

**CITY OF MILWAUKIE
PLANNING COMMISSION
Milwaukie City Hall
10722 SE Main Street
TUESDAY, December 12, 2017
6:30 PM**

COMMISSIONERS PRESENT

Adam Argo, Vice Chair
John Burns
Sherry Grau
Scott Jones
Kim Travis

STAFF PRESENT

Denny Egner, Planning Director
Vera Kolias, Associate Planner

COMMISSIONERS ABSENT

Greg Hemer, Chair

1.0 Call to Order – Procedural Matters*

Vice Chair Argo called the meeting to order at 6:30 pm and read the conduct of meeting format into the record.

Note: The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.

2.0 Planning Commission Minutes - None

3.0 Information Items

Denny Egner, Planning Director, stated no Planning Commission meeting would be held on December 26, 2017. The next meeting would be January 9, 2018.

4.0 Audience Participation – This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings

5.1 Summary: North Milwaukie Industrial Area (NMIA) Comprehensive Plan and Code Amendments – 2nd Hearing
Applicant: City of Milwaukie
File: ZA-2017-003, CPA-2017-002
Staff: Vera Kolias/Amy Koski

Vice Chair Argo reconvened the public hearing and read the conduct of legislative hearing format into the record.

Vera Kolias, Associate Planner, highlighted the NMIA Plan project and reviewed the proposed Code amendments along with key issues for the Commission's consideration.

- A memorandum was distributed to the Commission from Chuck Eaton, Engineering Director and Floodplain Manager, regarding development in the floodplain, specifically on the Mill End Store site. Contrary to the testimony received from Roger Sutherland at the last

hearing, the existing footprint of the building could be rebuilt. The building would have to be flood proofed, or brought 1 ft above the floodplain for any residential use.

Ian Carlton, ECONorthwest, summarized the Development Feasibility Study and concluded that from a developer's perspective, retrofitting, as opposed to tearing down the existing buildings and building new, was the most viable option for the NMIA area. He addressed questions from the Commission as follows:

- Fair market value for the properties was based on the current zoning and current economic uses. The study did model what a developer would be willing to pay for the land in future cases, but the financial return was not significant enough in most cases to justify large-scale investments. In many cases, developers would not be willing to build even if given the land for free.
- The broad analysis looked at an inexpensive and expensive retrofit cost, as well as a low and high parking alternative, but that would not account for the nuances of every building. Closer analyses into four sites took into account existing structures and their retrofit costs, such as seismic upgrades and historic preservation.
- The highest and best use might have little to do with the number of employees in the building or jobs-per-acre, but rather what an owner was willing to pay to occupy the space compared to the cost of delivering the occupyable space. For example, an Amazon warehouse run by robots might be the highest and best use for a site, yet has a relatively low number of jobs per acre.

Vice Chair Argo called for public testimony.

In Support

Eric Hovee, 2408 Main St, Vancouver, WA, believed the ECONorthwest report regarding the Mill End Store was overly optimistic because the additional issues and costs related to being in the floodplain were not addressed. He reviewed the potential development options and related financial challenges for the Mill End site. New development on the site was difficult because rents in Milwaukie for industrial or flex space were about half of those in Portland. Due to the floodplain, the property had a negative land value, which made it unmarketable. The Mill End Store's owner believed there was a viable alternative use with residential and keeping the store. Not many of these types of situations would come along, so he encouraged the Commission's support of a mixed-use overlay.

Jerry Baysinger, 1006 SE Grand Ave, Ste 300, Portland, noted page 17 of the staff report contained proposed language for the mixed-use overlay zone. He and Peter Stark had met with staff earlier to draft language, which was shared with the Commission. He highlighted the proposed language as follows:

- If an owner in the area develops or redevelops, the same opportunity should be available for the other properties. His concept showed 140 residential units but, to build community, other properties should be encouraged to redevelop similarly.
- The current Code allowed the Mill End Store to exist as a grandfathered use but, unless it was wiped out by a disaster, the grandfathering would be lost simply by volunteering to do the development. He recommended the grandfathering be allowed to survive a redevelopment not caused by a disaster.
- The uses allowed prior to the date of the adoption of the ordinance should not be required to meet the development standards for the zone.

Peter Stark, 2939 NW Cornell Rd, supported the overlay as well as removing the sunset provision to allow adjacent properties the same option.

- He suggested allowing any existing building in the area to be retained and, if redeveloped, to retain that building's properties. In the case of the Mill End Store, a limited amount of parking and square footage would be defined by the existing use, not by zoning.
- Regarding the floodplain issue, he believed Metro Code took precedence over city code. He presented a document provided by Mr. Sutherland who cited the Metro Code, which stated that because the building floods, the building was calculated as part of the floodplain. With that change, flood proofing the building was not allowed, nor was cut and fill. The building had to be elevated.
- The bottom line was a money issue. The owners of the Mill End Store could not build unless they had some way to subsidize the cost to take care of the flooding issue. The only real solution would be uses that pay for the additional cost to develop.

Staff answered questions from the Commission and provided information as follows:

- Staff had not seen nor responded to the documents Mr. Baysinger and Mr. Stark presented to the Commission. If properties did not take advantage of the residential component, it would go away. The sunset was tied to the residential use, not the entire overlay.
- The proposed code would limit retail use on the site to 20,000 sq ft, but the existing retail use was more than 60,000 sq ft. The code could be written to state, "Existing retail uses and their existing square footage are allowed in the overlay," so no other 60,000 sq ft retail use would be allowed. Normally, if a nonconforming use stopped, it would revert back to what was allowed under the code which, in this case, would be 20,000 sq ft.
- If the development included only the Mill End Store and apartments, and the code required only the number of parking spots that currently existed, parking may or may not be enough for a future 60,000 sq ft Mill End Store, depending on the amount of residential use.
- Staff asked the Commission to consider if the district was to have more residential or only residential to help the few properties to convert. Would the limit be for just the Mill End Store or would it apply to any retail? At some point, new development would trigger conformance with the code.
- The language presented by Mr. Baysinger and Mr. Stark created good policy questions and needed further discussion.
- How to quantify substantial development or redevelopment also needed to be determined.

Mr. Stark clarified he was only concerned with the Mill End Store; the proposed language would only apply to the overlay area, not the entire district.

Mr. Carlton stated one model in the ECONorthwest study had an open ground floor, which would take the floodplain into consideration, but they were not experts in costing waterproofing a structure.

Vice Chair Argo closed the public hearing and called for a brief recess. He reconvened the meeting and called for deliberation.

The Commission discussed the key questions from staff and agreed to the following:

- Marijuana production should be permitted only as a conditional use in the NMIA.
- Setbacks and landscaping were essential for key streets where pedestrian activity was desired. Larger front yard setbacks could be allowed on key streets but a limit should be placed on how much parking was allowed between the building and the street. Parking would not be allowed for smaller setbacks.

- A ratio for permitted parking should allow for accessible parking spaces. If a parking ratio were applied, the maximum setback would need to be 50 ft to allow for landscaping.
- The Commission suggested that the key streets include Main St and 17th Ave because of the bus routes.
- Staff would clarify which side of the key streets the code would apply to, and would consider all of Ochoco St including the area east of the Goodwill Store.
- The Commission agreed to keep the current code requirement of 15% for landscaping and to avoid using any Water Quality Resources (WQRs) or Habitat Conservation Areas (HCAs) that might exist on the site in calculating landscaping percentages. Landscaping standards applied throughout the area, not just to key streets.
- Staff would review the City of Portland's code which had a dollar threshold for redevelopment of a nonconforming site and return to the Commission with more information.
- For street-facing facades on key streets, a 30% ground-floor glazing or an alternative 20% glazing should be required with the remaining to be a green wall, art mural, etc.
- Flexible-use space should be required on the street-facing first floor for key streets and would be predominantly for major redevelopment or new construction.
 - Staff would return with more information regarding what triggered the design standards on key streets.
- A mixed-use overlay zone with a 10-year sunset period on the eligibility to take advantage of the residential provision.
 - Discussion continued about extending the overlay zone's provisions beyond the 10-year sunset and the potential for additional redevelopment, besides the Mill End Store, within the sunset. Commissioners agreed that that it was not their intention that this be a residential zone.
 - An overlay with a 10-year sunset fulfilled the spirit of the plan and met the goals and objectives of the NMIA, but also recognized a viable opportunity for the Mill End Store to redevelop.
- Other retail uses, such as big box stores, should not be allowed within the overlay, so the language regarding the Mill End Store's redevelopment should be tightly crafted.

Commissioner Burns asked if anything could be done to provide public access to and increase setbacks from Johnson Creek, which was one of the most important natural resources in Milwaukie.

Mr. Egner replied that could be an objective in future plans. Staff would think about possible incentives to be added to the code for greater setbacks or public access.

It was moved by Commissioner Grau and seconded by Commissioner Jones to continue the hearing for applications ZA-2017-003, CPA-2017-002 to the January 9, 2018 Planning Commission meeting. The motion passed unanimously.

6.0 Worksession Items - None

7.0 Planning Department Other Business/Updates

7.1 Planning Commission Notebook Code Supplemental Pages.

This item was not addressed.

8.0 Planning Commission Committee Updates and Discussion Items – This is an opportunity for comment or discussion for items not on the agenda. There were none.

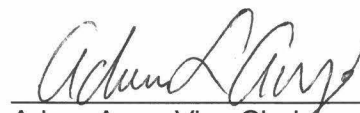
9.0 Forecast for Future Meetings:

- | | |
|------------------|---|
| January 9, 2018 | 1. Public Hearing: ZA-2017-003/CPA-2017-002 NMIA Code and
Comp Plan Amendments (3rd Hearing) |
| January 23, 2018 | 1. Public Hearing: HR-2017-001 Milwaukie High School Historic
Resource Deletion |

Meeting adjourned at approximately 9:00 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II



Adam Argo, Vice Chair



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday, December 12, 2017, 6:30 PM

**MILWAUKIE CITY HALL
10722 SE MAIN STREET**

1.0 Call to Order - Procedural Matters

2.0 Planning Commission Minutes – None

3.0 Information Items

4.0 Audience Participation – This is an opportunity for the public to comment on any item not on the agenda

5.0 Public Hearings – Public hearings will follow the procedure listed on reverse

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Applicant: City of Milwaukie
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Staff: Vera Koliass/Amy Koski

6.0 Worksession Items – None

7.0 Planning Department Other Business/Updates

- 7.1 Planning Commission Notebook Supplemental Pages

8.0 Planning Commission Committee Updates and Discussion Items – This is an opportunity for comment or discussion for items not on the agenda.

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Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@milwaukieoregon.gov. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.milwaukieoregon.gov.
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.milwaukieoregon.gov/meetings.
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TIME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

Greg Hemer, Chair
Adam Argo, Vice Chair
John Henry Burns
Sherry Grau
Scott Jones
Kim Travis

Planning Department Staff:

Denny Egner, Planning Director
David Levitan, Senior Planner
Brett Kever, Associate Planner
Vera Kolias, Associate Planner
Mary Heberling, Assistant Planner
Alicia Martin, Administrative Specialist II



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Denny Egner, Planning Director

From: Vera Kolias, Associate Planner
Amy Koski, Economic Development Coordinator

Date: December 5, 2017, for December 12, 2017, Public Hearing

Subject: **File:** CPA-2017-002, ZA-2017-003
North Milwaukie Industrial Area Plan and Code Amendments
Hearing 2
File Types: Comprehensive Plan Text Amendment, Comprehensive Plan Map
Amendment, Zoning Ordinance Text Amendment, Zoning
Ordinance Map Amendment
Applicant: Dennis Egner, Planning Director

ACTION REQUESTED

Open the continued public hearing for application CPA-2017-002, ZA-2017-003. Discuss the proposed amendments to Title 19 – Zoning of the Milwaukie Municipal Code. Take public testimony and provide direction to staff regarding desired revisions to the proposed amendments.

This is the second of three scheduled hearings on the NMIA Plan and code amendment package. The draft ordinance and Findings of Approval will be provided at the final hearing on the amendments.

HEARING SCHEDULE

Due to the complexity of the amendment package, the hearings on the NMIA Plan and code amendment package have been packaged into 3 dates, each with an anticipated focus on a specific section of the draft amendments.

The hearings schedule and anticipated topic of focus are as follows:

- [November 28, 2017](#): Policies (*North Milwaukie Industrial Area Plan, Tacoma Station Area Plan, Transportation Systems Plan and Comprehensive Plan – Chapter 4*). This hearing will focus on the materials contained in Attachments 1 - 3.
- December 12, 2017: Use standards, development and design standards.
- January 9, 2018: Final vote and recommendation to City Council.

BACKGROUND INFORMATION

Please refer to the staff report dated November 21, 2017 for complete NMIA project background information. The staff report and attachments can be found here:

<https://www.milwaukieoregon.gov/planning/planning-commission-182>.

Summary of Proposed Code Amendments

The purpose of the proposed amendments is to implement the policies and goals of the NMIA Plan. Staff has prepared a package of amendments intended to implement the plan, as well as streamline and simplify the code.

The proposed amendments are detailed, but the key changes are summarized here: (Please refer to Attachment 1 for draft language):

- Reduce the total number of zones in the NMIA from 5 to 2
 - Combine the Manufacturing Zone and Tacoma Station Area Overlay Zone Subarea 4 into a new North Milwaukie Employment Zone (NME)
 - Combine Tacoma Station Area Overlay Zone Subareas 1-3 into a single new Tacoma Station Area Mixed-Use Zone (MUTSA)
- Delete the Tacoma Station Area Overlay Zone
- Propose code language that is organized in a way that is more consistent with the Commercial Mixed-Use Zones

Proposed Zones

The proposed amendments implement the NMIA Plan in a way that also simplifies the zoning code to reduce confusion. The subject area is made up of the following zones and overlays:

- Tacoma Station Area Manufacturing Zone (M-TSA)
- Manufacturing Zone (M)
- Tacoma Station Area Overlay Zone (TSA)
 - Subareas 1-4

The proposal removes the M-TSA and Manufacturing M zones in the subject area and replace them with 2 new zones: the Tacoma Station Area Mixed Use Zone (MUTSA) and the North Milwaukie Employment Zone (NME) (See Figures 1 and 2). Per the Planning Commission's discussion at the first public hearing on November 28, staff has prepared a draft overlay for a mixed-use overlay in the southwestern portion of the NME (see Figure 2). The boundary and regulatory provisions of this overlay merit further discussion by the Commission.

The proposed MUTSA would be made up of 3 subareas: M-TSA Subareas 1, 2, and 3. The proposed NME would be made up of M-TSA Subarea 4 and the areas currently zoned M in the subject area. The proposal eliminates MMC 19.406, the Tacoma Station Area Overlay Zone and combines the allowed uses and specific development and design standards of the overlay into the base zone. This removes the TSA overlay and addresses each base zone completely, rather than requiring referrals to another code section, which simplifies the code and makes it easier to use and understand. Further, by combining M-TSA Subareas 1, 2, and 3 into the single MUTSA, the code will apply consistently to the entire zone, rather than 3 separate areas that currently have minor differences between them.

The MUTSA and NME zones are intended to function differently, given the proximity of the MUTSA to the Tacoma light rail station and because the NME already contains a significant amount of existing industrial manufacturing development. The MUTSA zone allows some commercial and residential uses as well as intensive employment uses. The NME zone permits existing industry, but also increases the type and extent of employment uses

The MUTSA zone is intended to take advantage of its unique location near the Tacoma light rail station and provide opportunities for a wide range of uses. The primary uses in this zone include housing, limited commercial and service-related office use, high intensity office employment,

and industrial uses including uses involved in production, manufacturing and processing of goods.

The NME zone is intended to support the goals and policies of the NMIA Plan and retain the area as a viable industrial and employment zone. The primary uses in the zone are intended to be uses involved in production, manufacturing, processing, and transportation of goods, as well as uses providing opportunities for higher intensity employment such as production-related office, laboratories, and research and development uses. Service-related office and commercial uses are intended to be incidental uses that are minor in relation to the industrial uses on a site and should be subordinate and accessory to the industrial uses in the zone.

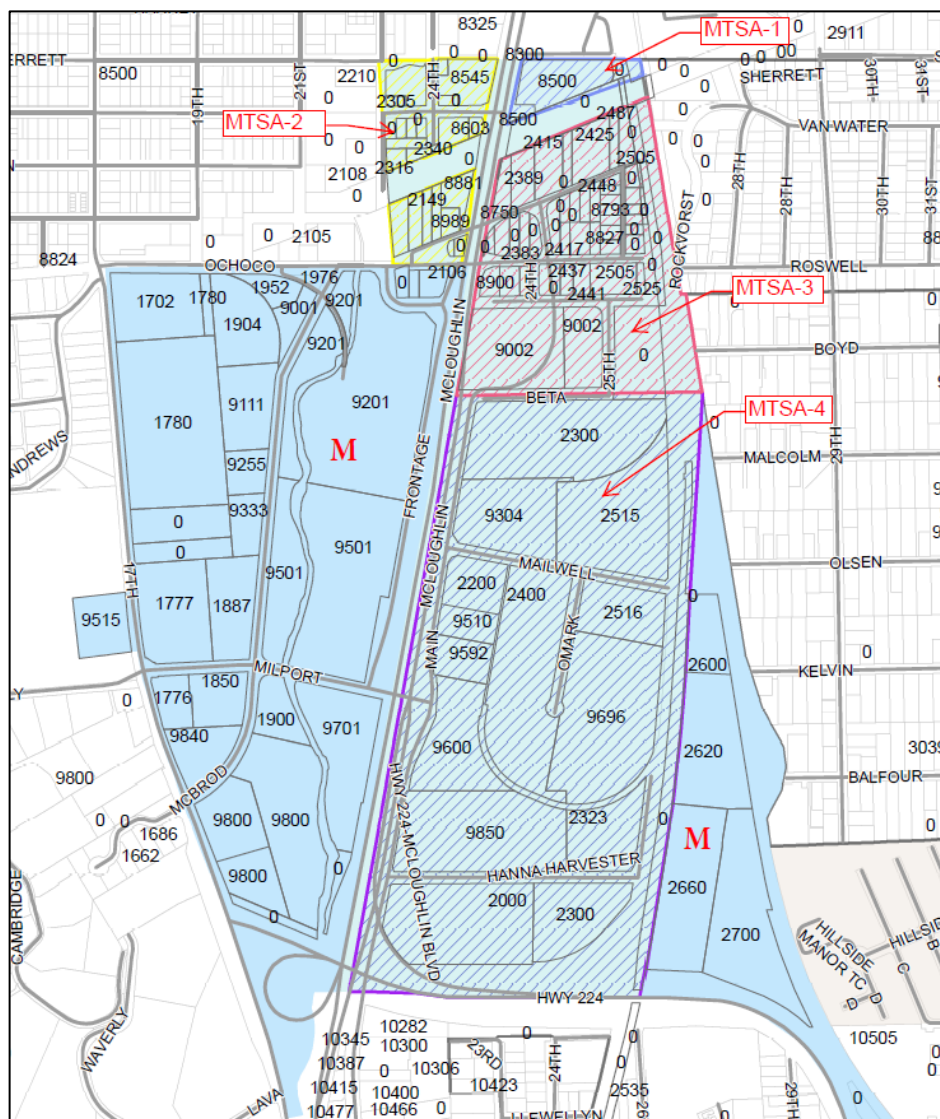


Figure 1 Existing Zoning

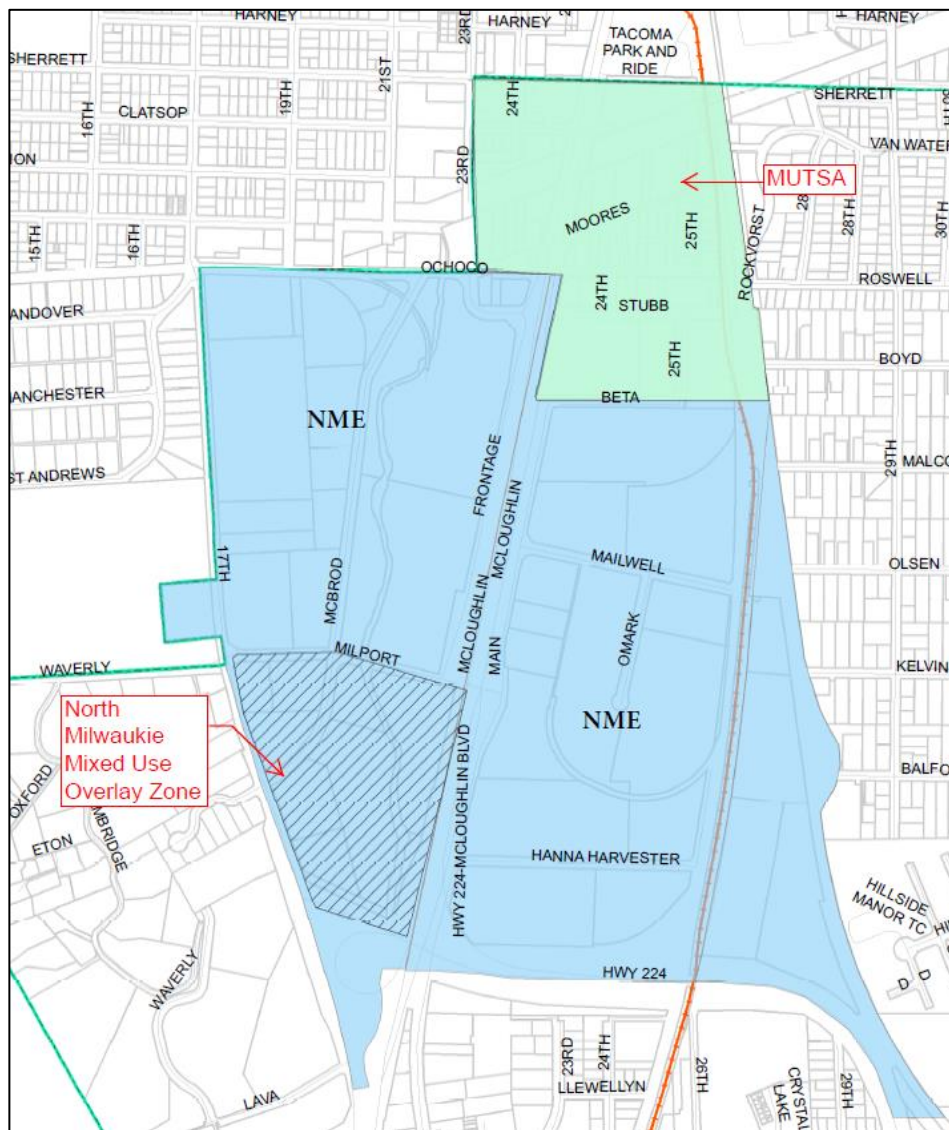


Figure 2 Proposed zoning (includes the Planning Commission proposal for a mixed-use overlay in the southwestern portion of the NME).

The proposal reorganizes the existing M-TSA code language to be consistent with MMC 19.302 Commercial Mixed Use Zones and MMC 19.304 Downtown Mixed Use Zone, specifically including a table of uses with standards and additional provisions. The proposal streamlines the code language into a more readable format and provides a table of uses that addresses both proposed new zones and includes whether the uses are permitted outright, as limited uses, or prohibited. The table of uses is organized by major categories of uses: Residential; Commercial; Industrial, Manufacturing and Production; Community Service Use; and Marijuana Businesses.

Generally, the allowed uses are consistent with the existing M-TSA and M zones in the subject area, but are updated to reflect the goals and objectives of the NMIA Plan and the purpose statements for the MUTSA and NME zones. For example, office uses are proposed to be permitted in the NME without a corresponding manufacturing use, as is currently required.

Specific standards for limited uses are detailed in one section, rather than being split between the current base and overlay zones. This simplifies the code and does not require reference to

both the base zone and overlay zones to determine what uses would be permitted on a particular property.

Design and Development Standards

The proposal includes a table summarizing the development standards that apply to the MUTSA and the NME zones. This streamlines the code by identifying the standards in a table rather than in narrative text that currently exists in the current base and overlay zones.

The proposal includes additional details regarding specific standards that apply to uses in the MUTSA and NME zones, including landscaping, screening, and design standards. This section streamlines the code by combining standards currently found in both the base M-TSA zone and the TSA Overlay Zone with some revisions to reflect potential retrofit of existing buildings and new construction in the future. Staff has proposed deviations from the existing code to reflect the planned future of the NMIA while balancing the more likely retrofit of existing buildings that will occur in the immediate future. The proposal streamlines the code by incorporating the overlay zone standards in the base zone rather than requiring an additional applicable set of standards.

The proposed design and development standards can drive the new building form in the NMIA and set up the future of the area. One of the goals of the NMIA is to promote high quality construction and design in both the mixed use and industrial areas. The proposal identifies basic design standards, including building materials, minimum percentage of glass on street-facing walls, and weather protection requirements. This promotes a base level of architectural design and construction, and helps create a more comfortable pedestrian environment.

The MUTSA and NME are both part of the same overall mixed industrial-commercial area, but development in these zones could be quite different, particularly in scale. One objective of the proposed amendment is to regulate design to ensure that new development and major renovations meet minimum design standards, but that minor modifications and improvements to existing buildings does not place an undue burden on business operations and expansions.

One option is to tie the standards to the hierarchy of key streets in the NMIA to require different standards that are more focused on pedestrian amenities on those streets. The current code applies building design standards to all areas of the proposed MUTSA and development with frontage on Main St in the proposed NME. The proposed code revises some of the standards, including exterior building materials, to be more consistent with the General Mixed Use Zone and Flex Space Overlay standards found in Central Milwaukie.

Staff proposes that the design standards and standards for flexible ground-floor space apply to development and applicable redevelopment on only the street-facing facades of key streets (please refer to Figure 4). Staff notes that if the North Milwaukie Mixed Use Overlay is adopted, then the entirety of Milport Rd would be designated a key street.

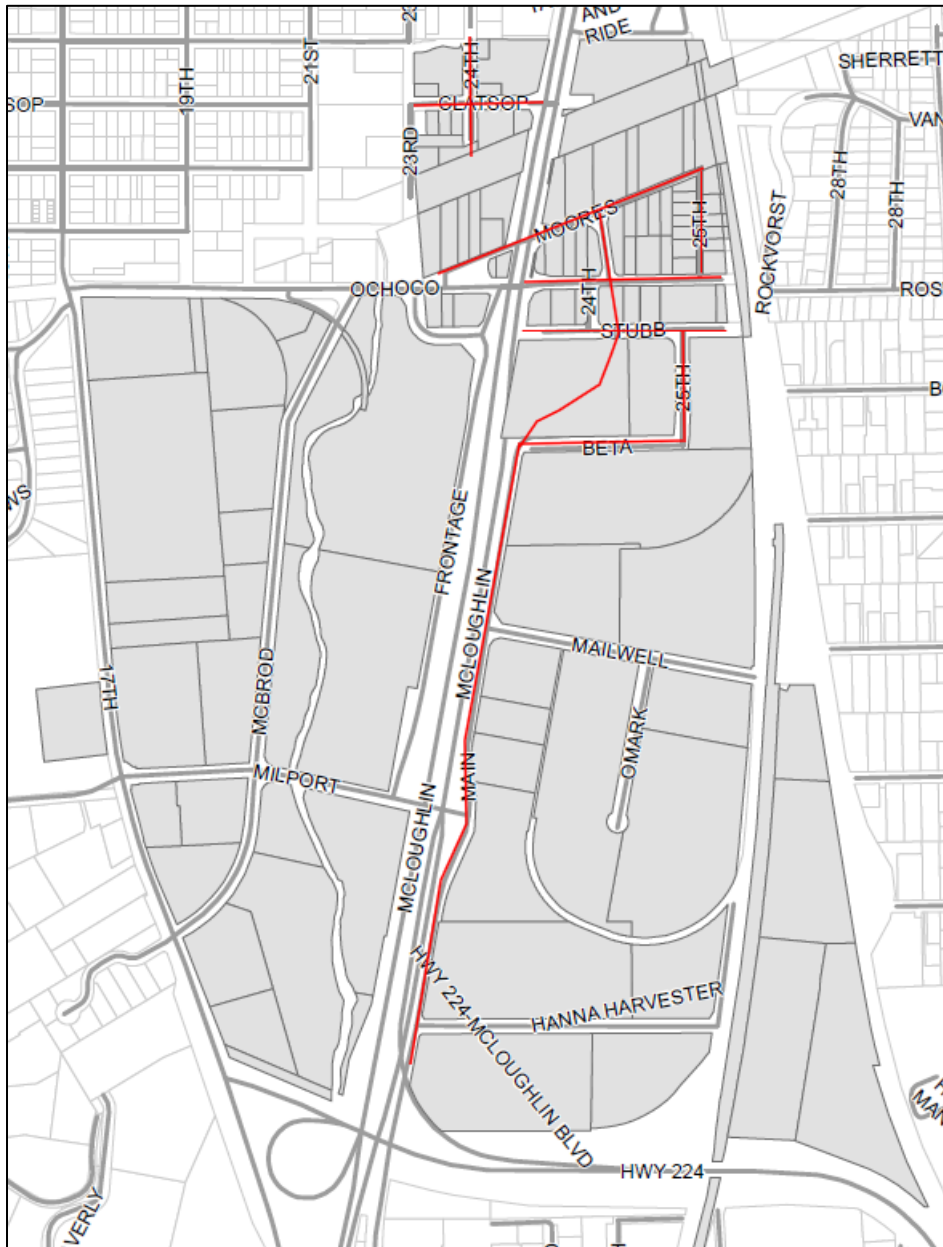


Figure 3. Existing identified key streets

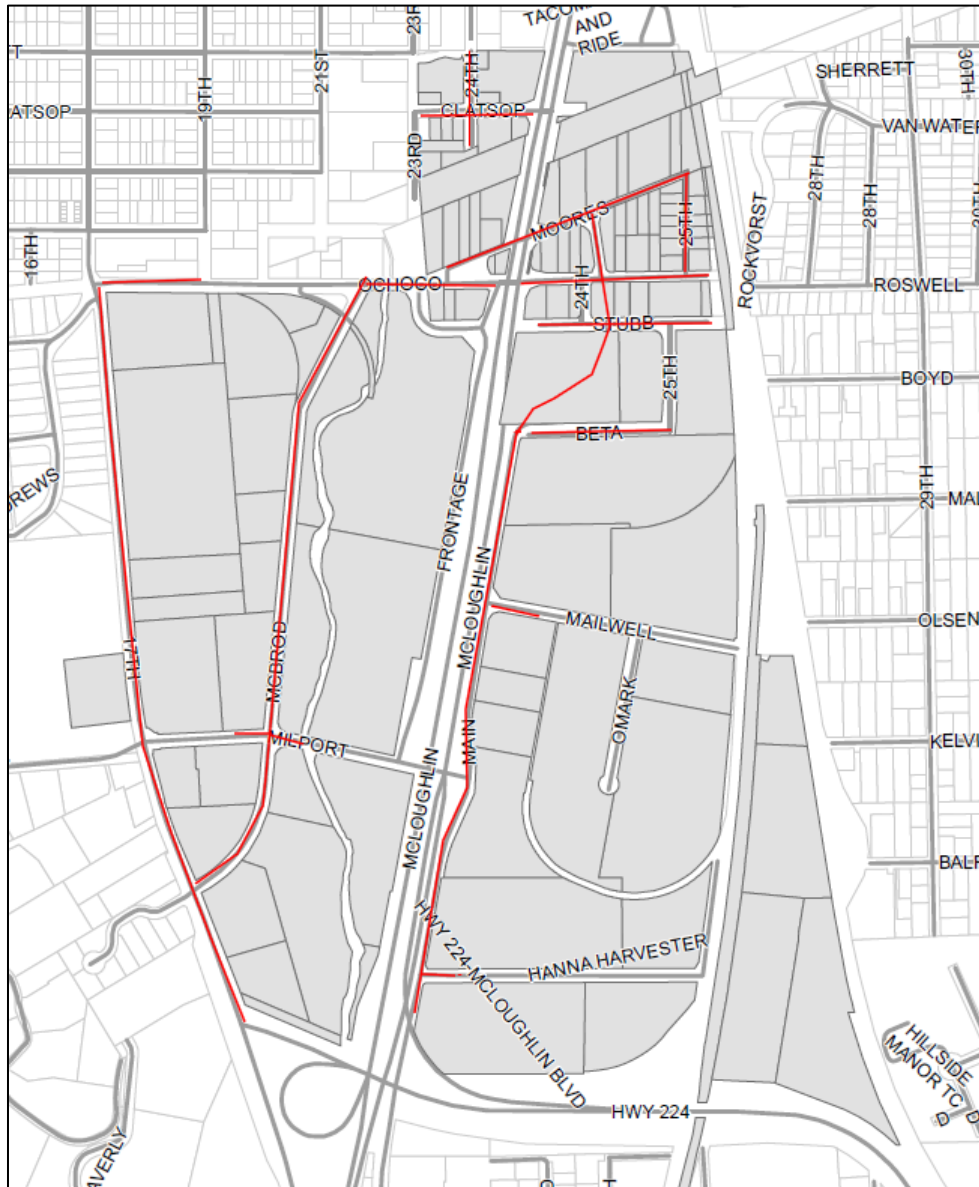


Figure 4. Proposed key streets

Because the MUTSA zone is intended to promote a mix of uses that includes commercial, industrial, and residential, the pedestrian experience is critical and design standards will support that. However, the NME zone does, and likely will, function differently as a predominantly industrial area. Pedestrian safety along public streets is necessary, but we should consider to what extent design standards should be imposed for buildings, for example, requiring truck traffic and loading docks. Staff is proposing to create a hierarchy of key streets, and applicable design standards, to provide opportunities for truck-dependent and/or warehouse uses, for example, that are not subject to specific design standards.

KEY ISSUES

The following key issues have been identified for the Planning Commission's deliberation. During worksession discussions leading up to the hearings on this proposal, the Planning Commission reviewed the majority of the draft amendments and provided direction to staff regarding potential revisions.

1. The existing code allows marijuana production uses as permitted uses in the M zone and as conditional uses in the M-TSA zone. However, the proposed language makes marijuana production uses a conditional use in both the MUTSA and NME zones. Does the Commission agree with this change?
2. How should the proposed code address maximum front yard setbacks?
 - a. The proposal includes a maximum street setback of 10 ft on key streets and 20 ft on other streets. Setbacks affect the relationship of a building to the street; a small setback brings buildings close to the street and creates a more urban and pedestrian feel. However, this also affects the ability for a site to provide parking near the building entrance. Is this what we want in the NMIA?
 - i. One way to address this is to allow for a larger street setback but limit the amount of parking permitted between the street and the building and require the remaining area to be landscaped. This would also address minimum site landscaping requirements outside of the required off-street parking landscaping addressed in 19.600. For example, the Flex Space Overlay allows a maximum front yard setback of 50 ft, except along 32nd Ave, and requires that any area not used for parking must be landscaped.
 - ii. Should we consider a larger front yard setback, with a limitation on the percentage of area used for parking, on the remaining streets in the NME? Should we consider this larger front yard setback on key streets as well?
3. Does the Commission agree with the proposed key streets for specific design and development standards?
4. Should the code require minimum site landscaping? If so, what level of redevelopment should trigger this requirement?

The existing code language requires 15% of the site to be landscaped. Questions have been raised about the appropriateness of minimum landscaping in an urbanized industrial area. 19.600 includes landscaping requirements for off-street parking areas, so perhaps it is adequate to require landscaping only in the front yard setback to create a more appealing streetscape. See Key Issue #2 above.

5. How would the Commission like to proceed with the consideration of the proposed North Milwaukie Mixed Use Overlay Zone? Does the Commission have any questions regarding the proposed language related to the North Milwaukie Mixed Use Overlay Zone?

The adopting ordinance will include an effective date and sunset clause, and the proposed code language addresses the situation of an overlay that applies only to development permitted within the timeframe.

6. Are the proposed design standards for development on key streets reasonable for the NMIA? Specifically:
 - a. Ground-floor street-facing windows/glazing
 - i. Windows = objective standard (minimum 30%)
 - ii. Alternative (20% glazing + 10% living wall or wall art mural)
 - b. Wall materials

c. Flexible ground-floor space

This standard was suggested by the Design and Landmarks Committee and currently applies in the DMU zone as well. The intent is to ensure that new buildings are designed with a minimum height of 14 feet on the street-facing ground-floor and constructed to accommodate a variety of uses.

7. What are appropriate applicability triggers for the design standards on key streets? Is there a minimum amount of investment that should require compliance with these standards, recognizing that the NMIA Plan promotes a transition phase for retrofit of existing buildings, but also encourages that design standards reasonably met for a certain level of building expansion, modification, or site redevelopment?

CONCLUSIONS

A. Staff recommendation to the Planning Commission is as follows:

Work toward consensus on the recommended draft plan amendments and agreement on recommended actions in advance of the anticipated January 9, 2018 vote on the full amendment package.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Building, Engineering, and Community Development Departments; all seven Neighborhood District Associations (NDAs); Oregon Department of Land Conservation and Development (DLCD); Metro; other Interested Persons; and participants in the Project and Technical Advisory Groups (PAG and TAG) via email. A public hearing notice was posted at City Hall, Ledding Library, the Public Safety Building, and the Johnson Creek Facility, and was posted on the City's Planning Department web site home page. Meetings have been posted on the NMIA web page www.northmilwaukie.com. As required by Measure 56, notice of the Planning Commission hearing was mailed to the owners and tenants of all properties located in the NMIA.

Comments were submitted during the November 28, 2017 public hearing, but no additional comments were submitted as of the date of this staff report. However, staff will collect comments until the public hearing.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	PC Packet	Public Copies	E- Packet
1. Draft code amendment language	☒	☒	☒
a. Underline/strikeout version			
b. Clean version			

PC Packet = paper materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-183>.

Underline/Strikeout Amendments

Zoning Ordinance

CHAPTER 19.300 BASE ZONES

19.312 NORTH MILWAUKIE INDUSTRIAL AREA

19.312.1 Purpose

- A. The Tacoma Station Area Mixed Use Zone (MUTSA) is intended to support the goals and policies of the North Milwaukie Industrial Area (NMIA) Plan. The MUTSA district is intended to take advantage of its unique location near the Tacoma light rail station and provide opportunities for a wide range of uses. The primary uses in this zone include housing, limited commercial and service-related office use, high intensity office employment, and industrial uses including uses involved in production, manufacturing and processing, of goods.
- B. The North Milwaukie Employment Zone (NME) Zone is intended to support the goals and policies of the NMIA Plan and retain the area as a viable industrial and employment zone. The primary uses in the zone are intended to be uses involved in production, manufacturing, processing, and transportation of goods, as well as uses providing opportunities for higher intensity employment such as production-related office, laboratories, and research and development uses. Limited specific uses not involving the production and transportation of goods, which are appropriate for industrial areas due to their use characteristics, are also allowed. Service-related office and commercial uses are intended to be incidental uses that are minor in relation to the industrial uses on a site and should be subordinate and accessory to the industrial uses in the zone.

19.312.2 Uses

A. Permitted Uses

Uses allowed outright in the NMIA zones are listed in Table 19.312.2 with a "P." These uses are allowed if they comply with the development and design standards and other regulations of this title.

B. Community Service Uses

Uses listed in Table 19.312.2 as "CSU" are permitted only as community service uses in conformance with Section 19.904.

C. Conditional Uses

Uses listed in Table 19.312.2 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 NMIA 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

Proposed Code Amendment

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 19.312.2, and not considered accessory or similar pursuant to Subsections 19.312.2.F and G below, are prohibited. Uses listed with an “N” in Table 19.312.2 are also prohibited.

E. Limited Uses

Uses listed in Table 19.312.2 as “L” are permitted only as limited uses in conformance with Section 19.312.4.

F. Accessory Uses

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

G. Similar Uses

The Planning 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 19.312.2. The unlisted use shall be subject to the standards applicable to the similar example use.

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
<u>Residential</u>			
<u>Multifamily¹</u>	<u>N</u>	<u>P</u>	<u>Subsection 19.505.3 Multifamily Housing</u>
<u>Mixed use residential</u>	<u>N</u>	<u>P</u>	<u>Subsection 19.312.6 Development Standards for All Uses</u>
<u>Live/work units</u>	<u>N</u>	<u>P</u>	<u>Subsection 19.505.6 Live/Work Units</u>
<u>Commercial</u>			
<u>Office</u> <u>1. Production-related office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, research, production, processing, packaging, or assembly of goods and products.</u> <u>Examples include: corporate headquarters, architects, engineers, financial services or accounting firm headquarters, call offices/call center, software and internet content development and publishing; telecommunication service providers;</u>	<u>P</u>	<u>P</u>	

Proposed Code Amendment

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; government and utility research offices; call centers, marijuana testing and research facilities, and medical and dental labs or research/bioscience facility. 2. Service-Related Office <u>Traditional service-related office uses are characterized by activities that generally focus on direct in-person, customer-focused services including government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic.</u> <u>Examples include: professional services such as lawyers; financial businesses such as lenders, retail brokerage houses, bank branches, or real estate agents; sales offices; government offices and public utility offices; counseling offices; and medical and dental clinics.</u>	<u>L</u>	<u>L/CU</u>	<u>Subsection 19.312.4 Standards for Limited Uses</u>
<u>Drinking establishments</u> <u>Drinking establishments primarily involve the sale of alcoholic beverages for on-site consumption.</u> <u>Examples include taverns, bars, or cocktail lounges.</u>	<u>L</u>	<u>L/CU</u>	<u>Subsection 19.312.4 Standards for Limited Uses</u>
<u>Eating establishments</u> <u>Eating establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeout. Eating establishments may include incidental sales of alcoholic beverages.</u> <u>Examples include restaurants, delicatessens, retail bakeries, coffee shops, concession stands, and espresso bars.</u>	<u>L</u>	<u>L/CU</u>	<u>Subsection 19.312.4 Standards for Limited Uses</u>
<u>Retail-oriented sales</u> <u>Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.</u>	<u>L</u>	<u>L/CU</u>	<u>Subsection 19.312.4 Standards for Limited Uses</u>

Proposed Code Amendment

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
<u>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.</u>			
<u>Marijuana retailer</u> <u>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.</u>	<u>N</u>	<u>L</u>	Subsection 19.312.4 Standards for Limited Uses Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses <u>See Marijuana Businesses</u>
<u>Personal service</u> <u>Personal service firms are involved in providing consumer services.</u> <u>Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.</u>	<u>L</u>	<u>L/CU</u>	Subsection 19.312.4 Standards for Limited Uses
<u>Day care.</u> <u>Day care is the provision of regular childcare, 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.</u> <u>Examples include nursery schools, before- and after-school care facilities, and child development centers.</u>	<u>L</u>	<u>L</u>	Subsection 19.312.4 Standards for Limited Uses
<u>Hotel/motel</u>	<u>N</u>	<u>CU</u>	Subsection 19.905 Conditional Uses
<u>Adult entertainment businesses¹</u>	<u>N</u>	<u>CU</u>	Subsection 19.905 Conditional Uses
Industrial, Manufacturing and Production			
<u>Manufacturing and production.</u> <u>This category comprises establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of component parts.</u> <u>Examples include: alternative energy development; biosciences; food and</u>	<u>P</u>	<u>P</u>	

Proposed Code Amendment

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
<u>beverage processing; software and electronics production; printing; fabrication of metal products; products made from manufactured glass; products made from rubber, plastic, or resin; converted paper and cardboard products; and microchip fabrication. Manufacturing may also include high-tech and research and development companies.</u>			
<u>Construction: Contractors and Related Businesses</u> <u>This category comprises businesses whose primary activity is performing specific building or other construction-related work, on- or off-site.</u> <u>Examples include: residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies.</u>	<u>P</u>	<u>P</u>	
<u>Wholesale Trade, Warehousing, Distribution</u> <u>This category comprises establishments engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers sell or distribute merchandise exclusively to other businesses, not the general public, and normally operate from a warehouse or office and are not intended for walk-in traffic.</u> <u>Examples include: operating warehousing and storage facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and are generally being stored in anticipation of delivery to final customer. Includes fleet parking. Ministorage facilities (generally used by many individual customers to store personal property) are not considered industrial warehousing and storage and are not permitted.</u>	<u>P</u>	<u>P</u>	<u>Subsection 19.312.4 Standards for Limited Uses</u>

Proposed Code Amendment

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
<u>Repair and Service</u> This category comprises firms involved in repair and servicing of industrial, business, or consumer electronic equipment, machinery, and related equipment, products, or by-products. <u>Examples include: welding shops; machine shops; tool, electric motor, and industrial instrument repair; sales, repair, or storage of heavy machinery, metal, and building materials; heavy truck servicing and repair; tire retreading or recapping; exterminators, including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large-scale laundry, dry-cleaning, and carpet cleaning plants. Few customers come to the site, particularly not general public daily customers. Auto service and repair shops for personal vehicles are not included in this category and are not permitted.</u>	<u>P</u>	<u>L</u>	<u>Subsection 19.312.4 Standards for Limited Uses</u>
<u>Trade Schools and Training Facilities</u> This category comprises establishments whose primary purpose is to provide training for industrial needs and job-specific certification. <u>Examples include: electronic equipment repair training, truck-driving school, welding school, training for repair of industrial machinery, job skills training classrooms, and other industrial/employment skills training.</u>	<u>P</u>	<u>P</u>	
<u>Creative Space</u> <u>Industrial/manufacturing space specifically for artist-type uses.</u> <u>Examples include: artist manufacturing studios (welding, pottery, ceramics, painting, glass, etc.); sound stage and/or film production; set design and production; music studio/production.</u>	<u>P</u>	<u>P</u>	
<u>Waste Management²</u> <u>This category comprises businesses that provide garbage and recycling</u>	<u>CU/P</u>	<u>N</u>	

Proposed Code Amendment

Table 19.312.2			
Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
hauling, including fleet parking and maintenance. Storage of waste or recycling materials collected by a waste management business for any period of time is not permitted.			
Community Service Use			
Only the following community service uses are included in this district:		Section 19.904 Community Service Uses	
1. Institutions			See Trade Schools and Training Facilities
a. Government offices	P	P	
b. Public transit facilities or passenger terminal	CSU	CSU	
c. Schools (public or private)	CSU	CSU	
d. Recreation facilities (public or private)	CSU	CSU	
e. Parks and open space	P	P	
f. Transitional or correctional facility (public or private)	CSU	CSU	
g. Hospital	CSU	CSU	
2. Infrastructure			
a. Utilities (water, sewer, and storm sewer facilities including but not limited to sewage pumping stations, water wells, pump stations, sewer mining)	P	P	
b. Communication facilities (includes WCF)	P	P	
c. Electrical power substations; solar facilities	P	P	
Marijuana Businesses			
1. Marijuana retailers subject to the standards of Subsections 19.312.4 and 19.509.1.	N	L	Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses
2. Marijuana processing, testing, research, and warehousing subject to the standards of Subsection 19.509.2.	P	P	Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses
3. Marijuana production subject to the conditional use process and the standards of Subsections 19.509.2 and 19.509.3.	CU	CU	Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses Subsection 19.509.3 Marijuana Production Limitations Section 19.905 Conditional Uses

P = Permitted.N = Not permitted.

Proposed Code Amendment

L = Limited

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. Multifamily residential is permitted outright in a stand-alone building or in stories above a ground-floor commercial or office use. Deed restrictions will apply to multifamily development in order to reduce potential conflicts between residential uses and surrounding manufacturing uses.
2. When considering an adult entertainment business, the following criteria shall be used:
 - a. The proposed location of an adult entertainment business shall not be within 500 ft of an existing or previously approved adult entertainment business or within 500 ft of either a public park, a church, a day-care center, a primary, elementary, junior high, or high school, or any residentially zoned property.
 - b. Distances shall be measured in a straight line, without regard to intervening structures, between the closest structural wall of the adult entertainment business and either the closest property line of the applicable property or the closest structural wall of any preexisting or previously approved adult entertainment business.
3. Waste Management uses in existence prior to December 31, 2017 are Permitted; uses proposed after that date are permitted as a Conditional Use.

19.312.3 Specific Prohibited Uses

Any use which has a primary function of storing or manufacturing explosive materials or other hazardous material as defined by the Oregon Fire Code, Chapter 27.

19.312.4 Standards for Limited Uses

The following standards apply to those uses listed as limited (L) in Table 19.312.2.

A. Retail, Service-Related Office, Eating and Drinking Establishments, and Personal Service Uses

To ensure that these uses are limited in size and scale and do not dominate land intended for manufacturing and higher intensity employment uses, the following standards apply. See Figure 19.313.6.B for an illustration of the size limitations.

1. In the NME, the total gross leasable square footage of an individual retail, service-related office, eating and drinking establishment, and personal service use shall not exceed 5,000 sq ft or 40% of the floor area of an individual building, whichever is less. In the MUTSA and the NME, the total gross leasable square footage for a development shall not exceed 20,000 sq ft.
2. In the NME and MUTSA, multiple retail, service-related office, eating and drinking establishments, and personal service uses shall not exceed 20,000 cumulative gross leasable sq ft within the same development project. For the purposes of this section, a development project is defined as:
 - a. A single building with 50,000 sq ft or more of gross floor area.
 - b. Multiple buildings, each with less than 50,000 sq ft of gross floor area, that share common development features (such as access, parking, or utilities), whether or not the buildings are located on the same or a different parcel or lot.
3. In the NME, retail, service-related office, eating and drinking establishments, and personal service uses shall not be permitted in a stand-alone building. They must be included within a building whose primary purpose is for an allowed manufacturing use. The retail, service-related office, eating and drinking establishment, and personal

Proposed Code Amendment

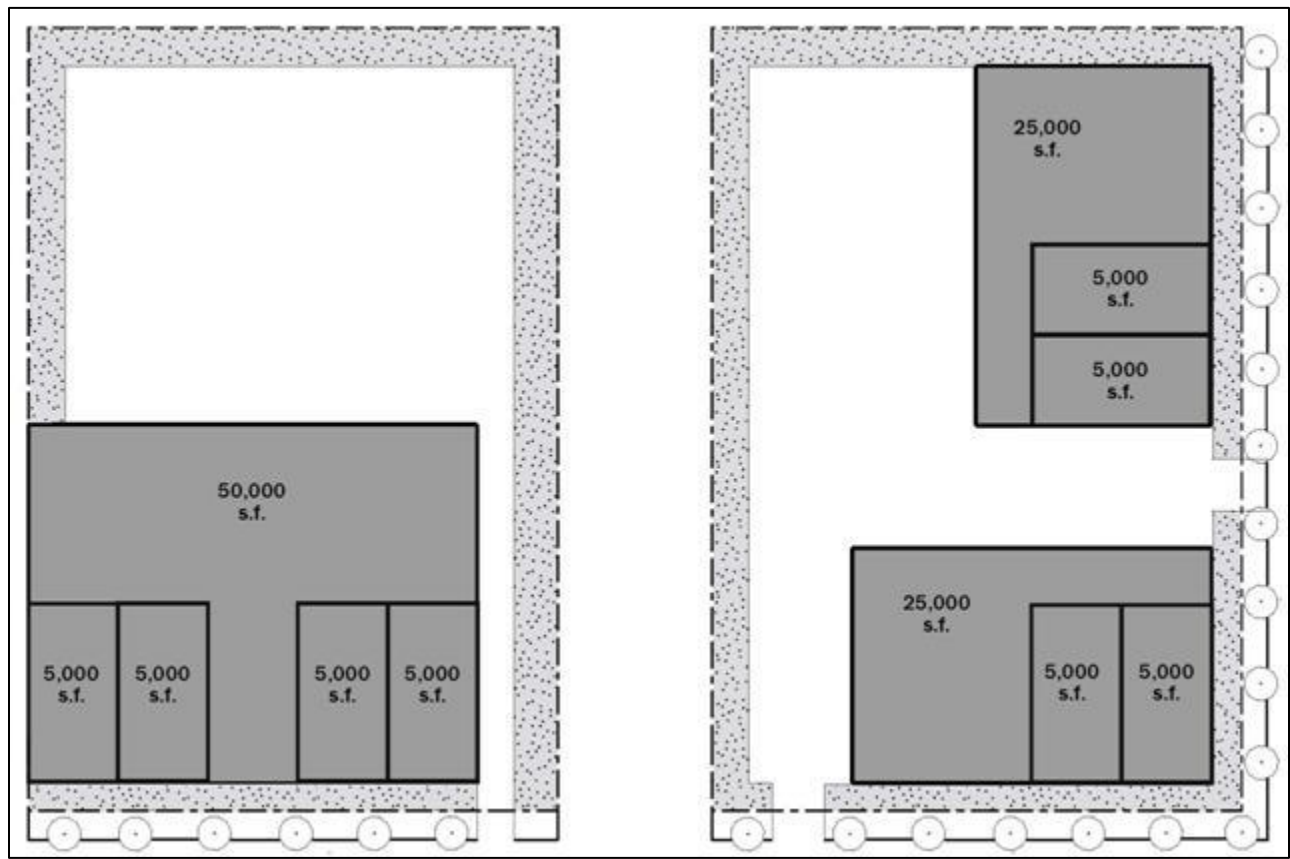
service use is not required to be related to the primary manufacturing use. Food carts are permitted as a stand-alone use.

4. In the MUTSA, eating and drinking establishments that exceed the above standards may be approved through a conditional use review pursuant to Section 19.905.

B. Other Uses

1. In the MUTSA, the following repair and service uses, or similar, are not permitted: sales, repair, or storage of heavy machinery; heavy truck servicing and repair; tire retreading or recapping; fleet storage and maintenance; fuel oil distributors; and solid fuel yards.
2. Day care uses must be part of a larger building and shall not be permitted in standalone buildings.

Figure 19.312.4.A
Size Limitations for Retail, Service Office, Eating and Drinking Establishments, and Personal Service Uses

**19.312.5 Development Standards**

These development standards are intended to ensure that new development is appropriate in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.312.5 summarizes some of the development standards that apply in the NMIA. Development standards are presented in detail in Subsection 19.312.6.

Proposed Code Amendment

Table 19.312.5 North Milwaukie Industrial Area —Summary of Development Standards			
<u>Standard</u>	<u>NME</u>	<u>MUTSA</u>	<u>Standards/ Additional Provisions</u>
<u>A. Lot Standards</u>			
1. Minimum lot size (sq ft)	<u>None</u>	<u>None</u>	
2. Minimum street frontage (ft)	<u>None</u>	<u>None</u>	
<u>B. Development Standards</u>			
1. Floor area ratio (min/max)	<u>0.5:1/3:1</u>	<u>0.5:1/3:1</u>	
2. Building height (ft)			
a. Minimum	<u>25</u>	<u>25</u>	<u>Subsection 19.312.6.A – Building height bonus</u>
b. Maximum (Height bonus available)	<u>65-90</u>	<u>65-90</u>	
3. Setbacks (ft)			<u>Subsection 19.501.2 Yard Exceptions</u>
a. Minimum front yard setback	<u>0-10</u>	<u>0-10</u>	
b. Maximum front yard setback	<u>10-20¹</u>	<u>10-20¹</u>	
c. Side and rear setbacks	<u>None²</u>	<u>None²</u>	
4. Maximum lot coverage	<u>85%</u>	<u>85%</u>	
5. Minimum Landscaping	<u>15%</u>	<u>15%</u>	<u>Subsection 19.312.6.G Landscaping</u>
6. Flexible ground-floor space	<u>Yes, where applicable</u>	<u>Yes, where applicable</u>	<u>Subsection 19.312.7.B.7 Flexible ground-floor space</u>
7. Off-street parking required	<u>Yes</u>	<u>Yes</u>	<u>Subsection 19.312.6.C Parking, Loading, and Unloading Areas</u> <u>Chapter 19.600 Off-Street Parking and Loading</u>
<u>C. Other Standards</u>			
1. Residential density requirements (dwelling units per acre)			<u>Subsection 19.202.4 Density Calculations</u>
a. Stand-alone residential			
(1) Minimum	<u>N/A</u>	<u>None</u>	
(2) Maximum	<u>N/A</u>	<u>None</u>	
b. Mixed-use buildings	<u>N/A</u>	<u>None</u>	
2. Signs	<u>Yes</u>	<u>Yes</u>	<u>Subsection 14.16.050 Commercial Zone</u> <u>Subsection 19.312.6.F Signage for Non-manufacturing Uses</u>
3. Design Standards	<u>Yes</u>	<u>Yes</u>	<u>Subsection 19.312.7.A Design Standards for All New Construction and Major Exterior Alterations</u>

- Properties in the MUTSA and on key streets in the NME have a maximum front yard setback of 10 ft. All other properties have a maximum front yard setback of 20 ft. Refer to 19.312.7 for key streets.
- Side and rear lot lines abutting a residential zone have a minimum 10-ft setback. Side and rear lot lines not abutting a residential zone have no required setback.

19.312.6 Development Standards for All Uses

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.312.5.

The following development standards apply to all uses in the NMIA.

A. Height Bonuses

A building can utilize up to 2 of the development incentive bonuses of this subsection, for a total of 2 stories or 24 ft of additional height, whichever is less, above the 65-ft base height maximum.

1. Residential

New buildings that devote at least 1 story or 25% of the gross floor area to residential uses are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

2. Green Building

New buildings that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED, Earth Advantage, or Green Globes certified) are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

Height bonus eligibility shall be verified at the time of building permit submittal and shall be contingent upon submittal of green building certification. The height bonus may be binding under a development agreement and height bonus awards may be revoked, and/or other permits or approvals may be withheld, if the project fails to achieve certification.

B. Screening of Outdoor Uses

Outdoor uses shall be screened as follows:

1. All outdoor storage areas shall be screened from adjacent properties by a 6-ft-high sight-obscuring fence or wall or by the use of vegetation. Vegetation used to screen outdoor storage areas shall be of such species, number, and spacing to provide the required screening within 1 year after planting.
2. All screened or walled outdoor use and storage areas which abut a public street shall be set back a minimum of 25 ft from the property line(s). Within that setback area trees and evergreen shrubs shall be planted. The plants shall be of such a variety and arranged to allow only minimum gaps between foliage of mature trees and plants within 4 years of planting.
3. All plantings used to screen outdoor uses shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.

C. Parking, Loading, and Unloading Areas

In the NMIA, parking, loading, and unloading areas shall be located as follows:

1. Parking, loading, and unloading areas shall not be located in the front yard setback.
2. No loading or unloading facilities shall be located adjacent to lands designated for residential uses, or residential community services, if there are alternative locations of adequate size on the subject site. No loading area shall be located between the front of a building and a front lot line, regardless of required setbacks.

D. External Effects

Proposed Code Amendment

The potential external effects of manufacturing uses shall be minimized as follows:

1. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.
2. Potential nuisances such as noise, odor, electrical disturbances and other public health nuisances are subject to Title 8 Health and Safety.
3. Roof-mounted mechanical equipment, such as ventilators and ducts, for buildings located adjacent to residential districts, arterial streets, or transit streets, shall be contained within a completely enclosed structure that may include louvers, latticework, or other similar features. This screening requirement does not apply to roof-mounted solar energy systems or wind energy systems.

E. Additional Standards

Chapter 19.500 Supplementary Development Regulations contains additional standards that may apply.

F. Signage for Non-manufacturing Uses

In addition to signage permitted in Title 14 Signs, 1 pedestrian-oriented sign per business may be provided along the building façade that faces the street. Pedestrian-oriented signs may be attached to the building, an awning, a kiosk, hanging, projecting, or otherwise so long as they are displayed no higher than 10 ft above the sidewalk and face the street and have a maximum area of 4 sq ft per sign face. All signs must comply with Title 14 Signs.

G. Landscaping

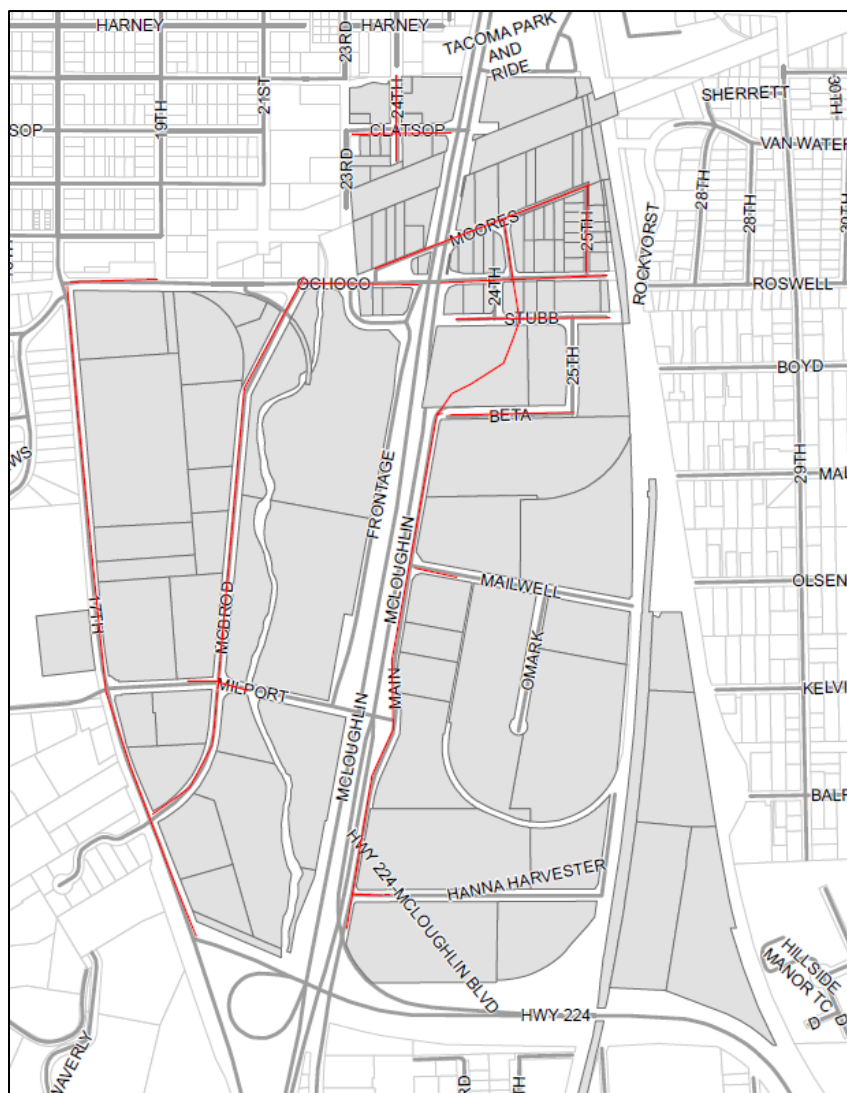
A minimum of 15% landscaping of the site is required. The required landscape area shall comply with the following:

1. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features.
2. No more than 20% of the required landscape area shall be covered in mulch or barkdust. Mulch or barkdust under the canopy of trees or shrubs is excluded from this limit.
3. Hardscape features (i.e., patios, decks, plazas, and similar) may cover up to 10% of the required minimum landscape area.
4. Trees shall have a minimum 2-in caliper at time of planting, measured at 4 ft above grade.
5. Shrubs shall be planted from 5-gallon containers or larger.
6. All landscaped area that is not planted with trees and shrubs, or covered with nonplant material (barkdust or mulch), shall have ground cover plants that are sized and spaced as follows: a minimum of 1 plant per 12 in on center in triangular spacing, or other planting pattern that is designed to achieve 75% coverage of the area not covered by shrubs and tree canopy.
7. All plantings shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.

19.312.7 Development Standards for All Uses in the MUTSA and NME Key Streets

The following development standards apply to all uses in the MUTSA Zone and in the NME Zone on properties located on the following key streets: McBrod Ave, Main St, 17th Ave, Ochoco St, and adjacent street corners (see Figure 312.7.1).

Figure 19.312.7.1
Key Streets



A. Design Standards for All New Construction and Major Exterior Alterations

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards in this section generally apply to the street-facing façades of new commercial, institutional, manufacturing, and mixed-use buildings. Exterior maintenance and repair and minor exterior alterations are not subject to these standards. Subsection 19.312.7.B below defines exterior maintenance and repair and major/minor exterior alterations.

Proposed Code Amendment

1. Ground-Floor and Street-facing Windows and Doors

Long expanses of blank walls facing the street or other public area have negative impacts on the streetscape and the pedestrian environment.

a. For nonresidential and mixed-use buildings:

i) a minimum of 30% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors; or

ii) a combination of a minimum of 20% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors in addition to a living wall/green wall or art mural for the remaining area to equal the minimum 30%. A living wall or green wall is a self-sufficient vertical garden that is attached to the exterior or interior of a building.

The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less.

b. Ground-floor windows shall be distributed along the wall area such that there are no lengths of windowless wall greater than 20 ft.

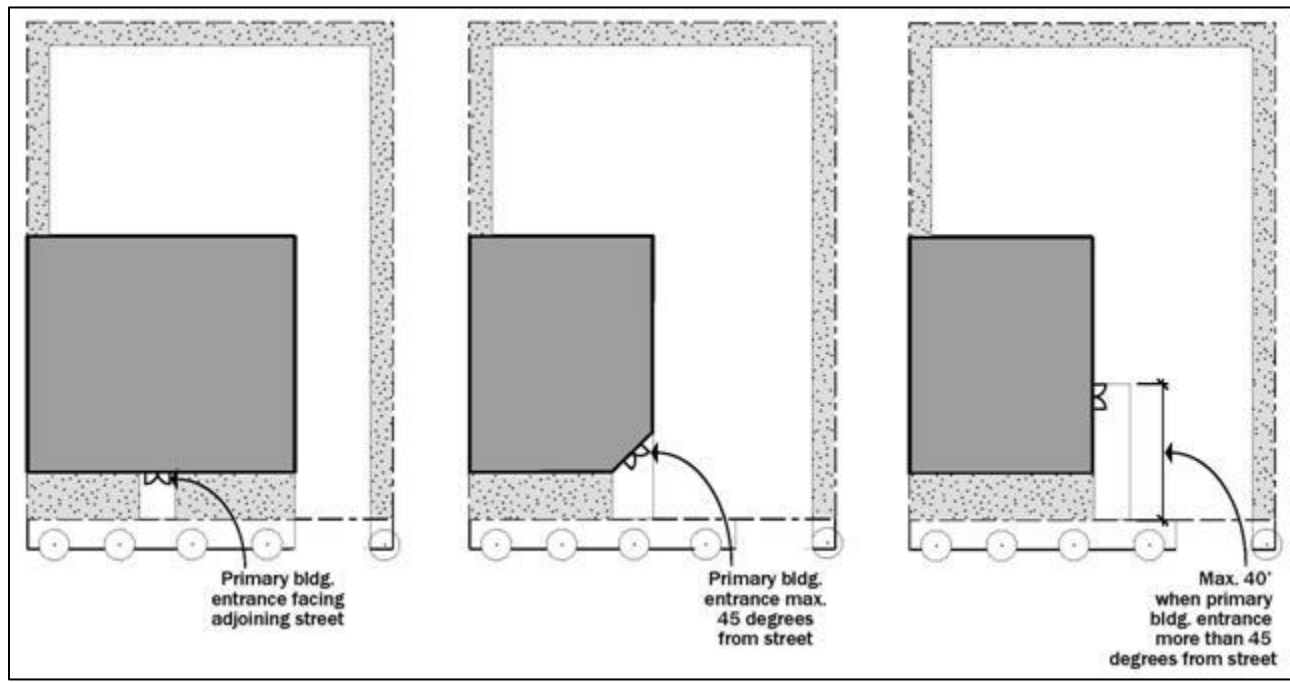
c. Clear glazing is required for ground-floor windows. Reflective, tinted, or opaque glazing are not permitted for windows facing streets or courtyards.

d. Ground-floor windows shall allow views into storefronts, working areas, or lobbies. No more than 50% of the window area may be covered by interior furnishings including but not limited to curtains, shades, signs, or shelves. Signs are limited to a maximum coverage of 50% of the window area.

2. Building Orientation

All buildings shall have at least one primary building entrance (e.g., dwelling entrance, customer entrance, tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within 45 degrees of the street property line). If the building entrance is turned more than 45 degrees from the street (e.g., front door is on a side wall), the primary entrance shall not be more than 40 ft from a street sidewalk, except to provide pedestrian amenities. In all cases, a walkway shall connect the primary entrance to the sidewalk. See Figure 19.312.7.A.2 for illustration.

Figure 19.312.7.A.2
Building Entrances



3. Weather Protection

All building entrances shall include an awning, canopy, recess, or some other form of shelter to provide weather protection and shade for users.

4. Design Standards for Walls

The following standards are applicable to the exterior walls of buildings facing streets, courtyards, and/or public squares.

- a. Exterior wall-mounted mechanical equipment is prohibited.
- b. The following standards are applicable to the exterior walls of new buildings facing streets, courtyards, and/or public squares. Table 19.312.6.I.4 specifies the primary, secondary, and prohibited material types referenced in this standard.
 - (1) Buildings shall utilize primary materials for at least 60% of the applicable building façades.
 - (2) Secondary materials are permitted on no greater than 40% of each applicable building façade.
 - (3) Accent materials are permitted on no greater than 10% of each applicable building façade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.)
 - (4) Buildings shall not utilize materials listed as (N) prohibited material.
 - (5) For existing development, façade modifications that affect more than 50% of the façade shall comply with standards in this subsection. The Planning Director may waive this requirement if application of the standards would create an incongruous appearance of existing and new materials.

Proposed Code Amendment

Table 19.312.7.B.4
Commercial Exterior Building Materials

<u>Material Type</u>	<u>Nonresidential and Mixed-Use</u>
Brick	<u>P</u>
Stone/masonry	<u>P</u>
Stucco, when installed over concrete	<u>P</u>
Glass (transparent, spandrel)	<u>P</u>
Concrete (poured in place or precast)	<u>P</u>
Finished wood, wood veneers, and wood siding	<u>P</u>
Finished metal panels—such as anodized aluminum, stainless steel, or copper—featuring polished, brushed, or patina finish	<u>S</u>
Concrete blocks with integral color (ground, polished, or split-face finish)	<u>S</u>
Fiber-reinforced cement siding and panels	<u>S</u>
Ceramic tile	<u>S</u>
Concrete blocks with integral color (glazed finish)	<u>A</u>
Standing seam and corrugated metal	<u>A</u>
Glass block	<u>A</u>
Vegetated wall panels or trellises	<u>A</u>
Vinyl siding	<u>N</u>
Exterior insulation finishing system (EIFS)	<u>N</u>
Plywood paneling	<u>N</u>

P = Primary material

S = Secondary material

A = Accent material

N = Prohibited material

6. Design Standards for Roofs

The following standards are applicable to building roofs.

- a. Flat roofs shall include a cornice with no less than 6 in depth (relief) and a height of no less than 12 in.
- b. Mansard or decorative roofs on buildings less than 3 stories are prohibited.

7. Flexible ground-floor space

For newly constructed non-residential and mixed-use buildings, a minimum of 75% of the ground-floor space in a new building must meet the following requirements.

1. The ground-floor height must be at least 14 ft, as measured from the finished floor to the ceiling, or from the finished floor to the bottom of the structure above (as in a multistory building). The bottom of the structure above is the lowest portion of the structure and includes supporting beams, and any heating, ventilation and/or fire suppression sprinkler systems.
2. The interior floor area adjacent to the key street must be at least 20 ft deep, as measured from the inside building wall or windows facing the key street.

B. Applicability of Design Standards

1. The design standards in Subsection 19.312.7.A above are applicable to major exterior alterations as follows:

Proposed Code Amendment

- a. Major exterior alterations involving a wall(s) shall comply with the design standards for walls and the design standards for windows for that wall(s).
 - b. Major exterior alterations involving a roof shall comply with the design standards for roofs.
2. Major exterior alterations include any of the following:
 - a. Alterations that do not fall within the definitions of “exterior maintenance and repair” or “minor exterior alterations.”
 - b. Demolition or replacement of more than 50% of the surface area of any exterior wall or roof.
 - c. Floor area additions that exceed 300 sq ft or do not meet the limited purposes as defined under the minor exterior alteration (ADA upgrades, etc.).
3. Exterior maintenance and repair includes refurbishing, painting, and weatherproofing of deteriorated materials, as well as in-kind restoration or replacement of damaged materials. Exterior maintenance and repair does not include replacement of materials due to obsolescence or when associated with minor or major exterior renovation, as defined below. Exterior maintenance and repair does not include the placement of signs.
4. Minor exterior alterations include the exterior alterations of any portion of a structure that do not fall within the definitions of “exterior maintenance and repair” or “major exterior alterations.” Minor exterior alterations include, but are not limited to, the application or installation of finish building treatments, including windows and other glazing, doors, lintels, copings, vertical and horizontal projections (including awnings), and exterior sheathing and wall materials. Minor exterior alteration does not include the placement of signs.
5. Additions not exceeding 300 sq ft may be considered minor exterior alterations only when the additional floor area is designed and used for utility, HVAC, other mechanical equipment, ADA upgrades, or egress required by applicable fire safety or building codes.

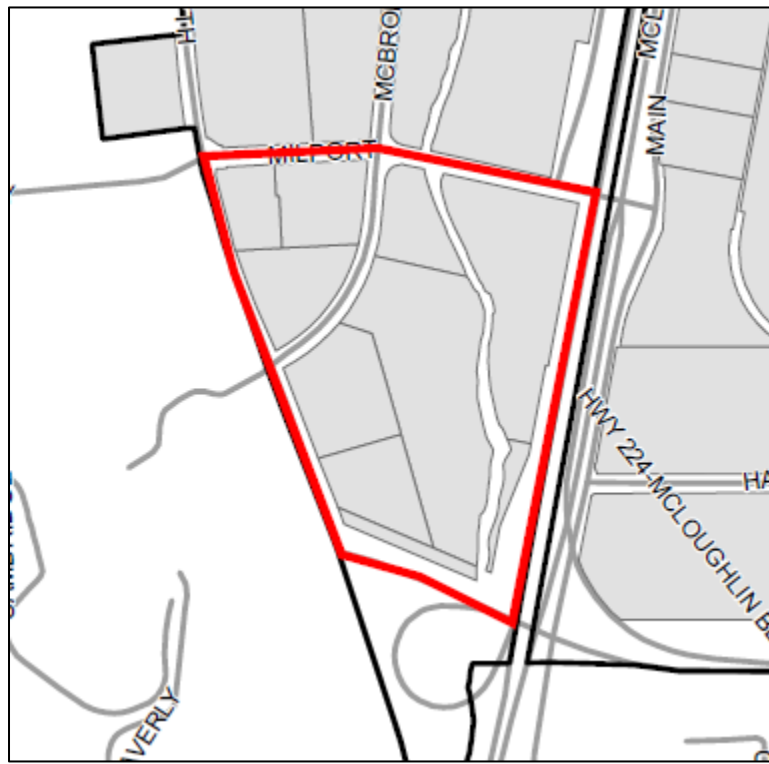
19.312.8 North Milwaukie Employment Mixed Use Overlay Zone

A. Applicability

The North Milwaukie Employment Mixed Use (NME-MU) Overlay Zone applies to properties identified in Figure 19.312.8.1. The requirements and permissions set out under this section shall only be available for property development and/or redevelopment until XXXX, 2018, the sunset date. Following that date, any property that has not developed and/or redeveloped in accordance with the overlay provisions shall conform to the base zone requirements only. Properties that have developed according to these provisions will be permitted to continue to utilize the overlay provisions.

For the purposes of this section, properties are considered to be developed if all development permits have been issued for a project that includes a residential component.

Figure 19.312.8.1
North Milwaukie Employment Mixed Use Overlay Zone



B. Permitted Uses

The permitted uses are the same as those identified in the MUTSA in Table 19.312.2 and are subject to all additional standards and limitations.

C. Development Standards

Development is subject to the development standards for the MUTSA in Table 19.312.5.

D. Design Standards

Development is subject to the design standards applicable to development in the MUTSA as identified in subsection 19.312.6.

19.312 TACOMA STATION AREA MANUFACTURING ZONE M-TSA**19.312.1 Purpose**

The M-TSA Zone is intended to support the goals and policies of the Tacoma Station Area Plan and retain the area as a viable industrial zone as the uses allowed by the Tacoma Station Area Overlay Zone become established. The primary uses in the zone are intended to be uses involved in production, manufacturing, processing, and transportation of goods. Some specific uses not involving goods, which are appropriate for industrial areas due to their use characteristics, are also allowed. Office uses are intended to be subordinate and accessory to the industrial uses, and commercial uses are intended to be incidental uses that are minor in relation to the industrial uses on a site.

19.312.2 Use Categories

The categories of land uses that are permitted in the M-TSA Zone are listed in Table 19.312.2. Permitted uses are designated with a "P." A "C" in this table indicates a use that may be authorized as a conditional use in conformance with Chapter 19.905. An "L" indicates a use that is permitted outright with certain limitations as described in Subsection 19.312.6. Uses not listed in the table are not allowed.

All uses must comply with the land use district standards of this section and all other applicable requirements of the Zoning Ordinance. If it is unclear whether a proposed use is allowed under the use categories, the applicant may submit a Director determination application per Subsection 19.903 to resolve the issue.

Table 19.312.2 M-TSA Zone Uses	
Use Category	Status
A. Construction: Contractors and Related Businesses	
This category comprises businesses whose primary activity is performing specific building or other construction-related work, on- or off-site. Examples include: residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies. Any associated on-site office use must be accessory to the primary construction business consistent with Subsection 19.312.2.G.1.	P
B. Manufacturing	
This category comprises establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of component parts. Examples include: alternative energy development; biosciences; food and beverage processing; software and electronics production; printing; fabrication of metal products; products made from manufactured glass; products made from rubber, plastic, or resin; converted paper and cardboard products; and microchip fabrication. Manufacturing may also include high-tech and research and development companies.	P
C. Wholesale Trade	
This category comprises establishments engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers sell or distribute merchandise exclusively to other businesses, not the general public, and normally operate from a warehouse or office and are not intended for walk-in traffic. Associated retail is only allowed as an accessory use	P

Proposed Code Amendment

in conformance with Subsection 19.312.2.G.2 and other applicable standards in this section.	
D. Warehousing and Storage	
This category comprises industries that are primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and are generally being stored in anticipation of delivery to final customer. Examples include: transportation and distribution uses with loading docks, temporary outdoor storage, and fleet parking. Ministorage facilities (generally used by many individual customers to store personal property) are not considered industrial warehousing and storage and are not permitted in the M-TSA Zone.	P
E. Trade Schools	
This category comprises establishments whose primary purpose is to provide training for industrial needs and job-specific certification. Examples include: electronic equipment repair training, truck-driving school, welding school, training for repair of industrial machinery, and other industrial skills training.	P
F. Accessory Uses and Structures	
This category comprises uses and structures defined as incidental and subordinate to the main use of a property and located on the same lot as the main use, including accessory parking.	P
G. Limited Uses	
This category comprises uses that are primarily intended to support and serve other allowed uses in the M-TSA Zone. Limited uses are divided into two subcategories. See Subsection 19.312.6 for applicable limitations on these uses. 1. Administration and Support in Office Buildings — This subcategory comprises uses in office-type buildings that are accessory to industrial uses. They administer, oversee, and manage companies; manage financial assets and securities; do research and design; do laboratory testing; and/or provide document preparation and other industrial support services. Examples include: corporate offices, company business offices, call centers, and other office-type uses that primarily serve other industries and do not generate a significant number of daily customer visits. 2. Retail Commercial and Professional Services — This subcategory comprises the sale of goods, materials, and professional services. Examples of retail commercial uses include: restaurants, minimarts, factory outlet stores, and office supply stores. Examples of professional services that cater to employees and customers include: bank branches, day-care centers, dry cleaners, and health clubs.	L
H. Exclusive Heavy Industrial Uses	
This category comprises uses exclusive to heavy industrial. Examples include: rock crushing facilities; natural resource extraction facilities; aggregate storage and distribution facilities; and concrete and/or asphalt batch plants. See Subsection 19.312.5.A.	G
I. Waste Management	
This category comprises businesses that provide garbage and recycling hauling, including fleet parking and maintenance. Storage of waste or recycling materials collected by a waste management business for any period of time is not permitted.	P
J. Repair and Service	
This category comprises firms involved in repair and servicing of industrial, business, or consumer electronic equipment, machinery, and related equipment, products, or by-products. Examples include: welding shops; machine shops; tool, electric motor, and	P

Proposed Code Amendment

industrial instrument repair; sales, repair, or storage of heavy machinery, metal, and building materials; heavy truck servicing and repair; tire retreading or recapping; exterminators, including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large-scale laundry, dry-cleaning, and carpet cleaning plants. Few customers come to the site, particularly not general public daily customers. Auto service and repair shops for personal vehicles are not included in this category and are not allowed in the M-TSA Zone.	
K. High-Impact Commercial Use	
This category comprises uses that generate substantial traffic, noise, light, irregular hours, or other potential impact on the community. Examples include, but are not limited to: drinking establishments, commercial recreation, adult entertainment businesses, theaters, hotels, and motels. See Subsection 19.312.5.B.	C
L. Marijuana Businesses (as Limited and Conditional Uses)	
This category includes the following businesses: 1. Marijuana retailers subject to the standards of Subsections 19.312.6.B and 19.509.1. 2. Marijuana processing, testing, research, and warehousing subject to the standards of Subsection 19.509.2. 3. Marijuana production subject to the conditional use process and the standards of Subsections 19.509.2 and 19.509.3.	L C1

P = Permitted.

L = Limited.

C = Conditional use.

1 = Only marijuana production is subject to the conditional use process.

19.312.3 Preexisting Uses and Developments

Notwithstanding the provisions of Chapter 19.800 Nonconforming Uses and Development, prohibited uses and structures located in any mapped “employment” or “industrial” area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to May 6, 1999, and would be impacted by the size limitations on retail uses in Subsection 19.312.6, are considered to be approved uses and structures for the purposes of this section. If such a preexisting use or development is damaged or destroyed by fire, earthquake, or other natural force, then the use will retain its preexisting status under this provision, so long as it is substantially reestablished within 3 years of the date of the loss.

Notwithstanding the provisions of Chapter 19.800 Nonconforming Uses and Development, prohibited uses and structures located in any mapped “industrial” area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to March 17, 2009, may continue and expand to add up to 20% more floor area and 10% more land area than exists on the above-stated date. This expansion requires a conditional use review.

19.312.4 Specific Prohibited Uses

- A. Any use which has a primary function of storing, utilizing, or manufacturing explosive materials or other hazardous material as defined by the Oregon Fire Code, Chapter 27.
- B. New residential, religious institutions, or public schools.

19.312.5 Standards for Conditional Uses

The following standards apply to those uses listed as conditional (C) in Table 19.312.2.

- A. Exclusive Heavy Industrial Uses

Proposed Code Amendment

- ~~1. Open pit and gravel excavating or processing shall not be permitted nearer than 50 ft to the boundary of an adjoining property line, unless written consent of the owner of such property is first obtained. Excavating or processing shall not be permitted closer than 30 ft to the right-of-way line of an existing platted street or an existing public utility right-of-way.~~
- ~~2. An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.~~
- ~~3. A rock crusher, washer, or sorter shall not be located nearer than 500 ft to a residential or commercial zone. Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which is injurious or substantially annoying to persons living in the vicinity.~~

~~B. High-Impact Commercial Uses~~

~~When considering a high impact commercial use, the Commission shall consider the following:~~

- ~~1. Nearness to dwellings, churches, hospitals, or other uses which require a quiet environment.~~
- ~~2. Building entrances, lighting, exterior signs, and other features which could generate or be conducive to noise or other disturbance for adjoining uses.~~
- ~~3. Parking vehicles and pedestrian access and circulation could contribute to noise or attract habitual assembly or unruly persons.~~
- ~~4. Hours of operation.~~
- ~~5. In addition to consideration of the above with respect to building and site design, the Planning Commission may attach conditions or standards of performance and impact, and methods for monitoring and evaluating these, to ensure that such establishments do not become unduly or unnecessarily disruptive.~~
- ~~6. In addition, when considering an adult entertainment business, the following criteria shall be used:~~
 - ~~a. The proposed location of an adult entertainment business shall not be within 500 ft of an existing or previously approved adult entertainment business or within 500 ft of either a public park, a church, a day care center, a primary, elementary, junior high, or high school, or any residentially zoned property.~~
 - ~~b. Distances shall be measured in a straight line, without regard to intervening structures, between the closest structural wall of the adult entertainment business and either the closest property line of the applicable property or the closest structural wall of any preexisting or previously approved adult entertainment business.~~

~~C. Marijuana Production~~

- ~~1. Marijuana production shall be subject to the security and odor control standards of Subsection 19.509.2 and the marijuana production limitations set forth in subsection 19.509.3.~~

19.312.6 Standards for Limited Uses

The following standards apply to those uses listed as limited (L) in Table 19.312.2.

Proposed Code Amendment

A. ~~Administration and Support in Office Buildings~~

~~Only administrative and support offices which are related to the operation of a manufacturing use on the property are permitted in the M-TSA Zone. No greater than 20% of the floor area of a building may be used for administrative office space.~~

B. ~~Retail Commercial and Professional Services~~

~~In order to ensure that these uses are limited in size and scale and do not dominate land intended for manufacturing uses, the following standards apply. See Figure 19.312.6.B for an illustration of the size limitations.~~

- ~~1. The total gross leasable square footage of an individual retail or professional service use shall not exceed 5,000 sq ft or 40% of the floor area of an individual building, whichever is less.~~
- ~~2. Multiple retail or professional service uses shall not exceed 20,000 cumulative gross leasable sq ft within the same development project. For the purposes of this section, a development project is defined as:~~
 - ~~a. A single building with 50,000 sq ft or more of gross floor area.~~
 - ~~b. Multiple buildings, each with less than 50,000 sq ft of gross floor area, that share common development features (such as access, parking, or utilities), whether or not the buildings are located on the same or a different parcel or lot.~~
- ~~3. Retail and professional service uses shall not be permitted in a stand-alone building. They must be included within a building whose primary purpose is for an allowed manufacturing use. The retail commercial or professional service use is not required to be related to the primary manufacturing use. Food carts are permitted as a stand-alone use.~~

Proposed Code Amendment

Figure 19.312.6.B
Size Limitations for Retail and Professional Service Uses

**19.312.7 Development Standards for All Uses**

The following development standards apply to all uses in the M-TSA Zone.

A. ~~Setbacks (Minimum)~~

~~Front: 20 ft~~

~~Side: None*~~

~~Corner side yard: 10 ft~~

~~Rear: None*~~

~~* Except when abutting a residential district, in which case the setback shall match the abutting property.~~

B. ~~Height (Maximum)~~

~~45 ft~~

C. ~~Parking and Loading~~

~~See Chapter 19.600.~~

D. ~~Landscaping~~

~~15% landscaping of the site is required. The required landscape area shall comply with the following:~~

Proposed Code Amendment

- ~~1. Permitted landscape materials include trees, shrubs, ground cover plants, nonplant ground covers, and outdoor hardscape features.~~
- ~~2. No more than 20% of the required landscape area shall be covered in mulch or barkdust. Mulch or barkdust under the canopy of trees or shrubs is excluded from this limit.~~
- ~~3. Hardscape features (i.e., patios, decks, plazas, and similar) may cover up to 10% of the required landscape area.~~
- ~~4. Trees shall have a minimum 2-in caliper at time of planting, measured at 4 ft above grade.~~
- ~~5. Shrubs shall be planted from 5-gallon containers or larger.~~
- ~~6. All landscaped area that is not planted with trees and shrubs, or covered with nonplant material (barkdust or mulch), shall have ground cover plants that are sized and spaced as follows: a minimum of 1 plant per 12 in on center in triangular spacing, or other planting pattern that is designed to achieve 75% coverage of the area not covered by shrubs and tree canopy.~~
- ~~7. All plantings shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.~~

~~E. Public Facility Improvements~~~~As specified in Chapter 19.700.~~~~F. Screening of Outdoor Uses~~~~Outdoor uses shall be screened as follows:~~

- ~~1. All outdoor storage areas shall be screened from adjacent properties by a 6-ft-high sight-obscuring fence or wall or by the use of vegetation. Vegetation used to screen outdoor storage areas shall be of such species, number, and spacing to provide the required screening within 1 year after planting.~~
- ~~2. All screened or walled outdoor use and storage areas which abut a public street shall be set back a minimum of 25 ft from the property line(s). Within that setback area trees and evergreen shrubs shall be planted. The plants shall be of such a variety and arranged to allow only minimum gaps between foliage of mature trees and plants within 4 years of planting.~~
- ~~3. All plantings used to screen outdoor uses shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.~~

~~G. Parking, Loading, and Unloading Areas~~~~Parking, loading, and unloading areas shall be located as follows:~~

- ~~1. Parking, loading, and unloading areas shall not be located within required setbacks.~~
- ~~2. No loading or unloading facilities shall be located adjacent to lands designated for residential uses, or residential community services, if there are alternative locations of adequate size on the subject site.~~

~~H. External Effects~~~~The potential external effects of manufacturing uses shall be minimized as follows:~~

Proposed Code Amendment

- ~~1. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.~~
- ~~2. Potential nuisances such as noise, odor, electrical disturbances and other public health nuisances are subject to Title 8 Health and Safety.~~
- ~~3. Roof-mounted mechanical equipment, such as ventilators and ducts, for buildings located adjacent to residential districts, arterial streets, or transit streets, shall be contained within a completely enclosed structure that may include louvers, latticework, or other similar features. This screening requirement does not apply to roof-mounted solar energy systems or wind energy systems.~~

~~I. Additional Standards~~

~~Chapter 19.500 Supplementary Development Regulations contains additional standards that may apply.~~

~~19.406 TACOMA STATION AREA OVERLAY ZONE TSA~~

~~19.406.1 Purpose~~

~~This overlay zone implements the Tacoma Station Area Plan and will help ensure that future development in the station area is consistent with the vision established in the plan. The overlay zone is intended to facilitate the following:~~

- ~~A. A mix of employment and other appropriate uses with employment densities that support light rail transit, particularly in close proximity to the Tacoma light rail station.~~
- ~~B. Support for existing businesses.~~
- ~~C. An appropriate amount of parking for employees and visitors.~~
- ~~D. Attractive building designs and public facilities.~~
- ~~E. A simple and timely review process for new development.~~

~~19.406.2 Applicability~~

~~The standards and requirements in this section apply to all properties within the Tacoma Station Area Overlay Zone as shown on the Zoning Map.~~

~~19.406.3 General Provisions~~

~~The following provisions apply to all development within the Tacoma Station Area Overlay Zone.~~

~~A. Consistency with Base Zone~~

~~The M-TSA Zone is the base zone for the properties within the Tacoma Station Area Overlay Zone and all requirements of the base zone apply unless otherwise noted in this section. Where conflicts occur between this section and other sections of the code, the standards and requirements of this section shall supersede.~~

~~B. Off-Site Impacts~~

~~In order to ensure greater compatibility between manufacturing and nonmanufacturing uses in the Tacoma station area, the following off-site impact standards apply in Subareas 1-3.~~

~~1. Applicability~~

Proposed Code Amendment

~~The off-site impact standards in this section apply to all new machinery, equipment, and facilities associated with manufacturing uses. Machinery, equipment, or facilities that were at the site and in compliance with existing regulations as of August 1, 2013, the effective date of Ordinance #2071, are not subject to these off-site impact standards.~~

~~2. Noise~~

~~The City's noise control standards and requirements in Chapter 8.08 apply.~~

~~3. Vibration~~

~~Continuous, frequent, or repetitive vibrations that exceed 0.002g peak are prohibited. Generally, this means that a person of normal sensitivities should not be able to feel any vibrations.~~

- ~~a. Temporary vibrations from construction activities or vehicles leaving the site are exempt.~~
- ~~b. Vibrations lasting less than 5 minutes per day are exempt.~~
- ~~c. Seismic or electronic measuring equipment may be used when there are doubts about the level of vibrations.~~

~~4. Odor~~

~~Continuous, frequent, or repetitive odors are prohibited. The odor threshold is the point at which an odor may just be detected. An odor detected for less than 15 minutes per day is exempt.~~

~~5. Illumination~~

~~Machinery, equipment, and facilities may not directly or indirectly cause illumination on other properties in excess of 0.5 footcandles of light.~~

~~6. Measurements~~

~~Measurements for compliance with these standards may be made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings.~~

~~7. Documentation~~

~~An applicant must provide documentation certified by a registered engineer or architect, as appropriate, to ensure that the proposed activity can achieve compliance with these standards.~~

~~C. Additional Standards~~

~~In addition to the standards of the base zone and the overlay zone, the following chapters contain requirements and standards that may apply:~~

- ~~1. Chapter 19.500 Supplementary Development Regulations~~
- ~~2. Chapter 19.600 Off-Street Parking and Loading~~
- ~~3. Chapter 19.700 Public Facility Improvements~~
- ~~4. Chapter 19.800 Nonconforming Uses and Development~~

~~D. Street Design~~

Proposed Code Amendment

~~New or improved streets within the station area shall be constructed consistent with the street design cross sections established in the Public Works Standards.~~

~~E. Review Process~~

~~All new or expanded/modified development in the overlay zone will be processed through Type I or Type II Development Review consistent with Section 19.906.~~

19.406.4 Tacoma Station Area Overlay Zone Subareas

~~The Tacoma Station Area Overlay Zone has been divided into four subareas to further refine the design and appropriate mix of uses within the station area. Subarea boundaries are shown on the Zoning Map. The intent of the subareas is to recognize that the station area is not anticipated to develop uniformly in the future. Lands closest to the future Tacoma light rail station are expected to support a different mix of uses and design standards than lands further from the station. The transportation network, existing and planned, also establishes a distinction between the varying transportation demands associated with anticipated land uses within the subareas. As such, street design cross sections for the Tacoma station area, found in the Public Works Standards, may vary by subarea. The following subsections define the four subareas and provide specific requirements and standards for each.~~

19.406.5 Subarea 1: North of Springwater

~~A. Subarea Boundary~~

~~Subarea 1 is located north of the Springwater Corridor and south of the Tacoma light rail station, as shown on the Zoning Map.~~

~~B. Subarea Characteristics~~

~~Due to its proximity to the Tacoma light rail station, Subarea 1 is intended to develop a mix of land uses, including retail commercial and limited residential uses that cater to light rail users. Subarea 1 is anticipated to develop as an active “station area community” supported by convenient access to light rail.~~

~~C. Permitted Uses~~

~~Permitted uses in Subarea 1 are the same as those permitted in the base M-TSA Zone, with the following exceptions:~~

- ~~1. Professional service and office uses are permitted in a stand-alone building with no size limitations (they do not need to be accessory to a manufacturing use).~~
- ~~2. Multifamily residential is permitted outright in a stand-alone building or in stories above a ground-floor commercial or office use.~~

~~D. Limited and Prohibited Uses~~

~~The following uses are not allowed or are allowed with limitations.~~

- ~~1. Retail uses are permitted in a stand-alone building (they do not need to be accessory to a manufacturing use). Retail uses shall not exceed 60,000 sq ft per building or development project.~~
- ~~2. Warehousing and storage uses, as defined in Subsection 19.312.2.D, are allowed only as accessory or secondary uses to a permitted use. Stand-alone warehouse and storage uses are prohibited.~~
- ~~3. Only those manufacturing uses that comply with the off-site impact standards in Subsection 19.406.3.B are allowed.~~

Proposed Code Amendment

E. ~~Development Standards for Nonmanufacturing Uses~~

~~In addition to the standards in the base M-TSA Zone, nonmanufacturing uses shall comply with the standards below.~~

1. ~~Density~~

~~The density standards below apply to developments that include residential uses.~~

a. ~~Minimum Density~~

~~There is no minimum residential density standard.~~

b. ~~Maximum Density~~

~~The maximum residential density is 32.0 dwelling units per acre.~~

2. ~~Floor Area Ratio~~

~~Minimum of 0.5:1 and maximum of 3:1.~~

3. ~~Building Height~~

~~Minimum of 25 ft and maximum of 65 ft.~~

4. ~~Minimum Setbacks~~**a. ~~Front~~**

~~(1) Buildings that are 2 stories or less than 25 ft high with a front setback along Main St have no minimum setback requirement.~~

~~(2) Buildings that are more than 2 stories and at least 25 ft high with a front setback along Main St have a minimum 5 ft setback.~~

~~(3) Front yard setbacks along any other street have a minimum 10 ft setback.~~

b. ~~Side and rear~~

~~(1) Side and rear lot lines abutting a residential zone have a minimum 10 ft setback.~~

~~(2) Side and rear lot lines not abutting a residential zone have no required setback.~~

5. ~~Parking Location~~

~~No surface parking shall be located within a front setback. No loading area shall be located between the front of a building and a front lot line, regardless of required setbacks.~~

6. ~~Signage~~

~~At least 1 pedestrian-oriented sign shall be provided along the building façade that faces the street. Pedestrian-oriented signs may be attached to the building, an awning, a kiosk, hanging, or otherwise so long as they are displayed no higher than 10 ft above the sidewalk and face the street. All signs must comply with Title 14 Signs.~~

7. ~~Stand-Alone Multifamily Residential Development~~

~~Stand-alone multifamily residential development shall comply with Subsection 19.505.3 Multifamily Housing. In addition, the ground floor of stand-alone multifamily buildings shall be constructed to meet building code standards for a retail use. This will facilitate efficient conversion of the ground-floor space from residential to retail in the future.~~

Proposed Code Amendment

F. Design Standards for All New Construction and Major Exterior Alterations

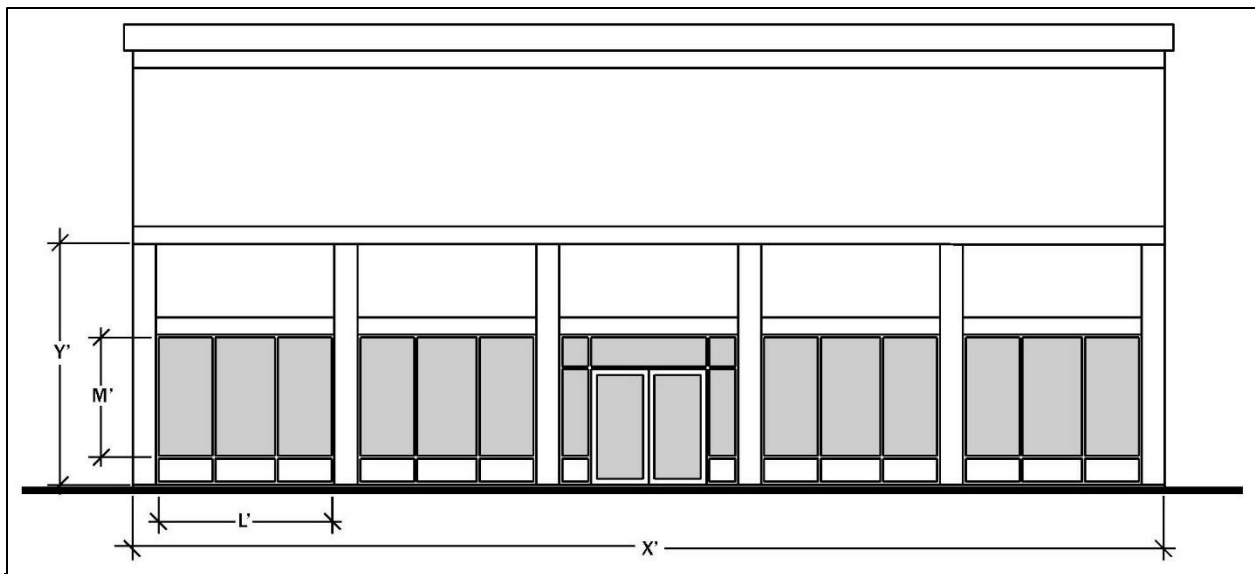
In addition to the standards in the base M-TSA Zone, both manufacturing and nonmanufacturing uses shall comply with the standards below. Exterior maintenance and repair, and minor exterior alterations, are not subject to these standards. Stand-alone multifamily buildings are not subject to these standards. Subsection 19.406.5.G below defines exterior maintenance and repair and major/minor exterior alterations.

1. Ground-Floor Windows and Doors

Long expanses of blank walls facing the street or other public area have negative impacts on the streetscape and the pedestrian environment. To minimize these effects, the standards of this section are intended to enhance street safety and provide a comfortable walking environment by providing ground-level features of interest to pedestrians. All exterior walls facing the street or sidewalk must meet the following standards:

- a. 50% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less. See Figure 19.406.5.F.1.a. Window coverage is defined as the total ground-floor window area divided by the total ground-floor street wall area.

Figure 19.406.5.F.1.a
Ground-Floor Windows and Doors



Area Calculation for Ground-Floor Windows and Doors:

Single window area = $L \times M$

Total window area (TWA) = $(L \times M) \times (\text{number of window bays, including transparent doors})$

Total ground-floor street wall area = $X \times Y$

- b. Ground floor windows shall be distributed along the wall area such that there are no lengths of windowless wall greater than 20 ft.

Proposed Code Amendment

- ~~c. Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazing are not permitted.~~
- ~~d. Ground-floor windows shall allow views into storefronts, working areas, or lobbies. No more than 50% of the window area may be covered by interior furnishings including but not limited to curtains, shades, signs, or shelves. Signs are limited to a maximum coverage of 20% of the window area.~~

2. ~~Windows~~

~~The following standards are applicable to building windows facing streets, courtyards, and/or public squares.~~

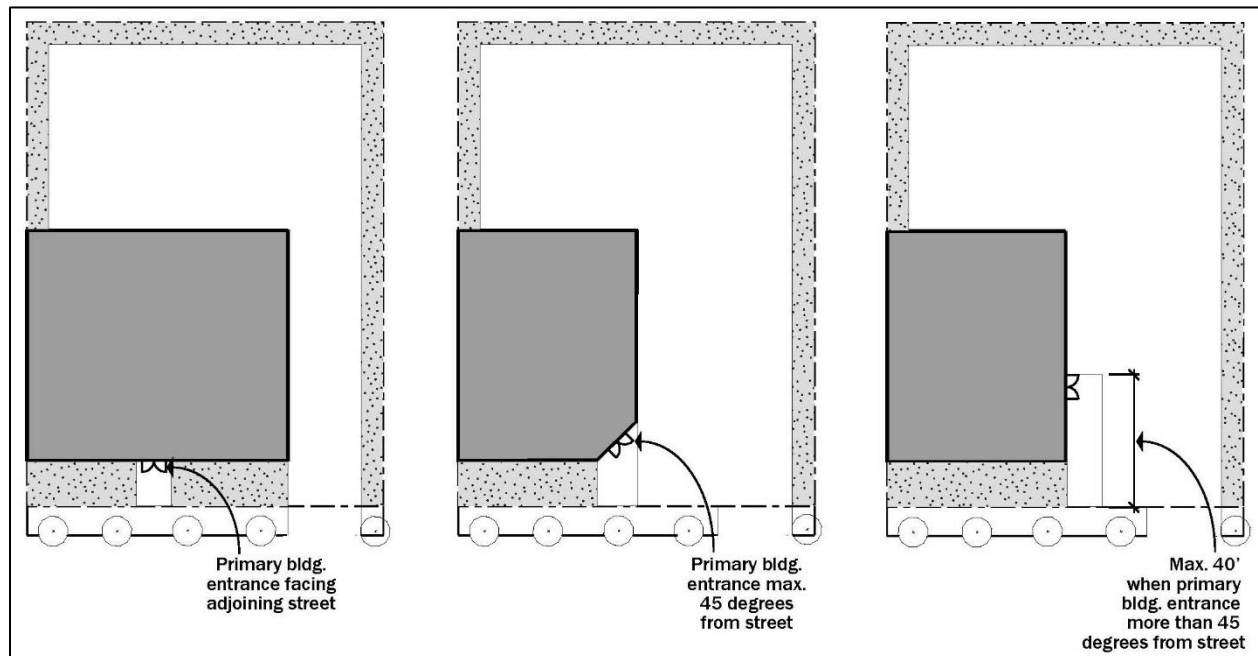
- ~~a. Windows shall be “punched” openings recessed a minimum of 2 in from the wall surface.~~
- ~~b. Window height shall be equal to or greater than window width.~~
- ~~c. The following windows are prohibited.~~
 - ~~(1) Reflective, tinted, or opaque glazing.~~
 - ~~(2) Simulated divisions (internal or applied synthetic materials).~~
 - ~~(3) Exposed, unpainted metal frame windows.~~

3. ~~Building Orientation~~

~~All buildings shall have at least one primary building entrance (e.g., dwelling entrance, customer entrance, tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within 45 degrees of the street property line). If the building entrance is turned more than 45 degrees from the street (e.g., front door is on a side wall), the primary entrance shall not be more than 40 ft from a street sidewalk, except to provide pedestrian amenities. In all cases, a walkway shall connect the primary entrance to the sidewalk. See Figure 19.406.5.F.3 for illustration.~~

Proposed Code Amendment

**Figure 19.406.5.F.3
Building Entrances**



4. ~~Weather Protection~~

All building entrances shall include an awning, canopy, recess, or some other form of shelter to provide weather protection and shade for users.

5. ~~Design Standards for Walls~~

The following standards are applicable to the exterior walls of buildings facing streets, courtyards, and/or public squares.

- a. ~~Exterior wall-mounted mechanical equipment is prohibited.~~
- b. ~~The following wall materials are prohibited at the street level of the building.~~
 - (1) ~~EIFS or other synthetic stucco panels.~~
 - (2) ~~Splitface or other masonry block.~~
 - (3) ~~Plywood paneling.~~
 - (4) ~~Brick with dimensions larger than 4 x 8 x 2 in.~~
 - (5) ~~Vinyl or metal cladding.~~
 - (6) ~~Composite wood fiberboard or composite cement-based siding.~~

6. ~~Design Standards for Roofs~~

The following standards are applicable to building roofs.

- a. ~~Flat roofs shall include a cornice with no less than 6 in depth (relief) and a height of no less than 12 in.~~
- b. ~~Mansard or decorative roofs on buildings less than 3 stories are prohibited.~~

Proposed Code Amendment

G. Definitions for Applicability of Design Standards

1. Exterior maintenance and repair includes refurbishing, painting, and weatherproofing of deteriorated materials, as well as in-kind restoration or replacement of damaged materials. Exterior maintenance and repair does not include replacement of materials due to obsolescence or when associated with minor or major exterior renovation, as defined below. Exterior maintenance and repair does not include the placement of signs.
2. Minor exterior alterations include the exterior alterations of any portion of a structure that do not fall within the definitions of "exterior maintenance and repair" or "major exterior alterations." Minor exterior alterations include, but are not limited to, the application or installation of finish building treatments, including windows and other glazing, doors, lintels, copings, vertical and horizontal projections (including awnings), and exterior sheathing and wall materials. Minor exterior alteration does not include the placement of signs.
3. Additions not exceeding 250 sq ft may be considered minor exterior alterations only when the additional floor area is designed and used for utility, HVAC, other mechanical equipment, ADA upgrades, or egress required by applicable fire safety or building codes.
4. Major exterior alterations include any of the following:
 - a. Alterations that do not fall within the definitions of "exterior maintenance and repair" or "minor exterior alterations."
 - b. Demolition or replacement of more than 25% of the surface area of any exterior wall or roof.
 - c. Floor area additions that exceed 250 sq ft or do not meet the limited purposes as defined under the minor exterior alteration (ADA upgrades, etc.).
5. The design standards in Subsection 19.406.5.F above are applicable to major exterior alterations as follows:
 - a. Major exterior alterations involving a wall(s) shall comply with the design standards for walls and the design standards for windows for that wall(s).
 - b. Major exterior alterations involving a roof shall comply with the design standards for roofs.

19.406.6 Subarea 2: West of McLoughlin**A. Subarea Boundary**

Subarea 2 is located north of Ochoco St, surrounding the Springwater Corridor west of McLoughlin Blvd, as shown on the Zoning Map.

B. Subarea Characteristics

This subarea is intended to develop with a mix of employment and residential uses, including live/work units that can be compatible with surrounding manufacturing uses.

C. Permitted Uses

Permitted uses in Subarea 2 are the same as those permitted in the base M-TSA Zone, with the following exceptions:

Proposed Code Amendment

- ~~1. Professional service and office uses are permitted in a stand-alone building with no size limitations (they do not need to be accessory to a manufacturing use).~~
- ~~2. Multifamily residential is permitted outright in a stand-alone building or in stories above a ground-floor commercial or office use.~~
- ~~3. Rowhouse development is permitted and can include live/work style units with ground-floor work space or commercial space.~~

~~D. Limited and Prohibited Uses~~

~~The following uses are not allowed or are allowed with limitations.~~

- ~~1. Retail uses are permitted in a stand-alone building (they do not need to be accessory to a manufacturing use). Retail uses shall not exceed 20,000 sq ft per building or development project.~~
- ~~2. Warehousing and storage uses, as defined in Subsection 19.312.2.D, are allowed only as accessory or secondary uses to a permitted use. Stand-alone warehouse and storage uses are prohibited.~~
- ~~3. Only those manufacturing uses that comply with the off-site impact standards in Subsection 19.406.3.B are allowed.~~

~~E. Conditional Use~~

~~A retail use of up to 30,000 sq ft may be permitted subject to conditional use approval, per Section 19.905.~~

~~F. Development and Design Standards~~

~~In addition to the standards in the base M-TSA Zone, the development and design standards for Subarea 1 in Subsections 19.406.5.E-G also apply to Subarea 2, with the following addition: Rowhouse development in Subarea 2 shall comply with Subsection 19.505.5 Rowhouses.~~

19.406.7 Subarea 3: Mixed Employment

~~A. Subarea Boundary~~

~~Subarea 3 is located between Beta St and Springwater Corridor, east of McLoughlin Blvd, as shown on the Zoning Map.~~

~~B. Subarea Characteristics~~

~~Subarea 3 is intended to develop as a relatively intense mixed employment district including office, light manufacturing, research and development, and other general employment uses, along with supporting retail/commercial uses. Subarea 3 is also appropriate for larger-scale civic or institutional uses.~~

~~C. Permitted Uses~~

~~Permitted uses in Subarea 3 are the same as those permitted in the base M-TSA Zone, with the following exceptions:~~

- ~~1. Professional service uses are permitted in a stand-alone building with no size limitations (they do not need to be accessory to a manufacturing use).~~
- ~~2. Multifamily residential is permitted outright in a stand-alone building or in stories above a ground-floor commercial or office use. Deed restrictions will apply to multifamily~~

Proposed Code Amendment

~~development in order to reduce potential conflicts between residential uses and surrounding manufacturing uses.~~

~~D. Limited and Prohibited Uses~~

~~The following uses are not allowed or are allowed with limitations.~~

- ~~1. Retail uses are permitted in a stand-alone building (they do not need to be accessory to a manufacturing use). Retail uses shall not exceed 20,000 sq ft per building or development project. Development standards for manufacturing uses will be the standards of the base zone plus additional standards similar to those in the Business Industrial Zone Subsection 19.310.6.~~
- ~~2. Warehousing and storage uses, as defined in Subsection 19.312.2.D, are allowed only as accessory or secondary uses to a permitted use. Stand-alone warehouse and storage uses are prohibited.~~
- ~~3. Only those manufacturing uses that comply with the off-site impact standards in Subsection 19.406.3.B are allowed.~~

~~E. Conditional Uses~~

- ~~1. Recreation and entertainment uses are allowed in Subarea 3 subject to conditional use approval, per Section 19.905. In permitting this use, the Planning Commission shall evaluate the following approval criteria:~~
 - ~~a. The recreation and entertainment use is not inconsistent with the land use and urban design recommendations for Subarea 3 as described in the Tacoma Station Area Plan.~~
 - ~~b. The recreation and entertainment use would establish a facility that is of benefit to the Milwaukie community and that is unique enough to attract visitors and users from elsewhere in the region.~~
 - ~~c. The layout of the site and its structures feature high-quality design and materials. The site shall be designed in a manner that encourages transit use through location of building entrances, building orientation, and connections to public rights-of-way that connect to the Tacoma Light Rail Station.~~
- ~~2. A retail use of up to 30,000 sq ft may be permitted subject to conditional use approval, per Section 19.905.~~

~~F. Development and Design Standards~~

~~In addition to the standards in the base M-TSA Zone, the development and design standards for Subarea 1 in Subsections 19.406.5.E-G also apply to Subarea 3, with the following addition: All development with frontage along Main St shall have a 10-ft front setback.~~

19.406.8 Subarea 4: Manufacturing

~~A. Subarea Boundary~~

~~Subarea 4 is located south of Beta St and north of Highway 224, as shown on the Zoning Map.~~

~~B. Subarea Characteristics~~

Proposed Code Amendment

~~This subarea is intended to continue to develop as a manufacturing district with some flexibility for nonmanufacturing uses to occur at higher levels than would be allowed in the base M-TSA Zone.~~

~~C. Permitted Uses~~

~~Permitted uses in Subarea 4 are the same as those permitted in the base M-TSA Zone, with the following exceptions: Retail commercial and professional service uses may be permitted in a stand-alone building (they do not need to be accessory to a manufacturing use). The size limitations of the base M-TSA Zone Subsections 19.312.6.C.1-2 still apply.~~

~~D. Limited and Prohibited Uses~~

~~The following uses are not allowed or are allowed with limitations: Warehousing and storage uses, as defined in Subsection 19.312.2.D, are allowed only as accessory or secondary uses to a permitted use. Stand-alone warehouse and storage uses are prohibited.~~

~~E. Parking Requirements~~

~~In Subarea 4, the following parking requirements apply and supersede any conflicting requirements found in Table 19.605.1 or other sections of the code.~~

~~1. General Office Uses~~

- ~~a. Minimum number of parking spaces: 2 per 1,000 sq ft of gross floor area~~
- ~~b. Maximum number of parking spaces: 4.1 per 1,000 sq ft of gross floor area~~

~~2. Retail Commercial Uses~~

- ~~a. Minimum number of parking spaces: 2 per 1,000 sq ft of gross floor area~~
- ~~b. Maximum number of parking spaces: 6.2 per 1,000 sq ft of gross floor area~~

~~3. Manufacturing Uses~~

- ~~a. Minimum number of parking spaces: 1 per 1,000 sq ft of gross floor area~~
- ~~b. Maximum number of parking spaces: none~~

~~4. The minimum and maximum parking requirements in Subsection 19.406.8.E may be modified consistent with Section 19.605.2 Quantity Modifications and Required Parking Determinations.~~

~~F. Development and Design Standards~~

~~In addition to the development standards in the base M-TSA Zone, the design standards in Subsections 19.406.5.F-G also apply to developments that have frontage on Main St in Subarea 4, with the following exceptions:~~

- ~~1. All development with frontage along Main St shall have a 10-ft front setback.~~
- ~~2. The ground-floor window coverage requirement in Subsection 19.406.5.F.1.a is reduced to 30% in this subarea.~~

Updates for Section References and Housekeeping Only

Sign Ordinance

14.16.050 MANUFACTURING ZONE

No sign shall be installed or maintained in an M, BI, NME, or MUTSA ~~M-TSA~~ Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.050.

Table 14.16.050 Standards for Signs in Manufacturing Zones M, BI, <u>NME</u> , or <u>MUTSA</u> M-TSA					
Sign Type	Area	Height	Location	Number	Illumination ¹

Zoning Ordinance

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-10
Residential	R-7
Residential	R-5
Residential	R-3
Residential	R-2.5
Residential	R-2
Residential	R-1
Residential-Business Office	R-1-B
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 Manufacturing	M-TSA
<u>Tacoma Station Area Mixed Use</u>	<u>MUTSA</u>
<u>North Milwaukie Employment</u>	<u>NME</u>
General Mixed Use	GMU

Proposed Code Amendment

Neighborhood Mixed Use	NMU
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F
<u>North Milwaukie Employment Mixed Use</u>	<u>NME-MU</u>
<u>Tacoma Station Area</u>	<u>TSA</u>

19.509.3 Marijuana Production Limitations

The following limitations apply to marijuana production in the M-Manufacturing, NME North Milwaukie Employment, and MUTSA Tacoma Station Area Mixed Use ~~M-TSA Tacoma Station Area Manufacturing~~ zones:

- A. Within a building utilized for production, multiple producers may operate but no single producer shall operate in a manner where the mature marijuana plant grow canopy associated with that producer's operation exceeds 10,000 sq ft.
- B. A marijuana producer shall not be located in a building that is within 1,500 ft of another building that is utilized for marijuana production.

19.904.11 Standards for Wireless Communication Facilities

Table 19.904.11.C				
Wireless Communication Facilities—Type and Review Process				
Towers		WCFs Not Involving New Tower		
Zones	New Monopole Tower 100 Ft	Building Rooftop or Wall Mounted Antenna	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions
BI	III	P/II	P/II	P/II
M	III	P/II	P/II	P/II
<u>MUTSA</u> M-TSA	III	P/II	P/II	P/II
<u>NME</u>	<u>III</u>	<u>P/II</u>	<u>P/II</u>	<u>P/II</u>

19.904.11.F.2

2. Height: maximum heights. Also see Table 19.904.11.C.

- a. Height Restrictions

The maximum height limitation of the monopole tower and antennas shall not exceed the following:

- (1) BI, M, NME, and MUTSA ~~M-TSA~~ Zones: 100 ft.

Clean Amendments

Zoning Ordinance

CHAPTER 19.300 BASE ZONES

19.312 NORTH MILWAUKIE INDUSTRIAL AREA

19.312.1 Purpose

- A. The Tacoma Station Area Mixed Use Zone (MUTSA) is intended to support the goals and policies of the North Milwaukie Industrial Area (NMIA) Plan. The MUTSA district is intended to take advantage of its unique location near the Tacoma light rail station and provide opportunities for a wide range of uses. The primary uses in this zone include housing, limited commercial and service-related office use, high intensity office employment, and industrial uses including uses involved in production, manufacturing and processing, of goods.
- B. The North Milwaukie Employment Zone (NME) Zone is intended to support the goals and policies of the NMIA Plan and retain the area as a viable industrial and employment zone. The primary uses in the zone are intended to be uses involved in production, manufacturing, processing, and transportation of goods, as well as uses providing opportunities for higher intensity employment such as production-related office, laboratories, and research and development uses. Limited specific uses not involving the production and transportation of goods, which are appropriate for industrial areas due to their use characteristics, are also allowed. Service-related office and commercial uses are intended to be incidental uses that are minor in relation to the industrial uses on a site and should be subordinate and accessory to the industrial uses in the zone.

19.312.2 Uses

A. Permitted Uses

Uses allowed outright in the NMIA zones are listed in Table 19.312.2 with a “P.” These uses are allowed if they comply with the development and design standards and other regulations of this title.

B. Community Service Uses

Uses listed in Table 19.312.2 as “CSU” are permitted only as community service uses in conformance with Section 19.904.

C. Conditional Uses

Uses listed in Table 19.312.2 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 NMIA 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

Proposed Code Amendment

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 19.312.2, and not considered accessory or similar pursuant to Subsections 19.312.2.F and G below, are prohibited. Uses listed with an “N” in Table 19.312.2 are also prohibited.

E. Limited Uses

Uses listed in Table 19.312.2 as “L” are permitted only as limited uses in conformance with Section 19.312.4.

F. Accessory Uses

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

G. Similar Uses

The Planning 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 19.312.2. The unlisted use shall be subject to the standards applicable to the similar example use.

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
Residential			
Multifamily ¹	N	P	Subsection 19.505.3 Multifamily Housing
Mixed use residential	N	P	Subsection 19.312.6 Development Standards for All Uses
Live/work units	N	P	Subsection 19.505.6 Live/Work Units
Commercial			
Office 1. Production-related office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, research, production, processing, packaging, or assembly of goods and products. Examples include: corporate headquarters, architects, engineers, financial services or accounting firm headquarters, call offices/call center, software and internet content development and publishing; telecommunication service providers;	P	P	

Proposed Code Amendment

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; government and utility research offices; call centers, marijuana testing and research facilities, and medical and dental labs or research/bioscience facility. 2. Service-Related Office Traditional service-related office uses are characterized by activities that generally focus on direct in-person, customer-focused services including government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic. Examples include: professional services such as lawyers; financial businesses such as lenders, retail brokerage houses, bank branches, or real estate agents; sales offices; government offices and public utility offices; counseling offices; and medical and dental clinics.	L	L/CU	Subsection 19.312.4 Standards for Limited Uses
Drinking establishments Drinking establishments primarily involve the sale of alcoholic beverages for on-site consumption. Examples include taverns, bars, or cocktail lounges.	L	L/CU	Subsection 19.312.4 Standards for Limited Uses
Eating establishments Eating establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeout. Eating establishments may include incidental sales of alcoholic beverages. Examples include restaurants, delicatessens, retail bakeries, coffee shops, concession stands, and espresso bars.	L	L/CU	Subsection 19.312.4 Standards for Limited Uses
Retail-oriented sales Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.	L	L/CU	Subsection 19.312.4 Standards for Limited Uses

Proposed Code Amendment

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
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.			
Marijuana retailer 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.	N	L	Subsection 19.312.4 Standards for Limited Uses Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses See Marijuana Businesses
Personal service Personal service firms are involved in providing consumer services. Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.	L	L/CU	Subsection 19.312.4 Standards for Limited Uses
Day care. Day care is the provision of regular childcare, 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. Examples include nursery schools, before- and after-school care facilities, and child development centers.	L	L	Subsection 19.312.4 Standards for Limited Uses
Hotel/motel	N	CU	Subsection 19.905 Conditional Uses
Adult entertainment businesses ¹	N	CU	Subsection 19.905 Conditional Uses
Industrial, Manufacturing and Production			
Manufacturing and production. This category comprises establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of component parts. Examples include: alternative energy development; biosciences; food and	P	P	

Proposed Code Amendment

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
beverage processing; software and electronics production; printing; fabrication of metal products; products made from manufactured glass; products made from rubber, plastic, or resin; converted paper and cardboard products; and microchip fabrication. Manufacturing may also include high-tech and research and development companies.			
Construction: Contractors and Related Businesses This category comprises businesses whose primary activity is performing specific building or other construction-related work, on- or off-site. Examples include: residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies.	P	P	
Wholesale Trade, Warehousing, Distribution This category comprises establishments engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers sell or distribute merchandise exclusively to other businesses, not the general public, and normally operate from a warehouse or office and are not intended for walk-in traffic. Examples include: operating warehousing and storage facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and are generally being stored in anticipation of delivery to final customer. Includes fleet parking. Ministorage facilities (generally used by many individual customers to store personal property) are not considered industrial warehousing and storage and are not permitted.	P	P	Subsection 19.312.4 Standards for Limited Uses

Proposed Code Amendment

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
Repair and Service This category comprises firms involved in repair and servicing of industrial, business, or consumer electronic equipment, machinery, and related equipment, products, or by-products. Examples include: welding shops; machine shops; tool, electric motor, and industrial instrument repair; sales, repair, or storage of heavy machinery, metal, and building materials; heavy truck servicing and repair; tire retreading or recapping; exterminators, including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large-scale laundry, dry-cleaning, and carpet cleaning plants. Few customers come to the site, particularly not general public daily customers. Auto service and repair shops for personal vehicles are not included in this category and are not permitted.	P	L	Subsection 19.312.4 Standards for Limited Uses
Trade Schools and Training Facilities This category comprises establishments whose primary purpose is to provide training for industrial needs and job-specific certification. Examples include: electronic equipment repair training, truck-driving school, welding school, training for repair of industrial machinery, job skills training classrooms, and other industrial/employment skills training.	P	P	
Creative Space Industrial/manufacturing space specifically for artist-type uses. Examples include: artist manufacturing studios (welding, pottery, ceramics, painting, glass, etc.); sound stage and/or film production; set design and production; music studio/production.	P	P	
Waste Management² This category comprises businesses that provide garbage and recycling	CU/P	N	

P = Permitted.
N = Not permitted.

Proposed Code Amendment

L = Limited

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. Multifamily residential is permitted outright in a stand-alone building or in stories above a ground-floor commercial or office use. Deed restrictions will apply to multifamily development in order to reduce potential conflicts between residential uses and surrounding manufacturing uses.
2. When considering an adult entertainment business, the following criteria shall be used:
 - a. The proposed location of an adult entertainment business shall not be within 500 ft of an existing or previously approved adult entertainment business or within 500 ft of either a public park, a church, a day-care center, a primary, elementary, junior high, or high school, or any residentially zoned property.
 - b. Distances shall be measured in a straight line, without regard to intervening structures, between the closest structural wall of the adult entertainment business and either the closest property line of the applicable property or the closest structural wall of any preexisting or previously approved adult entertainment business.
3. Waste Management uses in existence prior to December 31, 2017 are Permitted; uses proposed after that date are permitted as a Conditional Use.

19.312.3 Specific Prohibited Uses

Any use which has a primary function of storing or manufacturing explosive materials or other hazardous material as defined by the Oregon Fire Code, Chapter 27.

19.312.4 Standards for Limited Uses

The following standards apply to those uses listed as limited (L) in Table 19.312.2.

A. Retail, Service-Related Office, Eating and Drinking Establishments, and Personal Service Uses

To ensure that these uses are limited in size and scale and do not dominate land intended for manufacturing and higher intensity employment uses, the following standards apply. See Figure 19.313.6.B for an illustration of the size limitations.

1. In the NME, the total gross leasable square footage of an individual retail, service-related office, eating and drinking establishment, and personal service use shall not exceed 5,000 sq ft or 40% of the floor area of an individual building, whichever is less. In the MUTSA and the NME, the total gross leasable square footage for a development shall not exceed 20,000 sq ft.
2. In the NME and MUTSA, multiple retail, service-related office, eating and drinking establishments, and personal service uses shall not exceed 20,000 cumulative gross leasable sq ft within the same development project. For the purposes of this section, a development project is defined as:
 - a. A single building with 50,000 sq ft or more of gross floor area.
 - b. Multiple buildings, each with less than 50,000 sq ft of gross floor area, that share common development features (such as access, parking, or utilities), whether or not the buildings are located on the same or a different parcel or lot.
3. In the NME, retail, service-related office, eating and drinking establishments, and personal service uses shall not be permitted in a stand-alone building. They must be included within a building whose primary purpose is for an allowed manufacturing use. The retail, service-related office, eating and drinking establishment, and personal

Proposed Code Amendment

service use is not required to be related to the primary manufacturing use. Food carts are permitted as a stand-alone use.

4. In the MUTSA, eating and drinking establishments that exceed the above standards may be approved through a conditional use review pursuant to Section 19.905.

B. Other Uses

1. In the MUTSA, the following repair and service uses, or similar, are not permitted: sales, repair, or storage of heavy machinery; heavy truck servicing and repair; tire retreading or recapping; fleet storage and maintenance; fuel oil distributors; and solid fuel yards.
2. Day care uses must be part of a larger building and shall not be permitted in standalone buildings.

Figure 19.312.4.A
Size Limitations for Retail, Service Office, Eating and Drinking Establishments, and Personal Service Uses



19.312.5 Development Standards

These development standards are intended to ensure that new development is appropriate in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.312.5 summarizes some of the development standards that apply in the NMIA. Development standards are presented in detail in Subsection 19.312.6.

Proposed Code Amendment

Table 19.312.5 North Milwaukie Industrial Area —Summary of Development Standards			
Standard	NME	MUTSA	Standards/ Additional Provisions
A. Lot Standards			
1. Minimum lot size (sq ft)	None	None	
2. Minimum street frontage (ft)	None	None	
B. Development Standards			
1. Floor area ratio (min/max)	0.5:1/3:1	0.5:1/3:1	
2. Building height (ft)			
a. Minimum	25	25	Subsection 19.312.6.A – Building height bonus
b. Maximum (Height bonus available)	65-90	65-90	
3. Setbacks (ft)			Subsection 19.501.2 Yard Exceptions
a. Minimum front yard setback	0-10	0-10	
b. Maximum front yard setback	10-20 ¹	10-20 ¹	
c. Side and rear setbacks	None ²	None ²	
4. Maximum lot coverage	85%	85%	
5. Minimum Landscaping	15%	15%	Subsection 19.312.6.G Landscaping
6. Flexible ground-floor space	Yes, where applicable	Yes, where applicable	Subsection 19.312.7.B.7 Flexible ground-floor space
7. Off-street parking required	Yes	Yes	Subsection 19.312.6.C Parking, Loading, and Unloading Areas Chapter 19.600 Off-Street Parking and Loading
C. Other Standards			
1. Residential density requirements (dwelling units per acre)			Subsection 19.202.4 Density Calculations
a. Stand-alone residential			
(1) Minimum	N/A	None	
(2) Maximum	N/A	None	
b. Mixed-use buildings	N/A	None	
2. Signs	Yes	Yes	Subsection 14.16.050 Commercial Zone Subsection 19.312.6.F Signage for Non-manufacturing Uses
3. Design Standards	Yes	Yes	Subsection 19.312.7.A Design Standards for All New Construction and Major Exterior Alterations

1. Properties in the MUTSA and on key streets in the NME have a maximum front yard setback of 10 ft. All other properties have a maximum front yard setback of 20 ft. Refer to 19.312.7 for key streets.

2. Side and rear lot lines abutting a residential zone have a minimum 10-ft setback. Side and rear lot lines not abutting a residential zone have no required setback.

19.312.6 Development Standards for All Uses

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.312.5.

The following development standards apply to all uses in the NMIA.

A. Height Bonuses

A building can utilize up to 2 of the development incentive bonuses of this subsection, for a total of 2 stories or 24 ft of additional height, whichever is less, above the 65-ft base height maximum.

1. Residential

New buildings that devote at least 1 story or 25% of the gross floor area to residential uses are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

2. Green Building

New buildings that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED, Earth Advantage, or Green Globes certified) are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

Height bonus eligibility shall be verified at the time of building permit submittal and shall be contingent upon submittal of green building certification. The height bonus may be binding under a development agreement and height bonus awards may be revoked, and/or other permits or approvals may be withheld, if the project fails to achieve certification.

B. Screening of Outdoor Uses

Outdoor uses shall be screened as follows:

1. All outdoor storage areas shall be screened from adjacent properties by a 6-ft-high sight-obscuring fence or wall or by the use of vegetation. Vegetation used to screen outdoor storage areas shall be of such species, number, and spacing to provide the required screening within 1 year after planting.
2. All screened or walled outdoor use and storage areas which abut a public street shall be set back a minimum of 25 ft from the property line(s). Within that setback area trees and evergreen shrubs shall be planted. The plants shall be of such a variety and arranged to allow only minimum gaps between foliage of mature trees and plants within 4 years of planting.
3. All plantings used to screen outdoor uses shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.

C. Parking, Loading, and Unloading Areas

In the NMIA, parking, loading, and unloading areas shall be located as follows:

1. **Parking, loading, and unloading areas shall not be located in the front yard setback.**
2. No loading or unloading facilities shall be located adjacent to lands designated for residential uses, or residential community services, if there are alternative locations of adequate size on the subject site. No loading area shall be located between the front of a building and a front lot line, regardless of required setbacks.

D. External Effects

Proposed Code Amendment

The potential external effects of manufacturing uses shall be minimized as follows:

1. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.
2. Potential nuisances such as noise, odor, electrical disturbances and other public health nuisances are subject to Title 8 Health and Safety.
3. Roof-mounted mechanical equipment, such as ventilators and ducts, for buildings located adjacent to residential districts, arterial streets, or transit streets, shall be contained within a completely enclosed structure that may include louvers, latticework, or other similar features. This screening requirement does not apply to roof-mounted solar energy systems or wind energy systems.

E. Additional Standards

Chapter 19.500 Supplementary Development Regulations contains additional standards that may apply.

F. Signage for Non-manufacturing Uses

In addition to signage permitted in Title 14 Signs, 1 pedestrian-oriented sign per business may be provided along the building façade that faces the street. Pedestrian-oriented signs may be attached to the building, an awning, a kiosk, hanging, projecting, or otherwise so long as they are displayed no higher than 10 ft above the sidewalk and face the street and have a maximum area of 4 sq ft per sign face. All signs must comply with Title 14 Signs.

G. Landscaping

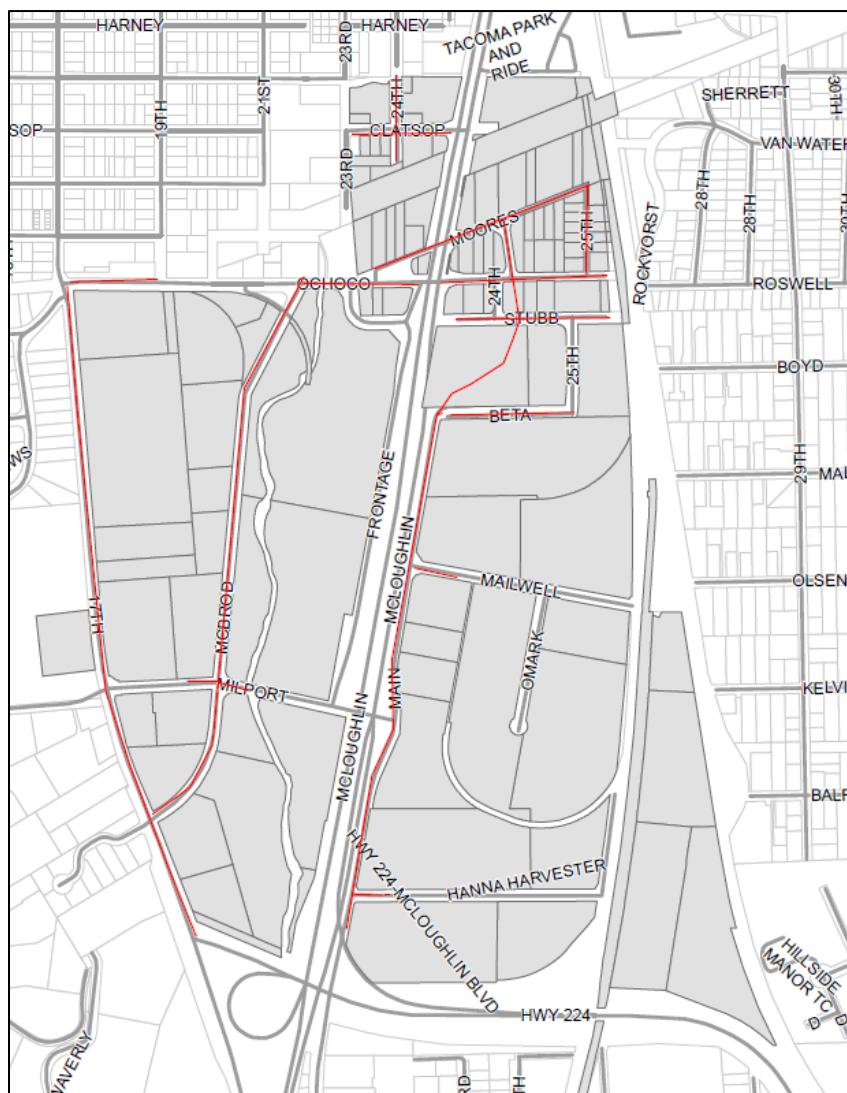
A minimum of 15% landscaping of the site is required. The required landscape area shall comply with the following:

1. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features.
2. No more than 20% of the required landscape area shall be covered in mulch or barkdust. Mulch or barkdust under the canopy of trees or shrubs is excluded from this limit.
3. Hardscape features (i.e., patios, decks, plazas, and similar) may cover up to 10% of the required minimum landscape area.
4. Trees shall have a minimum 2-in caliper at time of planting, measured at 4 ft above grade.
5. Shrubs shall be planted from 5-gallon containers or larger.
6. All landscaped area that is not planted with trees and shrubs, or covered with nonplant material (barkdust or mulch), shall have ground cover plants that are sized and spaced as follows: a minimum of 1 plant per 12 in on center in triangular spacing, or other planting pattern that is designed to achieve 75% coverage of the area not covered by shrubs and tree canopy.
7. All plantings shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.

19.312.7 Development Standards for All Uses in the MUTSA and NME Key Streets

The following development standards apply to all uses in the MUTSA Zone and in the NME Zone on properties located on the following key streets: McBrod Ave, Main St, 17th Ave, Ochoco St, and adjacent street corners (see Figure 312.7.1).

**Figure 19.312.7.1
Key Streets**



A. Design Standards for All New Construction and Major Exterior Alterations

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards in this section generally apply to the street-facing façades of new commercial, institutional, manufacturing, and mixed-use buildings. Exterior maintenance and repair and minor exterior alterations are not subject to these standards. Subsection 19.312.7.B below defines exterior maintenance and repair and major/minor exterior alterations.

Proposed Code Amendment

1. Ground-Floor and Street-facing Windows and Doors

Long expanses of blank walls facing the street or other public area have negative impacts on the streetscape and the pedestrian environment.

a. For nonresidential and mixed-use buildings:

i) a minimum of 30% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors; or

ii) a combination of a minimum of 20% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors in addition to a living wall/green wall or art mural for the remaining area to equal the minimum 30%. A living wall or green wall is a self-sufficient vertical garden that is attached to the exterior or interior of a building.

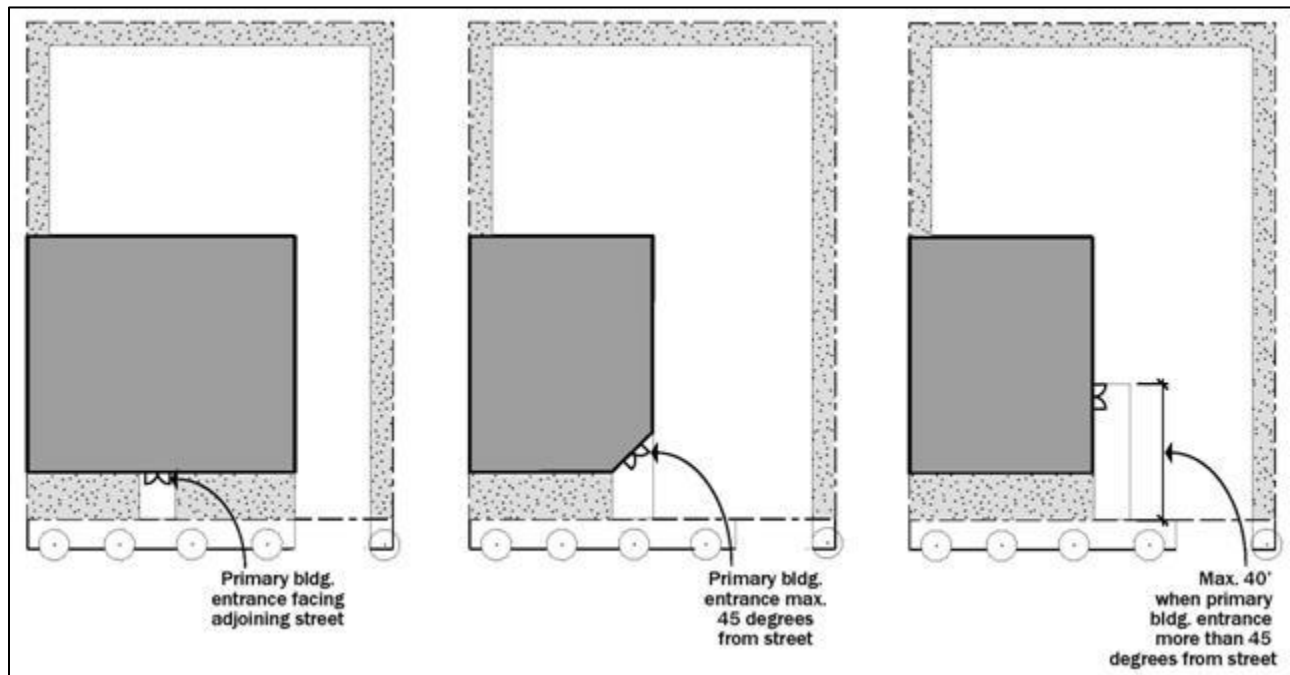
The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less.

- b. Ground-floor windows shall be distributed along the wall area such that there are no lengths of windowless wall greater than 20 ft.
- c. Clear glazing is required for ground-floor windows. Reflective, tinted, or opaque glazing are not permitted for windows facing streets or courtyards.
- d. Ground-floor windows shall allow views into storefronts, working areas, or lobbies. No more than 50% of the window area may be covered by interior furnishings including but not limited to curtains, shades, signs, or shelves. Signs are limited to a maximum coverage of 50% of the window area.

2. Building Orientation

All buildings shall have at least one primary building entrance (e.g., dwelling entrance, customer entrance, tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within 45 degrees of the street property line). If the building entrance is turned more than 45 degrees from the street (e.g., front door is on a side wall), the primary entrance shall not be more than 40 ft from a street sidewalk, except to provide pedestrian amenities. In all cases, a walkway shall connect the primary entrance to the sidewalk. See Figure 19.312.7.A.2 for illustration.

**Figure 19.312.7.A.2
Building Entrances**



3. Weather Protection

All building entrances shall include an awning, canopy, recess, or some other form of shelter to provide weather protection and shade for users.

4. Design Standards for Walls

The following standards are applicable to the exterior walls of buildings facing streets, courtyards, and/or public squares.

- a. Exterior wall-mounted mechanical equipment is prohibited.
- b. The following standards are applicable to the exterior walls of new buildings facing streets, courtyards, and/or public squares. Table 19.312.6.I.4 specifies the primary, secondary, and prohibited material types referenced in this standard.
 - (1) Buildings shall utilize primary materials for at least 60% of the applicable building façades.
 - (2) Secondary materials are permitted on no greater than 40% of each applicable building façade.
 - (3) Accent materials are permitted on no greater than 10% of each applicable building façade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.)
 - (4) Buildings shall not utilize materials listed as (N) prohibited material.
 - (5) For existing development, façade modifications that affect more than 50% of the façade shall comply with standards in this subsection. The Planning Director may waive this requirement if application of the standards would create an incongruous appearance of existing and new materials.

Proposed Code Amendment

**Table 19.312.7.B.4
Commercial Exterior Building Materials**

Material Type	Nonresidential and Mixed-Use
Brick	P
Stone/masonry	P
Stucco, when installed over concrete	P
Glass (transparent, spandrel)	P
Concrete (poured in place or precast)	P
Finished wood, wood veneers, and wood siding	P
Finished metal panels—such as anodized aluminum, stainless steel, or copper—featuring polished, brushed, or patina finish	S
Concrete blocks with integral color (ground, polished, or split-face finish)	S
Fiber-reinforced cement siding and panels	S
Ceramic tile	S
Concrete blocks with integral color (glazed finish)	A
Standing seam and corrugated metal	A
Glass block	A
Vegetated wall panels or trellises	A
Vinyl siding	N
Exterior insulation finishing system (EIFS)	N
Plywood paneling	N

P = Primary material
 S = Secondary material
 A = Accent material
 N = Prohibited material

6. Design Standards for Roofs

The following standards are applicable to building roofs.

- a. Flat roofs shall include a cornice with no less than 6 in depth (relief) and a height of no less than 12 in.
- b. Mansard or decorative roofs on buildings less than 3 stories are prohibited.

7. Flexible ground-floor space

For newly constructed non-residential and mixed-use buildings, a minimum of 75% of the ground-floor space in a new building must meet the following requirements.

1. The ground-floor height must be at least 14 ft, as measured from the finished floor to the ceiling, or from the finished floor to the bottom of the structure above (as in a multistory building). The bottom of the structure above is the lowest portion of the structure and includes supporting beams, and any heating, ventilation and/or fire suppression sprinkler systems.
2. The interior floor area adjacent to the key street must be at least 20 ft deep, as measured from the inside building wall or windows facing the key street.

B. Applicability of Design Standards

1. The design standards in Subsection 19.312.7.A above are applicable to major exterior alterations as follows:

Proposed Code Amendment

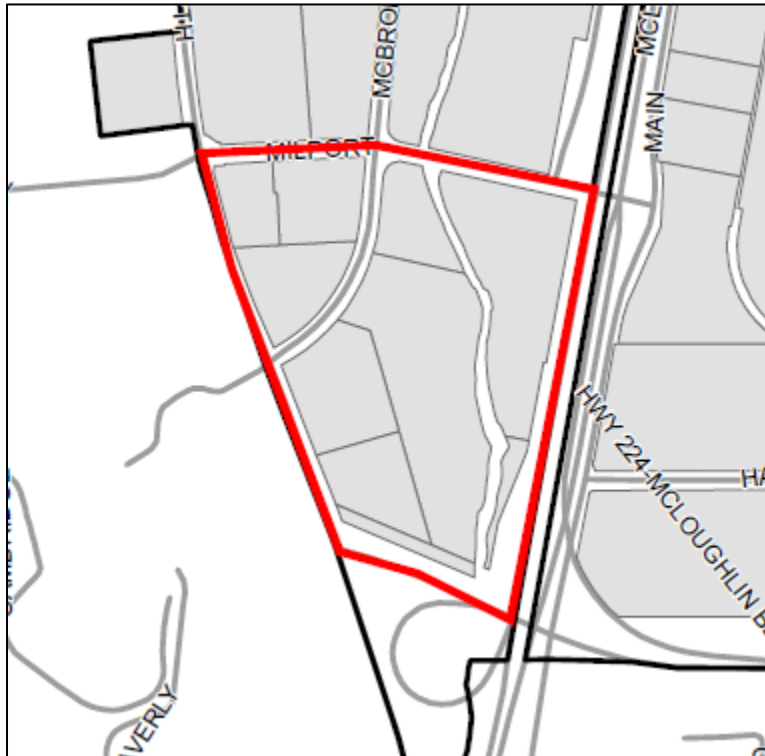
- a. Major exterior alterations involving a wall(s) shall comply with the design standards for walls and the design standards for windows for that wall(s).
 - b. Major exterior alterations involving a roof shall comply with the design standards for roofs.
2. Major exterior alterations include any of the following:
 - a. Alterations that do not fall within the definitions of “exterior maintenance and repair” or “minor exterior alterations.”
 - b. Demolition or replacement of more than 50% of the surface area of any exterior wall or roof.
 - c. Floor area additions that exceed 300 sq ft or do not meet the limited purposes as defined under the minor exterior alteration (ADA upgrades, etc.).
3. Exterior maintenance and repair includes refurbishing, painting, and weatherproofing of deteriorated materials, as well as in-kind restoration or replacement of damaged materials. Exterior maintenance and repair does not include replacement of materials due to obsolescence or when associated with minor or major exterior renovation, as defined below. Exterior maintenance and repair does not include the placement of signs.
4. Minor exterior alterations include the exterior alterations of any portion of a structure that do not fall within the definitions of “exterior maintenance and repair” or “major exterior alterations.” Minor exterior alterations include, but are not limited to, the application or installation of finish building treatments, including windows and other glazing, doors, lintels, copings, vertical and horizontal projections (including awnings), and exterior sheathing and wall materials. Minor exterior alteration does not include the placement of signs.
5. Additions not exceeding 300 sq ft may be considered minor exterior alterations only when the additional floor area is designed and used for utility, HVAC, other mechanical equipment, ADA upgrades, or egress required by applicable fire safety or building codes.

19.312.8 North Milwaukie Employment Mixed Use Overlay Zone
A. Applicability

The North Milwaukie Employment Mixed Use (NME-MU) Overlay Zone applies to properties identified in Figure 19.312.8.1. The requirements and permissions set out under this section shall only be available for property development and/or redevelopment until XXXX, 2018, the sunset date. Following that date, any property that has not developed and/or redeveloped in accordance with the overlay provisions shall conform to the base zone requirements only. Properties that have developed according to these provisions will be permitted to continue to utilize the overlay provisions.

For the purposes of this section, properties are considered to be developed if all development permits have been issued for a project that includes a residential component.

Figure 19.312.8.1
North Milwaukie Employment Mixed Use Overlay Zone



B. Permitted Uses

The permitted uses are the same as those identified in the MUTSA in Table 19.312.2 and are subject to all additional standards and limitations.

C. Development Standards

Development is subject to the development standards for the MUTSA in Table 19.312.5.

D. Design Standards

Development is subject to the design standards applicable to development in the MUTSA as identified in subsection 19.312.6.

Updates for Section References and Housekeeping Only

Sign Ordinance

14.16.050 MANUFACTURING ZONE

No sign shall be installed or maintained in an M, BI, NME, or MUTSA Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.050.

Table 14.16.050 Standards for Signs in Manufacturing Zones M, BI, NME, or MUTSA					
Sign Type	Area	Height	Location	Number	Illumination ¹

Zoning Ordinance

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-10
Residential	R-7
Residential	R-5
Residential	R-3
Residential	R-2.5
Residential	R-2
Residential	R-1
Residential-Business Office	R-1-B
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
North Milwaukie Employment	NME

Proposed Code Amendment

General Mixed Use	GMU
Neighborhood Mixed Use	NMU
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F
North Milwaukie Employment Mixed Use	NME-MU

19.509.3 Marijuana Production Limitations

The following limitations apply to marijuana production in the M-Manufacturing, NME North Milwaukie Employment, and MUTSA Tacoma Station Area Mixed Use zones:

- A. Within a building utilized for production, multiple producers may operate but no single producer shall operate in a manner where the mature marijuana plant grow canopy associated with that producer's operation exceeds 10,000 sq ft.
- B. A marijuana producer shall not be located in a building that is within 1,500 ft of another building that is utilized for marijuana production.

19.904.11 Standards for Wireless Communication Facilities

Table 19.904.11.C				
Wireless Communication Facilities—Type and Review Process				
Towers		WCFs Not Involving New Tower		
Zones	New Monopole Tower 100 Ft	Building Rooftop or Wall Mounted Antenna	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions
BI	III	P/II	P/II	P/II
M	III	P/II	P/II	P/II
MUTSA	III	P/II	P/II	P/II
NME	III	P/II	P/II	P/II

19.904.11.F.2

2. Height: maximum heights. Also see Table 19.904.11.C.

- a. Height Restrictions

The maximum height limitation of the monopole tower and antennas shall not exceed the following:

- (1) BI, M, NME, and MUTSA Zones: 100 ft.