



CITY OF MILWAUKIE

Milwaukie Code Proposed Amendments: Neighborhood Hubs

February 2024
Primary Land Use File #ZA-2024-001

What is a Neighborhood Hub?

Neighborhood Hubs are gathering places where residents have easy access to goods and services close to their homes. They are places where neighbors create meaningful relationships with each other. Hubs will vary in size and intensity, with some as small as a neighborhood tool library and others as large as a cluster of mixed-use buildings with housing above shops and services.

In 2017, the City Council incorporated Neighborhood Hubs into the [Milwaukie Community Vision & Action Plan](#) following a city-wide engagement process with more than 1,000 residents. Outreach in 2018 and 2019 helped the city better understand each Hub, including economic conditions, desired Hub activities, development potential of each Hub, and levels of community support - which showed over 85% of engagement participants supported the vision for Neighborhood Hubs. Neighborhood Hubs are a critical component of the city's Comprehensive Plan implementation process: the city integrated Hubs into the 2040 Comprehensive Plan and developed recommendations for future Hubs implementation.

This phase of the Hubs project supports and builds on the earlier work and implements zoning changes, economic development initiatives, and placemaking programs that will help Hubs grow to meet community needs.

Following numerous interviews with stakeholders, including business and property owners and meetings with Neighborhood District Associations, and a robust public engagement process in October and November 2023 with both in-person workshops and an online

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survey and overwhelming support for the code concepts, staff developed this package of code amendments (<https://engage.milwaukieoregon.gov/hubs-phase2>).

This package of code amendments includes the following key amendments, which are intended to broaden permitted uses and streamline review processes in the Hubs so that more activity can occur:

- Re-zone properties in the Limited Commercial zone (C-L) to Neighborhood Mixed Use (NMU) and eliminate the Limited Commercial zone.
- Create a new Small-Scale Mixed Use zone (SMU)
- Re-zone properties in the Neighborhood Commercial zone (C-N) to Small-Scale Mixed Use and eliminate the Neighborhood Commercial zone.
- Re-zone the Milwaukie Floral site on Lake Rd to the new Small-Scale Mixed Use zone
- Expand the 42nd Ave NMU zone by re-zoning the Chapel Theatre site at 4107-4117 SE Harrison St from Residential-High Density to Neighborhood Mixed Use
- Expand the permitted uses in the NMU zone to include theatres and playhouses.

Amendments to the following code sections are proposed to support and encourage the development and continued activity in the city's Neighborhood Hubs.

Municipal Code - Title 19 Zoning Ordinance

- Chapter 19.100 - Zone Classifications
- Chapter 19.300 - BASE ZONES
 - Section 19.303 Commercial Mixed Use Zones
 - Section 19.305 Neighborhood Commercial Zone C-N
 - Section 19.306 Limited Commercial Zone C-L
- Chapter 19.1100 ANNEXATIONS AND BOUNDARY CHANGES
 - Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes

Municipal Code - Title 14 Signs

- 14.16.030 Neighborhood Commercial Zone
- 14.16.040 Commercial Zones

Municipal Code - Title 11 Miscellaneous Permits

- Section 11.05 - Temporary Uses, Permits, and Regulations

Please contact Vera Koliass, Senior Planner with the City of Milwaukie Planning Department, at 503-786-7653 or koliassv@milwaukieoregon.gov with questions or comments about the proposed code amendments and/or the code adoption process.

Reader Guide

Commentary

A commentary section precedes each section of code amendments. The commentary provides a non-technical summary of the proposed amendments and highlights proposed policy changes. The commentary section is labeled as commentary and presented in Comic Sans font (the same font of this sentence).

Amendments

Unless otherwise noted in the document, underlined text is proposed text, and ~~strikethrough~~ text is existing code language proposed for deletion. Standards shown in [brackets] are those that still require Planning Commission discussion and direction.

Context/Surrounding Code

The chapter, section, and subsection for the proposed code amendments are listed for reference in this document. Line breaks, like the one below, between subsequent amendments indicate that there is intervening text within the section or subsection that is not included in this document.

Please be advised that this document shows only sections of code for which amendments are proposed, along with limited surrounding sections for context. It does not include all sections of the Milwaukie Municipal Code.

COMMENTARY

Miscellaneous Permits (MMC 11.05 Temporary Uses, Permits, Regulations)

- **Revise** this code section by adding more types of temporary uses to reflect improvements such as seasonal outdoor seating and food carts where not already permitted by right to help activate hub businesses. Allowing more types of uses to happen periodically, as needed, can also test out certain uses as proof of concept - like a pilot program.

Underline/Strikeout Amendments

TITLE 11 MISCELLANEOUS PERMITS

11.05 TEMPORARY USES, PERMITS, AND REGULATIONS

11.05.010 USES

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as:

A. Seasonal sales uses on private property and on land owned by the City of Milwaukie. These activities include, but are not limited to, the sale of produce, rental of recreational equipment, provision of recreational lessons, or sale of products at a park owned by the City of Milwaukie.

B. Temporary real estate offices;

C. Construction parking;

D. Construction trailers;

E. Construction offices;

F. Shelters for warming, cooling, or hazardous air quality, subject to the Milwaukie and Clackamas Fire District Joint Policy for Temporary Emergency Shelters;

G. Outdoor dining and seating areas, on private property and where not permitted by right

H. Food carts where not permitted by right

I. Play equipment and sporting events

J. Bicycle parking, such as a bike corral or bike station

K. Other temporary uses similar to those listed above as determined by the City Manager.

Approval may be granted provided such uses are consistent with the intent of the underlying zoning district. ~~and comply with other provisions of this code~~ These activities are intended to be in use for a limited duration and shall not become a permanent part of a site. (Ord. 2198 § 2, 2021; Ord. 2168 § 2, 2019)

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-MD
Residential	R-HD
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 Mixed Use	MUTSA
General Mixed Use	GMU
North Milwaukie Employment	NME
Neighborhood Mixed Use	NMU
<u>Small Mixed Use</u>	<u>SMU</u>
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F

COMMENTARY

Commercial Mixed Use Zones (MMC 19.303)

- **Add** a new mixed use zone - Small-Scale Mixed use (SMU) - to the list of mixed use zones. This zone would be applied to properties formerly zoned CN as well as to a portion of the Milwaukie Floral site at 3306 SE Lake Rd.

As stated in the Purpose section, this new zone is intended to allow for a mix of small-scale retail and services, along with residential uses, that meet the needs of nearby residents and contribute to a vibrant, local economy. It is also intended to provide a safe and pleasant pedestrian environment while maintaining a neighborhood-scale identity. This zone is intended to support neighborhood hubs by allowing a variety of commercial uses by right, rather than as a conditional use.

CHAPTER 19.300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONES

19.302 HIGH DENSITY RESIDENTIAL ZONES

19.303 COMMERCIAL MIXED-USE ZONES

19.304 DOWNTOWN ZONES

~~19.305 NEIGHBORHOOD COMMERCIAL ZONE C-N~~ Hold for future use

~~19.306 LIMITED COMMERCIAL ZONE C-L~~ Hold for future use

19.303 COMMERCIAL MIXED-USE ZONES

19.303.1 Purpose

A. The General Mixed Use Zone is intended to recognize the importance of central Milwaukee 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.

B. The Neighborhood Mixed Use Zone is intended to recognize 32nd and 42nd Avenues as neighborhood commercial centers. This zone allows for a mix of small-scale retail and services, along with residential uses, that meet the needs of nearby residents and contribute to a vibrant, local economy. It is also intended to provide a safe and pleasant pedestrian environment while maintaining a neighborhood-scale identity.

C. The Small-Scale Mixed Use Zone is intended to allow for a mix of small-scale retail and services, along with residential uses, that meet the needs of nearby residents and contribute to a vibrant, local economy. It is also intended to provide a safe and pleasant pedestrian environment while maintaining a neighborhood-scale identity. This zone supports neighborhood hubs, which are gathering places where residents have easy access to goods and services close to their homes. They are places where neighbors create meaningful relationships with each other.

19.303.2 Uses

A. Permitted Uses

Uses allowed outright in the commercial mixed-use zones 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 commercial mixed-use zones 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 G below, are prohibited. Uses listed with an “N” in Table 19.303.2 are also prohibited.

E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards.

F. Drive-Through Uses

For the purpose of this section, drive-through uses are not considered accessory uses and must be approved through a conditional use review in the NMU Zone in conformance with Section 19.905. Drive-through facilities must also conform to Section 19.606.3.

G. Similar Uses

The Planning ~~Manager~~ 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.

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Table 19.303.2				
Uses Allowed in Commercial Mixed-Use Zones				
Uses and Use Categories	GMU	NMU	<u>SMU</u>	Standards/Additional Provisions
Residential				
Single detached dwelling	N	CU	<u>CU</u>	Subsection 19.505.1 One- to Four-Unit Residential Development Section 19.905 Conditional Uses
Rowhouse ¹	P	CU	<u>CU</u>	Subsection 19.505.5 Rowhouses
<u>Duplex, Triplex, Quadplex</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>Section 19.905 Conditional Uses</u>
Multi-unit housing	P	CU	<u>CU</u>	Subsection 19.505.3 Multi-Unit Housing
Cottage cluster housing	P	CU	<u>CU</u>	Subsection 19.505.4 Cottage Cluster Housing
Mixed use ²	P	P	<u>P</u>	Subsection 19.505.7 Nonresidential Development
Live/work units	P	P	<u>P</u>	Subsection 19.505.6 Live/Work Units
Accessory dwelling units	N	CU	<u>CU</u>	Section 19.905 Conditional Uses Subsection 19.910.1 Accessory Dwelling Units
Boarding house	CU	CU	<u>CU</u>	Section 19.905 Conditional Uses
Commercial^{3, 4}				
Production-related office Professional and administrative office	P	P	<u>P</u>	Subsection 19.303.6.C Marijuana testing and research facilities
Drinking establishments Drinking establishments primarily involve the sale of alcoholic beverages for on-site consumption. Examples include taverns, bars, or cocktail lounges.	P	<u>CU-P</u>	<u>CU</u>	Section 19.905 Conditional Uses
Eating establishments Eating establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeout. Eating establishments may include	P	P	<u>P</u>	

<p>incidental sales of alcoholic beverages.</p> <p>Examples include restaurants, delicatessens, retail bakeries, coffee shops, concession stands, and espresso bars.</p>				
<p>Indoor recreation</p> <p>Indoor recreation consists of 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 <u>movie theaters, live theaters, and playhouses.</u></p>	P	P	<u>P</u>	
<p>Retail-oriented sales</p> <p>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.</p>	P	P	<u>P</u>	
<p>Marijuana retailer</p> <p>Marijuana retailer means a state-licensed business that sells or distributes marijuana and marijuana-derived products to consumers. A marijuana retailer may sell or distribute recreational or medical marijuana.</p>	P	P	<u>N</u>	<p>Subsection 19.303.6.A Marijuana retailers</p>

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<p>Vehicle sales and rentals⁵</p> <p>Vehicle sales and rentals means a business that sells or leases consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, boats, and other recreational vehicles.</p>	P	N	<u>N</u>	
<p>Personal/business services</p> <p>Personal/business services 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	<u>P</u>	
<p>Repair-oriented</p> <p>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, and office equipment; tailors and seamstresses; shoe repair; locksmiths; and upholsterers.</p>	P	P	<u>P</u>	
<p>Vehicle repair and service⁶</p> <p>Firms servicing passenger vehicles; light and medium trucks; and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Also includes quick-servicing activities, where the driver generally waits in the car before and while the service is performed.</p> <p>Examples include gas stations, quick oil change shops, car washes, vehicle repair, transmission or muffler shops, auto body shops, alignment shops, auto</p>	P	CU	<u>N</u>	Section 19.905 Conditional Uses

upholstery shop, auto detailing, and tire sales and mounting.				
<p>Day care⁷</p> <p>Day care is the provision of regular child care, 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.</p> <p>Examples include nursery schools, before- and after-school care facilities, and child development centers.</p>	P	P	<u>P</u>	
<p>Commercial lodging</p> <p>Commercial lodging includes for-profit residential facilities where tenancy is typically less than one month.</p> <p>Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments.</p>	P	P	<u>CU</u>	
<p><u>Automobile parking facility</u></p> <p>Parking facilities provide <u>automobile parking</u> 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.</p> <p>Examples include structured parking, short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking.</p>	N	CU	<u>N</u>	Section 19.611 Parking Structures
Manufacturing and Production				

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<p>Manufacturing and production⁸</p> <p>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.</p> <p>Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; marijuana processors; 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. Marijuana production is prohibited.</p> <p><u>Within the SMU, the following manufacturing and production uses are also prohibited: marijuana processing, automotive manufacture and assembly, and auto-repair shops.</u></p>	P	P	<u>P</u>	Subsection 19.509.2 Security and odor control for certain marijuana businesses
Institutional				
Community service uses	CSU	CSU	<u>CSU</u>	Section 19.904 Community Service Uses
Accessory and Other				
Accessory use	P	P	<u>P</u>	Section 19.503 Accessory Uses
Home occupation	P	P	<u>P</u>	Section 19.507 Home Occupation Standards
Short-term rentals	P	P	<u>P</u>	Section 19.507 Home Occupation Standards

P = Permitted.

N = Not 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. Residential uses built as part of a vertical mixed-use building are not subject to conditional use review in the NMU Zone.
3. In the NMU Zone, unless otherwise specified in this section, all nonresidential uses listed in Table 19.303.2 shall be no greater than 10,000 sq ft in area per use. A nonresidential use greater than 10,000 sq ft in area may be approved through a conditional use review pursuant to Section 19.905.
4. The 10,000 sq ft size limitation in Footnote 3 of Table 19.303.2 does not apply to "retail-oriented sales" uses established within the existing lot and building situated at 4320 SE King Rd, within the lot's boundaries that exist on February 13, 2016, the effective date of Ordinance #2112. Redevelopment of the site is subject to all standards of Table 19.303.2.
5. Vehicle retail sales are permitted in the GMU Zone only when conducted within a completely enclosed building (including inventory display and storage).
6. Vehicle repair and service uses are permitted in the commercial mixed-use zones only when conducted within a completely enclosed building.
7. Day care and child care uses are limited to 5,000 sq ft.
8. 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 commercial mixed-use zones 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 commercial mixed-use zones. Development standards are presented in detail in Subsection 19.303.4.

Table 19.303.3 Commercial Mixed Use Zones—Summary of Development Standards				
Standard	GMU	NMU	SMU	Standards/ Additional Provisions
A. Lot Standards				
1. Minimum lot size (sq ft)	1,500	1,500	<u>1,500</u>	

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2. Minimum street frontage (ft)	25	25	<u>25</u>	
B. Development Standards				
1. Minimum floor area ratio	0.5:1	0.5:1	<u>0.5:1</u>	Subsection 19.303.4.A Floor Area Ratio
2. Building height (ft)				Subsection 19.303.4.B Building Height
a. Base maximum	45	45	<u>35</u>	Section 19.510 Green Building Standards
b. Maximum with height bonus	57–69	Height bonus not available	<u>Height bonus not available</u>	Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone
3. Street setbacks (ft)				Subsection 19.303.4.C Street Setbacks
a. Minimum street setback	0–15 ¹	None	<u>15</u>	Section 19.501.2 Yard Exceptions
b. Maximum street setback	10–20 ²	10	<u>10</u>	
c. Side and rear setbacks	None	None	<u>5/10</u>	
4. Frontage occupancy	50%	None	<u>None</u>	Subsection 19.303.4.D Frontage Occupancy Requirements Figure 19.303.4.D Frontage Occupancy Requirements
5. Maximum lot coverage	85%	85%	<u>85%</u>	
6. Minimum vegetation	15%	15%	<u>15%</u>	Subsection 19.504.6 Minimum Vegetation
7. Primary building entrances	Yes	Yes	<u>Yes</u>	Subsection 19.303.4.E Primary Building Entrances
8. Off-street parking required standards	Yes	Yes	<u>Yes</u>	Chapter 19.600 Off-Street Parking and Loading
9. Transit street	Yes	Yes	<u>Yes</u>	Subsection 19.505.8 Building Orientation to Transit
10. Transition measures	Yes	Yes	<u>Yes</u>	Subsection 19.504.5 Transition Area Measures
C. Other Standards				
1. Residential density requirements (dwelling units per acre)				Subsection 19.202.4 Density Calculations
a. Stand-alone residential				

(1) Minimum	25	11.6	<u>7.0</u>	Subsection 19.303.4.F Residential Density
(2) Maximum	50	14.5		
b. Mixed-use buildings	None	None		Subsection 19.501.4 Density Exceptions
2. Signs	Yes	Yes	<u>Yes</u>	Subsection 14.16.040 Commercial Zone

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

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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 in the GMU Zone 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.

c. The maximum building height in the NMU Zone is ~~3 stories or 45 ft., whichever is less.~~ No building height bonuses are available in the NMU Zone.

d. The maximum building height in the SMU Zone is 35 ft. No building height bonuses are available in the SMU Zone.

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~~ residential 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 Avenue and Monroe Street 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.

COMMENTARY

Neighborhood Commercial Zone - CN (MMC 19.305)

- **Remove** this zone, as properties zoned CN are proposed to be re-zoned to the new Small-Scale Mixed Use Zone (SMU).

Limited Commercial Zone - CL (MMC 19.306)

- **Remove** this zone, as properties zoned CL are proposed to be re-zoned to the Neighborhood Mixed Use Zone (NMU). This expands the list of permitted uses in these areas and streamlines the number of commercial zones in the city.

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~~19.305 NEIGHBORHOOD COMMERCIAL ZONE C-N~~

~~In a C-N Zone the following regulations shall apply:~~

~~19.305.1 Uses Permitted Outright~~

~~In a C-N Zone the following uses and their accessory uses are permitted outright:~~

~~A.— No uses permitted outright.~~

~~19.305.2 Conditional Uses Permitted~~

~~In a C-N Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 19.905:~~

~~A.— A food store not exceeding 2,500 sq ft of floor area;~~

~~B.— A store providing convenience goods and services for a local area;~~

~~C.— Laundry;~~

~~D.— Eating establishment;~~

~~E.— Any other use similar to the above and not listed elsewhere.~~

~~19.305.3 Standards~~

~~In a C-N Zone the following standards shall apply:~~

~~A.— Lot size. Lot area shall be at least 5,000 sq ft but not greater than 25,000 sq ft. Lot width shall be at least 50 ft. Average 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 10 ft.~~

~~E.— Off-street parking and loading. As specified in Chapter 19.600.~~

~~F.— Height restriction. Maximum height of a structure shall be 2.5 stories or 35 ft, whichever is less.~~

~~G.— Lot coverage. Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 40% of the total area of the lot.~~

~~H.— Minimum vegetation. Minimum area that must be left or planted in trees, grass, shrubs, etc., shall be 20% of the total area of the lot.~~

~~I.— Screening. Neighborhood commercial uses must be screened from adjacent residential uses.~~

~~J.— Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft.~~

~~K.— Transportation requirements and standards. As specified in Chapter 19.700.~~

~~19.305.4 Prohibited Uses~~

~~The following uses and their accessory uses are prohibited:~~

~~A.— Adult entertainment business. (Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)~~

~~19.306 LIMITED COMMERCIAL ZONE C-L~~

~~In a C-L Zone the following regulations shall apply:~~

~~19.306.1 Uses Permitted Outright~~

~~In a C-L Zone the following uses and their accessory uses are permitted outright:~~

~~A.— Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature.~~

~~B.— Offices for administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, testing, scientific, or statistical businesses or organizations.~~

~~C.— Retail trade establishment such as a food store, drugstore, gift shop, hardware store, selling primarily from a shelf goods inventory.~~

~~D.— Personal/business services such as a barber shop, tailor shop, or laundry and dry cleaning pickup station.~~

~~E.— Eating establishments, provided the floor area does not exceed 3,250 sq ft and the use does not include drive-through facilities.~~

~~F.— Marijuana retailer subject to the standards of Subsection 19.509.1.~~

~~G.— Bed and breakfast.~~

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H. ~~Vacation rental.~~

I. ~~Short-term rental when associated with a legally-permitted dwelling unit.~~

J. ~~Any other use similar to the above and not listed elsewhere.~~

19.306.2 ~~Conditional Uses and Community Service Uses Permitted~~

A. ~~In a C-L Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 19.905:~~

1. ~~Funeral home;~~

2. ~~Marina and boat sales;~~

3. ~~Parking facility;~~

4. ~~Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;~~

5. ~~Financial institution;~~

6. ~~Trade or commercial school;~~

7. ~~Single unit detached dwelling;~~

8. ~~Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 sq ft per head of livestock. Marijuana production is not permitted as an agricultural use;~~

9. ~~Middle housing or multi-unit housing;~~

10. ~~Adult foster/care home;~~

-

11. ~~High-impact commercial, except adult entertainment businesses;~~

12. ~~Hotels and motels;~~

13. ~~Eating establishments that exceed 3,250 sq ft in floor area;~~

14. ~~Any other use similar to the above and not listed elsewhere.~~

B. ~~In a C-L Zone the following community service uses and their accessory uses are permitted subject to the provisions of Section 19.904:~~

~~1. Residential care facility.~~

~~19.306.3 Standards~~

~~In a C-L Zone the following standards shall apply:~~

~~A. Lot size. None, except as follows for dwelling. 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 1,000 sq ft. Lot width shall be at least 50 ft. Lot depth shall be at least 80 ft.~~

~~B. Front yard. None, except as provided in Subsections 19.306.3.E and 19.501.2.A.~~

~~C. Side yard. None, except as provided in Subsections 19.306.3.E and 19.501.2.A.~~

~~D. Rear yard. None, except as provided in Subsections 19.306.3.E and 19.501.2.A.~~

~~E. Transition area. A transition area shall be maintained according to Subsection 19.504.6.~~

~~F. Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft except as permitted under the Land Division Ordinance.~~

~~G. Off-street parking and loading. As specified in Chapter 19.600.~~

~~H. Height restriction. Maximum height of any structure shall be 3 stories or 45 ft, whichever is less.~~

~~I. Open use. A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, shall be screened with a sight-obscuring fence not less than 6 ft high.~~

~~J. 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.~~

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

~~L. Offices for marijuana research or testing shall be subject to the security and odor control standards of Subsection 19.509.2.~~

~~19.306.4 Prohibited Uses~~

~~The following uses and their accessory uses are prohibited:~~

~~A. Adult entertainment businesses. (Ord. 2224 § 2, 2022; Ord. 2168 § 2, 2019; Ord. 2140 § 2, 2017; Ord. 2134 § 2, 2016; Ord. 2120 § 2, 2016; Ord. 2094 § 2, 2015; Ord. 2089 § 2, 2015; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)~~

19.505.4 Cottage Cluster Housing

C. Development Standards

The standards listed below in Table 19.505.4.C.1 are the applicable development and design standards for cottage cluster housing. Additional design standards are provided in Subsection 19.505.1.

Table 19.505.4.C.1 Cottage Cluster Development Standards		
Standards	R-MD	R-HD, GMU, NMU, SMU

CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES

19.1104 EXPEDITED PROCESS

19.1104.1 Administration and Approval Process

E. The City zoning and Comprehensive Plan designation for an expedited annexation request shall be automatically applied based on the existing Clackamas County zoning designation in accordance with Table 19.1104.1.E, provided below:

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
MR2	R-HD	High density residential
PMD	R-HD	High density residential
HDR	R-HD	High density residential
SHD	R-HD	High density residential
C3	C-G	Commercial
OC	C-L NMU	Commercial
RTL	C-L NMU	Commercial
PC	C-CS	Commercial
LI	BI	Industrial
GI	M	Industrial
BP	BI	Industrial
OSM	R-MD/CSU	Public

TITLE 14

SIGNS

CHAPTER 14.16 Sign Districts

14.16.030 NEIGHBORHOOD COMMERCIAL SMALL MIXED USE ZONE

No sign shall be installed or maintained in a ~~C-N~~ SMU Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.030.

Table 14.16.030 Standards for Signs in Neighborhood Commercial Zones C-N <u>Small Mixed Use Zone SMU</u>				
Sign Type	Area	Height	Number	Illumination¹
Freestanding signs	1.5 SF per lineal ft. of street frontage, not exceeding 40 SF per display surface and 80 SF overall.	May not project over the top of a building or max. 20 ft., whichever is less.	1 permitted. ²	External only
Wall signs ²	Max. 20% of building face. ³	Cannot extend above roofline or top of a parapet wall, whichever is higher.	Dictated by area requirements. ⁴	External only
Awning signs	Max. 25% of surface of awning, not to exceed 20% of building face.	No higher than the point where the roofline intersects the exterior wall.	1 per frontage per occupancy.	External only
Hanging sign suspended beneath awning <u>or other portion of the building</u>	Max. 1 SF per 1 lineal ft. of awning length.	Min. clearance 8 ft. from ground level to the lowest portion of awning or suspended sign.	1 hanging sign per awning.	External only
<u>Projecting sign</u>	<u>Max. 20% of face of building to which the sign is attached⁵.</u>	<u>Min. clearance 8 ft. from ground level to the lowest portion of projecting sign.</u>	<u>1 projecting sign per building face</u>	<u>External only</u>
Daily display signs ⁶	Max. 8 SF per display surface and 16 SF overall.	Max. 6 ft. above ground level.	1 per property or occupancy.	External only

Proposed Code Amendment with Commentary

¹ Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination must be directed away from, and not be reflected upon, adjacent premises. See Section 14.24.020.

~~² In addition to one wall sign.~~

² Location: limited to the building surface or surfaces facing the public right-of-way.

³ In addition to the sign size limitations of this chapter, if an original art mural permitted under Title 20 occupies a wall where a wall sign has been proposed, the size of the wall sign will be limited such that the total area of the original art mural plus the area of the wall sign does not exceed the maximum allowed.

⁴ Wall signs are permitted in addition to one freestanding sign.

⁵ If a projecting sign is located on the same building face as a wall sign, the total of all sign surfaces must not exceed 20% of the face of the building.

⁶ Must not be located within required landscaped area, and is only allowed within the public right-of-way subject to the standards of Section 14.20.040.

⁷ Existing freestanding or roof signs in the SMU zone established prior to XXX, 2024, the effective date of Ordinance XXX, are allowed to remain and may be re-faced and/or repaired, so long as the size or height of the sign does not increase.

(Ord. 2078 § 2 (Exh. B), 2014; Ord. 2001 § 2, 2009; Ord. 1965 §§ 2, 3, 2006; Ord. 1733 § 1(1) (Exh. A), 1993)

14.16.040 COMMERCIAL ZONES

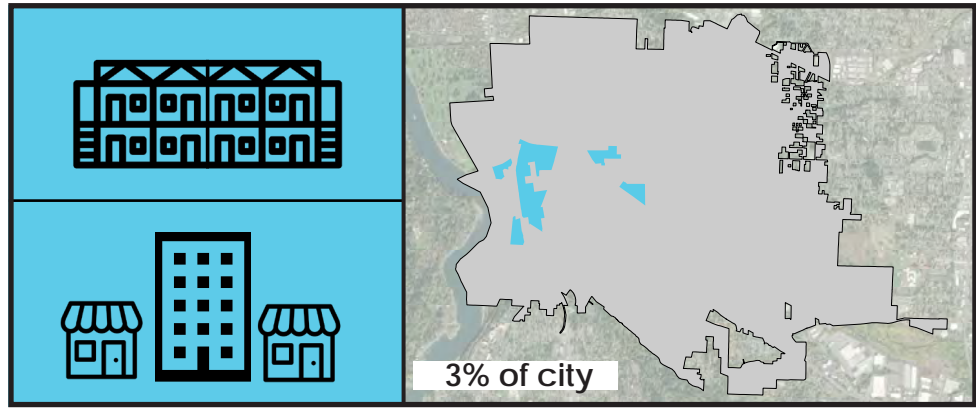
No sign shall be installed or maintained in the C-L, C-CS, NMU, and GMU Zones, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.040.

Table 14.16.040 Standards for Signs in Commercial Zones C-L, C-CS, NMU, and GMU					
Sign Type	Area	Height	Location	Number	Illumination¹
Freestanding signs	1.5 sq ft per lineal ft. of street frontage and 1 additional sq ft per each lineal ft. of frontage over 100 ft ²	Max. 25 ft from ground level, 14 ft min. clearance below lowest portion of a sign in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way. ³	1 multifaced sign per street frontage. ⁴	Permitted

Proposed Code Amendment with Commentary

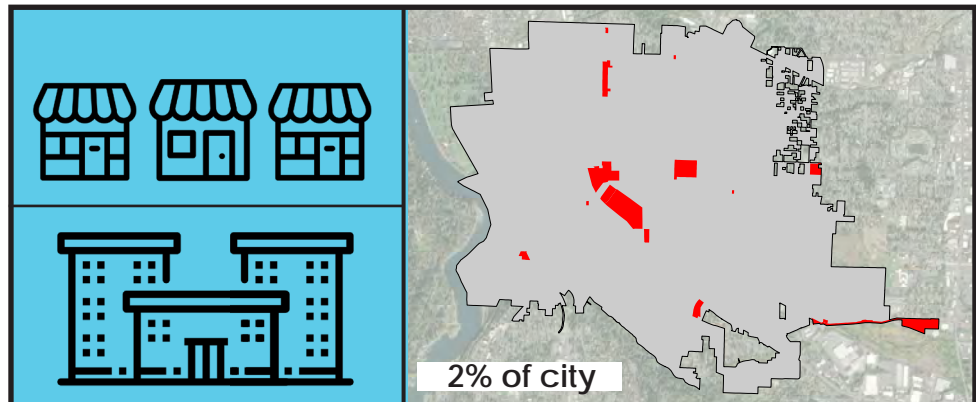
Wall signs	Max. 20% of building face. ⁵	Not above roofline or top of parapet wall, whichever is higher.	NA.	No limit.	Permitted
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Town Center: Zones DMU & GMU



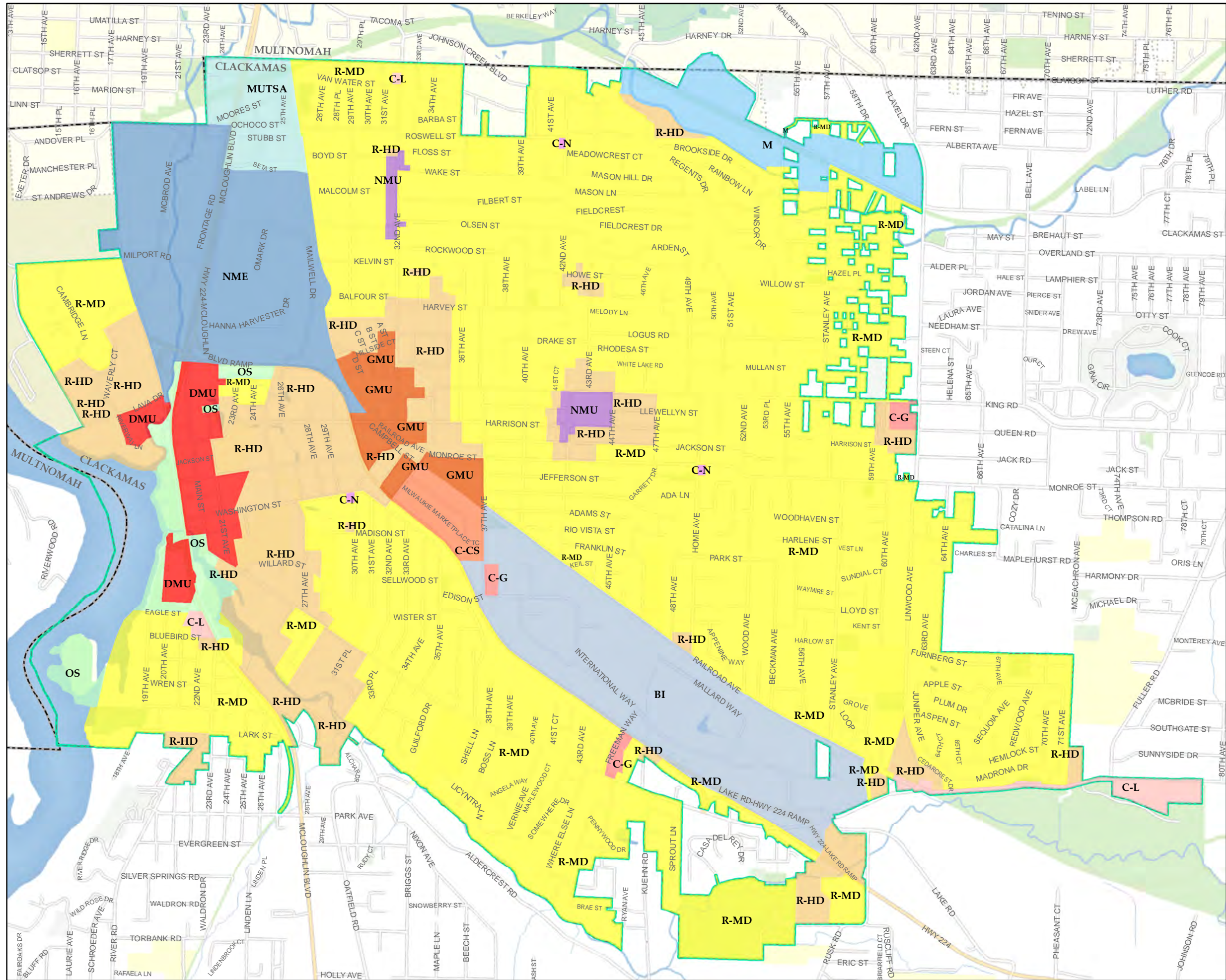
- a. Mixed-use development combining residential high-density housing with retail, personal service, commercial, and/or offices, is encouraged.
- b. The Downtown and Riverfront Land Use Framework Plan and the Downtown Mixed -Use Zone shall implement Subarea 1 of the Town Center Master Plan.
- c. Downtown Milwaukie is part of the Milwaukie Town Center, which is a regional destination in the Metro 2040 Growth Concept
- d. The Town Center Area shall be served by multimodal transportation options; therefore, on-street parking, shared parking, and enclosed parking are the most appropriate parking options in the Town Center Area.
- e. A variety of higher density housing is desired in the Town Center Area. The city shall work cooperatively with the private sector to provide a diverse range of affordable housing.
- f. Downtown public improvements should be coordinated with private improvement efforts by local property owners and should aim to stimulate and support private investments in the area.
- g. Central Milwaukie is part of the Milwaukie Town Center that serves the larger Milwaukie community with goods and services and seeks to provide opportunities for a dense combination of commercial retail, office, services, and housing uses.
- h. The city will continue to work closely with Metro and TriMet in planning for transit improvements.
- i. More detailed design concepts and principles for these areas are included in the Urban Design section.

Commercial Zones: NMU, ~~C-N~~, ~~C-L~~, C-G, C-CS, SMU



Existing Milwaukie Zoning

- MUTSA
- BI
- GMU
- C-CS
- DMU
- C-G
- C-L
- C-N
- NMU
- OS
- M
- NME
- R-MD
- R-HD
- City of Milwaukie
- County Boundary

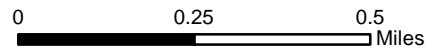


Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center

Date: Monday, February 5, 2024

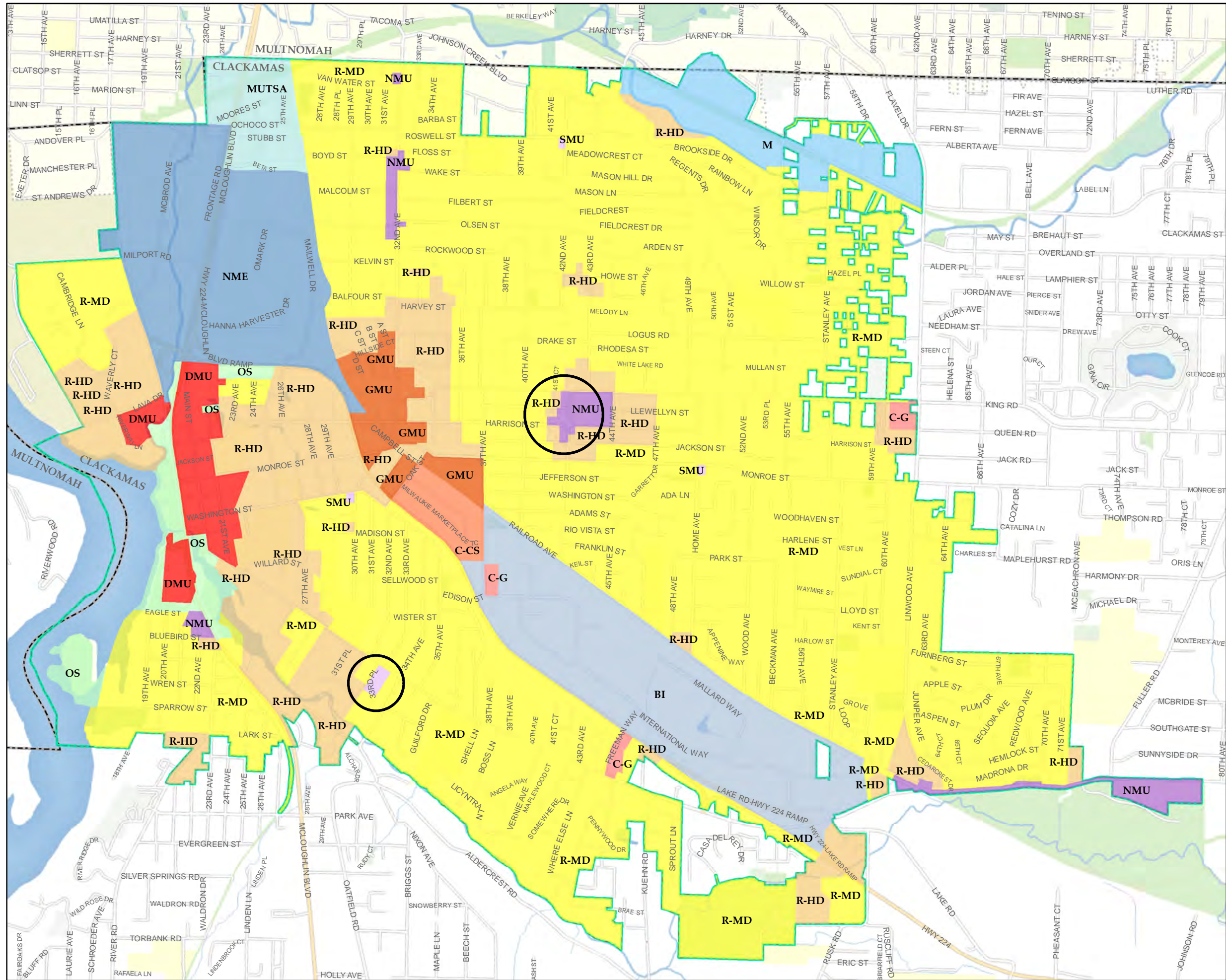
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Proposed Milwaukie Zoning

- MUTSA
- BI
- GMU
- C-CS
- DMU
- C-G
- NMU
- SMU
- OS
- M
- NME
- R-MD
- R-HD
- City of Milwaukie
- County Boundary

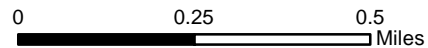


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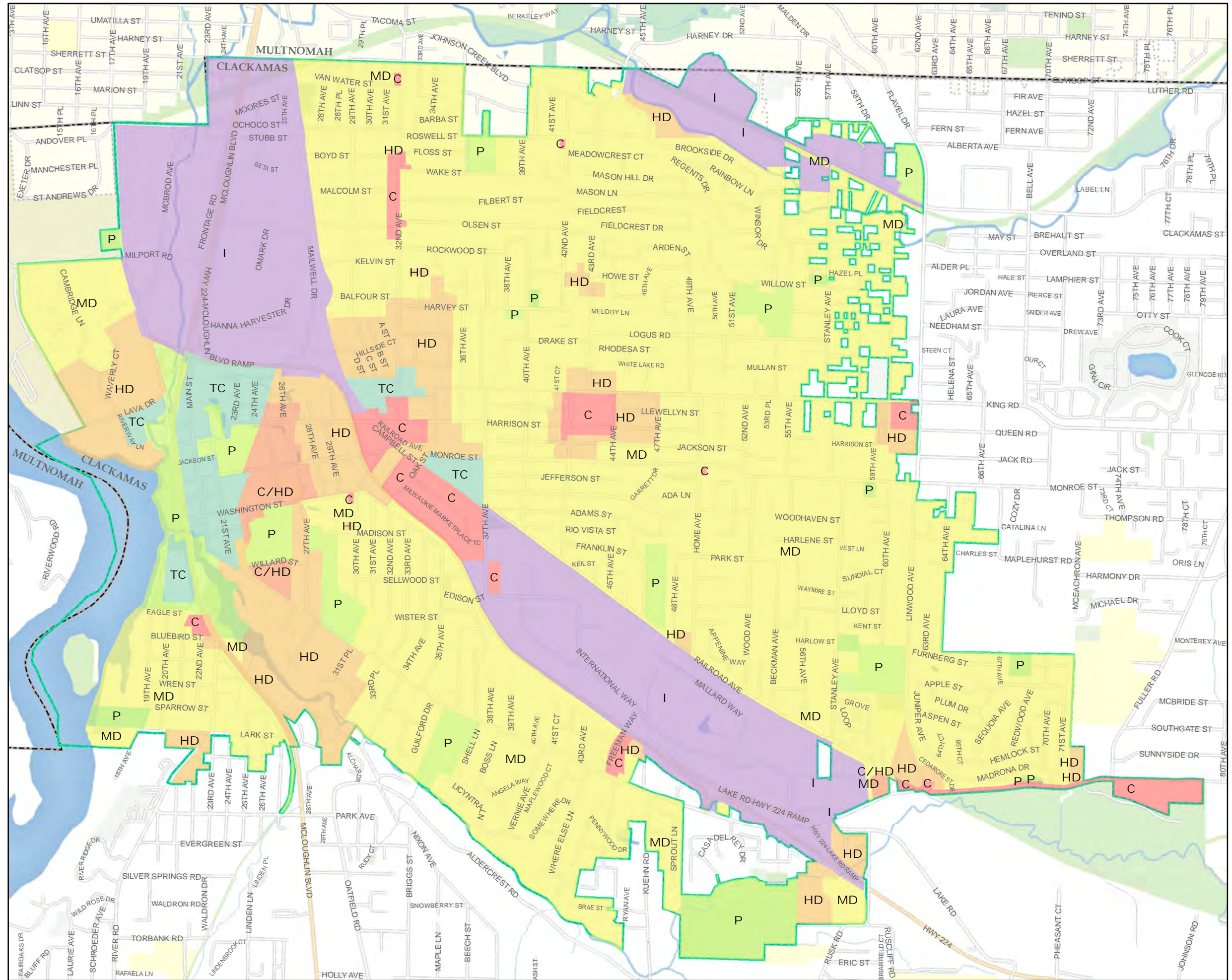
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Existing Milwaukie Comprehensive Plan

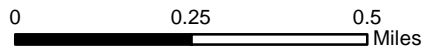
- C
- C/HD
- HD
- I
- MD
- P
- TC
- City of Milwaukie
- County Boundary



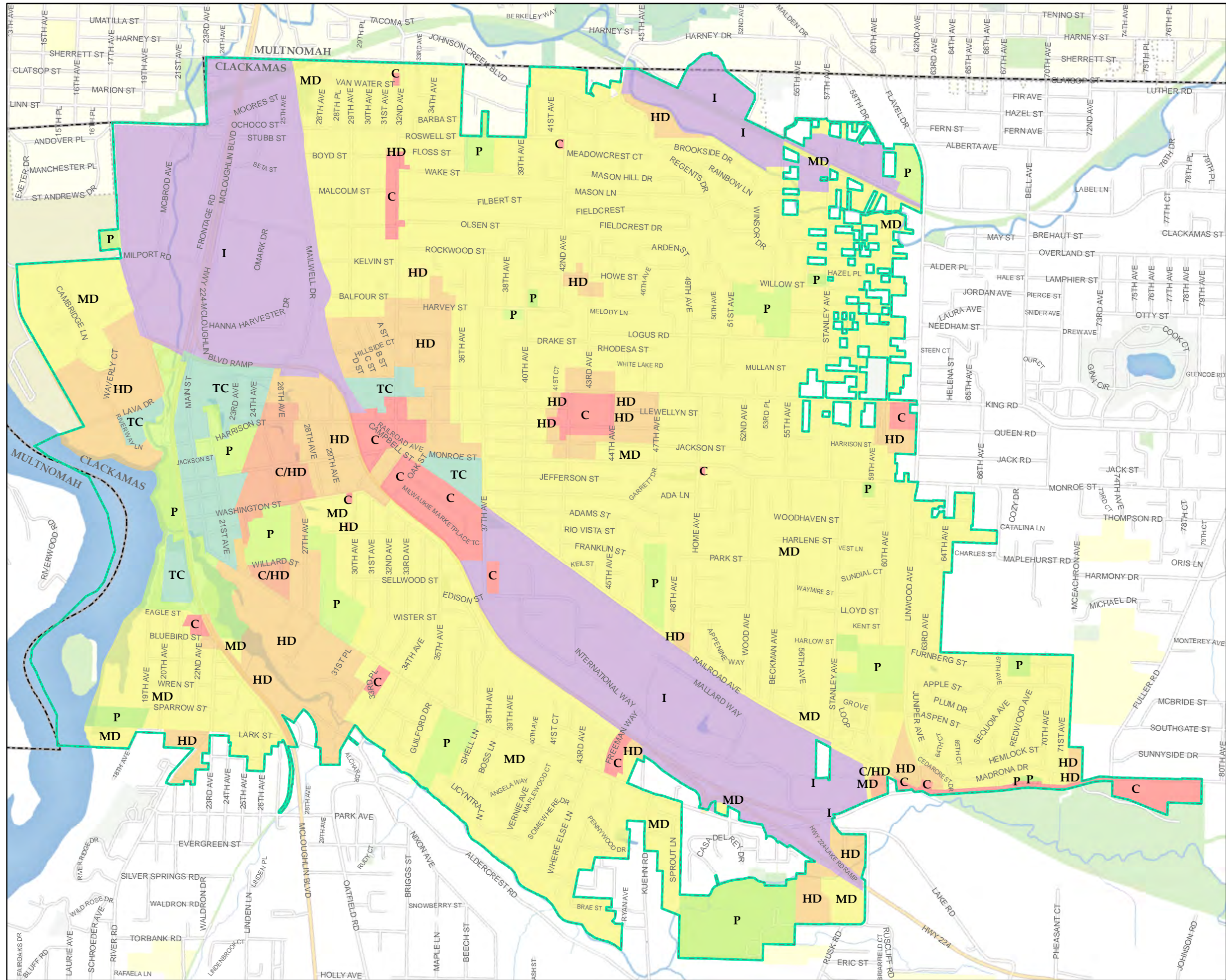
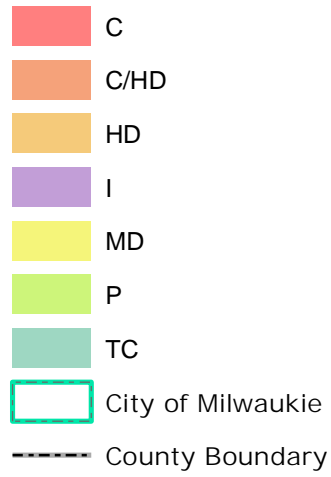
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Proposed Milwaukie Comprehensive Plan



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