

ORDINANCE NO. 1891

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADDING MUNICIPAL CODE SECTION 19.324.A.4 TO ALLOW FOR LIMITED ACCESSORY RETAIL USES IN THE BUSINESS INDUSTRIAL (BI) ZONE. (FILE #ZA-01-01).**

**WHEREAS**, the City Council finds that property owners in the Business Industrial Zone are seeking opportunities to sell goods primarily assembled or manufactured on-site in small factory outlet stores within the associated manufacturing building.

**WHEREAS**, the City Council finds that this zoning ordinance amendment accomplishes this goal while meeting the intent of the BI zone to preserve land in the zone primarily for industrial uses by limiting the size and location of the accessory retail outlet stores.

**WHEREAS**, the City Council finds that the amendments conform to and are consistent with applicable Zoning Ordinance criteria;

**WHEREAS**, the amendments conform to and are consistent with applicable Comprehensive Plan goals, policies and objectives, including the industrial land use policies of the Comprehensive Plan, and

**WHEREAS**, the City Council finds that amendments conform to and are consistent with with the Metro Urban Growth Functional Plan and applicable regional policies; and

**WHEREAS**, the amendments are conform to and are consistent with applicable state law, statewide planning goals and applicable federal regulations;

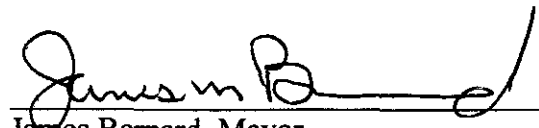
**NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:**

Section 1. Zoning Ordinance Text Amendment. The Zoning Ordinance Number 1712 is amended to allow for limited accessory retail uses in the Business Industrial zone, as shown in Exhibit A.

Read the first time on 8/21/01, and moved to second reading by 5 - 0 vote of the City Council.

Read the second time and adopted by the City Council on 8/21/01

Signed by the Mayor on 8/21/01

  
James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:  
Ramis, Crew, Corrigan & Bachrach, LLP

Pat DuVal  
Pat DuVal, City Recorder

Gary Zukare  
City Attorney

ZA0101 Adopting Ordinance BI Zone Amendment (last revised 080801)

## EXHIBIT A

### TEXT AMENDMENT TO THE BUSINESS INDUSTRIAL ZONE ADDITION OF SECTION 19.324.3.A.8

August 8, 2001

(see text addition on second page)

#### Section 19.324 Business Industrial zone BI.

**19.324.1 Purpose.** This section is adopted to implement the policies of the comprehensive plan for industrial land uses providing a mix of clean, employee-intensive, industrial and office uses, with associated services, in locations supportive of mass transit and the regional transportation network.

#### **19.324.2 Uses Permitted Outright.**

A. The following business and industrial uses are allowed outright, subject to the standards of subsection 19.324.6.

1. Experimental, research, film, or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards and/or nuisances off the site;
2. Manufacturing, processing, fabrication, packaging, or assembly of products from previously prepared materials;
3. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing;
4. Trade schools primarily serving the business community within the area.

B. Business and professional offices, including product design, sales, service, packaging; corporate headquarters or regional offices.

C. Warehousing and distribution.

D. Any other use similar to the above uses but not listed elsewhere.

#### **19.324.3 Accessory Uses.**

A. Uses accessory to and in conjunction with uses permitted outright may include the following:

1. Employee lounges and dining rooms, employee daycare facilities, conference rooms for tenant use, newsstands, central mail room and self-service postal and banking facilities and product information and display areas;
2. Executive, administrative, design, or product showroom offices provided in conjunction with uses listed under subsection 19.324.2 above;
3. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts, which are provided in association with uses listed in subsection 19.324.2 above;
4. Rental and development information offices, handyman and maintenance services, and other business offices and services in association with allowed uses in the development;
5. Recycling center, provided that any storage of materials shall be adequately screened;
6. Accessory uses and structures not otherwise prohibited which are customarily accessory and incidental to any outright permitted or limited use;

7. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

**8. Retail outlets associated with manufacturing uses as outlined in Section 19.324.2.A.2 above. Products sold at the accessory retail outlet shall be primarily those assembled or manufactured on-site. The accessory retail outlet shall be located within the associated manufacturing building and occupy up to a maximum of 25% of the floor area of the associated manufacturing building or 4,000 square feet, whichever is less.**

#### **19.324.4 Limited Uses.**

A. Limited retail or service uses may be allowed that primarily service the needs of BI zone clients, employees, and businesses, as opposed to the general public. These uses, subject to the provisions of subsection B below, shall include:

1. A restaurant or deli, offering at least breakfast and/or lunch items, without a drive-in or drive-through service;
2. Office supply and equipment, sales, or service;
3. Personal service businesses such as a barber, beauty parlor, tailor, dressmaking, shoe repair shop, self-service laundry, dry cleaning, photographer, instruction studios or similar uses;
4. A bank or other financial institution;
5. A computer or other similar small electronic office machines store, sales and service; and
6. Any other use similar and compatible to the above-listed uses.

B. Limitations and conditions on the development of the limited uses itemized above shall be as follows:

1. All limited uses shall be located, arranged, and integrated within the district to serve primarily the shopping and service needs of clients, businesses and employees of the district;
2. Limited uses may occupy up to a maximum of twenty-five percent of the square footage of a building. A limited use that is to be located in a building and exceeds twenty-five percent of the building's square footage shall be reviewed as a conditional use;
3. Maximum floor area for a limited use shall be four thousand square feet;
4. All limited uses shall comply with the standards under subsection 19.324.6.

#### **19.324.5 Conditional Uses.**

A. Conditional uses may be established in a business industrial district subject to review and action on the specific proposal, pursuant to Chapter 19.600, Conditional Uses. Approval shall not be granted unless the proposal satisfies the criteria in Chapter 19.600; and, in addition, the proposed use:

1. Will have minimal adverse impact on the appropriate development of outright permitted uses on abutting properties and the surrounding area considering location, size, design, and operating characteristics of the use;
2. Is compatible with the character and scale of uses allowed within the district and on a site no larger than necessary for the use and operational requirements of the use;
3. Will provide vehicular and pedestrian access, circulation, parking, and loading areas which are compatible with uses on the same site or adjacent sites; and
4. Is a needed service/product in the district, considering the mix of potential clientele and the need to maintain high-quality development in a highly visible area.

B. Uses allowed subject to the above conditions are:

1. Public and private community buildings, indoor and outdoor recreational facilities, such as swimming pools, racquetball clubs, athletic clubs, health and exercise spas, gymnasiums, tennis courts, playground, and other similar uses, developed to serve primarily the recreational needs of clients and employees of the district;
2. Miniwarehousing, ministorage, public storage and similar commercial facilities that lease storage space to the general public;
3. A limited use or uses that exceed twenty-five percent of the building's square footage as per subsection 19.324.4(B)(2) above.

**19.324.6 Standards.** In the BI district, the following standards shall apply to all uses:

- A. Lot size: None, except that lots created shall be of a size sufficient to fulfill the applicable standards of this district.
- B. Front yard: A front yard shall be at least twenty feet unless additional setback is required in subsection E below.
- C. Side yard: No side yard shall be required except on corner lots where a side yard shall be at least ten feet on the side abutting the street, unless additional setback is required in subsection E below.
- D. Rear yard: No rear yard shall be required except as provided in subsection E below.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 19.411 shall be established in accordance with the standards set forth herein.
- F. Off-street parking and loading: As specified in Chapter 19.500.
- G. Site access: One curb cut (forty-five feet maximum) per one hundred fifty feet of street frontage, or fraction thereof, for industrial uses; and one curb cut per one hundred feet of street frontage or fraction thereof, for business park, limited or conditional uses.
- H. Height restriction: Maximum height of a structure shall be three stories or forty-five feet, whichever is less.
- I. Landscaping: Fifteen percent of the site must be landscaped, except for sites adjacent to Hwy. 224, which shall provide landscaping to twenty percent of the site. This should consist of a variety of lawn, trees, shrubbery, and ground cover. Street trees must be provided along street frontages and within required off-street parking lots to help delineate entrances, provide shade and permeable areas for stormwater runoff. A bond or financial guarantee for landscape completion shall be required.
- J. Screening and outside storage: Outside storage adjacent to International Way, Freeman Way, 37th Ave., Lake Road, or Hwy. 224 is prohibited. Outside storage in side or rear yards is allowed, provided it is enclosed by a sight-obscuring fence or vegetative screen.
- K. Building Siting and Design. Buildings and sites shall be designed using the following principles:
  1. Sites shall be developed to the maximum extent practicable, so that buildings have solar access and utilize other natural features in their design;
  2. Assure that building placement and orientation and landscaping allow ease of security surveillance;
  3. Design buildings with shapes, colors, materials, textures, lines, and other architectural design features which enhance the character of the district and complement the surrounding area and development, considering, but not limited to, the following techniques:
    - a. Use color, materials, and architectural design to visually reduce the scale and impact of large buildings,

- b. Use building materials and features that are durable and consistent with the proposed use of the building, level of exposure to public view, and exposure to natural elements;
- 4. To the extent possible, screen or mask roof-mounted mechanical equipment, except solar collection apparatus, from view;
- 5. Orient major service activity areas (e.g., loading, delivery and garbage collection, etc.) of the development away from major streets;
- 6. Arrange use and buildings to maximize opportunities for shared circulation, access, parking, loading, pedestrian walkways and plazas, recreation areas, and transit-related facilities;
- 7. Provisions for bus shelters, bike racks, street furniture, kiosks, drinking fountains, art sculptures, and/or other pedestrian and transit amenities should be considered.
- L. Nuisances: The use shall not be of a type or intensity which produces dust, odor, smoke, fumes, noise, glare, heat, or vibrations which are incompatible with other uses allowed in this zone; and the use does not produce off-site impacts that create nuisance as defined by the Oregon D.E.Q. and the city noise ordinance.

**19.324.7 Validity of Uses.** In the BI zone, uses that are subject to the provisions of this zone and were legally established/occupied on or prior to the effective date of the zone, shall be considered as legally approved permitted, limited, or conditional uses as described by the BI zone. (Ord. 1854 (part), 1999)