU Zone is 3 stories or 45 ft, whichever is less. Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.
- b. Buildings in the GMU Zone shall provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height as shown in Figure 19.303.4.B.2.b.
- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.

3. Exemptions

The following are exempt from the minimum FAR requirement:

- a. Parking facilities.
- b. Public parks and plazas.

**B. Building Height**

1. Intent

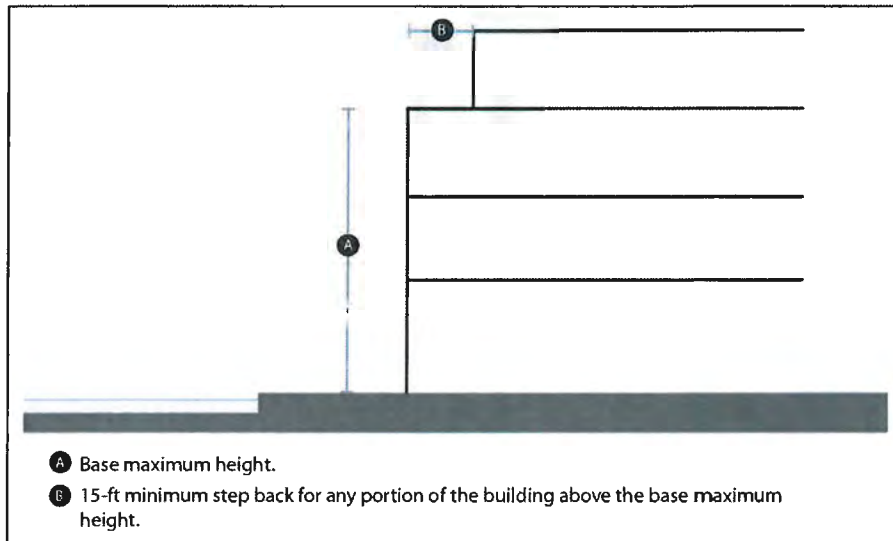
Maximum building height standards promote a compatible building scale and relationship of one structure to another.

2. Standards

- a. The base maximum building height in the GMU Zone is 3 stories or 45 ft, whichever is less. Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.
- b. Buildings in the GMU Zone shall provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height as shown in Figure 19.303.4.B.2.b.

- c. The maximum building height in the NMU Zone is 3 stories or 45 ft, whichever is less. No building height bonuses are available in the NMU Zone.

**Figure 19.303.4.B.2.b  
Building Height Standards**



### 3. Height Bonuses

To incentivize the provision of additional public amenities or benefits beyond those required by the baseline standards, height bonuses are available for buildings that include desired public amenities or components, increase area vibrancy, and/or help meet sustainability goals.

A building in the GMU Zone can utilize up to 2 of the development incentive bonuses in Subsection 19.303.4.B.3.a. and 3.b, for a total of 2 stories or 24 ft of additional height, whichever is less. Buildings that elect to use both height bonuses for a 5-story building are subject to Type III review per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

#### a. Residential

New buildings that devote at least 1 story or 25% of the gross floor area to residential uses are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

#### b. Green Building

Project proposals that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED, Green Globes, or Earth Advantage) are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

#### c. Building Height Variance

Additional building height may be approved through Type III variance review, per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

### C. Street Setbacks



1. Intent

Buildings are allowed and encouraged to build up to the street right-of-way in the commercial mixed-use zones. This ensures that buildings engage the street right-of-way.

2. Standards

- a. No minimum street setbacks are required, except for residential street edges per Subsection 19.303.5.
- b. In the GMU Zone, maximum street setback is 20 ft. For properties shown as having a commercial edge on Figure 19.303.4.C.2.b, the following standards apply:
  - (1) No minimum street setback is required. Maximum street setback is 10 ft.
  - (2) The area within the street setback, if provided, shall be landscaped.
- c. In the NMU Zone, the maximum street setback is 10 ft unless the yard exception standards of Subsection 19.501.2 apply.
- d. The setback area may include usable open space such as plazas, courtyards, terraces, and small parks.
- e. Usable open space may be counted toward the minimum vegetation requirement in Subsection 19.303.3.B.6.
- f. No vehicle parking is permitted between the building and the street. Vehicle parking must be located behind and/or to the side of buildings, except in cases of a through-lot or lots which front on 3 or more streets, in which case this standard applies to 2 streets.

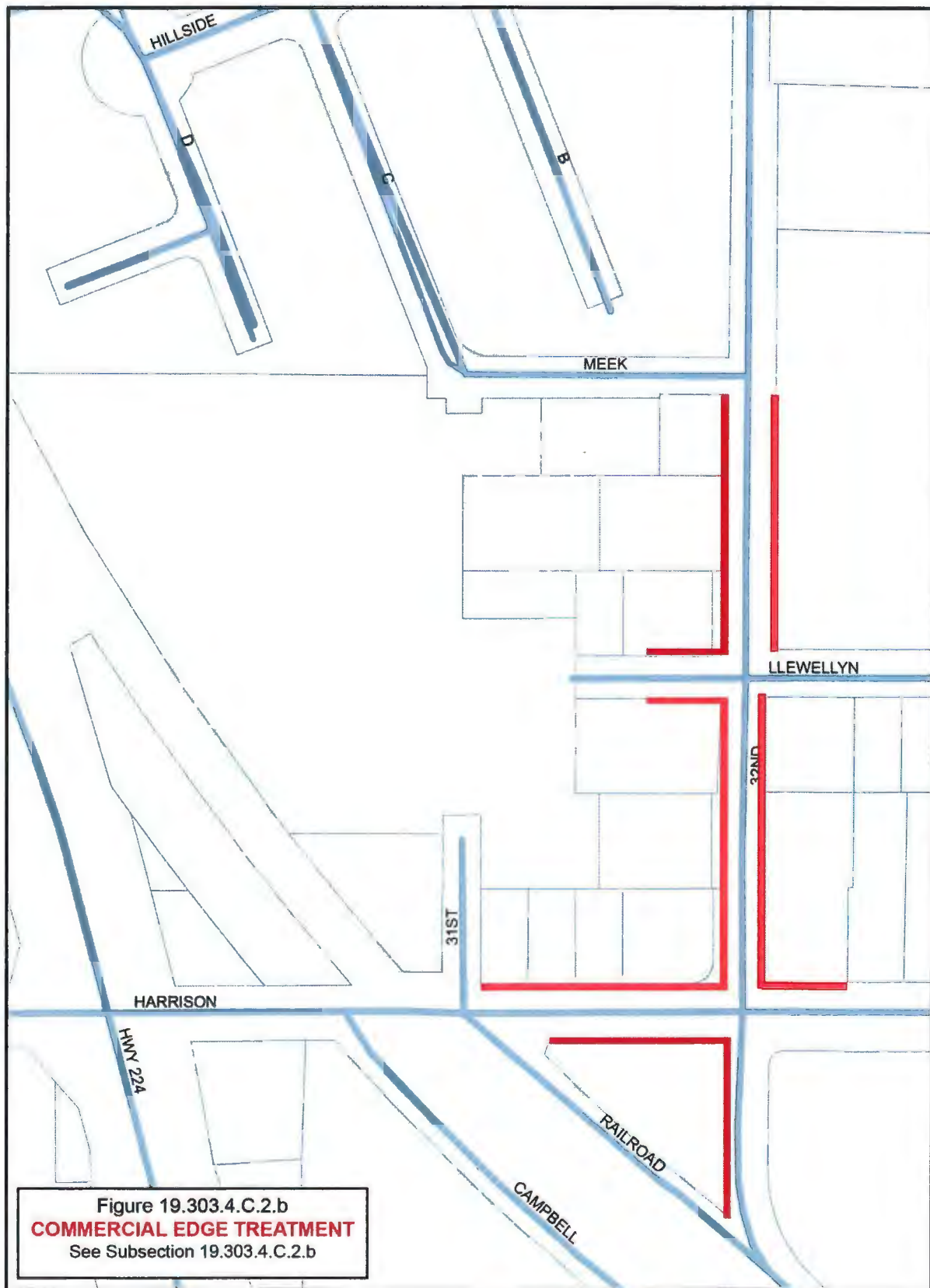
D. Frontage Occupancy Requirements

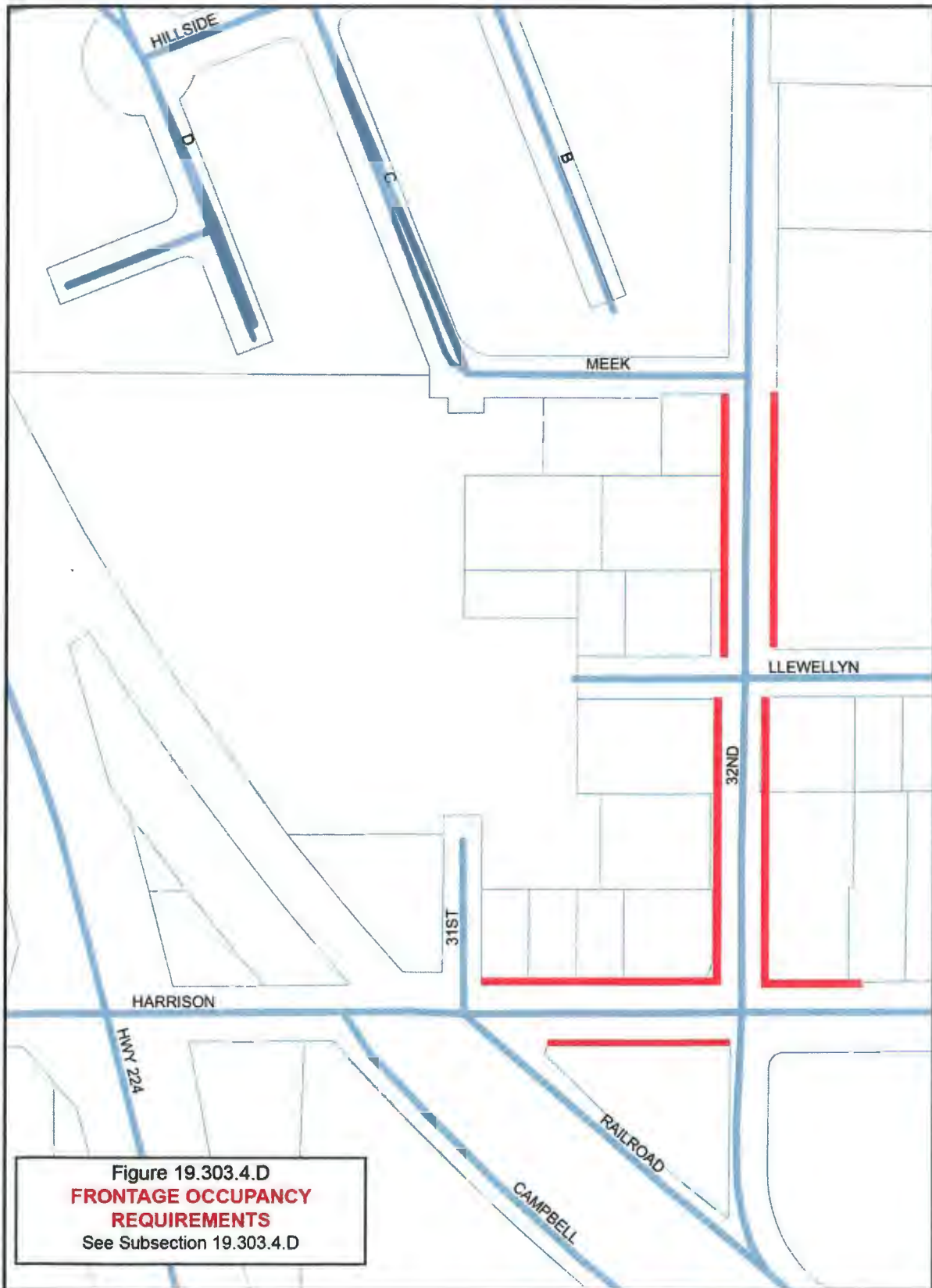
1. Intent

The intent of this standard is to establish a consistent street wall along key streets. Minimum frontage occupancy requirements are established for block faces identified on Figure 19.303.4.D.

2. Standards

- a. For block faces identified in Figure 19.303.4.D, 50% of the site frontage must be occupied by a building or buildings.
- b. If the development site has frontage on more than 1 street, the frontage occupancy requirement must be met on 1 street only.





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### E. Primary Entrances

#### 1. Intent

To promote pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.

#### 2. Standards

- a. All new buildings shall have at least 1 primary entrance facing an abutting public street (i.e., within 45 degrees of the street property line); or, if the building entrance must be turned more than 45 degrees from the public street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk.
- b. Where a development contains multiple buildings and there is insufficient public street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to a plaza, courtyard, or similar pedestrian space containing pedestrian amenities. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway.
- c. If a development is on a corner in the GMU Zone, the primary entrance may be oriented toward either street.
- d. If a development is on the corner of 32<sup>nd</sup> Ave or 42<sup>nd</sup> Ave and another street in the NMU Zone, the primary entrance must be oriented toward 32<sup>nd</sup> Ave or 42<sup>nd</sup> Ave.

### F. Residential Density

#### 1. Intent

Minimum densities are applied to residential development in the commercial mixed-use zones to assure efficient use of land at densities that support transit use and nearby businesses.

#### 2. Standards

- a. Minimum density for stand-alone residential development in the GMU Zone is 25 units per acre, and maximum density is 50 units per acre.
- b. Minimum density for stand-alone residential development in the NMU Zone is 11.6 units per acre, and maximum density is 14.5 units per acre.

#### 3. Exemptions

There are no minimum or maximum density requirements when residential units are developed as part of a mixed-use building. Maximum residential densities for mixed-use buildings are controlled by height limits.

### **19.303.5 Standards for Residential Street Edges**

For properties shown as having a residential edge on Figure 19.303.5, and for development that occurs adjacent to or abutting an R-3 or R-5 Zone, the following standards apply:

- A. A minimum setback of 15 ft shall apply.
- B. Along the property line adjacent to the residential zone, buildings within 50 ft of 37<sup>th</sup> Ave and Monroe St shall provide a step back of at least 15 ft for any portion of the building above 35 ft.

- C. An additional minimum 8-ft-wide densely planted buffer is required along property lines where flex space development abuts a residential zone.

**19.303.6 Standards for Medical Marijuana Facilities**

In the commercial mixed-use zones, medical marijuana facilities shall meet the following standards:

- A. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.
- B. A medical marijuana facility shall not be colocated with another business.
- C. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
- D. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.



**19.303.7 Additional Provisions**

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

A. Section 19.500 Supplementary Development Regulations

This section contains standards for site and building design that will apply to most new types of development, including residential and commercial. Relevant sections include:

1. 19.501 General Exceptions
2. 19.502 Accessory Structures
3. 19.503 Accessory Uses
4. 19.504 Site Design Standards
5. 19.505 Building Design Standards

B. Section 19.600 Off-Street Parking and Loading

Contains standards for vehicle and bicycle parking, including required number of spaces and design standards for parking and loading areas.

C. Section 19.700 Public Facility Improvements

Contains standards for transportation, utility, and other public facility improvements that may be required as part of development.

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## CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

### 19.504.6 Transition Area Measures

Where commercial, mixed-use, or industrial development is proposed abutting or adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses.

- A. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be at least as wide as the required front yard width of the adjacent lower-density zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable, except in the NMU Zone. In the NMU Zone, the base zone front yard requirements supersede these requirements.
- B. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to at least the 6-ft level to screen lower-density residential uses from direct view across the open space, subject to the provisions of Subsection 19.502.2.B.

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## 19.505 BUILDING DESIGN STANDARDS

### 19.505.7 Nonresidential Development

#### A. Purpose

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards support development of an attractive, cohesive, and pedestrian-friendly commercial area. The design standards do not prescribe a particular building or architectural style.

#### B. Applicability

1. The design standards in this section generally apply to the street-facing facades of new commercial, institutional, manufacturing, and mixed-use buildings within the commercial mixed-use zones.
2. The standards in this section do not apply to stand-alone multifamily housing. Stand-alone multifamily buildings are subject to the design standards in Subsection 19.505.3 Multifamily Housing.
3. The standards in this section do not apply to rowhouses or live/work units. Rowhouses and live/work units are subject to the design standards in Subsections 19.505.5 Rowhouses and 19.505.6 Live/Work Units.
4. The standards in this section do not apply to cottage cluster housing. Cottage cluster housing is subject to the design standards in Subsection 19.505.4 Design Standards for Cottage Cluster Housing.

#### C. Building Design Standards

All buildings that meet the applicability provisions in Subsection 19.505.7.B shall meet the following design standards.

An applicant may request a variance to the building design standards in Subsection 19.505.7.C through a Type II review, pursuant to Subsection 19.911.3.B.7.



1. Corners

The intent of this standard is to reinforce intersections as an important place for people to gather.

Buildings located at a key corner in the GMU Zone, as shown on Figure 19.505.7.C.1, shall incorporate one of the following features:

- a. The primary entry to the building located at the corner.
- b. A prominent architectural element, such as increased building height or massing, a cupola, a turret, or a pitched roof at, or within 20 ft of, the corner of the building.
- c. The corner of the building cut at a 45-degree angle.

2. Weather Protection

The intent of this standard is, through the use of awnings and canopies along the ground floor of buildings, to protect pedestrians from rain and provide shade, to encourage window shopping and lingering, and to create visual interest on the ground floor of a building.

Buildings shall provide weather protection for pedestrians as follows:

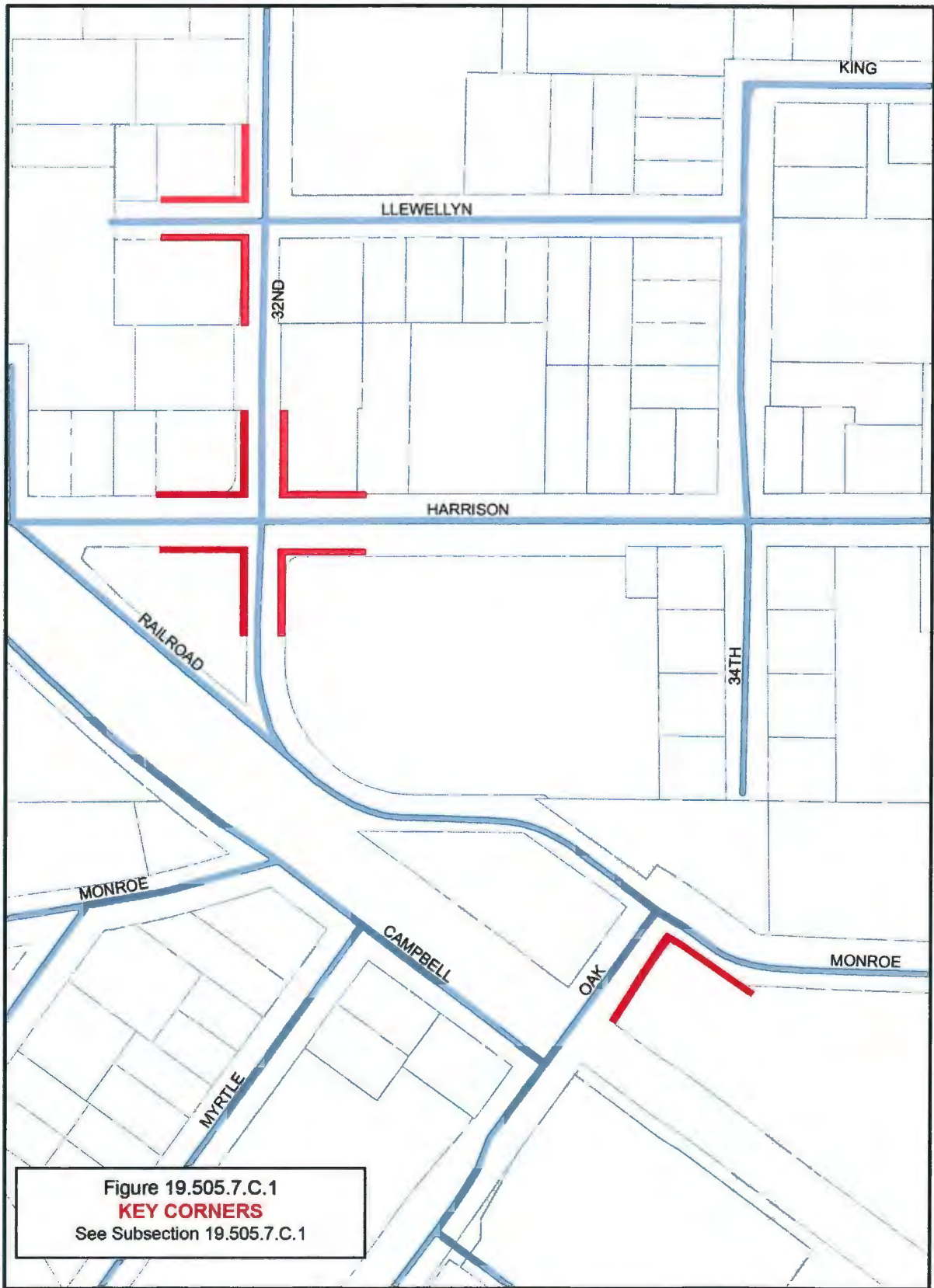
- a. Minimum weather protection coverage  
All ground-floor building entries (excluding loading docks, bays, etc.) shall be protected from the weather by canopies or recessed at least 3 ft behind the front building façade.
- b. Weather protection design  
Weather protection shall comply with applicable building codes. Where applicable, weather protection shall be designed to accommodate pedestrian signage (e.g., blade signs) while maintaining required vertical clearance.

3. Exterior Building Materials

The intent of this standard is to provide a sense of permanence, through the use of certain permitted building materials; to provide articulation and visual interest to larger buildings; and to allow for a variety of materials and designs.

The following standards are applicable to the exterior walls of new buildings facing streets, courtyards, and/or public squares. Table 19.505.7.C.3 specifies the primary, secondary, and prohibited material types referenced in this standard.

- a. Buildings shall utilize primary materials for at least 60% of the applicable building facades.
- b. Secondary materials are permitted on no greater than 40% of each applicable building facade.
- c. Accent materials are permitted on no greater than 10% of each applicable building facade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.).
- d. Buildings shall not utilize materials listed as (N) prohibited material.
- e. For existing development, façade modifications that affect more than 50% of the façade shall comply with standards in this subsection. The Planning Director may waive this requirement if application of the standards would create an incongruous appearance of existing and new materials.



<b>Table 19.505.7.C.3 Commercial Exterior Building Materials</b>	
<b>Material Type</b>	<b>Nonresidential and Mixed-Use</b>
Brick	P
Stone/masonry	P
Stucco	P
Glass (transparent, spandrel)	P
Concrete (poured in place or precast)	P
Finished wood, wood veneers, and wood siding	S
Finished metal panels—such as anodized aluminum, stainless steel, or copper—featuring polished, brushed or patina finish	S
Concrete blocks with integral color (ground, polished, or glazed finish)	S
Fiber-reinforced cement siding and panels	S
Ceramic tile	S
Concrete blocks with integral color (split-face finish)	A
Standing seam and corrugated metal	A
Glass block	A
Vegetated wall panels or trellises	A
Vinyl siding	N
Exterior insulation finishing system (EIFS)	N
Plywood paneling	N

P = Primary material

S = Secondary material

A = Accent material

N = Prohibited material

#### 4. Windows and Doors

The standards of this section are intended to enhance street safety and provide a comfortable pedestrian environment by providing ground-level transparency between the interior of buildings and the sidewalk.

- a. For nonresidential and mixed-use buildings, 30% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less.
- b. For all buildings, the following applies:
  - (1) Nonresidential ground-floor windows must have a visible transmittance (VT) of 0.6 or higher.

- (2) Doors and/or primary entrances must be located on the street-facing block faces and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.
  - (3) Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazings are not permitted.
  - (4) The bottom edges of windows along pedestrian ways shall be constructed no more than 36 in above grade.
  - (5) Ground-floor windows for nonresidential uses shall allow views into storefronts, working areas, or lobbies. Signs are limited to a maximum coverage of 50% of the required window area.
  - c. Windows shall be designed to provide shadowing. This can be accomplished by recessing windows 4 in into the façade and/or incorporating trim of a contrasting material or color.
  - d. For all building windows facing streets, courtyards, and/or public squares, the following window elements are prohibited:
    - (1) Reflective, tinted, or opaque glazing.
    - (2) Simulated divisions (internal or applied synthetic materials).
    - (3) Exposed, unpainted metal frame windows.
5. Roofs
- a. The intent of this standard is to enliven the pedestrian experience and create visual interest through roof form. The roof form of a building shall follow one (or a combination) of the following forms:
    - (1) Flat roof with parapet or cornice.
    - (2) Hip roof.
    - (3) Gabled roof.
    - (4) Dormers.
    - (5) Shed roof.
  - b. All sloped roofs exposed to view from adjacent public or private streets and properties shall have a minimum 4/12 pitch.
  - c. Sloped roofs shall have eaves, exclusive of rain gutters, that project from the building wall at least 12 in.
  - d. All flat roofs, or those with a pitch of less than 4/12, shall be architecturally treated or articulated with a parapet wall that projects vertically above the roofline at least 12 in and/or a cornice that projects from the building face at least 6 in.
  - e. When an addition to an existing structure, or a new structure, is proposed in an existing development, the roof forms for the new structure(s) shall have similar slope and be constructed of the same materials as the existing roofing.
6. Rooftop Equipment and Screening
- The intent of this standard is to integrate mechanical equipment into the overall building design.

- a. The following rooftop equipment does not require screening:
    - (1) Solar panels, wind generators, and green roof features.
    - (2) Equipment under 2 ft in height.
  - b. Elevator mechanical equipment may extend above the height limit a maximum of 16 ft provided that the mechanical shaft is incorporated into the architecture of the building.
  - c. Satellite dishes, communications equipment, and all other roof-mounted mechanical equipment shall be limited to 10 ft in height, shall be set back a minimum of 5 ft from the roof edge, and shall be screened from public view and from views from adjacent buildings by one of the following methods:
    - (1) A screen around the equipment that is made of a primary exterior finish material used on other portions of the building, wood fencing, or masonry.
    - (2) Green roof features or regularly maintained dense evergreen foliage that forms an opaque barrier when planted.
  - d. Required screening shall not be included in the building's maximum height calculation.
7. Ground-Level Screening
- Mechanical and communication equipment, outdoor storage, and outdoor garbage and recycling areas shall be screened so they are not visible from streets, other ground-level private open space, or common open spaces.
8. Rooftop Structures
- Rooftop structures related to shared outdoor space—such as arbors, trellises, or porticos related to roof decks or gardens—shall not be included in the building's maximum height calculation, as long as they do not exceed 10 ft in height.

## CHAPTER 19.600 OFF-STREET PARKING AND LOADING

### 19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

#### 19.605.3 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 19.605.2.

##### B. Reductions to Minimum Parking Requirements

Applicants are allowed to utilize multiple reductions from Subsections 19.605.3.B.2-7, provided that the total reduction in required parking does not exceed 25% of the minimum quantity requirement listed in Table 19.605.1. The total reduction in required parking is increased to 30% in the Downtown Mixed Use Zone DMU. Applicants may not utilize the reduction in Subsection 19.605.3.B.1 in conjunction with any other reduction in Subsection 19.605.3.B.

##### 1. Reductions for Neighborhood Commercial Areas

The minimum parking requirements of Table 19.605.1 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 Neighborhood Mixed Use (NMU) Zone in the area bounded by 42nd Avenue, King Road, 40th Avenue, and Jackson Street.
- d. Properties in the Neighborhood Mixed Use (NMU) Zone in the area bounded by 42nd Avenue, Harrison Street, 44th Avenue, and Jackson Street.

**CHAPTER 19.900 LAND USE APPLICATIONS**

**19.904 COMMUNITY SERVICE USES**

**19.904.11 Standards for Wireless Communication Facilities**

Table 19.904.11.C Wireless Communication Facilities—Type and Review Process				
Towers		WCFs Not Involving New Tower		
Zones	New Monopole Tower 100 Feet	Building Rooftop or Wall Mounted Antenna <sup>1</sup>	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions <sup>2</sup>
BI	P1	P2	P2	P2
M	P1	P2	P2	P2
M-TSA	P1	P2	P2	P2
C-N	N	P2	P2	P2
C-G	N	P2	P2	P2
C-L	N	P2	P2	P2
C-CS	N	P2	P2	P2
OS	N	P2	P2	P2
DMU	N	P2	P2	P2
GMU	N	P2	P2	P2
NMU	N	P2	P2	P2
R-1-B	N	P2	P2	P2
R-1	N	N	P2	P2
R-2	N	N	P2	P2
R-2.5	N	N	P2	P2
R-3	N	N	P2	P2
R-5	N	N	P2	P2
R-7	N	N	P2	P2
R-10	N	N	P2	P2

1 = Type III review—requires a public hearing in front of the Planning Commission

2 = Type II review—provides for an administrative decision

P = Permitted                      N = Not Permitted

<sup>1</sup> Rooftop extensions are not to exceed 15 ft in height above the roof top and are not to project greater than 5 ft from the wall of a building.

<sup>2</sup> Antennas placed on right-of-way utility poles may be extended 15 ft. If the pole cannot be extended, the carrier may replace the pole. The replacement utility pole shall not exceed 15 ft in height of the pole that is to be replaced.

**F. Location and Size Restrictions**

**2. Height: maximum heights. Also see Table 19.904.11.C.**

**a. Height Restrictions**

The maximum height limitation of the monopole tower and antennas shall not exceed the following:

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- (1) BI, M, and M-TSA Zones: 100 ft.
  - (2) New towers are not permitted in the R-1-B, R-1, R-2, R-2.5, R-3, R-5, R-7, R-7PD, R-10, R-10PD, GMU, NMU, C-N, C-G, C-L, OS, and DMU Zones.
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## Updates for Section References and Housekeeping Only

*These amendments are based on the adoption of the **Downtown** amendments by Council on September 1, 2015, and the expectation that the **Central Milwaukie** amendments will have been adopted before these **Neighborhood Main Streets** amendments go to the Milwaukie City Council for adoption.*

### **19.201**

“Physical characteristics” means the physical, natural, and/or man-made features characteristic to a property or properties, including, but not limited to, trees and other vegetation, rocks and outcrops, topography and ground features such as knolls and depressions, water bodies and wetlands, soil characteristics, excavations and fill, boundaries, and embankments.

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### **19.202.2.C**

#### C. Exterior Height of Accessory Structures

The exterior height of an accessory structure is the vertical distance above the average of the highest and lowest points of finished grade, within a 10-ft horizontal distance from the base of the building, and the top of a building described in Subsection 19.202.B.2.

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### **19.202.4.D.2**

#### 2. Density Calculation

The minimum number of dwelling units required is calculated by dividing the net area by 43,560 sq ft to convert the area to acres, then by multiplying the acreage by the minimum required dwelling unit density in the applicable base zone in Chapter 19.300.

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### **19.202.4.E.2**

#### 2. Density Calculation

The maximum number of dwelling units allowed is calculated by dividing the net area by 43,560 sq ft to convert the area to acres, then by multiplying the acreage by the maximum allowed dwelling unit density in the applicable base zone in Chapter 19.300.

### **19.401 WILLAMETTE GREENWAY ZONE WG**

In a W-G Zone the following regulations shall apply: **[REPEALED]**

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### **19.403 HISTORIC PRESERVATION OVERLAY ZONE HP**

In an HP Zone the following regulations shall apply: **[REPEALED]**

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### **19.405 AIRCRAFT LANDING FACILITY ZONE L-F**

In an L-F Zone the following regulations shall apply: **[REPEALED]**

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### 19.707.1.C

- C. Metro and Clackamas County: If the proposed development is within 200 ft of a designated arterial or collector roadway, as identified in Figure 8-1 of the TSP.

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### 19.708 TRANSPORTATION FACILITY REQUIREMENTS

The City's street design standards are based on the street classification system described in the TSP. Figure 8-1 of the TSP identifies the functional street classification for every street in the City and Figure 10-1 identifies the type and size of street elements that may be appropriate for any given street based on its classification.

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**Table 19.901**

Table 19.901 Land Use Applications		
Application Type	Municipal Code Location	Review Types
Miscellaneous:	Chapters 19.500	
Barbed Wire Fencing	Subsection 19.502.2.B.1.b-c	II
Bee Colony <i>[THIS ROW REPEALED]</i>	Subsection 19.503.1.D	III

EXHIBIT D

