

**PROPOSED CODE AMENDMENTS RELATED TO RETIREMENT OF
THE DESIGN AND LANDMARKS COMMITTEE (DLC)**
(clean version)

TITLE 2 ADMINISTRATION AND PERSONNEL

CHAPTER 2.10 BOARDS, COMMITTEES, AND COMMISSIONS GENERALLY

SECTION 2.10.010 APPLICABILITY

This chapter applies to all City boards, commissions, and committees unless mandated otherwise by State statute or City ordinance, including but not limited to the following boards, commissions, and committees:

- A. Budget Committee (ORS 294.336 and MMC 2.14, exclusive from monthly meetings);
- B. Center/Community Advisory Board (MMC 2.20 and IGA);
- C. Citizens Utility Advisory Board (MMC 2.11);
- D. Library Board (ORS 357.400 to 357.621 and MMC 2.28);
- E. Park and Recreation Board (MMC 2.12);
- F. Planning Commission (ORS 227.010—227.030 and MMC 2.16);
- G. Public Safety Advisory Committee (MMC 2.24); and
- H. Milwaukie Arts Committee (MMC 2.17).

CHAPTER 2.16 PLANNING COMMISSION

SECTION 2.16.010 ESTABLISHED—PURPOSE

~~B.~~—*[subsection deleted]*

CHAPTER 2.17 MILWAUKIE ARTS COMMITTEE

SECTION 2.17.010 ESTABLISHMENT

There is created a Milwaukie Arts Committee whose duties and responsibilities are as follows:

- A. Support and promote the arts, artists, and art education within the Milwaukie area;
- B. Work cooperatively with other community groups and sources including, but not restricted to, Milwaukie's neighborhood district associations, North Clackamas School District, North Clackamas Parks and Recreation District, Clackamas Arts Action Alliance, New Century Players, Portland Waldorf and other schools in and around Milwaukie, Ledding Library, local businesses, area arts guilds and other groups already existing, or hereafter established, to promote the arts in the community.

CHAPTER 2.18 DESIGN AND LANDMARKS COMMITTEE *[chapter content deleted—reserve chapter number for future use]*

TITLE 14 SIGNS

CHAPTER 14.04 GENERAL PROVISIONS

SECTION 14.04.030 DEFINITIONS

Sign, Nonconforming. "Nonconforming sign" means a sign that complied with applicable standards when created or modified but which does not comply with existing standards. Signs that did not require Planning Commission approval when created will not be considered nonconforming if approval from that body is currently required.

CHAPTER 14.16 SIGN DISTRICTS

SECTION 14.16.060 DOWNTOWN ZONES

H. Illumination

Illuminated signs may be permitted subject to the following:

1. Signs with opaque letters or symbols that are backlit, having a light source behind the opaque area and not directly visible from in front of the sign, are permitted.
2. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.
3. Awning signs must not be internally illuminated. Features on an awning sign may be externally illuminated subject to review and approval by the Planning Commission, per Section 19.1006 Type III Review, according to the following criteria:
 - a. Sign lighting should be designed as an integral component of the building and sign composition.
 - b. Sign lighting should be designed primarily for the enhancement of the pedestrian environment along adjacent streets and open spaces.
 - c. Lighting should contribute to a sign that is architecturally compatible with the character of the area.
4. Sign illumination must be directed away from, and not be reflected upon, adjacent premises.
5. Internally illuminated cabinet signs are discouraged in the downtown zones. Internal illumination of cabinet signs may be permitted subject to review and approval by the Planning Commission, per Section 19.1006 Type III Review, according to the following criteria:
 - a. The sign should be a unique design that responds to the downtown design guidelines in Subsection 19.508.4.
 - b. The sign copy should be lighter than the sign background.
 - c. The sign background should use a predominance of dark color or be opaque when the light source is on.

CHAPTER 14.32 ADJUSTMENTS

SECTION 14.32.010 AUTHORIZATION TO GRANT OR DENY ADJUSTMENTS

- A. The Planning Commission may authorize adjustments to the requirements of this chapter per Section 19.1006 Type III Review where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard will not be a basis for granting an adjustment. In granting an adjustment, the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the City and otherwise achieve the purposes of this chapter.
- B. Adjustments may be granted where it can be shown that there are special and unusual circumstances related to the specific property or sign, the adjustment is consistent with the guiding principles of the downtown design guidelines in Subsection 19.508.4, and the adjustment meets either of the following criteria:
1. Strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard does not constitute a hardship; or
 2. The adjustment serves to protect or enhance significant features such as, but not limited to, trees, historic or culturally significant buildings, or landmark signs.

In granting an adjustment, the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the City and otherwise achieve the purposes of this chapter.

TITLE 19 ZONING

CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

SECTION 19.401 WILLAMETTE GREENWAY ZONE WG

Subsection 19.401.6 Criteria

The following will be taken into account in the consideration of a conditional use:

- A. Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan;
- B. Compatibility with the scenic, natural, historic, economic, and recreational character of the river;
- C. Protection of views both toward and away from the river;
- D. Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable;
- E. Public access to and along the river, to the greatest possible degree, by appropriate legal means;
- F. Emphasis on water-oriented and recreational uses;
- G. Maintenance of or increase in views between the Willamette River and downtown;

- H. Protection of the natural environment according to regulations in Section 19.402;
- I. Conformance to applicable Comprehensive Plan policies;
- J. The request is consistent with applicable plans and programs of the Division of State Lands;
- K. A vegetation buffer plan meeting the conditions of Subsections 19.401.8.A through C.

CHAPTER 19.900 LAND USE APPLICATIONS

SECTION 19.907 DOWNTOWN DESIGN REVIEW

Subsection 19.907.3 Review Process

B. Review Types

To achieve the purpose of the downtown design standards and guidelines, there are three downtown design review processes through which to apply for approval:

1. Type I

The ministerial review track provides for a Type I review process pursuant to Section 19.1004 using the design standards in Section 19.508.

2. Type II

The administrative review track provides for a Type II process pursuant to Section 19.1005 that requires staff review utilizing the design standards and applicable guidelines in Section 19.508.

3. Type III

The discretionary review track provides for a Type III review process pursuant to Section 19.1006, through which the Planning Commission determines compliance with the downtown design guidelines in Section 19.508.

Subsection 19.907.6 Variances

- A. Variances cannot be granted for the downtown design standards of Section 19.508. Applications unable to meet one or more standards must meet the applicable downtown design guideline(s) in Subsection 19.508.4 instead and use the Type III discretionary downtown design review process.
- B. Variances can be granted for the downtown development standards of Section 19.304 unless otherwise specified, through the variance review process in Section 19.911.

SECTION 19.911 VARIANCES

Subsection 19.911.6 Building Height Variance in the Downtown Mixed Use Zone

C. Review Process

The building height variance will be subject to Type III review and approval by the Planning Commission, in accordance with Chapter 19.907. The building height variance will be consolidated with downtown design review.

1. Because the building height variance provides substantial flexibility and discretion, additional time may be required for public input and technical evaluation of the proposal. To use this option, the applicant will sign a waiver of the 120-day decision requirement.
2. 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.

CHAPTER 19.1000 REVIEW PROCEDURES

SECTION 19.1005 TYPE II REVIEW

Subsection 19.1005.3 Type II Public Notice

A. Referral

Within 7 days after the application has been deemed complete, the City will provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of referral, the City will presume that no comments will be submitted.

1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property.
2. Affected City departments and any governmental agency that is entitled to notice by the municipal code.

SECTION 19.1006 TYPE III REVIEW

Type III applications are quasi-judicial in nature and are subject to approval criteria that require the exercise of discretion and judgment and about which there may be broad public interest. Impacts may be significant and development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with applicable approval criteria and development standards. The review process requires notice to nearby property owners and at least one public hearing before the Planning Commission.

Subsection 19.1006.3 Type III Public Notice

C. Referral

Within 7 days after the application has been deemed complete, the City will provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of the referral, the City will presume that no comments will be submitted.

1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property.
2. Affected City departments and any governmental agency that is entitled to notice by the municipal code.

SECTION 19.1007 TYPE IV REVIEW

Subsection 19.1007.3 Type IV Public Notice

C. Referral

Within 7 days after the application has been deemed complete, the City will provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of the referral, the City will presume that no comments will be submitted.

1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 400 ft of the subject property.
2. Affected City departments and any governmental agency that is entitled to notice by the municipal code.

SECTION 19.1010 APPEALS

Subsection 19.1010.6 Specific Provisions for Appeal of a Type III Decision

- A. A Type III decision may be appealed by the applicant, applicant's representative, or any other person or organization who participated in the original decision by providing either testimony or evidence on the record leading to the decision by the review authority.
- B. At least 20 days prior to the appeal hearing, the City will mail written notice of the appeal hearing to all parties who were entitled to Type III public notice per Subsection 19.1006.3.D.1, interested persons, the appellant(s), and Planning Commission.

~~SECTION 19.1011 DESIGN REVIEW MEETINGS~~ [entire section deleted]