

# Municipal Code Title 19 Zoning

## CHAPTER 19.300 BASE ZONES

### 19.309 MANUFACTURING ZONE M

Statement of Purpose. The purpose of this manufacturing zone is to promote clean, employee-intensive industries which may also include related accessory uses, such as commercial and office uses, which serve the industrial area.

#### 19.309.1 Permitted Uses Use Categories

The categories of land uses that are permitted in the Manufacturing Zone are listed in Table 19.309.1. Permitted uses are designated with a “P”. A “C” in this table indicates a use that may be authorized as a conditional use in conformance with Chapter 19.905. An “L” indicates a use that is permitted outright with certain limitations as described in Section 19.309.X. Uses not listed in the table are prohibited.

All uses must comply with the land use district standards of this section and all other applicable requirements of the Zoning Code. If it is unclear whether a proposed use is allowed under the use categories, the applicant may submit a Director Determination application per 19.903 to resolve the issue.

#### **NEW TABLE**

<b>Use Category</b>	<b>Status</b>
<p><b>A. Construction: Contractors and Related Businesses.</b> This category comprises businesses whose primary activity is performing specific building or other construction related work, on or off site.</p> <p>Examples of contractors are residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies. Any associated office use on site must be accessory to the primary construction business consistent with Subsection (G) in this section.</p>	P
<p><b>B. Manufacturing.</b> Manufacturing comprises establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of components parts.</p> <p>Examples of manufacturing 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>	P
<p><b>C. Wholesale Trade.</b> Wholesale Trade 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</p>	P

<p><u>exclusively to other businesses, not the general public, and normally operate from a warehouse or office and are not intended for walk-in traffic. Associated retail is only allowed as an accessory use in conformance with subsection (G) in this table and other applicable standards in this chapter.</u></p>	
<p><b>D.</b> <u>Warehousing and Storage.</u> These industries are primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and are generally being stored in anticipation for delivery to final customer. This category can include transportation and distribution uses with loading docks, temporary outdoor storage and fleet parking. Mini-storage facilities (generally used by many individual customers to store personal property) are not considered industrial warehousing and storage and are not permitted in the Manufacturing district.</p>	<p>P</p>
<p><b>E.</b> <u>Trade schools.</u> Establishments whose primarily purpose are to provide training to meet industrial needs and often lead to job-specific certification.</p> <p><u>Examples of this use category are electronic equipment repair training, truck driving school, welding school, training for repair of industrial machinery and other industrial skills.</u></p>	<p>P</p>
<p><b>F.</b> <u>Accessory Uses and Structures.</u> Accessory uses and structures are defined as those that are incidental and subordinate to the main use of property and located on the same lot as the main use, including accessory parking.</p>	<p>P</p>
<p><b>G.</b> <u>Limited Uses.</u> This category includes uses that are primarily intended to support and serve other allowed uses in the Manufacturing Zone. Limited uses are divided into two sub-categories. See Section 19.309.5 for applicable limitations on these uses</p> <p>(1) <u>Administration and support in office buildings.</u> This category includes uses in office-type buildings that are accessory to an industrial use; establishments which administer, oversee, and manage companies; which manage financial assets and securities; research and design; laboratories and testing facilities; provide document preparation and other industrial support services; including corporate offices, company business offices, call centers, and other office type uses that primarily serve other industries and do not generate a significant number of daily customer visits.</p> <p>(2) <u>Retail commercial and professional services.</u> The sales of goods and materials and of professional services.</p> <p><u>Examples of retail commercial uses include restaurants, mini-marts, factory outlet stores and office supplies.</u></p> <p><u>Examples of professional services that cater to employees and</u></p>	<p>L</p>

<p><u>customers include bank branches, day cares, dry cleaning and health clubs.</u></p>	
<p><b>H.</b> <u>Exclusive Heavy Industrial Uses. Uses exclusive to the HI category include sites which are primarily rock crushing facilities; natural resource extraction; aggregate storage and distribution facilities; and concrete and/or asphalt batch plants. See Section 19.309.4.A.</u></p>	<p><u>C</u></p>
<p><b>I.</b> <u>Waste Management. Businesses that provide garbage and recycling hauling, including fleet parking and maintenance.</u></p>	<p><u>P</u></p>
<p><b>J.</b> <u>Repair and Service. Firms involved in repair and servicing of industrial, business or consumer electronic equipment, machinery and related equipment, products, or by-products.</u></p> <p><u>Examples include welding shops; machine shops; tool, electric motor, industrial instruments repair; sales, repair or storage of heavy machinery, metal and building materials; heavy truck servicing and repair; tire retreading or recapping; exterminators including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large scale laundry, dry-cleaning and carpet cleaning plants. Few customers, particularly not general public daily customers, come to the site. Auto service and repair shops for personal vehicles are not included in this category and are not allowed in the M zone.</u></p>	<p><u>P</u></p>
<p><b>K.</b> <u>High-Impact Commercial Use. A high impact commercial use is a use that generates substantial traffic, noise, light, irregular hours, or other potential impact on the community.</u></p> <p><u>Examples include, but are not limited to: drinking establishments, commercial recreation, adult entertainment businesses, theaters, hotels, and motels. See Section 19.309.4.B.</u></p>	<p><u>C</u></p>

~~Permitted uses are limited to industrial uses meeting the following criteria:~~

- ~~A. Any combination of manufacturing, office, and/or commercial uses are allowed when at least 25% of the total project involves an industrial use as described under Subsection 19.309.1.B. The combined uses shall provide at least 10 employees per net acre.~~
- ~~B. A use which involves the collection and assembly of durable goods, warehousing of goods, transshipment of goods from other sources, and/or the assembly of goods from products which have been processed elsewhere, general manufacturing, and production.~~
- ~~C. Commercial and office uses which are accessory to the industrial use(s). Such uses may include gymnasium, health club, secretarial services, sandwich deli, small restaurant, and retail/wholesale commercial use and showroom.~~

- ~~D. May produce small amounts of noise, dust, vibration, or glare, but may not produce off-site impacts that create a nuisance, as defined by DEQ or the City Noise Ordinance.~~
- ~~E. Has access to a collector or arterial street.~~
- ~~F. A permitted use may require outside storage areas. These storage areas shall be screened with a sight-obscuring fence or dense plantings from any adjoining residential uses or public streets.~~
- ~~G. Warehouse use which is accessory to an industrial use.~~

### **19.309.2 Preexisting Uses and Developments**

Notwithstanding the provisions of Chapter 19.800 Nonconforming Uses and Development, prohibited uses and structures located in any mapped “employment” or “industrial” area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to May 6, 1999, and would be impacted by ~~amendments prohibiting retail uses in excess of 60,000 sq ft,~~ the size limitations on retail uses in Section 19.309.5, are considered to be approved uses and structures for the purposes of this section. If such a preexisting use or development is damaged or destroyed by fire, earthquake, or other natural force, then the use will retain its preexisting status under this provision, so long as it is substantially reestablished within 3 years of the date of the loss.

Notwithstanding the provisions of Chapter 19.800 Nonconforming Uses and Development, prohibited uses and structures located in any mapped “industrial” area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to March 17, 2009, may continue and expand to add up to 20% more floor area and 10% more land area than exists on the above-stated date. This expansion requires a conditional use review.

### **19.309.3 Specific Prohibited Uses**

- A. Any use which has a primary function of storing, utilizing, or manufacturing explosive materials or other hazardous material as defined by the Uniform Fire Code, Article 80;
- B. New residential construction, churches, public schools~~s~~
- ~~C. Retail uses greater than 60,000 sq ft gross floor area per building or business are prohibited on all lots included in mapped “Employment” or “Industrial” areas as shown on Milwaukie Comprehensive Plan Title 4 Lands Map, April 6, 1999.~~
- ~~D. All lots included in mapped “Industrial” areas, as shown on Milwaukie Comprehensive Plan Title 4 Lands Map, April 6, 1999, carry the following additional restrictions:~~
  - ~~1. Individual retail trade uses greater than 5,000 sq ft gross floor area per building or business are prohibited.~~
  - ~~2. Multiple retail trade uses that occupy more than 20,000 sq ft gross floor area are prohibited, whether in a single building or in multiple buildings within the same project.~~
  - ~~3. Facilities whose primary purpose is to provide training to meet industrial needs are exempted from this prohibition.~~

**19.309.4 Standards for Conditional Uses**

The following standards apply to those uses listed as conditional (C) in Table 19.309.1.

A. ~~Natural Resource Extraction~~ Exclusive Heavy Industrial Uses

1. Open pit and gravel excavating or processing shall not be permitted nearer than 50 ft to the boundary of an adjoining property line, unless written consent of the owner of such property is first obtained. Excavating or processing shall not be permitted closer than 30 ft to the right-of-way line of an existing platted street or an existing public utility right-of-way.
2. An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.
3. A rock crusher, washer, or sorter shall not be located nearer than 500 ft to a residential or commercial zone. Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which is injurious or substantially annoying to persons living in the vicinity.

B. High-Impact Commercial Uses

When considering a high-impact commercial use, the Commission shall consider the following:

1. Nearness to dwellings, churches, hospitals, or other uses which require a quiet environment;
2. Building entrances, lighting, exterior signs, and other features which could generate or be conducive to noise or other disturbance for adjoining uses;
3. Parking vehicles and pedestrian access and circulation could contribute to noise or attract habitual assembly or unruly persons;
4. Hours of operation;
5. In addition to consideration of the above with respect to building and site design, the Planning Commission may attach conditions or standards of performance and impact, and methods for monitoring and evaluating these, to ensure that such establishments do not become unduly or unnecessarily disruptive.
6. In addition, when considering an adult entertainment business, the following criteria shall be used:
  - a. The proposed location of an adult entertainment business shall not be within 500 ft of an existing or previously approved adult entertainment business or within 500 ft of either a public park, a church, a day-care center, a primary, elementary, junior high, or high school, or any residentially zoned property.
  - ~~b. both of which distances~~ Distances shall be measured in a straight line, without regard to intervening structures, between the closest structural wall of the adult entertainment business and either the closest property line of the impacted applicable property or the closest structural wall of any pre-existing or previously approved adult entertainment business.

**19.309.5 Standards for Limited Uses**

The following standards apply to those uses listed as limited (L) in Table 19.309.1.

- A. Administration and support in office buildings. Only administrative and support offices which are related to the operation of a manufacturing use on the property are permitted in the Manufacturing zone. No greater than 20% of the floor area of a building may be used for administrative office space.
- B. Retail commercial and professional services. In order to ensure that these uses are limited in size and scale and do not dominate land intended for manufacturing uses, the following standards apply. See Figure 19.309-1 for an illustration of the size limitations.
  - 1. The total gross leasable square footage of an individual retail or professional service use shall not exceed 5,000 square feet or 40% of the floor area of an individual building, whichever is less.
  - 2. Multiple retail or professional service uses shall not exceed 20,000 cumulative gross leasable square feet within the same development project. For the purposes of this section, a development project is defined as:
    - a. A single building with 50,000 square feet or more of gross floor area.
    - b. Multiple buildings, each with less than 50,000 square feet of gross floor area, that share common development features (such as access, parking, or utilities), whether or not the buildings are located on the same or a different parcel or lot.
  - 3. Retail and professional services uses shall not be permitted in a stand-alone building. They must be included within a building whose primary purpose is for an allowed manufacturing use. The retail commercial or professional service use is not required to be related to the primary manufacturing use. Food carts are permitted as a stand-alone use.

Figure 19.309-1 Size Limitations for Retail and Professional Service Uses



**19.309.5 Site Development Requirements**

**19.309.6 Development Standards for All Uses**

The following development standards apply to all uses in the Manufacturing district.

A. Setbacks

Front: 20 ft

Side: None\*

Corner side yard: 10 ft

Rear: None\*

\* Except when abutting a residential district, in which case the setback shall match the abutting property.

B. Height. 45 ft

C. Parking and loading. See Chapter 19.600.

D. Landscaping

15% landscaping of the site is required. The required landscape area shall comply with the following:

1. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features. A variety of trees, shrubbery, and ground cover is encouraged. Street trees are required along

~~street frontages and within parking lots to help delineate entrances, provide shade, and permeable areas for storm water runoff. A bond or a financial guarantee of performance will be required.~~

- ~~2. No more than 20% of the required landscape area shall be covered in mulch or bark dust. Mulch or bark dust under the canopy of trees or shrubs is excluded from this limit.~~
- ~~3. Hardscape features (i.e., patios, decks, plazas, and similar) may cover up to 10% of the required landscape area.~~
- ~~4. Trees shall have a minimum diameter or caliper 4 feet above grade of two inches or greater at time of planting.~~
- ~~5. Shrubs shall be planted from 5 gallon containers or larger.~~
- ~~6. All landscaped area that is not planted with trees and shrubs, or covered with non-plant material (bark dust or mulch), shall have ground cover plants that are sized and spaced as follows: a minimum of one plant per 12 inches on center in triangular spacing, or other planting pattern that is designed to achieve 75% coverage of the area not covered by shrubs and tree canopy.~~

~~E. Site access. 1 curb cut (45 ft maximum) per 150 ft of street frontage.~~

~~F. Transition Area~~

~~Industrial development adjacent to and within 120 ft of areas zoned for residential uses is subject to Type I or II review per Section 19.906 Development Review. The following characteristics will be considered:~~

- ~~1. Noise~~
- ~~2. Lighting~~
- ~~3. Hours of operation~~
- ~~4. Delivery and shipping~~
- ~~5. Height of structure~~
- ~~6. Distance to residential zone boundary~~

~~The review authority may attach conditions to reduce any potentially adverse impacts to residential properties.~~

~~GE. Transportation requirements and standards. As specified in Chapter 19.700.~~

~~F. Outdoor uses shall be screened as follows:~~

- ~~1. All outdoor storage areas shall be screened from adjacent properties by a six-foot high sight-obscuring fence or wall or by the use of vegetation. Vegetation used to screen outdoor storage areas shall be of such species, number, and spacing to provide the required screening within one (1) year after planting.~~
- ~~2. All screened or walled outdoor use and storage areas which abut a public street shall be set back a minimum of 25 feet from the property line(s). Within that setback area trees and evergreen shrubs shall be planted. The plants shall be of such a variety and arranged to allow only minimum gaps between foliage of mature trees and plants within four years of planting.~~

~~G. Parking, loading and unloading areas shall be located as follows:~~



1. Parking, loading and unloading areas shall not be located within a required setback.
2. No loading or unloading facilities shall be located adjacent to lands designated for residential uses or a residential community service if there is an alternative location of adequate size on the subject site.

H. External effects. The potential external effects of manufacturing uses shall be minimized as follows:

1. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.
2. Potential nuisances such as noise, odor, electrical disturbances and other public health nuisances are subject to Title 8 of Milwaukie's Municipal Code.
3. Roof mounted mechanical equipment such as ventilators and ducts for buildings located adjacent to residential districts, arterial streets or transit streets shall be contained within a completely enclosed structure that may include louvers, latticework, or other similar features.

J. Chapter 19.500, Supplementary Development Regulations contains additional standards that may apply.