ORDINANCE NO. 1564

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1438 BY ADDING COMMUNITY SERVICE OVERLAY PROVISIONS AND ADOPTING STANDARDS FOR THE COMMUNITY SERVICE USES.

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

Section 1. Purpose: The purpose of the Community Service Overlay designation is to allow community services within any zone under specified conditions, thus eliminating many of the various uses listed under Conditional Uses in each zone.

Section 2. Findings. The following findings of fact and and conclusions are adopted:

A. Currently, Ordinance No. 1438 does not provide adequate procedures or standards for consideration of land use requests for public and private facilities.

B. The Community Service Overlay designation will condense a variety of uses including their standards into one section, thus providing a more concise and effective ordinance.

C. Clearer standards and procedures for public and private facilities are necessary to adequately implement the Comprehensive Plan.

D. The proposed regulation is supported by the following elements of the City's Comprehensive Plan, Ordinance No. 1437:

1. Community Conservation and Development Division Objective #4, Neighborhood Conservation, page 10. To maximize the opportunities to preserve, enhance and reinforce the identity, pride of existing well defined neighborhoods in order to encourage the long-term maintenance of the City's housing stock.

2. Transportation, Public Facilities and Energy Conservation, Introductory Statement, page 62. The City of Milwaukie has a responsibility to its present and future residents to provide a full range of urban services including streets, sewers and water, as well as police and fire protection. In order to create a healthy living environment and efficiently allocate public expenditures, the city believes that these public facilities must be planned prior to future growth, and continually upgraded and maintained once constructed.

3. Public Facilities And Services Element, Goal Statement, page 73. To plan, develop and maintain a timely, orderly and efficient arrangement of public facilities and services to serve urban development.

Section 3. Permitted and Conditional Use Deleted. Amend Ordinance No. 1438 by deleting all references to the following uses which are listed under Sections 3.01, 1.& 2.; 3.02, 1.& 2.; 3.03, 1.& 2.: 3.04, 1.& 2.; 3.05, 1.& 2.; 3.06, 1.& 2.; 3.07, 1.& 2.; 3.08, 1.& 2.; 3.10, 1.& 2.; 3.11, 1.& 2.; 3.12, 1.& 2.; and 6.02, 4.- 6., 9. & 10.:

1. Church and other religious structures.

2. Primary, elementary, junior high or high school, kindergarten or day nursery, or a higher educational institution (college or university).

3. Utility substation.

4. Government or municipal structure or use.

5. Day Care Center.

6. Hospital, sanitarium, rest home, or nursing home.

7. Golf course, except a commercial driving range or miniature course.

8. Cemetary.

9. Commercial radio or television studio, transmitter or antenna support structure.

10. Public utility or communication facility.

Section 4. Community Service Overlay. Amend Ordinance No. 1438 by adding the following:

Ordinance No 1564

CITY OF MILWAUKIE - PLANNING DEPARTMENT

AMENDMENT TO ZONING ORDINANCE

SECTION 3.20

3.20 COMMUNITY SERVICE OVERLAY

.1 PURPOSE

This Section provides for the development of special uses, which because of their public convenience, necessity and unusual character, may be appropriate in one district but not another. This Section also provides for the review and approval of various kinds of public and private facilities including utility and recreational facilities. The Community Service Overlay will function as an Overlay Designation for all public and private institutions in all zones and districts.

.2 APPLICABILITY

Any Community Service Development shall be subject to the provisions of this Ordinance. Community Service uses include private and public utilities, institutions and recreational facilities as listed below.

A. INSTITUTIONS: PUBLIC/PRIVATE AND OTHER PUBLIC FACILITIES

1. Schools, public or private and their accompanying sports facilities, day care centers, private kindergartens.

2. Government office buildings for local, State or Federal government such as a City Hall, Courthouse, correctional facilities, or other similar buildings.

3. Hospital, and related facilities.

4. Nursing or Convalescent Home

5. Churches

6. Other similar uses as determined by the Planning Commission.

B. UTILITIES:

1. Sewage pumping stations.

2. Water wells, pump stations, and related facilities.

4. Electrical power substations.

5. Telephone switching station.

6. Public Works shops, road shops, yards, bus barns, equipment and material storage yards and other similar uses.

7. Telephone, microwave facilities,

8. Radio and television transmission facilities, including studios.

9. Public transit facilities.

10. Other similar uses as determined by the Planning Commission.

C. RECREATION FACILITIES: PUBLIC OR PRIVATE

1. Private club, fraternal organization, lodge, grange.

2. Public and/or privately-owned parks, including golf courses.

3. Other similar uses as determined by the Planning Commission.

.3 NOTICE REQUIREMENTS

The Planning Commission shall hold a public hearing for a Community Service use request pursuant to the hearing and notification procedures in Section 10.04

.4 AUTHORITY TO GRANT OR DENY A COMMUNITY SERVICE USE

A. An application for a Community Service Use may be allowed if:

1. The requirements of the underlying zone are met.

2. Specific standards for the uses found in sub sections .7, .8, .9 & .10 are met.

3. The hours and levels of operation of the proposed use can be adjusted to be reasonably compatible with surrounding uses.

B. In permitting a Community Service Use or the modification of an existing one, the Planning Commission or the Planning Director in the case of a minor change, may impose suitable conditions which assure compatibility of the use with other uses in the vicinity. These conditions may include but are not limited to:

1. Limiting the manner in which the use is conducted, by restricting the time an activity may take place and by minimizing such environmental effects as noise, and glare.

2. Establishing a special yard, setback, lot area or other lot dimension.

3. Limiting the height, size, or location of a building or other structure.

4. Designating the size, number, location and design of vehicle access points.

5. Increasing roadway widths, requiring street dedication, and/or requiring improvements within the street right-of-way including full street improvements.

6. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area.

7. Limiting or otherwise designating the number, size, location, height and lighting of signs.

C. The Planning Director may approve minor changes in any development permit, provided that such change:

1. Does not increase the intensity of any use, or the density of residential use.

2. Meets all requirements of the underlying zone and specific standards.

3. Does not significantly affect adjacent property or uses, will not cause any deterioration or loss of any natural feature or open space; nor significantly affect any public facility and

4. Does not affect any conditions specifically placed on the development by the Planning Commission or City Council.

D. The Planning Commission will hold a public hearing on the establishment of the proposed Community Service Use. If the Commission finds that the establishment of the Community Service Use is in the general public interest and that the benefits to the public outweigh the possible adverse impacts of the use, then the Commission may approve the designation of the site for community service use. If the Commission finds otherwise, the application may be denied. This approval will result in the application of the Community Service Overlay Designation to a particular piece of land, subject to any conditions the Planning Commission may attach.

.5 APPLICATION REQUIREMENTS

An application for approval of a Community Service Use shall include the following:

1. Name, address and telephone number of applicant and/or property owner.

2. Map number and/or subdivision block and lot.

3. Narrative concerning the proposed request.

4. Copy of deed, or other document showing ownership or interest in property. If applicant is not the owner, the written authorization from the owner for the application shall be submitted.

5. Vicinity map.

6. Comprehensive Plan and zoning designations.

7. A map showing existing uses, structures, easements and public utilities and showing proposed development, placement of lot lines, etc.

8. Detailed plans for the specific project.

9. Any information required by other applicable provisions of local, state or federal law.

10. Proof of payment of the applicable fees.

11. Additional drawings, surveys, or other material necessary to understand the proposed use may be required.

.6 REVIEW OF APPLICATION

Upon receipt of an application, the Director shall:

1. Review the application for completeness and shall either accept the application or return it to the applicant with a written list of omissions within seven (7) calendar days of the date of submittal. Date of acceptance shall be noted.

2. A pre-application conference may be scheduled at the request of either the applicant or staff.

3. As soon as an application is accepted as complete notice will be sent if required by Section 10.04.

4. A field visit to the site will be required prior to preparation of the staff report.

.7 SPECIFIC STANDARDS FOR SCHOOLS

(Public,private or parochial, elementary, secondary, pre-schools,nursery schools,kindergartens and day-care centers are included.)

1. Public elementary or secondary schools shall provide the site area/pupil ratio required by State law. Other schools shall provide one acre of site area for each 75 pupils of capacity or for each two and one-half classrooms, whichever is greater except as provided in Subsection 2 below.

2. Pre-schools, nursery schools, day-care centers or kindergartens shall provide a fenced, outdoor play area of at least 75 square feet for each child of total capacity, or a greater amount if so required by State law. In facilities where groups of children are scheduled at different times for outdoor play, the total play area may be reduced proportionally based on the number children playing out-of-doors at one time. However, the total play area may not be reduced by more than one-half. These uses must comply with the State Children's Services Division requirements as well as the City provisions.

3. Walkways, both on and off-site, will be provided as necessary for safe pedestrian access to schools.

4. Sight-obscuring fence of four to six feet in height shall be provided to separate the play area from adjacent residential uses.

5. Public facilities must be adequate to serve the facility.

6. Safe loading and ingress and egress will be provided on and to the site.

7. Off-street parking (including buses) shall be provided as per Section 5.

8. Minimum Setback Requirements:

   FRONT YARD.....20'
   REAR YARD .....20'
   SIDE YARD .....20'

   Setbacks may be increased depending on the type and size of school in order to insure adequate buffering between uses and safety for students.

9. Bicycle facilities are required which adequately serve the facility.

10. Fifteen percent (15%) of the total site is to be landscaped.

.8 SPECIFIC STANDARDS FOR NURSING OR CONVALESCENT HOMES

1. Public services must be adequate to serve the facility.

2. Facilities will access on arterial or collector streets.

3. Setbacks must be the greater of 25' or the setback an adjacent residential zone or of the underlying zone.

4. Maximum height shall not exceed 45 feet.

5. Buffering of noise and light from adjacent streets and between adjacent properties may be required.

6. Sites which could cause hazard to disoriented patients through proximity to heavily traveled streets, waterhazards or ravines or steep slopes shall not be approved unless the applicant can satisfy the Commission that safety measures will be used to prevent injury to patients.

7. On parcels surrounded by existing dwellings, additional conditions may be necessary to:

   A. Mitigate the effects of traffic caused by shift changes, particularly regarding noise at night, and safety of school children in transit.

   B. Maintain neighborhood scale, particularly, regarding size of structure, width of driveway, signs, exterior lighting and placement of parking facilities.

8. Conversion of existing dwellings may be allowed if State codes and rules can be met and the conditions of this section are satisfied.

9. Off-street parking must be provided as per Section 5.

10. Fifteen percent (15%) of the total site is to be landscaped.

.9 SPECIFIC STANDARDS FOR CHURCHES, CONVENT AND RELATED FACILITY

1. A church spire may exceed the maximum height limitation.

2. The lot is of sufficient size to allow all required yards to be equal to at least two-thirds the height of the principal structure.

3. Public facilities are adequate and, in particular, access streets have capacity to carry projected traffic.

4. Fifteen percent (15%) of the total site is to be landscaped.

5. Off-street parking as per Section 5.

.10. SPECIFIC STANDARDS FOR INSTITUTIONS: PUBLIC/PRIVATE AND OTHER FACILITIES NOT COVERED BY OTHER STANDARDS

1. Utilities, streets or other improvements necessary for the public facility or institutional use shall be provided by the agency constructing the use.

2. When located in or adjacent to a residential zone, access should be located on a collector street if practical. If access is to a local residential street consideration of a request shall include an analysis of the projected average daily trips to be generated by the proposed use and their distribution pattern, and the impact of the traffic on the capacity of the street system which would serve the use. Uses which are estimated to generate fewer than twenty (20) trips per day are exempted from this Subsection 2.

3. When located in a residential zone, lot area shall be sufficient to allow required setbacks that are equal to a minimum of two-thirds the height of the principal structure. As the size of the structure increases, the depth of the setback must also increase to provide adequate buffering.

4. The height limitation of a zone may be exceeded to a maximum height of 50 feet provided Subsection 3 is met.

5. Noise generating equipment shall be sound buffered when adjacent to residential areas.

6. Lighting shall be designed to avoid glare on adjacent residential uses and public streets.

7. Where possible, hours and levels of operation shall be adjusted to make the use compatible with adjacent uses.

Read the first time on August 7, 1984 and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on August 7, 1984.

Signed by the Mayor on August 7, 1984.

Ron Kinsella

Ron Kinsella, Mayor

ATTEST:

Laurie Perkin

Laurie Perkin, Recorder

Approved as to form:

Greg Eades

Greg Eades, City Attorney