

ORDINANCE NUMBER 1364

AN ORDINANCE AMENDING ORDINANCE NUMBER 1316, AS AMENDED, AN ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES IN MILWAUKIE, OREGON, AND ESTABLISHING ZONES FOR THAT PURPOSE.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. That Section 1.030. of Ordinance 1316 be amended by adding the following subsections 77 and 78:

"77. 'Drinking Establishment' means a place of business which requires a permit and/or license from Oregon Liquor Control Commission for the dispensing of liquor for consumption upon the premises.

78. 'Eating Establishment' means a place of business which serves food but does not require a permit and/or license from Oregon Liquor Control Commission."

Section 2. That Section 3.040.3.k. be deleted and replaced with the following:

"k. Buffer Area: If any use in this zone, except a single family dwelling, abuts or faces an R-10, R-7 or R-5 zone, then such use shall be reviewed by the Design Review Board or Planning office as authorized by the Board. There may be required a yard up to 35 feet on the side abutting or facing the adjacent zone in order to provide a buffer area. Screening, landscaping or other conditions necessary to preserve the character of the adjacent zone may be required by the Design Review Board or Planning office as authorized by the Board."

Section 3. That Section 3.050.3.k. be deleted and replaced with the following:

"k. Buffer Area: If any use in this zone, except a single family dwelling, abuts or faces an R-10, R-7, R-5, or A-3 zone then such use shall be reviewed by the Design Review Board or Planning office as authorized by the Board. There may be required a yard up to 35 feet on the side abutting or facing the adjacent zone in order to provide a buffer area. Screening, landscaping or other conditions necessary to preserve the character of the adjacent zone may be required by the Design Review Board or Planning office as authorized by the Board."

Section 4. That Section 3.060.3.k. be deleted and replaced with the following:

"k. Buffer Area: If any use in this zone, except a single family dwelling, abuts or faces an R-10, R-7, R-5, A-3 or A-2 zone then such use shall be reviewed by the Design Review Board or Planning office as authorized by the Board. There may be required a yard up to 35 feet on the side abutting or facing the adjacent zone in order to provide a buffer area. Screening, landscaping or other conditions necessary to preserve the character of the adjacent zone may be required by the Design Review Board or Planning office as authorized by the Board."

Section 5. That Section 3.080.3.f. be deleted and replaced with the following:

"f. Buffer Area: If any use in this zone, except a single family dwelling, abuts or faces a residential zone then such use shall be reviewed by the Design Review Board or Planning office as authorized by the Board. A yard up to 50 feet may be required on the side abutting or facing the adjacent zone in order to provide a buffer area. Screening, landscaping, or other conditions necessary to preserve the character of the adjacent zone may be required by the Design Review Board or Planning office as authorized by the Board."

Section 6: That the phrase "or drinking" be deleted from Section 3.090.1.g. and that the following subsection 3.090.2.n. be added:

"n. Drinking establishment."

Section 7. That Section 3.090.3.f. be deleted and replaced with the following:

"f. Buffer Area: If any use in this zone abuts or faces a residential zone, then such use shall be reviewed by the Design Review Board or Planning office as authorized by the Board. A yard up to 50 feet may be required on the side abutting or facing the adjacent zone in order to provide a buffer area. Screening, landscaping, or other conditions necessary to preserve the character of the adjacent zone may be required by the Design Review Board or Planning office as authorized by the Board."

Section 8. That the phrase "or drinking" be deleted from Section 3.100.1.h. and that the following subsection 3.100.2.1. be added:

"1. Drinking establishment."

Section 9. That Section 3.100.3.f. be deleted and replaced with the following:

"f. Buffer Area: If any use in this zone abuts or faces a residential zone then such use shall be reviewed by the Design Review Board or Planning office as authorized by the Board. A yard up to 50 feet may be required on the side abutting or facing the adjacent zone in order to provide a buffer area. Screening, landscaping, or other conditions necessary to preserve the character of the adjacent zone may be required by the Design Review Board or Planning office as authorized by the Board."

Section 10. That Section 3.110.3.f. be deleted and replaced with the following:

"f. Buffer Area: If a use in this zone abuts or faces a residential or commercial zone, then such use shall be

reviewed by the Design Review Board or Planning office as authorized by the Board. A yard up to 100 feet may be required on the side abutting or facing the adjacent zone in order to provide a buffer area. Screening, landscaping, or other conditions necessary to preserve the character of the adjacent zone may be required by the Design Review Board or Planning office as authorized by the Board."

Section 11. That Section 3.120.3.f. be deleted and replaced with the following:

"f. Buffer Area: If a use in this zone abuts or faces a residential or commercial zone, then such use shall be reviewed by the Design Review Board or Planning office as authorized by the Board. A yard up to 100 feet may be required on the side abutting or facing the adjacent zone in order to provide a buffer area. Screening, landscaping, or other conditions necessary to preserve the character of the adjacent zone may be required by the Design Review Board or Planning office as authorized by the Board."

Section 12. That the first sentence of Section 5.010. be deleted and the following substituted therefor:

"Section 5.010. Off-Street Parking Requirements. At the time a structure is erected or enlarged, except in the C-C zone, off-street parking spaces shall be provided in accordance with the requirements of this Section and Section 5.030. If the use of an existing structure or parcel is changed to a use with greater parking requirements, the requirements of this Section and Section 5.030. shall apply."

Section 13. That Section 6.020. be amended by adding the following subsection 12:

"12. Drinking Establishment. In considering a conditional use application for a drinking establishment, the Planning Commission shall consider the following:

- a. Nearness to dwelling, churches, or other uses which require a quiet environment.
- b. Building entrances, lighting, and other features which could generate or be conducive to noise or other disturbance for adjoining uses.
- c. Vehicle access, parking and circulation which could contribute to noise or hazards, or attract habitual assembly of unruly persons.
- d. In addition to consideration of the above with respect to building and site design, the Planning Commission may attach conditions or standards of performance and impact, and methods for monitoring and evaluating these

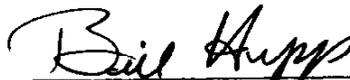
to insure that such establishments do not become unduly or unnecessarily disruptive."

Section 14. Any renumbering or relettering made necessary by this amendment is to be made to insure that numbering and lettering is in sequence.

Read the first time this 18th day of April, 1977, and moved to second reading by unanimous vote of the City Council.

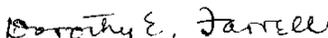
Read the second time and adopted by the City Council this 18th day of April, 1977.

Signed by the Mayor this 18th day of April, 1977.



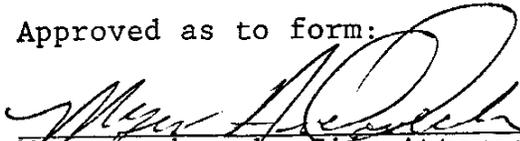
Bill Hupp, Mayor

ATTEST:



Dorothy E. Farrell, Recorder

Approved as to form:



Myer Avedovech, City Attorney