

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1438, THE ZONING ORDINANCE; AND AMENDING THE ZONING MAP; BY ADDING A MC LOUGHLIN CORRIDOR (/MC) OVERLAY ZONE.

WHEREAS, the City of Milwaukie desires to improve the image of McLoughlin Blvd., and

WHEREAS, the Zoning Ordinance can be amended to provide new development standards, and

WHEREAS, amendment was considered at public hearings before the Planning Commission on June 27 and October 10, 1989, and the City Council on September 19 and November 7, 1989, and

WHEREAS, the City Council finds that the Zoning Ordinance and Zoning Map should be amended based upon the findings listed below,

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

Section 1. Findings. The following findings of fact and conclusions are adopted:

FINDINGS:

1. Because of multiple curb cuts, a shortage of landscaping and ill-maintained properties, the McLoughlin Corridor suffers image problems adversely affecting Milwaukie's downtown.
2. Access controls, landscaping requirements, pedestrian improvements, transit facilities, visual amenity protection, and other standards can be provided for this area via a Zoning Ordinance amendment creating the /MC Overlay Zone.
3. The Comprehensive Plan provides support for this proposal within Objective #2 of the Transportation Element and Objective #10 of the Economic Base and Industrial/Commercial Land Use Element. Both of these include language intended to:
 - a. Have the City integrate it's downtown improvement and waterfront plans with those of regional transportation programs.
 - b. Improve vehicular, pedestrian, and bicycle connections between the downtown and riverfront area.
 - c. Improve the visual relationship between the downtown and riverfront.
 - d. Promote transit opportunities.

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4. The /MC Overlay Zone will be added to the primary zoning for commercially zoned properties fronting McLoughlin Blvd. in Milwaukie's downtown.

CONCLUSIONS:

1. The /MC Overlay Zone will address image, access, and other problems now affecting Milwaukie's downtown area.
2. The /MC Overlay Zone conforms with the City's Comprehensive Plan.

Section 2. Zoning Ordinance Map Amendment. The Zoning Ordinance Map of Ordinance 1438 is amended by adding the /MC Overlay Zone to the primary zoning designation of the following described properties (see Map Exhibit A):

- a. T1S, R1E, 250C, W.M., Tax Lot 400 (portion);
- b. T1S, R1E, 35AA, W.M., Tax Lots 100 (portion), 101, 200 (portion), 500, 700 (portion), 1000, 1100, 1200, 1900, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3300, 3400, 3901, 4700, 4800, and 4900;
- c. T1S, R1E, 35AD, W.M., Tax Lots 600, 700, 800, 900, 1000, 1001, 1100, 1400, 1500, and 1600;
- d. T1S, R1E, 35DA, W.M., Tax Lots 100, 190, and 201; and
- e. T1S, R1E, 36CB, W.M., Tax Lot 2801.

Section 3. Zoning Ordinance Text Amendments. The Zoning Ordinance text of Ordinance 1438 is amended by inserting a new section to be known as Section 3.24. McLoughlin Corridor Overlay Zone/MC, and reading as identified in Exhibit B.

Read the first time on November 21, 1989, and moved to second reading by 4 - 0 vote of the City Council.

Read the second time and adopted by the City Council on December 5, 1989.

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Signed by the Mayor on December 5, 1989.

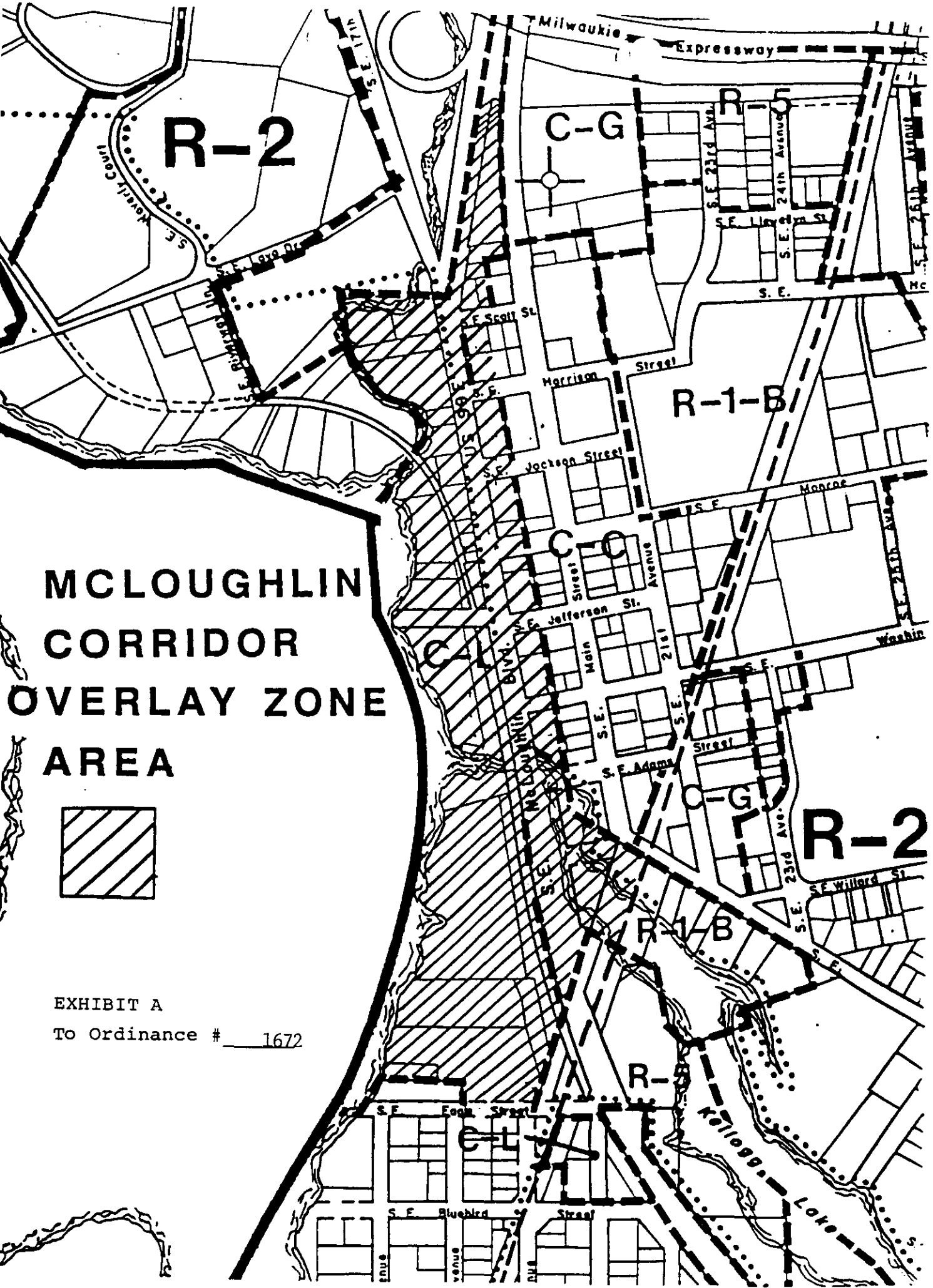
Roger Hall
Roger Hall, Mayor

ATTEST:

Jerri Widner
Jerri Widner, City Recorder

Approved as to form:

Tim Ramis
Tim Ramis, City Attorney



R-2

C-G

R-1-B

R-2

**MCCLOUGHLIN
CORRIDOR
OVERLAY ZONE
AREA**

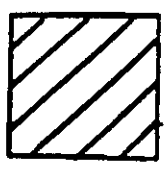


EXHIBIT A
To Ordinance # 1672

ORDINANCE NUMBER 1672

Section 3.24

McLoughlin Corridor Overlay Zone/MC

1. PURPOSE

The McLoughlin Corridor Overlay Zone (/MC) is intended to guide development along McLoughlin Boulevard consistent with McLoughlin Boulevard improvements, downtown/riverfront redevelopment concepts, and the Comprehensive Plan. This overlay zone will discourage auto oriented activities, enhance traffic flow on McLoughlin Boulevard, promote landscaped areas as a corridor enhancement and provide design guidelines for new development.

2. APPLICABILITY

This overlay zone is applicable to properties along McLoughlin Boulevard in downtown Milwaukie, designated /MC on the City Zoning Map.

3. USES PERMITTED

- A. Uses permitted in the McLoughlin Corridor Overlay Zone shall be as specified in the primary zoning district permitted use and conditional use subsections.
- B. In addition to the above, eating establishments shall also be permitted outright.

4. PROHIBITED USES

- A. Uses prohibited in the McLoughlin Corridor Overlay Zone shall be as specified in the primary zoning district.
- B. Additional prohibited uses for properties within this overlay zone are listed as follows:
 - (1) Auto service and related uses including gas and service stations, and vehicle repair facilities and parts sales.
 - (2) Retail trade establishments that have high trip generation rates such as convenience stores.
 - (3) Single family attached and detached dwellings.
 - (4) Agricultural uses.
 - (5) Marinas, boat sales and repair, and related services (east of McLoughlin Boulevard).

- (6) Drive-thru facilities.
- (7) Uses similar to the above.

5. DEVELOPMENT STANDARDS

- A. Standards of the primary zoning district are applicable except where superseded in this section. If a conflict of standards arises, the standards of the /MC Overlay Zone will govern.
- B. Setback from McLoughlin Blvd: A setback of 10 feet is required from the McLoughlin Boulevard planned right-of-way for one and two-story buildings. Three-story and greater buildings require a 15 foot setback.
- C. Landscaping: In addition to the landscaping provisions of the primary zoning district, the McLoughlin Boulevard setback area shall be landscaped. Street trees shall also be provided no more than 5 feet from the planned right-of-way and spaced no more than 40 feet apart.
- D. Access: Access provisions are as follows:
 - (1) To the maximum extent possible, access drives and curb cuts shall be provided to secondary streets rather than to McLoughlin Boulevard
 - (2) Access drives and curb cuts shall be consolidated or shared between uses to minimize the number of access points to McLoughlin Boulevard
 - (3) Multiple access drives and curb cuts from a single use onto McLoughlin Boulevard will not be allowed if secondary street access is available.
 - (4) Curb cut distance separation on McLoughlin Boulevard from street intersections shall be at a minimum of 100 feet.
 - (5) Curb cut distance separation on McLoughlin Boulevard from other driveway curb cuts shall be at a minimum of 100 feet.
- E. Design Plan: For properties zoned /MC, a design plan shall be required for new development of vacant lots or redevelopment of existing properties. The plan shall incorporate the design guidelines of Section 3.24.6 and specifically include the following:
 - (1) For proposals west of McLoughlin Boulevard, show how all adjacent properties in the area can be integrated in a coordinated manner. Include public and private properties and indicate whether the development is to be phased.

- (2) For proposals west of McLoughlin Boulevard, view corridors to the Willamette River (including Washington and Jefferson Streets, and Harrison/17th at McLoughlin Boulevard) shall be protected or enhanced as much as possible. Building orientation, design, and height limitations shall be considered in protecting or enhancing view corridors.
- (3) For all proposals, provide continuity and/or compatibility of landscaping, circulation, access, public facilities, and other improvements between the proposed and adjacent properties and uses. This may include grouping landscape areas and shared access and/or parking.

6. DESIGN GUIDELINES

A. Buildings and sites shall be designed using the following principles:

- (1) Sites shall be developed so that buildings utilize existing on-site natural features in their design, to the maximum extent possible.
- (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 McLoughlin Boulevard.
- (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 and coordinated with City standards.
- (8) Protect or enhance natural amenities (such as the Kellogg Lakefront, Kellogg and Johnson Creek frontages, and associated wooded areas) and incorporate them into the site design.
- (9) Provide landscaping that improves the appearance and aesthetics of the McLoughlin Corridor.

7. HEIGHT BONUS

Up to one additional story may be permitted in excess of the maximum height limit when an additional fifteen (15) percent of site area is retained in open space provided such height does not interfere with view corridors. Open space may include landscaping, natural features, plazas, and any uncovered and improved pedestrian areas.

8. DEVELOPMENT REVIEW

- A. All new development or improvements requiring a building permit shall be reviewed by a Type II Administrative Review as per Section 10.05(B), except for those properties where Willamette Greenway review is also required, in which case this review will coincide with the Willamette Greenway review.
- B. Criteria: Review criteria shall be:
 - (1) The standards of the primary zoning district,
 - (2) The Development Standards of Section 3.24.5, and
 - (3) The Design Guidelines of Section 3.24.6.
 - (4) Conformance with Comprehensive Plan policies regarding McLoughlin Boulevard, the downtown, and riverfront area.
- C. Application: Applications shall be submitted in a form approved by the Community Development Director which enables the applicant to address each of the criteria.

9. VALIDITY OF USES

In the /MC Overlay Zone, uses prohibited by this overlay zone that were legally established or occupied on or prior to the effective date of this overlay zone shall be considered as legal nonconforming uses.

10. NONCONFORMING USES

- A. Milwaukie code provisions regarding construction of, discontinuance, improvement, or change of nonconforming uses, as contained in Section 8 are applicable to uses within the /MC Overlay Zone.
- B. In addition to meeting requirements as specified in Section 8, development proposals involving nonconforming uses or structures must also comply with the setback, landscaping and access standards of the /MC Overlay Zone.