



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: September 10, 2015
Jurisdiction: City of Milwaukie
Local file no.: CPA-14-02/ZA-14-02
DLCD file no.: 005-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/04/2015. 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 36 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



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

FOR DLCD USE
 File No.: 005-14 {22525}
 Received: 9/4/2015

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.: **CPA-14-02, ZA-14-02**

Date of adoption: 9/1/15

Date sent: 9/4/2015

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): 10/21/14

No

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

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

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

Phone: 503-786-7627

E-mail: alligoodl@miwlaukieoregon.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:

Chapter 4: Land Use - updated to reflect revisions to zoning ordinance. No policy changes.

Downtown and Riverfront Land Use Framework Plan (an ancillary document to the Comprehensive Plan) - updated to reflect completed and planned projects. No policy changes.

For a change to a comprehensive plan map:

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

- | | | | |
|-------------------------|----|--------|--|
| Change from N/A change. | to | acres. | A goal exception was required for this change. |
| Change from change. | to | acres. | A goal exception was required for this change. |
| Change from change. | 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
- 14.16.060

Title 19 Zoning Ordinance:

- 19.107.1
- 19.201
- 19.304
- 19.401.1
- 19.504.6
- 19.505.3
- 19.505.6 (NEW)
- 19.508 (NEW)
- 19.600
- 19.710 (DELETED)
- 19.904.11
- 19.907
- 19.911.6 (NEW)

For a change to a zoning map:

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

Change from DC	to DMU	Acres: 5.9
Change from DO	to DMU	Acres: 29
Change from DR	to DMU	Acres: 12
Change from DS	to DMU	Acres: 16.6
Change from DOS	to DO	Acres: 39

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

Overlay zone designation: NA Acres added: Acres removed:

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

List affected state or federal agencies, local governments and special districts: 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.

Amendments to streamline use, development, and design standards for new development or large additions in downtown Milwaukie; broaden permitted uses; strengthen design standards for use with a new Type II approval option for new development that meets all standards; reduce by-right height allowances and allow up to 2 additional stories of height for inclusion of desired community amenities; revisions to Comprehensive Plan to reflect new zoning designations.

NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150

Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line “Notice of Adopted Amendment.”

Submittals may also be uploaded to DLCD’s FTP site at

http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. File format: When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or .xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. Content: An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and

including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

Completed Form 2

A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions

The findings and the text of the change to the comprehensive plan or land use regulation

If a comprehensive plan map or zoning map is created or altered by the proposed change:

A map showing the area changed and applicable designations, and

Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable

Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change



CITY OF MILWAUKIE

"Dogwood City of the West"

Ordinance No. 2106

An ordinance of the City Council of the City of Milwaukie, Oregon, amending the Comprehensive Plan (Chapter 4 and ancillary document "Downtown and Riverfront Land Use Framework Plan"), Milwaukie Municipal Code (Titles 14 Signs and 19 Zoning), and amending the Zoning Map (File #CPA-14-02, ZA-14-02).

WHEREAS, it is the intent of City of Milwaukie to encourage development in downtown Milwaukie and ensure that new development reflects the desires of the community; 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 address barriers to development in downtown Milwaukie; and

WHEREAS, the *Moving Forward Milwaukie: Enhancing Our Commercial Districts* project has identified policy and regulatory barriers to development in downtown; and

WHEREAS, all downtown 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 Comprehensive Plan, Municipal Code, and Zoning Map that address barriers to development; and

WHEREAS, the City Council finds that the amendments will result in updated development and design standards that reflect the community's vision for future development in downtown; 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; and

WHEREAS, the City Council finds that the amendments are extensive in scope and require 60 days from the date of adoption to put into effect.

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 Comprehensive Plan and Milwaukie Municipal Code are amended as described in Exhibit B (Comprehensive Plan underline/strikeout version), Exhibit C (Comprehensive Plan clean version), Exhibit D (Downtown and Riverfront Land Use Framework Plan underline/strikeout version), Exhibit E (Downtown and Riverfront Land Use Framework Plan clean version), Exhibit F (Titles 14 and 19 underline/strikeout version), Exhibit G (Titles 14 and 19 clean version), and Exhibit H (Zoning Map).

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

Read the first time on 8/18/15, and moved to second reading by 3:1 vote of the City Council.

Read the second time and adopted by the City Council on 9/1/15.

Signed by the Mayor on 9/1/15.



Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC



Pat DuVal, City Recorder



City Attorney

EXHIBIT A

Findings in Support of Approval File #CPA-14-02, ZA-14-02, Downtown Plan and Code 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 downtown regulations that are contained in Title 14 Sign Ordinance and Title 19 Zoning Ordinance of the Milwaukie Municipal Code (MMC), Chapter 4 of the Milwaukie Comprehensive Plan (MCP), and the Downtown and Riverfront Land Use Framework Plan (LUFP), an ancillary document of the MCP. The land use application file numbers are CPA-14-02 and ZA-14-02.
2. The purpose of the proposed code amendments is to remove barriers, created incentives, and encourage the type of development projects that implement the community's vision for downtown Milwaukie. 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 19.304 Downtown Zones
 - Chapter 19.500 Supplementary Development Regulations
 - Chapter 19.907 Downtown Design Review
 - Chapter 19.911 Variances

Additionally, amendments are proposed to Title 14 and Chapter 4 of the MCP 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 October 10, 2014.
 - 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 October 29, 2014, for review of the draft amendments. The Planning Commission and City Council have had numerous worksessions and study sessions about the proposed amendments. The draft amendments were sent to members of the project steering committee, the Planning Commission, Neighborhood District Association (NDA) leaders, and "interested persons" for review on October 24 and December 12, 2014. City staff held a Q & A session at City Hall on November 6, 2014. Public comments received, including any City responses, are summarized in a separate attachment.

- (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 January 13, 2015, hearing was posted as required on December 12, 2014, at City Hall, Ledding Library, Public Safety Building, and Johnson Creek Facility. A notice of the City Council's May 5, 2015, hearing was posted as required on April 3, 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 all properties in the downtown zones, and specific property owner notice is not required. All affected property owners were notified of the hearing date via the Measure 56 notice (see Finding 4.b.6).

- (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 originally scheduled for November 25, 2014, and was held on January 13, 2015. Notice of the proposed amendments was sent to DLCD on October 21, 2014.

- (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 originally scheduled for November 25, 2014, and was held on January 13, 2015. Notice of the proposed amendments was sent to Metro on October 10 and November 26, 2014.

- (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 downtown zones. The City sent a Measure 56 Notice summarizing the proposal and announcing the date of the first public hearing all property owners in the downtown zones on December 12, 2014.

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

The Planning Commission held duly advertised public hearings on January 13, January 27, February 10, February 24, and March 10, 2015. The City Council held duly advertised public hearings on May 5, June 2, June 16, July 21, and August 18, 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 Subsection 19.902.3.A requires that changes to the text of the Milwaukie Comprehensive Plan shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held public hearings on the proposed amendments on January 13, January 27, February 10, February 24, and March 10, 2015. The City

Council held duly advertised public hearings on May 5, June 2, June 16, July 21, and August 18, 2015. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- b. MMC Subsection 19.902.3.B contains approval criteria for changes to the text of the Milwaukie Comprehensive Plan.
- (1) MMC Subsection 19.902.3.B.1 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

Specific sections of the MCP are being amended to reflect the proposed downtown zone changes; no changes to land use designations are proposed. The Downtown and Riverfront Land Use Framework Plan (LUFFP) is amended to update the plan to reflect today's conditions. No significant changes to the vision for downtown are proposed.

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

Residential Land Use and Housing Element

Amendments are proposed to the following sections of this element:

- *Objective #2, Policies 1 and 7*

The proposed amendments reflect the establishment of the Downtown Mixed-Use Zone DMU, which implements the objective of encouraging higher density residential uses near public transportation services and major commercial centers. The DMU zone will encourage mixed-use development near the downtown Milwaukie light rail station and implement the mixed-use center envisioned by the Town Center Master Plan.

The proposed amendments also update outdated references to the Regional Center Master Plan and reflect the fact that the Downtown and Riverfront Land Use Framework Plan and DMU zone implement the Town Center Master Plan in downtown Milwaukie.

Economic Base and Industrial/Commercial Land Use Element.

Amendments are proposed to the following section of this element:

- *Objective #6*

The proposed amendments update references to commercial areas and clarify that McLoughlin Blvd in downtown Milwaukie is not expected to perform as a Highway Oriented Center.

The proposed amendments also update the Downtown and Riverfront Land Use Framework Plan (LUFFP), an ancillary document of the MCP, to incorporate projects that have been completed and identify projects that will further implement the vision for downtown. Proposed amendments to the LUFFP include:

- *Confirmation of the community's vision for downtown Milwaukie*
- *Updates to the plan to reflect projects that have been completed; projects underway; and new projects adopted since 2000*

- *Incorporate policies of the South Downtown Concept Plan, which calls for a mixed-use, transit supportive development pattern for the light rail station area*
- (2) MMC Subsection 19.902.3.B.2 requires that the proposed amendment is in the public interest with regard to neighborhood or community conditions.

The proposed amendments provide clarity regarding the location and character of the city's commercial districts, and update the LUFPP so that it is relevant to today's vision for downtown.

- (3) MMC Subsection 19.902.3.B.3 requires the public need be best satisfied by this particular proposed amendment.

The proposed amendments confirm the community's vision for downtown and update it to create a more meaningful document.

- (4) MMC Subsection 19.902.3.B.4 requires that the proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendments to the MCP reflect the proposed code amendments. 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, Title 6, and Title 8.

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

The proposed Comprehensive Plan amendments are minimal and intended to coordinate with revisions to the zoning ordinance. The amendments are specific to commercial land use descriptions and would not change the City's housing capacity or the region's employment capacity. See Finding 5.2.c for an analysis of the consistency of the proposed zoning amendments with this title.

- *Title 6: Central City, Regional Centers, Town Centers, and Station Communities*

The proposed Comprehensive Plan amendments are minimal and intended to coordinate with revisions to the zoning ordinance. They do not affect the City's regulation of land and development in downtown Milwaukie, which is within a designated Town Center.

- *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 amendments, the City followed its own requirements for citizen involvement as described in Finding 4.b.

- (5) MMC Subsection 19.902.3.B.5 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. DLCD did not identify any inconsistencies with relevant State statutes or administrative rules.

The proposed amendments are minimal and intended to coordinate with revisions to the zoning ordinance.; no changes are proposed to land use designations, residential densities, or the types of uses permitted.

Relevant Statewide Planning Goals include Goal 1 Citizen Involvement. As described in Finding 4, ample opportunity for public involvement and comment was provided in the crafting and adoption of these amendments.

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 proposed amendments do not change the Comprehensive Plan land use designations in the city or affect project development patterns.

- c. 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 public hearings on the proposed amendments on January 13, January 27, February 10, February 24, and March 10, 2015. The City Council held duly advertised public hearings on May 5, June 2, June 16, July 21, and August 18, 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 to expand the permitted uses and streamline the land use review process for new development in the downtown zones 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.

Residential Land Use and Housing Element

- *Objective #2, Policies 1 and 7*

These policies establish density ranges and desired development types in the city's residential zones. The proposed amendments establish a

Downtown Mixed Use Zone DMU, which encourages a mix of residential, retail, commercial, and office development in order to implement the Town Center land use designation.

- **Objective #5**

The proposed amendments encourage a diverse range of housing types by adding live/work units and standalone multifamily housing to the housing types permitted in the new DMU Zone. Additional building height allowances are provided for the inclusion of residential uses in new developments.

Economic Base and Industrial/Commercial Land Use Element

- **Objective #2, Policies 1, and 2**

The proposed amendments remove barriers to new businesses desiring to locate in downtown Milwaukie by broadening the types of uses that can locate on the ground floor and expanding the range of permitted uses to include a variety of professional, service, and production 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, Title 6, and Title 8.

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

The proposed amendments would not change the City's housing capacity or the region's employment capacity. The new DMU zone proposes a decrease in overall allowed height (from a maximum of 4-5 stories to a "base height" maximum of 3-4 stories), and height bonuses of up to 2 stories are permitted for the inclusion of residential or lodging uses within a building or development as well as for buildings achieving a green building certification. These bonuses allow new development to achieve the existing height allowances by providing community amenities. A building height variance of up to a total of 2 additional stories is also provided for buildings that provide significant community amenities, as determined through a Type III Variance review process.

New residential uses are allowed, including live/work units and rowhouses, and ground floor residential uses are permitted throughout downtown (with the exception of much of Main St), which has the effect of increasing the City's housing capacity.

- **Title 6: Central City, Regional Centers, Town Centers, and Station Communities**

The proposed amendments do not affect the designated Town Center boundary, and are intended to encourage transit-supportive mixed-use

development in the downtown light rail station area.. A broad range of uses is permitted, including the urban amenities identified by the 2007 Johnson Gardner assessment,¹ and various types of retail, institutional, office, multifamily residential, and civic uses.

- **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 5.

- (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 downtown Milwaukie (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 a new section, 19.505.6 Design Standards for Live/Work Units.

- (e) *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 downtown Milwaukie is mixed-use, which permits a range of commercial, retail, and residential uses. The proposed amendments clarify and streamline the 5 existing mixed-use zones in downtown, and do not affect project development patterns or introduce additional traffic generation.* 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.

¹ Cinema/movie theater; wine bars & shops; garden/yard art; specialty grocers; book shops; fitness centers; and bike shops.

d. 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 75 properties and 59.5 acres. The amendments are legislative in nature and subject to Type V review.

The Planning Commission held public hearings on the proposed amendments on January 13, January 27, February 10, February 24, and March 10, 2015. The City Council held duly advertised public hearings on May 5, June 2, June 16, July 21, and August 18, 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 downtown zones are commercial in nature and include high-density mixed-use development. The proposed amendments would retain and enhance the commercial character of the downtown core and support the high-capacity public transit options located there, including the downtown Milwaukie light rail station and Jackson St bus shelter area.

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

The predominant land use pattern of the downtown core is small parcels developed with small- and medium-scale buildings. The downtown core is intended to be the most densely developed area of Milwaukie. The proposed amendments would continue the predominant land use pattern and density of the downtown core.

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

The development pattern for the area is expected to continue to intensify with the completion of the downtown light rail station; Riverfront Park; and other public amenities. The proposed amendments align with the expected development pattern for the downtown core.

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

The existing regulations are overly prescriptive and complex. The proposed amendments are intended to clarify and simplify the regulations and provide a streamlined process for development that meets the community's expectations. The proposed amendments will not impact the residential or employment capacity of the downtown zones. The proposed amendments retain the current mix of downtown uses and add additional uses requested by the community, including live/work units, rowhouses, and standalone multifamily development. Expanded opportunities for office uses reflect the high lease rate for downtown office space.

- (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 Downtown Mixed-Use zone DMU is downtown. There are no suitable alternative areas with equivalent access to the transportation, commerce, and natural areas that downtown Milwaukie enjoys.

The proposed Open Space Zone OS is applied to those properties previously zoned Downtown Open Space DOS. The intent is to allow for an Open Space zone that can be applied citywide in the future.

- (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 current zoning in downtown Milwaukie permits mixed-use development, including retail, office, services, and residential. The proposed amendments retain and expand the mixed-use provisions.

The public transportation facilities, public utilities, and services in downtown are adequate to support both the current and proposed uses. The proposed amendment does not intensify the development potential of the downtown core, and the existing level of development intensity has been evaluated by the Transportation System Plan and the Regional Transportation Plan. The proposed amendments would not increase the demand on the facilities, utilities, or services in the downtown core.

- (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 downtown core, 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 downtown core 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 Town Center TC. The proposed amendments are consistent with the relevant goals and policies of the MCP related to the Town Center, which are contained in Chapter 4: Land Use.

Residential Land Use and Housing Element

- *Objective #2, Policy 7*

The Town Center land use designation supports mixed-use development supporting residential high-density housing with retail, service commercial, and/or offices. The proposed zoning map amendment applies the Downtown Mixed-Use Zone DMU to the existing downtown zones of Downtown Commercial DC; Downtown

Office DO; Downtown Residential DR; and Downtown Storefront DS. The DMU zone allows and supports high-density housing with retail, commercial, and office uses.

Economic Base and Industrial/Commercial Land Use Element

- *Objective #12, Policies 1 and 2*

The Town Center area includes downtown Milwaukie. The proposed DMU zone allows uses that serve local needs, as well as the types of commercial and employment uses that have the potential to serve the needs of the area.

- *Objective #13, Policy 4*

The DMU zone includes new development and design standards for development along McLoughlin Blvd, which is intended to improve the visual appeal of McLoughlin Blvd as viewed from the waterfront.

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

See Finding 5.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 5.c.2.d.

Underline/Strikeout Amendments

Comprehensive Plan

CHAPTER 4 — LAND USE

RESIDENTIAL LAND USE AND HOUSING ELEMENT

OBJECTIVE #2 — RESIDENTIAL LAND USE: DENSITY AND LOCATION

To locate higher density residential uses so that the concentration of people will help to support public transportation services and major commercial centers and foster implementation of the Town Center Master Plan.

Policies

- 1 Residential densities will be based on the following net* density ranges:

Low Density (Zones R-10, R-7) - up to 6.2 units per net acre

Moderate Density (Zone R-5) - 6.3 to 8.7 units per net acre

Medium Density (Zones R-3, R-2.5, R-2) - 8.8 to 21.1 units per net acre

High Density (Zones R-1, R-1-B) - 21.2 to 24.0 units per net acre

~~Town Center: Downtown Residential Transition Area (Zone DR) - 10 to 40 units per net acre~~

Town Center: ~~Downtown Residential~~ Downtown Mixed Use Zone (Zone DMU) ~~Outside of Transition Area (Zone DR) - 10 to 40+ units per net acre~~

Town Center: Outside of Downtown (Zone R-O-C) - 25 to 50 units per net acre

*In calculating buildable lands, density standards will be applied to net parcel areas to determine the maximum number of dwelling units allowed. Gross site area will be reduced to net site area according to the following schedule:

- Areas one acre or larger will be reduced by twenty percent (20%) for the purposes of right-of-way dedication.
- Areas greater than 3/8 of an acre and less than one acre will be reduced by ten percent (10%) for the purposes of right-of-way dedication. Areas less than or equal to 3/8 of an acre (16,335 s.f.) are assumed to be platted and receive zero reduction for right-of-way.

-
7. Town Center Areas will be designated based on the following policies:

- a. ~~Town Center areas~~ Regional Plan Areas are those sites identified within the subareas depicted on the Subareas Map in the Town Center Master Plan as suitable for redevelopment. Within the Town Center areas designated on Map 7, mixed-use development combining residential high density housing with retail, service commercial, and/or offices is encouraged. This is intended to foster a Town Center environment in accordance with the Town Center Master Plan.

- b. ~~A mixed use zone will be applied to designated Town Center Areas as an interim tool to implement the Town Center Master Plan.~~

Proposed Comprehensive Plan Amendment

- eb. ~~The Downtown and Riverfront Land Use Framework Plan and the Downtown Mixed Use Zone shall implement Subarea 1 of the Town Center Master Plan, specific implementing zones shall replace the Mixed Use Zone for Subarea 1 of the Town Center Master Plan. Specific ratios of retail and office to residential shall be specified by the interim Mixed Use Zone.~~
 - ec. Outside of the Downtown and Riverfront Land Use Framework Plan area, the Residential-Office-Commercial (R-O-C) Zone is the most appropriate zone for the Town Center Area.
 - ed. The Town Center Area shall be served by multimodal transportation options; therefore, on-street parking, shared parking, and enclosed parking are the most appropriate parking options in the Town Center Area. Off-street surface parking is to be discouraged.
 - ee. A variety of higher density housing is desired in a designated Town Center Area, and the City shall work cooperatively with the private sector to provide a diverse range of affordable housing.
 - ef. ~~Residential densities in the Downtown Mixed Use Zone are in the range of 10 to 40+ dwelling units per net acre. Residential Transition Area are in the range of 10 to 40 units per net acre, and 40+ units per acre outside of the Transition Area. Residential densities in the portion of the Town Center outside of Downtown are in the range of 25 to 50 units per net acre.~~
-

ECONOMIC BASE AND INDUSTRIAL/ COMMERCIAL LAND USE ELEMENT

GOAL STATEMENT: To continue to support and encourage the development of a broad industrial base in the City, and to encourage the expansion of service facilities in the community.

OBJECTIVE #6 — COMMERCIAL LAND USE

To encourage new commercial uses to locate within designated commercial areas of the City, in order to take maximum advantage of existing access and public facilities serving these areas.

Planning Concepts

Commercial land use policies are based on the assumption that most comparison goods purchases will be made at major regional shopping centers, day-to-day shopping needs will be met by local shopping centers, and that small convenience commercial centers will provide for frequent, one-stop shopping needs. For the purpose of categorizing and establishing commercial centers in Milwaukie, the following types of centers are defined:

- **Regional Shopping Centers** - A major commercial facility serving about 250,000 people primarily for comparison shopping for clothes, household goods and furniture. Examples include Lloyd Center, Washington Square, Downtown Portland and Clackamas Town Center. None are currently located within Milwaukie.
- **Community Center** - A commercial shopping center providing limited comparison shopping and day-to-day shopping serving (generally) 90,000 people on 15-30 acres, and containing at least 200,000 square feet of leasable space. The center should contain a department store (soft goods/clothing), a drug/variety or discount store, a supermarket, retail shops, and related uses. The City currently has one site, the Milwaukie Marketplace, located at Hwy. 224 and Oak St.
- **District Center** - A commercial site or area serving 6,000-10,000 people on 5-15 acres for regular shopping needs. A district center would likely contain a supermarket, drug and variety store, bank, gas station, etc. Examples include Safeway/King Road shopping center, Food Warehouse, S.E. 82nd Avenue/King Road, the Oak Grove Fred Meyer, and the Wichita Town Center.
- **Local Convenience Center** - A commercial facility to provide for frequent, convenient shopping needs. Local convenience centers serve from 2,000-4,000 people on 1/4 to 1/2 acre individual sites or may be adjacent in a strip. Typical uses may include a quick-stop grocery, laundry, fast-food restaurant, etc. The business at the intersection of Linwood and Harmony Road is an example.
- **Highway Oriented Center** - A commercial node or strip development dependent upon street traffic for business. Highway oriented centers are normally located along freeways or expressways at interchanges or along major or minor arterials and are generally service-oriented, providing for limited needs of nearby residents or people driving through the area. Examples include portions of McLoughlin Boulevard outside downtown and Harrison St. at Hwy. 224.
- **Town Center Areas** - The downtown Milwaukie area is a unique mixed-use and commercial center. This area is designated as a Town Center by the Metro 2040 Growth Concept. It provides area-wide services as well as limited neighborhood services. Commercial uses are primarily office, service, and retail, providing financial, personal, and business services, governmental and cultural services. The emphasis is on creating a compact mixed-use

Proposed Comprehensive Plan Amendment

environment with pedestrian amenities and high quality transit service and multimodal street networks.

Policies

1. New commercial developments or redevelopments shall be located in designated areas unless expansion or creation of a new commercial designated area is justified as per Policy 2, below.
2. Expansion or creation of commercial designated areas will be evaluated against the following criteria: (a) those having an historical commitment to commercial use, (b) access to a transportation network appropriate for the scale of development proposed, (c) significant traffic increase shall not result on streets of collector or less status serving low density residential areas, (d) that no more suitable location(s) exist within the City for this designation, (e) that zoning allowed by the designation is compatible with adjacent uses, and (f) compliance with all applicable Plan policies, including the Town Center Master Plan.

Clean Amendments
Comprehensive Plan
CHAPTER 4 — LAND USE

RESIDENTIAL LAND USE AND HOUSING ELEMENT

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- b. The Downtown and Riverfront Land Use Framework Plan and the Downtown Mixed Use Zone shall implement Subarea 1 of the Town Center Master Plan.
- c. Outside of the Downtown and Riverfront Land Use Framework Plan area, the Residential-Office-Commercial (R-O-C) Zone is the most appropriate zone for the Town Center Area.

Proposed Comprehensive Plan Amendment

- d. The Town Center Area shall be served by multimodal transportation options; therefore, on-street parking, shared parking, and enclosed parking are the most appropriate parking options in the Town Center Area. Off-street surface parking is to be discouraged.
 - e. A variety of higher density housing is desired in a designated Town Center Area, and the City shall work cooperatively with the private sector to provide a diverse range of affordable housing.
 - f. Residential densities in the Downtown Mixed Use Zone are in the range of 10 to 40+ dwelling units per net acre. Residential densities in the portion of the Town Center outside of Downtown are in the range of 25 to 50 units per net acre.
-

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Proposed Comprehensive Plan Amendment

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Policies

1. New commercial developments or redevelopments shall be located in designated areas unless expansion or creation of a new commercial designated area is justified as per Policy 2, below.
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Underline/Strikeout Amendments

Milwaukie Downtown and Riverfront Land Use Framework Plan

Chapter 1—Land Use Framework

The Milwaukie Downtown and Riverfront Land Use Framework Plan represents a major opportunity to reinvigorate downtown Milwaukie. With aggressive and focused efforts from both the public and private sectors over the coming years, downtown Milwaukie will be revitalized. This Framework Plan outlines the components necessary to make such a vision of Milwaukie a reality. It foremost builds upon existing assets, capitalizes upon significant existing uses, and features the natural environment. It also sets out a realistic agenda and implementation program that the ~~city~~ City and private development can follow.

1.1 What This Framework Does

The Land Use Framework is a vision of what can occur in the downtown and riverfront area. It has been tailored to meet Milwaukie's social, economic and development goals and policies while responding to market conditions and the City's overall vision for future growth.

This document serves as an ancillary document to the Milwaukie Comprehensive Plan. On its own, this Framework Plan is not a regulatory document. Any part of the Framework Plan that is intended to have a binding effect will have to be adopted as part of, or pursuant to, ~~a the~~ the Milwaukie Municipal Code to have regulatory effect. ~~The Land Use Framework suggests changes to the existing Town Center Plan Subarea 1 of the Comprehensive Plan.~~

This Framework Plan establishes and guides the development of publicly and privately owned parcels of land, ~~and outlines specific land uses.~~ Nothing in this ~~framework plan~~ framework plan authorizes public use of private property. The Zoning Ordinance provisions regarding permissible uses prevail over any inconsistent provision in this ~~Downtown and Riverfront Land Use Framework Plan.~~

This ~~Land Use Framework Plan~~ Plan allows existing businesses to remain as long as their owners wish. All privately owned property designated as a public use in this Framework ~~Plan—~~ Plan—~~for example, (e.g., parks or trails)—~~ will continue to be in a "private ownership" zoning category, and will not be rezoned for public use until it is acquired by a public entity.

If an existing business does not conform to the ~~new~~ planning area's allowable uses and development regulations, it will be allowed to continue to operate, as well as to expand and rebuild, in accordance with the ~~Downtown Design Standard Threshold Regulations of the City of Milwaukie's Zoning Ordinance.~~

1.1.a Aerial Photograph of Existing Downtown

[UPDATED GRAPHIC PLACEHOLDER]

1.1.b-2 Downtown Planning Area Map

Subarea 1 of the 1997 Town Center Master Plan

[GRAPHIC PLACEHOLDER]

1.3 Illustrative Plan

[GRAPHIC PLACEHOLDER]

1.2.4 Framework Elements

The ~~Milwaukie Downtown and Riverfront Land Use Framework Plan~~ recognizes and builds upon the rich character and history of our town. It celebrates the diversity and spirit of the people and places of Milwaukie, and reinforces those special qualities.

City officials, community leaders, and area businesses have known for a long time that Milwaukie's historic downtown, nestled at the edge of the Willamette River, can and should be a vital center for the community's economic and social activity. Starting in 1999, the City of Milwaukie began a process to develop a concept for downtown Milwaukie that reflects the vision of the people who live and work there. During a number of community design forums, citizens ~~have~~ tested various aspects of the plan, with local residents ranking their priorities for the downtown area.

[PHOTO PLACEHOLDER: Downtown view from Willamette River]

This ~~Land Use Framework Plan~~ represents the leadership of a skilled volunteer Riverfront Board and the input of the more than 2,000 community members who ~~have~~ attended meetings, returned surveys, provided focus and ideas, and directed the plan.

~~The Recipe that Works~~

~~This Land Use Framework represents a process derived from a recipe of fundamental concepts that has worked successfully in other cities, equal in size to Milwaukie and with similar challenges. In those cities, the public and private sectors worked together to make revitalization happen. They developed a plan, and subsequently residents and government officials did what it took to make their plans work. Their efforts paid off. This Land Use Framework will do the same for Milwaukie.~~

Fundamental Concepts

Milwaukie's unique character is at the heart of the ~~Downtown and Riverfront Framework Plan~~. The Framework ~~Plan~~ reconnects Milwaukie to the Willamette River, knitting together the seam of McLoughlin Boulevard. It creates the new Riverfront Park as the city's "living room." And it calls for revitalizing historic buildings while designing new structures to harmonize with the town's historic character.

[PHOTO PLACEHOLDER: Historic Masonic Lodge]

Anchors and attractors are used to build upon existing resources and to strengthen the Main Street "retail ~~spine~~ armature." South Downtown is refreshed with a new public plaza and light rail station. Thus the Framework ~~Plan~~ is a blueprint to make Milwaukie and its downtown a vital, livable, and sustainable community.

Amenities and Open Spaces

Milwaukie is fortunate to have a setting that inspires its citizens, ~~that~~ and offers history, beauty, and vitality. The Willamette River, Johnson Creek, and Kellogg Creek all provide beautiful natural borders to the downtown area. The ~~Milwaukie Downtown and Riverfront Framework Plan~~ capitalizes on these natural resources, by restoring the creeks and improving the riverfront for public use. Thus both the town and the natural areas are reinvigorated.

[PHOTO PLACEHOLDER: Lot Whitcomb, 1850]

1.3 ~~5~~ Our Guiding Principles—A Touchstone

The community's vision for downtown was reaffirmed through public outreach in 2013. In 1999, the City of Milwaukie began a process to develop its vision of the downtown and riverfront. Throughout this community effort, the Framework Plan was developed in accordance with and responded to the following guiding principles:

Creating a Livable Community:

- Provide for residents, workers, and visitors alike.
- Provide for people of all ages, cultures, ethnic groups, and incomes.
- Provide cultural arts and entertainment facilities.
- Provide significant open spaces and connections to the riverfront.
- Provide for specific "programmatic" requirements, such as parking or visibility from major roadways.

Ensuring Economic Success:

- Efficiently maximize current investment in infrastructure.
- Spur further private investment.
- Recognize and respond to the current marketplace.
- Establish a strategy for capturing unrealized market niches.
- Complement, protect, and promote the continued growth and vitality of current businesses.

[PHOTO PLACEHOLDER: no caption, picture of canoe and trees at river]

1.4 ~~7~~ Fundamental Concepts

Anchors and Attractors

The keystone to building a successful downtown is to build upon existing resources—the quality stores and offices that we already have—and supplement these with anchors and attractors—places used by hundreds of people on a daily basis. A grocery store, for example, could ~~will~~ generate considerable foot traffic, which ~~would~~ will in turn provide additional customers for downtown businesses. A public plaza at the south end of Main Street, as depicted in the South Downtown Concept Plan, will provide gathering and event space, revitalize the area, and complement surrounding commercial uses.

The Framework Plan includes key elements which will be necessary to achieve these goals. New "anchor" and "attractor" uses are as follows:

- Village housing opportunity area north of Harrison Street.
- New light rail station and public plaza in South Downtown.
- Bus transit center.
- Grocery store across Main Street from the transit center.
- Arts, entertainment and office "campus" of buildings at the southern end of Main Street, including a graphics-oriented higher education facility.

The Main Street "Retail Spine-Armature"

Reactivating Main Street is a major focus—re-establishing and strengthening a lively storefront retail character with a pedestrian emphasis and 24-hour use.

The Framework Plan establishes an environment in which people can shop, work, live, and socialize along Main Street. It addresses and repairs the fundamental problems that have drained downtown of its vitality. The Framework Plan suggests adding to or filling in blocks with new uses, enhancing those buildings and uses that already exist. ~~and in some instances tearing down buildings and starting over again.~~

~~Along Main Street, in the four blocks between these two anchors,~~ the fabric of ground-floor retail establishments will create a lively flow of pedestrian activity. The Main Street "retail spine" armature ensures that promotes a healthy retail street that includes:

- Retail on both sides of the street.
- Continuous active retail facades with no interruptions.
- On-street parking in front of retail.
- Anchor retail at both ends of Main Street.
- Active uses ~~Retail~~ on all four corners of intersections.
- ~~A pedestrian loop.~~
- Safe, signalized pedestrian crossings as needed.
- Pedestrian-friendly amenities—wide sidewalks, landscaping, benches, and street lights.

This north-south flow of activity will be further enlivened where it intersects with the new Main Street South Downtown Plaza at Main Street and Adams Street, which provides views of the Willamette River and a location for events and activities such as the Farmers Market—in the block between Monroe and Jefferson Streets and leading directly to the Willamette River and the new Riverfront Park.

[PHOTO PLACEHOLDER: Wine:30 parklet]

McLoughlin Boulevard Commercial Corridor

Enhancing McLoughlin Boulevard as the primary entry point to downtown Milwaukie from the north, south, and riverfront trails, provides a sense of place for visitors to downtown and provides a visual connection between downtown and the riverfront.

The Framework Plan establishes an environment that is visually attractive and accommodates the pedestrian. Along McLoughlin Boulevard, new buildings will provide a comfortable pedestrian environment while welcoming riverfront visitors to downtown. The Framework Plan promotes a healthy commercial corridor that includes:

- Parking beside or behind buildings.
- Significant uses and buildings located at key signalized intersections along McLoughlin Boulevard.
- Entryway treatments, such as signage, public art, and/or landscaping north of Harrison Street and south of Washington Street to signal to visitors that they are entering downtown Milwaukie.

- Gateway treatments—such as landscaping, signage, structural gateways, prominent building features, and/or public art—at Harrison, Monroe, and Washington Streets to draw visitors into downtown Milwaukie from Riverfront Park and McLoughlin Boulevard.

21st Avenue Mixed-Use Corridor

With the construction of the light rail station, 21st Avenue is a key pedestrian connection between the station and the bus shelter area on Jackson Street. It is also a direct connection to key civic institutions including Milwaukie High School, City Hall, and Ledding Library.

The Framework Plan establishes an environment that is pedestrian-friendly, vibrant, and attractive, while focusing retail uses on the Main Street "spine." The 21st Avenue corridor that includes:

- A combination of live/work units, residential, and mixed-use development.
- A continuous "street wall."
- Pedestrian-friendly amenities such as wider sidewalks, landscaping, benches, and street lights.

Connecting to the River

~~The new Riverfront Park will be the location for special events such as "Festival Daze," holiday celebrations, and community assemblies. Safe pedestrian and bicycle crossings between downtown, Riverfront Park, and multiuse trails are important. Pedestrian connections will be strengthened at key east/west streets to enhance pedestrian and bicycle access to the park. At its southern end will be a new hotel, adjacent to the new public marina and rowing facility.~~

South Downtown Concept Plan Area

The 2011 South Downtown Concept Plan (Concept Plan) refined the vision for the area south of Washington Street. The essential elements of the Concept Plan include:

- An active, vibrant public plaza provides the central anchor for South Downtown and provides views to the Willamette River.
- The light rail station is integrated into the fabric of South Downtown.
- The Adams Street connector pedestrian street connects the light rail station with the South Downtown Plaza and Main Street.
- South Downtown is located in close proximity to several natural areas, including Kellogg Lake, Dogwood Park, Kronberg Park, and Riverfront Park. These natural areas should be enhanced, and improved access to these natural areas should be provided via walking trails and/or McLoughlin Boulevard crossings.

[PHOTO PLACEHOLDER: Café seating on a plaza]

1.4.6 Fundamental Concepts Map

[UPDATED GRAPHIC PLACEHOLDER]

1.4.a South Downtown Concept Plan Area

[GRAPHIC PLACEHOLDER]

1.8 Land Use Framework

[GRAPHIC PLACEHOLDER]

1.5.9 Key Land Use and Placemaking Features

The Fundamental Concepts of 1.4 are achieved through key land use and placemaking features. These features build on what is unique about Milwaukie by drawing pedestrians along a revitalized Main Street, reconnecting downtown Milwaukie to the Willamette River, enhancing existing natural areas in and near downtown, and providing quality housing for new downtown residents.

[PHOTO PLACEHOLDER: Revitalizing Main Street]

Revitalizing Main Street and Downtown:

- Main Street improvements—shops, services, and family-wage jobs.
- Save landmarks: Landmarks—to preserve history and heritage.
- Pedestrian-friendly improvements throughout downtown.
- New light rail station.
- New South Downtown plaza.
- Encourage sustainable development.
- Encourage mixed-use development for a vibrant streetscape.
- New Grocery Store—to anchor Main Street
- New Tri-Met Bus Transit Center
- New Arts and Entertainment Campus

[PHOTO PLACEHOLDER: Reconnecting to the River]

Reconnecting to the River:

- New Riverfront Park: —the City's "living room."
- New and enhanced pedestrian crossings.
- New McLoughlin Bridge—to knit the seam between the downtown and the river
- New Public Marina and restaurant
- New Riverfront hotel—to replace the water treatment plant

[PHOTO PLACEHOLDER: Restoring Natural Areas and Parks]

Restoring Natural Areas and Parks:

- Downtown stream—divert a portion of Spring Creek into downtown park
- Restore Spring Creek.
- Restore Johnson Creek
- Continue to maintain completed Johnson Creek restoration.
- Continue efforts to restore Restore Kellogg Creek.

[PHOTO PLACEHOLDER: Providing Quality Housing]

Providing Quality Housing:

- Provide a variety of quality housing types including rowhouses, townhomes, apartments and condominiums (both stand-alone and as part of mixed-use development), and live/work spaces.
- ~~To the North, townhomes and apartments engaging new parks, near Spring Creek and trail to Spring Water Corridor~~
- ~~To the South, townhomes and apartments along landscaped creek and Rail Trail.~~

~~1.10 Land Use Descriptions~~

~~Downtown Milwaukie includes six established and emerging planning areas, each with distinctive physical characteristics and varying uses. While they share a singular overall area—the downtown of Milwaukie—they serve various social, cultural, and economic roles. The goal of the Downtown and Riverfront Plan is to secure a future which binds all of these existing and potential areas into a coherent downtown while enabling each individual area to maintain or develop a distinctive identity.~~

~~[PHOTO PLACEHOLDER: Bus Transit Center]~~

~~[PHOTO PLACEHOLDER: Storefront Main Street]~~

~~[PHOTO PLACEHOLDER: Apartments—North Housing]~~

~~1.11 Housing North Area~~

~~[GRAPHIC PLACEHOLDER]~~

~~UNDER GRAPHIC TEXT:~~

~~Character:~~

~~Multiple-family residences: ownership/condominiums and rental (including townhouses and apartments).~~

~~**Approximate Area:** 10 acres~~

~~**Proposed Use:** 25 townhouse units (target)~~

~~225 units-aps/condominiums (target)~~

~~**Total units:** 250 (target)~~

~~1.12 Housing South Area~~

~~[GRAPHIC PLACEHOLDER]~~

~~UNDER GRAPHIC TEXT:~~

~~Character:~~

~~Multiple-family residence types: rental apartments or condominiums.~~

~~**Approximate Area:** 2 acres~~

~~**Proposed Use:** 200 units (target)~~

1.13 Storefront Main Street Area

[GRAPHIC PLACEHOLDER]

UNDER-GRAPHIC TEXT:

Character:

One block deep along Main Street, and including parking areas behind buildings. Retail uses at ground floor and second floor, and mixed uses of office and residential above. Maintains pedestrian orientation throughout.

~~Approximate Area: 8.5 acres~~

~~Proposed Use: retail: 115,000 SF (target)~~

~~office: 75,000 SF (target)~~

~~residential: 150 units (target)~~

~~theater: 25,000 SF~~

1.14 Arts/Entertainment/Office Area

[GRAPHIC PLACEHOLDER]

UNDER-GRAPHIC TEXT:

Character:

Envisioned as a campus to anchor the Main Street retail armature. The area will be highly visible from McLoughlin Boulevard, and buildings will address Washington Street. To the south, the campus will be adjacent to the park at Kellogg Creek.

~~Approximate Area: 5 acres~~

~~Proposed Use: Retail 50,000 SF (target)~~

~~Office 100,000 SF (target)~~

1.15 Parks and Open Space Areas

[GRAPHIC PLACEHOLDER]

UNDER-GRAPHIC TEXT:

Note:

All development will be consistent with protection of river, wetlands and waterways as required by Willamette Greenway, Title 3, ESA and other applicable requirements. All existing private ownership and use may continue, and no use of private property for public purposes is required.

Character:

Connects to downtown by the new McLoughlin Bridge. Park includes a "festival lawn" for assembly, as well as walkways, seating areas, waterways, and enhanced wetlands.

~~Approximate Area: 25 acres~~

1.16 Commercial Area

[GRAPHIC PLACEHOLDER]

UNDER-GRAPHIC TEXT:

Character:

An area for commercial development which is auto-accommodating yet maintains a pedestrian-orientation at least at one entrance, and still engages the street right-of-way.

Approximate Area: 2.5 acres

Proposed Use: Commercial 18,000 SF (target)

Office 20,000 SF (target)

1.17 Hotel Area

[GRAPHIC PLACEHOLDER]

UNDER GRAPHIC TEXT:

Character:

Area specifically for a hotel establishment; auto-accommodating but well-landscaped and pedestrian-friendly.

Approximate Area: 6.5 acres

Hotel units: 200 rooms (target)

Restaurant: 5,000 SF (max.)

1.6 ~~10~~ Amenities and Open Space Framework

The ~~Milwaukie Downtown and Riverfront Land Use~~ Framework Plan includes a system of outdoor open and green spaces weaving around and through the city. There are creeks, restored wetlands, the Willamette River, and a landscaped urban plaza.

Many of the areas are subject to various municipal, State, and federal regulations intended to protect environmental and natural resource values. The elements of this framework Plan are intended to be consistent with those regulations.

Spring Creek/Crystal Creek Trail — ~~Connects the northern end of Milwaukie's downtown with the Portland metro area's Springwater Corridor.~~

1. Scott Park - Adjacent to the Ledding Library and the ~~Transit Center Park~~, as well as to the ~~North Downtown Housing Main Village~~, Scott Park offers lawn and play areas for children and adults. ~~An improved Scott Lake connects through a natural stream to the restored Crystal Creek.~~

2. Johnson Creek Nature Area — ~~The creek connects the Springwater/Crystal Creek Trail to the north with the Riverfront Park and downtown~~ The creek ~~is~~ would be restored to its natural state, and a viewpoint in Riverfront Park allows visitors to experience the creek at the mouth of the Willamette River.

3. City Hall Plaza & Sculpture Garden – ~~The City Hall plaza and sculpture garden provide places to stop, rest, and people-watch.~~

4. Main Street/Streetscape Improvements – ~~From the Transit Center south to Washington Street, Downtown streets Main Street benefits from wider sidewalks special sidewalk treatments, crosswalks, curb extensions, pedestrian-scaled lighting, street furniture, street trees, and planting beds. Main Street is emphasized as the primary retail street with special sidewalk treatments and wider sidewalks allowing for sidewalk café seating and retail displays.~~

Proposed Comprehensive Plan Ancillary Document Amendment

5. Riverfront Park – The improved park is and will become the City's "living room," including a festival lawn, overlooks for viewing the river, pathways for pedestrians and cyclists, improvements to the boat launch and parking, and extensive riverside plantings. Riverfront Park is the focus of Milwaukie's Amenities and Open Space Framework due to its location. Located adjacent to downtown and nestled between the Willamette River, Kellogg Creek, and Johnson Creek, Riverfront Park is the focus of Milwaukie's open space framework.

6. South Downtown Plaza & Adams Street Connector – A major plaza forms the core and focus of the South Downtown. The plaza has views to the Willamette River, retail spaces to the east, connections to natural areas, and Main Street running through the center. During events, the plaza and a portion of Main Street will be closed to vehicular traffic. The Adams Street connector is a pedestrian green street that provides a pedestrian connection between the light rail station and the South Downtown Plaza.

7. Dogwood Park – An expanded Dogwood Park is integrated to the north and east with the South Downtown Plaza and Main Street streetscape improvements, and to the south and west with the Kellogg Natural Area.

8. Kellogg Bicycle & Pedestrian Bridge – A bicycle/pedestrian bridge connects the open spaces of Dogwood Park, Kronberg Park, and the Trolley Trail beyond.

9. Kronberg Park Kellogg Creek/Kellogg Park and Kellogg Nature Areas – Kronberg Park is improved, and the creek and wetlands are restored to a salmon-friendly state. Restoration of Kellogg Creek provides nature trails through native riparian banks and along the restored stream. The creek and wetlands are to be restored to a salmon-friendly state.

10. Trolley Trail – The 6-mile Trolley Trail multiuse path connects the 17th Avenue multiuse trail and Riverfront Park with Gladstone to the south.

1.6 18 Amenities and Open Space Framework Map

[UPDATED GRAPHIC PLACEHOLDER]

Downtown Spring Creek – A small portion of Spring Creek may be diverted into downtown, streaming from the railroad tracks and new "Rail Trail" to the east, through the new Main Street Plaza, to the Riverfront Park.

Main Street Plaza – A paved and landscaped open public gathering space at the center of town, connecting the primary retail street to the Riverfront Park.

"Rail Trail" – Along the railroad tracks runs a trail that, when combined with the Riverfront Park pathways, completes a loop around downtown. The Rail Trail also links the Kellogg Creek area in southern Milwaukie to the Springwater/Crystal Creek Trail to the north, and gives a green edge to the east side of downtown.

Festival/Open Lawn Staging Area – A part of the Riverfront Park is landscaped to accommodate public festivals and assembly.

Main Street Walk – A pedestrian street with special paving, crosswalks, curb extensions, lighting and street furniture. Main Street Walk terminates in a circle at the arts/office/entertainment campus in the south side of downtown.

Riverfront Restaurant – In Riverfront Park, a new restaurant overlooks the Willamette River and new marina.

Marina – A new public marina and rowing facility is located near the proposed restaurant and hotel buildings which replace the wastewater treatment plant. The marina would accommodate a riverboat or similar vessel.

Chapter 2—Implementation

A key component of the Framework Plan is implementation. Public investment in infrastructure sets the stage for private investment in rehabilitation of existing buildings and development of new buildings and amenities.

2.1 Implementation and Financing

Adoption of the Framework Plan does not, in itself, implement the vision it sets out. Implementation of the vision contained in the Framework Plan is achieved through policy, regulatory, and financial tools.

Implementation

This Framework Plan coordinates with Milwaukie's existing planning efforts and regulations. The Milwaukie Comprehensive Plan provides the guiding policies to manage the city's physical elements. Ancillary planning documents are part of ~~may be attached to~~ the Comprehensive Plan. These include the Milwaukie Vision Statement of 1995 and the Town Center Master Plan of 1997. The latter responds to Milwaukie's designation as one of Metro's 2040 Growth Concept Town Centers. The Downtown and Riverfront Land Use Framework Plan is a conceptual document. Therefore, various sections have been ~~may be~~ adopted as part of, or referenced by, the existing Milwaukie Zoning Ordinance, Subdivision Ordinance, or Municipal Code to be effective as a regulatory document.

The ~~Downtown and Riverfront~~ Framework Plan responds to environmental policies, including Metro's Titles 3 and 13 Requirements and the Federal Endangered Species Act.

This Framework Plan also reflects the adopted South Downtown Concept Plan, which serves as a refinement plan to the area south of Washington Street that will be most directly influenced by the new light rail station.

Phasing and Financing Strategy

The Framework Plan is based on the idea ~~makes this bold statement:~~ that investing in the future of Milwaukie makes sense. Investment offers employment and opportunity for all the citizens of Milwaukie; it enriches the town literally and figuratively. Smart public improvements stimulate substantial private investment. Thus, investing today in a better quality of life for downtown Milwaukie makes sense for the whole town, for years to come.

2.2 Projects

This ~~diagram~~ section sets forth priority key projects for the ~~Land Use~~ Framework Plan. The first priority key projects will establish a climate of positive change and growth, while larger or more costly ones would occur later.

Prioritization of these projects will occur during a subsequent process, prior to inclusion in the Capital Improvement Plan.

1. Scott Park Improvements

The 1990 Scott Park Master Plan should be revisited and updated. Construction of Scott Park improvements will enhance the system of downtown amenities and open spaces.

2. 17th Avenue Bicycle and Pedestrian Connection

The Transportation System Plan identifies 17th Avenue as a bicycle and pedestrian route. The City has received grant funds for the design and construction of a multimodal

Proposed Comprehensive Plan Ancillary Document Amendment

connection between the Trolley Trail in downtown Milwaukie and the Springwater Corridor. Design work is underway, and construction is anticipated in early 2016.

3. Gateway and Entryway Improvements

The Framework Plan identifies key entrances to downtown and intersections along McLoughlin Boulevard. The appropriate gateway improvements will be identified, designed, and constructed.

4. Riverfront Park Phases 3 and 4

A master plan for Riverfront Park was adopted in 2010. Phase 1 of Riverfront Park (the Klein Point overlook) was completed in 2012, and phase 2 was completed in summer 2015. The City is seeking funding for completion of phases 3 and 4, which include a plaza, an amphitheater, a fountain, and additional landscaping.

5. Streetscape Improvements

The City adopted specific streetscape designs for downtown Milwaukie in 2000, and they have been implemented incrementally since that time. Pedestrian-friendly amenities—such as wider sidewalks, landscaping, benches, and streetlights—will enhance the pedestrian experience downtown.

6. McLoughlin Boulevard Improvements and McLoughlin Bridge

McLoughlin Boulevard was improved in 2007, from Harrison Street in the north to the UPRR bridge to the south. The section north of Harrison Street remains unimproved. Improvements to this section would provide a signal to visitors that they are entering downtown and would enhance pedestrian safety.

7. South Downtown Plaza & Adams Street Connector

The South Downtown Plaza and Adams Street connector are key elements of the South Downtown infrastructure. Construction of the Adams Street connector was completed in summer 2015. Refined design for the South Downtown Plaza is needed.

8. Dogwood Park Improvements

Refined design for the South Downtown Plaza will include integration with Dogwood Park and will identify key improvements for the area.

9. Kronberg Park Improvements

The master planning process for Kronberg Park is underway, and construction will begin when funding is available. The park provides a key connection between the Kellogg Lake bicycle/pedestrian bridge and the Island Station neighborhood.

10. Dam Removal and Restoration of Kellogg Creek

The Kellogg-for-Coho project has been ongoing since 2008. Design, permitting, and construction are needed to restore Kellogg Creek to a natural condition.

11. Wayfinding Signage and Heritage Plaques

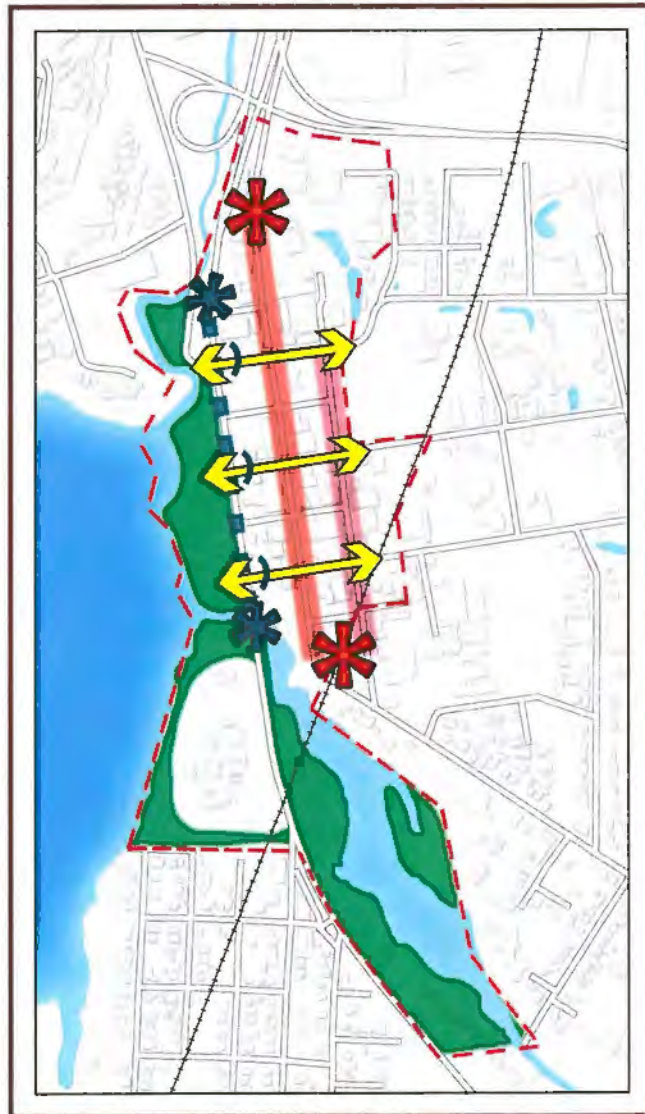
A wayfinding signage system will provide visitors with easy access to cultural and recreational opportunities within an area that can be easily accessed by foot, bicycle, and transit. Plaques will identify historic structures and locations and describe their role in Milwaukie's heritage and culture.

2.24 Priority Projects

[UPDATED GRAPHIC PLACEHOLDER]

Milwaukie Downtown and Riverfront Land Use Framework Plan

Ancillary Document to the
Milwaukie Comprehensive Plan



Adopted Ord. #1880 September 19, 2000
Last Rev. Ord. #____, adopted MONTH DAY, 2015

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(2015 Update)

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Table of Contents

Chapter 1—Land Use Framework

1.1	What this Framework Does	1
	<i>Figure 1.1.a Aerial Photograph of Existing Downtown</i>	<i>2</i>
	<i>Figure 1.1.b Downtown Planning Area</i>	<i>3</i>
1.2	Framework Elements.....	4
1.3	Our Guiding Principles—A Touchstone	6
1.4	Fundamental Concepts.....	7
	<i>Figure 1.4 Fundamental Concepts</i>	<i>10</i>
	<i>Figure 1.4.a South Downtown Concept Plan Area</i>	<i>11</i>
1.5	Key Land Use and Placemaking Features	12
1.6	Amenities and Open Space Framework	14
	<i>Figure 1.6 Amenities and Open Space Framework</i>	<i>16</i>

Chapter 2—Implementation

2.1	Implementation and Financing.....	17
2.2	Projects	18
	<i>Figure 2.1 Projects</i>	<i>20</i>

Chapter 1—Land Use Framework

The Milwaukie Downtown and Riverfront Land Use Framework Plan (Framework Plan) represents a major opportunity to reinvigorate downtown Milwaukie. With aggressive and focused efforts from both the public and private sectors over the coming years, downtown Milwaukie will be revitalized. This Framework Plan outlines the components necessary to make such a vision of Milwaukie a reality. It foremost builds upon existing assets, capitalizes upon significant existing uses, and features the natural environment. It also sets out a realistic agenda and implementation program that the City and private development can follow.

1.1 What this Framework Does

The Land Use Framework is a vision of what can occur in the downtown and riverfront area. It has been tailored to meet Milwaukie’s social, economic and development goals and policies while responding to market conditions and the City’s overall vision for future growth.

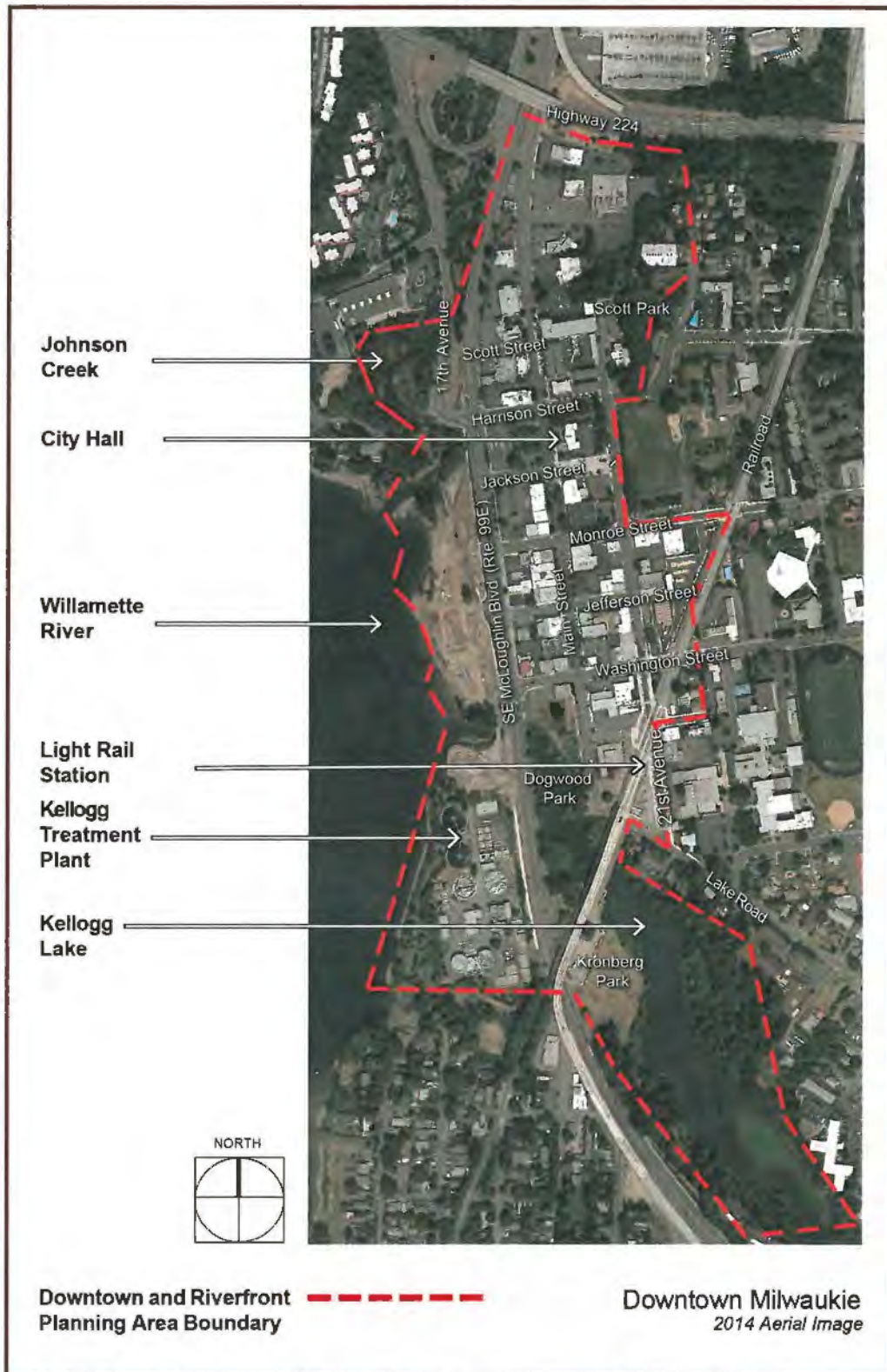
This document serves as an ancillary document to the Milwaukie Comprehensive Plan. On its own, this Framework Plan is not a regulatory document. Any part of the Framework Plan that is intended to have a binding effect will have to be adopted as part of, or pursuant to, the Milwaukie Municipal Code to have regulatory effect.

This Framework Plan establishes and guides the development of publicly and privately owned parcels of land. Nothing in this plan authorizes public use of private property. The Zoning Ordinance provisions regarding permissible uses prevail over any inconsistent provision in this Framework Plan.

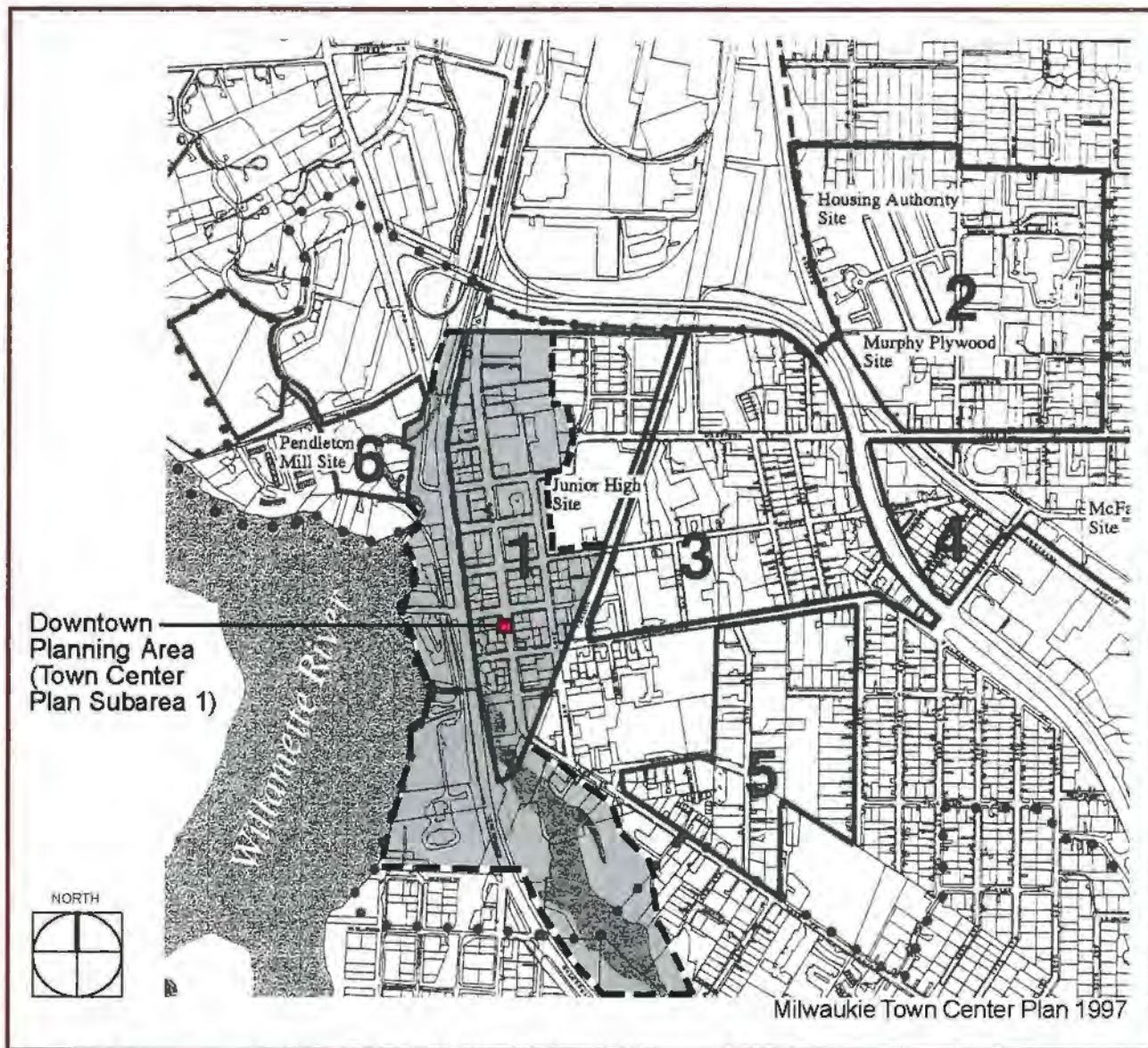
This Framework Plan allows existing businesses to remain as long as their owners wish. All privately owned property designated as a public use in this Framework Plan (e.g., parks or trails) will continue to be in a "private ownership" zoning category and will not be rezoned for public use until it is acquired by a public entity.

If an existing business does not conform to the planning area’s allowable uses and development regulations, it will be allowed to continue to operate, as well as to expand and rebuild, in accordance with the City of Milwaukie’s Zoning Ordinance.

1.1.a Aerial Photograph of Existing Downtown



1.1.b Downtown Planning Area Subarea 1 of the 1997 Town Center Master Plan



1.2 Framework Elements

The Framework Plan recognizes and builds upon the rich character and history of our town. It celebrates the diversity and spirit of the people and places of Milwaukie, and reinforces those special qualities.

City officials, community leaders, and area businesses have known for a long time that Milwaukie's historic downtown, nestled at the edge of the Willamette River, can and should be a vital center for the community's economic and social activity. Starting in 1999, the City of Milwaukie began a process to develop a concept for downtown Milwaukie that reflects the vision of the people who live and work there. During a number of community design forums, citizens tested various aspects of the plan, with local residents ranking their priorities for the downtown area.



Downtown view from Willamette River

This Framework Plan represents the leadership of a skilled volunteer Riverfront Board and the input of the more than 2,000 community members who attended

meetings, returned surveys, provided focus and ideas, and directed the plan.

Fundamental Concepts

Milwaukie's unique character is at the heart of the Framework Plan. The Framework Plan reconnects Milwaukie to the Willamette River, knitting together the seam of McLoughlin Boulevard. It creates the new Riverfront Park as the city's "living room." And it calls for revitalizing historic buildings while designing new structures to harmonize with the town's historic character.



Historic Masonic Lodge

Anchors and attractors are used to build upon existing resources and to strengthen the Main Street "retail spine." South Downtown is refreshed with a new public plaza and light rail station. Thus the Framework Plan is a blueprint to make Milwaukie and its downtown a vital, livable, and sustainable community.

Amenities and Open Spaces

Milwaukie is fortunate to have a setting that inspires its citizens and offers history, beauty, and vitality. The Willamette River, Johnson Creek, and Kellogg Creek all provide beautiful natural borders to the downtown area. The Framework Plan capitalizes on these natural resources by restoring the creeks and improving the riverfront for public use. Thus both the town and the natural areas are reinvigorated.



Lot Whitcomb, 1850

1.3 Our Guiding Principles—A Touchstone

The community's vision for downtown was reaffirmed through public outreach in 2013. In 1999, the City of Milwaukie began a process to develop its vision of the downtown and riverfront. Throughout this community effort, the Framework Plan was developed in accordance with and responded to the following guiding principles:

Creating a Livable Community

- Provide for residents, workers, and visitors alike.
- Provide for people of all ages, cultures, ethnic groups, and incomes.
- Provide cultural arts and entertainment facilities.
- Provide significant open spaces and connections to the riverfront.

- Provide for specific "programmatic" requirements, such as parking or visibility from major roadways.

Ensuring Economic Success

- Efficiently maximize current investment in infrastructure.
- Spur further private investment.
- Recognize and respond to the current marketplace.
- Establish a strategy for capturing unrealized market niches.
- Complement, protect, and promote the continued growth and vitality of current businesses.



1.4 Fundamental Concepts

Anchors and Attractors

The keystone to building a successful downtown is to build upon existing resources—the quality stores and offices that we already have—and supplement these with anchors and attractors—places used by hundreds of people on a daily basis. A grocery store, for example, could generate considerable foot traffic, which would in turn provide additional customers for downtown businesses. A public plaza at the south end of Main Street, as depicted in the South Downtown Concept Plan, will provide gathering and event space, revitalize the area, and complement surrounding commercial uses.

The Framework Plan includes key elements which will be necessary to achieve these goals. New "anchor" and "attractor" uses are as follows:

- Village housing opportunity area north of Harrison Street.
- New light rail station and public plaza in South Downtown.

The Main Street "Retail Spine"

Reactivating Main Street is a major focus—reestablishing and strengthening a lively storefront retail character with a pedestrian emphasis and 24-hour use.

The Framework Plan establishes an environment in which people can shop, work, live, and socialize along Main Street. It addresses and repairs the fundamental problems that have drained downtown of

its vitality. The Framework Plan suggests adding to or filling in blocks with new uses, enhancing those buildings and uses that already exist.

Along Main Street, the fabric of ground-floor retail establishments will create a lively flow of pedestrian activity. The "retail spine" promotes a healthy retail street that includes:

- Retail on both sides of the street.
- Continuous active facades with no interruptions.
- On-street parking in front of retail.
- Anchor retail at both ends of Main Street.
- Active uses on all four corners of intersections.
- Safe, signalized pedestrian crossings as needed.
- Pedestrian-friendly amenities—wide sidewalks, landscaping, benches, and street lights.

This north-south flow of activity will be further enlivened where it intersects with the new South Downtown Plaza at Main Street and Adams Street, which provides views of the Willamette River and a location for events and activities such as the Farmers Market.



McLoughlin Boulevard Commercial Corridor

Enhancing McLoughlin Boulevard as the primary entry point to downtown Milwaukie from the north, south, and riverfront trails provides a sense of place for visitors to downtown and provides a visual connection between downtown and the riverfront.

The Framework Plan establishes an environment that is visually attractive and accommodates the pedestrian. Along McLoughlin Boulevard, new buildings will provide a comfortable pedestrian environment while welcoming riverfront visitors to downtown. The Framework Plan promotes a healthy commercial corridor that includes:

- Parking beside or behind buildings.
- Significant uses and buildings located at key signalized intersections along McLoughlin Boulevard.
- Entryway treatments, such as signage, public art, and/or landscaping north of Harrison Street and south of Washington Street to signal to visitors that they are entering downtown Milwaukie.
- Gateway treatments—such as landscaping, signage, structural gateways, prominent building features, and/or public art—at Harrison, Monroe, and Washington Streets to draw visitors into downtown Milwaukie from Riverfront Park and McLoughlin Boulevard.

21st Avenue Mixed-Use Corridor

With the construction of the light rail station, 21st Avenue is a key pedestrian connection between the station and the bus

shelter area on Jackson Street. It is also a direct connection to key civic institutions including Milwaukie High School, City Hall, and Ledding Library.

The Framework Plan establishes an environment that is pedestrian-friendly, vibrant, and attractive, while focusing retail uses on the Main Street "spine." The 21st Avenue corridor includes:

- A combination of live/work units, residential, and mixed-use development.
- A continuous "street wall."
- Pedestrian-friendly amenities such as wider sidewalks, landscaping, benches, and street lights.

Connecting to the River

Riverfront Park will be the location for special events such as "Festival Daze," holiday celebrations, and community assemblies. Safe pedestrian and bicycle crossings between downtown, Riverfront Park, and multiuse trails are important. Pedestrian connections will be strengthened at key east/west streets to enhance pedestrian and bicycle access to the park.

South Downtown Planning Area

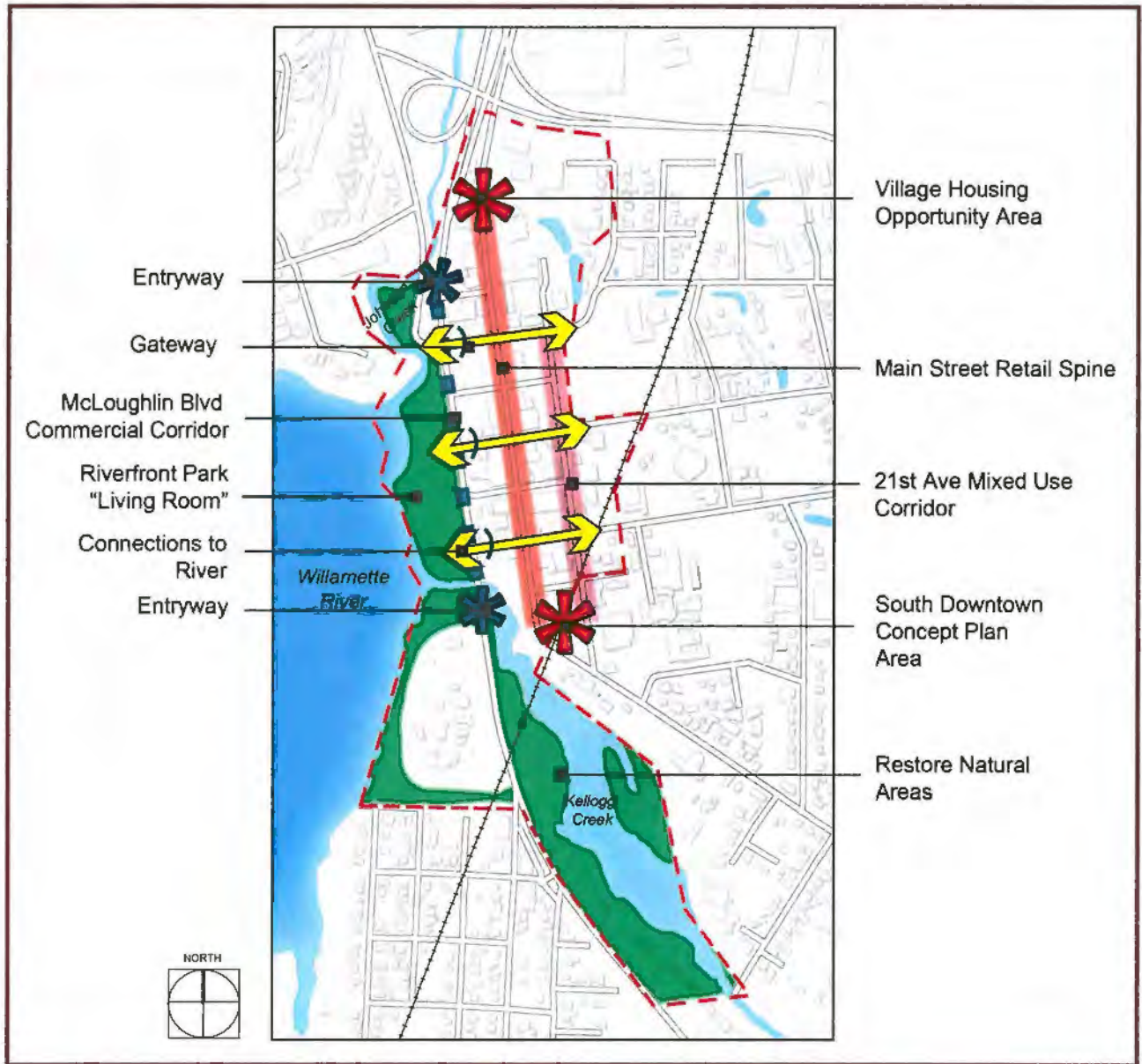
The 2011 South Downtown Concept Plan (Concept Plan) refined the vision for the area south of Washington Street. The essential elements of the Concept Plan include:

- An active, vibrant public plaza provides the central anchor for South Downtown and provides views to the Willamette River.

- The light rail station is integrated into the fabric of South Downtown.
- The Adams Street connector pedestrian street connects the light rail station with the South Downtown Plaza and Main Street.
- South Downtown is located in close proximity to several natural areas, including Kellogg Lake, Dogwood Park, Kronberg Park, and Riverfront Park. These natural areas should be enhanced, and improved access to these natural areas should be provided via walking trails and/or McLoughlin Boulevard crossings.



1.4 Fundamental Concepts



1.4.a South Downtown Concept Plan Area



1.5 Key Land Use and Placemaking Features

The Fundamental Concepts of 1.4 are achieved through key land use and placemaking features. These features build on what is unique about Milwaukie by drawing pedestrians along a revitalized Main Street, reconnecting downtown Milwaukie to the Willamette River, enhancing existing natural areas in and near downtown, and providing quality housing for new downtown residents.



Revitalizing Main Street and Downtown

- Main Street improvements: shops, services, and family-wage jobs.
- Save landmarks: to preserve history and heritage.
- Pedestrian-friendly improvements throughout downtown.
- New light rail station.
- New South Downtown Plaza.
- Encourage sustainable development.
- Encourage mixed-use development for a vibrant streetscape.



Reconnecting to the River

- New Riverfront Park: the City's "living room."
- New and enhanced pedestrian crossings.



Restoring Natural Areas and Parks

- Restore Spring Creek.
- Continue to maintain completed Johnson Creek restoration.
- Continue efforts to restore Kellogg Creek.



Providing Quality Housing

- Provide a variety of quality housing types including rowhouses, apartments and condominiums (both stand-alone and as part of mixed-use development), and live/work spaces.

1.6 Amenities and Open Space Framework

The Framework Plan includes a system of outdoor open and green spaces weaving around and through the city. There are creeks, restored wetlands, the Willamette River, and a landscaped urban plaza.

Many of the areas are subject to various municipal, State, and federal regulations intended to protect environmental and natural resource values. The elements of this Framework Plan are intended to be consistent with those regulations.

1 Scott Park

Adjacent to the Ledding Library and North Main Village, Scott Park offers lawn and play areas for children and adults.

2 Johnson Creek Nature Area

The creek is restored to its natural state, and a viewpoint in Riverfront Park allows visitors to experience the creek at the mouth of the Willamette River.

3 City Hall Plaza and Sculpture Garden

The City Hall plaza and sculpture garden provide places to stop, rest, and people-watch.

4 Streetscape Improvements

Downtown streets benefit from wider sidewalks, crosswalks, curb extensions, pedestrian-scaled lighting, street furniture, street trees, and planting beds. Main Street

is emphasized as the primary retail street with special sidewalk treatments and wider sidewalks allowing for sidewalk café seating and retail displays.

5 Riverfront Park

The improved park is the City's "living room." Riverfront Park is the focus of Milwaukie's Amenities and Open Space Framework due to its location adjacent to downtown and nestled between the Willamette River, Kellogg Creek, and Johnson Creek.

6 South Downtown Plaza and Adams Street Connector

A major plaza forms the core and focus of the South Downtown. The plaza has views to the Willamette River, retail spaces to the east, connections to natural areas, and Main Street running through the center. During events, the plaza and a portion of Main Street will be closed to vehicular traffic. The Adams Street connector is a pedestrian green street that provides a pedestrian connection between the light rail station and the South Downtown Plaza.

7 Dogwood Park

An expanded Dogwood Park is integrated to the north and east with the South Downtown Plaza and Main Street streetscape improvements, and to the south and west with the Kellogg Natural Area.

⑧ Kellogg Bicycle and Pedestrian Bridge

A bicycle/pedestrian bridge connects the open spaces of Dogwood Park, Kronberg Park, and the Trolley Trail beyond.

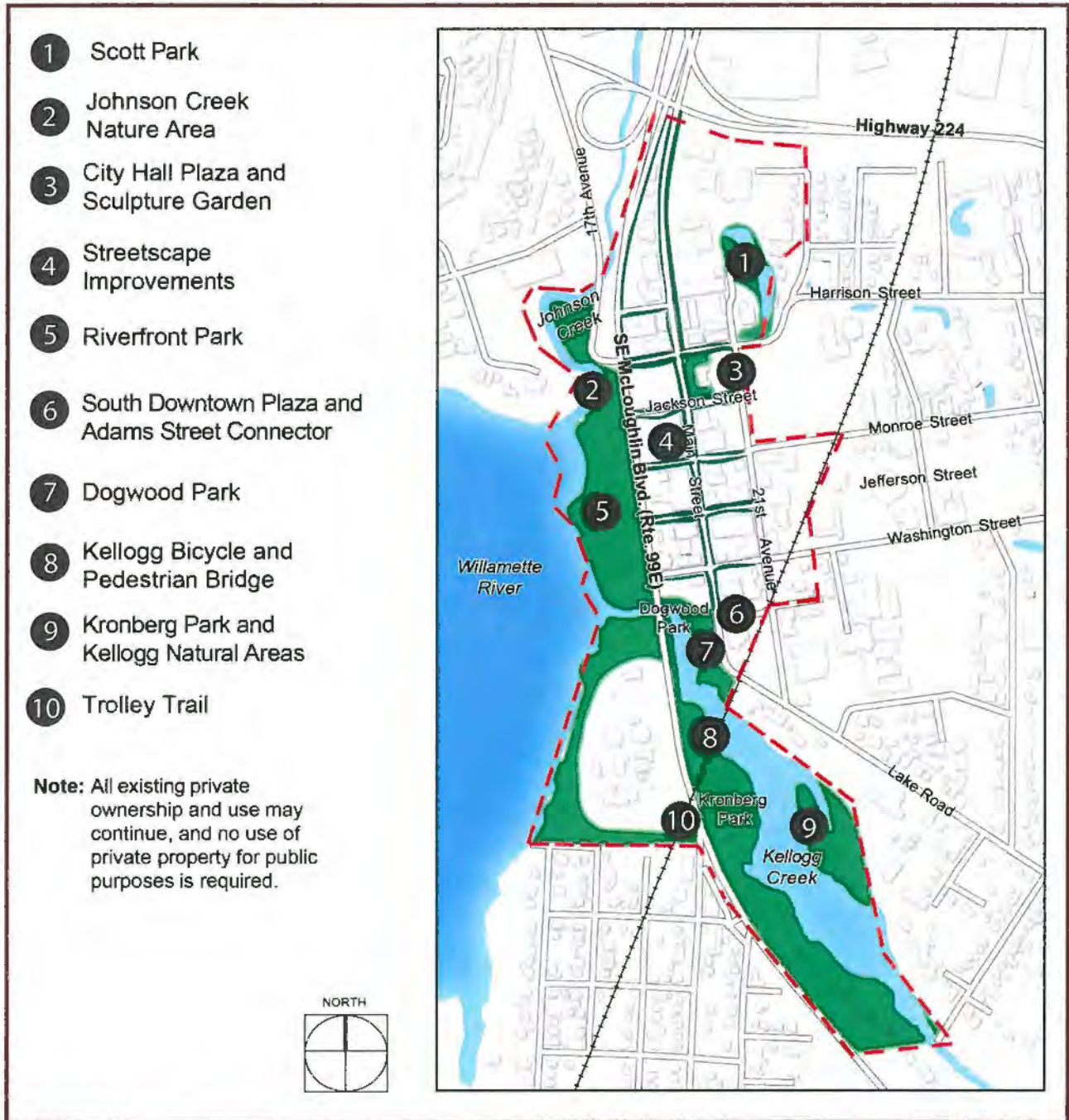
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1.6 Amenities and Open Space Framework



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Implementation

This Framework Plan coordinates with Milwaukie's existing planning efforts and regulations. The Milwaukie Comprehensive Plan provides the guiding policies to manage the city's physical elements. Ancillary planning documents are part of the Comprehensive Plan. These include the Milwaukie Vision Statement of 1995 and the Town Center Master Plan of 1997. The latter responds to Milwaukie's designation as one of Metro's 2040 Growth Concept Town Centers. The Downtown and Riverfront Land Use Framework Plan is a conceptual document. Therefore, various sections have been adopted as part of, or referenced by, the existing Milwaukie Municipal Code to be effective as a regulatory document.

The Framework Plan responds to environmental policies, including Metro's Titles 3 and 13 and the Federal Endangered Species Act.

This Framework Plan also reflects the adopted South Downtown Concept Plan, which serves as a refinement plan to the area south of Washington Street that will be most directly influenced by the new light rail station.

Phasing and Financing Strategy

The Framework Plan is based on the idea that investing in the future of Milwaukie makes sense. Investment offers employment and opportunity for all the citizens of Milwaukie; it enriches the town literally and figuratively. Smart public improvements stimulate substantial private investment. Thus, investing today in a better quality of life for downtown Milwaukie makes sense for the whole town, for years to come.

2.2 Projects

This section sets forth key projects for the Framework Plan. The first key projects will establish a climate of positive change and growth, while larger or more costly projects would occur later.

Prioritization of these projects will occur during a subsequent process, prior to inclusion in the Capital Improvement Plan.

1 Scott Park Improvements

The 1990 Scott Park Master Plan should be revisited and updated. Construction of Scott Park improvements will enhance the system of downtown amenities and open spaces.

2 17th Avenue Bicycle and Pedestrian Connection

The Transportation System Plan identifies 17th Avenue as a bicycle and pedestrian route. The City has received grant funds for the design and construction of a multimodal connection between the Trolley Trail in downtown Milwaukie and the Springwater Corridor. Design work is underway, and construction is anticipated in early 2016.

3 Gateway and Entryway Improvements

The Framework Plan identifies key entrances to downtown and intersections along McLoughlin Boulevard. The appropriate gateway improvements will be identified, designed, and constructed.

4 Riverfront Park Phases 3 and 4

A master plan for Riverfront Park was adopted in 2010. Phase 1 of Riverfront Park (the Klein Point overlook) was completed in 2012, and phase 2 was completed in summer 2015. The City is seeking funding for completion of phases 3 and 4, which include a plaza, an amphitheater, a fountain, and additional landscaping.

5 Streetscape Improvements

The City adopted specific streetscape designs for downtown Milwaukie in 2000, and they have been implemented incrementally since that time. Pedestrian-friendly amenities—such as wider sidewalks, landscaping, benches, and streetlights—will enhance the pedestrian experience downtown.

6 McLoughlin Boulevard Improvements and McLoughlin Bridge

McLoughlin Boulevard was improved in 2007, from Harrison Street in the north to the UPRR bridge to the south. The section north of Harrison Street remains unimproved. Improvements to this section would provide a signal to visitors that they are entering downtown and would enhance pedestrian safety.

⑦ South Downtown Plaza and Adams Street Connector

The South Downtown Plaza and Adams Street connector are key elements of the South Downtown infrastructure. Construction of the Adams Street connector was completed in summer 2015. Refined design for the South Downtown Plaza is needed.

⑧ Dogwood Park Improvements

Refined design for the South Downtown Plaza will include integration with Dogwood Park and will identify key improvements for the area.

⑨ Kronberg Park Improvements

The master planning process for Kronberg Park is underway, and construction will begin when funding is available. The park provides a key connection between the Kellogg Lake bicycle/pedestrian bridge and the Island Station neighborhood.

⑩ Dam Removal and Restoration of Kellogg Creek

The Kellogg-for-Coho project has been ongoing since 2008. Design, permitting, and construction are needed to restore Kellogg Creek to a natural condition.

⑪ Wayfinding Signage and Heritage Plaques

A wayfinding signage system will provide visitors with easy access to cultural and recreational opportunities within an area that can be easily accessed by foot, bicycle, and transit. Plaques will identify historic structures and locations and describe their role in Milwaukie's heritage and culture.

2.2 Projects



Underline/Strikeout Amendments

Title 14 Signs

CHAPTER 14.04 GENERAL PROVISIONS

14.04.030 DEFINITIONS

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

"Downtown zones" means the DMU, Downtown Mixed Use, and OS, Open Space, ~~DS, Downtown Storefront; DC, Downtown Commercial; DO, Downtown Office; DR, Downtown Residential; and DOS, Downtown Open Space Zones,~~ as defined in the Zoning Ordinance.

"Other commercial zones" means the C-L, Limited Commercial; DMU, Downtown Mixed Use; ~~DS, Downtown Storefront; DC, Downtown Commercial; DO, Downtown Office;~~ C-CS, Community Shopping Commercial; and C-G, General Commercial, Zones, as defined in the Zoning Ordinance.

"Residential-office-commercial zones" means the R-O-C, and R-1-B, ~~and DR~~ Zones, as defined in the Zoning Ordinance.

CHAPTER 14.16 SIGN DISTRICTS

14.16.060 DOWNTOWN ZONES

No sign shall be installed or maintained in the DMU or OS Zones ~~DC, DS, DO, DR and DOS Zones,~~ except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in this section.

A. Freestanding Sign

In the downtown zones, freestanding signs shall be monument type only. The sign face shall be no less than 60% of the total area of the monument. Pole signs are prohibited.

1. Area

The maximum permitted display surface area of a freestanding sign shall be computed ~~on one square foot~~ 1 sq ft of area per lineal ft of street or highway frontage.

a. ~~In the DO Zone the maximum area shall not exceed 40 square feet per display surface and 80 square feet overall.~~

ab. In the ~~DR and DOS~~ OS Zones the maximum area shall not exceed 32 sq ft ~~square feet~~ per display surface and 64 sq ft ~~square feet~~ overall.

2. Height and/or Clearance

a. In the ~~DC, DS and DO~~ DMU Zones, freestanding signs are limited to a maximum height of 7 ft ~~feet~~. Properties with frontage on McLoughlin Blvd ~~Boulevard~~ may have freestanding signs with a maximum height of 15 ft ~~feet~~ and shall only be located along the McLoughlin Blvd ~~Boulevard~~ frontage. Freestanding sign height

Proposed Code Amendment

shall be measured from the top of the sign to the lowest finished grade within a 6-ft horizontal distance from the sign.

- b. In the ~~DR and DOS~~ OS Zones freestanding signs are limited to a maximum height of 6 ft ~~feet~~ above grade.

3. Number

One freestanding sign is permitted on a street or highway frontage.

B. Wall Sign

1. Area

The maximum permitted area of a wall sign shall be 20% of the building face.

- a. In the ~~DR and DOS~~ OS Zones the maximum permitted area of a wall sign shall be 16 sq ft ~~square feet~~.
- b. In addition to the sign size limitations of this chapter, if an original art mural permitted under Title 20 occupies a wall where a wall sign has been proposed, the size of the wall sign shall be limited such that the total area of the original art mural plus the area of the wall sign does not exceed the maximum allowed.

2. Height and/or Clearance

No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

3. Number

- a. Dictated by area requirements.
- b. In the ~~DR and DOS~~ OS Zones one wall sign is permitted in addition to one freestanding sign.

4. Location

Limited to the building surface or surfaces facing the public right-of-way only.

Title 19 Zoning

The proposed amendments incorporate the recent zoning code text amendments for **Medical Marijuana Facilities**, which were adopted by City Council on April 7, 2015, and which will become effective on May 1, 2015.

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
Base Zones	
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
Residential-Office-Commercial	R-O-C
Downtown Mixed Use	DMU
Downtown Storefront	DS
Downtown Commercial	DC
Downtown Office	DO
Downtown Residential	DR
Downtown Open Space	DOS
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
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Mixed Use	MU
Aircraft Landing Facility	L-F
Tacoma Station Area	TSA

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

Refer to individual chapters of this title for chapter-specific definitions.

Refer to Title 18 for definitions related to flood hazard areas.

As used in this title:

"Abutting" means to reach or touch, to touch at the end or be contiguous with, to join at a border or boundary, and/or to terminate on. Abutting properties include properties across a street or alley.

"Awning" means a roof-like structure of fabric or similar nonrigid material attached to a rigid frame that is supported completely by either an exterior building wall or wall exterior to an individual tenant space.

"Balcony" means a platform projecting from the wall of a building, with a balustrade or railing along its outer edge, and accessed from the interior of the building through a door.

"Baluster" means a vertical supporting element, similar to a small column.

"Balustrade" means a complete railing system, including a top rail, balusters, and sometimes a bottom rail.

"Canopy" means a permanent roof-like structure of metal, glass, or similar rigid material that is supported completely by either an exterior building wall or wall exterior to an individual tenant space.

"Downtown zones" means the 2-5 zones that implement the Milwaukie Downtown and Riverfront Land Use Framework Plan— ~~Downtown Mixed Use (DMU)~~ ~~Downtown Storefront (DS)~~, ~~Downtown Commercial (DC)~~, ~~Downtown Office (DO)~~, ~~Downtown Residential (DR)~~, and ~~Downtown Open Space (DOS)~~.

"Live/Work Unit" means a dwelling unit where residential and nonresidential spaces are combined and where the dwelling unit is the principal residence of the business operator/proprietor. Nonresidential spaces are typically located on the ground floor and residential spaces are located on upper floors.

"Mixed Use" means the combination of residential uses with commercial (e.g., office, retail, or services), civic, or light industrial uses on a site or in a building.

Office:

"Production-related office" means offices that are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, production, processing, packaging, or assembly of goods and products. Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; call centers, and medical and dental labs.

"Professional and administrative office" means professional, executive, management, or administrative offices of firms or organizations. Typical uses include offices for

professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

"Traditional office" means offices that are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic. Examples include: professional services such as lawyers, architects, or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.

"Parapet" means a low wall, located at the top of any sudden drop, such as at the top of the façade of a building.

"Primary building entrance" means the entrance to a building that most pedestrians are expected to use. Generally, each building has one primary entrance; however, some buildings may have more than one primary entrance or may have entrances that open directly into the building's lobby or principal interior ground-level circulation space.

"Terrace" means an outdoor extension of a building, situated above the ground level, and open to the sky.

"Usable open space" means that portion of a lot or development site that is not covered by building or off-street parking area. Usable open space includes uncovered plazas, terraces, small parks, or similar.

CHAPTER 19.300 BASE ZONES

19.304 DOWNTOWN ZONES

19.304.1 Purpose

The downtown zones are Downtown Mixed Use Zone DMU and Open Space Zone OS. The zones are shown on Figure 19.304-1. These zones implement the Town Center and Public land use designations in the Milwaukie Comprehensive Plan. The downtown zones implement the Downtown and Riverfront Land Use Framework Plan and Milwaukie Comprehensive Plan.

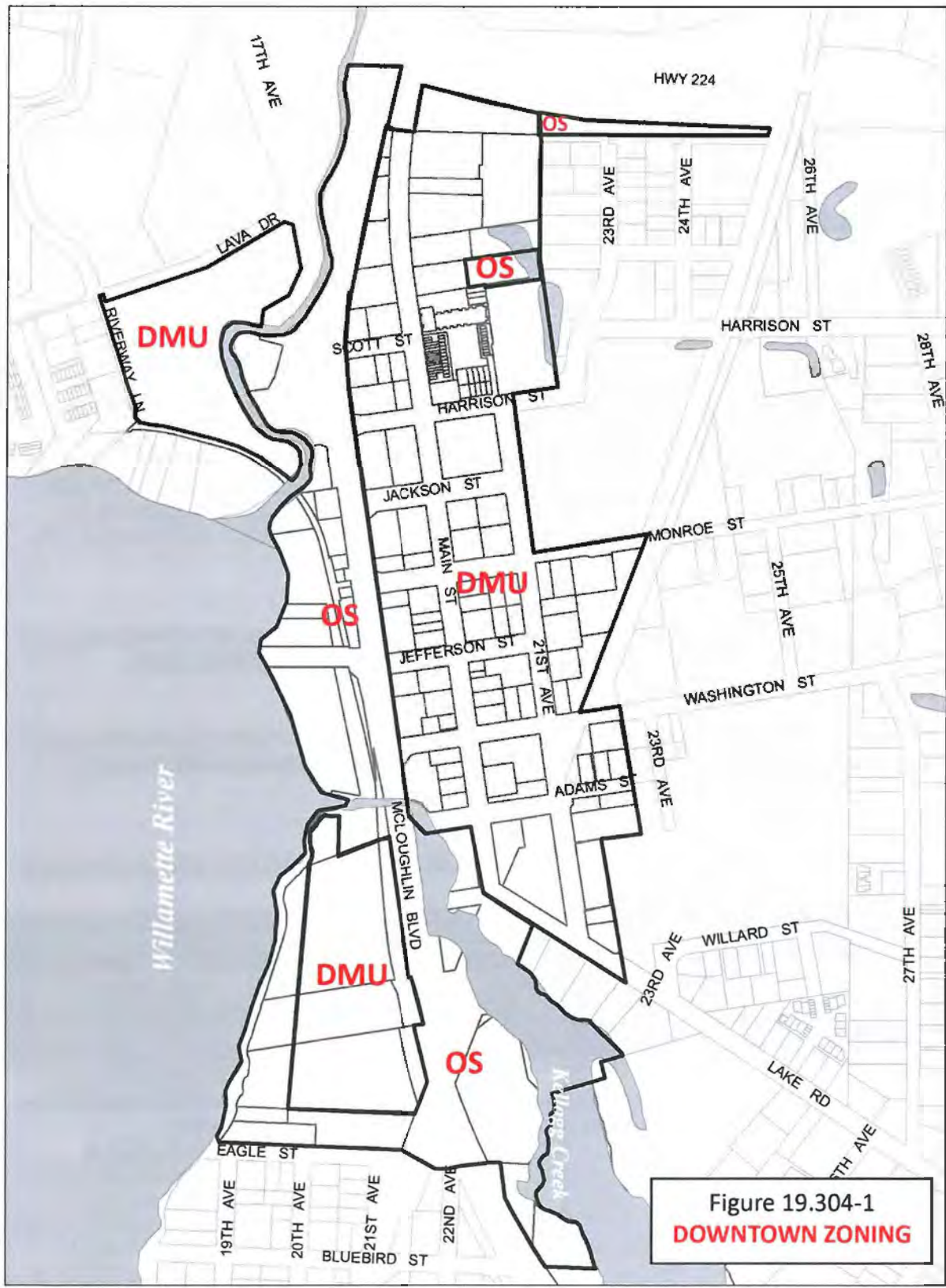
The downtown and riverfront area is envisioned as the focus of the community. Two zones are designated to distinguish between areas intended for public open space and those intended for downtown development. Specific use, development, and design standards are adopted for the downtown zones to assure an active, attractive, and accessible environment for shoppers, employees, and residents.

A. Downtown Mixed Use (DMU)

The Downtown Mixed Use Zone provides for a wide range of uses—including retail, office, commercial, and residential—that will bring visitors to the downtown to live, work, shop, dine, and recreate. The desired character for this zone is a pedestrian-friendly and vibrant urban center, with a prominent main street and connections to the riverfront, and which includes buildings that are built to the right-of-way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots.

B. Open Space (OS)

The Open Space Zone provides a specific zone to accommodate open space, park, and riverfront uses. The Open Space Zone is generally applied to lands that are in public ownership along the Willamette River, Kellogg Creek, Spring Creek, and Johnson Creek in the downtown area. The desired character for the Open Space Zone includes parkland, open space, and riverfront amenities.



Proposed Code Amendment

19.304.2 Uses

A. Permitted Uses

Uses allowed in the downtown zones are listed in Table 19.304.2 with a "P." These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

B. Conditional Uses

Uses listed in Table 19.304.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905. Type III review is required to establish a new CU or for major modification of an existing CU. Type I review is required for a minor modification of an existing CU.

C. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards for the downtown 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 a Type II downtown design review pursuant to Section 19.907. 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 listed in Table 19.304.2 with an "N," or uses not listed below, are prohibited as new uses. In addition, drive-through facilities are prohibited in the downtown zones.

E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards. Accessory uses include but are not limited to restrooms in City parks and refreshment stands at the library.

F. Similar Uses

Similar uses not listed in Table 19.304.2 may be allowed through a Director determination pursuant to Section 19.903.

Table 19.304.2 Downtown Zones—Uses			
Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Residential			
Rowhouse	P	N	Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.5 Standards for Rowhouses
Multifamily	P	N	Figure 19.304-2 Ground-Floor Residential Permitted Subsection 19.304.3.A.1 Downtown residential use limitations

			Subsection 19.505.3 Design Standards for Multifamily Housing
<u>Live/work units</u>	<u>P</u>	<u>N</u>	Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.6 Standards for Live/Work Units
<u>Second-story housing</u>	<u>P</u>	<u>N</u>	Section 19.508 Downtown Site and Building Design Standards
<u>Senior and retirement housing</u>	<u>P</u>	<u>N</u>	Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.3 Design Standards for Multifamily Housing
Commercial			
<u>Traditional office</u> <u>Traditional office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic.</u> <u>Examples include: professional services such as lawyers, architects, or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.</u>	<u>P/CU</u>	<u>N</u>	Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses
<u>Production-related office</u> <u>Production-related office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, production, processing, packaging, or assembly of goods and products.</u> <u>Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting;</u>	<u>P/CU</u>	<u>N</u>	Subsection 19.304.3.A.2 Main St limitations Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses

Proposed Code Amendment

<p><u>scientific and technical services; call centers, and medical and dental labs.</u></p>			
<p><u>Eating and drinking establishment</u> <u>Eating and drinking establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeaway.</u> <u>Examples include restaurants, delicatessens, retail bakeries, taverns, brewpubs, coffee shops, concession stands, wine bars, and espresso bars.</u></p>	<p><u>P/CU</u></p>	<p><u>CU</u></p>	<p><u>Subsection 19.304.3.A.3</u> <u>Commercial use limitations</u> <u>Section 19.905 Conditional Uses</u></p>
<p><u>Indoor recreation</u> <u>Indoor recreation consists of facilities providing active recreational uses of a primarily indoor nature.</u> <u>Examples include gyms; dance studios; tennis, racquetball, and soccer centers; recreational centers; skating rinks; bowling alleys; arcades; shooting ranges; and movie theaters.</u></p>	<p><u>P/CU</u></p>	<p><u>N</u></p>	<p><u>Subsection 19.304.3.A.3</u> <u>Commercial use limitations</u> <u>Section 19.905 Conditional Uses</u></p>
<p><u>Retail-oriented sales</u> <u>Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.</u> <u>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.</u></p>	<p><u>P/CU</u></p>	<p><u>P/CU</u></p>	<p><u>Subsection 19.304.3.A.3</u> <u>Commercial use limitations</u> <u>Section 19.905 Conditional Uses</u></p>
<p><u>Personal-service-oriented</u> <u>Personal-service-oriented firms are involved in providing consumer services.</u> <u>Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.</u></p>	<p><u>P/CU</u></p>	<p><u>N</u></p>	<p><u>Subsection 19.304.3.A.3</u> <u>Commercial use limitations</u> <u>Section 19.905 Conditional Uses</u></p>
<p><u>Repair-oriented</u> <u>Repair-oriented uses are establishments providing product repair of consumer and business goods.</u> <u>Examples include repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, office equipment, tailors and seamstresses, shoe repair, locksmiths, upholsterers, and some automobile service and</u></p>	<p><u>P/CU</u></p>	<p><u>N</u></p>	<p><u>Subsection 19.304.3.A.3</u> <u>Commercial use limitations</u> <u>Subsection 19.304.3.A.4</u> <u>DMU Zone limitations</u> <u>Section 19.905 Conditional Uses</u></p>

repair.			
<p><u>Day care</u></p> <p><u>Day care is the provision of regular child care, 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.</u></p> <p><u>Examples include nursery schools, before- and after-school care facilities, and child development centers.</u></p>	P	N	<p><u>Subsection 19.304.3.A.5</u></p> <p><u>Day care limitation</u></p>
<p><u>Commercial lodging</u></p> <p><u>Commercial lodging includes for-profit residential facilities where tenancy is typically less than 1 month.</u></p> <p><u>Examples include hotels, motels, and bed-and-breakfast establishments. Does not include senior and retirement housing.</u></p>	P	N	
<p><u>Boarding, lodging, or rooming house</u></p> <p><u>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. They normally provide "bed and board," that is, at least some meals as well as accommodation.</u></p>	CU	N	<p><u>Section 19.905 Conditional Uses</u></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 parking facility.</u></p> <p><u>Examples include short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking.</u></p>	CU	P	<p><u>Subsection 19.304.3.A.6</u></p> <p><u>OS Zone parking limitations</u></p> <p><u>Section 19.905 Conditional Uses</u></p> <p><u>Chapter 19.600 Off-Street Parking and Loading</u></p>
<p><u>Medical marijuana facility</u></p> <p><u>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</u></p>	P/CU	N	<p><u>Subsection 19.304.3.A.7</u></p> <p><u>Standards for Medical Marijuana Facilities</u></p>

Proposed Code Amendment

facilities and are not permitted under the City of Milwaukie's medical marijuana facility regulations.			
Manufacturing			
<p><u>Manufacturing and production</u> <u>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.</u> <u>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.</u></p>	<u>P</u>	<u>N</u>	Subsection 19.304.3.A.8 <u>Manufacturing and production limitations</u>
Institutional			
<p><u>Parks and open space</u> <u>Parks and open space uses are lands focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few buildings.</u> <u>Examples include parks, public squares, plazas, recreational trails, botanical gardens, farmers markets, boat launching areas, nature preserves, and community gardens.</u></p>	<u>P</u>	<u>P</u>	
<u>Community service uses</u>	<u>CSU</u>	<u>CSU</u>	Section 19.904 Community Service Uses
Accessory and Other			
<u>Accessory use</u>	<u>P</u>	<u>P</u>	Subsection 19.304.2.E <u>Accessory Uses</u> Section 19.503 Accessory Uses
<u>Home occupation</u>	<u>P</u>	<u>N</u>	Section 19.507 Home Occupation Standards

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.

19.304.3 Use Limitations, Restrictions, and Provisions

A. Use Limitations and Restrictions

The following provisions describe the limitations for uses listed in Table 19.304.2.

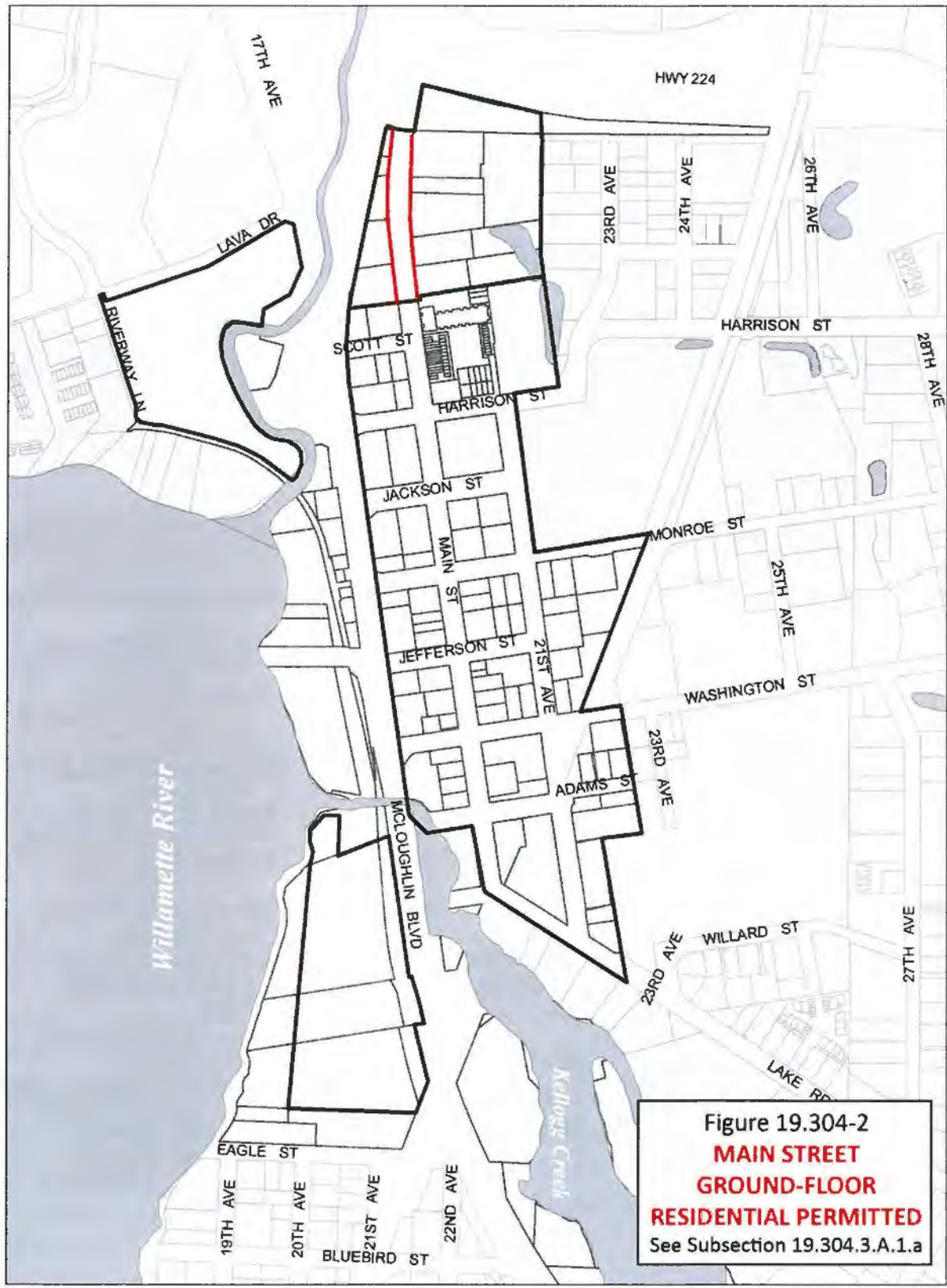
1. Residential uses are permitted throughout downtown Milwaukie, subject to the following limitations.
 - a. Along Main St south of Scott St, as shown in Figure 19.304-2, residential dwellings are only allowed on the second floor or above; they are not permitted on the ground floor.
 - b. Lobbies for upper-level dwellings are allowed on the ground floor only if a commercial use is located along a majority of the property's street frontage. North of Scott St, residential dwellings and/or lobbies are permitted anywhere on the ground floor along Main St.
 - c. Live/Work units and rowhouses are not permitted on Main St.
2. Production-related office uses are not permitted on the ground floor along Main St.
3. Commercial uses are permitted throughout downtown, subject to the following limitations:
 - a. In the Downtown Mixed Use Zone, the following uses are limited to 20,000 sq ft in floor area per use on the ground floor.
 - (1) Traditional office
 - (2) Eating/drinking establishments
 - (3) Indoor recreation
 - (4) Retail-oriented sales
 - (5) Personal-service-oriented
 - (6) Repair-oriented
 - b. In the Open Space Zone, retail-oriented sales are limited to 20,000 sq ft in floor area per use on the ground floor.
 - c. Uses listed in Subsections 19.304.3.A.3.a-b that are larger than 20,000 sq ft in floor area on the ground floor may be approved through a conditional use review pursuant to Section 19.905.
 - d. In the DMU Zone, production-related office uses are limited to 20,000 sq ft in total area.
 - e. Uses listed in Subsection 19.304.3.A.3.d that are larger than 20,000 sq ft in total area may be approved through conditional use review pursuant to Section 19.905.
4. Automobile/motor vehicle repair (excluding body and fender repair and painting) is permitted in the Downtown Mixed Use Zone only when conducted within a completely enclosed building.
5. Day care and childcare uses are limited to 5,000 sq ft.
6. Parking facilities in the Open Space Zone are limited to surface lots that are intended primarily for the users of the related park or open space.
7. Medical marijuana facilities shall meet the following standards:

Proposed Code Amendment

- 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.
 - 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.
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-site would not be considered manufacturing or production.

B. Use Provisions

1. The limit of 4 consecutive rowhouses established in Subsection 19.505.5.D does not apply in the DMU Zone. In the DMU Zone, there is no limit on the number of consecutive rowhouses.



Proposed Code Amendment

19.304.4 Development Standards

In the downtown zones, the development standards in Table 19.304.4 apply. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column. Additional standards are provided in Subsection 19.304.5.

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

The development standards address several issues of particular importance to maintaining the appropriate character for the downtown. Table 19.304.4 summarizes some of the development standards that apply downtown. Development standards are presented in full in Subsection 19.304.5.

Table 19.304.4 Downtown Zones—Summary of Development Standards			
Standard	DMU	OS	Standards/ Additional Provisions
A. Lot Standards			
1. Minimum lot size (sq ft)	750	None	
2. Minimum street frontage (ft)	15	None	Section 19.201 Definitions
B. Development Standards			
1. Floor area ratio a. Minimum b. Maximum	0.5:1–1:1 4:1 (FAR bonus available)	None None	Section 19.201 Definitions Subsection 19.304.5.A Floor Area Ratios Figure 19.304-3 Minimum Floor Area Ratios Subsection 19.611.4 Incentives for Provision of Structured Parking
2. Building height (ft) a. Minimum b. Maximum	25 35–65 (height bonus available)	None 15	Subsection 19.304.5.B Building Height Figure 19.304-4 Base Maximum Building Heights Subsection 19.304.5.I Transition Measures Subsection 19.304.5.B.3 Height Bonuses
3. Flexible ground-floor space	Yes, where applicable	None	Subsection 19.304.5.C Flexible Ground-Floor Space
4. Street setbacks/build-to lines (ft) a. Minimum street setback b. Maximum street setback c. Side and rear setbacks	0 10–20 None	0 None None	Figure 19.304-5 First-Floor Build-To Lines Subsection 19.304.5.D Street Setbacks/Build-To Lines Subsection 19.304.5.I Transition Measures Subsection 19.501.2 Yard Exceptions

5. <u>Frontage occupancy requirements</u>	50–90%	None	<u>Subsection 19.304.5.E</u> <u>Frontage Occupancy Requirements</u> <u>Figure 19.304-6</u> <u>Minimum Frontage Occupancy</u>
6. <u>Primary entrances</u>	Yes	No	<u>Subsection 19.304.5.F</u> <u>Primary Entrances</u>
7. <u>Off-street parking required</u>	Yes, where applicable	Yes, where applicable	<u>Subsection 19.304.5.G</u> <u>Off-Street Parking</u> <u>Chapter 19.600</u> <u>Off-Street Parking and Loading</u>
8. <u>Open space</u>	Yes, where applicable	Yes, where applicable	<u>Subsection 19.304.5.H</u> <u>Open Space</u> <u>Subsection 19.508.4.G</u> <u>Open Space/Plazas</u>
9. <u>Transition measures</u>	Yes, where applicable	No	<u>Subsection 19.304.5.I</u> <u>Transition Measures</u> <u>Subsection 19.504.6</u> <u>Transition Area Measures</u>
C. Other Standards			
1. <u>Residential density requirements (dwelling units per acre)</u>			<u>Subsection 19.202.4</u> <u>Density Calculations</u> <u>Subsection 19.304.5.J</u> <u>Residential Density</u> <u>Subsection 19.501.4</u> <u>Density Exceptions</u>
a. <u>Rowhouses and live/work units</u>			
(1) <u>Minimum</u>	10	None	
(2) <u>Maximum</u>	None	None	
b. <u>Stand-alone multifamily</u>			
(1) <u>Minimum</u>	30	None	
(2) <u>Maximum</u>	None	None	
c. <u>Mixed-use buildings</u>	None	None	
2. <u>Signs</u>	Yes	Yes	<u>Section 14.16.060</u> <u>Downtown Zones</u>

Table 19.304.4 is supplemented by the explanation of the development standards provided in Subsection 19.304.5 below, and the following figures:

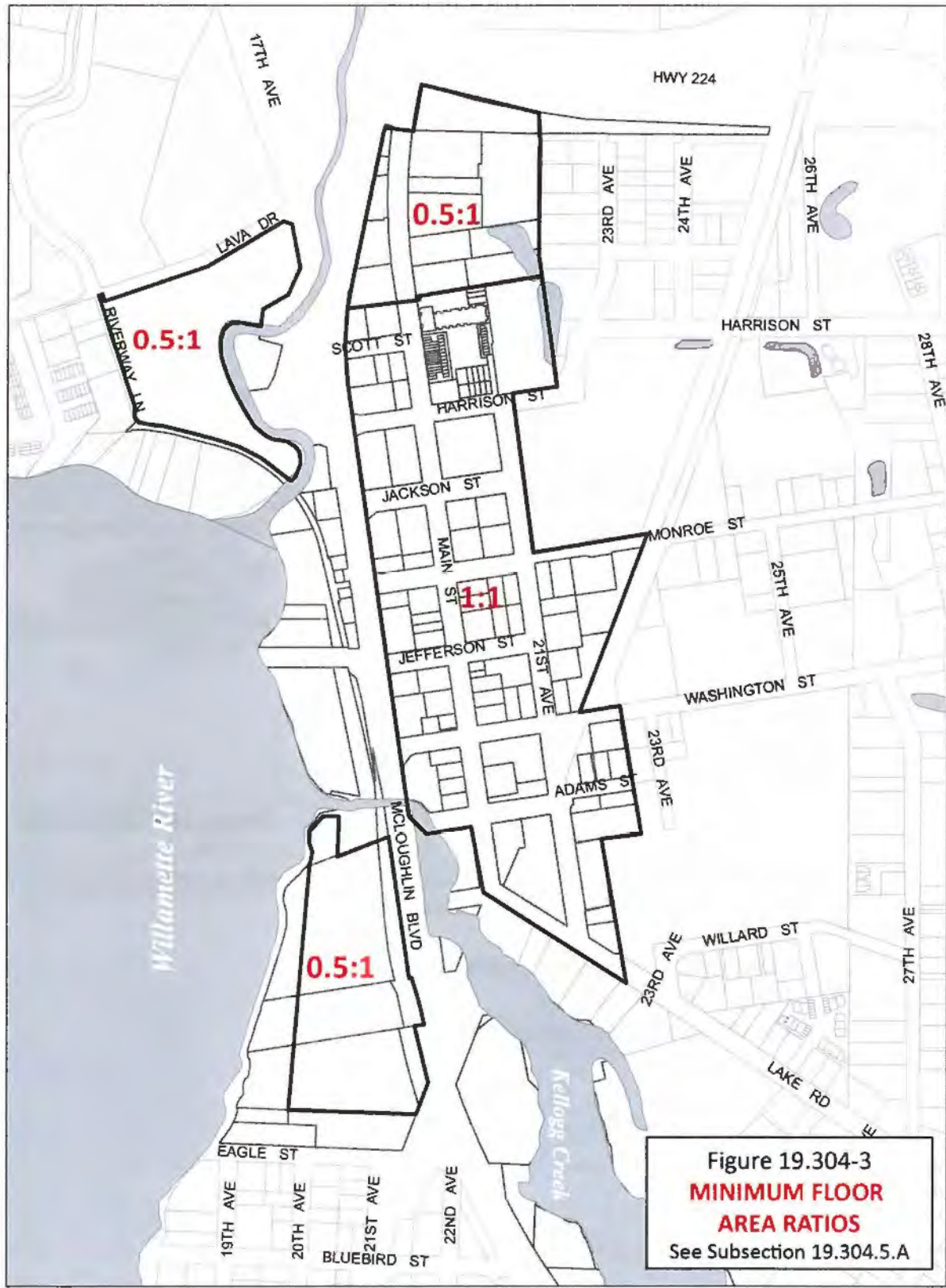
Figure 19.304-3 Minimum Floor Area Ratios

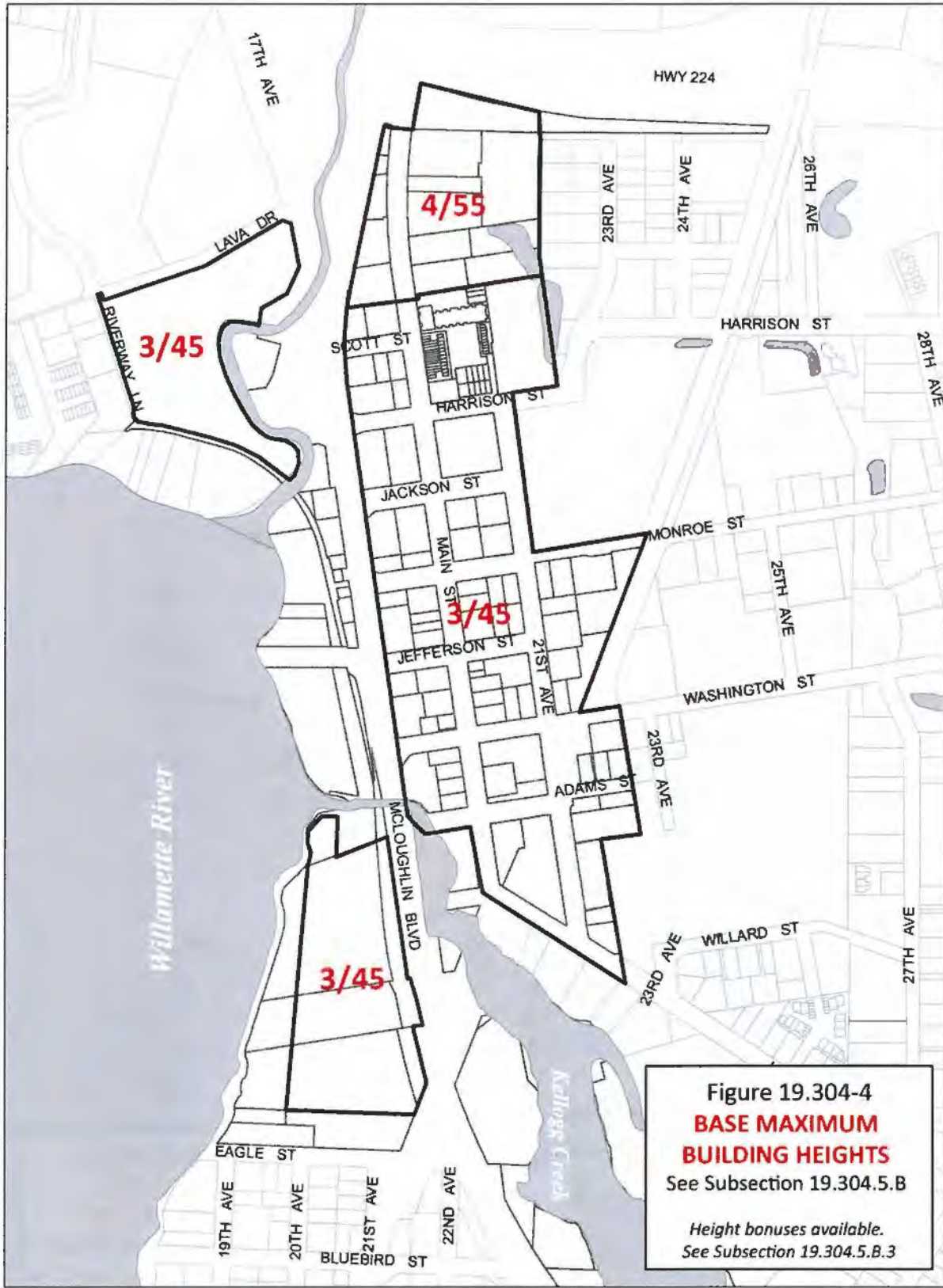
Figure 19.304-4 Base Maximum Building Heights

Figure 19.304-5 First-Floor Build-to Lines

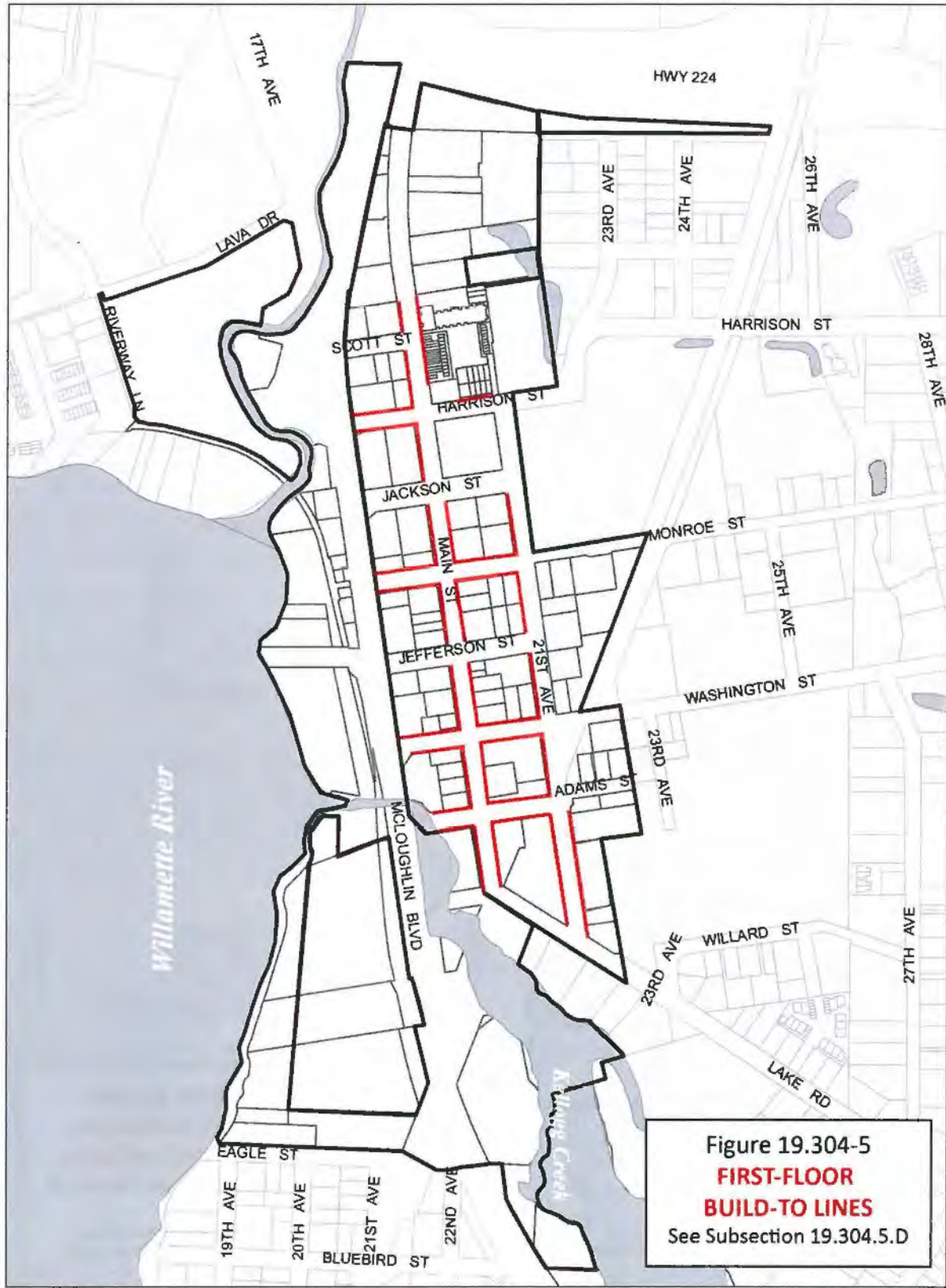
Figure 19.304-6 Minimum Frontage Occupancy

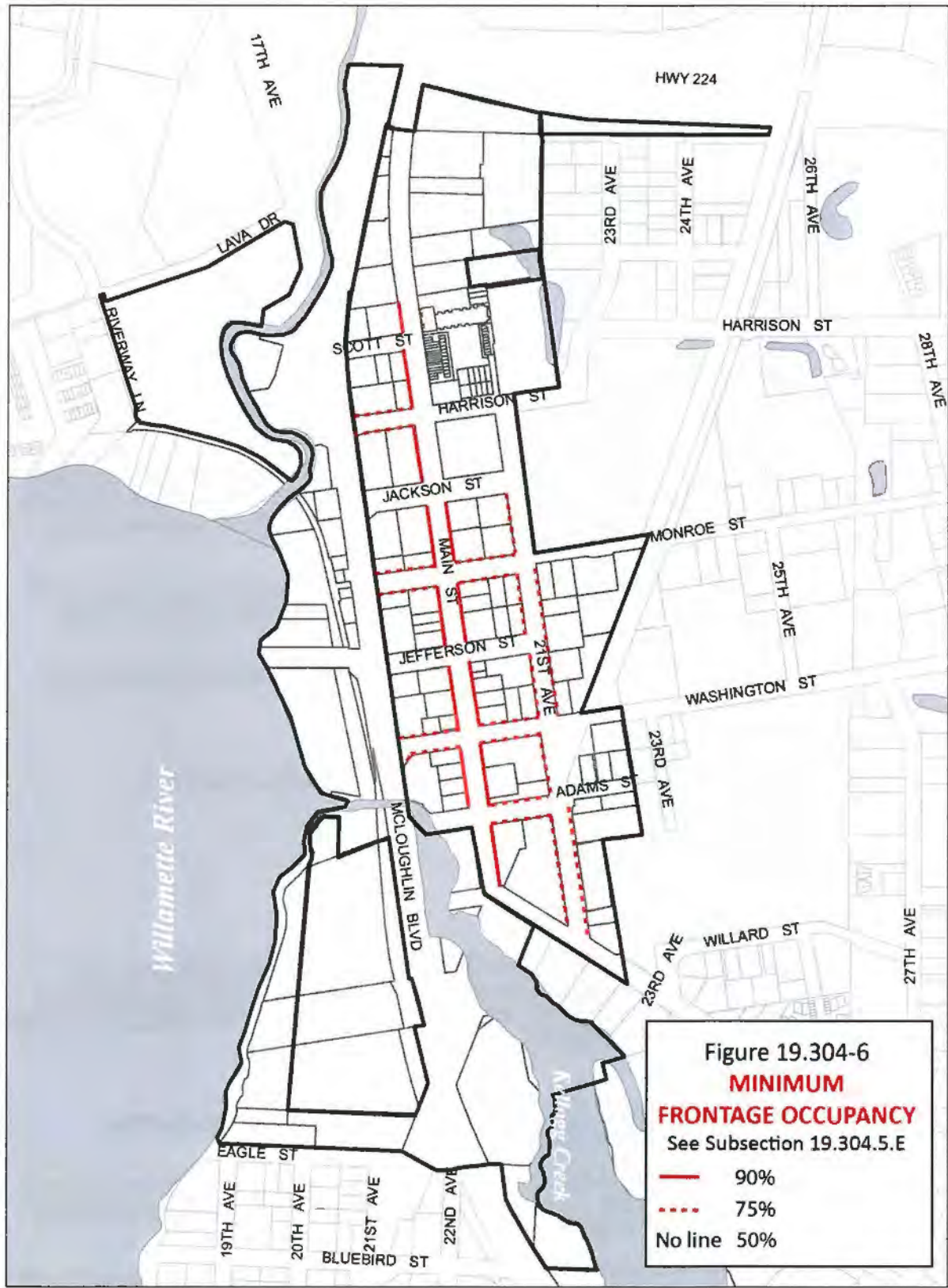
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19.304.5 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.304.4.

A. Floor Area Ratios

1. Intent

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum floor area ratios help to ensure that the intensity of development is controlled and that more intense forms are confined to appropriate areas of the downtown. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

2. Standards

- a. The minimum floor area ratios in Subsection 19.304.4.B.1 apply to all nonresidential building development. Stand-alone residential densities are controlled by minimum density requirements.
- b. Required minimum floor area ratios shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
- 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.
- d. FAR bonuses are available for provision of structured parking per Subsection 19.611.4.

3. Exemptions

The following are exempt from the minimum floor area ratio requirement.

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

B. Building Height

1. Intent

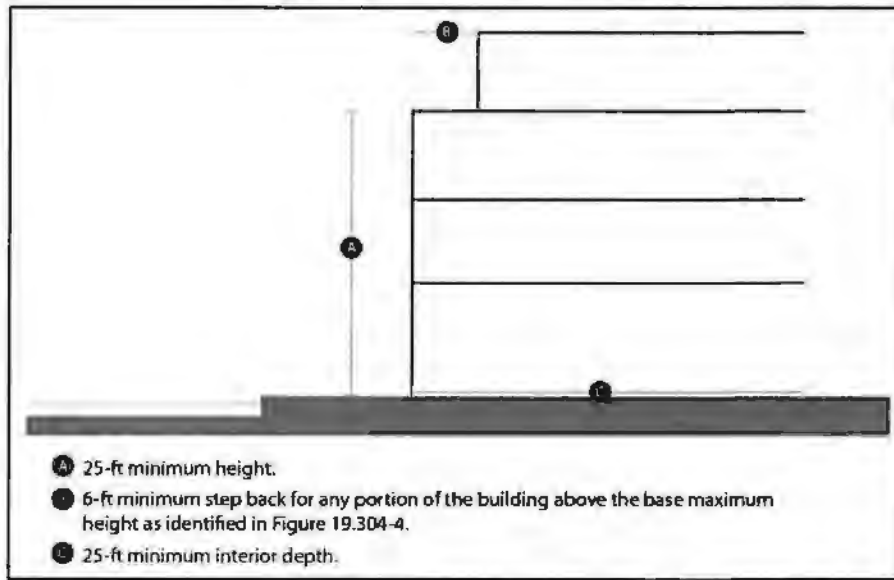
Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. A minimum building height is established to ensure that the traditional building scale for the downtown area is maintained.

2. Standards

- a. The minimum building height standards apply to new commercial, office, residential, and mixed-use buildings.
- b. Minimum building heights are specified in Table 19.304.4. The minimum building height of 25 ft shall be met along all street frontages for a depth of at least 25 ft from the front of the building.
- c. Base maximum building heights are specified in Figure 19.304-4. Height bonuses are available for buildings that meet the standards of Subsection 19.304.5.B.3.

- d. Buildings shall provide a step back of at least 6 ft for any street-facing portion of the building above the base maximum height as identified in Figure 19.304-4.

**Figure 19.304.5.B.2
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 downtown vibrancy; and/or help meet sustainability goals.

A building can utilize up to 2 of the development incentive bonuses of this subsection, for a total of 2 stories or 24 ft of additional height, whichever is less, above the height maximum specified in Figure 19.304 4.

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. The residential height bonus cannot be used in combination with the lodging height bonus.

b. Lodging

New buildings that devote at least 1 story, or 25% of the gross floor area, to lodging uses are permitted 1 additional story, or an additional 12 ft of building height, whichever is less. The lodging height bonus cannot be used in combination with the residential height bonus.

c. Green Building

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

Proposed Code Amendment

Height bonus eligibility shall be verified at the time of building permit submittal and shall be contingent upon submittal of green building certification. The height bonus may be binding under a development agreement and height bonus awards may be revoked, and/or other permits or approvals may be withheld, if the project fails to achieve certification.

d. Building Height Variance

Additional building height may be approved through Type III variance review, per Subsection 19.911.6 Building Height Variance.

4. Exemptions

The following are exempt from the minimum building height standards.

- a. Additions to existing buildings.
- b. Accessory structures.
- c. Buildings with less than 1,000 sq ft of floor area.

C. Flexible Ground-Floor Space

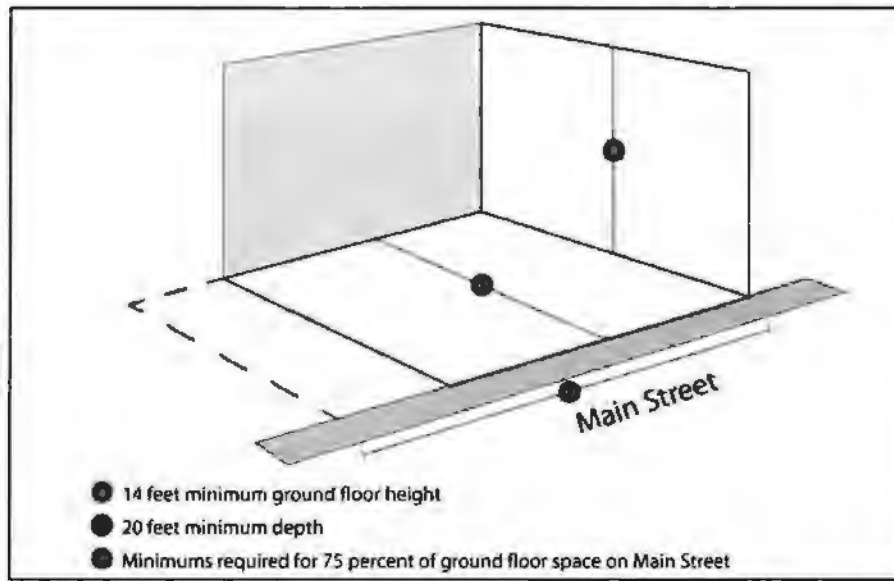
1. Intent

To ensure that new buildings in the downtown are designed and constructed to accommodate active uses such as retail and eating/drinking establishments.

2. Standards

- a. This standard applies to new buildings fronting Main St.
- b. This standard is met when at least 75% of the ground-floor space in a new building meets the following requirements.
 - (1) The ground-floor height must be at least 14 ft, as measured from the finished floor to the ceiling, or from the finished floor to the bottom of the structure above (as in a multistory building). The bottom of the structure above is the lowest portion of the structure and includes supporting beams, and any heating, ventilation and/or fire suppression sprinkler systems.
 - (2) The interior floor area adjacent to Main St must be at least 20 ft deep, as measured from the inside building wall or windows facing Main St.

Figure 19.304.5.C.2
Flexible Ground-Floor Space Standards



3. Exemptions

Stand-alone residential buildings on Main St as specified in Figure 19.304-2 are exempt from this requirement.

D. Street Setbacks/Build-To Lines

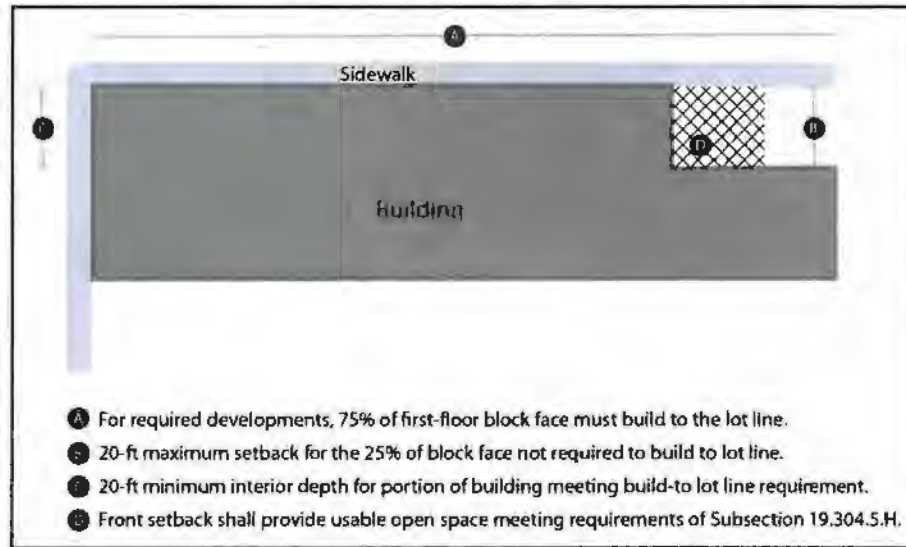
1. Intent

Buildings are allowed and encouraged to build up to the street right-of-way in the DMU Zone. Required build-to lines are used in combination with the frontage occupancy requirements of Subsection 19.304.5.E and are established in specific areas of the downtown to ensure that the ground floors of buildings engage the street right-of-way (see Figure 19.304-5). The build-to line ensures compatibility and harmony between buildings, enabling a series of different buildings to maintain or establish a continuous vertical street wall.

2. Standards

- a. No minimum street setbacks are required.
- b. First-floor build-to lines (required zero setbacks) are established for block faces identified on Figure 19.304-5. The build-to line applies to the portion of the building that is subject to the frontage occupancy requirements of Subsection 19.304.5.E as follows:
 - (1) For those block faces identified on Figure 19.304-5, 75% of the first floor shall be built to the front lot line (zero setback). The remaining 25% may be set back from the front lot line a maximum of 20 ft. The front setback shall provide usable open space, such as a public plaza or pedestrian amenities, that meets the requirements of Subsection 19.304.5.H.

**Figure 19.304.5.D.2.b(1&3)
First-Floor Build-To Lines
for Block Faces Identified on Figure 19.304-5**



(2) For other block faces, there is no build-to line requirement and the maximum setback shall be 10 ft. The front setback shall provide usable open space that meets the requirements of Subsection 19.304.5.H.

(3) The portions of the building used to meet the build-to line requirement in (1) above shall have a depth of at least 20 ft.

3. Exemption

The DMU Zone is exempt from the clear vision area requirements of Chapter 12.24 of the Milwaukie Municipal Code, with the exception of driveway and street intersections with McLoughlin Blvd.

E. Frontage Occupancy

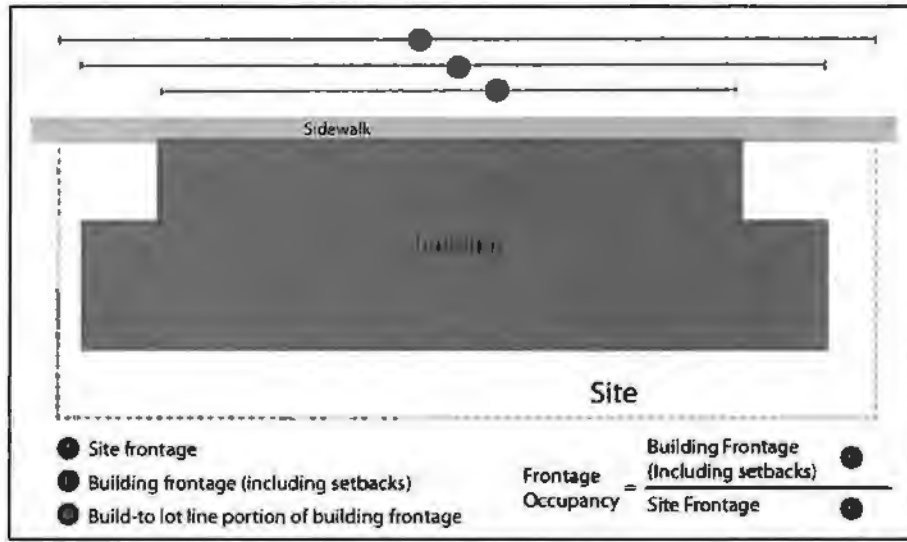
1. Intent

To ensure that buildings are used to create a "street wall" that contributes to a walkable and pedestrian-friendly environment.

2. Standards

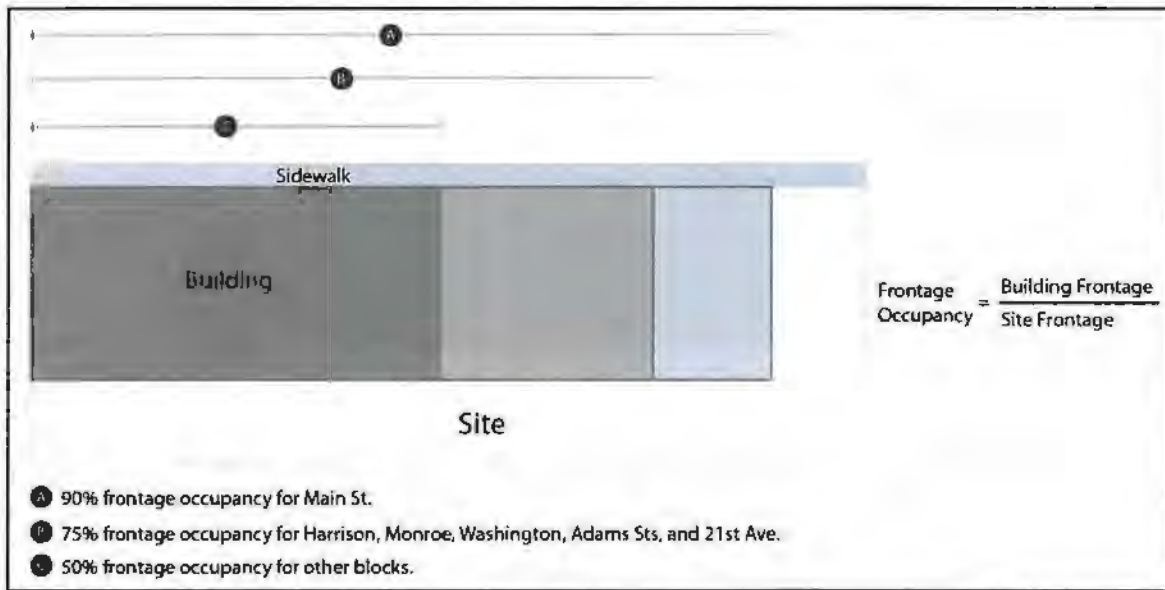
Minimum frontage occupancy requirements are established for block faces identified on Figure 19.304-6. Frontage occupancy requirements are used in combination with the required build-to line of Subsection 19.304.5.D. The frontage occupancy requirements apply as follows:

Figure 19.304.5.E.2
Frontage Occupancy Requirements and Build-To Line



- a. For block faces that front on Main St, 90% of the site frontage must be occupied by a building or buildings. If the development site has frontage on Main St and another street, the frontage occupancy requirement must be met on Main St only.
- b. For block faces that front on Harrison, Monroe, Washington, and Adams Sts and 21st Ave, 75% of the site frontage must be occupied by a building or buildings. Except for Subsection 19.304.5.E.2.a above, if the development site has frontage on one of the streets listed here and another street, the frontage occupancy requirement must be met on the streets listed here only.
- c. For other block faces, 50% of the site frontage must be occupied by a building or buildings. Except for Subsections 19.304.5.E.2.a-b above, if the development site has frontage on more than one street, the frontage occupancy requirement must be met on one street only.

Figure 19.304.5.E.2.a-c
Frontage Occupancy Requirements



d. Building façades with recesses incorporated to comply with façade articulation requirements are considered to be occupying the site frontage if the recesses do not exceed 24 in.

F. Primary Entrances

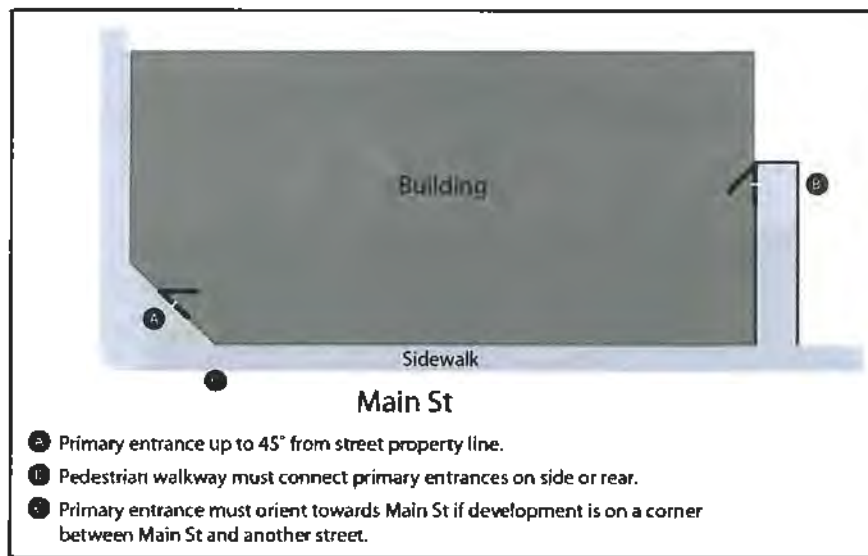
1. Intent

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 one primary entrance facing an abutting street (i.e., within 45° of the street property line) or, if the building entrance must be turned more than 45° from the 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 street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to 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 the corner of Main St and another street, the primary entrance shall be oriented toward Main St. If the development is on the corner of McLoughlin Blvd and another street, the primary entrance may be oriented toward either street.

**Figure 19.304.5.F.2
Primary Entrance Standards**



G. Off-Street Parking

1. Intent

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

2. Standards

- a. Off-street parking for residential uses is required at the ratios established in Table 19.605.1. All other applicable standards of Chapter 19.600 apply.
- b. If off-street parking is provided for nonresidential uses, the parking maximums in Table 19.605.1 shall apply. All other applicable standards of Chapter 19.600 shall also apply.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main St right-of-way. Off-street surface parking lots approved prior to DATE, the effective date of Ordinance # _____, are exempt from this prohibition. This exemption applies only to the property owner on file with the Clackamas County Assessor as of DATE, the effective date of Ordinance # _____, and is dissolved upon transfer of ownership.

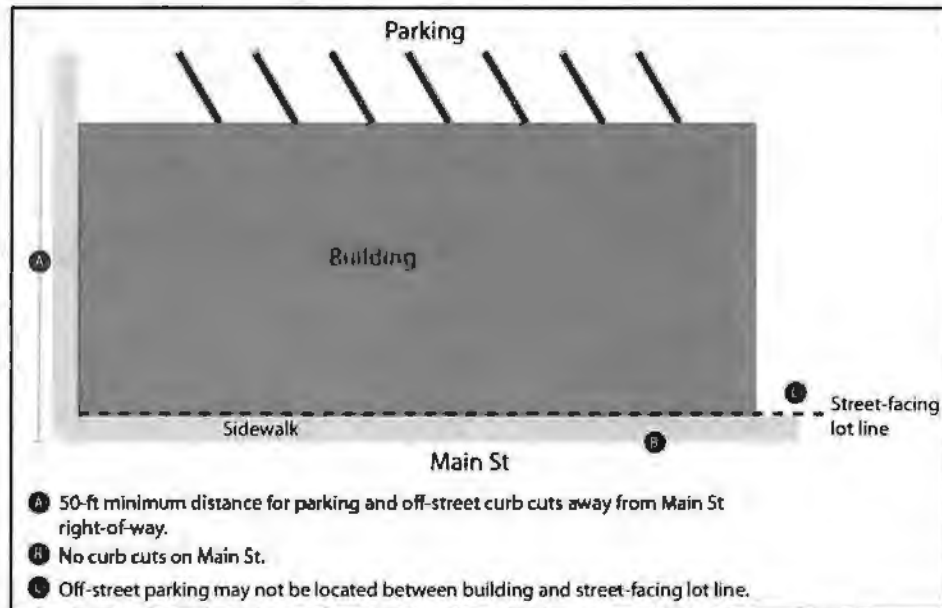
The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main St right-of-way only upon finding, through Type III Variance review pursuant to Section 19.911, that:

- (1) The overall project meets the intent of providing a continuous façade of buildings close to Main St.
- (2) The off-street parking area or curb cut is visually screened from view from Main St.
- (3) The community need for the off-street parking area or curb cut within 50 ft of Main St outweighs the need to provide a continuous façade of buildings in that area.

Proposed Code Amendment

- d. Off-street parking shall not be located between a building and the street-facing lot line.

**Figure 19.304.5.G.2
Off-Street Parking Standards**



3. Exemptions

All nonresidential uses are exempt from the off-street parking requirements.

H. Open Space

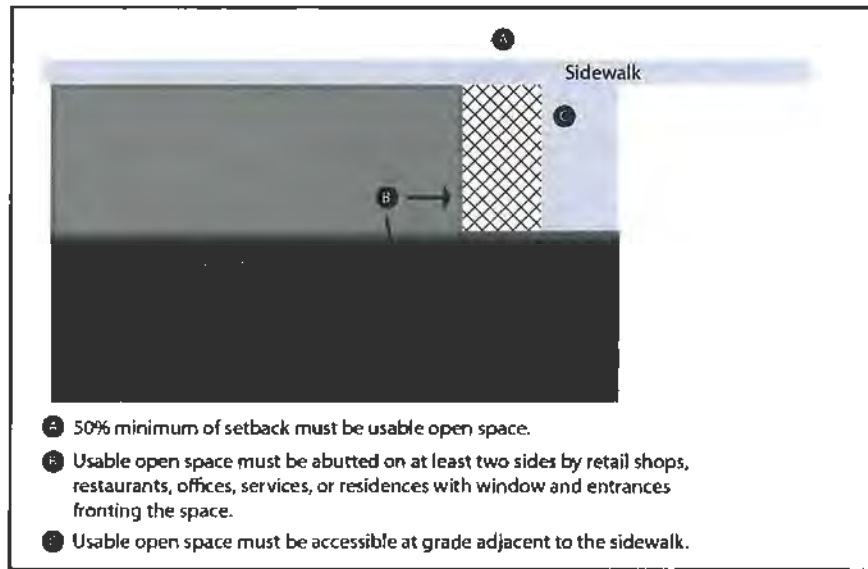
1. Intent

To provide amenities for downtown visitors and residents, promote livability, and help soften the effects of built and paved areas.

2. Standards

- a. When a building is set back from the sidewalk, at least 50% of the setback area shall provide usable open space, such as a public plaza or pedestrian amenities, that meets the standards of this subsection. Building setbacks cannot exceed the maximum setbacks established by Subsection 19.304.5.D and the frontage occupancy requirements of Subsection 19.304.5.E.
- b. Usable open space shall be abutted on at least two sides by retail shops, restaurants, offices, services, or residences with windows and entrances fronting on the space.
- c. Usable open space must be accessible at grade adjacent to the sidewalk.
- d. Open space may be hardscaped or landscaped, including plazas, courtyards, gardens, terraces, outdoor seating, and small parks.

**Figure 19.304.5.H.2
Open Space Standards**



I. Transition Measures

1. Intent

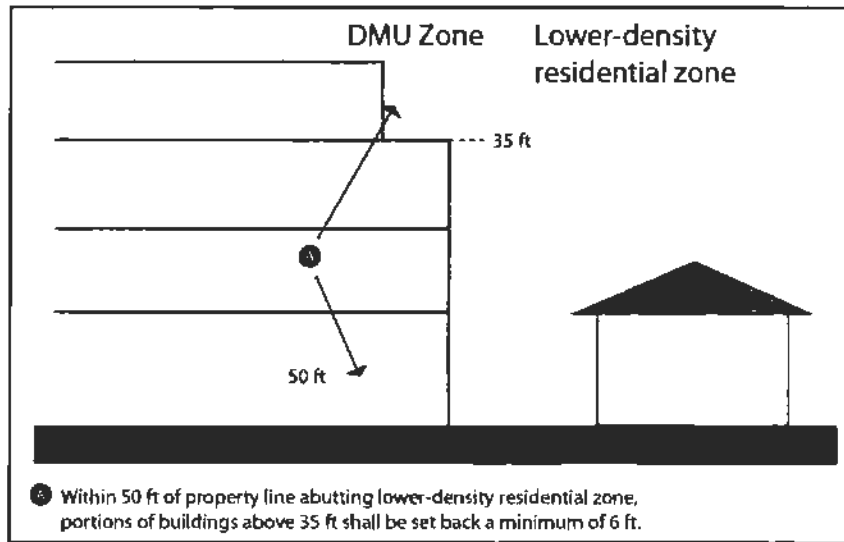
To minimize impacts of commercial or mixed-use development on lower-density residential uses.

2. Standards

For properties north of Harrison St and located within 50 ft of a lower-density residential zone (R-10, R-7, or R-5), the transition area measures in Subsection 19.504.6 apply. In addition:

- a. Within 50 ft of the property line abutting lower-density residential zones, buildings shall provide a step back of at least 6 ft for any portion of the building above 35 ft.
- b. The height bonuses in Subsection 19.304.5.B.3 cannot be applied within 50 ft of a lower-density residential zone.

Figure 19.304.5.i.2
Transition Measure Standards



J. Residential Density

1. Intent

There is a minimal amount of land available for new housing development within the downtown zones. Minimum densities are applied to residential development in the DMU Zone to assure efficient use of land at densities that support transit use and nearby downtown businesses.

2. Standards

- a. Minimum densities for rowhouses and live/work units shall be 10 units per acre.
- b. Minimum densities for stand-alone multifamily dwellings and senior/retirement housing in the DMU Zone shall be 30 units per acre. Maximum residential densities are controlled by height limits.

3. Exemption

There are no minimum density requirements when residential units are developed as part of a mixed-use building.

19.304.6 Public Area Requirements

A. Purpose

The Public Area Requirements (PAR) implement the Downtown and Riverfront Land Use Framework Plan. The purpose of the PAR is to ensure that, as revitalization occurs in downtown, there will be a consistent and high-quality public right-of-way that establishes a safe, comfortable, contiguous pedestrian-oriented environment. Public area requirements are defined as improvements within the public right-of-way and include, but are not limited to, sidewalks, bicycle lanes, on-street parking, curb extensions, lighting, street furniture, and landscaping. The PAR is implemented through Chapter 19.700 and the Milwaukee Public Works Standards.

B. Applicability, Review Process, and Standards

Development in downtown zones is subject to the review process and standards of Chapter 19.700 as specified in the chapter's applicability provisions. Required public improvements along rights-of-way included in the PAR shall be consistent with the PAR as implemented in the Milwaukie Public Works Standards.

19.304.7 Additional Standards

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

- A. Section 19.504 Site Design Standards
- B. Section 19.505 Building Design Standards
- C. Section 19.508 Downtown Site and Building Design Standards

19.304.8 Variances

The Planning Director or Planning Commission may authorize variances to the development standards under Subsection 19.304.4 in accordance with procedures of Section 19.911.

~~19.304 DOWNTOWN ZONES~~

~~19.304.1 Purpose~~

~~This section of the Zoning Ordinance implements the Downtown and Riverfront Land Use Framework Plan, Milwaukie Comprehensive Plan, and Town Center Master Plan. The downtown and riverfront area is envisioned as the focus of the community. Five zones are designated to reflect the distinctions between different areas of the Downtown and Riverfront Land Use Framework Plan. Specific development standards, public area requirements, and design standards are adopted for the downtown zones to assure an active, attractive, and accessible environment for shoppers, employees and residents.~~

~~19.304.2 Characteristics of the Downtown Zones~~

~~Five specific zones are adopted to implement the Downtown and Riverfront Land Use Framework Plan. The zones are shown on Figure 19.304-1. The "Zoning Map of Milwaukie, Oregon" provides a larger scale map of zone boundaries. The zones reflect the varied land uses, densities, and urban design character planned for different areas, as described and illustrated in the Downtown and Riverfront Land Use Framework Plan. The characteristics of the individual zones are described below.~~

~~A. Downtown Storefront (DS)~~

~~The Downtown Storefront Zone is established to preserve and enhance the commercial "Main Street" character of downtown Milwaukie, ensuring that new development in areas designated DS is compatible with this desired character. This zone allows a full range of retail, service, business, and residential uses. Retail or restaurant uses are required as the predominant uses on the ground floors of buildings fronting on Main Street. Residential uses are allowed only on upper floors. Warehousing and industrial uses are not allowed. The desired character for this zone includes buildings that are built to the right of way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots. A "Village Concept Area" has been established in the DS Zone to allow a broader mix of uses on the site at the northeast corner of Main and Harrison streets. These uses include rowhouses and multifamily buildings.~~

Proposed Code Amendment

B. ~~Downtown Commercial (DC)~~

~~The Downtown Commercial Zone is established to allow auto-accommodating commercial development in the area between McLoughlin Boulevard and Main Street, north of Harrison Street. A range of retail, service, office, and residential uses is permitted to support a gradual transition to higher densities and a greater mix of uses. Boulevard enhancements will improve the visual character of McLoughlin Boulevard and provide a link to the riverfront and adjacent downtown zones. The desired character for this zone includes buildings that engage at least 1 street right-of-way and include a pedestrian-oriented entry and well-landscaped parking lots.~~

C. ~~Downtown Office (DO)~~

~~The Downtown Office Zone is established to provide for office, entertainment, and hotel uses along high-visibility major arterial streets, as designated by the City of Milwaukie's Transportation System Plan. The desired character for this zone will vary depending on the nature of the proposed use and individual site features.~~

D. ~~Downtown Residential (DR)~~

~~The Downtown Residential Zone is established to increase housing opportunities in close proximity to downtown shopping, transit, and open space amenities. The major types of new housing will be apartments and condominiums. Minimum densities of 30 units per acre will assure that land is used efficiently and will increase the customer base for nearby businesses. Additionally, the higher densities will support urban features such as parking under structures and durable building materials. Development at minimum densities of 10 units per acre up to a maximum of 30 units per acre will be permitted in the Downtown Residential Transition Area to provide a transition to lower density residential zones. The desired character for the Downtown Residential Zone includes buildings located close to and oriented to the public sidewalk, with off-street parking located under or internal to building sites.~~

E. ~~Downtown Open Space (DOS)~~

~~The Downtown Open Space Zone is established to implement the "Public" designation of the Milwaukie Comprehensive Plan and to provide a specific zone to accommodate open space, park, and riverfront uses. The Downtown Open Space Zone is generally applied to lands that are in public ownership along the Willamette River, Kellogg Creek, Spring Creek, and Johnson Creek in the downtown area. The desired character for the Downtown Open Space Zone includes parkland, open space, and riverfront amenities.~~

19.304.3 Uses

A. ~~Permitted Uses~~

~~Uses allowed in the downtown zones are listed in Table 19.304.3 with a "P." These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.~~

Table 19.304.3 Downtown Zones—Uses					
Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
Residential					
Rowhouse	L[1]	N	N	L[1]	N

Multifamily	L{10}	P	N	P	N
Second-floor housing	P	P	P	P	N
Senior and retirement housing	N	P	N	P	N
Commercial/Office					
Automobile repair	N	L{2}	N	N	N
Commercial recreation	P	P	P	N	N
Eating/drinking establishment	P	P	L{3}	N	N
Financial institution	P	P	P	N	N
Hotel/motel	N	P	P	N	N
Manufacturing and production	L{11}	L{11}	L{11}	L{11}	N
Office, professional and administrative	L{4}	P	P	L{5}	N
Parking facility	P	P	P	N	L{6}
Personal/business services	L{7}	P	P	L{5}	N
Retail trade	P	P	L{3}	L{5}	N
Theater	P	P	P	N	N
Medical marijuana facilities	L{12}	L{12}	L{12}	L{12}	N
Other					
Community service uses	L{8}	L{8}	L{8}	L{8}	L{8}
Day care/childcare	L{9}	L{9}	L{9}	L{9}	N
Marinas, boat ramp	N	N	N	N	P
Parks, plazas, open space	P	P	P	P	P

B. Limited Uses

Uses that are allowed subject to limitations are listed in Table 19.304.3 with an "L." These uses are allowed if they comply with the limitations listed in Subsection 19.304.3.G below, and if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

C. Nonconforming Uses

Existing structures and uses that do not meet the standards for a particular downtown zone may continue in existence. Alteration of a nonconforming use or structure that is not in compliance with applicable standards shall be subject to the provisions of Chapter 19.800 Nonconforming Uses. For privately owned property with legal nonconforming uses and structures within the Downtown Open Space Zone, Subsection 19.803.2 is not applicable, but all other provisions of Chapter 19.800 shall apply.

D. Prohibited Uses

Uses listed in Table 19.304.3 with an "N," or uses not listed above, are prohibited as new uses.

E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards. Accessory uses include but are not limited to restrooms in City parks and refreshment stands at the library.

F. Similar Uses

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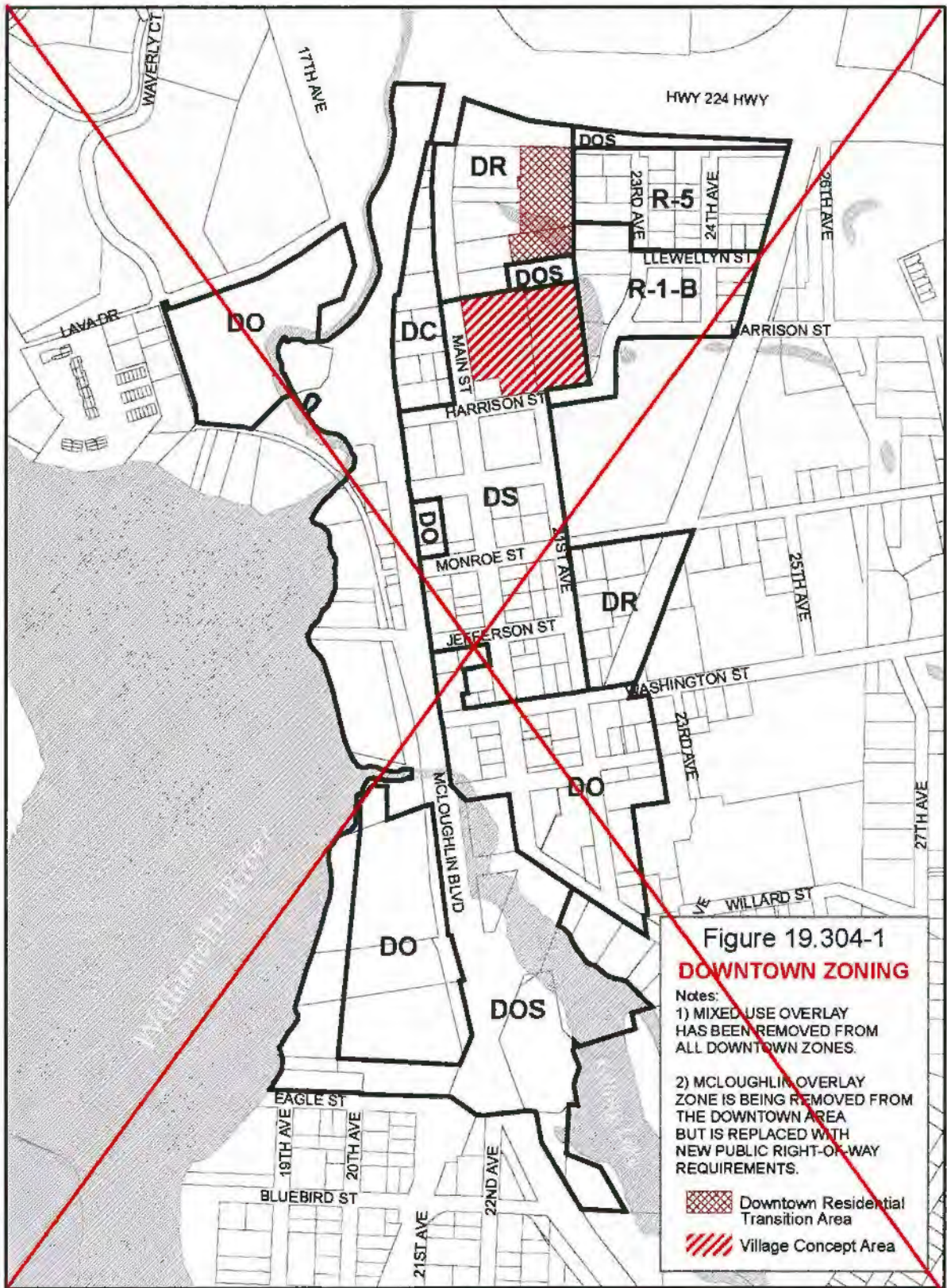
The Planning Director, through a Type I review, may determine that a use that is not listed is considered similar to a listed use in Table 19.304.3. The unlisted use shall be subject to the standards applicable to the similar listed use.

G. Use Limitations

The following provisions describe the use limitations and correspond with the footnote numbers for uses listed with an "L" in Table 19.304.3.

1. ~~Townhouse development is permitted only in a limited area of the Downtown Residential Zone as identified on the Zoning Map (see "Downtown Residential Transition Area" on Figure 19.304-1). This limited use provision is intended to provide an opportunity for owned, attached housing at a minimum density of 10 units per acre. Townhouse development is permitted only in a limited area of the Downtown Storefront Zone as identified on the Zoning Map (see "Village Concept Area" on Figure 19.304-1). Townhouses shall not be located within 50 ft of the Main Street frontage within the "Village Concept Area."~~
2. ~~Automobile/motor vehicle repair (excluding body and fender repair and painting) is permitted in the Downtown Commercial Zone when conducted within a completely enclosed building.~~
3. ~~In the Downtown Office Zone, eating and drinking establishments and retail trade uses are limited to 5,000 sq ft in floor area per use on the ground floor. An additional 5,000 sq ft in floor area per use on the ground floor is allowed for manufacturing or production areas associated with, and accessory to, eating or drinking establishments or retail trade uses. 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-site would not be considered manufacturing or production.~~
4. ~~In the portions of the Downtown Storefront Zone where ground floor retail/restaurant uses are required (see Figure 19.304-2), office uses are only allowed on or above the second floor.~~
5. ~~Office, personal service, and retail trade uses in the Downtown Residential Zone may only be developed as part of a mixed use building that includes housing. Office, personal service, and retail trade uses in the Downtown Residential Zone are limited to the ground floor, and an individual office, personal service, or retail use may not exceed 5,000 sq ft in floor area. Home occupations are permitted in accordance with Section 19.507 of this title.~~
6. ~~Parking facilities in the Downtown Open Space Zone are limited to surface lots.~~
7. ~~In the portions of the Downtown Storefront Zone where ground floor retail/restaurant uses are required (see Figure 19.304-2), personal/business service uses are limited to a maximum of 25% of the ground floor area of an individual building.~~
8. ~~A new community service use, or expansion/alteration of an existing community service use, may be permitted if approved under Section 19.904 and shall comply with the development and design standards of this section.~~
9. ~~Day care and childcare uses are limited to 3,000 sq ft.~~

- ~~10. Multifamily building development is permitted only in a limited area of the Downtown Storefront Zone as identified on the Zoning Map. See "Village Concept Area" on Figure 19.304-1.~~
- ~~11. Manufacturing and production are only permitted in combination with a retail or eating/drinking establishment use.~~
- ~~12. 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.~~
 - ~~b. A medical marijuana facility shall not be collocated 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.~~~~



19.304.4 Development Standards

A. Purpose

The development standards address several issues of particular importance to maintaining the appropriate character for the downtown zones. Table 19.304.4 summarizes the development standards that apply in the downtown zones.

Table 19.304.4 Downtown Zones—Development Standards					
Standard	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
1. Minimum lot size	750 sq ft	10,000 sq ft	5,000 sq ft	750/5,000 sq ft ¹	None
2. Minimum street frontage	15'	30'	30'	15'/30' ¹	None
3. Floor area ratio					
Minimum	1:1	0.3:1	0.5:1	NA	NA
Maximum	4:1	2:1	3:1	NA	NA
4. Building height (see Figure 19.304-3)					
Minimum	35'	25'	25'	None	None
Maximum	45'-55'	55'	65'	45'-65'	None
5. Residential density					
Minimum	None	None	None	10-30 U/Acre	None
Maximum	None	None	None	None	None
6. Street setback (see Figure 19.304-4)					
Minimum	0'	0'	0'	0'	0'
Maximum	10'	50'	10'	None	None
7. Other setbacks (side and rear)	None	None	None	15' ²	None
8. Ground floor retail with limited personal/business services (see Figure 19.304-2)	Yes	Yes	Yes	No	No
9. Ground floor windows/doors (see Figure 19.304-5)	Yes	Yes	Yes	No	No
10. Drive-through facilities	No	No	No	No	No
11. Off-street parking required	No	Yes	No/Yes ³	Yes	Yes
12. Landscaping	None	10%	None	15%	20%

1 Townhouse lots may be as small as 750 sq ft, with a minimum street frontage of 15 ft. All other lots created in the DR Zone shall be a minimum of 5,000 sq ft, with a minimum street frontage of 30 ft.

2 Setbacks are required only where the DR Zone abuts a lower density residential zone.

3 Off-street parking is not required in the DO Zone to the north of Washington Street and east of McLoughlin Boulevard. Off-street parking is required in the DO Zone located outside of this boundary.

Table 19.304.4 is supplemented by the explanation of the development standards provided in Subsection 19.304.4.B below, and the following figures:

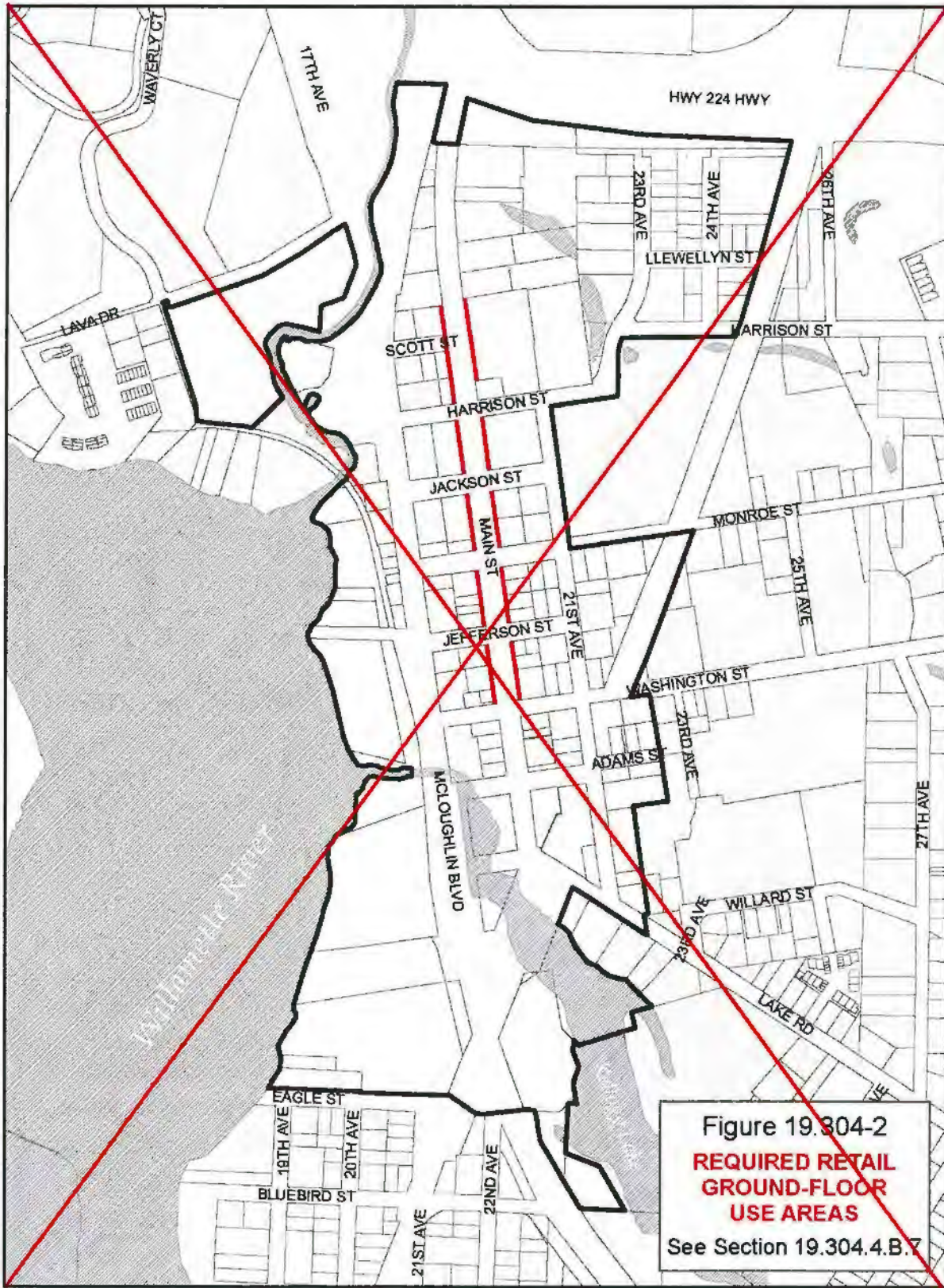
Proposed Code Amendment

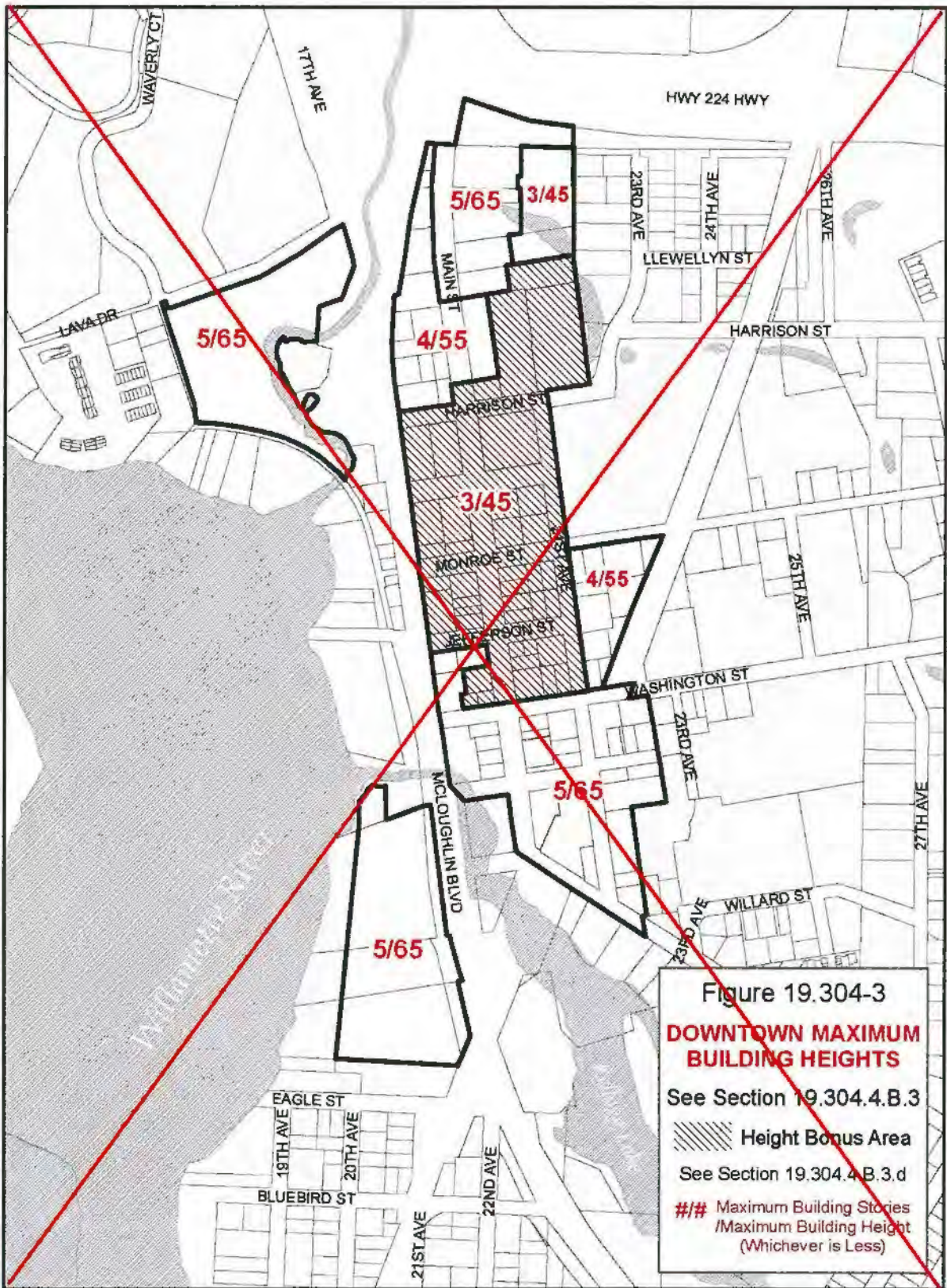
~~Figure 19.304-2—Required Retail Ground-Floor Use Areas~~

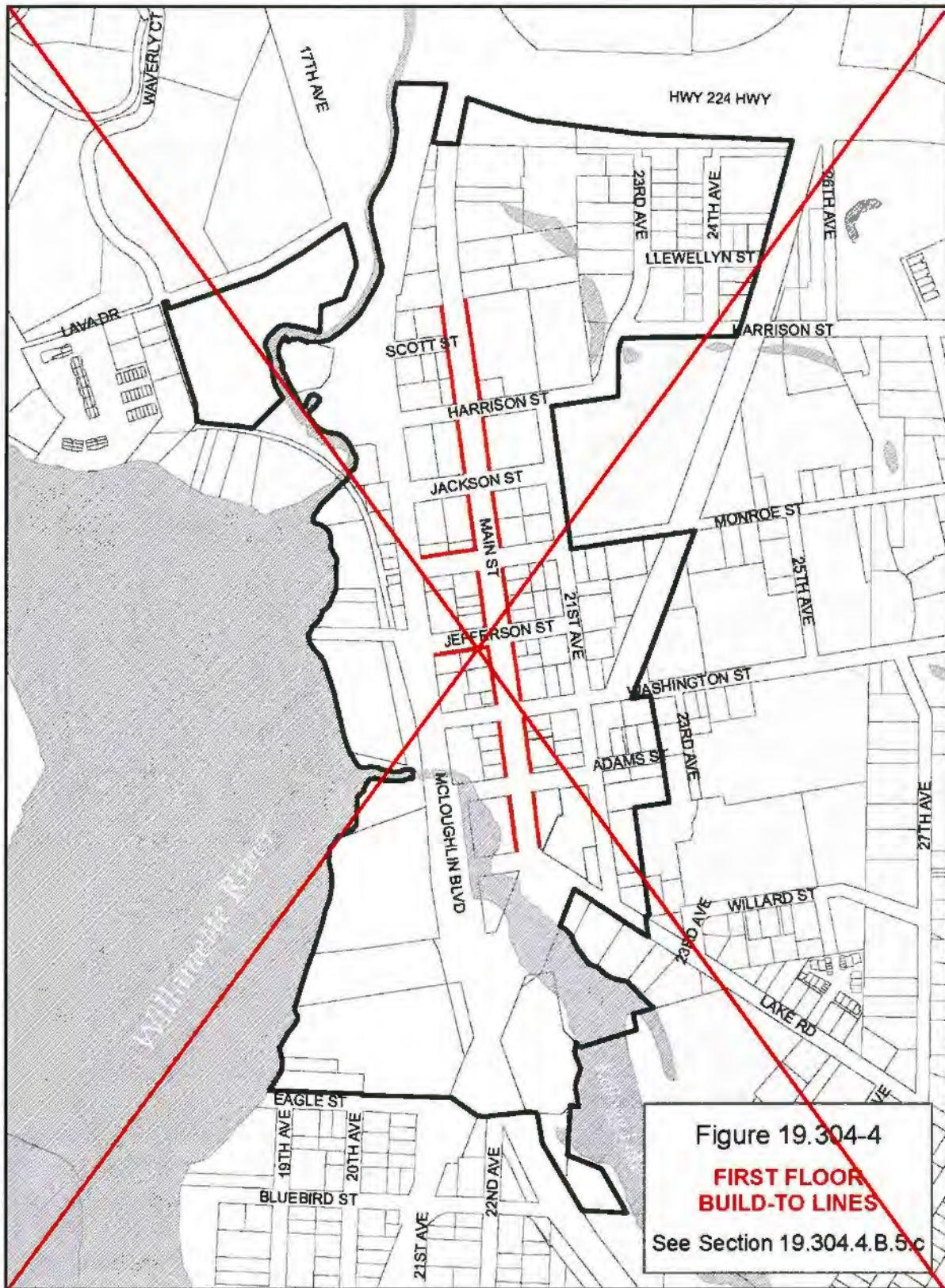
~~Figure 19.304-3—Maximum Building Heights~~

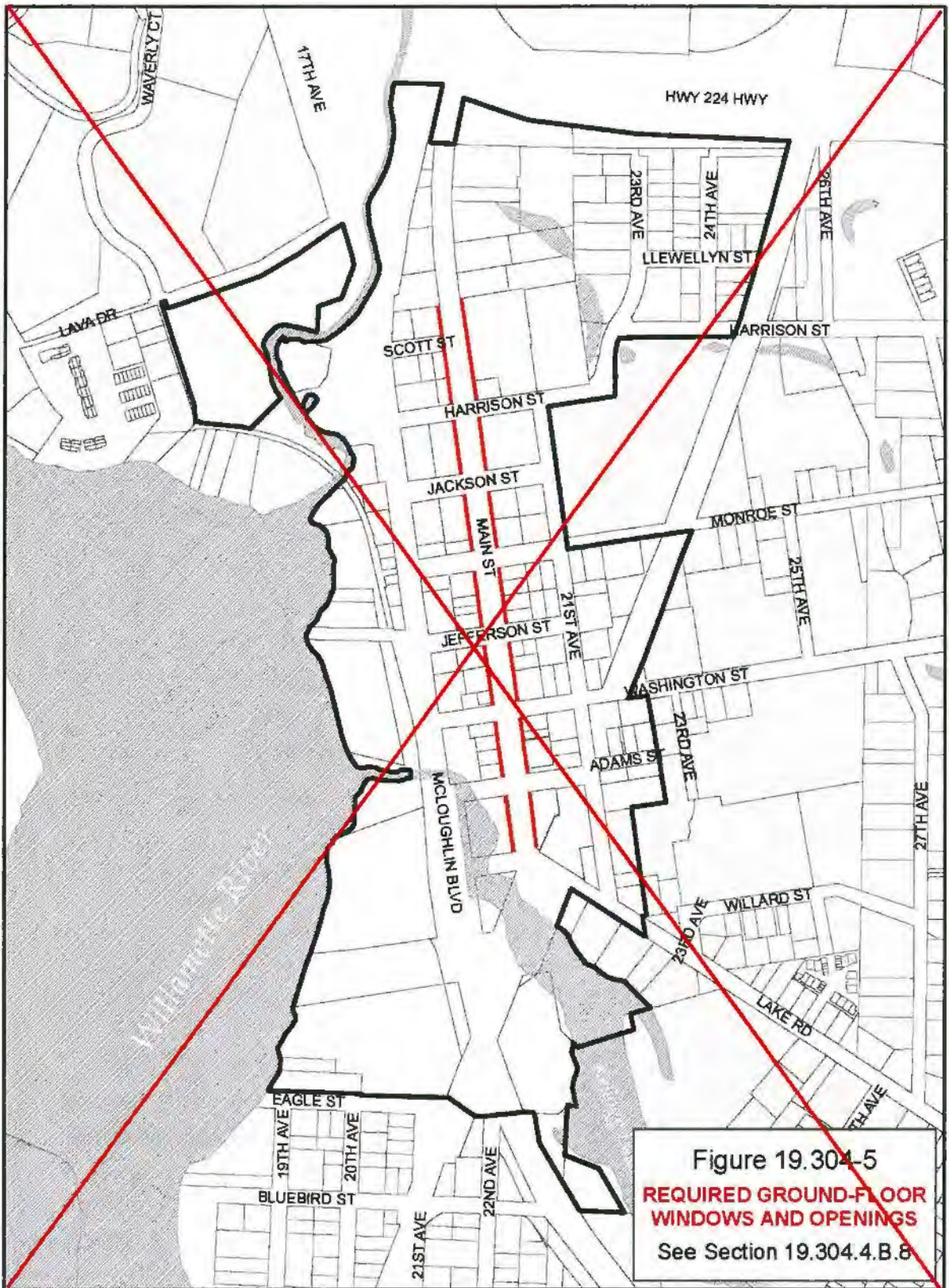
~~Figure 19.304-4—Build-to Lines~~

~~Figure 19.304-5—Required Ground-Floor Windows and Openings~~









B. Explanation of Development Standards

1. Minimum Lot Size

New lots created in the downtown zones shall meet the minimum lot size standards of Table 19.304.4 as further described below.

- a. New lots in the Downtown Storefront Zone and townhouse lots in the Downtown Residential Zone (in the Downtown Residential Transition Area only) shall be a minimum of 750 sq ft, with a minimum street frontage of 16 ft.
- b. New lots in the Downtown Office and Downtown Residential Zones (other than those in the Downtown Residential Transition Area) shall be a minimum of 5,000 sq ft, with a minimum street frontage of 30 ft.
- c. New lots in the Downtown Commercial Zone shall be a minimum of 10,000 sq ft, with a minimum street frontage of 30 ft.
- d. Land divisions shall comply with applicable provisions of the Land Division Ordinance (Title 17 of the Milwaukie Municipal Code).

2. Floor Area Ratios

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum floor area ratios help to ensure that the intensity of development is controlled and that more intense forms are confined to appropriate areas of the downtown.

- a. The minimum floor area ratios in Table 19.304.4 apply to all nonresidential building development.
- b. Required minimum floor area ratios shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
- 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.
- d. The following uses are exempt from the minimum floor area ratios: commercial parking facilities and public parks and plazas.

3. Building Height

Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. Building height standards also establish a consistent streetscape.

- a. Minimum building heights are specified in Table 19.304.4. The minimum building height of 35 ft for the Downtown Storefront Zone applies only to buildings that front on Main Street. Buildings fronting on other streets in the Downtown Storefront Zone shall be a minimum height of 25 ft.
- b. The minimum building height standards apply to new commercial, office, and mixed-use buildings. The standards do not apply to additions to existing buildings, accessory structures, or to buildings with less than 1,000 sq ft of floor area.
- c. Maximum building heights are specified in Table 19.304.4 and illustrated on Figure 19.304-3. If there is a conflict between Table 19.304.4 and Figure 19.304-3, the maximum building height provisions of Figure 19.304-3 shall control.

- d. ~~An opportunity is provided for a height bonus in a defined area of the downtown plan. For the area identified on Figure 19.304-3 as the height bonus area, the base building height is 3 stories or 45 ft, whichever is less. However, if at least one floor or 25% of the gross floor area is devoted to residential uses, the building is allowed a height of 4 stories or 55 ft, whichever is less.~~

4. ~~Residential Density~~

~~There is a minimal amount of land available for new housing development within the downtown zones. Minimum densities are applied in the Downtown Residential Zone to assure efficient use of land at densities that support transit use and nearby downtown businesses.~~

- a. ~~Minimum densities for the downtown residential transition area shall be 10 units per acre (see Figure 19.304-1). The maximum density for the residential transition area shall be 30 units per acre.~~
- b. ~~Minimum densities for stand-alone multifamily dwellings and senior/retirement housing in the Downtown Residential and Downtown Commercial Zones shall be 30 units per acre. Maximum residential densities are controlled by height limits.~~
- c. ~~There are no minimum density requirements when residential units are developed as part of a mixed-use building in the Downtown Storefront, Downtown Commercial, and Downtown Office Zones. The minimum density standards apply only to stand-alone residential buildings. Second-floor housing is allowed in the Downtown Storefront, Downtown Commercial, and Downtown Office Zones. Maximum residential densities for mixed-use buildings are controlled by height limits.~~

5. ~~Street Setbacks~~

~~Buildings are allowed and encouraged to build up to the street right-of-way in all downtown zones. Required build-to-lines are established in specific areas of the downtown to ensure that the ground floors of buildings engage the street right-of-way (see Figure 19.304-4). The build-to-line ensures compatibility and harmony between buildings, enabling a series of different buildings to maintain or establish a continuous vertical street wall.~~

- a. ~~No minimum street setbacks are required in any of the downtown zones.~~
- b. ~~The downtown zones are exempt from the clear vision area requirements of Chapter 12.24 of the Milwaukie Municipal Code, with the exception of driveway and street intersections with McLoughlin Boulevard.~~
- c. ~~First floor build-to-lines (required zero setbacks) are established for block faces identified on Figure 19.304-4. The build-to-line includes a necessary degree of flexibility:~~
 - (1) ~~Projections or recesses of up to 18 in are allowed.~~
 - (2) ~~Doorways may be set back a maximum of 8 ft from the build-to-line.~~
- d. ~~Maximum street setbacks of 10 ft are established for the Downtown Storefront and Downtown Office Zones. The 50-ft maximum setback for the Downtown Commercial Zone applies only to the McLoughlin Boulevard frontage. A build-to-line (zero setback) is established for the Downtown Commercial Zone along the Main Street frontage.~~

6. ~~Other Setbacks~~

~~No specific side or rear yard setbacks are required for the downtown zones with the exception of the Downtown Residential Zone, where a minimum 15-ft side/rear yard setback is required where the Downtown Residential Zone abuts lower density residential zones.~~

7. ~~Ground Floor Retail/Restaurants~~

~~Retail uses and eating/drinking establishments are required at the ground floors of buildings fronting on Main Street and identified on Figure 19.304-2. This requirement will ensure that continuous retail storefronts and eating/drinking establishments are established and maintained along Main Street, to attract pedestrians and strengthen the shopping environment. When required, the retail uses and/or eating/drinking establishments must comprise at least 75% of the ground floor area of a building. Personal/business services are limited uses that are allowed to occupy a maximum of 25% of the ground floor area within these buildings.~~

~~New buildings in the required ground floor active use areas shall be designed and constructed to accommodate active uses such as retail and eating/drinking establishments. This standard is met where no less than 75% of the ground floor space in a new building fronting Main Street meets the following requirements.~~

- ~~a. The ground floor height must be at least 12 feet, as measured from the finished floor to the ceiling, or from the finished floor to the bottom of the structure above (as in a multistory building). The bottom of the structure above is the lowest portion of the structure and includes supporting beams, and any heating, ventilation and/or fire suppression sprinkler systems.~~
- ~~b. The interior floor area adjacent to Main St. must be at least 25 feet deep, as measured from the inside building wall or windows facing Main Street.~~

8. ~~Ground Floor Windows/Doors~~

~~Long expanses of blank walls facing the street or other public area have negative impacts on the streetscape and the pedestrian environment. To minimize these effects, the standards of this section are intended to enhance street safety and provide a comfortable walking environment by providing ground level features of interest to pedestrians in specific areas of the downtown zones.~~

~~For block faces identified on Figure 19.304-5 (Ground Floor Windows and Openings), the exterior wall(s) of the building facing the street/sidewalk must meet the following standards:~~

- ~~a. 50% 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. Doors and/or primary entrances must be located on the block faces identified on Figure 19.304-5, and must be unlocked when the business located on the premises is open. Doors/entrances to second floor residential units may be locked.~~
- ~~c. Clear glazing is required for ground floor windows. Nontransparent, reflective, or opaque glazings are not permitted.~~
- ~~d. Ground floor windows for buildings on the block faces identified on Figure 19.304-5 shall allow views into storefronts, working areas, or lobbies. No more than 50%~~

Proposed Code Amendment

~~of the window area may be covered by interior furnishings including but not limited to curtains, shades, signs, or shelves. Signs are limited to a maximum coverage of 20% of the window area.~~

~~9. Drive-Through Facilities~~

~~Drive-through facilities can conflict with the easy, safe, and convenient movement of pedestrians. Therefore, drive-through facilities are prohibited in the downtown zones to create a pedestrian friendly environment where transit, bicycles, and walking are encouraged.~~

~~10. Off-Street Parking~~

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

~~a. Development in the Downtown Storefront Zone, and the portion of the Downtown Office Zone located to the north of Washington Street and east of McLoughlin Boulevard, is exempt from the maximum and minimum quantity requirements for vehicle parking in Section 19.605.~~

~~b. With the exception of the two areas identified in Subsection 19.304.4.B.10.a above, standards and provisions of Chapter 19.600 shall apply to development in the downtown zones.~~

~~c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main Street right-of-way. The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main Street right-of-way only on the finding in a public hearing that:~~

~~(1) The overall project meets the intent of providing a continuous façade of buildings close to Main Street;~~

~~(2) The off-street parking area or curb cut is visually screened from view from Main Street; and~~

~~(3) The community need for the off-street parking area or curb cut within 50 ft of Main Street outweighs the need to provide a continuous façade of buildings in that area.~~

~~11. Minimum Landscaping/Open Space~~

~~The minimum landscaping/open space requirements are established to provide amenities for downtown residents, promote livability, and help soften the effects of built and paved areas.~~

~~a. Required landscaping/open space in the downtown zones may include courtyards, roof top gardens, balconies, terraces, and porches.~~

~~b. Where possible, jointly improved landscaped areas are encouraged to facilitate continuity of landscape design. Street trees are required in all downtown zones as outlined in the Milwaukie Downtown and Riverfront Plan: Public Area Requirements.~~

~~c. All material in the minimum required landscaped area shall be live plant material. Materials such as bark or river rock may be used only if approved as part of the overall landscaping plan.~~

~~12. Right-of-Way Projections~~

~~Right-of-way projections of up to 4 ft are permitted in all downtown zones for upper-level, unenclosed balconies. All applicable building, fire, safety and public works standards shall also be met prior to permitting such balcony projections.~~

~~19.304.5 Public Area Requirements~~

~~A.—Purpose~~

~~The Milwaukie Downtown and Riverfront Plan: Public Area Requirements (PAR) is an ancillary document to the Milwaukie Comprehensive Plan. The purpose of the PAR is to ensure that, as revitalization occurs in downtown, there will be a consistent and high-quality public right-of-way that establishes a safe, comfortable, contiguous pedestrian-oriented environment. Public area requirements are defined as improvements within the public right-of-way and include, but are not limited to, sidewalks, bicycle lanes, on-street parking, curb extensions, lighting, street furniture, and landscaping. The PAR is implemented through Chapter 19.700 and the Milwaukie Public Works Standards.~~

~~B.—Applicability, Review Process, and Standards~~

~~Development in downtown zones is subject to the review process and standards of Chapter 19.700 as specified in the chapter's applicability provisions. Required public improvements along rights-of-way included in the PAR shall be consistent with the PAR as implemented in the Milwaukie Public Works Standards.~~

~~19.304.6 Design Standards~~

~~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, together with the public area requirements, will support the development of a cohesive, attractive, and safe downtown area and encourage private investment. The design standards do not prescribe a particular building or architectural style. The standards are intended to be clear and objective, and compliance with the standards is checked as part of building plan review.~~

~~B.—Applicability~~

~~The design standards are applicable to all new construction and to major exterior alterations in the downtown zones. Standards regarding prohibited materials are applicable to minor exterior alterations in the downtown zones. Exterior maintenance and repair of buildings in the downtown zones are exempt from compliance with the design standards. Definitions of exterior maintenance and repair, minor exterior alteration, and major exterior alteration follow.~~

- ~~1.—Exterior maintenance and repair includes refurbishing, painting, and weatherproofing of deteriorated materials, and in-kind restoration or replacement of damaged materials. Exterior maintenance and repair does not include replacement of materials due to obsolescence or when associated with minor or major exterior renovation, as defined below. Exterior maintenance and repair does not include the placement of signs.~~

~~The design standards are not applicable to exterior maintenance and repair as defined above.~~

- ~~2.—Minor exterior alterations include the exterior alterations of any portion of a structure that do not fall within the definitions of "exterior maintenance and repair" or "major~~

Proposed Code Amendment

~~exterior alterations." Minor exterior alterations include, but are not limited to, the application or installation of finish building treatments, including windows and other glazing, doors, lintels, copings, vertical and horizontal projections including awnings, and exterior sheathing and wall materials. Minor exterior alteration does not include the placement of signs.~~

~~Additions not exceeding 250 sq ft may be permitted under a minor exterior alteration only when the additional floor area is designed and used for utility, HVAC, other mechanical equipment, ADA upgrades, or egress required by applicable fire safety or building codes.~~

~~The design standards pertaining to prohibited exterior building materials (see Subsection 19.304.6.C below) are applicable to minor exterior alterations. No other design standards apply to minor exterior alterations.~~

~~3. Major exterior alterations include any of the following:~~

- ~~a. Alterations that do not fall within the definitions of "exterior maintenance and repair" or "minor exterior alterations";~~
- ~~b. Demolition or replacement of more than 25% of the surface area of any exterior wall or roof;~~
- ~~c. Floor area additions that exceed 250 sq ft or do not meet the limited purposes as defined under the minor exterior alteration (ADA upgrades, etc.).~~

~~The design standards are applicable to major exterior alterations as described below:~~

- ~~(1) Major exterior alterations involving a wall(s) shall comply with the design standards for walls and the design standards for windows for that wall(s).~~
- ~~(2) Major exterior alterations involving a roof shall comply with the design standards for roofs.~~

~~C. Design Standards~~

~~1. Design Standards for Residential~~

~~The following standards are applicable to "stand-alone" residential buildings in the Downtown Residential and Downtown Commercial Zones. Additional standards pertaining to walls, windows, and roofs are also applicable to residential buildings and are addressed in Subsections 19.304.6.C.2 through 4 below.~~

~~a. Residential Entries and Porches~~

- ~~(1) Porches, if provided, shall be a minimum of 6 ft deep by 8 ft wide.~~
- ~~(2) Front entries must face a public street or a landscaped courtyard.~~

~~b. Garages and Parking Areas~~

~~Garage entrances and parking areas shall not be located between the residential building(s) and the abutting public street.~~

~~c. Residential Courtyards, if Provided~~

- ~~(1) Courtyards shall have a minimum width of 30 ft.~~
- ~~(2) Up to 15% of the courtyard area may be claimed as private space. The remainder shall be common space.~~

~~(3) The courtyard shall be enclosed on a minimum of 2 sides by residential front entry doors.~~

~~(4) Garage doors shall not front onto the courtyard.~~

d. ~~Residential Balconies~~

~~Balconies for residential units shall have a minimum depth of 6 ft and minimum width of 8 ft.~~

2. ~~Design Standards for Walls~~

~~The following standards are applicable to the exterior walls of buildings facing streets, courtyards, and/or public squares in all of the downtown zones.~~

a. ~~Exterior wall-mounted mechanical equipment is prohibited.~~

b. ~~The following wall materials are prohibited at the street level of the building:~~

~~(1) EIFS or other synthetic stucco panels;~~

~~(2) Splitface or other masonry block.~~

c. ~~The following wall materials are prohibited at all levels of the building in all downtown zones:~~

~~(1) Plywood paneling;~~

~~(2) Brick with dimensions larger than 4 by 8 by 2 in;~~

~~(3) Spandrel glazing/curtain wall;~~

~~(4) Vinyl or metal cladding;~~

~~(5) Composite wood fiberboard or composite cement-based siding, except as permitted in the Downtown Residential Zone in Subsection 19.304.6.C.2.d.(3);~~

~~(6) Metal panels, except at penthouse level.~~

d. ~~The following wall materials are permitted only in the Downtown Residential Zone where densities are less than 30 units per acre:~~

~~(1) Board and batten cladding (limited to a maximum of 20% of the wall area);~~

~~(2) Wood shingles;~~

~~(3) Composite wood fiberboard or composite cement-based siding.~~

3. ~~Design Standards for Windows~~

~~The following standards are applicable to building windows facing streets, courtyards, and/or public squares in all of the downtown zones.~~

a. ~~Windows shall be "punched" openings recessed a minimum of 2 in from the wall surface.~~

b. ~~Window height shall be equal to or greater than window width.~~

c. ~~The following windows are prohibited:~~

~~(1) Reflective, tinted, or opaque glazing;~~

~~(2) Simulated divisions (internal or applied synthetic materials);~~

~~(3) Exposed, unpainted metal frame windows.~~

Proposed Code Amendment

4. ~~Design Standards for Roofs~~

~~The following standards are applicable to building roofs in all of the downtown zones.~~

- ~~a. Flat roofs shall include a cornice with no less than 6 in depth (relief) and a height of no less than 12 in.~~
 - ~~b. Mansard or decorative roofs on buildings less than 3 stories are prohibited in all downtown zones.~~
 - ~~c. Metal roofs are prohibited only in the Downtown Residential Zone.~~
-

CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

19.401 WILLAMETTE GREENWAY ZONE WG

19.401.3 Limitations on Use

All land use actions and any change or intensification of use, or development permitted in the underlying zone, are conditional uses, subject to the provisions of Section 19.905.

Prohibited uses:

- A. Commercial, industrial and residential structures and residential accessory structures exceeding 35 ft in height west of McLoughlin Blvd;
 - B. Residential floating structures;
 - C. New private noncommercial boathouses or storage structures, including temporary structures;
 - D. New private noncommercial docks exceeding 400 sq ft;
 - E. Grading and tree cutting is prohibited in the buffer, except as allowed in Subsections 19.401.8.B.1 through 6.
-

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.504 SITE DESIGN STANDARDS

19.504.6 Transition Area Measures

Where commercial, mixed-use, or industrial development is proposed 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. ~~The downtown zones are exempt from this subsection.~~

- 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.
- 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 the 6-ft level to screen lower-density residential uses from direct view across the open space.

19.505 BUILDING DESIGN STANDARDS

19.505.3 Design Standards for Multifamily Housing

B. Applicability

The design elements in Table 19.505.3.D in this subsection apply, as described below, to all multifamily and congregate housing developments with 3 or more dwelling units on a single lot, ~~except within the downtown zones of Section 19.304~~. Cottage cluster housing and rowhouses on their own lots are subject to separate standards and are therefore exempt from Subsection 19.505.3. Housing development that is on a single lot and emulates the style of cottage cluster housing or rowhouses is subject to the standards of this subsection.

1. All new multifamily or congregate housing development is subject to the design elements in this subsection.
2. The following design elements are applicable for work that would construct a new building or increase the floor area on the site by more than 1,000 sq ft. Elements that are applicable only to additions do not apply to the site's existing development.
 - a. Subsection 19.505.3.D.1 Private Open Space, for the entire site.
 - b. Subsection 19.505.3.D.2 Public Open Space, for the entire site.
 - c. Subsection 19.505.3.D.5 Building Orientation and Entrances, only for additions or new buildings.
 - d. Subsection 19.505.3.D.6 Building Façade Design, only for additions or new buildings.
 - e. Subsection 19.505.3.D.7 Building Materials, only for additions or new buildings.
 - f. Subsection 19.505.3.D.8 Landscaping, for the entire site.
 - g. Subsection 19.505.3.D.9 Screening, only for additions or new buildings.

- h. Subsection 19.505.3.D.11 Sustainability, only for new buildings.
 - i. Subsection 19.505.3.D.12 Privacy Considerations, only for additions or new buildings.
 - j. Subsection 19.505.3.D.13 Safety, only for additions or new buildings.
3. Subsection 19.505.3.D.7 Building Materials is applicable for work that would replace more than 50% of the façade materials on a building within a 12-month period. The element applies only to the building on which the new façade materials are installed.
 4. Any activity not described in Subsections 19.505.3.D.2.a-c is exempt from the design elements in this subsection.

19.505.6 Design Standards for Live/Work Units

A. Purpose

This section establishes regulations and standards for creating and operating live/work units as a primary use. The purposes of these provisions are as follows:

1. Allow for the creation of cost-efficient alternative work space that will provide an incentive for entrepreneurs, business owners, artists, artisans, and other individuals to work in Milwaukie and contribute to the city's economy.
2. Foster and encourage the development of small businesses.
3. Enliven the vitality of commercial corridors by encouraging on-site residential uses.
4. Ensure that the use and design of live/work units is compatible with the use and design of surrounding structures and development.

B. Applicability

These standards apply to live/work units, as defined in Section 19.201, wherever this use is allowed by the base zones in Chapter 19.300 or the overlay zones in Chapter 19.400.

1. Live/work units may be established through the conversion of existing buildings or through new construction.
2. The construction or creation of live/work units in the Downtown Mixed Use Zone is subject to the design standards and applicability of Subsection 19.508.
3. Development standards for live/work units are those of the base zone and Subsection 19.505.6.D.

C. Use Standards

1. Any nonresidential use allowed in the base zone within which a live/work unit is legally located may be conducted on the premises of that live/work unit.
2. At least one of the employees of the commercial portion of the live/work unit must reside in the unit.
3. The ground floor of a live/work unit can be used for either commercial or residential purposes. When the ground floor is being used as part of the dwelling, the provisions of Subsection 19.508.4.E.5.e are not applicable.
4. A live/work unit is allowed instead of, or in addition to, a home occupation as defined by Section 19.201.

Proposed Code Amendment

D. Development Standards

In addition to the standards of the base zone, live/work units shall comply with all of the following standards.

1. The nonresidential portion of the unit shall occupy at least 25% of the gross floor area.
2. The nonresidential portion of the building shall be located on the ground floor and the residential unit shall be located on the upper floors or to the rear of the nonresidential portion.
4. Employees shall be limited to occupants of the residential portion of the building plus up to 3 persons not residing in the residential portion.

E. Design Standards

1. Live/work units are subject to the design standards of Subsection 19.508.
2. The transitional entry standards of Subsection 19.505.5.C.2 do not apply to live/work units.

19.505.67 Building Orientation to Transit

19.508 DOWNTOWN SITE AND BUILDING DESIGN STANDARDS

This section contains building design standards to be used with Type I and II downtown design reviews, as established in Section 19.907, and to provide additional direction when the Downtown Design Guidelines are applied through a Type III downtown design review process.

19.508.1 Purpose

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards will support the development of a cohesive, attractive, and safe downtown area and encourage private investment. The design standards do not prescribe a particular building or architectural style. Compliance with the standards is reviewed as part of a Type I or II downtown design review.

19.508.2 Applicability

The design standards in this section generally apply to the street-abutting façades of nonresidential, mixed-use, and residential-only multifamily buildings within the downtown zones. More detailed applicability language is provided at the beginning of each specific standard. Development is subject to the standards of this section as described below.

A. New Development

1. All new development is subject to the standards of this section.
2. New development that does not meet one or more standards of this section is subject to Type III downtown design review per Section 19.907 and review against the purpose statement and Downtown Design Guideline(s) related to that standard.

B. Expansions, Additions, and/or Changes to Existing Buildings or Structures

The following elements are applicable to expansions of, and/or additions to, existing buildings or structures. Elements that are applicable to expansions or additions do not apply

to existing buildings unless stated below. Expansions or additions that bring the building or structure out of conformance, or further out of conformance if already nonconforming, with the applicable design standard or standards are subject to Chapter 19.800 Nonconforming Uses and Development or Section 19.907 Downtown Design Review.

1. Expansions or additions that add 250 sq ft or less—and are not visible from the pedestrian level of adjacent streets, sidewalks, courtyards, and/or public parks or pedestrian walkways—are exempt from the design standards of Section 19.508.
2. Expansions or additions to the street-abutting façade are subject to the following standards.
 - a. Subsection 19.508.4.A.2 Building Façade Details, Nonresidential and Mixed-Use Buildings, for the area of expansion or addition only.
 - b. Subsection 19.508.4.B Corners, if applicable.
 - c. Subsection 19.508.4.C Weather Protection, if the addition or expansion includes a building entry.
 - d. Subsection 19.508.4.D.3 Exterior Building Materials, For Existing Development, only for the area of the expansion.
 - e. Subsection 19.508.4.E Windows and Doors, only for the area of expansion or addition.
 - f. Subsection 19.508.4.F Roofs and Rooftop Equipment, for expansions that include an additional floor, a new roof, and/or new rooftop equipment.
 - g. Subsection 19.508.4.G Open Space/Plazas.

C. Replacement of Materials

The following elements are applicable for work that would replace any of the façade materials on a building or change elements of the façade such as windows, doors, awnings, canopies, and other structural elements. The element applies only to the portion of the façade on which the new materials are installed or the structural element being replaced.

1. Subsection 19.508.4.A.2.a(1)(b) for replacement of more than 25% of the building façade materials.
2. Subsection 19.508.4.A.2.a(2)(b) for replacement of more than 25% of the building façade materials.
3. Subsection 19.508.4.A.2.b, for replacement of more than 25% of the building façade materials.
4. Subsection 19.508.4.D.3 for existing development.

D. Other Activities

Any activity not described in Subsections 19.508.2.A-C is exempt from the design standards of this section.

19.508.3 Review Process

Design standards for development in downtown Milwaukie are applied through downtown design review as established in Section 19.907. Projects subject to downtown design review are described in the applicability language in Subsection 19.907.2.

Proposed Code Amendment

For those projects that are subject to downtown design review, there are three possible review paths. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met.

A. Type I

This provides for a Type I review process using clear and quantifiable design standards. It is intended to apply limited design standards to smaller building and site renovation projects.

B. Type II

This provides for a Type II process that requires staff review utilizing clear and quantifiable design standards. It generally applies to new development and renovation/remodeling projects.

C. Type III

This provides for a discretionary Type III review process through which the Design and Landmarks Committee and Planning Commission determine substantial consistency with the Milwaukie Downtown Design Guidelines document. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility.

Designing a project to meet the quantifiable design and development standards would result in an administrative (Type I or II) review process. However, applicants, at their discretion, may choose to use the Type III process with the Design and Landmarks Committee and Planning Commission.

19.508.4 Building Design Standards

All buildings that meet the applicability provisions in Subsection 19.508.2 shall meet the following design standards. An architectural feature may be used to comply with more than one standard.

A. Building Façade Details

1. Purpose

To provide cohesive and visually interesting building façades in the downtown, particularly along the ground floor.

2. Nonresidential and Mixed-Use Buildings

The following standards apply only to nonresidential and mixed-use buildings.

a. Vertical Building Façade

Nonresidential and mixed-use buildings 2 stories and above shall provide a defined base, middle, and top.

(1) Base

The base extends from the sidewalk to the bottom of the second story or the belt course/string course that separates the ground floor from the middle of the building. The building base shall be defined by providing all of these elements:

(a) The street-facing ground floor shall be divided into distinct architectural bays that are no more than 30 ft on center. For the purpose of this

standard, an architectural bay is defined as the zone between the outside edges of an engaged column, pilaster, post, or vertical wall area.

(b) The building base shall be constructed of brick, stone, or concrete to create a "heavier" visual appearance.

(c) Weather protection that complies with the standards of Subsection 19.508.4.C.

(d) Windows that comply with the standards of Subsection 19.508.4.E.

(2) Middle

The middle of a building extends from the top of the building base to the ceiling of the highest building story. The middle is distinguished from the top and base of the building by use of building elements. The middle of the building shall be defined by providing all of the following elements:

(a) Windows that comply with the standards of Subsection 19.508.4.E.

(b) One of the following elements:

(i) A change in exterior cladding, and detailing and material color between the ground floor and upper floors. Differences in color must be clearly visible.

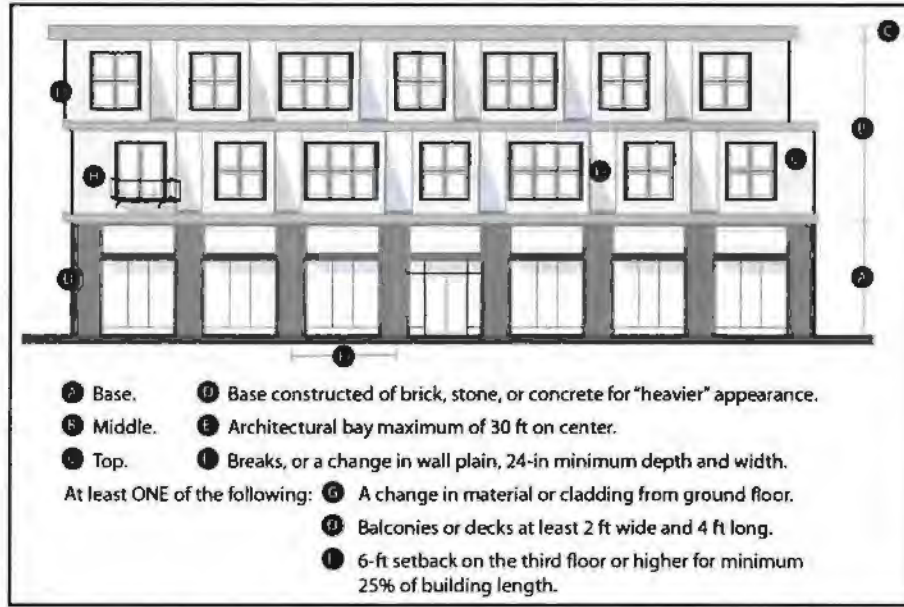
(ii) Either street-facing balconies or decks at least 2 ft deep and 4 ft wide, or a 6-ft minimum building step-back on the third floor or higher, for at least 25% of the length of the building.

(c) A change in wall plane of not less than 24 in. deep and 24 in wide. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, pediment, coursing, column, marquee, or similar architectural feature.

(3) Top

The top of the building extends from the ceiling of the uppermost floor to the highest vertical point on the roof of the building, and it is the roof form/element at the uppermost portion of the façade that visually terminates the façade. The top of the building shall provide roofs that comply with the standards of Subsection 19.508.4.F.

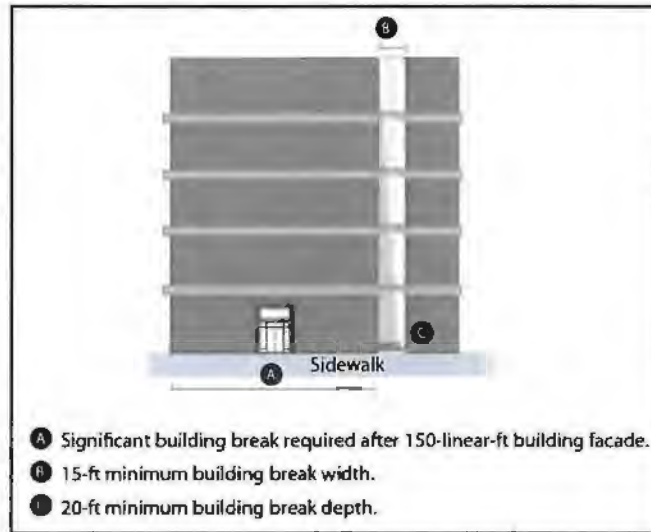
Figure 19.508.4.A.2.a
Vertical Building Façade Details



b. Horizontal Building Façade

- (1) Horizontal datum lines—such as belt lines, cornices, or upper-floor windows—shall line up with adjacent façades if applicable.
- (2) Significant breaks shall be created along building façades at least every 150 linear ft by either setting the façade back at least 20 ft or breaking the building into separate structures. Breaks shall be at least 15 ft wide and shall be continuous along the full height of the building. The area or areas created by this break shall meet the standards of Subsection 19.304.5.H.

Figure 19.508.4.A.2.b
Horizontal Building Façade Details



3. Residential Buildings

- a. Stand-alone multifamily residential buildings are subject to the objective standards of Subsection 19.505.3.D.6 Building Façade Design, with the exception of the private and public open space requirements of Subsections 19.505.3.D.1 and 2. The open space requirements of Subsection 19.508.5 apply to stand-alone multifamily residential buildings in downtown.
- b. Rowhouses are subject to the objective standards of Subsection 19.505.5 Standards for Rowhouses, as revised by Subsection 19.304.3.B.
- c. Live/work units are subject to the objective standards in Subsection 19.505.6 Standards for Live/Work Units.

B. Corners

1. Purpose

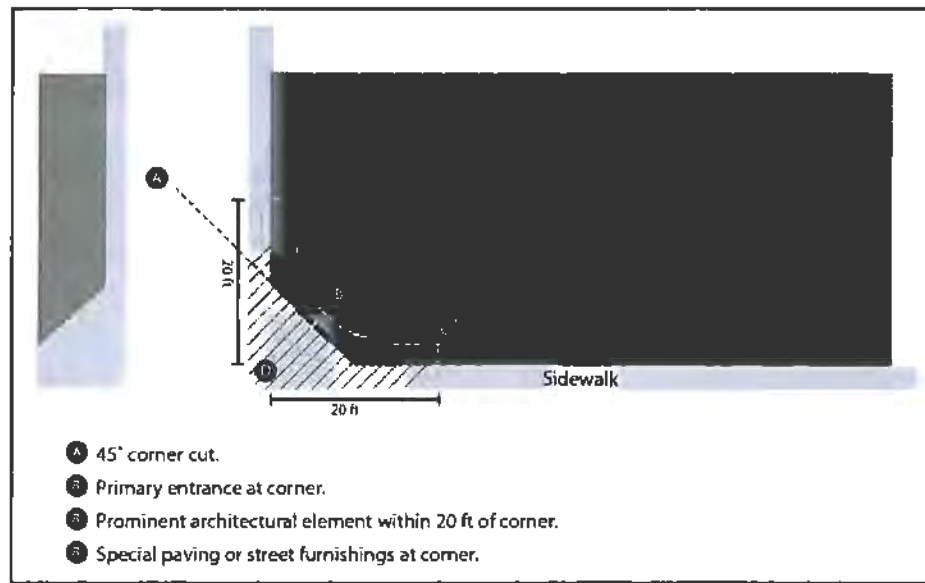
To create a strong architectural statement at street corners and establish visual landmarks and enhance visual variety.

2. Nonresidential or Mixed-Use Buildings

Nonresidential or mixed-use buildings at the corner of two public streets—or at the corner of a street and a public area, park, or plaza—shall incorporate two of the following features (for the purposes of this standard an alley is not considered a public street):

- a. The primary entry to the building located within 5 ft of the corner.
- b. A prominent architectural element, such as increased building height or massing, a cupola, a turret, or a pitched roof at the corner of the building or within 20 ft of the corner of the building.
- c. The corner of the building cut at a 45° angle or a similar dimension "rounded" corner.
- d. A combination of special paving materials; street furnishings; and, where appropriate, plantings, in addition to the front door.

**Figure 19.508.4.B.2
Corner Standards**



C. Weather Protection

1. Purpose

Create an all-season pedestrian environment.

2. Weather Protection Required

All buildings shall provide weather protection for pedestrians as follows:

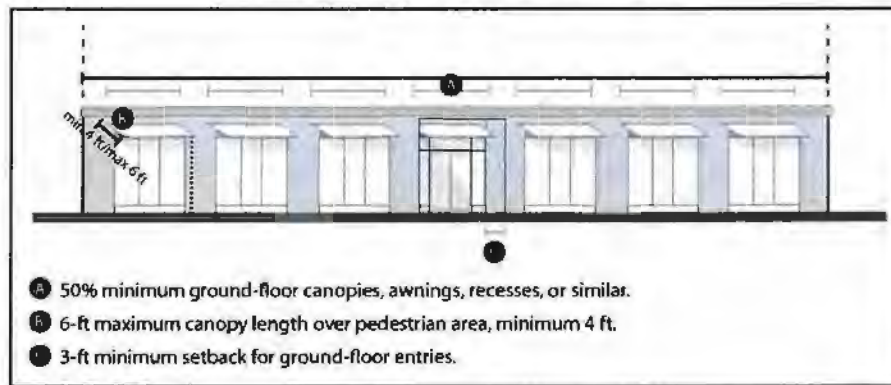
a. Minimum Weather Protection Coverage

- (1) All ground-floor building entries shall be protected from the weather by canopies or recessed behind the front building façade at least 3 ft.
- (2) Permanent awnings, canopies, recesses, or similar weather protection shall be provided along at least 50% of the ground-floor elevation(s) of a building where the building abuts a sidewalk, civic space, or pedestrian accessway.
- (3) Weather protection used to meet the above standard shall extend at least 4 ft, and no more than 6 ft, over the pedestrian area, and a maximum of 4 ft into the public right-of-way. Balconies meeting these dimensional requirements can be counted toward this requirement.
- (4) In addition, the above standards do not apply where a building has a ground-floor dwelling, as in a mixed-use development or live-work building, and the dwelling entrance has a covered entrance.

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.

Figure 19.508.4.C.2
Weather Protection Requirements



D. Exterior Building Materials

1. Purpose

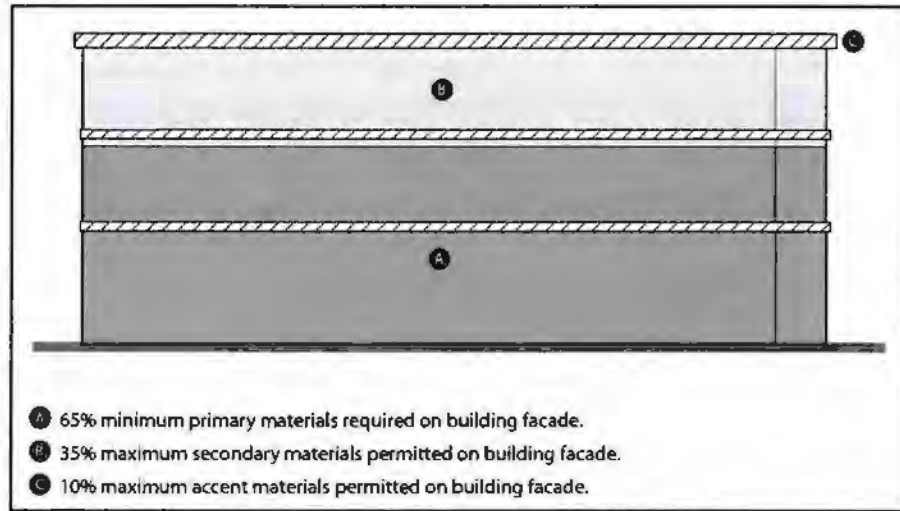
To encourage the construction of attractive buildings with materials that evoke a sense of permanence and are compatible with downtown Milwaukie and the surrounding built and natural environment.

2. Exterior Wall Standards

The following standards are applicable to the street-facing façades of all new buildings. For the purposes of this standard, street-facing façades are those abutting streets, courtyards, and/or public squares in all of the downtown. Table 19.508.4.D specifies the primary, secondary, and prohibited material types referenced in this standard.

- a. Buildings shall utilize primary materials for at least 65% of each applicable building façade.
- b. Secondary materials are permitted on no greater than 35% of each applicable building façade.
- c. Accent materials are permitted on no greater than 10% of each applicable building façade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.).
- d. Buildings shall not use prohibited materials on any exterior wall, whether or not it is a street-facing façade.

Figure 19.508.4.D.2
Exterior Wall Standards



3. For Existing Development

Façade modifications that affect more than 50% of the façade shall comply with standards in this section. The Planning Director may waive this requirement if application of the standards would create an incongruous appearance of existing and new materials.

Table 19.508.4.D
Downtown Exterior Building Materials

<u>Material Type</u>	<u>Nonresidential and Mixed-Use</u>	<u>Residential</u>
<u>Brick</u>	<u>P</u>	<u>P</u>
<u>Stone/masonry</u>	<u>P</u>	<u>P</u>
<u>Genuine stucco</u>	<u>P</u>	<u>P</u>
<u>Glass (transparent, spandrel)</u>	<u>P</u>	<u>P</u>
<u>Finished wood, wood veneers, and wood siding</u>	<u>P</u>	<u>P</u>
<u>Finished metal panels—such as anodized aluminum, stainless steel, or copper—featuring a polished, brushed, or patina finish</u>	<u>S</u>	<u>S</u>
<u>Concrete blocks with integral color (ground, polished, or glazed finishes)</u>	<u>S</u>	<u>S</u>
<u>Concrete (poured in place or precast)</u>	<u>S</u>	<u>S</u>
<u>Fiber-reinforced cement siding and panels</u>	<u>S</u>	<u>S</u>
<u>Ceramic tile</u>	<u>S</u>	<u>S</u>
<u>Concrete blocks with integral color (split-face finish)</u>	<u>A</u>	<u>A</u>
<u>Standing seam and corrugated metal</u>	<u>A</u>	<u>A</u>
<u>Glass block</u>	<u>A</u>	<u>A</u>
<u>Vegetated wall panels or trellises</u>	<u>S</u>	<u>A</u>
<u>Vinyl siding</u>	<u>N</u>	<u>N</u>
<u>Plywood paneling</u>	<u>N</u>	<u>N</u>

Exterior insulation finishing system (EIFS) or other synthetic stucco panels	<u>N</u>	<u>N</u>
Plastic or vinyl fencing	<u>N</u>	<u>N</u>
Chain-link fencing	<u>N</u>	<u>N</u>

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

E. Windows and Doors

1. Purpose

To enhance street safety and provide a comfortable pedestrian environment by adding interest to exterior façades, allowing for day lighting of interior space, and creating a visual connection between interior and exterior spaces.

2. Main Street

For block faces along Main St, 50% 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.

3. Other Streets

For all other block faces, the exterior wall(s) of the building facing the street/sidewalk must meet the following standards:

- a. 40% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors.
- b. Along McLoughlin Blvd the required coverage is 30%.

4. Upper Level

Along all block faces, the following standards are applicable on the upper-level building façades facing a street or public space.

- a. Upper building stories shall provide a minimum of 30% glazing. For the purposes of this standard, minimum glazing includes windows and any glazed portions of doors.
- b. The required upper-floor window/door percentage does not apply to floors where sloped roofs and dormer windows are used.
- c. A minimum of 60% of all upper-floor windows shall be vertically oriented. This vertical orientation applies to grouped window arrays as opposed to individual windows.

5. General Standards

- a. 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.
- b. All buildings with nonresidential ground-floor windows must have a visible transmittance (VT) of 0.6 or higher.

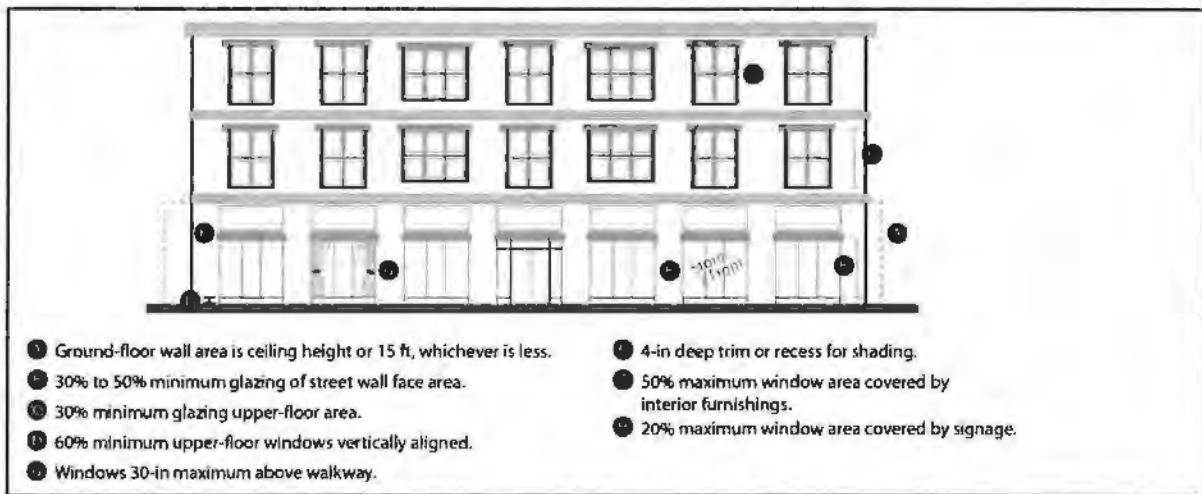
Proposed Code Amendment

- c. 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.
 - d. The bottom edge of windows along pedestrian ways shall be constructed no more than 30 in above the abutting walkway surface.
 - e. Ground-floor windows for nonresidential buildings shall allow views into storefronts, working areas, or lobbies. No more than 50% of the window area may be covered by interior furnishings including, but not limited to, curtains, shades, signs, or shelves.
 - f. Signs are limited to a maximum coverage of 20% of the required window area.
6. Prohibited Window Elements

For all building windows facing streets, courtyards, and/or public squares in the downtown, the following window elements are prohibited:

- a. Reflective, tinted, or opaque glazing.
- b. Simulated divisions (internal or applied synthetic materials).
- c. Exposed, unpainted metal frame windows.

Figure 19.508.4.E
Windows and Doors



F. Roofs and Rooftop Equipment

1. Purpose

To create a visually interesting condition at the top of the building that enhances the quality and character of the building.

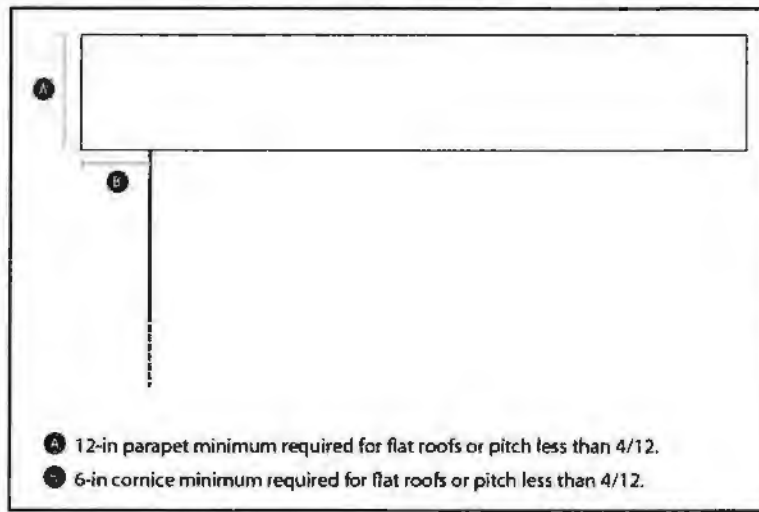
2. Roof Forms

a. 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.

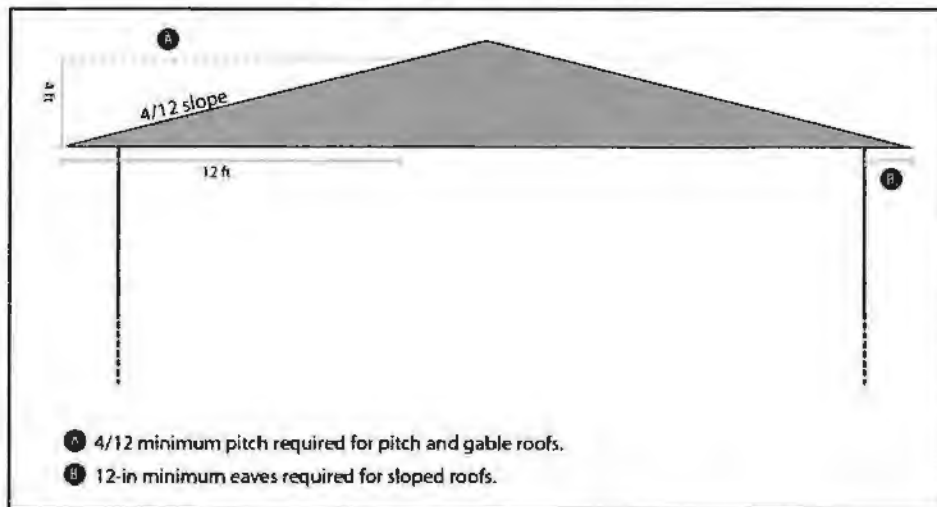
- (3) Gabled roof.
- (4) Dormers.
- (5) Shed roof.
- b. All flat roofs, or those with a pitch of less than 4/12, shall be architecturally treated or articulated with a parapet wall that projects vertically above the roofline at least 12 in and/or a cornice that projects from the building face at least 6 in.

Figure 19.508.4.F.2.b
Flat Roof with Parapet or Cornice



- c. All hip or gables roofs exposed to view from adjacent public or private streets and properties shall have a minimum 4/12 pitch.
- d. Sloped roofs shall have eaves, exclusive of rain gutters, that project from the building wall at least 12 in.

Figure 19.508.4.F.2.c&d
Pitch and Gable Roofs



Proposed Code Amendment

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.

3. Rooftop Equipment and Screening

a. The following rooftop equipment does not require screening:

(1) Solar panels, wind generators, and green roof features.

(2) Equipment under 2 ft high, if set back a minimum of 5 ft from the outer edge of the roof.

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.

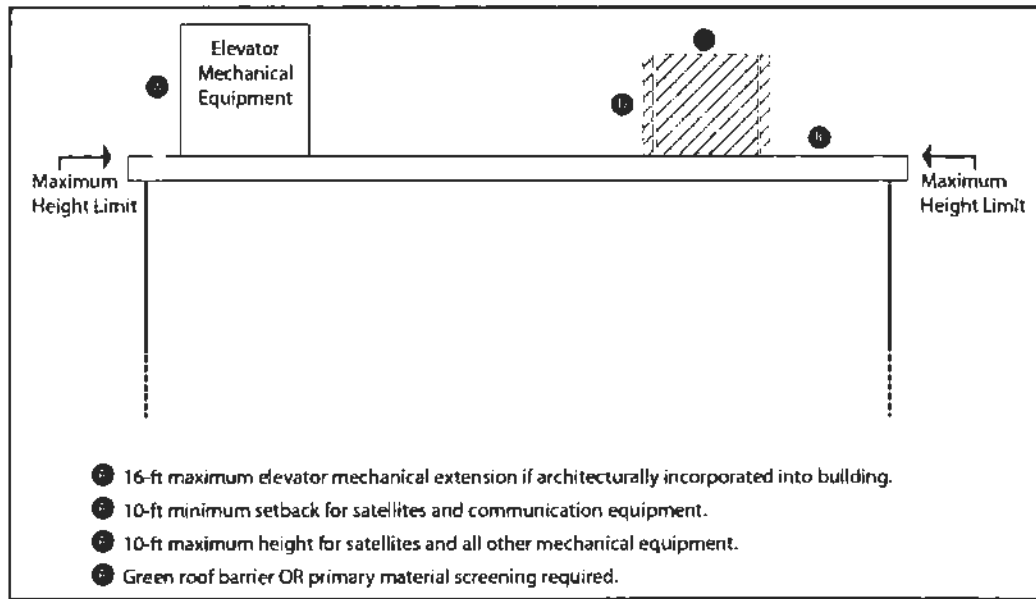
c. Satellite dishes, communications equipment, and all other roof-mounted mechanical equipment shall be limited to 10 ft high, shall be set back a minimum of 10 ft from the roof edge, and shall be screened from public view and from views from adjacent buildings by one of the following methods:

(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.

Figure 19.508.4.F.3
Rooftop Equipment and Screening



4. 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 high.

G. Open Space/Plazas

1. Intent

To assure adequate public and private open space in the downtown.

2. Mixed-Use and Residential Development

The following standards apply to mixed-use buildings with more than 4 residential units and residential-only multifamily developments.

a. Outdoor Space Required

50 sq ft of private or common open space is required for each dwelling unit. The open space may be allocated exclusively for private or common use, or it may be a combination of the two uses.

b. Common Open Space

(1) Common open space may be provided in the form of decks, shared patios, roof gardens, recreation rooms, lobbies, or other gathering spaces created strictly for the tenants and not associated with storage or circulation.

Landscape buffer areas may not be used as common open space unless active and passive uses are integrated into the space and its use will not adversely affect abutting properties.

(2) With the exception of roof decks or gardens, outdoor common open space shall be abutted on at least two sides by residential units or by nonresidential uses with windows and entrances fronting on the space.

c. Private Open Space

(1) Private open space may be provided in the form of a porch, deck, balcony, patio, terrace, or other private outdoor area.

(2) The private open space provided shall be contiguous with the unit.

(3) Balconies used for entrances or exits shall not be considered as private open space except where such exits or entrances are for the sole use of the unit.

(4) Balconies may project up to a maximum of 4 ft into the public right-of-way.

d. Credit for Open Space

An open space credit of 50% may be granted when a development is directly adjacent to, or across a public right-of-way from, an improved public park.

19.508.5 Variances

Variances cannot be granted for the design standards of Section 19.508. Projects that cannot meet the design standards in this section must be reviewed through a Type III downtown design review and demonstrate compliance with the Milwaukie Downtown Design Guidelines, pursuant to Section 19.907.

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.601 PURPOSE

Chapter 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of Chapter 19.600 is to: provide adequate, but not excessive, space for off-street parking; avoid parking-related congestion on the streets; avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; encourage bicycling, transit, and carpooling; minimize parking impacts to adjacent properties; improve the appearance of parking areas; and minimize environmental impacts of parking areas.

Regulations governing the provision of on-street parking within the right-of-way are contained in Chapter 19.700 and the ~~Milwaukee Downtown and Riverfront Plan Public Area Requirements, which is an ancillary document to the Comprehensive Plan.~~ The management of on-street parking is governed by Chapter 10.20. Chapter 19.600 does not enforce compliance with the Americans with Disabilities Act (ADA). ADA compliance on private property is reviewed and enforced by the Building Official.

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

The purpose of Section 19.605 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratios for common land uses, and Subsection 19.605.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

Nonresidential development in the Downtown Mixed Use (DMU) and Open Space (OS) Zones is exempt from the requirements of Section 19.605.

~~The Downtown Storefront (DS) Zone and the portion of the Downtown Office (DO) Zone north of Washington Street and east of McLoughlin Boulevard are exempt from the requirements of Section 19.605.~~

Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements		
Use	Minimum Required	Maximum Allowed
A. Residential Uses		
2. Multifamily dwellings containing 3 or more dwelling units (includes senior and retirement housing).		
a. Dwelling units with 800 sq ft of floor area or less <u>and all units located in the DMU Zone.</u>	1 space per dwelling unit.	2 spaces per dwelling unit.
b. Dwelling units with more than 800 sq ft of floor area.	1.25 spaces per dwelling unit.	2 spaces per dwelling unit.

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) Zone in the area bounded by 42nd Avenue, King Road, 40th Avenue, and Jackson Street.
- d. Properties in the Commercial General (C-G) Zone in the area bounded by 42nd Avenue, Harrison Street, 44th Avenue, and Jackson Street.

2. Proximity to Public Transit

- a. Parking for commercial and industrial uses may be reduced by up to 10% if the development is within 500-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.
- b. Parking for multifamily uses may be reduced by up to 20% if the development is within 500-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.
- c. Parking for all uses except single-family attached and detached dwellings may be reduced by 25% if the development is within 1,000-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a light rail transit stop, or if it is located in the Downtown Mixed Use Zone DMU.
- d. In determining walking distance, the applicant shall measure the shortest route along sidewalks, improved pedestrian ways, or streets if sidewalks or improved pedestrian ways are not present. Walking distance shall be measured along the shortest course from the point on the development site that is nearest to the transit stop.

19.606 PARKING AREA DESIGN AND LANDSCAPING

19.606.2 Landscaping

B. General Provisions

Proposed Code Amendment

1. Parking area landscaping shall be required for the surface parking areas of all uses, except for cottage clusters, rowhouses, duplexes, and single-family detached dwellings. Landscaping shall be based on the standards in Subsections 19.606.2.C-E.
 2. Landscaped areas required by Subsection 19.606.2 shall count toward the minimum amount of landscaped area required in other portions of Title 19.
 3. Parking areas with 10 or fewer spaces in the Downtown Mixed Use Storefront Zone and ~~the portion of the Downtown Office Zone located to the north of Washington Street and east of McLoughlin Boulevard~~, are exempt from the requirements of Subsection 19.606.2.
-

19.608 LOADING

19.608.1 General Provisions

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

19.609 BICYCLE PARKING

19.609.1 Applicability

Bicycle parking shall be provided for all new commercial, industrial, community service use, and multifamily residential development. Temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units are exempt from Section 19.609. Bicycle parking shall be provided in the Downtown Mixed Use Zone ~~downtown zones~~ and at transit centers.

19.611 PARKING STRUCTURES

The purpose of Section 19.611 is to regulate the design and location of structured parking, and to provide appropriate incentives for the provision of structured parking. Structured parking is allowed to accommodate parking that is required for a specific use, or as a parking facility that is a use by itself.

19.611.1 Permitted Zones and Review Procedures

- A. Parking structures, including underground parking, are allowed in all zoning districts except the R-10, R-7, R-5, and ~~Downtown Open Space Zones~~. A parking structure can be permitted through approval of a Community Service Use application in all zones except the Downtown Open Space Zone. A parking structure to be used for commercial parking in the Downtown Mixed Use Zone must be permitted through approval of a conditional use application.
-

CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS

~~19.710 DOWNTOWN REIMBURSEMENT~~

~~19.710.1 Reimbursement Eligibility~~

~~In downtown zones, the City will reimburse property owners for certain expenditures related to frontage improvements. The City will reimburse those requesting reimbursement for expenditures that meet all of the following criteria:~~

- ~~A. The expenditure is required as a prerequisite to obtaining a development or building permit.~~
- ~~B. The development approved by the permit for which the expenditure was a prerequisite, has been completed in its entirety.~~
- ~~C. The expenditure is either a payment made to the City as a fee in lieu of construction pursuant to Section 19.706, or is the amount paid to construct right-of-way frontage improvements, pursuant to Subsection 19.703.3.B.~~
- ~~D. The fee in lieu of construction was paid to the City, or the right-of-way permits for the frontage improvements were issued, between the dates of August 1, 2012, and March 21, 2013, the effective date of Ord. #2059.~~
- ~~E. The development or change in use would have been exempt under Subsection 19.702.3.B.~~
- ~~F. The expenditures for which reimbursement is requested were made by the party or parties requesting reimbursement or the successors in interest of such parties.~~

~~19.710.2 Reimbursement Amount~~

- ~~A. Reimbursement by the City under this subsection shall be for one of the following expenses:
 - ~~1. The total amount paid to the City by the party or parties requesting reimbursement as a fee in lieu of construction for right-of-way improvements on the property's frontage.~~
 - ~~2. The total amount expended by the party or parties requesting reimbursement on right-of-way improvements along the property's frontage.~~~~
- ~~B. The following expenses are not eligible for reimbursement by the City: system development charges, improvements identified as required mitigation by a Traffic Impact Study per Section 19.704, permit fees, or inspection fees.~~

~~19.710.3 Reimbursement Process~~

~~A property owner in a downtown zone must initiate the reimbursement process by submitting a written request for reimbursement to the Community Development Director.~~

- ~~A. The written request for reimbursement must include the following information:
 - ~~1. The address or tax lot number of the property in question.~~
 - ~~2. The name of the person or persons (individual or corporate) that are requesting the reimbursement.~~
 - ~~3. Documentation of current ownership of the property in question.~~
 - ~~4. The amount of the requested reimbursement.~~
 - ~~5. Written documentation of the payment to the City of a fee in lieu of construction or the amount expended on the construction of right-of-way improvements, by the party or parties requesting reimbursement, or the predecessors in interest to such parties.~~~~

Proposed Code Amendment

- ~~6. A copy of the decision requiring the construction of the subject right-of-way improvements, or a receipt for the payment of the subject fee in lieu of construction, for which reimbursement is requested.~~
- ~~B. Upon receipt of a written request for reimbursement, the Community Development Director shall review the request for consistency with the requirements and standards of this section. This review is not a land use decision.~~
- ~~C. Upon approval of a reimbursement request, the City shall make the funds payable to the requesting party or parties within 60 days.~~

~~19.710.4 Time Limit on Reimbursement~~

~~Section 19.710 shall be effective for one year from March 21, 2013, the effective date of Ord. #2059. On the 365th day after the effective date, this section shall be automatically repealed, no longer part of the Milwaukie Municipal Code, and no longer of any effect within the city.~~

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 ¹	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions ²
BI	P1	P2	P2	P2
M	P1	P2	P2	P2
<u>M-TSA</u>	<u>P1</u>	<u>P2</u>	<u>P2</u>	<u>P2</u>
C-N	N	P2	P2	P2
C-G	N	P2	P2	P2
C-L	N	P2	P2	P2
C-CS	N	P2	P2	P2
DC	N	P2	P2	P2
DR	N	P2	P2	P2
DO	N	P2	P2	P2
DS	N	P2	P2	P2
<u>OS</u>	<u>N</u>	<u>P2</u>	<u>P2</u>	<u>P2</u>
<u>DMU</u>	<u>N</u>	<u>P2</u>	<u>P2</u>	<u>P2</u>
R-O-C	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

¹ 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.

² 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.

Proposed Code Amendment

a. Height Restrictions

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

- (1) ~~BI and 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, R-O-C, C-N, C-G, C-L, ~~DC, DR, DO, DS~~ and the ~~OS OS, and DMU~~ Zones.

19.905 CONDITIONAL USES

19.905.5 Conditions of Approval

The Planning Commission, or Planning Director in the case of minor modifications, may impose conditions of approval that are suitable and necessary to assure compatibility of the proposed use with other uses in the area and minimize and mitigate potential adverse impacts caused by the proposed use.

Conditions of approval may include, but are not limited to, the following aspects of the proposed use:

- L. Requiring off-street parking.
-

19.907 DOWNTOWN DESIGN REVIEW

19.907.1 Purpose

Downtown design review is intended to achieve the following purposes.

- A. Preserve and enhance the character of downtown Milwaukie.
- B. Ensure a degree of order, harmony, and quality in the downtown, providing buildings and projects that are attractive individually yet contribute to a downtown that is distinctive as a whole.
- C. Ensure that new development, and alterations or enlargement of existing development, are consistent with the downtown site and building design standards of Section 19.508 or Downtown Design Guidelines.
- D. Implement the vision of the Downtown and Riverfront Land Use Framework Plan.
- E. Provide a design review process that allows applicants to choose standards or more flexible discretionary guidelines.

19.907.2 Applicability

Applications for downtown design review shall be processed through a Type I, II, or III procedure, in accordance with Chapter 19.1000, as follows:

A. Exemptions

Downtown design review does not apply to the following projects:

1. Demolition, unless listed on the City of Milwaukie Historic Resource Inventory and subject to the standards of Section 19.403.

2. Building additions of less than 250 sq ft that are not visible from streets, sidewalks, courtyards, public parks, and/or pedestrian walkways.
3. Maintenance, restoration, and repair of a building in a manner that is consistent with previous approvals and/or necessary for safety. Examples include paint retouching, and other routine upkeep of the building exterior, and in-kind restoration or replacement of damaged materials. Maintenance, restoration, and repair does not include replacement of materials due to obsolescence.
4. Minor building or site upgrades needed to bring an existing development into compliance with the Americans with Disabilities Act.
5. Exterior painting and weatherproofing.
6. Any exterior project that doesn't require a building permit.
7. Interior remodeling.

B. Type I

The following projects are subject to Type I downtown design review:

1. Demolition or replacement of less than 25% of the surface area of any exterior wall or roof.
2. Addition, elimination, or change in location of windows that does not decrease the overall percentage of window coverage.
3. Addition, elimination, or change in location of entry doors and loading doors.
4. Addition of new, or change to existing, awnings, canopies, and other mounted structures to an existing façade.
5. For commercial and mixed-use developments, modification of up to 15% of on-site landscaping with no reduction of the overall landscaping percentage. Modification refers to changing the hardscape elements and the location of required landscaped areas and/or trees.
6. Modification of an off-street parking area with no reduction in parking spaces or increase in paved area, including restriping.
7. Addition of new fences and/or retaining walls of 4 ft height or less.
8. Change of existing grade.
9. An increase in floor area proposed for a nonresidential use of less than 10% up to a maximum of 2,000 sq ft.
10. A reduction in the area reserved for common open space and/or usable open space which does not reduce the open space area below the minimum required or which reduces the open space area by less than 10%. Reduction of the open space area below the minimum required requires variance review per Chapter 19.911.
11. A new stand-alone multifamily residential building or addition that meets the objective design standards in Table 19.505.3.D. Applicants may elect to process a stand-alone residential building through Type II downtown design review if the applicant prefers to meet the design standards of Section 19.508.

C. Type II

The following projects are subject to Type II downtown design review:

Proposed Code Amendment

1. New development that meets the design standards of Section 19.508.
2. Demolition or replacement of more than 25% of the surface area of any exterior wall or roof.
3. Addition, elimination, or change in location of windows that decreases the overall percentage of window coverage.
4. For commercial and mixed-use developments, modification of more than 15% of on-site landscaping or modification that results in a reduction of overall landscaping percentage. Modification refers to changing the hardscape elements and the location of required landscaped areas and/or trees.
5. Modification of an off-street parking area that results in a reduction in parking spaces and/or an increase in paved area.
6. Addition of new fences and/or retaining walls more than 4 ft high.
7. An increase in floor area proposed for a nonresidential use by more than 10% or 2,000 sq ft, whichever is greater.
8. A reduction in the area reserved for common open space and/or usable open space which reduces the open space area by 10% or more.
9. An increase in the height of an existing building up to the maximum height.
10. A reduction in the area reserved for common open space and/or usable open space which reduces the open space area below the minimum required or reduces the open space area by more than 10%.
11. A new stand-alone multifamily residential building or addition that satisfies the design guidelines in Table 19.505.3.D. An applicant may elect to process a stand-alone residential building through Type II downtown design review if the applicant prefers to meet the design standards of Section 19.508.

D. Type III

The following projects are subject to Type III downtown design review:

1. Any project, at the applicant's option.
2. A project, addition, or expansion that is unable to meet one or more of the design standards of Sections 19.508.
3. A project that does not fit the applicability for Type I or II review.
4. A stand-alone multifamily residential building, if applicants elect to process through Type III downtown design review rather than Type I or II Development Review because additional design flexibility is desired.

19.907.3 Review Process

A. General Provisions

Downtown design review generally includes review of the proposed structure(s) and site improvements for compliance with applicable design standards. For expansions or modifications of existing development, the review is limited to the modified portions of the site or structure and any other site improvements that may be affected by the proposed modifications.

B. Review Types

To achieve the purpose of the downtown design standards, there are three downtown design review processes through which to apply for approval:

1. Type I

The ministerial review track provides for a Type I review process pursuant to Section 19.1004 using the design standards in Section 19.508. It is generally intended for smaller building and site renovation projects, as listed in Subsection 19.907.2.B.

2. Type II

The administrative review track provides for a Type II process pursuant to Section 19.1005 that requires staff review utilizing the standards in Section 19.508. It generally applies to new development and renovation/remodeling projects, as listed in Subsection 19.907.2.C.

3. Type III

The discretionary review track provides for a Type III review process pursuant to Section 19.1006, through which the Design and Landmark Committee and Planning Commission determine substantial consistency with the purpose statement of the relevant standard or standards and the Milwaukie Downtown Design Guidelines. It generally applies to new development and renovation/remodeling projects, as listed in Subsection 19.907.2.D.

C. Review Options

Designing a project to the design standards would result in a Type I or II review process. However, applicants, at their option, may choose to use Type III discretionary review.

Through Type III review, applicants can address downtown design review requirements through a combination of satisfying certain design standards and, in instances where they elect not to utilize design standards, satisfying the purpose statement of the applicable standard or standards and the applicable design guidelines instead. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable design guidelines only.

19.907.4 Application

Applications for downtown design review shall be filed with the Planning Department on forms prescribed by the Planning Director. The applicant shall demonstrate compliance with applicable zoning criteria. In addition to all information specified on the "Submittal Requirements" and "Site Plan Requirements" forms, each application for downtown design review shall be accompanied by the following information:

A. Completed downtown design review checklist (for Type III only).

B. Written statement that describes the following:

1. For Type I and II downtown design review, how the proposal is consistent with applicable downtown design standards in Section 19.508.
2. For Type III Design Review, how the proposal meets applicable design guidelines in the Milwaukie Downtown Design Guidelines document.

C. Footprints of surrounding buildings, including driveways and pedestrian connections.

D. Location, dimension, and setbacks of all proposed buildings, structures, walls, and fences.

Proposed Code Amendment

- E. Dimensioned building elevations indicating height, exterior materials, colors, and details of exterior architectural features, such as cornices, windows, and trim.
- F. A streetscape drawing showing the relationship of the proposed project to adjacent buildings.
- G. Frontage improvements in the public right-of-way per the Public Works Standards.

19.907.5 Approval Criteria

A. Type I Downtown Design Review

An application for Type I downtown design review shall be approved when all of the following criteria have been met:

1. Compliance with Title 19.
2. Compliance with applicable design standards in Section 19.508 and any prior land use approvals.

B. Type II Downtown Design Review

An application for Type II downtown design review shall be approved when all of the following criteria have been met:

1. Compliance with Title 19.
2. Compliance with applicable design standards in Section 19.508.

C. Type III Downtown Design Review

An application for Type III downtown design review shall be approved when all of the following criteria have been met:

1. Compliance with Title 19.
2. Compliance with applicable design standards in Section 19.508.
3. Substantial consistency with the purpose statement of the applicable design standard and the applicable Downtown Design Guideline(s) being utilized in place of the applicable design standard(s).

19.907.6 Report and Recommendation by Design and Landmarks Committee

The Design and Landmarks Committee shall hold a public meeting and prepare a downtown design review report for Type III applications pursuant to Section 19.1011. The Planning Commission shall consider the findings and recommendations contained in the downtown design review report during a public hearing on the proposal.

19.907.7 Variances

A. Variances cannot be granted for the downtown design standards of Section 19.508.

Applications unable to meet one or more standards must use the Type III discretionary downtown design review process.

B. For applications using the Type III downtown design review process, variances will only be allowed for the development standards and design standards that are not met. Variances to the design guidelines themselves will not be granted.

19.907 DOWNTOWN DESIGN REVIEW

19.907.1 Purpose

Design review is intended to achieve the following purposes:

- A. ~~Preserve and enhance the character of downtown Milwaukie;~~
- B. ~~Ensure a degree of order, harmony, and quality in the downtown zones, providing buildings and projects that are attractive individually yet contribute to a downtown that is unified and distinctive as a whole; and~~
- C. ~~To ensure that new development and alterations or enlargement of existing development are consistent with the Downtown Design Guidelines and Downtown and Riverfront Land Use Framework Plan.~~

19.907.2 Applicability

~~All new construction and changes to buildings and/or properties in the downtown zones involving exterior maintenance and repair, minor exterior alterations, and major exterior alterations as defined in Subsection 19.304.6.B are subject to design review in accordance with the procedures as outlined below under Subsection 19.907.5.~~

19.907.3 Design Guidelines

~~Design guidelines shall be established for the downtown zones and shall be considered as part of design review applications in accordance with the provisions of Section 19.304.~~

19.907.4 Duty to Review—Planning Director

~~The Planning Director shall review each application for a building permit or other approval in the downtown zones. The purpose of this review is to ensure that improvements within the downtown zones maintain consistent standards of design and to ensure that development is consistent with adopted design guidelines.~~

19.907.5 Application Procedure

~~Applications for design review shall be processed in accordance with Chapter 19.1000, Type I, Type II, and Type III procedures as indicated in this section, as follows:~~

A. ~~Exterior Maintenance and Repair~~

~~Exterior maintenance and repair, as defined in Subsection 19.304.6.B.1, shall be processed as a Type I review in accordance with the procedures in Section 19.1004. Exterior painting, repair, and refurbishing of existing building materials that does not require a building permit shall be exempt from Type I review.~~

B. ~~Minor Exterior Alterations~~

~~Minor exterior alterations, as defined in Subsection 19.304.6.B.2, shall be processed as a Type I review in accordance with the procedures in Section 19.1004. The Planning Director may change a Type I review to a Type II review upon finding the following:~~

- ~~1. The work is visible from streets, courtyards, and/or public squares and significantly changes the architectural character of the building, which may include changes to exterior wall materials and changes in architectural style; and/or~~
- ~~2. The work is inconsistent with the Downtown Design Guidelines.~~

C. ~~Major Exterior Alterations~~

Proposed Code Amendment

Major exterior alterations, as defined in Subsection 19.304.6.B.3, shall be evaluated through a Type III review in accordance with the procedures in Section 19.1006. Applications for major exterior alterations shall be reviewed at a public hearing and decided by the Planning Commission, except as follows:

The following major exterior alterations shall be processed by Type II review:

1. Additions not more than 250 sq ft in floor area that do not face streets, courtyards, and/or public squares and are not designed and used for utility, HVAC, or other mechanical equipment, building upgrades as needed to comply with the Americans with Disabilities Act, or egress required by applicable fire safety or building codes.
2. Demolition or replacement of no more than 25% of the surface area of any exterior wall or roof that does not face streets, courtyard, and or public squares.

D.—Residential

1.—"Stand-Alone" Residential Buildings

"Stand-alone" residential buildings that do not include nonresidential uses are exempt from design review, but shall be subject to the clear and objective design standards under Subsection 19.304.6. Applicants may elect to process a stand-alone residential building design review.

2.—Mixed-Use Buildings

The residential portion of mixed-use buildings shall be subject to the clear and objective standards under Subsection 19.304.6. The nonresidential portion of the building is subject to design review as provided in this section. Applicants may elect to process the entire mixed-use building through design review.

Any change in use of the residential portion of a mixed-use building that elected only to apply clear and objective standards, and where exterior changes to the building are proposed shall require approval by the Planning Commission.

19.907.6 Application

Applications for design review shall be filed with the Planning Department on forms prescribed by the Planning Director. Design review applications shall include a narrative explaining how the development considered each of the Downtown Design Guidelines. The applicant shall demonstrate consistency with the design guidelines and compliance with applicable zoning criteria. In addition to all information specified on the "Submittal requirements" and "Site plan requirements" forms, each application for design review shall be accompanied by the following information:

- A. Completed design review checklist.
- B. Written statement that describes how the proposal meets applicable design guidelines. Where a guideline is not met, the applicant shall provide justification indicating why it is not applicable or demonstrate other site or project characteristics that warrant an exception.
- C. Show footprints of surrounding buildings, including driveways and pedestrian connections.
- D. Location, dimension, and setbacks of all proposed buildings, structures, walls, and fences.
- E. Dimensioned building elevations indicating height, exterior materials, colors, and details of exterior architectural features, such as cornices, windows, and trim.
- F. A streetscape drawing showing the relationship of the proposed project to adjacent buildings.

~~G.— Frontage improvements in the public right-of-way per the Public Area Requirements.~~

~~19.907.7 Approval Criteria for Design Review~~

~~The approval authority may approve, approve with conditions, or deny design review based on the following approval criteria:~~

- ~~A.— Compliance with Title 19;~~
- ~~B.— Substantial consistency with the Downtown Design Guidelines; and~~
- ~~C.— Submittal of a complete application and applicable fee as adopted by the City Council.~~

~~19.907.8 Report and Recommendation by Design and Landmarks Committee~~

~~The Design and Landmarks Committee shall hold a public meeting and prepare a design review report for design review applications that require Type III review pursuant to Section 19.1011. The Planning Commission shall consider the findings and recommendations contained in the design review report during the public hearing on the proposal.~~

~~19.907.9 Variances to Development Standards~~

~~The Planning Commission may authorize variances to the development standards under Subsection 19.304.4 in accordance with procedures of Section 19.911.~~

~~19.907.10 Modification of Design Standards~~

~~The Planning Commission may authorize modification of the design standards under Subsection 19.304.6.C, in accordance with the following procedures:~~

~~A modification to a design standard may be granted at a public hearing in accordance with Section 19.1006 when all of the following criteria are satisfied:~~

- ~~A.— The modification is integral to the overall design concept for the building;~~
- ~~B.— The modification:
 - ~~1.— Substantially meets the intent of the design standard; or~~
 - ~~2.— In combination with other design elements of the project, the modification meets the intent of the design standard; and~~~~
- ~~C.— The project is substantially consistent with the Downtown Design Guidelines applicable to the design standard.~~

~~19.907.11 Consideration of Prohibited Material or Design Features~~

~~The Planning Commission may authorize the use of prohibited materials or design features specified in Subsection 19.304.6.C subject to the following criteria:~~

- ~~A.— The applicant demonstrates that the prohibited material is substantially comparable to an allowed material with regards to quality, appearance, style, architectural effect, and durability.~~
- ~~B.— Use of the prohibited materials is consistent with design considerations specified for the particular design element in the Milwaukie Downtown Design Guidelines.~~

Proposed Code Amendment

19.911 VARIANCES

19.911.6 BUILDING HEIGHT VARIANCE

A. Intent

To provide a discretionary option for variances to maximum building heights in the Downtown Mixed Use Zone to reward buildings of truly exceptional design that respond to the specific context of their location and provide desired public benefits and/or amenities.

B. Applicability

The Type III building height variance is an option for proposed buildings that exceed the base maximum building heights specified in Figure 19.304-4 and do not elect to use the height bonuses in Subsection 19.304.5.B.3.

C. Review Process

The building height variance shall be subject to Type III review and approval by the Design and Landmarks Committee and the Planning Commission, in accordance with Chapter 19.907 and Section 19.1011. The building height variance shall be consolidated with downtown design review.

1. Because the building height variance provides substantial flexibility and discretion, additional time will be required for public input and technical evaluation of the proposal. To use this option, the applicant shall sign a waiver of the 120-day decision requirement.
2. The applicant may request design advice from the Design and Landmarks Committee prior to submitting an application. Design advice requests provide the opportunity to assess approval potential prior to committing excessive time or money to detailed design plans.
3. Design advice requests may not be made for a specific project or site with an active land use review application.
4. A special application fee may be required to use this Type III option to allow the City to contract with a registered architect to assist in the review of the height variance application.

D. Approval Criteria

The approval authority may approve, approve with conditions, or deny the building height variance based on the following approval criteria:

1. Substantial consistency with the Downtown Design Guidelines.
2. The proposed height variance will result in a project that is exceptional in the quality of detailing, appearance and materials or creates a positive unique relationship to other nearby structures, views or open space.
3. The proposed height variance preserves important views to the Willamette River, limits shadows on public open spaces and ensures step downs and transitions to neighborhoods at the edge of the Downtown Mixed Use zone.
4. The proposed height variance will result in a project that provides public benefits and/or amenities beyond those required by the base zone standards and that will increase downtown vibrancy and/or help meet sustainability goals.

Updates for Section References and Housekeeping Only

19.406

19.406 TACOMA STATION AREA OVERLAY ZONE TSA

19.708.1.C

C. Development in Downtown Zones

Street design standards and right-of-way dedication for the downtown zones are subject to the requirements of the Milwaukie Public Works Standards, which implement the streetscape design of the Milwaukie Downtown and Riverfront Plan: Public Area Requirements (PAR). Unless specifically stated otherwise, the standards in Section 19.708 do not apply to development located in the downtown zones or on street sections shown in the PAR per Subsection ~~19.304.5~~ 19.304.6.

19.1011.1.A.2:

2. If the applicant does not extend the 120-day decision requirement, the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection ~~19.907.8~~ 19.907.6.
-

19.1011.3.D

- D. An abstaining or disqualified member of the committee shall be counted for purposes of forming a quorum. If all members of the committee abstain or are disqualified, the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection ~~19.907.8~~ 19.907.6.

Clean Amendments

Title 14 Signs

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:

"Downtown zones" means the DMU, Downtown Mixed Use, and OS, Open Space, Zones, as defined in the Zoning Ordinance.

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

"Residential-office-commercial zones" means the R-O-C and R-1-B Zones, as defined in the Zoning Ordinance.

CHAPTER 14.16 SIGN DISTRICTS

14.16.060 DOWNTOWN ZONES

No sign shall be installed or maintained in the DMU or OS Zones, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in this section.

A. Freestanding Sign

In the downtown zones, freestanding signs shall be monument type only. The sign face shall be no less than 60% of the total area of the monument. Pole signs are prohibited.

1. Area

The maximum permitted display surface area of a freestanding sign shall be computed on 1 sq ft of area per lineal ft of street or highway frontage.

- a. In the OS Zone the maximum area shall not exceed 32 sq ft per display surface and 64 sq ft overall.

2. Height and/or Clearance

- a. In the DMU Zone, freestanding signs are limited to a maximum height of 7 ft. Properties with frontage on McLoughlin Blvd may have freestanding signs with a maximum height of 15 ft and shall only be located along the McLoughlin Blvd frontage. Freestanding sign height shall be measured from the top of the sign to the lowest finished grade within a 6-ft horizontal distance from the sign.

- b. In the OS Zone freestanding signs are limited to a maximum height of 6 ft above grade.

3. Number

One freestanding sign is permitted on a street or highway frontage.

Proposed Code Amendment

B. Wall Sign

1. Area

The maximum permitted area of a wall sign shall be 20% of the building face.

a. In the OS Zone the maximum permitted area of a wall sign shall be 16 sq ft.

b. In addition to the sign size limitations of this chapter, if an original art mural permitted under Title 20 occupies a wall where a wall sign has been proposed, the size of the wall sign shall be limited such that the total area of the original art mural plus the area of the wall sign does not exceed the maximum allowed.

2. Height and/or Clearance

No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher.

3. Number

a. Dictated by area requirements.

b. In the OS Zone one wall sign is permitted in addition to one freestanding sign.

4. Location

Limited to the building surface or surfaces facing the public right-of-way only.

Title 19 Zoning

*The proposed amendments incorporate the recent zoning code text amendments for **Medical Marijuana Facilities**, which were adopted by City Council on April 7, 2015, and which will become effective on May 1, 2015.*

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
Base Zones	
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
Residential-Office-Commercial	R-O-C
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
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Mixed Use	MU
Aircraft Landing Facility	L-F
Tacoma Station Area	TSA

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

Refer to individual chapters of this title for chapter-specific definitions.

Refer to Title 18 for definitions related to flood hazard areas.

As used in this title:

"Abutting" means to reach or touch, to touch at the end or be contiguous with, to join at a border or boundary, and/or to terminate on. Abutting properties include properties across a street or alley.

"Awning" means a roof-like structure of fabric or similar nonrigid material attached to a rigid frame that is supported completely by either an exterior building wall or wall exterior to an individual tenant space.

"Balcony" means a platform projecting from the wall of a building, with a balustrade or railing along its outer edge, and accessed from the interior of the building through a door.

"Baluster" means a vertical supporting element, similar to a small column.

"Balustrade" means a complete railing system, including a top rail, balusters, and sometimes a bottom rail.

"Canopy" means a permanent roof-like structure of metal, glass, or similar rigid material that is supported completely by either an exterior building wall or wall exterior to an individual tenant space.

"Downtown zones" means the 2 zones that implement the Milwaukie Downtown and Riverfront Land Use Framework Plan— Downtown Mixed Use (DMU) and Open Space (OS).

"Live/Work Unit" means a dwelling unit where residential and nonresidential spaces are combined and where the dwelling unit is the principal residence of the business operator/proprietor. Nonresidential spaces are typically located on the ground floor and residential spaces are located on upper floors.

"Mixed Use" means the combination of residential uses with commercial (e.g., office, retail, or services), civic, or light industrial uses on a site or in a building.

Office:

"Production-related office" means offices that are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, production, processing, packaging, or assembly of goods and products. Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; call centers, and medical and dental labs.

"Professional and administrative office" means professional, executive, management, or administrative offices of firms or organizations. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

"Traditional office" means offices that are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic. Examples include: professional services such as lawyers, architects, or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.

"Parapet" means a low wall, located at the top of any sudden drop, such as at the top of the façade of a building.

"Primary building entrance" means the entrance to a building that most pedestrians are expected to use. Generally, each building has one primary entrance; however, some buildings may have more than one primary entrance or may have entrances that open directly into the building's lobby or principal interior ground-level circulation space.

"Terrace" means an outdoor extension of a building, situated above the ground level, and open to the sky.

"Usable open space" means that portion of a lot or development site that is not covered by building or off-street parking area. Usable open space includes uncovered plazas, terraces, small parks, or similar.

CHAPTER 19.300 BASE ZONES

[19.304 DOWNTOWN ZONES repealed and replaced with the following]

19.304 DOWNTOWN ZONES

19.304.1 Purpose

The downtown zones are Downtown Mixed Use Zone DMU and Open Space Zone OS. The zones are shown on Figure 19.304-1. These zones implement the Town Center and Public land use designations in the Milwaukie Comprehensive Plan. The downtown zones implement the Downtown and Riverfront Land Use Framework Plan and Milwaukie Comprehensive Plan.

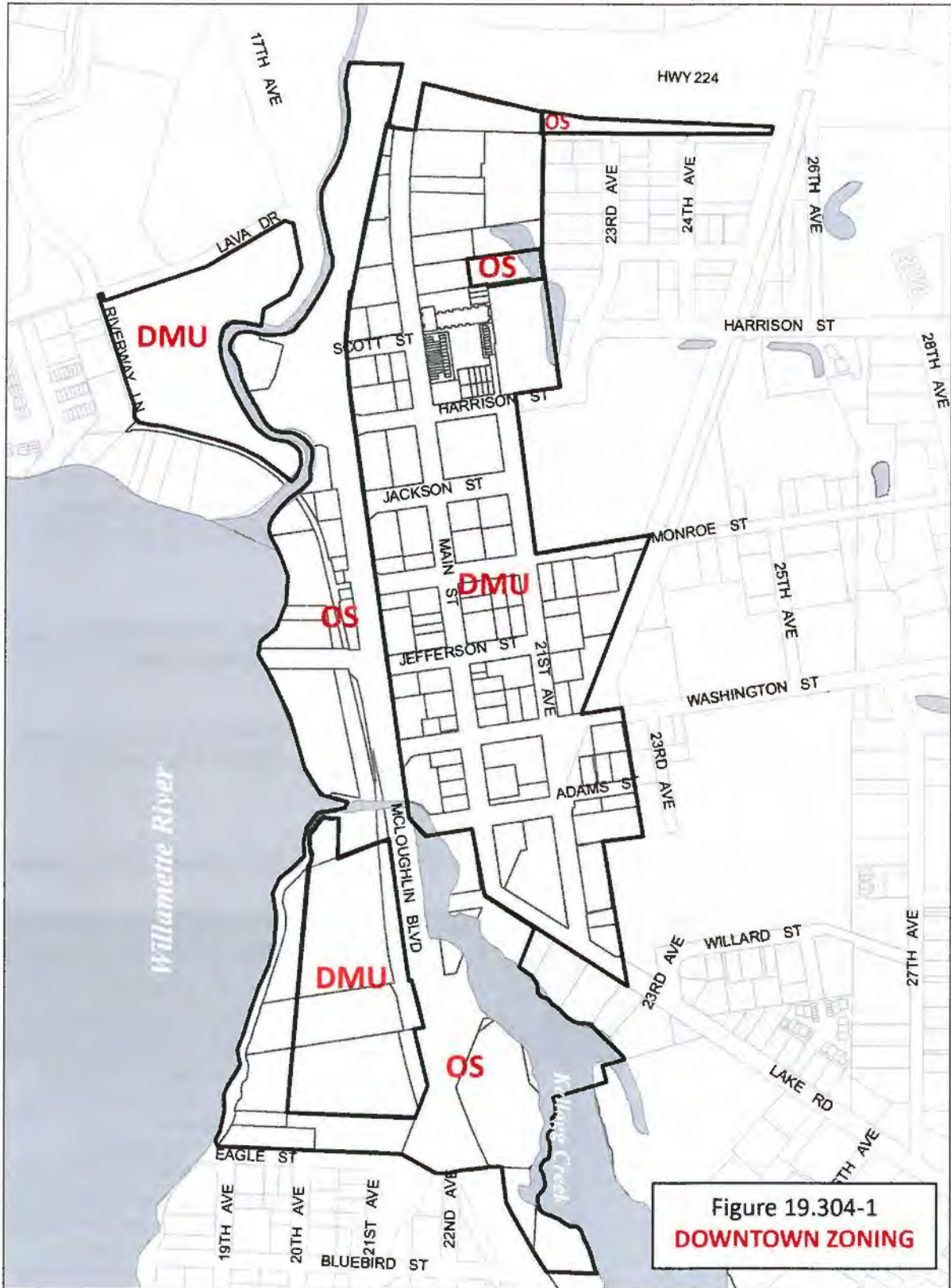
The downtown and riverfront area is envisioned as the focus of the community. Two zones are designated to distinguish between areas intended for public open space and those intended for downtown development. Specific use, development, and design standards are adopted for the downtown zones to assure an active, attractive, and accessible environment for shoppers, employees, and residents.

A. Downtown Mixed Use (DMU)

The Downtown Mixed Use Zone provides for a wide range of uses—including retail, office, commercial, and residential—that will bring visitors to the downtown to live, work, shop, dine, and recreate. The desired character for this zone is a pedestrian-friendly and vibrant urban center, with a prominent main street and connections to the riverfront, and which includes buildings that are built to the right-of-way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots.

B. Open Space (OS)

The Open Space Zone provides a specific zone to accommodate open space, park, and riverfront uses. The Open Space Zone is generally applied to lands that are in public ownership along the Willamette River, Kellogg Creek, Spring Creek, and Johnson Creek in the downtown area. The desired character for the Open Space Zone includes parkland, open space, and riverfront amenities.



Proposed Code Amendment

19.304.2 Uses

A. Permitted Uses

Uses allowed in the downtown zones are listed in Table 19.304.2 with a "P." These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

B. Conditional Uses

Uses listed in Table 19.304.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905. Type III review is required to establish a new CU or for major modification of an existing CU. Type I review is required for a minor modification of an existing CU.

C. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards for the downtown 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 a Type II downtown design review pursuant to Section 19.907. 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 listed in Table 19.304.2 with an "N," or uses not listed below, are prohibited as new uses. In addition, drive-through facilities are prohibited in the downtown zones.

E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards. Accessory uses include but are not limited to restrooms in City parks and refreshment stands at the library.

F. Similar Uses

Similar uses not listed in Table 19.304.2 may be allowed through a Director determination pursuant to Section 19.903.

Table 19.304.2 Downtown Zones—Uses			
Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Residential			
Rowhouse	P	N	Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.5 Standards for Rowhouses
Multifamily	P	N	Figure 19.304-2 Ground-Floor Residential Permitted Subsection 19.304.3.A.1 Downtown residential use limitations

Proposed Code Amendment

			Subsection 19.505.3 Design Standards for Multifamily Housing
Live/work units	P	N	Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.6 Standards for Live/Work Units
Second-story housing	P	N	Section 19.508 Downtown Site and Building Design Standards
Senior and retirement housing	P	N	Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.3 Design Standards for Multifamily Housing
Commercial			
<p>Traditional office</p> <p>Traditional office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic.</p> <p>Examples include: professional services such as lawyers, architects, or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.</p>	P/CU	N	Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses
<p>Production-related office</p> <p>Production-related office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, production, processing, packaging, or assembly of goods and products.</p> <p>Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting;</p>	P/CU	N	Subsection 19.304.3.A.2 Main St limitations Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses

Proposed Code Amendment

scientific and technical services; call centers, and medical and dental labs.			
<p>Eating and drinking establishment</p> <p>Eating and drinking establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeaway.</p> <p>Examples include restaurants, delicatessens, retail bakeries, taverns, brewpubs, coffee shops, concession stands, wine bars, and espresso bars.</p>	P/CU	CU	<p>Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses</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/CU	N	<p>Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses</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/CU	P/CU	<p>Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses</p>
<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/CU	N	<p>Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses</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, office equipment, tailors and seamstresses, shoe repair, locksmiths, upholsterers, and some automobile service and</p>	P/CU	N	<p>Subsection 19.304.3.A.3 Commercial use limitations Subsection 19.304.3.A.4 DMU Zone limitations Section 19.905 Conditional Uses</p>

repair.			
<p>Day care</p> <p>Day care is the provision of regular child care, 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	N	<p>Subsection 19.304.3.A.5</p> <p>Day care limitation</p>
<p>Commercial lodging</p> <p>Commercial lodging includes for-profit residential facilities where tenancy is typically less than 1 month.</p> <p>Examples include hotels, motels, and bed-and-breakfast establishments. Does not include senior and retirement housing.</p>	P	N	
<p>Boarding, lodging, or rooming house</p> <p>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. They normally provide "bed and board," that is, at least some meals as well as accommodation.</p>	CU	N	<p>Section 19.905 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 parking facility.</p> <p>Examples include short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking.</p>	CU	P	<p>Subsection 19.304.3.A.6</p> <p>OS Zone parking limitations</p> <p>Section 19.905 Conditional Uses</p> <p>Chapter 19.600 Off-Street Parking and Loading</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</p>	P/CU	N	<p>Subsection 19.304.3.A.7</p> <p>Standards for Medical Marijuana Facilities</p>

Proposed Code Amendment

facilities and are not permitted under the City of Milwaukie's medical marijuana facility regulations.			
Manufacturing			
<p>Manufacturing and production</p> <p>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	N	Subsection 19.304.3.A.8 Manufacturing and production limitations
Institutional			
<p>Parks and open space</p> <p>Parks and open space uses are lands focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few buildings.</p> <p>Examples include parks, public squares, plazas, recreational trails, botanical gardens, farmers markets, boat launching areas, nature preserves, and community gardens.</p>	P	P	
Community service uses	CSU	CSU	Section 19.904 Community Service Uses
Accessory and Other			
Accessory use	P	P	Subsection 19.304.2.E Accessory Uses Section 19.503 Accessory Uses
Home occupation	P	N	Section 19.507 Home Occupation Standards

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.

19.304.3 Use Limitations, Restrictions, and Provisions

A. Use Limitations and Restrictions

The following provisions describe the limitations for uses listed in Table 19.304.2.

1. Residential uses are permitted throughout downtown Milwaukie, subject to the following limitations.
 - a. Along Main St south of Scott St, as shown in Figure 19.304-2, residential dwellings are only allowed on the second floor or above; they are not permitted on the ground floor.
 - b. Lobbies for upper-level dwellings are allowed on the ground floor only if a commercial use is located along a majority of the property's street frontage. North of Scott St, residential dwellings and/or lobbies are permitted anywhere on the ground floor along Main St.
 - c. Live/Work units and rowhouses are not permitted on Main St.
2. Production-related office uses are not permitted on the ground floor along Main St.
3. Commercial uses are permitted throughout downtown, subject to the following limitations:
 - a. In the Downtown Mixed Use Zone, the following uses are limited to 20,000 sq ft in floor area per use on the ground floor.
 - (1) Traditional office
 - (2) Eating/drinking establishments
 - (3) Indoor recreation
 - (4) Retail-oriented sales
 - (5) Personal-service-oriented
 - (6) Repair-oriented
 - b. In the Open Space Zone, retail-oriented sales are limited to 20,000 sq ft in floor area per use on the ground floor.
 - c. Uses listed in Subsections 19.304.3.A.3.a-b that are larger than 20,000 sq ft in floor area on the ground floor may be approved through a conditional use review pursuant to Section 19.905.
 - d. In the DMU Zone, production-related office uses are limited to 20,000 sq ft in total area.
 - e. Uses listed in Subsection 19.304.3.A.3.d that are larger than 20,000 sq ft in total area may be approved through conditional use review pursuant to Section 19.905.
4. Automobile/motor vehicle repair (excluding body and fender repair and painting) is permitted in the Downtown Mixed Use Zone only when conducted within a completely enclosed building.
5. Day care and childcare uses are limited to 5,000 sq ft.
6. Parking facilities in the Open Space Zone are limited to surface lots that are intended primarily for the users of the related park or open space.
7. Medical marijuana facilities shall meet the following standards:

Proposed Code Amendment

- 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.
 - 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.
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-site would not be considered manufacturing or production.
- B. Use Provisions
1. The limit of 4 consecutive rowhouses established in Subsection 19.505.5.D does not apply in the DMU Zone. In the DMU Zone, there is no limit on the number of consecutive rowhouses.



Proposed Code Amendment

19.304.4 Development Standards

In the downtown zones, the development standards in Table 19.304.4 apply. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column. Additional standards are provided in Subsection 19.304.5.

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

The development standards address several issues of particular importance to maintaining the appropriate character for the downtown. Table 19.304.4 summarizes some of the development standards that apply downtown. Development standards are presented in full in Subsection 19.304.5.

Table 19.304.4 Downtown Zones—Summary of Development Standards			
Standard	DMU	OS	Standards/ Additional Provisions
A. Lot Standards			
1. Minimum lot size (sq ft)	750	None	
2. Minimum street frontage (ft)	15	None	Section 19.201 Definitions
B. Development Standards			
1. Floor area ratio a. Minimum b. Maximum	0.5:1–1:1 4:1 (FAR bonus available)	None None	Section 19.201 Definitions Subsection 19.304.5.A Floor Area Ratios Figure 19.304-3 Minimum Floor Area Ratios Subsection 19.611.4 Incentives for Provision of Structured Parking
2. Building height (ft) a. Minimum b. Maximum	25 35–65 (height bonus available)	None 15	Subsection 19.304.5.B Building Height Figure 19.304-4 Base Maximum Building Heights Subsection 19.304.5.I Transition Measures Subsection 19.304.5.B.3 Height Bonuses
3. Flexible ground-floor space	Yes, where applicable	None	Subsection 19.304.5.C Flexible Ground-Floor Space
4. Street setbacks/build-to lines (ft) a. Minimum street setback b. Maximum street setback c. Side and rear setbacks	0 10–20 None	0 None None	Figure 19.304-5 First-Floor Build-To Lines Subsection 19.304.5.D Street Setbacks/Build-To Lines Subsection 19.304.5.I Transition Measures Subsection 19.501.2 Yard Exceptions

5. Frontage occupancy requirements	50–90%	None	Subsection 19.304.5.E Frontage Occupancy Requirements Figure 19.304-6 Minimum Frontage Occupancy
6. Primary entrances	Yes	No	Subsection 19.304.5.F Primary Entrances
7. Off-street parking required	Yes, where applicable	Yes, where applicable	Subsection 19.304.5.G Off-Street Parking Chapter 19.600 Off-Street Parking and Loading
8. Open space	Yes, where applicable	Yes, where applicable	Subsection 19.304.5.H Open Space Subsection 19.508.4.G Open Space/Plazas
9. Transition measures	Yes, where applicable	No	Subsection 19.304.5.I Transition Measures Subsection 19.504.6 Transition Area Measures
C. Other Standards			
1. Residential density requirements (dwelling units per acre)			Subsection 19.202.4 Density Calculations Subsection 19.304.5.J Residential Density Subsection 19.501.4 Density Exceptions
a. Rowhouses and live/work units			
(1) Minimum	10	None	
(2) Maximum	None	None	
b. Stand-alone multifamily			
(1) Minimum	30	None	
(2) Maximum	None	None	
c. Mixed-use buildings	None	None	
2. Signs	Yes	Yes	Section 14.16.060 Downtown Zones

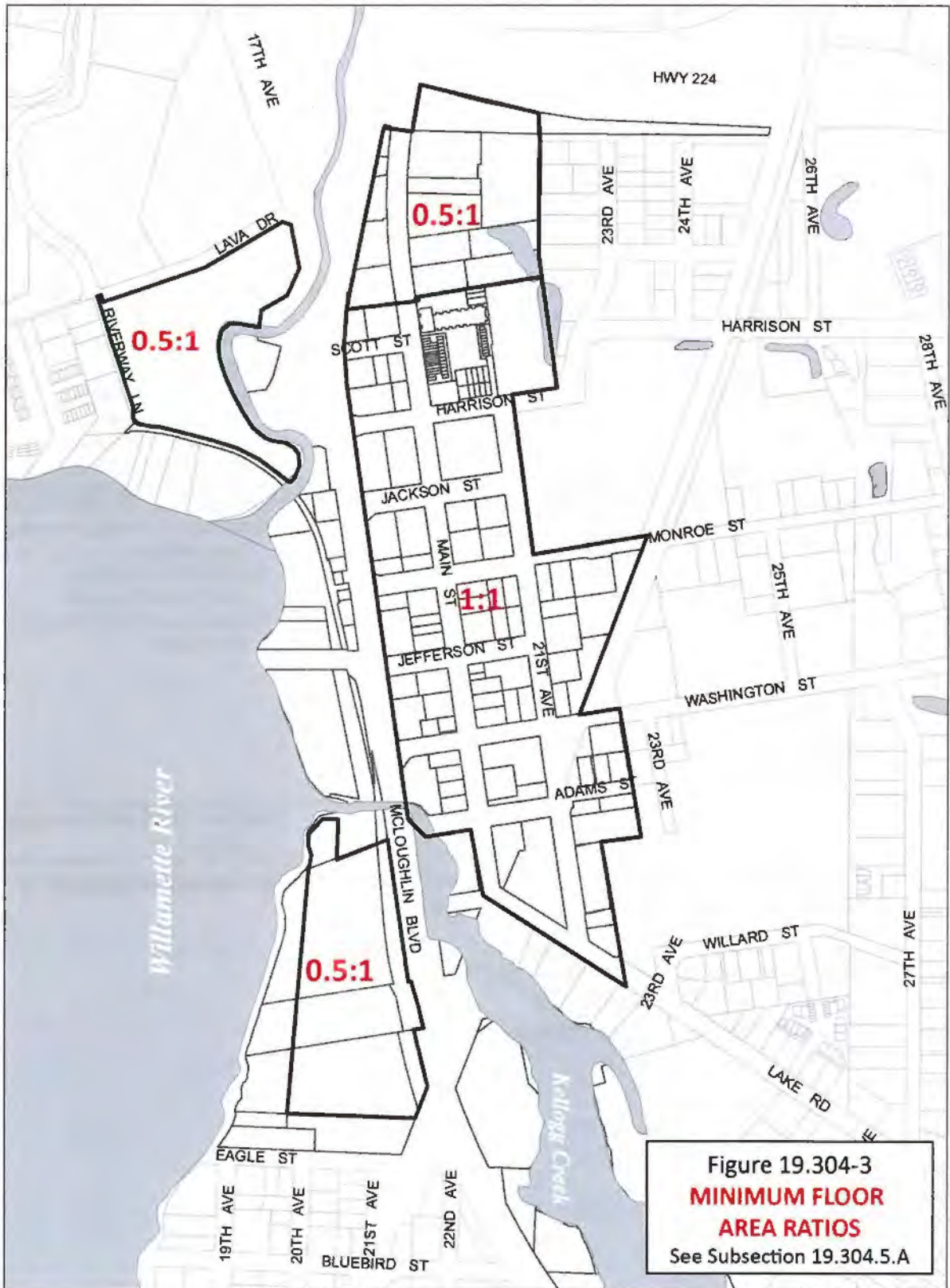
Table 19.304.4 is supplemented by the explanation of the development standards provided in Subsection 19.304.5 below, and the following figures:

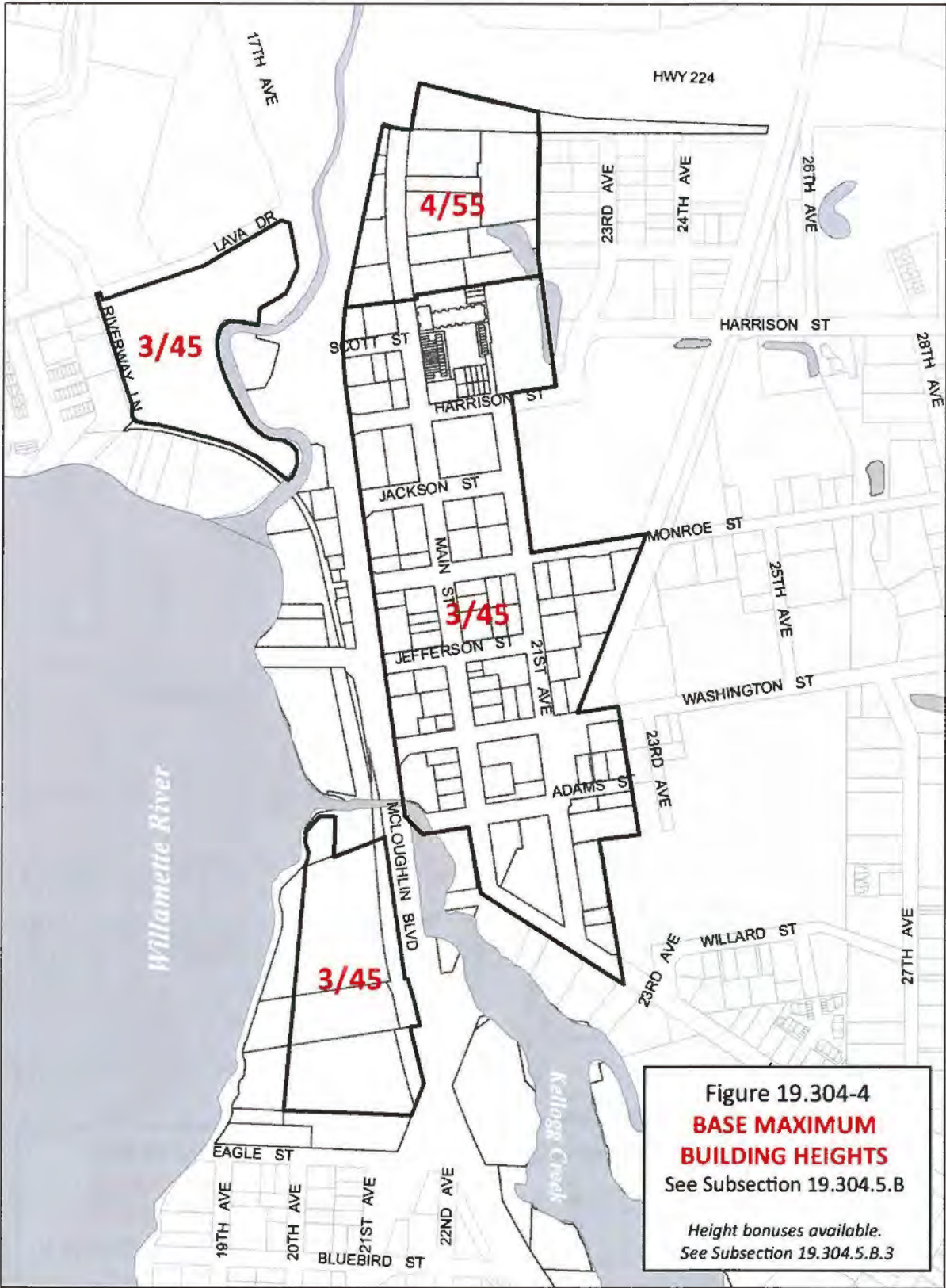
Figure 19.304-3 Minimum Floor Area Ratios

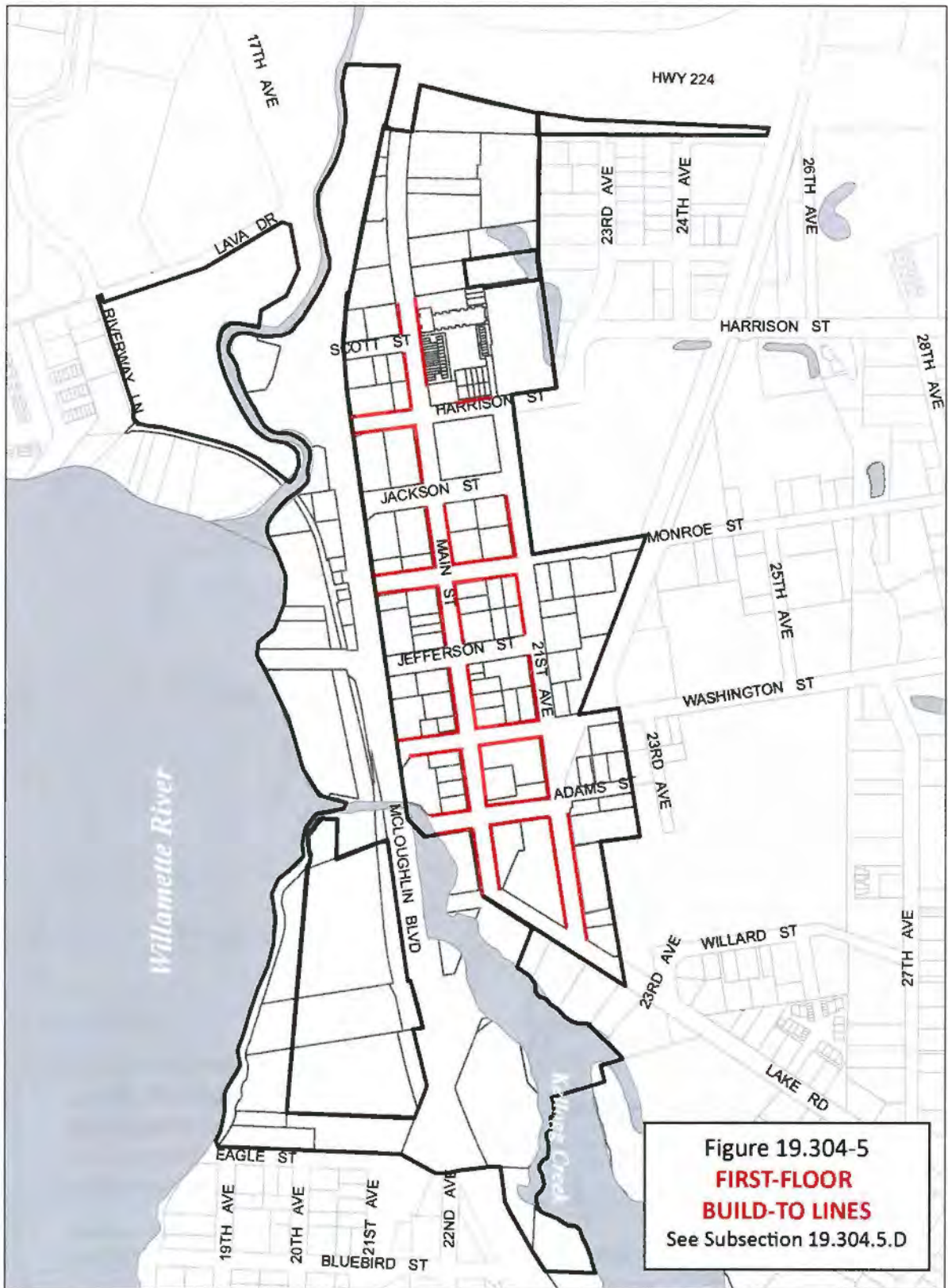
Figure 19.304-4 Base Maximum Building Heights

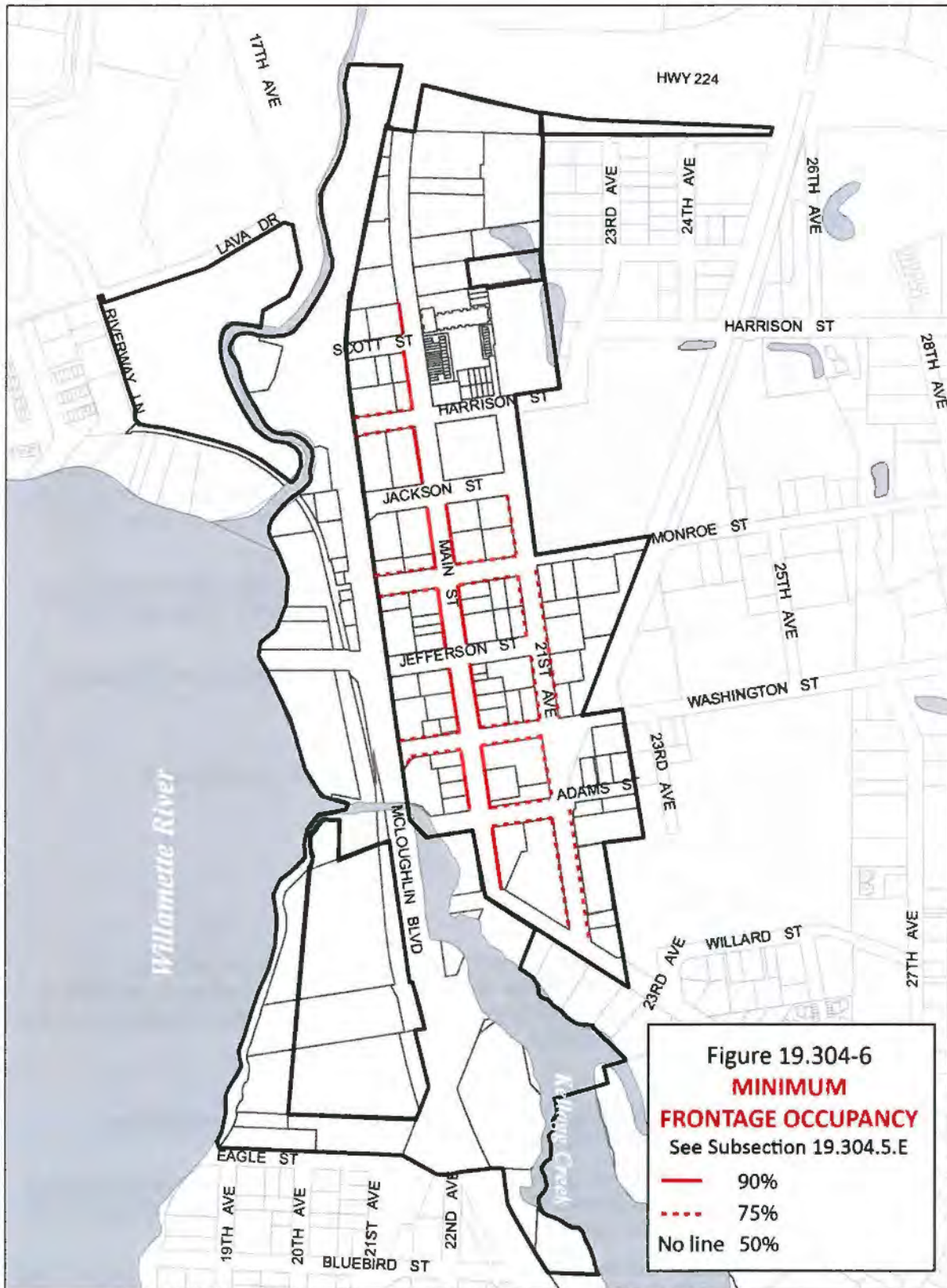
Figure 19.304-5 First-Floor Build-to Lines

Figure 19.304-6 Minimum Frontage Occupancy









19.304.5 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.304.4.

A. Floor Area Ratios

1. Intent

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum floor area ratios help to ensure that the intensity of development is controlled and that more intense forms are confined to appropriate areas of the downtown. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

2. Standards

- a. The minimum floor area ratios in Subsection 19.304.4.B.1 apply to all nonresidential building development. Stand-alone residential densities are controlled by minimum density requirements.
- b. Required minimum floor area ratios shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
- 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.
- d. FAR bonuses are available for provision of structured parking per Subsection 19.611.4.

3. Exemptions

The following are exempt from the minimum floor area ratio requirement.

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

B. Building Height

1. Intent

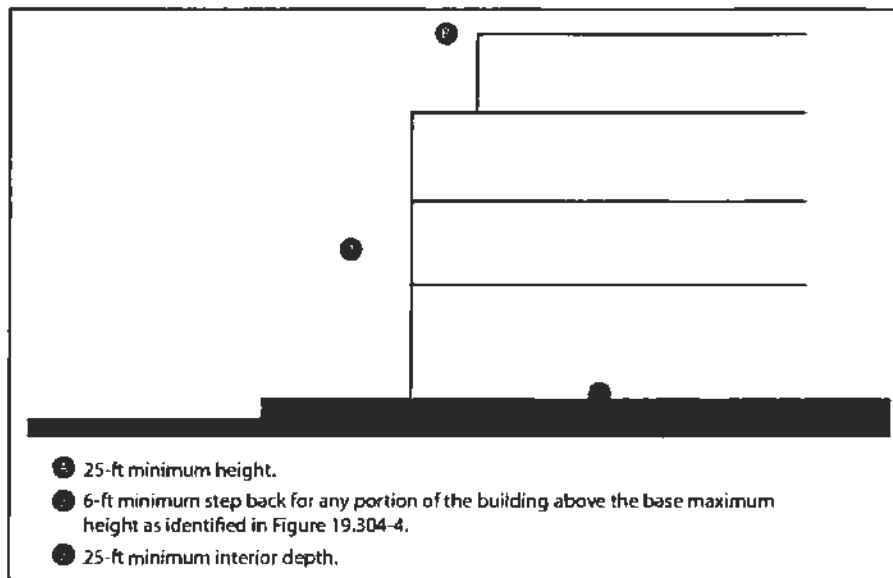
Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. A minimum building height is established to ensure that the traditional building scale for the downtown area is maintained.

2. Standards

- a. The minimum building height standards apply to new commercial, office, residential, and mixed-use buildings.
- b. Minimum building heights are specified in Table 19.304.4. The minimum building height of 25 ft shall be met along all street frontages for a depth of at least 25 ft from the front of the building.
- c. Base maximum building heights are specified in Figure 19.304-4. Height bonuses are available for buildings that meet the standards of Subsection 19.304.5.B.3.

- d. Buildings shall provide a step back of at least 6 ft for any street-facing portion of the building above the base maximum height as identified in Figure 19.304-4.

**Figure 19.304.5.B.2
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 downtown vibrancy; and/or help meet sustainability goals.

A building can utilize up to 2 of the development incentive bonuses of this subsection, for a total of 2 stories or 24 ft of additional height, whichever is less, above the height maximum specified in Figure 19.304 4.

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. The residential height bonus cannot be used in combination with the lodging height bonus.

b. Lodging

New buildings that devote at least 1 story, or 25% of the gross floor area, to lodging uses are permitted 1 additional story, or an additional 12 ft of building height, whichever is less. The lodging height bonus cannot be used in combination with the residential height bonus.

c. Green Building

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

Height bonus eligibility shall be verified at the time of building permit submittal and shall be contingent upon submittal of green building certification. The height bonus may be binding under a development agreement and height bonus awards may be revoked, and/or other permits or approvals may be withheld, if the project fails to achieve certification.

d. Building Height Variance

Additional building height may be approved through Type III variance review, per Subsection 19.911.6 Building Height Variance.

4. Exemptions

The following are exempt from the minimum building height standards.

- a. Additions to existing buildings.
- b. Accessory structures.
- c. Buildings with less than 1,000 sq ft of floor area.

C. Flexible Ground-Floor Space

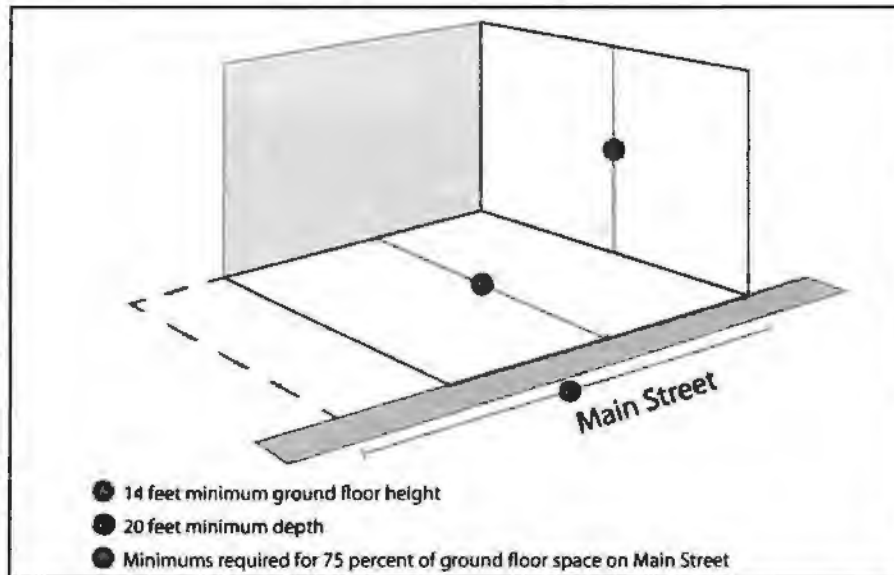
1. Intent

To ensure that new buildings in the downtown are designed and constructed to accommodate active uses such as retail and eating/drinking establishments.

2. Standards

- a. This standard applies to new buildings fronting Main St.
- b. This standard is met when at least 75% of the ground-floor space in a new building meets the following requirements.
 - (1) The ground-floor height must be at least 14 ft, as measured from the finished floor to the ceiling, or from the finished floor to the bottom of the structure above (as in a multistory building). The bottom of the structure above is the lowest portion of the structure and includes supporting beams, and any heating, ventilation and/or fire suppression sprinkler systems.
 - (2) The interior floor area adjacent to Main St must be at least 20 ft deep, as measured from the inside building wall or windows facing Main St.

**Figure 19.304.5.C.2
Flexible Ground-Floor Space Standards**



3. Exemptions

Stand-alone residential buildings on Main St as specified in Figure 19.304-2 are exempt from this requirement.

D. Street Setbacks/Build-To Lines

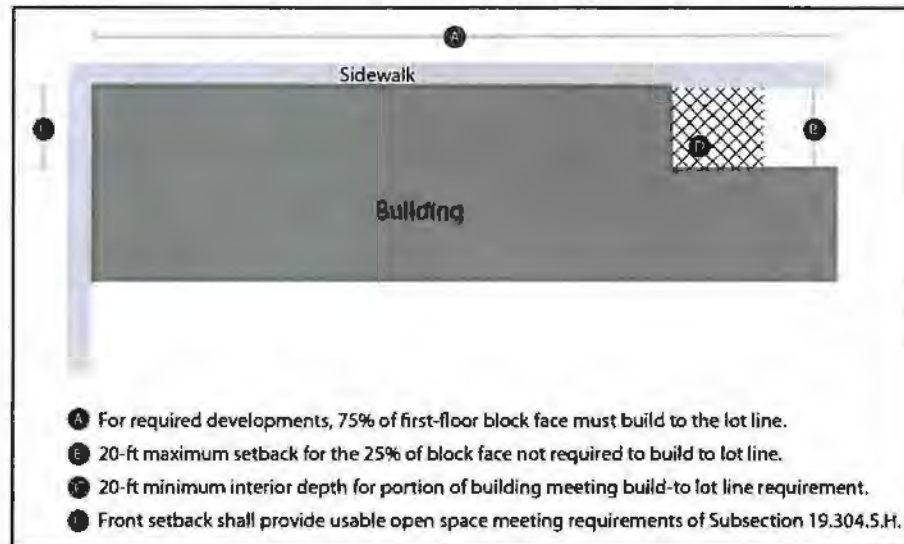
1. Intent

Buildings are allowed and encouraged to build up to the street right-of-way in the DMU Zone. Required build-to lines are used in combination with the frontage occupancy requirements of Subsection 19.304.5.E and are established in specific areas of the downtown to ensure that the ground floors of buildings engage the street right-of-way (see Figure 19.304-5). The build-to line ensures compatibility and harmony between buildings, enabling a series of different buildings to maintain or establish a continuous vertical street wall.

2. Standards

- a. No minimum street setbacks are required.
- b. First-floor build-to lines (required zero setbacks) are established for block faces identified on Figure 19.304-5. The build-to line applies to the portion of the building that is subject to the frontage occupancy requirements of Subsection 19.304.5.E as follows:
 - (1) For those block faces identified on Figure 19.304-5, 75% of the first floor shall be built to the front lot line (zero setback). The remaining 25% may be set back from the front lot line a maximum of 20 ft. The front setback shall provide usable open space, such as a public plaza or pedestrian amenities, that meets the requirements of Subsection 19.304.5.H.

**Figure 19.304.5.D.2.b(1&3)
First-Floor Build-To Lines
for Block Faces Identified on Figure 19.304-5**



- (2) For other block faces, there is no build-to line requirement and the maximum setback shall be 10 ft. The front setback shall provide usable open space that meets the requirements of Subsection 19.304.5.H.
- (3) The portions of the building used to meet the build-to line requirement in (1) above shall have a depth of at least 20 ft.

3. Exemption

The DMU Zone is exempt from the clear vision area requirements of Chapter 12.24 of the Milwaukie Municipal Code, with the exception of driveway and street intersections with McLoughlin Blvd.

E. Frontage Occupancy

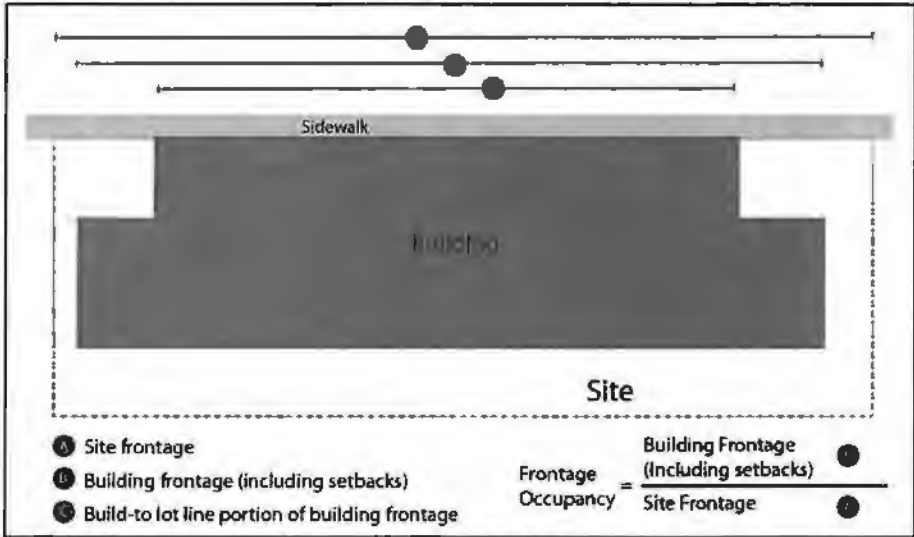
1. Intent

To ensure that buildings are used to create a "street wall" that contributes to a walkable and pedestrian-friendly environment.

2. Standards

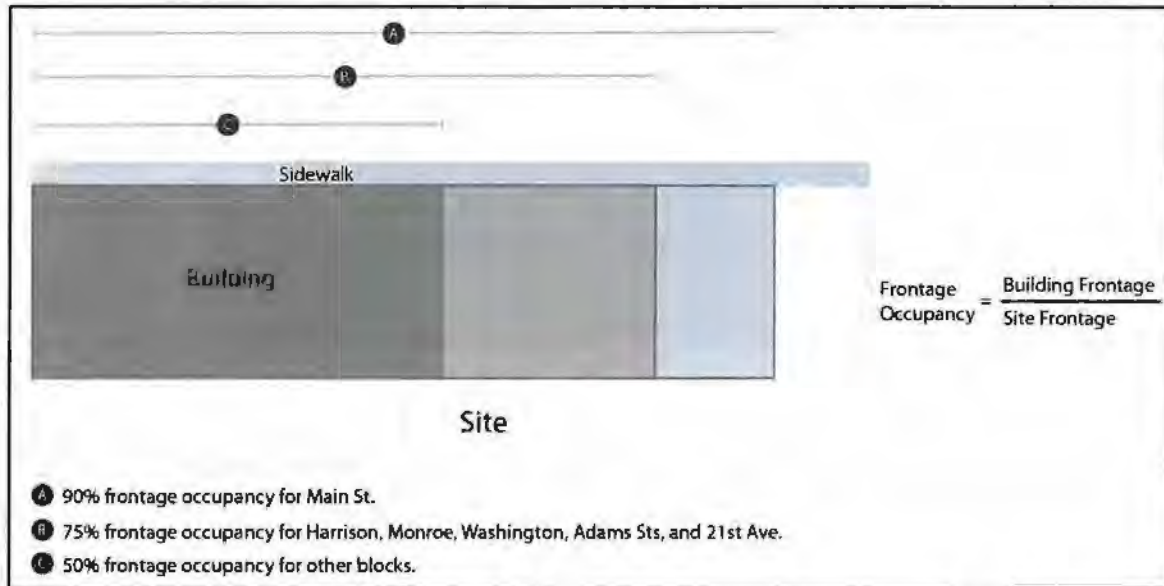
Minimum frontage occupancy requirements are established for block faces identified on Figure 19.304-6. Frontage occupancy requirements are used in combination with the required build-to line of Subsection 19.304.5.D. The frontage occupancy requirements apply as follows:

Figure 19.304.5.E.2
Frontage Occupancy Requirements and Build-To Line



- a. For block faces that front on Main St, 90% of the site frontage must be occupied by a building or buildings. If the development site has frontage on Main St and another street, the frontage occupancy requirement must be met on Main St only.
- b. For block faces that front on Harrison, Monroe, Washington, and Adams Sts and 21st Ave, 75% of the site frontage must be occupied by a building or buildings. Except for Subsection 19.304.5.E.2.a above, if the development site has frontage on one of the streets listed here and another street, the frontage occupancy requirement must be met on the streets listed here only.
- c. For other block faces, 50% of the site frontage must be occupied by a building or buildings. Except for Subsections 19.304.5.E.2.a-b above, if the development site has frontage on more than one street, the frontage occupancy requirement must be met on one street only.

Figure 19.304.5.E.2.a-c
Frontage Occupancy Requirements



- d. Building façades with recesses incorporated to comply with façade articulation requirements are considered to be occupying the site frontage if the recesses do not exceed 24 in.

F. Primary Entrances

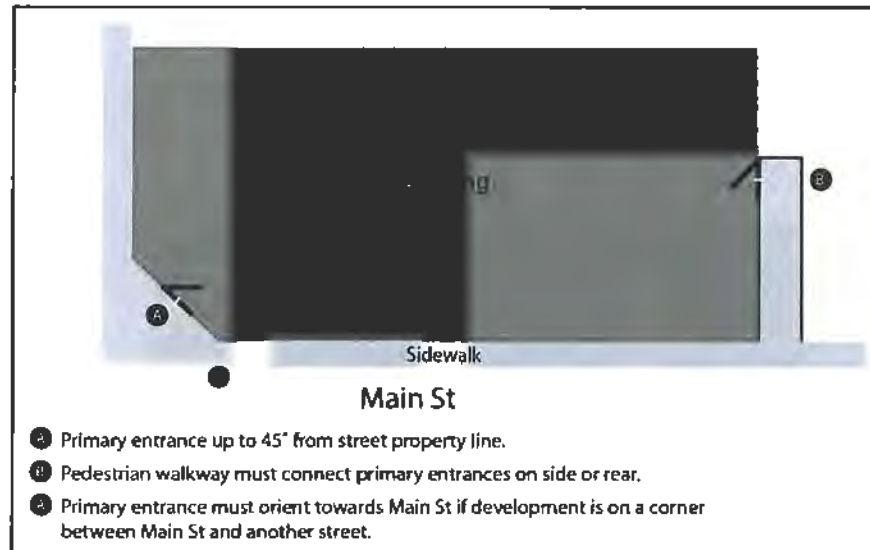
1. Intent

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 one primary entrance facing an abutting street (i.e., within 45° of the street property line) or, if the building entrance must be turned more than 45° from the 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 street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to 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 the corner of Main St and another street, the primary entrance shall be oriented toward Main St. If the development is on the corner of McLoughlin Blvd and another street, the primary entrance may be oriented toward either street.

**Figure 19.304.5.F.2
Primary Entrance Standards**



G. Off-Street Parking

1. Intent

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

2. Standards

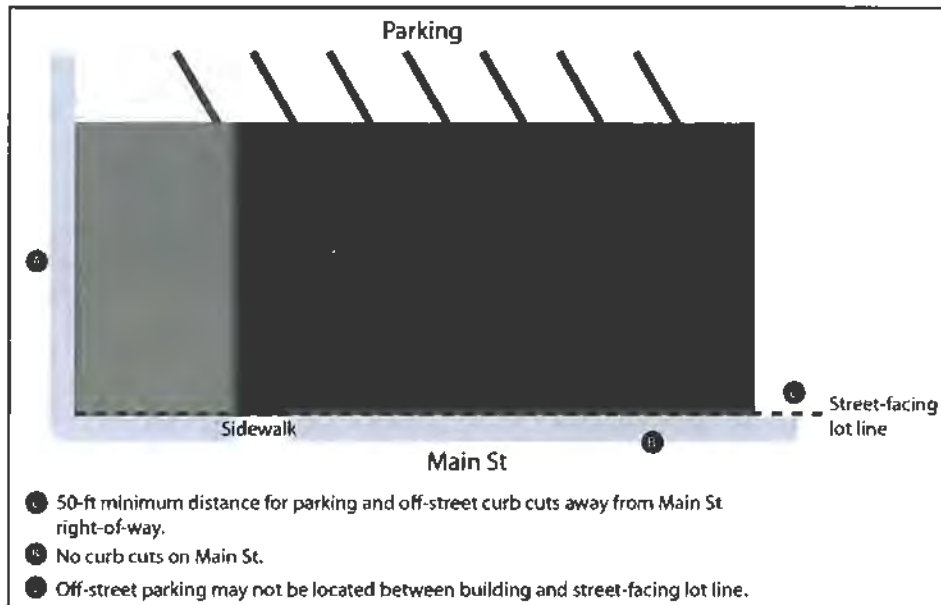
- a. Off-street parking for residential uses is required at the ratios established in Table 19.605.1. All other applicable standards of Chapter 19.600 apply.
- b. If off-street parking is provided for nonresidential uses, the parking maximums in Table 19.605.1 shall apply. All other applicable standards of Chapter 19.600 shall also apply.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main St right-of-way. Off-street surface parking lots approved prior to DATE, the effective date of Ordinance #_____, are exempt from this prohibition. This exemption applies only to the property owner on file with the Clackamas County Assessor as of DATE, the effective date of Ordinance #_____, and is dissolved upon transfer of ownership.

The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main St right-of-way only upon finding, through Type III Variance review pursuant to Section 19.911, that:

- (1) The overall project meets the intent of providing a continuous façade of buildings close to Main St.
- (2) The off-street parking area or curb cut is visually screened from view from Main St.
- (3) The community need for the off-street parking area or curb cut within 50 ft of Main St outweighs the need to provide a continuous façade of buildings in that area.

- d. Off-street parking shall not be located between a building and the street-facing lot line.

**Figure 19.304.5.G.2
Off-Street Parking Standards**



3. Exemptions

All nonresidential uses are exempt from the off-street parking requirements.

H. Open Space

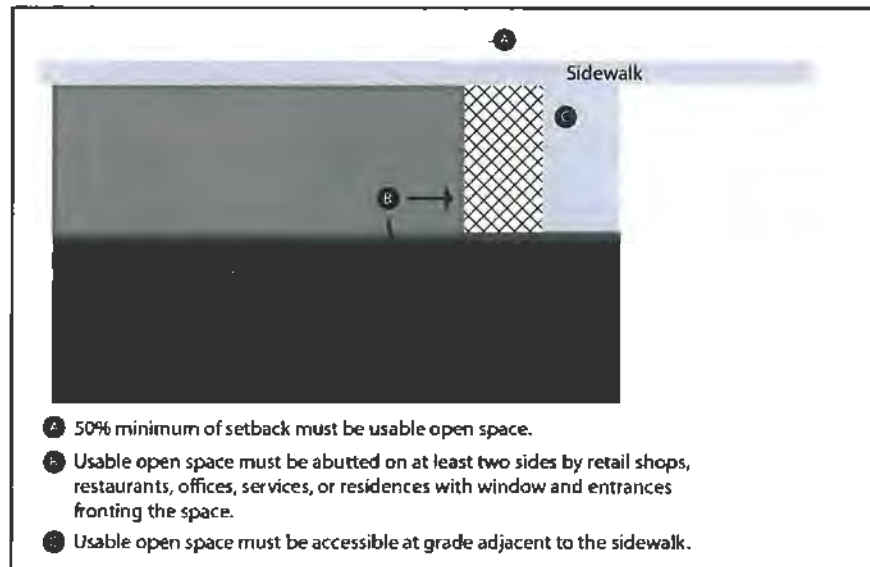
1. Intent

To provide amenities for downtown visitors and residents, promote livability, and help soften the effects of built and paved areas.

2. Standards

- a. When a building is set back from the sidewalk, at least 50% of the setback area shall provide usable open space, such as a public plaza or pedestrian amenities, that meets the standards of this subsection. Building setbacks cannot exceed the maximum setbacks established by Subsection 19.304.5.D and the frontage occupancy requirements of Subsection 19.304.5.E.
- b. Usable open space shall be abutted on at least two sides by retail shops, restaurants, offices, services, or residences with windows and entrances fronting on the space.
- c. Usable open space must be accessible at grade adjacent to the sidewalk.
- d. Open space may be hardscaped or landscaped, including plazas, courtyards, gardens, terraces, outdoor seating, and small parks.

**Figure 19.304.5.H.2
Open Space Standards**



i. Transition Measures

1. Intent

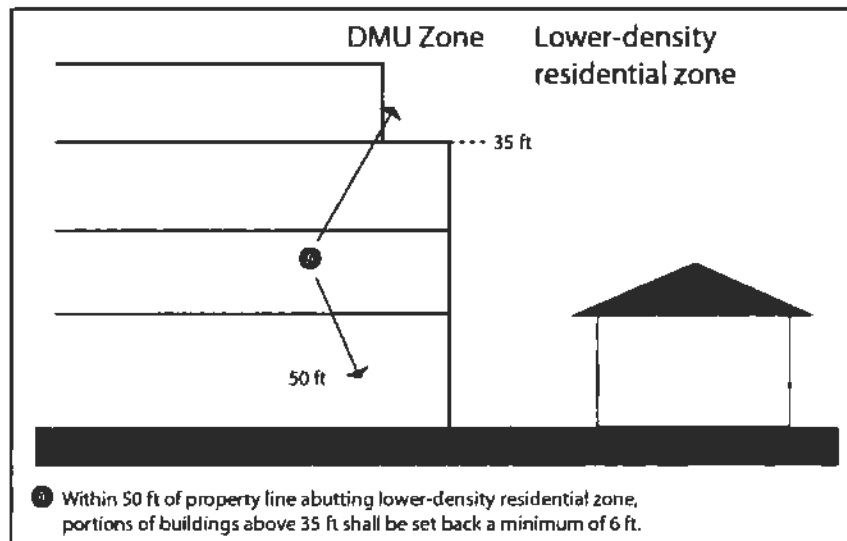
To minimize impacts of commercial or mixed-use development on lower-density residential uses.

2. Standards

For properties north of Harrison St and located within 50 ft of a lower-density residential zone (R-10, R-7, or R-5), the transition area measures in Subsection 19.504.6 apply. In addition:

- a. Within 50 ft of the property line abutting lower-density residential zones, buildings shall provide a step back of at least 6 ft for any portion of the building above 35 ft.
- b. The height bonuses in Subsection 19.304.5.B.3 cannot be applied within 50 ft of a lower-density residential zone.

**Figure 19.304.5.1.2
Transition Measure Standards**



J. Residential Density

1. Intent

There is a minimal amount of land available for new housing development within the downtown zones. Minimum densities are applied to residential development in the DMU Zone to assure efficient use of land at densities that support transit use and nearby downtown businesses.

2. Standards

- a. Minimum densities for rowhouses and live/work units shall be 10 units per acre.
- b. Minimum densities for stand-alone multifamily dwellings and senior/retirement housing in the DMU Zone shall be 30 units per acre. Maximum residential densities are controlled by height limits.

3. Exemption

There are no minimum density requirements when residential units are developed as part of a mixed-use building.

19.304.6 Public Area Requirements

A. Purpose

The Public Area Requirements (PAR) implement the Downtown and Riverfront Land Use Framework Plan. The purpose of the PAR is to ensure that, as revitalization occurs in downtown, there will be a consistent and high-quality public right-of-way that establishes a safe, comfortable, contiguous pedestrian-oriented environment. Public area requirements are defined as improvements within the public right-of-way and include, but are not limited to, sidewalks, bicycle lanes, on-street parking, curb extensions, lighting, street furniture, and landscaping. The PAR is implemented through Chapter 19.700 and the Milwaukee Public Works Standards.

B. Applicability, Review Process, and Standards

Development in downtown zones is subject to the review process and standards of Chapter 19.700 as specified in the chapter's applicability provisions. Required public improvements along rights-of-way included in the PAR shall be consistent with the PAR as implemented in the Milwaukie Public Works Standards.

19.304.7 Additional Standards

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

- A. Section 19.504 Site Design Standards
- B. Section 19.505 Building Design Standards
- C. Section 19.508 Downtown Site and Building Design Standards

19.304.8 Variances

The Planning Director or Planning Commission may authorize variances to the development standards under Subsection 19.304.4 in accordance with procedures of Section 19.911.

CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

19.401 WILLAMETTE GREENWAY ZONE WG

19.401.3 Limitations on Use

All land use actions and any change or intensification of use, or development permitted in the underlying zone, are conditional uses, subject to the provisions of Section 19.905.

Prohibited uses:

- A. Commercial, industrial and residential structures and residential accessory structures exceeding 35 ft in height west of McLoughlin Blvd;
 - B. Residential floating structures;
 - C. New private noncommercial boathouses or storage structures, including temporary structures;
 - D. New private noncommercial docks exceeding 400 sq ft;
 - E. Grading and tree cutting is prohibited in the buffer, except as allowed in Subsections 19.401.8.B.1 through 6.
-

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.504 SITE DESIGN STANDARDS

19.504.6 Transition Area Measures

Where commercial, mixed-use, or industrial development is proposed 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.
 - 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 the 6-ft level to screen lower-density residential uses from direct view across the open space.
-

19.505 BUILDING DESIGN STANDARDS

19.505.3 Design Standards for Multifamily Housing

B. Applicability

The design elements in Table 19.505.3.D in this subsection apply, as described below, to all multifamily and congregate housing developments with 3 or more dwelling units on a single lot. Cottage cluster housing and rowhouses on their own lots are subject to separate standards and are therefore exempt from Subsection 19.505.3. Housing development that is on a single lot and emulates the style of cottage cluster housing or rowhouses is subject to the standards of this subsection.

1. All new multifamily or congregate housing development is subject to the design elements in this subsection.
2. The following design elements are applicable for work that would construct a new building or increase the floor area on the site by more than 1,000 sq ft. Elements that are applicable only to additions do not apply to the site's existing development.
 - a. Subsection 19.505.3.D.1 Private Open Space, for the entire site.
 - b. Subsection 19.505.3.D.2 Public Open Space, for the entire site.
 - c. Subsection 19.505.3.D.5 Building Orientation and Entrances, only for additions or new buildings.
 - d. Subsection 19.505.3.D.6 Building Façade Design, only for additions or new buildings.
 - e. Subsection 19.505.3.D.7 Building Materials, only for additions or new buildings.
 - f. Subsection 19.505.3.D.8 Landscaping, for the entire site.
 - g. Subsection 19.505.3.D.9 Screening, only for additions or new buildings.
 - h. Subsection 19.505.3.D.11 Sustainability, only for new buildings.

Proposed Code Amendment

- i. Subsection 19.505.3.D.12 Privacy Considerations, only for additions or new buildings.
- j. Subsection 19.505.3.D.13 Safety, only for additions or new buildings.
3. Subsection 19.505.3.D.7 Building Materials is applicable for work that would replace more than 50% of the façade materials on a building within a 12-month period. The element applies only to the building on which the new façade materials are installed.
4. Any activity not described in Subsections 19.505.3.D.2.a-c is exempt from the design elements in this subsection.

19.505.6 Design Standards for Live/Work Units

A. Purpose

This section establishes regulations and standards for creating and operating live/work units as a primary use. The purposes of these provisions are as follows:

1. Allow for the creation of cost-efficient alternative work space that will provide an incentive for entrepreneurs, business owners, artists, artisans, and other individuals to work in Milwaukie and contribute to the city's economy.
2. Foster and encourage the development of small businesses.
3. Enliven the vitality of commercial corridors by encouraging on-site residential uses.
4. Ensure that the use and design of live/work units is compatible with the use and design of surrounding structures and development.

B. Applicability

These standards apply to live/work units, as defined in Section 19.201, wherever this use is allowed by the base zones in Chapter 19.300 or the overlay zones in Chapter 19.400.

1. Live/work units may be established through the conversion of existing buildings or through new construction.
2. The construction or creation of live/work units in the Downtown Mixed Use Zone is subject to the design standards and applicability of Subsection 19.508.
3. Development standards for live/work units are those of the base zone and Subsection 19.505.6.D.

C. Use Standards

1. Any nonresidential use allowed in the base zone within which a live/work unit is legally located may be conducted on the premises of that live/work unit.
2. At least one of the employees of the commercial portion of the live/work unit must reside in the unit.
3. The ground floor of a live/work unit can be used for either commercial or residential purposes. When the ground floor is being used as part of the dwelling, the provisions of Subsection 19.508.4.E.5.e are not applicable.
4. A live/work unit is allowed instead of, or in addition to, a home occupation as defined by Section 19.201.

D. Development Standards

In addition to the standards of the base zone, live/work units shall comply with all of the following standards.

1. The nonresidential portion of the unit shall occupy at least 25% of the gross floor area.
2. The nonresidential portion of the building shall be located on the ground floor and the residential unit shall be located on the upper floors or to the rear of the nonresidential portion.
4. Employees shall be limited to occupants of the residential portion of the building plus up to 3 persons not residing in the residential portion.

E. Design Standards

1. Live/work units are subject to the design standards of Subsection 19.508.
2. The transitional entry standards of Subsection 19.505.5.C.2 do not apply to live/work units.

19.505.7 Building Orientation to Transit

19.508 DOWNTOWN SITE AND BUILDING DESIGN STANDARDS

This section contains building design standards to be used with Type I and II downtown design reviews, as established in Section 19.907, and to provide additional direction when the Downtown Design Guidelines are applied through a Type III downtown design review process.

19.508.1 Purpose

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards will support the development of a cohesive, attractive, and safe downtown area and encourage private investment. The design standards do not prescribe a particular building or architectural style. Compliance with the standards is reviewed as part of a Type I or II downtown design review.

19.508.2 Applicability

The design standards in this section generally apply to the street-abutting façades of nonresidential, mixed-use, and residential-only multifamily buildings within the downtown zones. More detailed applicability language is provided at the beginning of each specific standard. Development is subject to the standards of this section as described below.

A. New Development

1. All new development is subject to the standards of this section.
2. New development that does not meet one or more standards of this section is subject to Type III downtown design review per Section 19.907 and review against the purpose statement and Downtown Design Guideline(s) related to that standard.

B. Expansions, Additions, and/or Changes to Existing Buildings or Structures

The following elements are applicable to expansions of, and/or additions to, existing buildings or structures. Elements that are applicable to expansions or additions do not apply to existing buildings unless stated below. Expansions or additions that bring the building or structure out of conformance, or further out of conformance if already nonconforming, with

the applicable design standard or standards are subject to Chapter 19.800 Nonconforming Uses and Development or Section 19.907 Downtown Design Review.

1. Expansions or additions that add 250 sq ft or less—and are not visible from the pedestrian level of adjacent streets, sidewalks, courtyards, and/or public parks or pedestrian walkways—are exempt from the design standards of Section 19.508.
2. Expansions or additions to the street-abutting façade are subject to the following standards.
 - a. Subsection 19.508.4.A.2 Building Façade Details, Nonresidential and Mixed-Use Buildings, for the area of expansion or addition only.
 - b. Subsection 19.508.4.B Corners, if applicable.
 - c. Subsection 19.508.4.C Weather Protection, if the addition or expansion includes a building entry.
 - d. Subsection 19.508.4.D.3 Exterior Building Materials, For Existing Development, only for the area of the expansion.
 - e. Subsection 19.508.4.E Windows and Doors, only for the area of expansion or addition.
 - f. Subsection 19.508.4.F Roofs and Rooftop Equipment, for expansions that include an additional floor, a new roof, and/or new rooftop equipment.
 - g. Subsection 19.508.4.G Open Space/Plazas.

C. Replacement of Materials

The following elements are applicable for work that would replace any of the façade materials on a building or change elements of the façade such as windows, doors, awnings, canopies, and other structural elements. The element applies only to the portion of the façade on which the new materials are installed or the structural element being replaced.

1. Subsection 19.508.4.A.2.a(1)(b) for replacement of more than 25% of the building façade materials.
2. Subsection 19.508.4.A.2.a(2)(b) for replacement of more than 25% of the building façade materials.
3. Subsection 19.508.4.A.2.b, for replacement of more than 25% of the building façade materials.
4. Subsection 19.508.4.D.3 for existing development.

D. Other Activities

Any activity not described in Subsections 19.508.2.A-C is exempt from the design standards of this section.

19.508.3 Review Process

Design standards for development in downtown Milwaukie are applied through downtown design review as established in Section 19.907. Projects subject to downtown design review are described in the applicability language in Subsection 19.907.2.

For those projects that are subject to downtown design review, there are three possible review paths. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met.

A. Type I

This provides for a Type I review process using clear and quantifiable design standards. It is intended to apply limited design standards to smaller building and site renovation projects.

B. Type II

This provides for a Type II process that requires staff review utilizing clear and quantifiable design standards. It generally applies to new development and renovation/remodeling projects.

C. Type III

This provides for a discretionary Type III review process through which the Design and Landmarks Committee and Planning Commission determine substantial consistency with the Milwaukie Downtown Design Guidelines document. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility.

Designing a project to meet the quantifiable design and development standards would result in an administrative (Type I or II) review process. However, applicants, at their discretion, may choose to use the Type III process with the Design and Landmarks Committee and Planning Commission.

19.508.4 Building Design Standards

All buildings that meet the applicability provisions in Subsection 19.508.2 shall meet the following design standards. An architectural feature may be used to comply with more than one standard.

A. Building Façade Details

1. Purpose

To provide cohesive and visually interesting building façades in the downtown, particularly along the ground floor.

2. Nonresidential and Mixed-Use Buildings

The following standards apply only to nonresidential and mixed-use buildings.

a. Vertical Building Façade

Nonresidential and mixed-use buildings 2 stories and above shall provide a defined base, middle, and top.

(1) Base

The base extends from the sidewalk to the bottom of the second story or the belt course/string course that separates the ground floor from the middle of the building. The building base shall be defined by providing all of these elements:

- (a) The street-facing ground floor shall be divided into distinct architectural bays that are no more than 30 ft on center. For the purpose of this standard, an architectural bay is defined as the zone between the outside edges of an engaged column, pilaster, post, or vertical wall area.
- (b) The building base shall be constructed of brick, stone, or concrete to create a "heavier" visual appearance.

(c) Weather protection that complies with the standards of Subsection 19.508.4.C.

(d) Windows that comply with the standards of Subsection 19.508.4.E.

(2) Middle

The middle of a building extends from the top of the building base to the ceiling of the highest building story. The middle is distinguished from the top and base of the building by use of building elements. The middle of the building shall be defined by providing all of the following elements:

(a) Windows that comply with the standards of Subsection 19.508.4.E.

(b) One of the following elements:

(i) A change in exterior cladding, and detailing and material color between the ground floor and upper floors. Differences in color must be clearly visible.

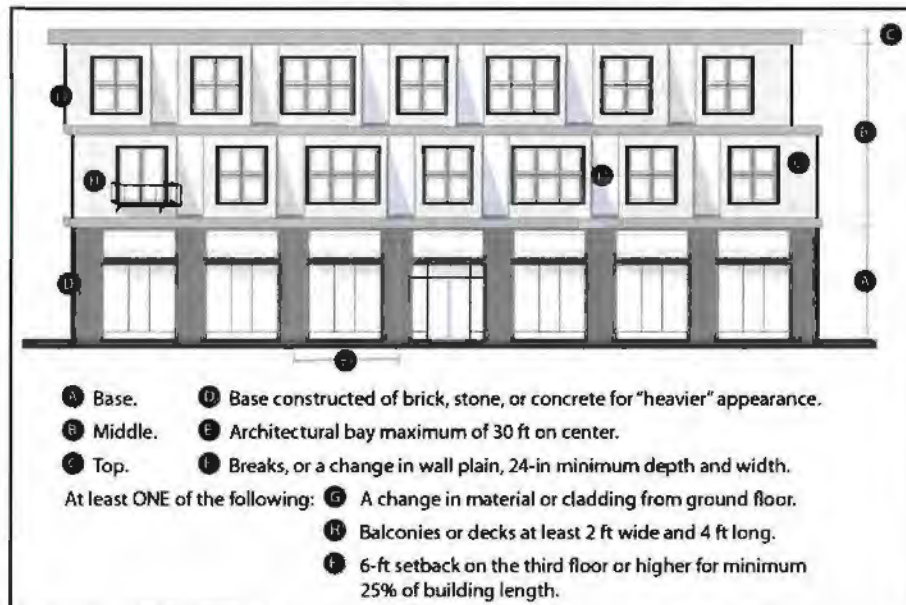
(ii) Either street-facing balconies or decks at least 2 ft deep and 4 ft wide, or a 6-ft minimum building step-back on the third floor or higher, for at least 25% of the length of the building.

(c) A change in wall plane of not less than 24 in. deep and 24 in wide. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, pediment, coursing, column, marquee, or similar architectural feature.

(3) Top

The top of the building extends from the ceiling of the uppermost floor to the highest vertical point on the roof of the building, and it is the roof form/element at the uppermost portion of the façade that visually terminates the façade. The top of the building shall provide roofs that comply with the standards of Subsection 19.508.4.F.

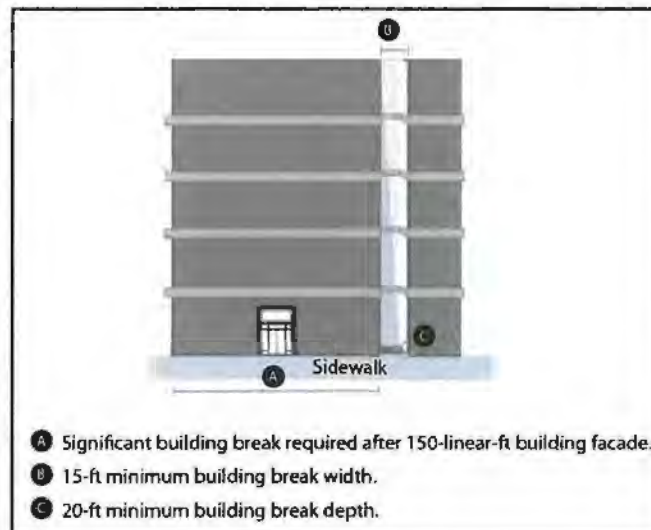
Figure 19.508.4.A.2.a
Vertical Building Façade Details



b. Horizontal Building Façade

- (1) Horizontal datum lines—such as belt lines, cornices, or upper-floor windows—shall line up with adjacent façades if applicable.
- (2) Significant breaks shall be created along building façades at least every 150 linear ft by either setting the façade back at least 20 ft or breaking the building into separate structures. Breaks shall be at least 15 ft wide and shall be continuous along the full height of the building. The area or areas created by this break shall meet the standards of Subsection 19.304.5.H.

Figure 19.508.4.A.2.b
Horizontal Building Façade Details



3. Residential Buildings

- a. Stand-alone multifamily residential buildings are subject to the objective standards of Subsection 19.505.3.D.6 Building Façade Design, with the exception of the private and public open space requirements of Subsections 19.505.3.D.1 and 2. The open space requirements of Subsection 19.508.5 apply to stand-alone multifamily residential buildings in downtown.
- b. Rowhouses are subject to the objective standards of Subsection 19.505.5 Standards for Rowhouses, as revised by Subsection 19.304.3.B.
- c. Live/work units are subject to the objective standards in Subsection 19.505.6 Standards for Live/Work Units.

B. Corners

1. Purpose

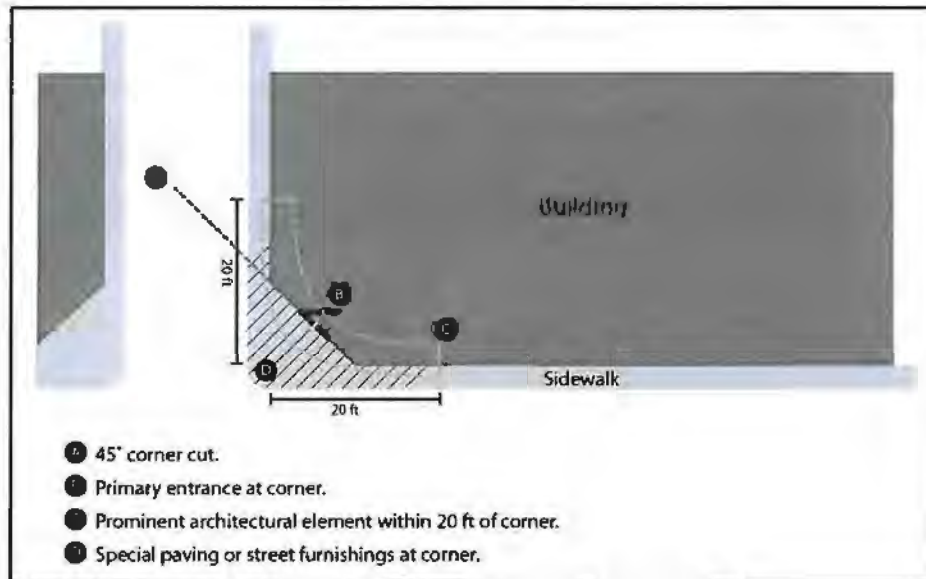
To create a strong architectural statement at street corners and establish visual landmarks and enhance visual variety.

2. Nonresidential or Mixed-Use Buildings

Nonresidential or mixed-use buildings at the corner of two public streets—or at the corner of a street and a public area, park, or plaza—shall incorporate two of the following features (for the purposes of this standard an alley is not considered a public street):

- a. The primary entry to the building located within 5 ft of the corner.
- b. A prominent architectural element, such as increased building height or massing, a cupola, a turret, or a pitched roof at the corner of the building or within 20 ft of the corner of the building.
- c. The corner of the building cut at a 45° angle or a similar dimension "rounded" corner.
- d. A combination of special paving materials; street furnishings; and, where appropriate, plantings, in addition to the front door.

**Figure 19.508.4.B.2
Corner Standards**



C. Weather Protection

1. Purpose

Create an all-season pedestrian environment.

2. Weather Protection Required

All buildings shall provide weather protection for pedestrians as follows:

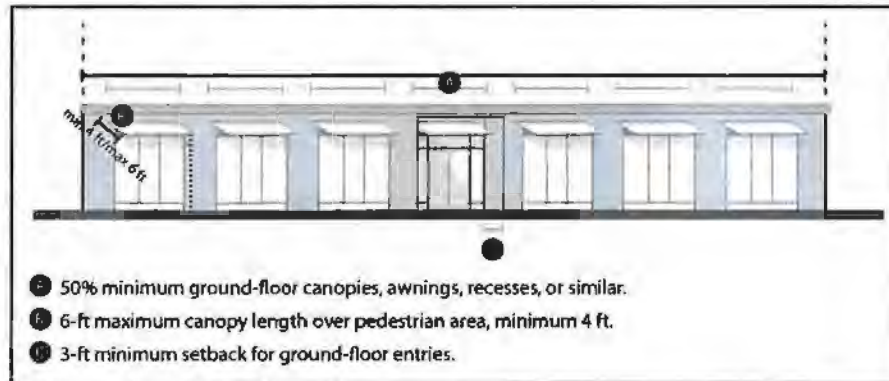
a. Minimum Weather Protection Coverage

- (1) All ground-floor building entries shall be protected from the weather by canopies or recessed behind the front building façade at least 3 ft.
- (2) Permanent awnings, canopies, recesses, or similar weather protection shall be provided along at least 50% of the ground-floor elevation(s) of a building where the building abuts a sidewalk, civic space, or pedestrian accessway.
- (3) Weather protection used to meet the above standard shall extend at least 4 ft, and no more than 6 ft, over the pedestrian area, and a maximum of 4 ft into the public right-of-way. Balconies meeting these dimensional requirements can be counted toward this requirement.
- (4) In addition, the above standards do not apply where a building has a ground-floor dwelling, as in a mixed-use development or live-work building, and the dwelling entrance has a covered entrance.

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.

Figure 19.508.4.C.2
Weather Protection Requirements



D. Exterior Building Materials

1. Purpose

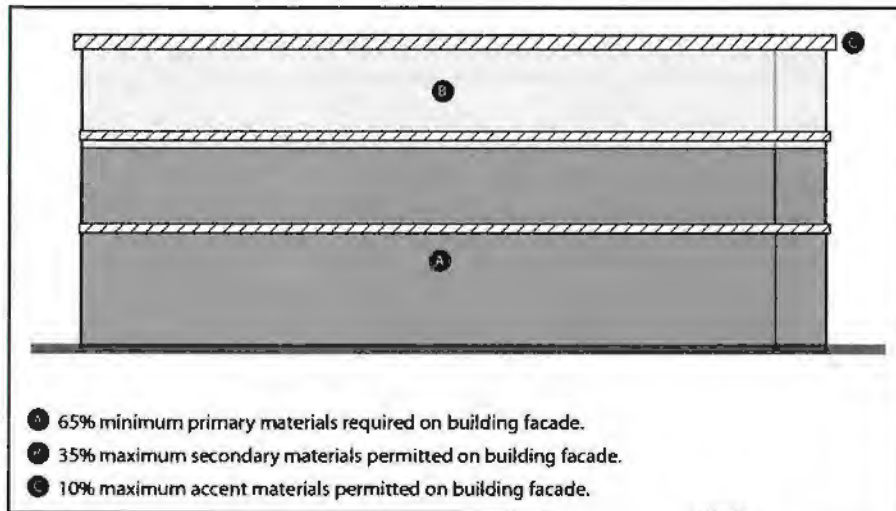
To encourage the construction of attractive buildings with materials that evoke a sense of permanence and are compatible with downtown Milwaukie and the surrounding built and natural environment.

2. Exterior Wall Standards

The following standards are applicable to the street-facing façades of all new buildings. For the purposes of this standard, street-facing façades are those abutting streets, courtyards, and/or public squares in all of the downtown. Table 19.508.4.D specifies the primary, secondary, and prohibited material types referenced in this standard.

- a. Buildings shall utilize primary materials for at least 65% of each applicable building façade.
- b. Secondary materials are permitted on no greater than 35% of each applicable building façade.
- c. Accent materials are permitted on no greater than 10% of each applicable building façade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.).
- d. Buildings shall not use prohibited materials on any exterior wall, whether or not it is a street-facing façade.

**Figure 19.508.4.D.2
Exterior Wall Standards**



3. For Existing Development

Façade modifications that affect more than 50% of the façade shall comply with standards in this section. The Planning Director may waive this requirement if application of the standards would create an incongruous appearance of existing and new materials.

Table 19.508.4.D Downtown Exterior Building Materials		
Material Type	Nonresidential and Mixed-Use	Residential
Brick	P	P
Stone/masonry	P	P
Genuine stucco	P	P
Glass (transparent, spandrel)	P	P
Finished wood, wood veneers, and wood siding	P	P
Finished metal panels—such as anodized aluminum, stainless steel, or copper—featuring a polished, brushed, or patina finish	S	S
Concrete blocks with integral color (ground, polished, or glazed finishes)	S	S
Concrete (poured in place or precast)	S	S
Fiber-reinforced cement siding and panels	S	S
Ceramic tile	S	S
Concrete blocks with integral color (split-face finish)	A	A
Standing seam and corrugated metal	A	A
Glass block	A	A
Vegetated wall panels or trellises	S	A
Vinyl siding	N	N
Plywood paneling	N	N

Proposed Code Amendment

Exterior insulation finishing system (EIFS) or other synthetic stucco panels	N	N
Plastic or vinyl fencing	N	N
Chain-link fencing	N	N

P = Primary Material

S = Secondary Material

A = Accent Material

N = Prohibited Material

E. Windows and Doors

1. Purpose

To enhance street safety and provide a comfortable pedestrian environment by adding interest to exterior façades, allowing for day lighting of interior space, and creating a visual connection between interior and exterior spaces.

2. Main Street

For block faces along Main St, 50% 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.

3. Other Streets

For all other block faces, the exterior wall(s) of the building facing the street/sidewalk must meet the following standards:

- a. 40% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors.
- b. Along McLoughlin Blvd the required coverage is 30%.

4. Upper Level

Along all block faces, the following standards are applicable on the upper-level building façades facing a street or public space.

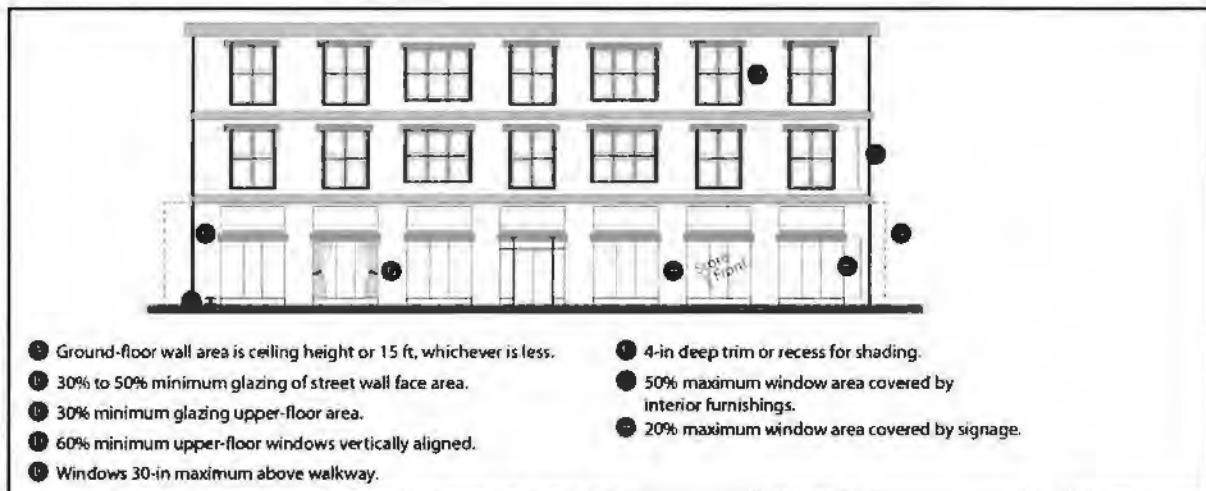
- a. Upper building stories shall provide a minimum of 30% glazing. For the purposes of this standard, minimum glazing includes windows and any glazed portions of doors.
- b. The required upper-floor window/door percentage does not apply to floors where sloped roofs and dormer windows are used.
- c. A minimum of 60% of all upper-floor windows shall be vertically oriented. This vertical orientation applies to grouped window arrays as opposed to individual windows.

5. General Standards

- a. 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.
- b. All buildings with nonresidential ground-floor windows must have a visible transmittance (VT) of 0.6 or higher.

- c. 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.
 - d. The bottom edge of windows along pedestrian ways shall be constructed no more than 30 in above the abutting walkway surface.
 - e. Ground-floor windows for nonresidential buildings shall allow views into storefronts, working areas, or lobbies. No more than 50% of the window area may be covered by interior furnishings including, but not limited to, curtains, shades, signs, or shelves.
 - f. Signs are limited to a maximum coverage of 20% of the required window area.
6. Prohibited Window Elements
- For all building windows facing streets, courtyards, and/or public squares in the downtown, the following window elements are prohibited:
- a. Reflective, tinted, or opaque glazing.
 - b. Simulated divisions (internal or applied synthetic materials).
 - c. Exposed, unpainted metal frame windows.

**Figure 19.508.4.E
Windows and Doors**



F. Roofs and Rooftop Equipment

1. Purpose

To create a visually interesting condition at the top of the building that enhances the quality and character of the building.

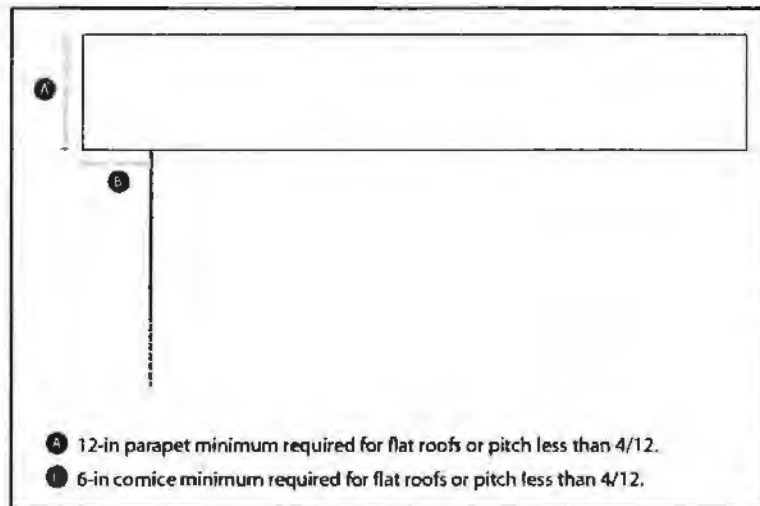
2. Roof Forms

- a. 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.

Proposed Code Amendment

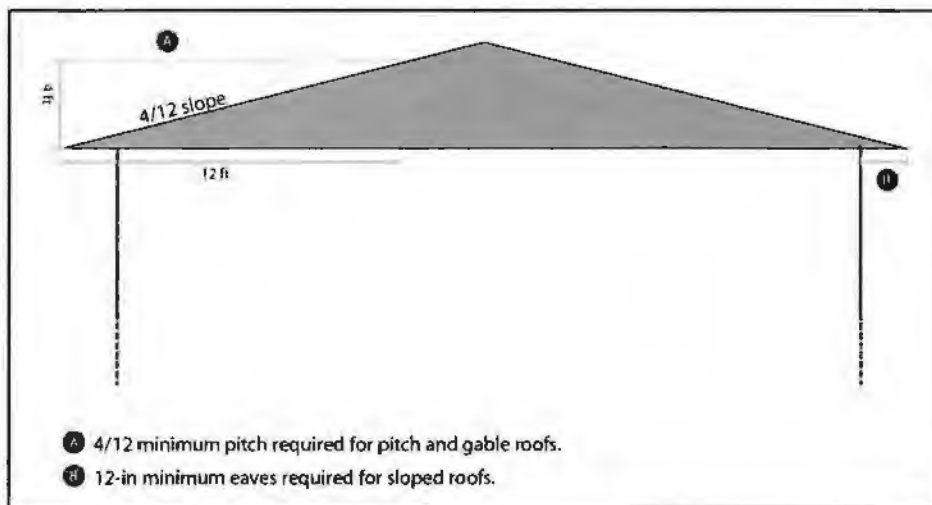
- (3) Gabled roof.
- (4) Dormers.
- (5) Shed roof.
- b. All flat roofs, or those with a pitch of less than 4/12, shall be architecturally treated or articulated with a parapet wall that projects vertically above the roofline at least 12 in and/or a cornice that projects from the building face at least 6 in.

Figure 19.508.4.F.2.b
Flat Roof with Parapet or Cornice



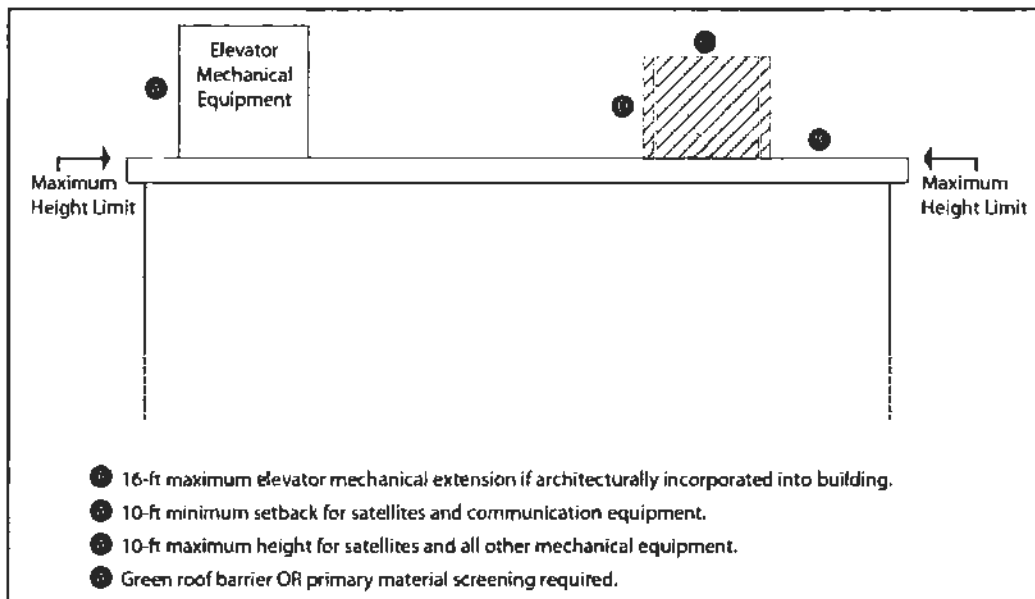
- c. All hip or gables roofs exposed to view from adjacent public or private streets and properties shall have a minimum 4/12 pitch.
- d. Sloped roofs shall have eaves, exclusive of rain gutters, that project from the building wall at least 12 in.

Figure 19.508.4.F.2.c&d
Pitch and Gable Roofs



- 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.
3. Rooftop Equipment and Screening
- a. The following rooftop equipment does not require screening:
 - (1) Solar panels, wind generators, and green roof features.
 - (2) Equipment under 2 ft high, if set back a minimum of 5 ft from the outer edge of the roof.
 - 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 high, shall be set back a minimum of 10 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.

**Figure 19.508.4.F.3
Rooftop Equipment and Screening**



4. Rooftop Structures

Proposed Code Amendment

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 high.

G. Open Space/Plazas

1. Intent

To assure adequate public and private open space in the downtown.

2. Mixed-Use and Residential Development

The following standards apply to mixed-use buildings with more than 4 residential units and residential-only multifamily developments.

a. Outdoor Space Required

50 sq ft of private or common open space is required for each dwelling unit. The open space may be allocated exclusively for private or common use, or it may be a combination of the two uses.

b. Common Open Space

(1) Common open space may be provided in the form of decks, shared patios, roof gardens, recreation rooms, lobbies, or other gathering spaces created strictly for the tenants and not associated with storage or circulation. Landscape buffer areas may not be used as common open space unless active and passive uses are integrated into the space and its use will not adversely affect abutting properties.

(2) With the exception of roof decks or gardens, outdoor common open space shall be abutted on at least two sides by residential units or by nonresidential uses with windows and entrances fronting on the space.

(3) Common open space shall be landscaped with trees, shrubs, and groundcover plants. Landscaping shall be maintained in accordance with the standards of the City of Milwaukee.

c. Private Open Space

(1) Private open space may be provided in the form of a porch, deck, balcony, patio, terrace, or other private outdoor area.

(2) The private open space provided shall be contiguous with the unit.

(3) Balconies used for entrances or exits shall not be considered as private open space except where such exits or entrances are for the sole use of the unit.

(4) Balconies may project up to a maximum of 4 ft into the public right-of-way.

d. Credit for Open Space

An open space credit of 50% may be granted when a development is directly adjacent to, or across a public right-of-way from, an improved public park.

19.508.5 Variances

Variances cannot be granted for the design standards of Section 19.508. Projects that cannot meet the design standards in this section must be reviewed through a Type III downtown design review and demonstrate compliance with the Milwaukie Downtown Design Guidelines, pursuant to Section 19.907.

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.601 PURPOSE

Chapter 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of Chapter 19.600 is to: provide adequate, but not excessive, space for off-street parking; avoid parking-related congestion on the streets; avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; encourage bicycling, transit, and carpooling; minimize parking impacts to adjacent properties; improve the appearance of parking areas; and minimize environmental impacts of parking areas.

Regulations governing the provision of on-street parking within the right-of-way are contained in Chapter 19.700. The management of on-street parking is governed by Chapter 10.20. Chapter 19.600 does not enforce compliance with the Americans with Disabilities Act (ADA). ADA compliance on private property is reviewed and enforced by the Building Official.

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

The purpose of Section 19.605 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratios for common land uses, and Subsection 19.605.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

Nonresidential development in the Downtown Mixed Use (DMU) and Open Space (OS) Zones is exempt from the requirements of Section 19.605.

Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements		
Use	Minimum Required	Maximum Allowed
A. Residential Uses		
2. Multifamily dwellings containing 3 or more dwelling units (includes senior and retirement housing).		
a. Dwelling units with 800 sq ft of floor area or less and all units located in the DMU Zone.	1 space per dwelling unit.	2 spaces per dwelling unit.
b. Dwelling units with more than 800 sq ft of floor area.	1.25 spaces per dwelling unit.	2 spaces per dwelling unit.

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) Zone in the area bounded by 42nd Avenue, King Road, 40th Avenue, and Jackson Street.
- d. Properties in the Commercial General (C-G) Zone in the area bounded by 42nd Avenue, Harrison Street, 44th Avenue, and Jackson Street.

2. Proximity to Public Transit

- a. Parking for commercial and industrial uses may be reduced by up to 10% if the development is within 500-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.
- b. Parking for multifamily uses may be reduced by up to 20% if the development is within 500-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.
- c. Parking for all uses except single-family attached and detached dwellings may be reduced by 25% if the development is within 1,000-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a light rail transit stop, or if it is located in the Downtown Mixed Use Zone DMU.
- d. In determining walking distance, the applicant shall measure the shortest route along sidewalks, improved pedestrian ways, or streets if sidewalks or improved pedestrian ways are not present. Walking distance shall be measured along the shortest course from the point on the development site that is nearest to the transit stop.

19.606 PARKING AREA DESIGN AND LANDSCAPING

19.606.2 Landscaping

B. General Provisions

- 1. Parking area landscaping shall be required for the surface parking areas of all uses, except for cottage clusters, rowhouses, duplexes, and single-family detached dwellings. Landscaping shall be based on the standards in Subsections 19.606.2.C-E.
- 2. Landscaped areas required by Subsection 19.606.2 shall count toward the minimum amount of landscaped area required in other portions of Title 19.

3. Parking areas with 10 or fewer spaces in the Downtown Mixed Use Zone are exempt from the requirements of Subsection 19.606.2.
-

19.608 LOADING

19.608.1 General Provisions

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

19.609 BICYCLE PARKING

19.609.1 Applicability

Bicycle parking shall be provided for all new commercial, industrial, community service use, and multifamily residential development. Temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units are exempt from Section 19.609. Bicycle parking shall be provided in the Downtown Mixed Use Zone and at transit centers.

19.611 PARKING STRUCTURES

The purpose of Section 19.611 is to regulate the design and location of structured parking, and to provide appropriate incentives for the provision of structured parking. Structured parking is allowed to accommodate parking that is required for a specific use, or as a parking facility that is a use by itself.

19.611.1 Permitted Zones and Review Procedures

- A. Parking structures, including underground parking, are allowed in all zoning districts except the R-10, R-7, R-5, and Open Space Zones. A parking structure can be permitted through approval of a Community Service Use application in all zones except the Open Space Zone. A parking structure to be used for commercial parking in the Downtown Mixed Use Zone must be permitted through approval of a conditional use application.
-

CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS

[19.710 DOWNTOWN REIMBURSEMENT repealed]

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 Antenna¹	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions²
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
R-O-C	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

¹ 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.

² 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, R-O-C, C-N, C-G, C-L, OS, and DMU Zones.

19.905 CONDITIONAL USES

19.905.5 Conditions of Approval

The Planning Commission, or Planning Director in the case of minor modifications, may impose conditions of approval that are suitable and necessary to assure compatibility of the proposed use with other uses in the area and minimize and mitigate potential adverse impacts caused by the proposed use.

Conditions of approval may include, but are not limited to, the following aspects of the proposed use:

- L. Requiring off-street parking.

[19.907 DOWNTOWN DESIGN REVIEW repealed and replaced with the following]

19.907 DOWNTOWN DESIGN REVIEW

19.907.1 Purpose

Downtown design review is intended to achieve the following purposes:

- A. Preserve and enhance the character of downtown Milwaukie.
- B. Ensure a degree of order, harmony, and quality in the downtown, providing buildings and projects that are attractive individually yet contribute to a downtown that is distinctive as a whole.
- C. Ensure that new development, and alterations or enlargement of existing development, are consistent with the downtown site and building design standards of Section 19.508 or Downtown Design Guidelines.
- D. Implement the vision of the Downtown and Riverfront Land Use Framework Plan.
- E. Provide a design review process that allows applicants to choose standards or more flexible discretionary guidelines.

19.907.2 Applicability

Applications for downtown design review shall be processed through a Type I, II, or III procedure, in accordance with Chapter 19.1000, as follows:

A. Exemptions

Downtown design review does not apply to the following projects:

- 1. Demolition, unless listed on the City of Milwaukie Historic Resource Inventory and subject to the standards of Section 19.403.
- 2. Building additions of less than 250 sq ft that are not visible from streets, sidewalks, courtyards, public parks, and/or pedestrian walkways.
- 3. Maintenance, restoration, and repair of a building in a manner that is consistent with previous approvals and/or necessary for safety. Examples include paint retouching, and other routine upkeep of the building exterior, and in-kind restoration or

replacement of damaged materials. Maintenance, restoration, and repair does not include replacement of materials due to obsolescence.

4. Minor building or site upgrades needed to bring an existing development into compliance with the Americans with Disabilities Act.
5. Exterior painting and weatherproofing.
6. Any exterior project that doesn't require a building permit.
7. Interior remodeling.

B. Type I

The following projects are subject to Type I downtown design review:

1. Demolition or replacement of less than 25% of the surface area of any exterior wall or roof.
2. Addition, elimination, or change in location of windows that does not decrease the overall percentage of window coverage.
3. Addition, elimination, or change in location of entry doors and loading doors.
4. Addition of new, or change to existing, awnings, canopies, and other mounted structures to an existing façade.
5. For commercial and mixed-use developments, modification of up to 15% of on-site landscaping with no reduction of the overall landscaping percentage. Modification refers to changing the hardscape elements and the location of required landscaped areas and/or trees.
6. Modification of an off-street parking area with no reduction in parking spaces or increase in paved area, including restriping.
7. Addition of new fences and/or retaining walls of 4 ft height or less.
8. Change of existing grade.
9. An increase in floor area proposed for a nonresidential use of less than 10% up to a maximum of 2,000 sq ft.
10. A reduction in the area reserved for common open space and/or usable open space which does not reduce the open space area below the minimum required or which reduces the open space area by less than 10%. Reduction of the open space area below the minimum required requires variance review per Chapter 19.911.
11. A new stand-alone multifamily residential building or addition that meets the objective design standards in Table 19.505.3.D. Applicants may elect to process a stand-alone residential building through Type II downtown design review if the applicant prefers to meet the design standards of Section 19.508.

C. Type II

The following projects are subject to Type II downtown design review:

1. New development that meets the design standards of Section 19.508.
2. Demolition or replacement of more than 25% of the surface area of any exterior wall or roof.

Proposed Code Amendment

3. Addition, elimination, or change in location of windows that decreases the overall percentage of window coverage.
4. For commercial and mixed-use developments, modification of more than 15% of on-site landscaping or modification that results in a reduction of overall landscaping percentage. Modification refers to changing the hardscape elements and the location of required landscaped areas and/or trees.
5. Modification of an off-street parking area that results in a reduction in parking spaces and/or an increase in paved area.
6. Addition of new fences and/or retaining walls more than 4 ft high.
7. An increase in floor area proposed for a nonresidential use by more than 10% or 2,000 sq ft, whichever is greater.
8. A reduction in the area reserved for common open space and/or usable open space which reduces the open space area by 10% or more.
9. An increase in the height of an existing building up to the maximum height.
10. A reduction in the area reserved for common open space and/or usable open space which reduces the open space area below the minimum required or reduces the open space area by more than 10%.
11. A new stand-alone multifamily residential building or addition that satisfies the design guidelines in Table 19.505.3.D. An applicant may elect to process a stand-alone residential building through Type II downtown design review if the applicant prefers to meet the design standards of Section 19.508.

D. Type III

The following projects are subject to Type III downtown design review:

1. Any project, at the applicant's option.
2. A project, addition, or expansion that is unable to meet one or more of the design standards of Sections 19.508.
3. A project that does not fit the applicability for Type I or II review.
4. A stand-alone multifamily residential building, if applicants elect to process through Type III downtown design review rather than Type I or II Development Review because additional design flexibility is desired.

19.907.3 Review Process

A. General Provisions

Downtown design review generally includes review of the proposed structure(s) and site improvements for compliance with applicable design standards. For expansions or modifications of existing development, the review is limited to the modified portions of the site or structure and any other site improvements that may be affected by the proposed modifications.

B. Review Types

To achieve the purpose of the downtown design standards, there are three downtown design review processes through which to apply for approval:

1. Type I

The ministerial review track provides for a Type I review process pursuant to Section 19.1004 using the design standards in Section 19.508. It is generally intended for smaller building and site renovation projects, as listed in Subsection 19.907.2.B.

2. Type II

The administrative review track provides for a Type II process pursuant to Section 19.1005 that requires staff review utilizing the standards in Section 19.508. It generally applies to new development and renovation/remodeling projects, as listed in Subsection 19.907.2.C.

3. Type III

The discretionary review track provides for a Type III review process pursuant to Section 19.1006, through which the Design and Landmark Committee and Planning Commission determine substantial consistency with the purpose statement of the relevant standard or standards and the Milwaukie Downtown Design Guidelines. It generally applies to new development and renovation/remodeling projects, as listed in Subsection 19.907.2.D.

C. Review Options

Designing a project to the design standards would result in a Type I or II review process. However, applicants, at their option, may choose to use Type III discretionary review.

Through Type III review, applicants can address downtown design review requirements through a combination of satisfying certain design standards and, in instances where they elect not to utilize design standards, satisfying the purpose statement of the applicable standard or standards and the applicable design guidelines instead. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable design guidelines only.

19.907.4 Application

Applications for downtown design review shall be filed with the Planning Department on forms prescribed by the Planning Director. The applicant shall demonstrate compliance with applicable zoning criteria. In addition to all information specified on the "Submittal Requirements" and "Site Plan Requirements" forms, each application for downtown design review shall be accompanied by the following information:

- A. Completed downtown design review checklist (for Type III only).
- B. Written statement that describes the following:
 1. For Type I and II downtown design review, how the proposal is consistent with applicable downtown design standards in Section 19.508.
 2. For Type III Design Review, how the proposal meets applicable design guidelines in the Milwaukie Downtown Design Guidelines document.
- C. Footprints of surrounding buildings, including driveways and pedestrian connections.
- D. Location, dimension, and setbacks of all proposed buildings, structures, walls, and fences.
- E. Dimensioned building elevations indicating height, exterior materials, colors, and details of exterior architectural features, such as cornices, windows, and trim.
- F. A streetscape drawing showing the relationship of the proposed project to adjacent buildings.

G. Frontage improvements in the public right-of-way per the Public Works Standards.

19.907.5 Approval Criteria

A. Type I Downtown Design Review

An application for Type I downtown design review shall be approved when all of the following criteria have been met:

1. Compliance with Title 19.
2. Compliance with applicable design standards in Section 19.508 and any prior land use approvals.

B. Type II Downtown Design Review

An application for Type II downtown design review shall be approved when all of the following criteria have been met:

1. Compliance with Title 19.
2. Compliance with applicable design standards in Section 19.508.

C. Type III Downtown Design Review

An application for Type III downtown design review shall be approved when all of the following criteria have been met:

1. Compliance with Title 19.
2. Compliance with applicable design standards in Section 19.508.
3. Substantial consistency with the purpose statement of the applicable design standard and the applicable Downtown Design Guideline(s) being utilized in place of the applicable design standard(s).

19.907.6 Report and Recommendation by Design and Landmarks Committee

The Design and Landmarks Committee shall hold a public meeting and prepare a downtown design review report for Type III applications pursuant to Section 19.1011. The Planning Commission shall consider the findings and recommendations contained in the downtown design review report during a public hearing on the proposal.

19.907.7 Variances

A. Variances cannot be granted for the downtown design standards of Section 19.508.

Applications unable to meet one or more standards must use the Type III discretionary downtown design review process.

B. For applications using the Type III downtown design review process, variances will only be allowed for the development standards and design standards that are not met. Variances to the design guidelines themselves will not be granted.

19.911 VARIANCES

19.911.6 BUILDING HEIGHT VARIANCE

A. Intent

To provide a discretionary option for variances to maximum building heights in the Downtown Mixed Use Zone to reward buildings of truly exceptional design that respond to the specific context of their location and provide desired public benefits and/or amenities.

B. Applicability

The Type III building height variance is an option for proposed buildings that exceed the base maximum building heights specified in Figure 19.304-4 and do not elect to use the height bonuses in Subsection 19.304.5.B.3.

C. Review Process

The building height variance shall be subject to Type III review and approval by the Design and Landmarks Committee and the Planning Commission, in accordance with Chapter 19.907 and Section 19.1011. The building height variance shall be consolidated with downtown design review.

1. Because the building height variance provides substantial flexibility and discretion, additional time will be required for public input and technical evaluation of the proposal. To use this option, the applicant shall sign a waiver of the 120-day decision requirement.
2. The applicant may request design advice from the Design and Landmarks Committee prior to submitting an application. Design advice requests provide the opportunity to assess approval potential prior to committing excessive time or money to detailed design plans.
3. Design advice requests may not be made for a specific project or site with an active land use review application.
4. A special application fee may be required to use this Type III option to allow the City to contract with a registered architect to assist in the review of the height variance application.

D. Approval Criteria

The approval authority may approve, approve with conditions, or deny the building height variance based on the following approval criteria:

1. Substantial consistency with the Downtown Design Guidelines.
2. The proposed height variance will result in a project that is exceptional in the quality of detailing, appearance and materials or creates a positive unique relationship to other nearby structures, views or open space.
3. The proposed height variance preserves important views to the Willamette River, limits shadows on public open spaces and ensures step downs and transitions to neighborhoods at the edge of the Downtown Mixed Use zone.
4. The proposed height variance will result in a project that provides public benefits and/or amenities beyond those required by the base zone standards and that will increase downtown vibrancy and/or help meet sustainability goals.

Updates for Section References and Housekeeping Only

19.406

19.406 TACOMA STATION AREA OVERLAY ZONE TSA

19.708.1.C

C. Development in Downtown Zones

Street design standards and right-of-way dedication for the downtown zones are subject to the requirements of the Milwaukie Public Works Standards, which implement the streetscape design of the Milwaukie Downtown and Riverfront Plan: Public Area Requirements (PAR). Unless specifically stated otherwise, the standards in Section 19.708 do not apply to development located in the downtown zones or on street sections shown in the PAR per Subsection 19.304.6.

19.1011.1.A.2:

2. If the applicant does not extend the 120-day decision requirement, the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection 19.907.6.
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19.1011.3.D

- D. An abstaining or disqualified member of the committee shall be counted for purposes of forming a quorum. If all members of the committee abstain or are disqualified, the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection 19.907.6.

EXHIBIT H

