

## Clean Amendments

### Title 14 Signs

*These amendments are based on the expectation that the **Downtown** amendments will have been adopted before these **Central Milwaukie** amendments go to the Milwaukie City Council for adoption.*

#### CHAPTER 14.04 GENERAL PROVISIONS

##### 14.04.030 DEFINITIONS

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

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

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

"Residential-Business Office Zone" means the R-1-B Zone, as defined in the Zoning Ordinance.

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#### CHAPTER 14.16 SIGN DISTRICTS

##### 14.16.020 RESIDENTIAL-BUSINESS OFFICE ZONE

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

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**Table 14.16.020**  
**Standards for Signs in Residential-Business Office Zone R-1-B**

##### 14.16.040 COMMERCIAL ZONES

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

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

## Zoning Ordinance

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

*Additionally, these amendments are based on the expectation that the **Downtown** amendments will have been adopted before these **Central Milwaukie** amendments go to the Milwaukie City Council for adoption.*

### CHAPTER 19.100 INTRODUCTORY PROVISIONS

#### 19.107 ZONING

##### 19.107.1 Zone Classifications

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

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

Tacoma Station Area	TSA
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## CHAPTER 19.300 BASE ZONES

### ***19.303 RESIDENTIAL-OFFICE-COMMERCIAL ZONE R-O-C REPEALED***

### **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 (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 an accessory use and must conform to Section 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**

<b>Uses and Use Categories</b>	<b>GMU</b>	<b>Standards/Additional Provisions</b>
<b>Residential</b>		
Rowhouse <sup>1</sup>	P	<b>Subsection 19.505.5</b> Rowhouses
Multifamily	P	<b>Subsection 19.505.3</b> Multifamily Housing
Mixed use	P	
Live/work units	P	<b>Subsection 19.505.6</b> Live/Work Units
Senior and retirement housing	P	<b>Subsection 19.505.3</b> Multifamily Housing
<b>Commercial</b>		
<p><b>General office.</b> General office means professional, executive, management, or administrative offices of firms or organizations.</p> <p>Examples include: professional services such as lawyers, architects or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.</p>	P	
<p><b>Eating and drinking establishments.</b> Eating and Drinking Establishments primarily involve the sale of prepared food and beverages for consumption on-site or take-away.</p> <p>Examples include: restaurants, delicatessens, retail bakeries, taverns, brew-pubs, coffee shops, concession stands, and espresso bars.</p>	P	
<p><b>Indoor recreation.</b> Indoor recreation consists of for-profit facilities providing active recreational uses of a primarily indoor nature.</p> <p>Examples include: gyms, dance studios, tennis, racquetball and soccer centers, recreational centers, skating rinks, bowling alleys, arcades, shooting ranges, and movie theaters.</p>	P	

## Proposed Code Amendment

<p><b>Retail-oriented sales.</b> Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.</p> <p>Examples include: stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media. May also include car sales and other auto-oriented retail uses.</p>	P	
<p><b>Personal service oriented.</b> Personal service oriented firms are involved in providing consumer services.</p> <p>Examples include: hair, tanning and spa services, pet grooming, photo and laundry drop-off, dry cleaners, and quick printing.</p>	P	
<p><b>Repair-oriented.</b><sup>2</sup> Repair-oriented uses are establishments providing product repair of consumer and business goods.</p> <p>Examples include: repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, office equipment, tailors and seamstresses, shoe repair, locksmiths, upholsterers, and some automobile and boat service and repair.</p>	P	
<p><b>Day care.</b><sup>3</sup> Day Care is the provision of regular child care, with or without compensation, to four or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all state requirements.</p> <p>Examples include: nursery schools, before-and-after school care facilities, and child development centers.</p>	P	
<p><b>Commercial lodging.</b> Commercial Lodging includes for-profit residential facilities where tenancy is typically less than one month.</p> <p>Examples include: hotels, motels, and bed-and-breakfast establishments. Does not include senior and retirement housing.</p>	P	

<b>Boarding, lodging, or rooming house.</b> 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.  Examples include: Boarding house and cooperative housing	CU	<b>Section 19.905</b> Conditional Uses
<b>Commercial parking facility.</b> Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.  Examples include structured parking, short- and long-term fee parking facilities, commercial district shared parking lots and commercial shuttle parking.	CU	<b>Section 19.611</b> Parking Structures
<b>Medical marijuana facility.</b> Medical marijuana facility means a business that dispenses medical marijuana in accordance with the regulations set forth by ORS Chapter 475 and related Oregon Administrative Rules. State-registered grow sites are not considered to be medical marijuana facilities and are not permitted under the City of Milwaukie's medical marijuana facility regulations.	P	<b>Subsection 19.303.6</b> Standards for Medical Marijuana Facilities
<b>Manufacturing and Production</b>		
<b>Manufacturing and production.</b> <sup>4</sup> 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.  Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; weaving or production of textiles or apparel; woodworking, including cabinet makers; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; and production of artwork and toys.	P	
<b>Institutional</b>		
Community service uses	CSU	<b>Section 19.904</b> Community Service Uses

## Proposed Code Amendment

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

### 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
<b>A. Lot Standards</b>		
1. Minimum lot size (sq ft)	1,500	
2. Minimum street frontage (ft)	25	
<b>B. Development Standards</b>		
1. Minimum floor area ratio <sup>1</sup>	0.5:1	<b>Section 19.303.4.A</b> Floor Area Ratio
2. Building height (ft)		<b>Section 19.303.4.B</b> Building Height
a. Base maximum	45	
b. Maximum with height bonus	57	
3. Street Setbacks (ft)		<b>Section 19.303.4.C</b> Street Setbacks
a. Minimum street setback	0-15 <sup>2</sup>	
b. Maximum street setback	10-20 <sup>3</sup>	
c. Side and rear setbacks	None	
4. Frontage occupancy	50%	<b>Section 19.303.4.D</b> Frontage Occupancy Requirements <b>Figure 19.303.4.D</b> Frontage Occupancy Requirements
5. Maximum lot coverage	85%	<b>Section 19.303.4.E</b> Lot Coverage



6. Minimum vegetation	15%	<b>Section 19.303.4.F</b> Minimum Vegetation
7. Primary entrances	Yes	<b>Section 19.303.4.G</b> Primary Entrances
8. Off-street parking required	Yes	<b>Chapter 19.600</b> Off-Street Parking and Loading
9. Transit Street	Yes	<b>Subsection 19.505.8</b> Building Orientation to Transit
9. Transition Measures	Yes	<b>Subsection 19.504.6</b> Transition Area Measures
<b>C. Other Standards</b>		
1. Residential density requirements (dwelling units per acre)		<b>Subsection 19.202.4</b> Density Calculations <b>Subsection 19.303.4.H</b> Residential Density <b>Subsection 19.501.4</b> Density Exceptions
a. Stand-alone residential		
(1) Minimum	25	
(2) Maximum	50	
b. Mixed-use buildings	None	
2. Signs	Yes	<b>Section 14.16.040</b> Commercial Zone

1. Commercial parking facilities and public parks and plazas are exempt from the minimum floor area ratio requirement.

2. Residential edge standards apply to properties as shown on Figure 19.303.5.

3. Commercial edge standards apply to properties as shown on 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 floor area ratios 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 floor area ratio in Table 19.303.3 applies to all nonresidential building development.
- b. Required minimum floor area ratio shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum 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 floor area ratio requirement.

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

### B. Building Height

#### 1. Intent

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

#### 2. Base Maximum Building Height Standard

The base maximum building height in the GMU zone is 3 stories or 45 feet, whichever is less, unless the height bonus in Subsection 19.303.4.B.3 below is applied.

#### 3. Height Bonuses

A building can utilize one of the development incentive bonuses of this subsection.

##### 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 certified) are permitted an additional story or an additional 12 ft of building height, whichever is less.

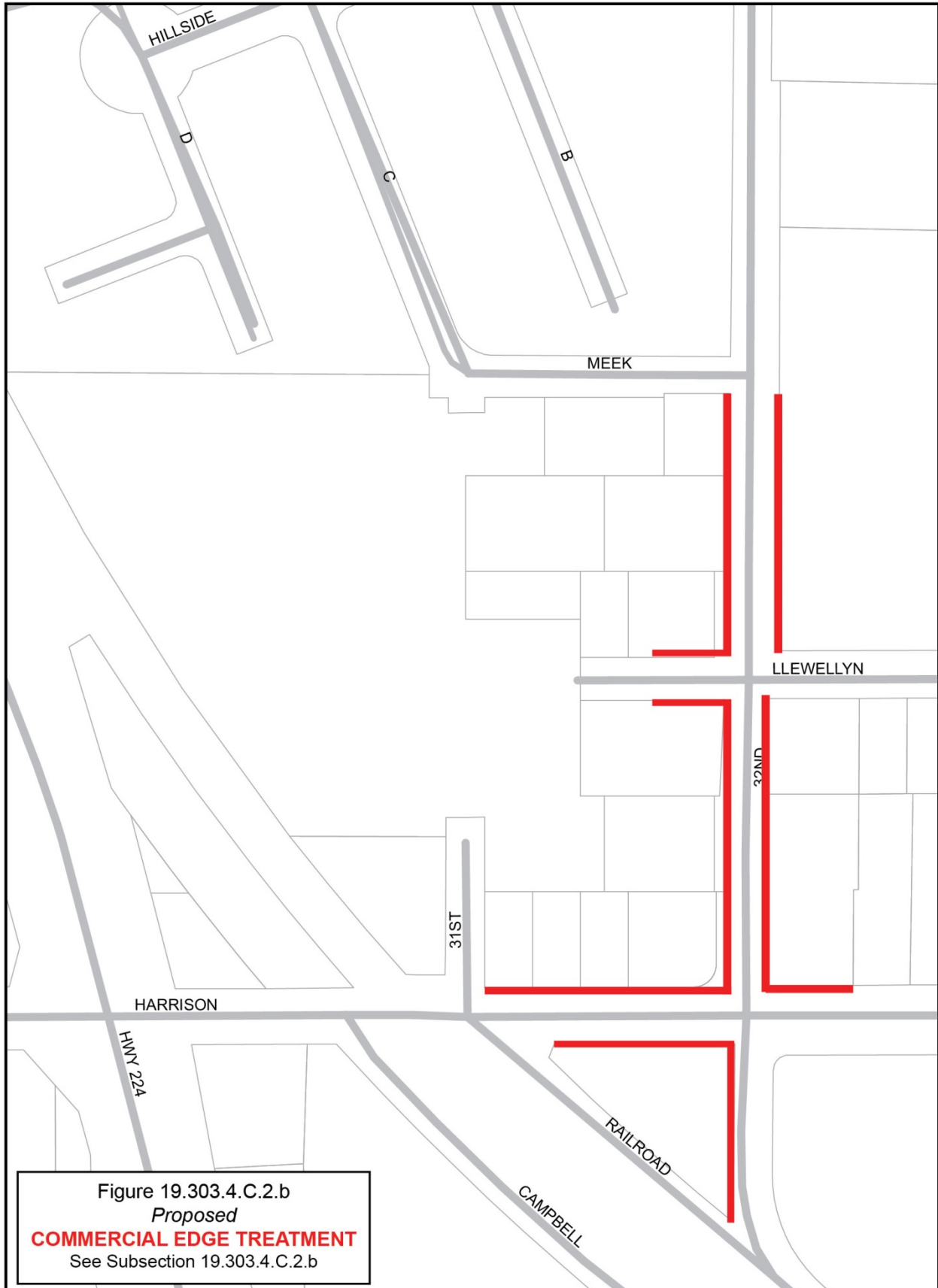
### C. Street Setbacks

#### 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 in 19.303.5.
- b. Maximum street setback is 20 feet. 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 feet.
  - (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 (F) below.



- d. 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

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. The requirements apply as follows:

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

### E. Lot Coverage

The maximum area that may be covered by primary and accessory buildings shall not exceed 85 percent of the total lot area.

### F. Minimum Vegetation

The minimum vegetation area that shall be retained or planted in trees, grass, shrubs, bark dust for planting beds, etc., shall be 15 percent of the total lot area.

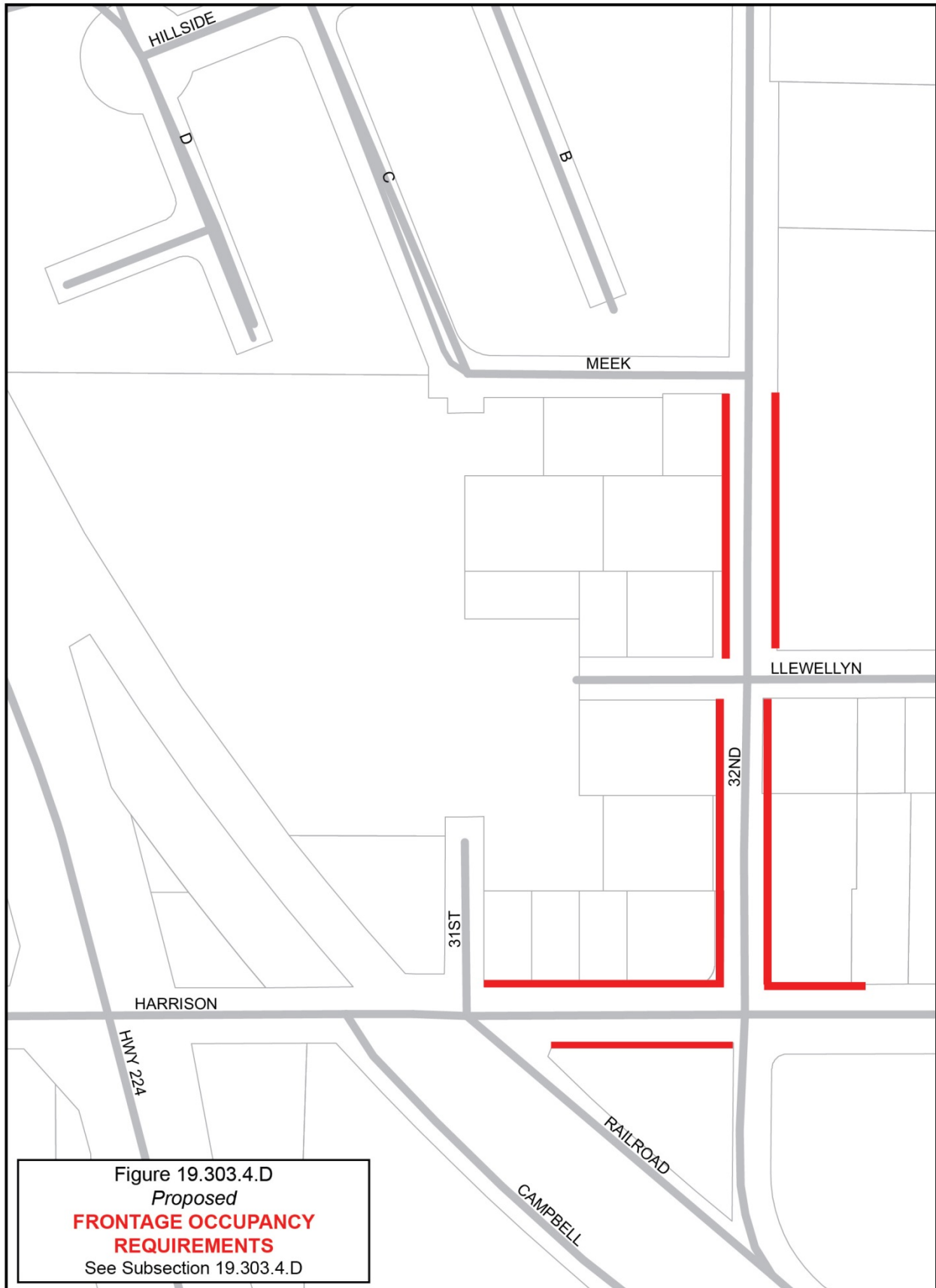
### G. Primary Entrances

#### 1. Intent

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

#### 2. Standards

- a. All new buildings shall have at least one primary entrance facing an abutting 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 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.



H. 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 standalone 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**

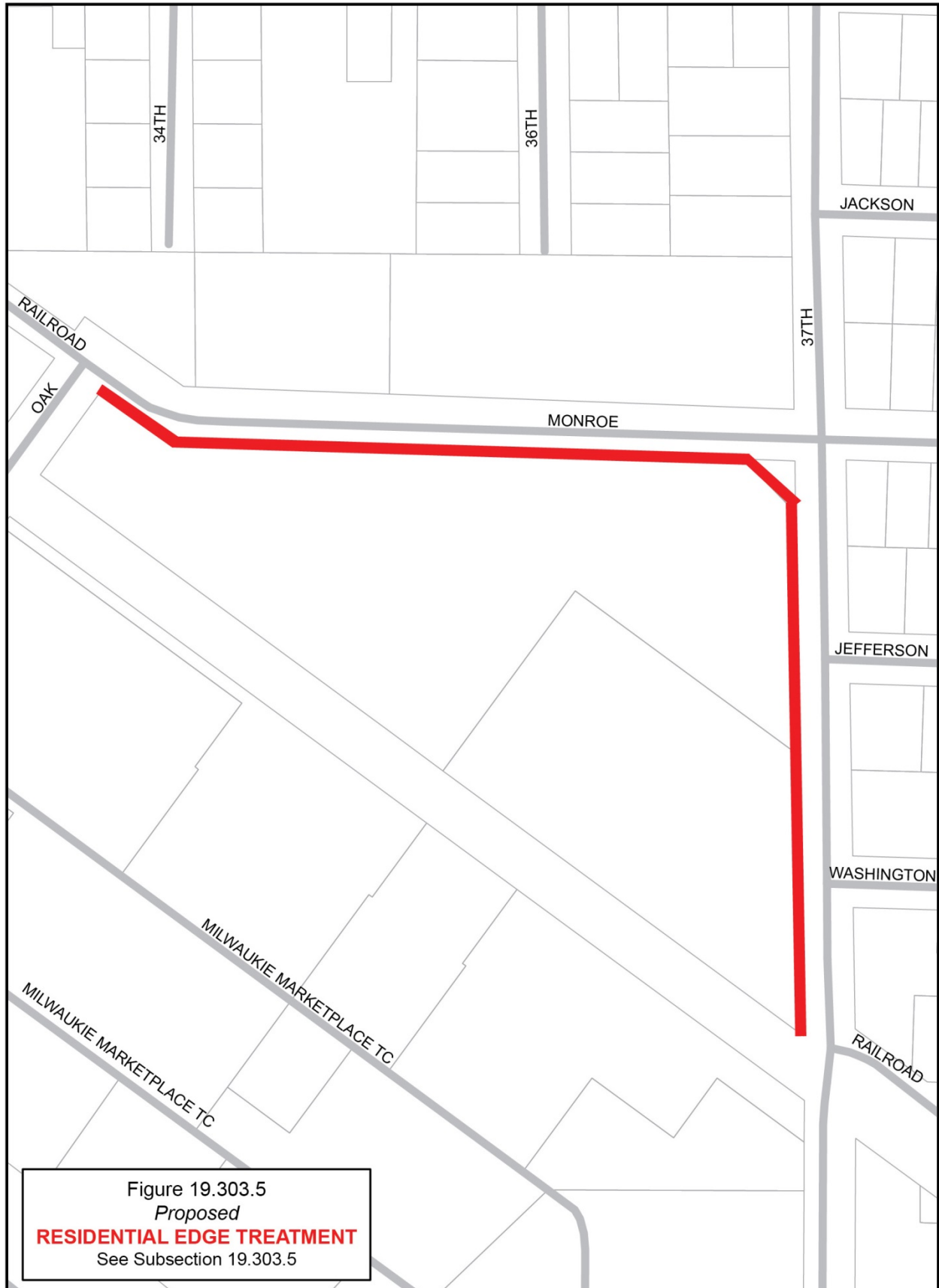
For properties shown as having a residential edge on Figure 19.303.5, and for development that occurs adjacent to or abutting an R-3 or an R-5 zone, the following standards apply.

- A. A minimum setback of 15 feet shall apply.
- B. Along the property line adjacent to the residential zone, buildings within 50 feet of 37th Ave and Monroe St shall provide a step back of at least 6 feet for any portion of the building above 35 feet.
- C. A height bonus consistent with Section 19.303.3.B(4)(b) may only be applied to buildings or portions of a building that are at least 50 feet away from the adjacent residential zone.
- D. 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 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
6. 19.507 Home Occupation Standards

B. Section 19.600 Off-Street Parking and Loading

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

C. Section 19.700 Public Facility Improvements

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

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## **CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS**

### ***19.404 MIXED USE OVERLAY ZONE MU REPEALED***

### **19.404 FLEX SPACE OVERLAY ZONE**

### **19.404 FLEX SPACE OVERLAY ZONE**

#### **19.404.1 Purpose**

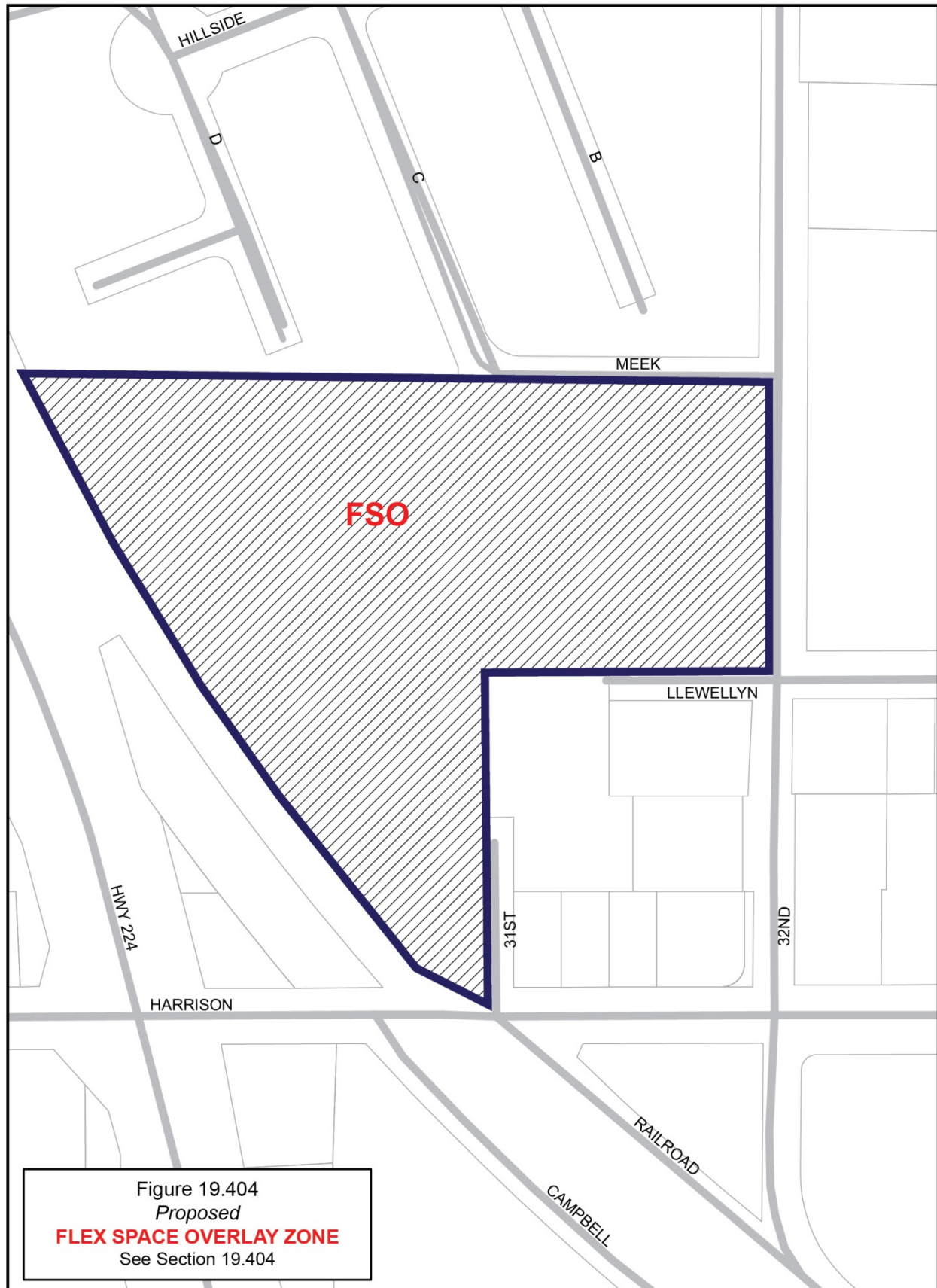
The Flex Space Overlay Zone implements the Central Milwaukie Land Use and Transportation Plan and is intended to provide flexibility for development of an identified opportunity site within Central Milwaukie (Figure 19.404). This overlay provides targeted opportunities for employment uses and promotes 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 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	
Use Category	Status
<b>A. Industrial Service</b>	
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>B. Manufacturing<sup>1</sup></b>	
This category 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
<b>C. Wholesale Trade</b>	
This category comprises establishments engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers sell or distribute merchandise exclusively to other businesses, not the general public, and normally operate from a warehouse or office and are not intended for walk-in traffic.  Examples include: mail order houses; sale and/or rental of machinery, building materials, special trade tools, janitorial supplies and restaurant equipment; and wholesalers of food, clothing, auto parts, building hardware and office supplies.	P
<b>D. Trade Schools</b>	
This category comprises establishments whose primary purpose is to provide training for industrial needs and job-specific certification.  Examples include: electronic equipment repair training, truck-driving school, welding school, training for repair of industrial machinery, and other industrial skills training.	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.

#### 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 Section 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 32<sup>nd</sup> Avenue.
- E. The maximum front yard setback is 50 feet. The setback area must be landscaped, except where used for parking as allowed in (F) below.
- F. Parking may be located within the front yard setback, except when adjacent to 32<sup>nd</sup> Avenue.
- G. All new buildings shall have at least one primary entrance facing the front property line, even if it is not abutting a public street.
- H. Flex Space Overlay properties that abut a residential zone shall provide an 8-foot 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.

### **19.404.7 Design Standards**

The design standards in Subsection 19.505.7 Nonresidential Development apply to all new mixed-use and non-residential 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 section 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 the effective date of this 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**

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 (zero) 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.

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## CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

### 19.504.6 Transition Area Measures

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

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

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### 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 non-residential development on sites 3 acres and larger that are subject to Development Review per MMC 19.906 and are either:

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

#### 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:
  - 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; and
  - d. Pedestrian and bicycle facilities including safe pedestrian and safe bicycle circulation between:
    - (1) Major buildings, activity areas, and transit stops within the site plan boundaries and adjacent streets, pathways and adjacent transit stops; and
    - (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: 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, and the ownership and maintenance status, if applicable, and the location, width and construction material of all existing and proposed sidewalks; pedestrian access ways and trails; and bicycle access ways 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 MMC 19.708 Transportation Facility Requirements.

D. Permit Process

A new Preliminary Circulation Plan or a revision to an approved Preliminary Circulation Plan are subject to Type II review per Section 19.1005.

## **19.505 BUILDING DESIGN STANDARDS**

### **19.505.1 Single-Family Dwellings and Duplexes**

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### **19.505.2 Garages and Carports**

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### **19.505.3 Multifamily Housing**

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### **19.505.4 Cottage Cluster Housing**

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### **19.505.5 Rowhouses**

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### **19.505.6 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 Section 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 Section 19.505.3 Multifamily 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. Locate the primary entry to the building at the corner
- b. A prominent architectural element, such as increased building height or massing, a cupola, a turret or a pitched roof at the corner of the building or within 20 feet 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:

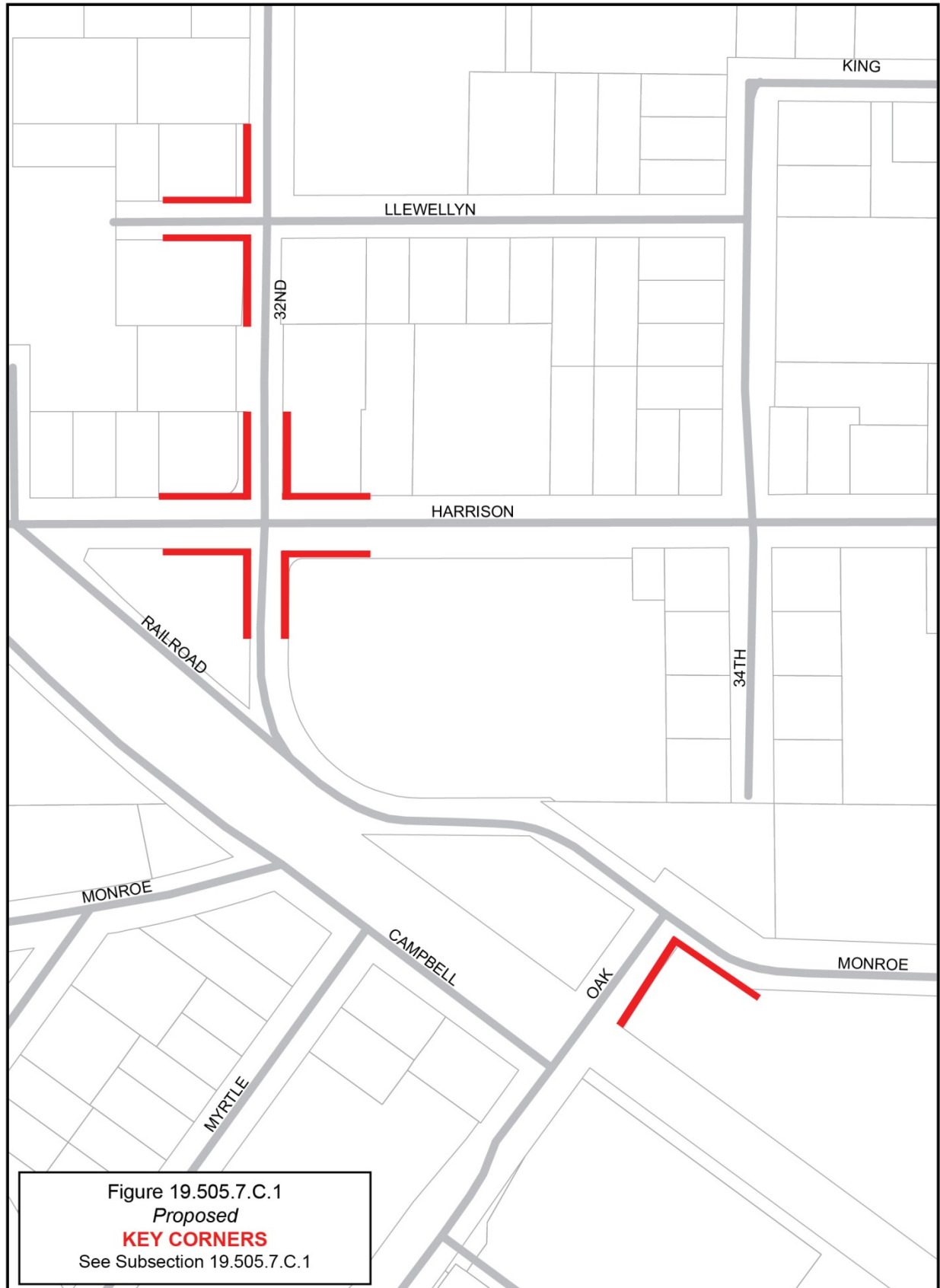
**a. Minimum weather protection coverage**

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

**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 19.505.6.C.3 specifies the primary, secondary and prohibited material types referenced in this standard.

- a. Buildings shall utilize primary materials for at least 60 percent of the applicable building facades.
- b. Secondary materials are permitted on no greater than 40 percent of each applicable building facade.
- c. Accent materials are permitted on no greater than 10 percent 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.
- e. For existing development, façade modifications that affect more than 50 percent of the façade shall comply with standards in this section. The Planning Director may waive this requirement if application of the standards would create an incongruous appearance of existing and new materials.

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

Vinyl siding	N
Exterior insulation finishing system (EIFS)	N
Plywood paneling	N

P = Primary Material

S = Secondary Material

A = Accent Material

N = Prohibited Material

#### 4. Windows and Doors

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

- a. For non-residential and mixed-use buildings, 30 percent 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 feet 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 edge of windows along pedestrian ways shall be constructed no more than 36 inches 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 percent of the required window area.
- c. Windows shall be designed to provide shadowing. This can be accomplished by recessing windows 4 inches 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 in the downtown, 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 inches.
  - 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 roof line at least 12 inches and/or a cornice that projects from the building face at least 6 inches.
  - 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 two feet in height.
  - b. Elevator mechanical equipment may extend above the height limit a maximum of 16 feet 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 feet in height, shall be set back a minimum of five feet 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 or 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 and outdoor storage and outdoor garbage and recycling areas shall be screened so they are not visible from streets and other ground-level private open space and common open spaces.

#### **19.505.8 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 <sup>1</sup>	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions <sup>2</sup>
BI	P1	P2	P2	P2
M	P1	P2	P2	P2
M-TSA	P1	P2	P2	P2
C-N	N	P2	P2	P2
C-G	N	P2	P2	P2
C-L	N	P2	P2	P2
C-CS	N	P2	P2	P2
OS	N	P2	P2	P2
DMU	N	P2	P2	P2
GMU	N	P2	P2	P2
R-1-B	N	P2	P2	P2
R-1	N	N	P2	P2
R-2	N	N	P2	P2
R-2.5	N	N	P2	P2
R-3	N	N	P2	P2
R-5	N	N	P2	P2
R-7	N	N	P2	P2
R-10	N	N	P2	P2

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

**2** = Type II review—provides for an administrative decision

**P** = Permitted                      **N** = Not Permitted

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

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

#### F. Location and Size Restrictions

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

##### a. Height Restrictions

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

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

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## **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.

## Updates for Section References and Housekeeping Only

*These amendments are based on the expectation that the **Downtown** amendments will have been adopted before these **Central Milwaukie** amendments go to the Milwaukie City Council for adoption.*

### 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
<b>Residential Uses</b>				
Single-family detached dwelling	P	P	P	<b>Subsection 19.505.1</b> Single-Family Dwellings and Duplexes
Duplex	P/II	P/II	P	<b>Subsection 19.505.1</b> Single-Family Dwellings and Duplexes Subsection 19.910.2 Duplexes
Residential home	P	P	P	<b>Subsection 19.505.1</b> Single-Family Dwellings and Duplexes

### 19.301.5.I.3

3. Subsection 19.505.1 Single-Family Dwellings and Duplexes

### 19.301.5.I.4

4. Subsection 19.505.2 Garages and Carports

**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
<b>Residential Uses</b>						
Single-family detached dwelling	P	P	P	P	P	<b>Subsection 19.505.1</b> Single-Family Dwellings and Duplexes
Duplex	P	P	P	P	P	<b>Subsection 19.505.1</b> Single-Family Dwellings and Duplexes
Residential home	P	P	P	P	P	<b>Subsection 19.505.1</b> Single-Family Dwellings and Duplexes



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

**Table 19.302.4**

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

**19.302.5.L**

5. Subsection 19.505.1 Single-Family Dwellings and Duplexes
6. Subsection 19.505.2 Garages and Carports
7. Subsection 19.505.3 Multifamily Housing
8. Subsection 19.505.4 Cottage Cluster Housing
9. Subsection 19.505.7 Building Orientation to Transit

**Table 19.304.2**

<b>Table 19.304.2 Downtown Zones—Uses</b>			
<b>Uses and Use Categories</b>	<b>DMU</b>	<b>OS</b>	<b>Standards/ Additional Provisions</b>
<b>Residential</b>			
Rowhouse	P	N	<b>Subsection 19.304.3.A.1</b> Downtown residential use limitations <b>Subsection 19.505.5</b> Rowhouses
Multifamily	P	N	<b>Figure 19.304-2</b> Ground-Floor Residential Permitted <b>Subsection 19.304.3.A.1</b> Downtown residential use limitations <b>Subsection 19.505.3</b> Multifamily Housing
Live/work units	P	N	<b>Subsection 19.304.3.A.1</b> Downtown residential use limitations <b>Subsection 19.505.6</b> Live/Work Units
Second-story housing	P	N	<b>Section 19.508</b> Downtown Site and Building Design Standards
Senior and retirement housing	P	N	<b>Subsection 19.304.3.A.1</b> Downtown residential use limitations <b>Subsection 19.505.3</b> 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 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.

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**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 Rowhouses.

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**19.508.4.A.3.b**

- b. Rowhouses are subject to the objective standards of Subsection 19.505.5 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 Live/Work Units.
- 

**19.608.2.B**

B. Nonresidential and Mixed-Use Buildings

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**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.
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**Table 19.901**

Mixed Use Overlay Review removed from this table (repealed)

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**Table 19.1104.1.E**

R-O-C removed from this table (repealed)