



**MILWAUKIE**  
*Dogwood City of the West*

# DRAFT CODE AMENDMENTS

This document describes substantive changes between the December 2010 and January 2011 code amendment drafts.

Land Use and Development Review  
(LUDR)  
Tune-Up Project

File No. ZA-10-02 & CPA-10-03

This document describes the substantive changes between the December 2010 draft and January 2011 draft of the proposed code amendments. This document does not list editing changes that are not substantive in nature. Staff will provide a detailed comparison of the two documents upon request.

- Section 19.102  
*Amended to clarify the relationship between the Comprehensive Plan and Zoning Ordinance.*
- Section 19.201  
*Amended to separate the definitions for nonconforming uses and nonconforming development.*
- Section 19.202  
*Amended to include a description for how to make vertical measurements.*
- Subsection 19.315.5.F  
*Amended to clarify the application type and review type for development projects in the Manufacturing Zone that are adjacent to residential uses.*
- Subsection 19.504.6  
*Amended to clarify when transition area measures would be required and where they would apply.*
- Subsection 19.803.2  
*Amended to establish a separate definition for “discontinued or abandoned use” in Section 19.201 Definitions so that it could be more broadly applicable to other types of uses, e.g. conditional uses.*
- Subsection 19.804.1  
*Amended to clarify what kinds of nonconforming use alterations would be allowed outright or would require Planning Commission approval.*
- Subsection 19.806.3.D  
*Amended to clarify that the Council could add or remove properties from the Planning Director’s high impact nonconforming use inventory upon adoption of the resolution establishing the inventory.*
- Subsection 19.902.4.B  
*Amended to require code amendments to comply with State rules and laws.*
- Subsection 19.902.5.B  
*Amended to clarify that quasi-judicial map amendments shall be approved if the approval criteria are met and that legislative map amendments may be approved if the approval criteria are met.*
- Subsection 19.905.K  
*Added to clarify that transportation improvements may also be a condition of approval for approval of conditional uses.*
- Subsection 19.906.3.A.3  
*Added to clarify that development permits may be submitted at any time but that any required Type II development review applications must be approved prior to issuance of any permits.*
- Subsection 19.909.3.B  
*Amended to clarify that the review type for modifying an approval would never be higher than what was required for the underlying approval.*

- Subsection 19.911.5.C  
*Amended to make the use exception approval criteria easier to understand and implement.*
- Subsection 19.1003.5  
*Amended to clarify the City's position on refunding application fees for withdrawn applications.*
- Subsection 19.1006.3.D.3  
*Amended to clarify the notice requirements for quasi-judicial zone changes.*
- Section 19.1007  
*Amended to clarify the different procedural requirements for nonlegislative and legislative Type IV applications.*
- Subsection 19.1007.3.E  
*Amended to be consistent with ORS provisions for a Measure 56 property owner notice.*