

Underline/Strikeout Amendments

Title 14 Signs

CHAPTER 14.04 GENERAL PROVISIONS

14.04.030 DEFINITIONS

The following words and phrases when 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; GMU, General Mixed Use; and C-G, General Commercial, Zones, as defined in the Zoning Ordinance.

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

CHAPTER 14.16 SIGN DISTRICTS

14.16.020 ~~RESIDENTIAL OFFICE COMMERCIAL~~ RESIDENTIAL-BUSINESS OFFICE ZONE

No sign shall be installed or maintained in an ~~R-O-C~~ or R-1-B Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.020.

Table 14.16.020
Standards for Signs in ~~Residential Office Commercial~~ Residential-Business Office
Zones ~~R-O-C~~ or R-1-B

14.16.040 COMMERCIAL ZONES

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

Table 14.16.040
Standards for Signs in Commercial Zones C-L, ~~C-G~~, and C-CS, and GMU

Zoning Ordinance

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
General Mixed Use	<u>GMU</u>
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Mixed Use	MU
<u>Flex Space</u>	<u>FS</u>
Aircraft Landing Facility	L-F
Tacoma Station Area	TSA

CHAPTER 19.300 BASE ZONES

~~19.303 RESIDENTIAL-OFFICE-COMMERCIAL ZONE R-O-C~~

In an R-O-C Zone the following regulations shall apply:

~~19.303.1 Uses Permitted Outright~~

In an R-O-C Zone the following uses and their accessory uses are permitted outright:

- A. ~~Single-family detached dwelling;~~
- B. ~~Duplex;~~
- C. ~~Residential home;~~
- D. ~~Multifamily development;~~
- E. ~~Congregate housing facility;~~
- F. ~~Senior and retirement housing;~~
- G. ~~Offices;~~
- H. ~~Retail trade establishment such as a food store, drugstore, gift shop, hardware store selling primarily from a shelf-goods inventory;~~
- I. ~~Personal service business such as a barber shop, tailor shop, or laundry and dry cleaning pickup station;~~
- J. ~~Funeral home;~~
- K. ~~Commercial recreation and motion picture theater;~~
- L. ~~Eating establishment;~~
- M. ~~Hotel or motel;~~
- N. ~~Parking facility;~~
- O. ~~Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;~~
- P. ~~Financial institution;~~
- Q. ~~Trade or commercial school;~~
- R. ~~Department or furniture store;~~
- S. ~~Medical marijuana facilities subject to the standards of Subsection 19.303.3.N;~~
- T. ~~Any other use similar to the above and not listed elsewhere.~~

~~19.303.2 Conditional Uses Permitted~~

In an R-O-C Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 19.905:

- A. ~~Boarding, lodging, or rooming house;~~
- B. ~~Any other use similar to the above and not listed elsewhere.~~

~~19.303.3 Standards~~

In an R-O-C Zone the following standards shall apply:

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- A. ~~Lot size. Lot area shall be at least 5,000 sq ft. Lot area for the first dwelling unit shall be at least 5,000 sq ft and for dwelling units over 1 there shall be not less than an average of 1,400 sq ft. Lot width shall be at least 50 ft. Lot depth shall be at least 80 ft.~~
- B. ~~Front yard. A front yard shall be at least 15 ft.~~
- C. ~~Side yard. A side yard shall be at least 5 ft, and there shall be additional 1 ft of side yard for each 3 ft of height over 2 stories or 25 ft, whichever is less, except on corner lots a side yard shall be at least 15 ft on the side abutting the street.~~
- D. ~~Rear yard. A rear yard shall be at least 15 ft.~~
- E. ~~Off-street parking and loading. As specified in Chapter 19.600.~~
- F. ~~Height restriction. Maximum height of a structure shall be 3 stories or 45 ft, whichever is less. 1 additional story may be permitted in excess of the required maximum standard. For each additional story, an additional 10% of site area beyond the minimum is required to be retained in vegetation.~~
- G. ~~Use restrictions. Authorized commercial uses are permitted on the ground floor only. Office uses are permitted on the ground level and first floor. At least 50% of the floor area within a project shall be used for residential purposes.~~
- H. ~~Lot coverage. Maximum area that may be covered by the principal structure and accessory buildings shall not exceed 50% of the total area of the lot.~~
- I. ~~Minimum vegetation. Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc., shall be 15% of the total area of the lot.~~
- J. ~~Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft, except as provided in the Land Division Ordinance.~~
- K. ~~Transition area. A transition area shall be maintained according to Subsection 19.504.6.~~
- L. ~~Minimum and maximum density. Residential densities for subdivision, planned development, mixed-use development, and other proposals reviewed by the Planning Commission, pursuant to Section 19.1006 Type III Review, shall be at least 25 and not more than 32 dwelling units per net acre.~~
- M. ~~Transportation requirements and standards. As specified in Chapter 19.700.~~
- N. ~~Medical marijuana facilities shall meet the following standards:
 1. ~~As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.~~
 2. ~~A medical marijuana facility shall not be colocated with another business.~~
 3. ~~Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.~~
 4. ~~The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.~~~~

19.303.4 Prohibited Uses

The following uses and their accessory uses are prohibited: Adult entertainment business.

19.303 GENERAL MIXED USE ZONE GMU

19.303.1 Purpose

The General Mixed Use Zone is intended to recognize the importance of central Milwaukie as a primary commercial center and promote a mix of uses that will support a lively and economically robust district. It is also intended to ensure high-quality urban development that is pedestrian-friendly and complementary to the surrounding area.

19.303.2 Uses

A. Permitted Uses

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

B. Conditional Uses

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

C. Nonconforming Uses, Structures, and Development

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

D. Prohibited Uses

Uses not listed in Table 19.303.2, and not considered accessory or similar pursuant to Subsections 19.303.2.E and F below, are prohibited.

E. Accessory Uses

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

F. Similar Uses

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

Table 19.303.2 General Mixed Use Zone Uses		
<u>Uses and Use Categories</u>	<u>GMU</u>	<u>Standards/Additional Provisions</u>
<u>Residential</u>		
<u>Rowhouse¹</u>	<u>P</u>	<u>Subsection 19.505.5 Rowhouses</u>
<u>Multifamily</u>	<u>P</u>	<u>Subsection 19.505.3 Multifamily Housing</u>
<u>Cottage cluster housing</u>	<u>P</u>	<u>Subsection 19.505.4 Cottage Cluster Housing</u>
<u>Mixed use</u>	<u>P</u>	
<u>Live/work units</u>	<u>P</u>	<u>Subsection 19.505.6 Live/Work Units</u>
<u>Senior and retirement housing</u>	<u>P</u>	<u>Subsection 19.505.3 Multifamily Housing</u>
<u>Commercial</u>		
<u>General office</u> General office means professional, executive, management, or administrative offices of firms or organizations. Examples include professional services such as lawyers, architects, or accountants; financial businesses such as lenders or real estate agents; sales offices; and medical and dental clinics.	<u>P</u>	
<u>Eating and drinking establishments</u> Eating and drinking establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeout. Examples include restaurants, delicatessens, retail bakeries, taverns, brewpubs, coffee shops, concession stands, and espresso bars.	<u>P</u>	
<u>Indoor recreation</u> Indoor recreation consists of facilities providing active recreational uses of a primarily indoor nature. Examples include gyms; dance studios; tennis, racquetball, and soccer centers; recreational centers; skating rinks; bowling alleys; arcades; shooting ranges; and movie theaters.	<u>P</u>	

<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. May also include vehicle sales and other auto-oriented retail uses, including boats, RVs, and motorcycles.²</u></p>	<p><u>P</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</u></p>	
<p><u>Repair-oriented.³</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, and office equipment; tailors and seamstresses; shoe repair; locksmiths; upholsterers; and some automobile and boat service and repair.</u></p>	<p><u>P</u></p>	
<p><u>Day care.⁴</u> <u>Day care is the provision of regular childcare, with or without compensation, to 4 or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all State requirements.</u> <u>Examples include nursery schools, before- and after-school care facilities, and child development centers.</u></p>	<p><u>P</u></p>	
<p><u>Commercial lodging.</u> <u>Commercial lodging includes for-profit residential facilities where tenancy is typically less than one month.</u> <u>Examples include hotels, motels, and bed-and-breakfast establishments. Does not include senior and retirement housing.</u></p>	<p><u>P</u></p>	

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<p><u>Boarding, lodging, or rooming house</u> <u>Boarding, lodging, or rooming house generally means a private home where lodgers rent one or more rooms for one or more nights, and sometimes for extended periods of weeks, months, and years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied.</u> <u>Examples include boarding house and cooperative housing.</u></p>	<p><u>CU</u></p>	<p><u>Section 19.905</u> <u>Conditional Uses</u></p>
<p><u>Medical marijuana facility</u> <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 facilities and are not permitted under the City of Milwaukie's medical marijuana facility regulations.</u></p>	<p><u>P</u></p>	<p><u>Subsection 19.303.6</u> <u>Standards for Medical Marijuana Facilities</u></p>
<p><u>Manufacturing and Production</u></p>		
<p><u>Manufacturing and production.</u>⁵ <u>Manufacturing and production uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used.</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>	<p><u>P</u></p>	
<p><u>Institutional</u></p>		
<p><u>Community service uses</u></p>	<p><u>CSU</u></p>	<p><u>Section 19.904</u> <u>Community Service Uses</u></p>

P = Permitted.

CSU = Permitted with community service use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

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

2. Vehicle retail sales are permitted in the GMU Zone only when conducted within a completely enclosed building (including inventory display and storage).
3. Repair-oriented uses are permitted in the GMU Zone only when conducted within a completely enclosed building.
4. Day care and childcare uses are limited to 5,000 sq ft.
5. Manufacturing and production uses are limited to 5,000 sq ft in floor area per use on the ground floor and are only permitted when associated with, and accessory to, a related retail-oriented sales or eating/drinking establishment use. For purposes of this subsection, manufacturing and production involve goods that are sold or distributed beyond or outside of the associated on-site eating or drinking establishment or retail trade use. For example, a brewing facility that distributes or sells its products elsewhere would be considered a manufacturing and production use, while a restaurant kitchen that prepares food that is purchased on the site would not be considered manufacturing or production.

19.303.3 Development Standards

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

Table 19.303.3 summarizes some of the development standards that apply in the GMU Zone. Development standards are presented in full in Subsection 19.303.3 (B).

Table 19.303.3 General Mixed Use Zone—Summary of Development Standards		
Standard	GMU	Standards/ Additional Provisions
A. Lot Standards		
1. Minimum lot size (sq ft)	1,500	
2. Minimum street frontage (ft)	25	
B. Development Standards		
1. Minimum floor area ratio	0.5:1	Subsection 19.303.4.A Floor Area Ratio
2. Building height (ft)		Subsection 19.303.4.B Building Height
a. Base maximum	45	Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone
b. Maximum with height bonus	57–69	
3. Street setbacks (ft)		Subsection 19.303.4.C Street Setbacks
a. Minimum street setback	0–15 ¹	
b. Maximum street setback	10–20 ²	
c. Side and rear setbacks	None	
4. Frontage occupancy	50%	Subsection 19.303.4.D Frontage Occupancy Requirements Figure 19.303.4.D Frontage Occupancy Requirements
5. Maximum lot coverage	85%	
6. Minimum vegetation	15%	Subsection 19.504.7 Minimum Vegetation
7. Primary entrances	Yes	Subsection 19.303.4.E Primary Entrances
8. Off-street parking required	Yes	Chapter 19.600 Off-Street Parking and Loading

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9. <u>Transit street</u>	<u>Yes</u>	<u>Subsection 19.505.8 Building Orientation to Transit</u>
10. <u>Transition measures</u>	<u>Yes</u>	<u>Subsection 19.504.6 Transition Area Measures</u>
<u>C. Other Standards</u>		
1. <u>Residential density requirements (dwelling units per acre)</u>		<u>Subsection 19.202.4 Density Calculations</u>
a. <u>Stand-alone residential</u>		<u>Subsection 19.303.4.F Residential Density</u>
(1) <u>Minimum</u>	<u>25</u>	<u>Subsection 19.501.4 Density Exceptions</u>
(2) <u>Maximum</u>	<u>50</u>	
b. <u>Mixed-use buildings</u>	<u>None</u>	
2. <u>Signs</u>	<u>Yes</u>	<u>Subsection 14.16.040 Commercial Zone</u>

1. Residential edge treatments apply to properties as shown in Figure 19.303.5.

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

19.303.4 Detailed Development Standards

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

A. Floor Area Ratio

1. Intent

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

2. Standards

a. The minimum FAR in Table 19.303.3 applies to all nonresidential building development.

b. Required minimum FAR 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 FAR to determine conformance with minimum FAR.

c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.

3. Exemptions

The following are exempt from the minimum FAR requirement:

a. Parking facilities.

b. Public parks and plazas.

B. Building Height

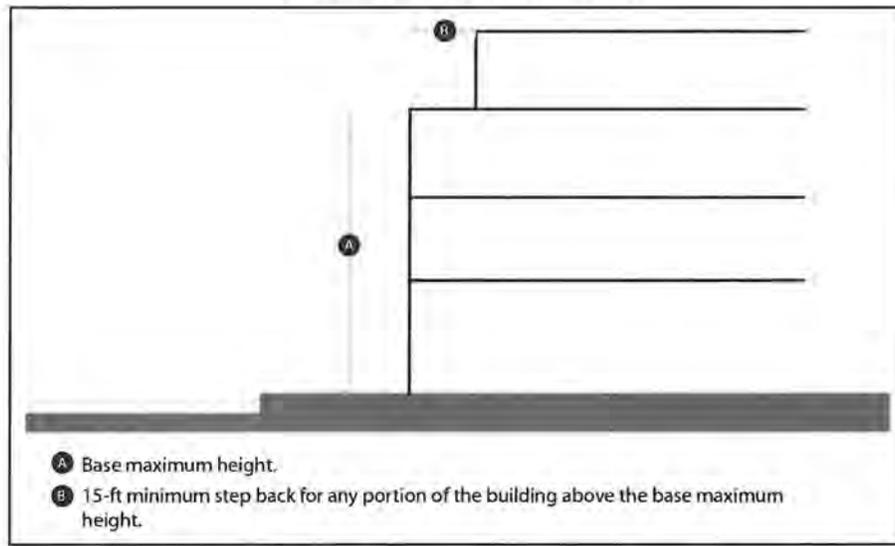
1. Intent

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

2. Standards

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

Figure 19.303.4.B.2.b
Building Height Standards



3. Height Bonuses

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

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

a. Residential

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

b. Green Building

Project proposals that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED, Green Globes, or Earth Advantage) are

permitted 1 additional story or an additional 12 ft of building height, whichever is less.

c. Building Height Variance

Buildings that elect to use both height bonuses for a 5-story building may be approved through Type III variance review, per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

C. Street Setbacks

1. Intent

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

2. Standards

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

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

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

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

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

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

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

D. Frontage Occupancy Requirements

1. Intent

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

2. Standards

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

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

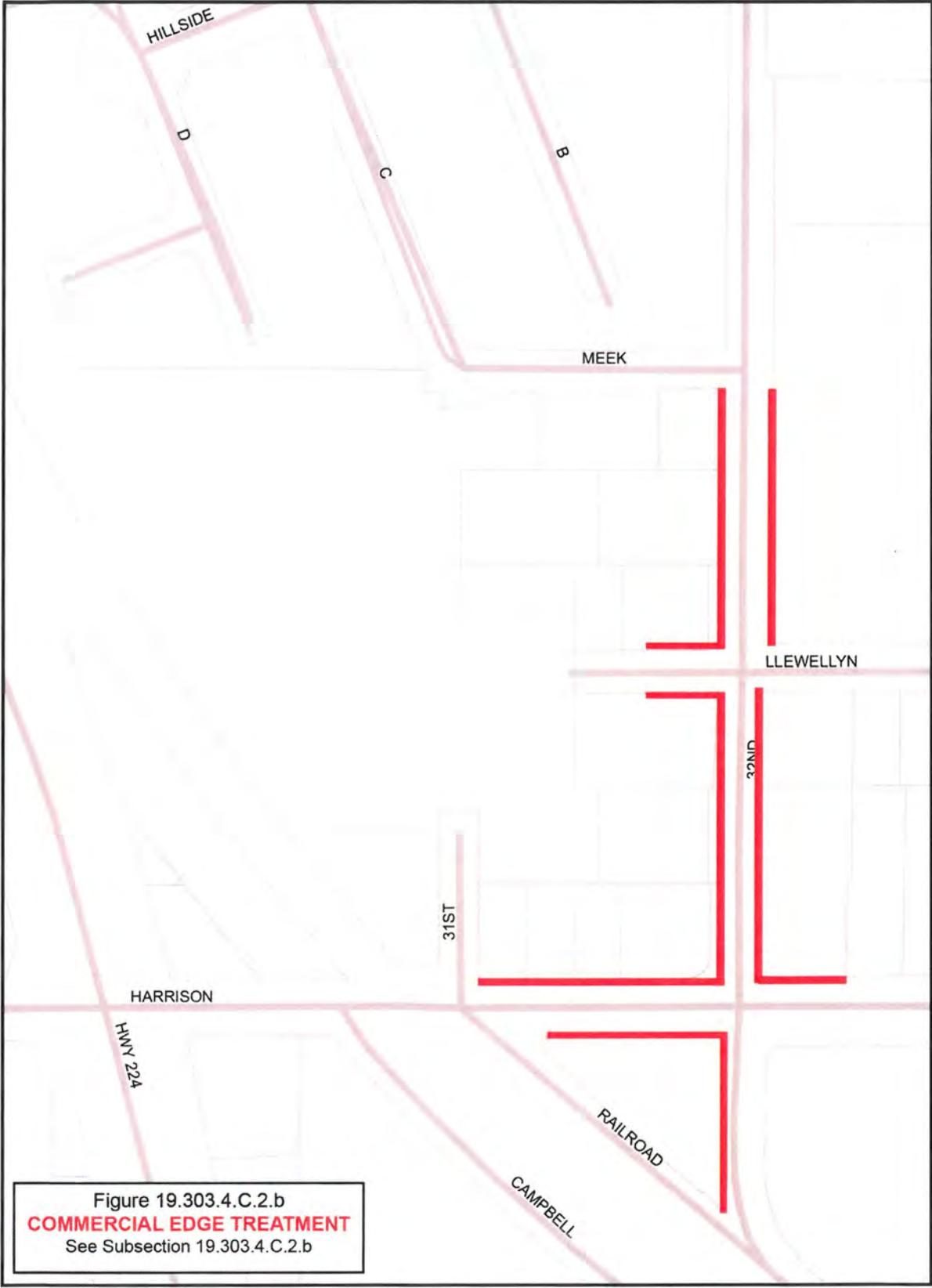
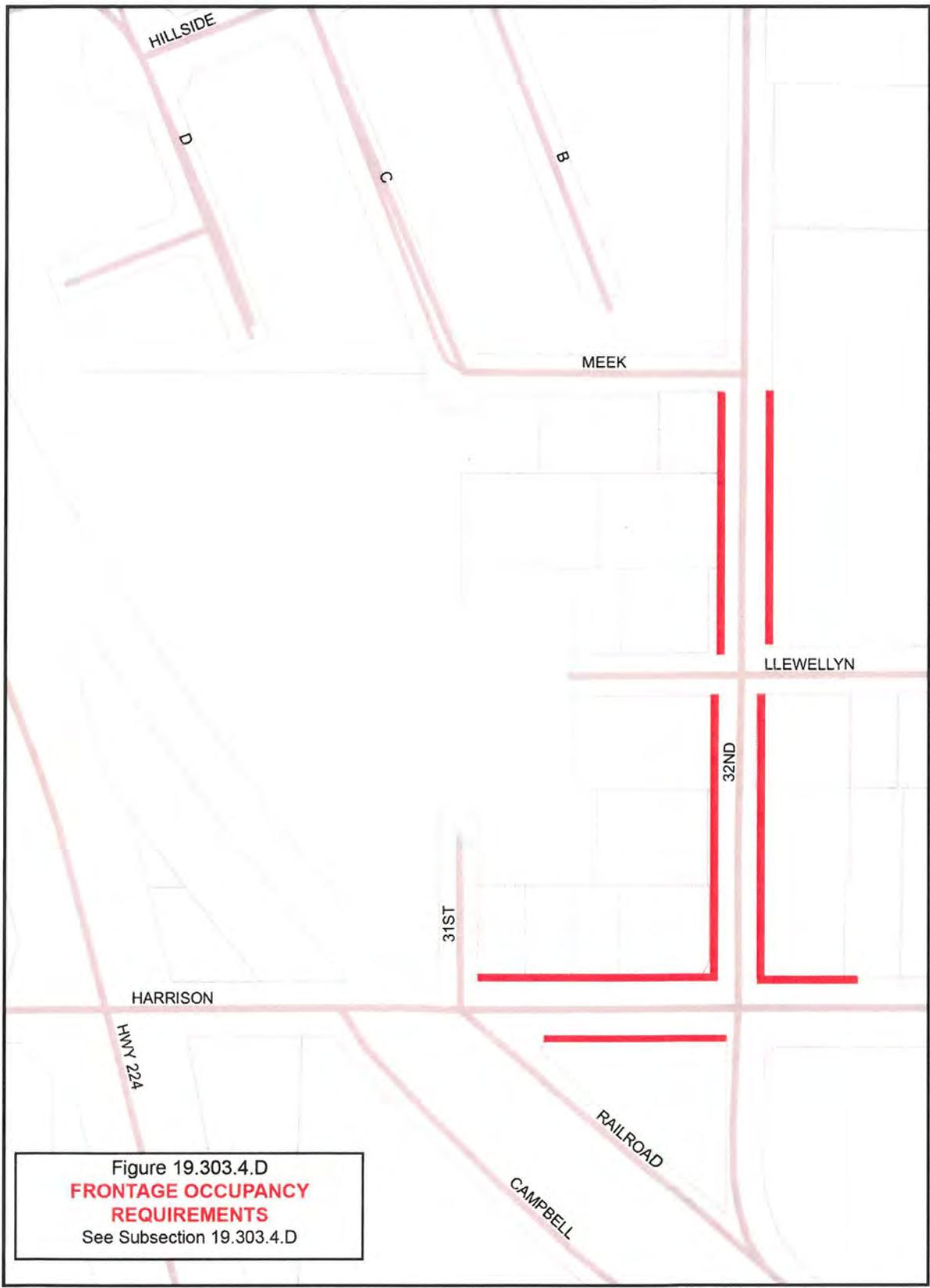


Figure 19.303.4.C.2.b
COMMERCIAL EDGE TREATMENT
See Subsection 19.303.4.C.2.b



E. Primary Entrances

1. Intent

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

2. Standards

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

F. Residential Density

1. Intent

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

2. Standards

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

19.303.5 Standards for Residential Street Edges

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

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



19.303.6 Standards for Medical Marijuana Facilities

In the GMU Zone, medical marijuana facilities shall meet the following standards:

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

19.303.7 Additional Provisions

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

A. Section 19.500 Supplementary Development Regulations

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

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

B. Section 19.600 Off-Street Parking and Loading

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

C. Section 19.700 Public Facility Improvements

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

CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

~~19.404 MIXED USE OVERLAY ZONE MU~~

~~19.404.1 Purpose~~

~~This section is intended to provide assurance that the core downtown area and specific underdeveloped sites within the Town Center will be developed under interim mixed use development guidelines and requirements prior to final adoption of all of the regulations associated with the implementation of the Town Center Master Plan and associated documents.~~

~~19.404.2 General Applicability~~

~~The Mixed Use Overlay Zone will be attached to the primary zone for properties identified as critical to the efforts of the City to develop a mix of uses within the Town Center Master Plan area. These properties include, but are not limited to, those within Sites 21, 22, and 26 of Subarea 2 and Site 41 of Subarea 4 of the Town Center Master Plan. The MU Overlay Zone will be applied to the Zoning Map.~~

~~19.404.3 Primary Uses~~

~~Provisions of Section 19.404 are intended to allow mixed use development, subject to the processes identified in Subsection 19.404.6 below, including retail, commercial, office, and residential development, as listed below.~~

- ~~A. Retail commercial uses such as food store, drugstore, gift shop, and hardware store selling shelf goods primarily (drive-up convenience stores are not permitted);~~
- ~~B. Multifamily dwellings;~~
- ~~C. Rowhouses;~~
- ~~D. Professional offices;~~
- ~~E. Personal service businesses such as haircutting shop, tailor shop, laundry, and dry cleaning pickup station, shoe repair, computer, and bicycle repair, office equipment and services, and electronics repair;~~
- ~~F. Motion picture theater (adult theaters are not permitted);~~
- ~~G. Restaurant and cafe, outdoor seating where provided for in the site design and located off of the public sidewalk area (drive-in and drive-through food establishments are not permitted);~~
- ~~H. Brew pub which serves food;~~
- ~~I. Hotel;~~
- ~~J. Parking facility;~~
- ~~K. Financial institution (without drive-up tellers);~~
- ~~L. Trade or commercial school;~~
- ~~M. Department or furniture store;~~
- ~~N. Bed and breakfast;~~
- ~~O. Service station without associated minimart—minor repair service allowed if approved through a mixed use overlay review application;~~
- ~~P. Farmers' market;~~

- Q. ~~Public park or community meeting area;~~
- R. ~~Youth center;~~
- S. ~~Day-care facilities;~~
- T. ~~Any other use similar to the above and not listed elsewhere.~~

19.404.4 Applicability

~~Development review and approval, pursuant to Subsection 19.404.6, is required for all development on sites having a Mixed Use Overlay Zone, unless the proposed development qualifies for an exception under Subsection 19.404.5.~~

19.404.5 Exemptions from Review

~~The following activities are exempt from review under the Mixed Use Overlay Zone:~~

- A. ~~Change of use where there are no exterior alterations to the buildings or structures, or increases in floor area, impervious surfaces, or storage areas;~~
- B. ~~The sale of property;~~
- C. ~~The normal maintenance and repair necessary for a legally existing use.~~

19.404.6 Development Review Process and Criteria

~~A. Preapplication Conference~~

- ~~1. Prior to submittal of an application for development within the MU Overlay Zone, the applicant shall be required to attend a preapplication conference with Community Development staff. The applicant must submit a specific written proposal and a site plan drawn to scale in order to schedule a preapplication conference.~~
- ~~2. At the preapplication conference, staff shall determine the applicable development review procedure which would apply to the applicant's specific proposal. Staff shall provide appropriate application materials and outline the applicable review procedure. The applicant shall be required to schedule an appointment with staff to submit the completed MU overlay review application.~~

~~B. Planning Commission Review~~

~~The Planning Commission shall review development requests within the Mixed Use Overlay Zone, per the procedures outlined in Section 19.1006 Type III Review.~~

~~C. Criteria~~

~~The Planning Commission may grant approval of a mixed use overlay review upon a determination that the following circumstances exist:~~

- ~~1. The proposed project is in compliance with the Milwaukie Comprehensive Plan;~~
- ~~2. The proposed project is in compliance with the Town Center Master Plan (TCMP);~~
- ~~3. The proposed project is in compliance with the guidelines and requirements of the MU Overlay Zone;~~
- ~~4. The proposed project complies with any requirements of the underlying zone which have not been superseded by the provisions of the Mixed Use Overlay Zone;~~
- ~~5. The proposed project complies with Chapters 19.500, 19.600, and 19.700 of the Zoning Ordinance.~~

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D. ~~Minor Development Review~~

~~The Planning Director may approve minor changes in any development permit or small scale improvements to legally existing uses, through the process designated under Section 19.1004 Type I Review, provided that such changes:~~

- ~~1. Do not increase the intensity of any use;~~
- ~~2. Meet the requirements of the underlying zone and the specific site design standards of Subsection 19.404.8;~~
- ~~3. Are consistent with the Town Center Master Plan;~~
- ~~4. Do 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~~
- ~~5. Do not affect any conditions specifically placed on the development by the Planning Commission or City Council.~~

19.404.7 Application Materials

An application for a mixed use overlay review shall include the following:

- A. Name, address, and telephone number of applicant and/or property owner;
- B. Address and reference map number of the subject property;
- C. North arrow, scale, and date of revision;
- D. Narrative concerning the proposed request, including a written report identifying how the proposal complies with the applicable approval criteria outlined in Subsection 19.404.6.C;
- E. Copy of deed showing ownership or interest in the subject property. If the applicant is not the owner or sole owner, written authorization from the owner or joint owner(s) of the property shall be submitted allowing the applicant to apply for the mixed use overlay review;
- F. Vicinity map;
- G. Comprehensive plan and zoning designations of subject property;
- H. A map showing existing uses, structures, lot lines, topography, and the location of existing and proposed utilities and easements within 100 ft of the property;
- I. A map showing the location of all existing trees, their types, location, and diameter at 5 ft from grade. This map shall be based on a surveyed location of the trees. The map shall identify which trees, if any, are proposed for removal. This tree map may be combined with the landscaping plan if the resulting plan is legible;
- J. Detailed and dimensioned plans, drawn to scale for the specific project, including, but not limited to, the site development plan, building elevations, floor plans, landscaping plan, and parking plan. These plans shall show lot dimensions based on a survey of the property; existing and proposed property boundaries; the distance from structures to property lines and between structures; the building footprint with all projections; and location of driveways, walkways, paved areas, and disabled access and parking. Parking shall address all requirements of Chapters 19.600 and 19.700 of the Zoning Ordinance;
- K. Color and material samples of paint, siding, and roof material;
- L. A sign program, where applicable;
- M. Reduced copies (8½ by 11 in) of all plans and maps;

- N. Any information required by other provisions of local, State, or federal law;
- O. Additional drawings, surveys, studies, or other materials necessary to understand or support the proposed use, as required by the Planning Department through the preapplication process;
- P. Notice labels and map;
- Q. Payment of the applicable fee.

19.404.8 Development Standards

Except as provided in Subsection 19.404.9.A.1, the following development standards apply to all proposals which have been determined to be subject to the Mixed Use Overlay Zone. Development in this overlay zone shall follow the standards and guidelines for development and for specific sites, as indicated below. All development proposals shall comply and not conflict with the Milwaukie Comprehensive Plan and the Town Center Master Plan.

- A. Commercial and Commercial/Residential Mixed Use (office uses are included in the commercial designation)
 1. Proposed development shall incorporate a 1:0.5 to 1:2.0 floor area ratio of commercial to residential development. (For every 1 sq ft of commercial, a minimum of ½ sq ft of residential would be required, and up to 2 sq ft of residential will be permitted.)
 2. Retail and/or service uses are required for the on-street level of any development. Residential and office or additional commercial development can be considered for below-grade development or for stories above the street level.
 3. Angled parking shall be developed where street rights-of-way are wide enough.
 4. Parking for commercial and residential uses shall be located to the rear or side of a proposed development. Where parking is to be located at the side of a structure, an 8-ft wide landscape strip shall separate the parking area from the sidewalk.
 5. Shared parking shall be provided where feasible. Shared bicycle parking shall be permitted when primary pedestrian entrances are located not more than 100 ft from the shared bicycle parking area. The shared bicycle parking must be located in an area of high visibility adjacent to a pedestrian walkway or sidewalk.
 6. All primary ground floor common residential entries or individual unit entries of street frontage units shall be oriented to the street, not to the interior or to a parking lot. Projecting features such as porches, balconies, bay and dormer windows, and roof pediments are encouraged for structures facing a street.
 7. Where structured parking is proposed, it shall be placed in the middle of a block, with commercial and retail uses at the street level. Innovative decorative designs are required to mask any portion of the upper structure which is visible from the street. Parking dimensions shall not include support posts of the underground or aboveground parking structure.
 8. Parking which is provided without a parking structure shall comply with the dimensional and landscaping requirements of Chapter 19.600 of the Zoning Ordinance.
 9. Auto-oriented and drive-in uses are prohibited, except for service stations without related minimarts when a conditional use has been approved.
 10. A minimum of 60% of the ground floor wall area in retail development abutting pedestrian ways and plazas shall consist of nonreflective windows and doorways.

- ~~11. Outdoor displays and café areas shall be permitted subject to City right-of-way permits and related standards. If an outdoor display is located on private property adjacent to the right-of-way, the display shall not impede traffic on the public sidewalk, and the displays and daily display signs shall be removed each evening. Café seating shall be permitted on private property adjacent to the public sidewalk with approval under the site design/conditional use permit process. Outdoor café seating on private property need not be removed each evening.~~
- ~~12. Residential development shall incorporate shared parking, circulation, and bike parking opportunities whenever possible. A planting strip shall separate the right-of-way and the sidewalk. High and medium density residential development is encouraged to have an articulated front façade which makes the building appear to be segmented or similar to the size and bulk of single-family residential units, where possible.~~
- ~~13. Owners of existing single-family homes within the Mixed Use Overlay Zone may apply for a conditional use permit to allow a detached secondary living unit, an accessory dwelling unit, or conversion to a duplex or multifamily dwelling with 3 units, provided that 1 of the units shall remain owner-occupied. Sound insulating and energy-efficient materials shall be provided in any of the above conversions of existing space. Setbacks and development standards of the underlying zone must be met.~~
- ~~14. No outside storage is allowed, with the exception of garbage dumpsters, which are screened by a solid wood fence with a gate, or fully contained individual storage units associated with residential uses.~~
- ~~15. If a project maximizes the residential density allowed in this overlay zone and by the Comprehensive Plan Town Center designation, additional retail or office uses can be permitted on the site through the site design/conditional use review process.~~
- ~~16. Projects accommodating a combination of residential, with retail or office, uses may cluster, combine, or separate the uses on portions of a single property, or a series of properties which are in the process of merger.~~
- ~~17. Residential densities between 25 and 50 dwelling units per acre shall be permitted within the Mixed Use Overlay Zone if the proposed project incorporates 7 out of 13 of the requirements listed in Subsection 19.404.8.A.18 below.~~
- ~~18. All new development shall comply with at least 6 of the following "essential" requirements:
 - ~~a. Special awning treatment;~~
 - ~~b. Special grate or paving treatment, landscaping, planter boxes or pots, and pedestrian-scale lighting between sidewalk and entrance of the building;~~
 - ~~c. Provision for public art or historical reference in the form of a plaque or public display;~~
 - ~~d. Special street lighting or other custom-designed street furniture or similar amenities;~~
 - ~~e. Development of public space, including, but not limited to, plazas, gathering areas, or special landscaped areas;~~
 - ~~f. Residential uses above ground-level retail space;~~
 - ~~g. Enhanced transit amenities such as covered bus shelters or bike lockers;~~
 - ~~h. Upgraded noise buffering on attached residential units;~~~~

- i. ~~Provision of protected play areas in residential development;~~
 - j. ~~Provision of enhanced pedestrian accessways from rear parking areas to the frontage street;~~
 - k. ~~Provision of decorative drinking fountains or other custom-designed street furniture;~~
 - l. ~~Structured parking consistent with Subsection 19.404.8.A.7 above.~~
19. ~~If a property to be developed includes an historic structure or a single-family home which is in good repair or can be easily repaired, the applicant may propose a density transfer in conjunction with a PD development in order to retain the single-family housing stock while allowing some higher-density development on the same or an adjacent parcel, which is combined with the parcel on which the single-family home is located.~~
20. ~~In areas where new development abuts existing single-family development, a 20-ft buffer area of landscaping shall be provided and consideration shall be given to additional setback of second, third, or fourth stories.~~
21. ~~Bicycle and pedestrian routes shall be provided consistent with the requirements and standards of Chapter 19.700.~~

19.404.9 Specific Sites in Subareas 2 and 4

The following additional requirements apply to proposed development in specific subareas and on specific sites:

A. Subarea 2

- 1. Sites 2-1 and 2-2 (Murphy Plywood Site)
 - a. ~~These sites may be developed with a mix of commercial and commercial/residential space with limited service and retail uses, including restaurants. In such cases, retail uses shall be located on the ground floor adjacent to pedestrian walkways. Development of commercial and mixed uses at these sites shall comply with the provisions of Subsection 19.404.8.~~
 - b. ~~Business Industrial (BI) uses as set forth in Section 19.310 shall also be allowed. The development of BI uses on Sites 2-1 and 2-2 shall comply with the development requirements of Section 19.310, except that outdoor storage shall be permitted. In this case, the 32nd Avenue and Meek Street property lines shall be considered front yards and a 20-ft setback shall be applied. These setbacks shall be landscaped in accordance with Subsection 19.606.2.C.2, and provided with a sight-obscuring wooden fence adjacent to the public right-of-way and residential property lines. The Planning Commission may allow these setbacks to be reduced to 10 ft, where the proposed design of the buffer is of a high quality and includes: (1) the use of masonry walls, or other acceptable material, of up to 8 ft in height; (2) enhanced landscaping; and (3) one of the elements listed in Subsection 19.404.8.A.18. Development of BI uses on the site is not required to comply with the standards set forth in Subsections 19.404.8 and 19.303.3.~~
- 2. Site 2-6 (Providence Milwaukie Hospital Site)

This site shall be developed with a primary emphasis on specialized senior assisted-living housing and related support services that are tied to the adjacent hospital and medical complex. Development should provide for housing and medical services which

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will meet the needs of an aging population. The provisions of Subsections 19.404.8.A.1 and 2 shall not apply to Site 2-6. Applications for Site 2-6 will be subject to a design review. Alternative designs appropriate to meet the intent of Subsections 19.404.8.A.4, 6, and 21 will be evaluated by the Planning Commission.

B. Subarea 4

1. This site shall be developed with high density (16 to 24 dwelling units per acre) diverse housing types. Retail, office, or lodging uses are also allowed at a 2:1 ratio (for every 2 sq ft of residential, 1 sq ft of commercial will be permitted). Commercial uses on the site shall be limited to those listed in Subsections 19.404.3.D, E, G, K, Q, R, and S. Commercial use may be increased to a 1:1 ratio (1 sq ft of commercial for every 1 sq ft of residential), if amenities b, c, d, e, g, h, i, and k of Subsection 19.404.8.A.18 are provided. A report on the status of contamination on this site shall be submitted with any proposed development.
2. Minimum vegetation for the site shall be 30%. Particular attention shall be paid to landscaping, which shall be designed to provide buffers to the residential neighborhoods to the north and east. Building heights shall also be designed to provide a transition for the neighboring residential properties. The height limit within 50 ft of the Monroe Street or 37th Avenue right of way shall be 2 stories or 35 ft, whichever is less. The building height for the remainder of the development on this site is 3 stories or 45 ft, whichever is less. Building setbacks from property lines shall be 15 ft for the front and rear yards and 5 ft for side yards. Minimum lot standards shall conform to the R-O-C standards, except that the minimum lot width for rowhouses may be reduced to 20 ft wide if amenities b, d, e, g, h, and i of Subsection 19.404.8.A.18 are provided. The distance between buildings on the same lot shall be 6 ft for 1 story and a minimum of 5 ft per every story over 1.

19.404.10 Consistency with Underlying Zones

The MU Overlay Zone is anticipated to overlay a number of different zones. The following subsection addresses areas where the MU overlay will control development:

A. R-O-C Zone

The uses and processes stipulated in the MU Overlay Zone supersede those identified in the R-O-C Zone. The minimum lot size shall be 5,000 sq ft, and the density shall be controlled by the MU overlay and the Comprehensive Plan alone. No yards are required. The height restriction is based on the MU overlay height allowance. The lot coverage requirement and transition area requirement are removed in favor of the site design process. Use restrictions are superseded by those in the MU Overlay Zone.

B. WG Zone

The requirements of the Willamette Greenway overlay Zone control when in conflict with the provisions of the MU Overlay Zone. Compliance with the Willamette Greenway overlay requires that a conditional use permit be reviewed and approved. When a Willamette Greenway Zone and a mixed use zone both overlay a property, a single site design/conditional use permit application may be processed. The fee set for the site design/conditional use permit shall be the fee paid for the combined application.

C. Natural Resources

The requirements established in Section 19.402 for natural resources and those of the MU Overlay Zone both apply to a property which is subject to both designations. Any required Natural Resource Review application must be processed prior to, or concurrent with, a

development proposal under the MU Overlay Zone. If a project is determined not to be subject to requirements of the MU Overlay Zone but is also on a property that includes natural resources regulated by Section 19.402, a separate determination of the applicability of Section 19.402 must be made.

19.404.11 Validity of Uses

In the MU Overlay Zone, uses prohibited by this overlay zone that were legally established or occupied on or prior to the effective date of this overlay zone shall be considered to be legal nonconforming uses.

19.404.12 Nonconforming Uses

- A. Milwaukee Code provisions regarding construction, discontinuance, improvement, or change of nonconforming uses, as contained in Chapter 19.800, are applicable to uses within the MU Overlay Zone.
- B. In addition to meeting requirements as specified in Chapter 19.800, development proposals involving nonconforming uses or structures must also comply with the setback, landscaping, and access standards of the MU Overlay Zone.

19.404 FLEX SPACE OVERLAY ZONE

19.404.1 Purpose

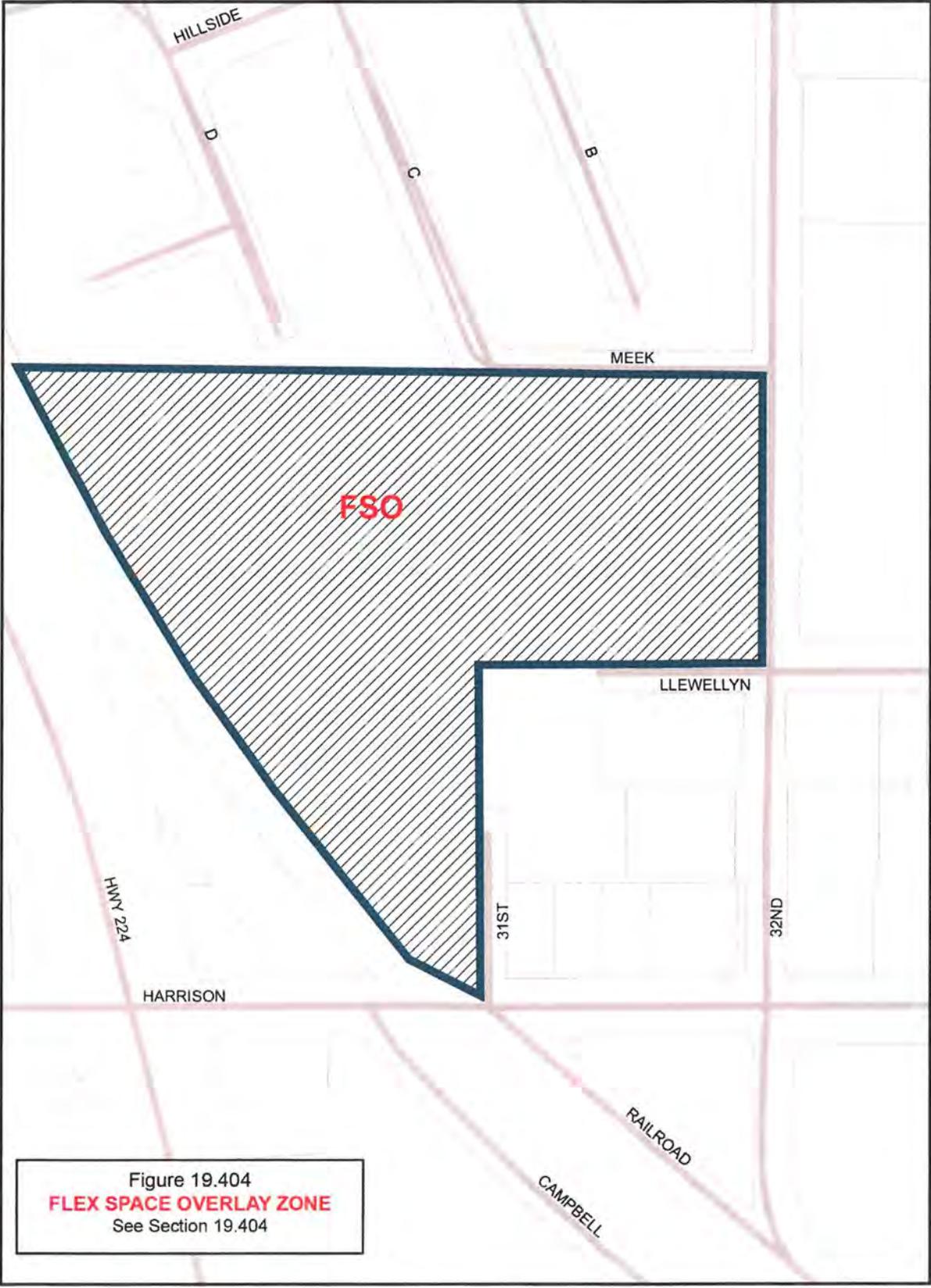
The Flex Space Overlay Zone implements the Central Milwaukie Land Use and Transportation Plan and is intended to provide flexibility for development of an identified opportunity site within central Milwaukie (Figure 19.404). This overlay provides targeted opportunities for employment uses and promotes buildings that can accommodate a variety of uses that may change over time. Uses in the Flex Space Overlay Zone may include employment-intensive uses beyond those allowed in the underlying GMU Zone and may change as appropriate to respond to market conditions and developer needs.

19.404.2 Applicability

The standards and requirements of this section apply to all properties within the Flex Space Overlay Zone as indicated on the Zoning Map.

19.404.3 Consistency with Base Zone

The General Mixed Use Zone GMU is the base zone for properties within the Flex Space Overlay Zone, and all requirements of the base zone apply unless otherwise noted in this section. Where conflicts occur between this section and other sections of the Milwaukie Municipal Code, the standards and requirements of this section shall supersede.



19.404.4 Permitted Uses

In addition to those uses allowed by the base zone (GMU), Table 19.404.4 lists uses that are permitted within the Flex Space Overlay Zone.

Table 19.404.4 Flex Space Overlay Zone Uses	
<u>Use Category</u>	<u>Status</u>
A. Industrial Services	
Industrial services are engaged in repair and/or servicing of industrial, business, or consumer machinery, equipment, products or by-products; or in training or instruction of such repair or servicing. Examples include electrical contractors, equipment rental facilities, tool or instrument repair, and data storage facilities.	P
B. Manufacturing¹	
Manufacturing comprises establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of component parts. Examples include alternative energy development; biosciences; food and beverage processing; software and electronics production; printing; fabrication of metal products; products made from manufactured glass; products made from rubber, plastic, or resin; converted paper and cardboard products; and microchip fabrication. Manufacturing may also include high-tech and research and development companies.	P
C. Trade Schools²	
Trade schools are establishments whose primary purpose is to provide training for industrial needs and job-specific certification. Examples include electronic equipment repair training, welding school, training for repair of industrial machinery, and other industrial skills training.	P
D. Accessory Uses	
Uses accessory to, and in conjunction with, uses permitted outright may include the following: Warehousing and distribution associated with a permitted manufacturing or industrial use. Products stored at, and distributed from, the warehouse shall be those assembled or manufactured at the facility permitted in the overlay zone. The accessory warehouse may be located within the associated manufacturing or industrial building or in a separate building and shall occupy up to a maximum of 40% of the floor area of the associated manufacturing or industrial building.	P

P = Permitted

1. Manufacturing uses shall only be conducted in an enclosed space. The following manufacturing uses are not allowed: explosive materials, concrete and asphalt mixing or batching, rock crushing, and aggregate storage.

2. All activities related to trade schools must be conducted inside an enclosed building.

19.404.5 Review Process

All uses listed in Table 19.404.4 above require a Type II development review approval, pursuant to Section 19.906.

19.404.6 Development Standards

The development standards of Subsection 19.303.4 apply in the Flex Space Overlay Zone, except as noted below, for any of the uses permitted in Table 19.404.4.

A. The minimum floor area ratio is 0.3:1

- B. There is no minimum street frontage requirement.
- C. The building height bonus in Subsection 19.303.4.B is only available for green buildings. The height bonus for residential development does not apply.
- D. The frontage occupancy requirement in Subsection 19.303.4.D only applies along 32nd Ave.
- E. The maximum front yard setback is 50 ft. The setback area must be landscaped, except where used for parking as allowed in 19.404.6.F.
- F. Parking may be located within the front yard setback, except when adjacent to 32nd Ave.
- G. All new buildings shall have at least 1 primary entrance facing the front of the property or, where a property does not front on a public street, the entrance shall face the primary access drive that serves the building.
- H. Flex Space Overlay Zone properties that abut a residential zone shall provide an 8-ft-wide landscaped buffer along the residential property line.
- I. Pedestrian and bicycle accessways into and through the site shall be separated from vehicle accessways by curbed landscaping, and/or planters, and/or similar physical separation.

19.404.7 Design Standards

The design standards in Subsection 19.505.7 Nonresidential Development apply to all new mixed-use and nonresidential development in the Flex Space Overlay Zone. The design standards apply in all locations, even those where the development is not adjacent to a public street.

19.404.8 Additional Provisions for Off-Site Impacts

In order to ensure compatibility between manufacturing and nonmanufacturing uses, the following off-site impact standards apply:

A. Applicability

The off-site impact standards in this subsection apply to all new machinery, equipment, and facilities associated with manufacturing uses. Machinery, equipment, or facilities that were at the site and in compliance with existing regulations as of DATE, the effective date of Ordinance _____, are not subject to these off-site impact standards.

B. Noise

The City's noise control standards and requirements in Chapter 8.08 apply.

C. Vibration

Continuous, frequent, or repetitive vibrations that exceed 0.002g peak are prohibited. Generally, this means that a person of normal sensitivities should not be able to feel any vibrations.

1. Temporary vibrations from construction activities or vehicles leaving the site are exempt.
2. Vibrations lasting less than 5 minutes per day are exempt.
3. Seismic or electronic measuring equipment may be used when there are doubts about the level of vibrations.

D. Odor

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Continuous, frequent, or repetitive odors are prohibited. The odor threshold is the point at which an odor may just be detected. An odor detected for less than 15 minutes per day is exempt.

E. Illumination

Machinery, equipment, and facilities may not directly or indirectly cause illumination on other properties in excess of 0.5 footcandles of light.

F. Measurements

Measurements for compliance with these standards may be made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings.

G. Documentation

An applicant must provide documentation certified by a registered engineer or architect, as appropriate, to ensure that the proposed activity can achieve compliance with these standards.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.504.6 Transition Area Measures

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

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

19.504.11 Preliminary Circulation Plan

A preliminary circulation plan is intended to guide site development by establishing a plan for multimodal access, connectivity, and circulation. A preliminary circulation plan is a conceptual plan, in that it does not establish a precise alignment for street, pedestrian, or bicycle facilities.

A. Applicability

A preliminary circulation plan is required for nonresidential development on sites 3 acres and larger that are subject to development review per Section 19.906 and where any of the following is true:

1. The site is vacant.
2. The proposed new development or redevelopment will result in reconfiguration of the transportation and development pattern for > 50% of the site.
3. The development is in the Flex Space Overlay Zone.

B. Plan Contents

1. The preliminary circulation plan shall include a site plan, showing land uses; building envelopes and other structures; the pedestrian, bicycle, and vehicle circulation system; vehicle and bicycle parking areas; open areas; existing trees to be preserved; and utility connections. The site plan must also include the following:
 - a. All existing improvements that will remain after development of the proposed use.
 - b. All improvements planned in conjunction with the proposed use.
 - c. Conceptual plans for possible future uses.
 - d. Pedestrian and bicycle facilities, including safe pedestrian and safe bicycle circulation between the following:
 - (1) Major buildings, activity areas, and transit stops within the site plan boundaries and adjacent streets, pathways, and transit stops.
 - (2) Adjacent developments and the proposed development.

2. The preliminary circulation plan shall include a public right-of-way/easement plan depicting the following, if applicable:

Reservation, dedication, or use of the proposed site for public purposes, including, but not limited to the following: rights-of-way, showing the name and location of all existing and proposed public and private access drives within or on the boundary of the proposed site; the right-of-way and paving dimensions; the ownership and maintenance status, if applicable; the location, width, and construction material of all existing and proposed sidewalks; pedestrian accessways and trails; and bicycle accessways and trails.

C. Approval Criteria

In reviewing a proposed preliminary circulation plan, the Planning Director shall find compliance with the relevant portions of the Comprehensive Plan, Transportation System Plan, and Section 19.708 Transportation Facility Requirements.

D. Permit Process

A new preliminary circulation plan, or a revision to an approved preliminary circulation plan, is subject to Type II review per Section 19.1005.

19.505 BUILDING DESIGN STANDARDS

19.505.1 ~~Design Standards for Single-Family Dwellings and Duplexes~~

19.505.2 ~~Garages and Carports Standards~~

19.505.3 ~~Design Standards for Multifamily Housing~~

19.505.4 ~~Design Standards for Cottage Cluster Housing~~

19.505.5 ~~Standards for Rowhouses~~

19.505.6 ~~Design Standards for Live/Work Units~~

19.505.7 Nonresidential Development

A. Purpose

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

B. Applicability

1. The design standards in this section generally apply to the street-facing facades of new commercial, institutional, manufacturing, and mixed-use buildings within the GMU Zone.

2. The standards in this section do not apply to rowhouses or live/work units. Rowhouses and live/work units are subject to the design standards in Subsections 19.505.5 Rowhouses and 19.505.6 Live/Work Units.
3. The standards in this section do not apply to stand-alone multifamily housing. Stand-alone multifamily buildings are subject to the design standards in Subsection 19.505.3 Multifamily Housing.
4. The standards in this section do not apply to cottage cluster housing. Cottage cluster housing is subject to the design standards in Subsection 19.505.4 Design Standards for Cottage Cluster Housing.

C. Building Design Standards

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

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

1. Corners

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

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

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

2. Weather Protection

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

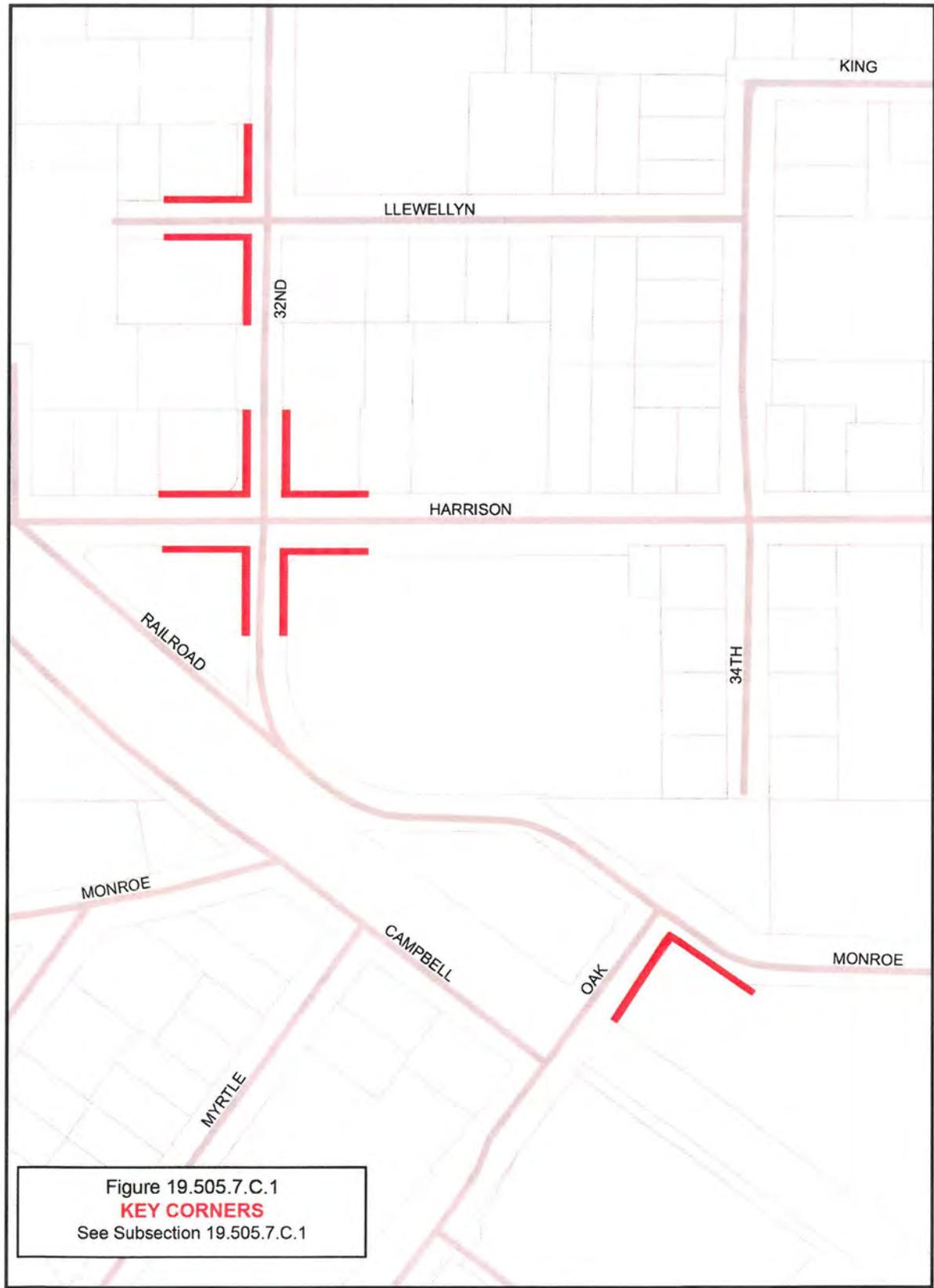
Buildings shall provide weather protection for pedestrians as follows:

a. Minimum weather protection coverage

All ground-floor building entries (excluding loading docks, bays, etc.) shall be protected from the weather by canopies or recessed at least 3 ft behind the front building façade.

b. Weather protection design

Weather protection shall comply with applicable building codes and shall be designed to be visually compatible with the architecture of a building. Where applicable, weather protection shall be designed to accommodate pedestrian signage (e.g., blade signs) while maintaining required vertical clearance.



3. Exterior Building Materials

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

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

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

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

Proposed Code Amendment

<u>Exterior insulation finishing system (EIFS)</u>	<u>N</u>
<u>Plywood paneling</u>	<u>N</u>

P = Primary material

S = Secondary material

A = Accent material

N = Prohibited material

4. Windows and Doors

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

- a. For nonresidential and mixed-use buildings, 30% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less.
- b. For all buildings, the following applies:
 - (1) Nonresidential ground-floor windows must have a visible transmittance (VT) of 0.6 or higher.
 - (2) Doors and/or primary entrances must be located on the street-facing block faces and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.
 - (3) Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazings are not permitted.
 - (4) The bottom edges of windows along pedestrian ways shall be constructed no more than 36 in above grade.
 - (5) Ground-floor windows for nonresidential uses shall allow views into storefronts, working areas, or lobbies. Signs are limited to a maximum coverage of 50% of the required window area.
- c. Windows shall be designed to provide shadowing. This can be accomplished by recessing windows 4 in into the façade and/or incorporating trim of a contrasting material or color.
- d. For all building windows facing streets, courtyards, and/or public squares, the following window elements are prohibited:
 - (1) Reflective, tinted, or opaque glazing.
 - (2) Simulated divisions (internal or applied synthetic materials).
 - (3) Exposed, unpainted metal frame windows.

5. Roofs

- a. The intent of this standard is to enliven the pedestrian experience and create visual interest through roof form. The roof form of a building shall follow one (or a combination) of the following forms:
 - (1) Flat roof with parapet or cornice.
 - (2) Hip roof.

(3) Gabled roof.

(4) Dormers.

(5) Shed roof.

b. All sloped roofs exposed to view from adjacent public or private streets and properties shall have a minimum 4/12 pitch.

c. Sloped roofs shall have eaves, exclusive of rain gutters, that project from the building wall at least 12 in.

d. All flat roofs, or those with a pitch of less than 4/12, shall be architecturally treated or articulated with a parapet wall that projects vertically above the roofline at least 12 in and/or a cornice that projects from the building face at least 6 in.

e. When an addition to an existing structure, or a new structure, is proposed in an existing development, the roof forms for the new structure(s) shall have similar slope and be constructed of the same materials as the existing roofing.

6. Rooftop Equipment and Screening

The intent of this standard is to integrate mechanical equipment into the overall building design.

a. The following rooftop equipment does not require screening:

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

(2) Equipment under 2 ft in height.

b. Elevator mechanical equipment may extend above the height limit a maximum of 16 ft provided that the mechanical shaft is incorporated into the architecture of the building.

c. Satellite dishes, communications equipment, and all other roof-mounted mechanical equipment shall be limited to 10 ft in height, shall be set back a minimum of 5 ft from the roof edge, and shall be screened from public view and from views from adjacent buildings by one of the following methods:

(1) A screen around the equipment that is made of a primary exterior finish material used on other portions of the building, wood fencing, or masonry.

(2) Green roof features or regularly maintained dense evergreen foliage that forms an opaque barrier when planted.

d. Required screening shall not be included in the building's maximum height calculation.

7. Ground-Level Screening

Mechanical and communication equipment, outdoor storage, and outdoor garbage and recycling areas shall be screened so they are not visible from streets, other ground-level private open space, or common open spaces.

8. Rooftop Structures

Rooftop structures related to shared outdoor space—such as arbors, trellises, or porticos related to roof decks or gardens—shall not be included in the building's maximum height calculation, as long as they do not exceed 10 ft in height.

19.505.78 Building Orientation to Transit

The following requirement applies to all new commercial, office, mixed-use, and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

New buildings shall have their primary orientation toward a transit street or, if not adjacent to a transit street, a public right-of-way which leads to a transit street. The primary building entrance shall be visible from the street and shall be directly accessible from a sidewalk connected to the public right-of-way. A building may have more than 1 entrance. If the development has frontage on more than 1 transit street, the primary building entrance may be oriented to either street or to the corner.

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
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-G	N	P2	P2	P2
GMU	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

Proposed Code Amendment

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-G~~, GMU, C-N, C-G, C-L, OS, and DMU Zones.

19.911 VARIANCES

19.911.3 Review Process

B. Type II Variances

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

1. A variance of up to 40% to a side yard width standard.
2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.
3. A variance of up to 10% to lot coverage or minimum vegetation standards.
4. A variance of up to 10% to lot width or depth standards.
5. A variance of up to 10% to a lot frontage standard.
6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with Subsection 19.901.1.E.4.c.(1) in cases where a unique and creative housing design merits flexibility from the requirements of that subsection.
7. A variance to compliance with Subsection 19.505.7.C Building Design Standards in cases where a unique design merits flexibility from the requirements of that subsection.

~~19.911.6 BUILDING HEIGHT VARIANCE~~ Building Height Variance in the Downtown Mixed Use Zone

19.911.7 Building Height Variance in the General Mixed Use Zone

A. Intent

To provide a discretionary option for variances to maximum building heights in the General 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 Subsection 19.303.4.B.2.b and elect to use both of the available height bonuses of Subsection 19.303.4.B.2 for a total building height of 5 stories.

C. Review Process

The building height variance shall be subject to Type III review and approval by the Planning Commission, in accordance with Section 19.1011.

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. The proposed project avoids or minimizes impacts to surrounding properties. Any impacts from the proposed project will be mitigated to the extent practicable. The applicant's alternatives analysis shall provide, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.
2. The proposed project is creative and 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 proposal will result in a project that provides public benefits and/or amenities beyond those required by the base zone standards and that will increase vibrancy and/or help meet sustainability goals.
4. The proposed project ensures adequate transitions to adjacent neighborhoods.

Updates for Section References and Housekeeping Only

19.201

“Greenway areas” means lands that lie along the Willamette River and major courses flowing into the Willamette River. Shown on the Zoning Map as the Willamette Greenway Overlay Zone.

Table 19.301.2

Table 19.301.2 Low Density Residential Uses Allowed				
Use	R-10	R-7	R-5	Standards/Additional Provisions
Residential Uses				
Single-family detached dwelling	P	P	P	Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes
Duplex	P/II	P/II	P	Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes Subsection 19.910.2 Duplexes
Residential home	P	P	P	Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes

19.301.5.1.3

3. ~~Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes~~

19.301.5.1.4

4. ~~Subsection 19.505.2 Garages and Carports Standards~~

Table 19.302.2

Table 19.302.2 Medium and High Density Residential Uses Allowed						
Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential Uses						
Single-family detached dwelling	P	P	P	P	P	Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes
Duplex	P	P	P	P	P	Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes
Residential home	P	P	P	P	P	Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes

Rowhouse	P	P	P	P	P	Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes Subsection 19.505.5 Standards for Rowhouses
Cottage cluster housing	P	P	P	P	P	Subsection 19.505.4 Design Standards for Cottage Cluster Housing Cottage cluster land division requires Type III review
Multifamily	CU	CU	P	P	P	Subsection 19.505.3 Design Standards for Multifamily Housing Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations
Congregate housing facility	CU	CU	P	P	P	Subsection 19.505.3 Design Standards for Multifamily Housing Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations

Table 19.302.4

Table 19.302.4 Medium and High Density Residential Development Standards						
Standard	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
A. Lot Standards						
1. Minimum lot size (sq ft)						Subsection 19.501.1 Lot Size Exceptions
a. Rowhouse	3,000	2,500	2,500		1,400	Subsection 19.505.4 Design Standards for Cottage Cluster Housing Subsection 19.505.5 Standards for Rowhouses
b. Duplex	6,000	5,000	7,000		6,400	
c. All other lots	5,000	5,000	5,000		5,000	

19.302.5.L

5. ~~Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes~~
6. ~~Subsection 19.505.2 Garages and Carports Standards~~
7. ~~Subsection 19.505.3 Design Standards for Multifamily Housing~~

Proposed Code Amendment

- 8. Subsection 19.505.4 ~~Design Standards for Cottage Cluster Housing~~
- 9. Subsection 19.505.67 ~~Building Orientation to Transit~~

Table 19.304.2

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
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

19.402.14.C

For residential proposals, development may be clustered so that land can be developed at allowed densities while avoiding or minimizing impacts to WQRs or HCAs. The intent of this section is to encourage creative and flexible site design that enables the allowable density to be transferred elsewhere on a site to protect environmentally sensitive areas and preserve open space and natural features. A residential cluster development may be permitted in any residential or mixed-use zoning district, subject to Type III review and approval by the Planning Commission. A cluster development proposal may be considered in conjunction with a proposal

for land division or property line adjustment as provided in Subsection 19.402.13.

19.406.5.E.7

7. Stand-Alone Multifamily Residential Development

Stand-alone multifamily residential development shall comply with Subsection 19.505.3 ~~Design Standards for Multifamily Housing~~. In addition, the ground floor of stand-alone multifamily buildings shall be constructed to meet building code standards for a retail use. This will facilitate efficient conversion of the ground-floor space from residential to retail in the future.

19.406.6.F

F. Development and Design Standards

In addition to the standards in the base M-TSA Zone, the development and design standards for Subarea 1 in Subsections 19.406.5.E-G also apply to Subarea 2, with the following addition: Rowhouse development in Subarea 2 shall comply with Subsection 19.505.5 ~~Standards for Rowhouses~~.

19.508.4.A.3.b

- b. Rowhouses are subject to the objective standards of Subsection 19.505.5 ~~Standards for Rowhouses~~, as revised by Subsection 19.304.3.B.

19.508.4.A.3.c

- c. Live/work units are subject to the objective standards in Subsection 19.505.6 ~~Standards for Live/Work Units~~.

19.608.2.B

B. Nonresidential and Mixed-Use Buildings

19.708.5.B.1

- 1. In residential and mixed-use districts, a pedestrian/bicycle path shall be required at least every 300 ft when a street connection is not feasible.

Table 19.901

Table 19.901 Land Use Applications		
Application Type	Municipal Code Location	Review Types
Mixed Use Overlay Review	Section 19.404	III

Table 19.1104.1.E

Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes		
County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
C2	R-O-C	Commercial/high density use