

COUNCIL ORDINANCE No. 2265

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE MUNICIPAL CODE (MMC) TITLE 19 ZONING ORDINANCE FOR THE PURPOSE OF MODERNIZING THE MANUFACTURING AND BUSINESS INDUSTRIAL ZONES (PRIMARY FILE #ZA-2026-002).

WHEREAS it is the intent of the City of Milwaukie to promote and support a vibrant, resilient, inclusive, and environmentally stable local economy; and

WHEREAS the proposed code amendments provide an opportunity to support the local economy with additional uses and revised development standards; and

WHEREAS legal and public notices have been provided as required by law, and multiple opportunities for public review and input have been provided; and

WHEREAS on August 11, 2026, the Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a motion in support of the amendments; and

WHEREAS the City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

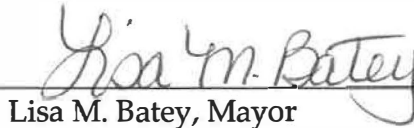
Section 2. Amendments. The Milwaukie Municipal Code (MMC) is amended as described in Exhibit B (underline/strikeout version), and Exhibit C (clean version).

Section 3. Effective Date. The amendments shall become effective 30 days from the date of adoption.

Read the first time on 9/1/26 and moved to second reading by 5:0 vote of the City Council.

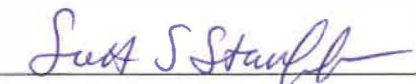
Read the second time and adopted by the City Council on 9/1/26.

Signed by the Mayor on 9/1/26.



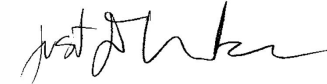
Lisa M. Batey, Mayor

ATTEST:



Scott S. Stauffer, City Recorder

APPROVED AS TO FORM:



Justin D. Gericke, City Attorney

**Recommended Findings in Support of Approval
File #ZA-2026-002, Manufacturing (M) and Business Industrial (BI) Zone Code
Amendments**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, the City of Milwaukie, proposes to amend regulations that are contained in Title 19 Zoning Ordinance of the Milwaukie Municipal Code (MMC). The land use application file number is ZA-2026-002.
2. The purpose of the proposed code amendments is to update both the Manufacturing (M) and Business Industrial (BI) zones to reflect current use categories and to clarify development standards. The proposed amendments are intended to provide greater consistency within the zoning code; they are not intended to change the intent or overall purpose of either zone. The amendments are located in several chapters of Title 19 of the municipal code:
 - Title 19 Zoning Ordinance, Chapter 19.300 – BASE ZONES
 - Section 19.309 Manufacturing Zone M
 - Section 19.310 Business Industrial Zone BI
 - Section 19.312 North Milwaukie Innovation Area
 - Chapter 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS
 - Section 19.504 Site Design Standards
 - Chapter 19.900 LAND USE APPLICATIONS
 - Section 19.906 Development Review
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.902 Amendments to Maps and Ordinances
 - MMC 19.1000 Review Procedures
4. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on August 11, 2026 and September 1, 2026 as required by law.
5. MMC 19.902 Amendments to Maps and Ordinances
 - a. MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.
 - (1) MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held a duly advertised public hearing on August 11, 2026. A public hearing before City Council was held on September 1, 2026. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (2) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.

- (a) MMC Subsection 19.905.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

The proposed amendments have been coordinated with and are consistent with other provisions of the Milwaukie Municipal Code. The amendments are specifically aimed at providing greater consistency with other sections of the zoning ordinance.

- (b) MMC Subsection 19.902.5.B.2 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan.

Only the goals, objectives, and policies of the Comprehensive Plan that are listed below are found to be relevant to the proposed text amendment.

- (i) Goal 8.1 for Urban Design & Land Use reads as follows:

Use a design framework that considers location and development typology to guide urban design standards and procedures that are customized by zoning district.

Policy 8.1.6 related to the International Way business district states:

Provide flexibility to allow a wide variety of employment uses including industrial, research, office, and limited commercial in the district.

Policy 8.1.7 related to the Johnson Creek industrial area states:

Provide opportunities for a wide variety of manufacturing, industrial, production and warehousing uses as well as more limited office and commercial uses.

The proposed amendments update the allowed uses in both the M and BI zones to allow broad allowances for industrial and manufacturing uses and limited retail and commercial uses.

- (ii) Goal 11.1 for Current and Future Economic Land Use reads as follows:

Provide a diverse range of uses, services, and amenities that contribute to a sustainable, equitable, and resilient economy and are adaptable to changing land uses and technology.

Policy 11.1.6 states:

Allow shared spaces, co-location, artist space and other emerging uses in industrial areas.

The proposed amendments update the allowed uses in both the M and BI zones to include creative space use allowances. Both zones include broad industrial and manufacturing use allowances which include emerging uses.

- (iii) Goal 11.2 for Economic Land Supply reads as follows:

Ensure the city has an adequate supply of land with access to reliable public services that meets the city's economic and employment needs.

Policy 11.2.3 states:

Help businesses flourish in Milwaukie, either on their current site or on sites that provide more opportunity for growth and expansion.

The proposed amendments clarify development standards and simplify review processes to ensure clear and consistent requirements for new developments and expansions.

The proposed amendments are consistent with the relevant goals and policies of the Comprehensive Plan.

- (c) MMC Subsection 19.902.5.B.3 requires that the proposed amendment be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies.

- (d) MMC Subsection 19.902.5.B.4 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. DLCD did not identify any inconsistencies with relevant State statutes or administrative rules.

The proposed amendments are found to be consistent with the Transportation Planning Rule since the proposed text amendment does not impact the transportation system. Given that the amendments are updating allowed uses and development standards they do not create the opportunity for any more vehicle trips than are currently allowed by other similar uses in each respective zone.

- (e) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.

Relevant federal regulations are those that address land use, the environment, or development in the context of local government planning. Typically, regulations such as those set forth under the following acts may be relevant to a local government land use process: the Americans with Disabilities Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Fair Housing Act, the

National Environmental Policy Act, the Religious Land Use and Institutionalized Persons Act, and the Resource Conservation and Recovery Act. None of these acts include regulations that impact the subject proposal or that cannot be met through normal permitting procedures. Therefore, the proposal is found to be consistent with federal regulations that are relevant to local government planning.

6. MMC 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.

- a. MMC 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.

The amendments were initiated by the Planning Manager on April 22, 2026.

- b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V review have been met as follows:

- (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.

Opportunity for public comment and review has been provided.

The current version of the draft amendments has been posted on the City's website since July 7, 2026. Public notices have also been posted at City Hall, the Johnson Creek Facility, the Public Safety Building, and the Ledding Library, since July 7, 2026.

- (2) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

A notice of the Planning Commission's August 11, 2026, public hearing was posted as required on July 7, 2026. A notice of the City Council's September 1, 2026, public hearing was posted as required on July 31, 2026.

- (3) Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

The Planning Manager has determined that the proposal affects a large geographic area. Notice to individual property owners and individual properties was not required.

- (4) Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to DLCD on July 6, 2026.

- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to Metro on July 6, 2026.

- (6) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

The proposed amendments generally do not further restrict the use of property. The proposed amendments broaden use categories and allowances and clarify development standards.

- (7) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.

The Planning Commission held a duly advertised public hearing on August 11, 2026 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on September 1, 2026 and approved the amendments.

Underline/Strikeout Amendments**Title 19 Zoning Ordinance****CHAPTER 19.300 BASE ZONES****§ 19.309. Manufacturing Zone M****§ 19.309.1. Purpose.**

The M Zone is intended to promote clean, employee-intensive industries, which may also include related supporting and accessory uses, such as commercial and office uses, which that serve the industrial area.

§ 19.309.2. Permitted Uses.

~~Permitted uses are limited to industrial uses meeting the following criteria:~~

- ~~A. Any combination of manufacturing, office, and/or commercial uses are allowed when at least 25% of the total project involves an industrial use as described under Subsection 19.309.2.B.~~
- ~~B. A use which involves the collection and assembly of durable goods, warehousing of goods, transshipment of goods from other sources, and/or the assembly of goods from products which have been processed elsewhere, general manufacturing, and production.~~
- ~~C. Commercial and office uses which are accessory to the industrial use(s). Such uses may include gymnasium, health club, secretarial services, sandwich deli, small restaurant, and retail/wholesale commercial use and showroom.~~
- ~~D. May produce small amounts of noise, dust, vibration, or glare, but may not produce off-site impacts that create a nuisance, as defined by DEQ or the City Noise Ordinance.~~
- ~~E. A permitted use may require outside storage areas. These storage areas shall be screened with a sight-obscuring fence or dense plantings from any adjoining residential uses or public streets.~~
- ~~F. Warehouse use which is accessory to an industrial use.~~
- ~~G. Marijuana retailers are allowed as a commercial use under Subsection 19.309.2.A. and subject to the special development standards set forth in Subsection 19.509.1.~~
- ~~H. The following uses are allowed outright and do not need to be part of a project involving an industrial use as described under Subsection 19.309.2.B.~~

~~1. 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.~~

~~2. 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 byproducts. 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. Auto service and repair shops for personal vehicles are allowed in the M Zone.~~

~~3. 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.~~

~~I. Marijuana and psilocybin production and cultivation facilities are subject to the regulations in Section 19.509.~~

~~A. Permitted Uses~~

~~Uses allowed outright are listed in Table 19.309.2 with a "P". These uses are allowed if they comply with the development and design standards and other regulations of this title.~~

~~B. Limited Uses~~

~~Uses listed in Table 19.309.2 as "L" are permitted only as limited uses.~~

~~C. Accessory Uses~~

~~Uses listed in Table 19.309.2 as "ACC" are permitted only as uses accessory to a primary use.~~

~~D. Community Service Uses~~

~~Uses listed in Table 19.309.2 as "CSU" are permitted only as community service uses in conformance with Section 19.904.~~

~~E. Conditional Uses~~

~~Uses listed in Table 19.309.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905.~~

F. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards of this zone may continue in existence. Except where otherwise stated in this section, the Provisions of Chapter 19.800 Nonconforming Uses and Development apply.

G. Prohibited Uses

Uses listed in Table 19.309.2 as “N” or not listed in Table 19.309.2 or determined to be similar pursuant to Subsections 19.310.2.G below, are prohibited.

H. Similar Uses

The Planning Manager, through a Type I review, may determine that a use that is not listed is considered similar to an example use listed in Table 19.309.2. The unlisted use will be subject to the standards applicable to the similar example use.

Table 19.309.2		
Uses Allowed in the Manufacturing Zone		
Uses and Use Categories	M	Additional Provisions
Commercial		
<u>Child care centers</u> <u>Provision of child care to children who are not the provider’s own, in a facility that is certified or recorded by the State of Oregon pursuant to ORS Chapter 329A and that is not a family child care home.</u> <u>Examples include certified child care facilities, preschools, school-age programs, parent cooperatives, and before-and after-school programs.</u>	P	
<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>	L ¹	
<u>High-impact commercial uses</u> <u>A commercial use that generates substantial traffic, noise, light, irregular hours, or other negative impact on the community. Examples include, but are not limited to: drinking establishments, commercial recreation, adult entertainment businesses, theaters, hotels, and motels.</u>	CU	Section 19.905.9 Standards Governing Conditional Uses
<u>Office</u>		

Table 19.309.2
Uses Allowed in the Manufacturing Zone

Uses and Use Categories	M	Additional Provisions
1. Production-related office	ACC	
2. Professional and administrative office	ACC	
<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>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>	L ¹	
Industrial, Manufacturing, and Production		
<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. Any associated on-site office use must be accessory to the primary construction business.</u>	P	
<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.), makerspaces, creative reuse and upcycling, sound stage and/or film production, set design and production, and music studio/production.</u>	P	
<u>Data Center</u> <u>This category comprises establishments, facilities, or firms primarily engaged in the storage, management, transmission, or dissemination of data and digital information using electronic equipment.</u> <u>Examples include: Facilities housing electronic equipment for remote IT infrastructure</u>	N	

Table 19.309.2
Uses Allowed in the Manufacturing Zone

Uses and Use Categories	M	Additional Provisions
<u>resources, networked servers, cloud computing services, and training artificial intelligence.</u>		
<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 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>P</u>	
<u>Repair and service</u> <u>This category comprises firms involved in repair and servicing of industrial, business, or consumer electronic equipment, machinery, and related equipment, products, or byproducts.</u> <u>Auto service and repair shops for personal vehicles are allowed in the M Zone.</u> <u>Examples include: welding shops; machine shops; aftermarket vehicle service 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.</u>	<u>P</u>	
<u>Trade schools and training facilities</u> <u>This category comprises establishments whose primary purpose is to provide training for industrial needs and job-specific certification.</u>	<u>P</u>	

Table 19.309.2
Uses Allowed in the Manufacturing Zone

Uses and Use Categories	M	Additional Provisions
<u>Examples include: electronic equipment repair training, truck-driving school, welding school, training for repair of industrial machinery, and other industrial skills training.</u>		
<u>Waste management</u> <u>This category comprises businesses that provide garbage and recycling hauling, including fleet parking and maintenance.</u> <u>Storage of waste or recycling materials collected by a waste management business for any period of time is not permitted.</u>	<u>CU</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.</u> <u>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.</u> <u>Mini-storage 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>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.</u>	<u>N</u>	
<u>Community Service Uses</u>		
<u>Schools (public or private)</u>	<u>N</u>	
<u>Religious institutions</u>	<u>N</u>	
<u>Other community service uses</u>	<u>CSU</u>	<u>Section 19.904 Community Service Uses</u>
<u>Marijuana and Psilocybin Businesses</u>		

Table 19.309.2
Uses Allowed in the Manufacturing Zone

Uses and Use Categories	M	Additional Provisions
<u>Marijuana retailers</u>	<u>P</u>	<u>Subsection 19.509.1 Standards for Marijuana Retailers</u> <u>Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses</u>
<u>Marijuana processing, testing, research, and warehousing</u>	<u>P</u>	<u>Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses</u>
<u>Marijuana production facilities</u>	<u>P</u>	<u>Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses</u> <u>Subsection 19.509.3 Marijuana Production Limitations</u>
<u>Psilocybin cultivation facilities as defined in ORS 475A, including planting, growing, harvesting, and propagation</u>	<u>P</u>	<u>Subsection 19.509.4 Psilocybin Cultivation Limitations</u>

Notes:P = PermittedL = LimitedACC = AccessoryCSU = Permitted with community service use approval subject to provisions of Section 19.904.CU = Permitted with conditional use approval subject to the provisions of Section 19.905 and where the use provides a needed service/product in the district.N = Not Permitted

1. Use is limited to 4,000 sq ft maximum. No more than five retail-oriented sales and/or eating establishments are permitted on a single site.

§ 19.309.3. ~~Preexisting Uses and Developments~~Development Standards.

~~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 amendments prohibiting retail uses in excess of 60,000 sq ft, 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.

In the Manufacturing Zone, the development standards in Table 19.309.3 apply. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column. Additional standards are provided in Subsection 19.309.4.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

Table 19.309.3 Manufacturing Zone—Summary of Development Standards		
Standards	M	Standards/Additional Provisions
A. Lot Standards		
1. Minimum lot size (sq ft)	None	
2. Minimum street frontage (ft)	None	
B. Development Standards		
Minimum yard requirements (ft)		Subsection 19.504.4 Transition Area Measures
Front yard	20	Subsection 19.309.4.B Transition Area
Side yard	None ¹	
Street side yard	10	
Rear yard	None ¹	
		Subsection 19.501.2 Yard exceptions
Maximum building height (ft)	45	
Minimum vegetation	15%	Subsection 19.504.5 Minimum Vegetation

1. When abutting a residential district, the minimum yard requirement must match the respective yard requirement of that district.

§ 19.309.4. 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.
- C.** Retail uses greater than 60,000 sq ft gross floor area per building or business are prohibited on all lots included in mapped "Employment" or "Industrial" areas as shown on Milwaukie Comprehensive Plan Title 4 Lands Map, April 6, 1999.
- D.** All lots included in mapped "Industrial" areas, as shown on Milwaukie Comprehensive Plan Title 4 Lands Map, April 6, 1999, carry the following additional restrictions:

- ~~1. Individual retail trade uses greater than 5,000 sq ft gross floor area per building or business are prohibited.~~
- ~~2. Multiple retail trade uses that occupy more than 20,000 sq ft gross floor area are prohibited, whether in a single building or in multiple buildings within the same project.~~
- ~~3. Facilities whose primary purpose is to provide training to meet industrial needs are exempted from this prohibition.~~

~~§ 19.309.5. Standards for Conditional Uses.~~

~~A. Natural Resource Extraction~~

- ~~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.~~

§ 19.309.46. Additional Development Standards for All Uses.

The following development standards apply to all uses in the M 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. A variety of trees, shrubbery, and ground cover is encouraged. Street trees are required along street frontages and within parking lots to help delineate entrances, provide shade, and permeable areas for storm water runoff. A bond or a financial guarantee of performance will be required.~~

~~E. Site Access~~

~~1 curb cut (45 ft maximum) per 150 ft of street frontage.~~

A. Outdoor Storage

A permitted use may require outside storage areas. These storage areas must be screened with a 6-ft high sight-obscuring fence or dense plantings from any adjoining residential uses or public streets. Vegetation used to screen outdoor storage areas must be of such species, number, and spacing to provide the required screening within 1 year after planting. All plantings used to screen outdoor uses must be maintained on an ongoing basis and must be replaced if vegetation is diseased, dying, or dead.

F.B. Transition Area

Industrial development ~~adjacent to and within 120 ft of areas zoned for residential uses is subject to Type I or II review per Section 19.906 Development Review. The review authority may attach conditions to reduce any potentially adverse impacts to residential properties.~~ The following characteristics will be considered:

~~1. Noise~~

~~2.1. Lighting – On-site lighting should not extend beyond the property line, nor should it point towards the residential zone.~~

~~3.2. Hours of operation – Operating characteristics between 10:00 p.m. and 7:00 a.m. should be reviewed to mitigate impacts.~~

~~4.3. Delivery and shipping – To the extent practicable, delivery and shipping doors should be oriented away from the residential zone.~~

~~5. Height of structure~~

~~6.4. Distance to residential zone boundary – The potential for impacts and mitigation should include consideration of the yard size between the building and the residential zone boundary.~~

~~The review authority may attach conditions to reduce any potentially adverse impacts to residential properties.~~

C. Uses must not be of a type or intensity that produces dust, odor, smoke, fumes, noise, glare, heat, vibrations, or other similar impacts that are incompatible with other uses allowed in this zone. In addition, the use must not produce off-site impacts that create nuisances as defined by the Oregon Department of Environmental Quality (D.E.Q.) or the noise control standards established in Chapter 8.08.

G. ~~Public Facility Improvements As specified in Chapter 19.700.~~

H. ~~Additional Standards~~

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

§ 19.309.7. Special Development Standards.

~~The following development standards apply to specified uses in the M Zone.~~

A. ~~Marijuana Businesses~~

B. ~~Marijuana retailers shall be subject to the standards of Subsection 19.509.1.~~

C. ~~Marijuana production, processing, testing, research, and warehousing shall be subject to the security and odor control standards of Subsection 19.509.2.~~

D. ~~Marijuana production facilities located in the M-Manufacturing zone shall be subject to the Marijuana Production Limitations set forth in Subsection 19.509.3.~~

§ 19.310. Business Industrial Zone BI

§ 19.310.1. Purpose.

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

§ 19.310.2. ~~Uses Permitted Outright.~~

~~A. The following business and industrial uses are allowed outright, subject to the standards of Subsection 19.310.6.~~

- ~~1. Experimental, research, film, or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards and/or nuisances off the site (marijuana testing or research shall also be subject to the security and odor control standards of Subsection 19.509.2);~~
- ~~2. Manufacturing, processing, fabrication, packaging, or assembly of products from previously prepared materials;~~
- ~~3. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing;~~
- ~~4. Trade schools primarily serving the business community within the area.~~

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

~~C. Warehousing and distribution (marijuana warehousing shall be subject to the security and odor control standards of Subsection 19.509.2).~~

~~D. Contractors and Related Businesses. 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.~~

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

A. Permitted Uses

Uses allowed outright are listed in Table 19.310.2 with a "P". These uses are allowed if they comply with the development and design standards and other regulations of this title.

B. Limited Uses

Uses listed in Table 19.310.2 as "L" are permitted only as limited uses in conformance with Section 19.310.3.

C. Community Service Uses

Uses listed in Table 19.310.2 as "CSU" are permitted only as community service uses in conformance with Section 19.904.

D. Conditional Uses

Uses listed in Table 19.310.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905.

E. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards of this zone may continue in existence. Except where otherwise stated in this section, the Provisions of Chapter 19.800 Nonconforming Uses and Development apply.

F. Prohibited Uses

Uses not listed in Table 19.310.2 or determined to be similar pursuant to Subsection 19.310.2.H below, are prohibited.

G. Similar Uses

The Planning Manager, through a Type I review, may determine that a use that is not listed is considered similar to an example use listed in Table 19.310.2. The unlisted use will be subject to the standards applicable to the similar example use.

Table 19.310.2		
Uses Allowed in the Business Industrial Zone		
Uses and Use Categories	BI	Additional Provisions
Commercial		
<u>Bank or other financial institution</u>	<u>L</u>	Section 19.310.3 <u>Limited Use Standards</u>
<u>Child care center</u> <u>Provision of child care to children who are not the provider's own, in a facility that is certified or recorded by the State of Oregon pursuant to ORS Chapter 329A and that is not a family child care home.</u> <u>Examples include certified child care facilities, preschools, school-age programs, parent cooperatives, and before- and after-school programs.</u>	<u>P</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, and coffee shops. Drive-in or drive-through service is not permitted.</u>	<u>L</u>	Section 19.310.3 <u>Limited Use Standards</u>
<u>Indoor/outdoor recreation</u>	<u>L/CU</u>	Section 19.310.3 <u>Limited Use Standards</u> Section 19.905 <u>Conditional Uses</u>

Table 19.310.2
Uses Allowed in the Business Industrial Zone

Uses and Use Categories	BI	Additional Provisions
<u>Office</u> 1. <u>Production-related office</u> 2. <u>Professional and administrative office</u>	<u>P</u> <u>P</u>	
<u>Personal/Business Services</u> Personal service firms are involved in providing consumer services. Examples include: a-barbershop, hair salon, tailor, equipment rental, shoe repair shop, self-service laundry, dry cleaning, office equipment service, photographer, and instruction studios.	<u>L</u>	Section 19.310.3 <u>Limited Use Standards</u> Section 19.905 <u>Conditional Uses</u>
<u>Retail-oriented sales</u> Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public. Products sold must be primarily those assembled or manufactured or produced onsite. The accessory retail outlet or showroom must be located within the associated manufacturing or production building.	<u>L</u>	Section 19.310.3 <u>Limited Use Standards</u>
<u>Industrial, Manufacturing, and Production</u>		
<u>Construction: contractors and related businesses.</u> 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.	<u>P</u>	
<u>Creative space</u> Industrial/manufacturing space specifically for artist-type uses. Examples include: artist manufacturing studios (welding, pottery, ceramics, painting, glass, etc.), makerspaces, creative reuse and upcycling, sound stage and/or film production, set design and production, and music studio/production.	<u>P</u>	
<u>Data Center</u> This category comprises establishments, facilities, or firms primarily engaged in the storage, management, transmission, or dissemination of data and digital information using electronic equipment. Examples include: Facilities housing electronic equipment for remote IT infrastructure resources, networked servers, cloud computing services, and training artificial intelligence.	<u>N</u>	

Table 19.310.2
Uses Allowed in the Business Industrial Zone

Uses and Use Categories	BI	Additional Provisions
<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 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>P</u>	
<u>Self-storage</u> <u>Mini-warehousing, mini-storage, public storage, and similar commercial facilities that lease storage space to the general public.</u>	<u>CU</u>	<u>Section 19.905</u> <u>Conditional Uses</u>
<u>Trade schools and training facilities¹</u> <u>This category comprises establishments whose primary purpose is to provide training for industrial needs and job specific certification.</u> <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>Wholesale trade, warehousing, and 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. Fulfillment centers engaged in selling and/or distributing merchandise to individual consumers are not included in this category.</u>	<u>P</u>	

Table 19.310.2
Uses Allowed in the Business Industrial Zone

Uses and Use Categories	BI	Additional Provisions
<u>Community Service Uses</u>		
<u>Schools (public or private)</u>	<u>N</u>	
<u>Religious institutions</u>	<u>N</u>	
<u>Other community service uses</u>	<u>CSU</u>	<u>Section 19.904</u> <u>Community Service</u> <u>Uses</u>
<u>Marijuana and Psilocybin Businesses</u>		
<u>Marijuana producers and processors subject to the standards of Subsection 19.509.2 and 19.509.3.</u>	<u>CU</u>	<u>Subsection 19.509.2</u> <u>Security and Odor</u> <u>Control for Certain</u> <u>Marijuana Businesses</u> <u>Subsection 19.509.3</u> <u>Marijuana Production</u> <u>Limitations</u> <u>Section 19.905</u> <u>Conditional Uses</u>
<u>Marijuana testing and research subject to the standards of Subsection 19.509.2.</u>	<u>P</u>	<u>Subsection 19.509.2</u> <u>Security and Odor</u> <u>Control for Certain</u> <u>Marijuana Businesses</u>
<u>Marijuana warehousing subject to the standards of Subsection 19.509.2.</u>	<u>P</u>	<u>Subsection 19.509.2</u> <u>Security and Odor</u> <u>Control for Certain</u> <u>Marijuana Businesses</u>
<u>Psilocybin cultivation facilities as defined in ORS 475A, including planting, growing, harvesting, and propagation</u>	<u>CU</u>	<u>Subsection 19.509.4</u> <u>Psilocybin Cultivation</u> <u>Limitations</u>

Notes:P = Permitted.L = Limited.ACC = Accessory.CSU = Permitted with community service use approval subject to provisions of Section 19.904.CU = Permitted with conditional use approval subject to the provisions of Section 19.905.1. All activities related to trade schools must be conducted inside an enclosed building.2. Outdoor storage of waste or recycling materials is prohibited.**§ 19.310.3. Accessory Uses.**Uses accessory to and in conjunction with uses permitted outright may include the

following:

- ~~A. Employee lounges and dining rooms, employee day care facilities, conference rooms for tenant use, newsstands, central mail room and self-service postal and banking facilities, and product information and display areas;~~
- ~~B. Executive, administrative, design, or product showroom offices provided in conjunction with uses listed under Subsection 19.310.2 of this section;~~
- ~~C. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts, which are provided in association with uses listed in Subsection 19.310.2 of this section;~~
- ~~D. Rental and development information offices, handyman and maintenance services, and other business offices and services in association with allowed uses in the development;~~
- ~~E. Recycling center, provided that any storage of materials shall be adequately screened;~~
- ~~F. Accessory uses and structures not otherwise prohibited which are customarily accessory and incidental to any use permitted outright or limited use;~~
- ~~G. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;~~
- ~~H. Retail outlets associated with manufacturing uses as outlined in Subsection 19.310.2.A.2 of this section. Products sold at the accessory retail outlet shall be primarily those assembled or manufactured onsite. The accessory retail outlet shall be located within the associated Manufacturing building and occupy up to a maximum of 25% of the floor area of the associated manufacturing building or 4,000 sq ft, whichever is less.~~

§ 19.310.34. Limited Uses.

- ~~A. Limited retail or service uses may be allowed that primarily service the needs of BI Zone clients, employees, and businesses, as opposed to the general public. These uses, subject to the provisions of Subsection 19.310.4.B below, shall include:

 - ~~1. A restaurant or deli, offering at least breakfast and/or lunch items, without a drive-in or drive-through service;~~
 - ~~2. Office supply and equipment, sales, or service;~~
 - ~~3. Personal/business services such as a barber, beauty parlor, tailor, dressmaking, shoe repair shop, self-service laundry, dry cleaning, photographer, instruction studios, or similar uses;~~
 - ~~4. A bank or other financial institution;~~~~

- ~~5. A computer or other similar small electronic office machines store, sales and service; and~~
- ~~6. Any other use similar and compatible to the above-listed uses.~~

Limited uses are subject to the following limitations and conditions on the development of the limited uses itemized above shall be as follows:

- ~~1. All limited uses shall be located, arranged, and integrated within the district to serve primarily the shopping and service needs of clients, businesses, and employees of the district;~~
- 2.1. Limited uses may occupy up to a maximum of 25% of the square footage of a building. A limited use that is to be located in a building and exceeds 25% of the building's square footage must be reviewed as a conditional use;
- 3.2. The Mmaximum floor area for a limited use is 4,000 sq ft;
- 4.3. All Llimited uses must comply with all other standards in Subsection 19.310.6.

§ 19.310.45. Conditional Uses.Development Standards.

~~A. Conditional uses may be established in a business industrial district subject to review and action on the specific proposal, pursuant to Section 19.905 Conditional Uses. Approval shall not be granted unless the proposal satisfies the criteria in Section 19.905; and in addition, the proposed use:~~

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

~~B. Uses allowed subject to the above conditions are:~~

- ~~1. Public and private community buildings, indoor and outdoor recreational facilities, such as swimming pools, racquetball clubs, athletic clubs, health and exercise spas, gymnasiums, tennis courts, playground, and other similar uses, developed to serve primarily the recreational needs of clients and employees of the district;~~
- ~~2. Mini-warehousing, mini-storage, public storage, and similar commercial~~

facilities that lease storage space to the general public;

3. ~~A limited use or uses that exceed 25% of the building's square footage as per SubSection 19.310.4.B.2 above.~~
4. ~~Marijuana producers and processors. Marijuana producers and processors shall be subject to the security and odor control standards of Section 19.509.~~

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 19.310.4 Business Industrial Development Standards		
Standard	BI	Standards/Additional Provisions
<u>Lot Standards</u>		
1. Minimum lot size (sq ft)	<u>None</u>	
2. Minimum street frontage (ft)	<u>None</u>	
<u>Development Standards</u>		
1. Setbacks (ft)		<u>Subsection 19.501.2 Yard exceptions</u>
a. Minimum front yard setback	<u>20</u>	
b. Minimum street side yard setback	<u>10</u>	
d. Side and rear yard setback	<u>10/None¹</u>	
2. Maximum building height (ft)	<u>45</u>	
3. Minimum landscaping	<u>15%²</u>	<u>Subsection 19.504.5 Minimum Vegetation</u>

Notes:

1. 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.
2. Sites adjacent to Hwy. 224 are required to provide a minimum of 20% site landscaping.

§ 19.310.56. Detailed Development Standards.

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.310.4.

In the BI district, the following standards shall apply to all uses:

- A.** ~~Lot size. None, except that lots created shall be of a size sufficient to fulfill the applicable standards of this district.~~
- B.** ~~Front yard. A front yard shall be at least 20 ft unless additional setback is required in SubSection 19.501.2.A.~~
- C.** ~~Side yard. No side yard shall be required except on corner lots where a side~~

yard shall be at least 10 ft on the side abutting the street, unless additional setback is required in Subsection 19.501.2.A.

~~D. Rear yard. No rear yard shall be required except as provided in Subsection 19.501.2.A.~~

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

~~F. Site Access~~

~~One curb cut (45 ft maximum) per 150 ft of street frontage, or fraction thereof, for Industrial uses; and 1 curb cut per 100 ft of street frontage or fraction thereof, for business park, limited or conditional uses.~~

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

~~H. Landscaping~~

~~15% of the site must be landscaped, except for sites adjacent to Hwy. 224, which shall provide landscaping to 20% of the site. This should consist of a variety of lawn, trees, shrubbery, and ground cover. Street trees must be provided along street frontages and within off-street parking lots to help delineate entrances, provide shade, and permeable areas for stormwater runoff. A bond or financial guarantee for landscape completion shall be required.~~

~~I.A. Screening and of Outdoorside Storage Uses~~
Outdoor uses must be screened as follows

- ~~1. Outside storage is permitted in side or rear yards. Outside storage adjacent to International Way, Freeman Way, 37th Ave., Lake Road, or Hwy. 224 is prohibited. Outside storage in side or rear yards is allowed, provided it is enclosed by a sight-obscuring fence or vegetative screen.~~
- ~~2. All outdoor storage areas must be screened from adjacent properties and public streets by a 6-ft-high sight-obscuring fence or wall or by the use of vegetation. Vegetation used to screen outdoor storage areas must be of such species, number, and spacing to provide the required screening within 1 year after planting.~~
- ~~3. All plantings used to screen outdoor uses must be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.~~

~~J. Building Siting and Design~~

~~Buildings and sites shall be designed using the following principles:~~

- ~~1. Sites shall be developed to the maximum extent practicable, so that buildings have solar access and utilize other natural features in their design.~~

2. ~~Assure that building placement and orientation and landscaping allow ease of security surveillance.~~
3. ~~Design buildings with shapes, colors, materials, textures, lines, and other architectural design features which enhance the character of the district and complement the surrounding area and development, considering, but not limited to, the following techniques:~~
 - a. ~~Use color, materials, and architectural design to visually reduce the scale and impact of large buildings;~~
 - b. ~~Use building materials and features that are durable and consistent with the proposed use of the building, level of exposure to public view, and exposure to natural elements.~~
4. ~~To the extent possible, screen or mask~~All roof-mounted mechanical equipment, except solar collection apparatus, must be screened or masked from view from adjacent major streets (Hwy 224, International Way, Harmony Road, and 37th Avenue).
5. ~~Orient major service activity areas (e.g., loading, delivery, and garbage collection, etc.) of the development away from major streets.~~
6. ~~Arrange use and buildings to maximize opportunities for shared circulation, access, parking, loading, pedestrian walkways and plazas, recreation areas, and transit related facilities.~~
7. ~~Provisions for bus shelters, bike racks, street furniture, kiosks, drinking fountains, art sculptures, and/or other pedestrian and transit amenities as required by Chapter 19.700.~~

K.B. Nuisances

The use shall must not be of a type or intensity ~~which that~~ produces dust, odor, smoke, fumes, noise, glare, heat, ~~or vibrations, or other similar impacts which that~~ are incompatible with other uses allowed in this zone; ~~and In addition, the use does must~~ not produce off-site impacts that create nuisances as defined by the Oregon Department of Environmental Quality (D-E-Q.) ~~and or~~ the City Noise Ordinance ~~control standards established in Chapter 8.08.~~

§ 19.310.67. Validity of Uses Design Standards.

~~In the BI Zone, uses that are subject to the provisions of this zone and were legally established/occupied on or prior to the effective date of the zone, shall be considered as legally Approved permitted, limited, or conditional uses as described by the BI Zone.~~

A. Definitions

1. New Construction

For the purposes of this subsection, new construction means new structures or development on a site that was previously undeveloped or

from which previously existing structures have been demolished.

2. Major Exterior Alterations

Major exterior alterations include any of the following:

- a.** Alterations that do not qualify as "exterior maintenance and repair" or "minor exterior alterations."
- b.** Demolition or replacement of more than 50% of the surface area of any exterior wall. For the purposes of this subsection, a wall is considered the entire wall plane if the change in wall plane is less than 24 in.
- c.** Additions that increase floor area by more than 75% of the existing floor area, or demolition or replacement of 50% or more of the existing floor area.

3. Minor 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, awnings, other vertical and horizontal projections, and exterior sheathing and wall cladding materials.

4. Exterior Maintenance and Repair

Exterior maintenance and repair includes refurbishing, painting, and weatherproofing of deteriorated materials, and in-kind restoration or replacement of damaged materials. Exterior maintenance and repair does not include replacement of materials due to obsolescence or replacement undertaken as part of a minor or major exterior renovation, as defined below.

5. Major Interior Alterations

Major interior alterations are interior alterations which include demolition or replacement of 50% or more of the existing floor area.

6. Change in Use

For the purposes of this subsection, change in use means a change in the primary use from one use to another.

B. Applicability of Standards

The site design standards contained in this subsection apply to all properties in the BI Zone. The building design standards in this subsection apply to the street-facing façades of buildings when the closest wall of the street-facing façade is within 50 ft of a front or street-side lot line. Existing buildings that do not comply with the site or building design standards may continue and may be modified in

accordance with this subsection.

Except as provided for major interior alterations, applicable standards only apply to the proposed modification and not to the nonmodified portion of the existing building. Exterior maintenance and repair, minor exterior alterations, and changes in use are exempt from these standards. Subsection 19.310.6.A defines new construction, exterior maintenance and repair, and major/minor exterior and interior alterations, and changes in use for the purposes of this subsection.

1. New Construction

All design elements apply to the construction of new primary structures. New accessory structures are exempt from the Access and Main Entrance element in Table 19.310.6.D.1 but all other design elements apply.

2. Major Exterior Alterations

All design elements apply to major exterior alterations. However, major exterior alterations that do not add or modify building entrances are exempt from the Access and Main Entrance element in Table 19.310.6.D.1.

3. Major Interior Alterations

Major interior alterations are exempt from the Orientation of Service Activity element in Table 19.310.6.D.2. All other design elements apply.

C. Review Process

An applicant may choose between two review processes available for review of development in the BI zone: objective and discretionary. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met. Applicants can address design review requirements through a combination of satisfying certain design standards and, in instances where they elect not to utilize design standards, satisfying the applicable design guideline instead. In such a case, the project will be reviewed using the Type II Development Review process outlined in 19.310.6.C.2.

1. Objective process: uses clear objective standards that do not require the use of discretionary decision-making. Developments reviewed against these standards will be processed with Type I Development Review per Subsection 19.906.2.A.1.

2. Discretionary process: uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility. Developments reviewed against these guidelines will be

processed with Type II Development Review per Subsection 19.906.2.B.1.

D. Building and Site Design Guidelines and Standards

Applicable guidelines and standards for the BI zone are located in Table 19.310.6.D. These standards should not be interpreted as requiring a specific architectural style. Table 19.310.6.D.1 specifies the primary, secondary, and prohibited material types referenced in Table 19.310.6.D.

Table 19.310.6.D		
Building and Site Design Guidelines and Standards		
<u>Design Element</u>	<u>Design Guidelines (Discretionary Process)</u>	<u>Design Standard (Objective Process)</u>
<u>Site Design</u>		
<u>1. Pedestrian Experience and Access</u>	<u>Arrange site to provide for safe pedestrian access and connections as well as weather protection.</u>	<u>All buildings must 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 must not be more than 40 ft from a public sidewalk. In all cases, a walkway must connect the primary entrance to the sidewalk. In cases where there is no sidewalk within the adjacent right of way (ROW), a walkway must connect the primary entrance to the ROW.</u> <u>All pedestrian entrances must include an awning, canopy, recess, or some other form of shelter to provide weather protection for users. Features used for weather protection must have a minimum depth of 4 ft for primary entrances and a minimum depth of 12 in for all other entrances.</u>
<u>2. Orientation of Major Service Activity</u>	<u>Orient major service activity areas of the development away from major streets.</u>	<u>Major service activity (e.g., loading, delivery, and garbage collection, etc.) must not be located on a façade that faces an adjoining major street (i.e., within 45 degrees of the street property line). Major streets in the BI zone are: Hwy 224, International Way, Harmony Road, and 37th Avenue.</u> <u>Building facades more than 200 ft from a property line along a major street may include major service activity provided there is a continuous 4-ft wide landscape buffer or another building which separates the entire length of the service activity area from the street.</u>
<u>Building Design</u>		
<u>3. Building</u>	<u>Use color, materials,</u>	<u>All buildings must incorporate design elements that break up</u>

Table 19.310.6.D
Building and Site Design Guidelines and Standards

<u>Design Element</u>	<u>Design Guidelines (Discretionary Process)</u>	<u>Design Standard (Objective Process)</u>
<u>Façade Design</u>	<u>and architectural design to visually reduce the scale and impact of large buildings.</u>	<u>all street-facing facades. For every 60 ft of street-facing façade, a minimum of one of the following elements must be provided:</u> <u>A recess of the building by a minimum of 2 ft deep and 6 ft long.</u> <u>A covered walkway or recessed entry a minimum of 5 ft deep and 6 ft long.</u> <u>A roof line offset of at least 5 ft from the top surface of one roof to the top surface of the other.</u> <u>Extending an architectural bay at least 2 ft from the primary street-facing façade.</u> <u>Exterior wall-mounted mechanical equipment is prohibited on street-facing facades.</u>
<u>4. Building Materials</u>	<u>Use building materials and features that are durable and consistent with the proposed use of the building, level of exposure to public view, and exposure to natural elements. Prohibited materials listed as (N) in Table 19.310.6.D.1 are not permitted.</u>	<u>All buildings must utilize the following building materials on exterior walls of street-facing facades. See Table 19.310.6.D.1 for the primary, secondary, and prohibited material types referenced in this standard.</u> <u>Buildings must utilize primary materials for at least 60% of the applicable building façades.</u> <u>Secondary materials are permitted on no greater than 40% of each applicable building façade.</u> <u>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.)</u> <u>Buildings must not utilize materials listed as prohibited materials (N).</u> <u>For existing development, façade modifications that affect more than 50% of the façade must comply with standards in this subsection. The Planning Manager may waive this requirement if application of the standards would create an incongruous appearance of existing and new materials.</u>

Table 19.310.6.D.1
Exterior Building Materials

<u>Material</u>	<u>Material Type</u>
<u>Brick</u>	<u>P</u>
<u>Stone/masonry</u>	<u>P</u>

Table 19.310.6.D.1
Exterior Building Materials

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

P = Primary material

S = Secondary material

A = Accent material

N = Prohibited material

§ 19.312 North Milwaukie Innovation Area

[...]

§ 19.312.2 Uses

[...]

Table 19.312.2
Uses Allowed in the North Milwaukie Innovation Area

Uses and Use Categories	NME	MUTSA	Standards/Additional provisions
[...]			
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	P	L	Subsection 19.312.4.B.1 Standards for Limited Uses

Table 19.312.2 Uses Allowed in the North Milwaukie Innovation Area			
Uses and Use Categories	NME	MUTSA	Standards/Additional provisions
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.			
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	
<u>Data Center</u> <u>This category comprises establishments, facilities, or firms primarily engaged in the storage, management, transmission, or dissemination of data and digital information using electronic equipment.</u> <u>Examples include: Facilities housing electronic equipment for remote IT infrastructure resources, networked servers, cloud computing services, and training artificial intelligence.</u>	<u>N</u>	<u>N</u>	
[...]			

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

§ 19.504 Site Design Standards

[...]

§ 19.504.8 Setbacks Adjacent to Transit

The following requirement applies to all new commercial, ~~office~~industrial, and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

When adjacent to a street served by transit, new commercial, ~~office~~industrial, or institutional Development, including uses authorized under Section 19.904 Community Service Uses, ~~shall~~must be set back no more than 30 ft from the right-of-way that is providing transit service.

- A. An individual building may be set back more than 30 ft, provided the building is part of an Approved phased development that will result in a future building(s) that complies with the 30-ft setback standard.
- B. For sites with multiple buildings, the maximum distance from a street with transit to a public entrance of the primary building ~~shall~~must be no more than 100 ft.
- C. If the proposed building is part of an institutional campus, the Planning Director may allow flexibility in the setback and orientation of the building. As a trade-off for this flexibility, enhanced sidewalk connections ~~shall~~must be provided between the institutional building(s) and nearby transit stops.
- D. If the site abuts more than one street served by transit, then the maximum setback requirement need only apply to one street.

CHAPTER 19.900 LAND USE APPLICATIONS

§ 19.906 Development Review

[...]

§ 19.906.2. Applicability.

[...]

B. Type II Review

The following development proposals must submit a development review application and are subject to the requirements of this section. Type II development review does not apply to development proposals in the downtown zones as these zones have a separate design review process.

1. New development, or expansions or modifications to existing development, for which the applicant elects, where a choice is available, to have the proposal reviewed against discretionary criteria or standards.
2. New construction of over 1,000 sq ft, either: 1) in the Manufacturing Zone within 120 ft of areas zoned for residential uses, or 2) ~~within any part of the Business Industrial Zone, or 3)~~ within any part of the North Milwaukie Innovation Area.
3. New development or expansions, or modifications to existing development, where the Planning Director determines that the scale of development and/or the level of discretion required to evaluate applicable standards and criteria is not appropriate for a Type I Development review.

Clean Amendments**Title 19 Zoning Ordinance****CHAPTER 19.300 BASE ZONES****§ 19.309. Manufacturing Zone M****§ 19.309.1. Purpose.**

The M Zone is intended to promote clean, employee-intensive industries, which may also include related supporting and accessory uses, such as commercial and office uses, that serve the industrial area.

§ 19.309.2. Uses.**A. Permitted Uses**

Uses allowed outright are listed in Table 19.309.2 with a "P". These uses are allowed if they comply with the development and design standards and other regulations of this title.

B. Limited Uses

Uses listed in Table 19.309.2 as "L" are permitted only as limited uses.

C. Accessory Uses

Uses listed in Table 19.309.2 as "ACC" are permitted only as uses accessory to a primary use.

D. Community Service Uses

Uses listed in Table 19.309.2 as "CSU" are permitted only as community service uses in conformance with Section 19.904.

E. Conditional Uses

Uses listed in Table 19.309.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905.

F. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards of this zone may continue in existence. Except where otherwise stated in this section, the Provisions of Chapter 19.800 Nonconforming Uses and Development apply.

G. Prohibited Uses

Uses listed in Table 19.309.2 as "N" or not listed in Table 19.309.2 or determined to be similar pursuant to Subsections 19.310.2.G below, are prohibited.

H. Similar Uses

The Planning Manager, through a Type I review, may determine that a use that is not listed is considered similar to an example use listed in Table 19.309.2. The unlisted use will be subject to the standards applicable to the similar example use.

Table 19.309.2 Uses Allowed in the Manufacturing Zone		
Uses and Use Categories	M	Additional Provisions
Commercial		
Child care centers Provision of child care to children who are not the provider's own, in a facility that is certified or recorded by the State of Oregon pursuant to ORS Chapter 329A and that is not a family child care home. Examples include certified child care facilities, preschools, school-age programs, parent cooperatives, and before-and after-school programs.	P	
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 ¹	
High-impact commercial uses A commercial use that generates substantial traffic, noise, light, irregular hours, or other negative impact on the community. Examples include, but are not limited to: drinking establishments, commercial recreation, adult entertainment businesses, theaters, hotels, and motels.	CU	Section 19.905.9 Standards Governing Conditional Uses
Office 1. Production-related office 2. Professional and administrative office	ACC ACC	
Retail-oriented sales Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public. 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.	L ¹	

Table 19.309.2 Uses Allowed in the Manufacturing Zone		
Uses and Use Categories	M	Additional Provisions
Industrial, Manufacturing, and Production		
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.	P	
Creative space Industrial/manufacturing space specifically for artist-type uses. Examples include: artist manufacturing studios (welding, pottery, ceramics, painting, glass, etc.), makerspaces, creative reuse and upcycling, sound stage and/or film production, set design and production, and music studio/production.	P	
Data Center This category comprises establishments, facilities, or firms primarily engaged in the storage, management, transmission, or dissemination of data and digital information using electronic equipment. Examples include: Facilities housing electronic equipment for remote IT infrastructure resources, networked servers, cloud computing services, and training artificial intelligence.	N	
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 beverage processing; software and electronics production; printing; fabrication of metal products; products made from manufactured glass; products made from rubber, plastic, or	P	

Table 19.309.2 Uses Allowed in the Manufacturing Zone		
Uses and Use Categories	M	Additional Provisions
resin; converted paper and cardboard products; and microchip fabrication. Manufacturing may also include high-tech and research and development companies.		
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 byproducts. Auto service and repair shops for personal vehicles are allowed in the M Zone. Examples include: welding shops; machine shops; aftermarket vehicle service 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.	P	
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, and other industrial skills training.	P	
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.	CU	
Wholesale trade, warehousing, distribution This category comprises establishments engaged in selling and/or distributing	P	

Table 19.309.2 Uses Allowed in the Manufacturing Zone		
Uses and Use Categories	M	Additional Provisions
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. Mini-storage facilities (generally used by many individual customers to store personal property) are not considered industrial warehousing and storage and are not permitted.		
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.	N	
Community Service Uses		
Schools (public or private)	N	
Religious institutions	N	
Other community service uses	CSU	Section 19.904 Community Service Uses
Marijuana and Psilocybin Businesses		
Marijuana retailers	P	Subsection 19.509.1 Standards for Marijuana Retailers Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses
Marijuana processing, testing, research, and warehousing	P	Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses
Marijuana production facilities	P	Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses Subsection 19.509.3 Marijuana Production Limitations

Table 19.309.2
Uses Allowed in the Manufacturing Zone

Uses and Use Categories	M	Additional Provisions
Psilocybin cultivation facilities as defined in ORS 475A, including planting, growing, harvesting, and propagation	P	Subsection 19.509.4 Psilocybin Cultivation Limitations

Notes:

P = Permitted

L = Limited

ACC = Accessory

CSU = Permitted with community service use approval subject to provisions of Section [19.904](#).

CU = Permitted with conditional use approval subject to the provisions of Section 19.905 and where there the use provides a needed service/product in the district.

N = Not Permitted

1. Use is limited to 4,000 sq ft maximum. No more than five retail-oriented sales and/or eating establishments are permitted on a single site.

§ 19.309.3. Development Standards.

In the Manufacturing Zone, the development standards in Table 19.309.3 apply. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column. Additional standards are provided in Subsection 19.309.4.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

Table 19.309.3
Manufacturing Zone—Summary of Development Standards

Standards	M	Standards/Additional Provisions
A. Lot Standards		
1. Minimum lot size (sq ft)	None	
2. Minimum street frontage (ft)	None	
B. Development Standards		
Minimum yard requirements (ft)		Subsection 19.504.4 Transition Area Measures
Front yard	20	
Side yard	None ¹	Subsection 19.309.4.B Transition Area
Street side yard	10	
Rear yard	None ¹	Subsection 19.501.2 Yard exceptions
Maximum building height (ft)	45	
Minimum vegetation	15%	Subsection 19.504.5 Minimum

Table 19.309.3 Manufacturing Zone—Summary of Development Standards		
Standards	M	Standards/Additional Provisions
		Vegetation

1. When abutting a residential district, the minimum yard requirement must match the respective yard requirement of that district.

§ 19.309.4. Additional Development Standards.

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

A. Outdoor Storage

A permitted use may require outside storage areas. These storage areas must be screened with a 6-ft high sight-obscuring fence or dense plantings from any adjoining residential uses or public streets. Vegetation used to screen outdoor storage areas must be of such species, number, and spacing to provide the required screening within 1 year after planting. All plantings used to screen outdoor uses must be maintained on an ongoing basis and must be replaced if vegetation is diseased, dying, or dead.

B. Transition Area

Industrial development within 120 ft of areas zoned for residential uses is subject to Type II review per Section 19.906 Development Review. The review authority may attach conditions to reduce any potentially adverse impacts to residential properties. The following characteristics will be considered:

1. Lighting – On-site lighting should not extend beyond the property line, nor should it point towards the residential zone.
2. Hours of operation – Operating characteristics between 10:00 p.m. and 7:00 a.m. should be reviewed to mitigate impacts.
3. Delivery and shipping – To the extent practicable, delivery and shipping doors should be oriented away from the residential zone.
4. Distance to residential zone boundary – The potential for impacts and mitigation should include consideration of the yard size between the building and the residential zone boundary.

C. Uses must not be of a type or intensity that produces dust, odor, smoke, fumes, noise, glare, heat, vibrations, or other similar impacts that are incompatible with other uses allowed in this zone. In addition, the use must not produce off-site impacts that create nuisances as defined by the Oregon Department of Environmental Quality (D.E.Q.) or the noise control standards established in

Chapter 8.08.

§ 19.310. Business Industrial Zone BI

§ 19.310.1. Purpose.

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

§ 19.310.2. Uses.

- A. Permitted Uses**
Uses allowed outright are listed in Table 19.310.2 with a "P". These uses are allowed if they comply with the development and design standards and other regulations of this title.
- B. Limited Uses**
Uses listed in Table 19.310.2 as "L" are permitted only as limited uses in conformance with Section 19.310.3.
- C. Community Service Uses**
Uses listed in Table 19.310.2 as "CSU" are permitted only as community service uses in conformance with Section 19.904.
- D. Conditional Uses**
Uses listed in Table 19.310.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905.
- E. Nonconforming Uses, Structures, and Development**
Existing structures and uses that do not meet the standards of this zone may continue in existence. Except where otherwise stated in this section, the Provisions of Chapter 19.800 Nonconforming Uses and Development apply.
- F. Prohibited Uses**
Uses not listed in Table 19.310.2 or determined to be similar pursuant to Subsection 19.310.2.H below, are prohibited.
- G. Similar Uses**
The Planning Manager, through a Type I review, may determine that a use that is not listed is considered similar to an example use listed in Table 19.310.2. The unlisted use will be subject to the standards applicable to the similar example use.

Table 19.310.2 Uses Allowed in the Business Industrial Zone		
Uses and Use Categories	BI	Additional Provisions
Commercial		
Bank or other financial institution	L	Section 19.310.3

Table 19.310.2 Uses Allowed in the Business Industrial Zone		
Uses and Use Categories	BI	Additional Provisions
		Limited Use Standards
Child care center Provision of child care to children who are not the provider's own, in a facility that is certified or recorded by the State of Oregon pursuant to ORS Chapter 329A and that is not a family child care home. Examples include certified child care facilities, preschools, school-age programs, parent cooperatives, and before- and after-school programs.	P	
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, and coffee shops. Drive-in or drive-through service is not permitted.	L	Section 19.310.3 Limited Use Standards
Indoor/outdoor recreation	L/CU	Section 19.310.3 Limited Use Standards Section 19.905 Conditional Uses
Office 1. Production-related office 2. Professional and administrative office	P P	
Personal/Business Services Personal service firms are involved in providing consumer services. Examples include: barbershop, hair salon, tailor, equipment rental, shoe repair shop, self-service laundry, dry cleaning, office equipment service, photographer, and instruction studios.	L	Section 19.310.3 Limited Use Standards Section 19.905 Conditional 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. Products sold must be primarily those assembled or manufactured or produced onsite. The accessory retail outlet or showroom must be located within the associated manufacturing or production building.	L	Section 19.310.3 Limited Use Standards
Industrial, Manufacturing, and Production		
Construction: contractors and related businesses. This category comprises businesses whose primary activity is performing specific building or other	P	

Table 19.310.2 Uses Allowed in the Business Industrial Zone		
Uses and Use Categories	BI	Additional Provisions
construction-related work, on- or off-site. Examples include: residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies.		
Creative space Industrial/manufacturing space specifically for artist-type uses. Examples include: artist manufacturing studios (welding, pottery, ceramics, painting, glass, etc.), makerspaces, creative reuse and upcycling, sound stage and/or film production, set design and production, and music studio/production.	P	
Data Center This category comprises establishments, facilities, or firms primarily engaged in the storage, management, transmission, or dissemination of data and digital information using electronic equipment. Examples include: Facilities housing electronic equipment for remote IT infrastructure resources, networked servers, cloud computing services, and training artificial intelligence.	N	
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 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	
Self-storage Mini-warehousing, mini-storage, public storage, and similar commercial facilities that lease storage space to the general public.	CU	Section 19.905 Conditional Uses
Trade schools and training facilities¹ This category comprises establishments whose primary purpose is to provide training for industrial needs and job specific certification. Examples include: electronic equipment repair training,	P	

Table 19.310.2 Uses Allowed in the Business Industrial Zone		
Uses and Use Categories	BI	Additional Provisions
truck-driving school, welding school, training for repair of industrial machinery, job skills training classrooms, and other industrial/employment skills training.		
Wholesale trade, warehousing, and 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. Fulfillment centers engaged in selling and/or distributing merchandise to individual consumers are not included in this category.	P	
Community Service Uses		
Schools (public or private)	N	
Religious institutions	N	
Other community service uses	CSU	Section 19.904 Community Service Uses
Marijuana and Psilocybin Businesses		
Marijuana producers and processors subject to the standards of Subsection 19.509.2 and 19.509.3.	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
Marijuana testing and research subject to the standards of Subsection 19.509.2.	P	Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses
Marijuana warehousing subject to the standards of	P	Subsection 19.509.2

Table 19.310.2 Uses Allowed in the Business Industrial Zone		
Uses and Use Categories	BI	Additional Provisions
Subsection 19.509.2.		Security and Odor Control for Certain Marijuana Businesses
Psilocybin cultivation facilities as defined in ORS 475A, including planting, growing, harvesting, and propagation	CU	Subsection 19.509.4 Psilocybin Cultivation Limitations

Notes:

P = Permitted.

L = Limited.

ACC = Accessory.

CSU = Permitted with community service use approval subject to provisions of Section 19.904.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905.

1. All activities related to trade schools must be conducted inside an enclosed building.
2. Outdoor storage of waste or recycling materials is prohibited.

§ 19.310.3. Limited Uses.

Limited uses are subject to the following limitations and conditions:

1. Limited uses may occupy up to a maximum of 25% of the square footage of a building. A limited use that is to be located in a building and exceeds 25% of the building's square footage must be reviewed as a conditional use;
2. The maximum floor area for a limited use is 4,000 sq ft;
3. Limited uses must comply with all other standards in Section 19.310.

§ 19.310.4. 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 19.310.4 Business Industrial Development Standards		
Standard	BI	Standards/Additional Provisions
Lot Standards		
1. Minimum lot size (sq ft)	None	
2. Minimum street frontage (ft)	None	

Table 19.310.4 Business Industrial Development Standards		
Standard	BI	Standards/Additional Provisions
Development Standards		
1. Setbacks (ft) a. Minimum front yard setback b. Minimum street side yard setback d. Side and rear yard setback	20 10 10/None ¹	Subsection 19.501.2 Yard exceptions
2. Maximum building height (ft)	45	
3. Minimum landscaping	15% ²	Subsection 19.504.5 Minimum Vegetation

Notes:

1. 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.
2. Sites adjacent to Hwy. 224 are required to provide a minimum of 20% site landscaping.

§ 19.310.5. Detailed Development Standards.

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.310.4.

A. Screening of Outdoor Uses

Outdoor uses must be screened as follows

1. Outside storage is permitted in side or rear yards. Outside storage adjacent to International Way, Freeman Way, 37th Ave., Lake Road, or Hwy. 224 is prohibited.
2. All outdoor storage areas must be screened from adjacent properties and public streets by a 6-ft-high sight-obscuring fence or wall or by the use of vegetation. Vegetation used to screen outdoor storage areas must be of such species, number, and spacing to provide the required screening within 1 year after planting.
3. All plantings used to screen outdoor uses must be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.
4. All roof-mounted mechanical equipment, except solar collection apparatus, must be screened or masked from view from adjacent major streets (Hwy 224, International Way, Harmony Road, and 37th Avenue).

B. Nuisances

The use must not be of a type or intensity that produces dust, odor, smoke, fumes, noise, glare, heat, vibrations, or other similar impacts that are incompatible with other uses allowed in this zone. In addition, the use must not

produce off-site impacts that create nuisances as defined by the Oregon Department of Environmental Quality (DEQ) or the noise control standards established in Chapter 8.08.

§ 19.310.6. Design Standards.

A. Definitions

1. New Construction

For the purposes of this subsection, new construction means new structures or development on a site that was previously undeveloped or from which previously existing structures have been demolished.

2. Major Exterior Alterations

Major exterior alterations include any of the following:

a. Alterations that do not qualify as "exterior maintenance and repair" or "minor exterior alterations."

b. Demolition or replacement of more than 50% of the surface area of any exterior wall. For the purposes of this subsection, a wall is considered the entire wall plane if the change in wall plane is less than 24 in.

c. Additions that increase floor area by more than 75% of the existing floor area, or demolition or replacement of 50% or more of the existing floor area.

3. Minor 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, awnings, other vertical and horizontal projections, and exterior sheathing and wall cladding materials.

4. Exterior Maintenance and Repair

Exterior maintenance and repair includes refurbishing, painting, and weatherproofing of deteriorated materials, and in-kind restoration or replacement of damaged materials. Exterior maintenance and repair does not include replacement of materials due to obsolescence or replacement undertaken as part of a minor or major exterior renovation, as defined below.

5. Major Interior Alterations

Major interior alterations are interior alterations which include demolition or replacement of 50% or more of the existing floor area.

6. Change in Use

For the purposes of this subsection, change in use means a change in the primary use from one use to another.

B. Applicability of Standards

The site design standards contained in this subsection apply to all properties in the BI Zone. The building design standards in this subsection apply to the street-facing façades of buildings when the closest wall of the street-facing façade is within 50 ft of a front or street-side lot line. Existing buildings that do not comply with the site or building design standards may continue and may be modified in accordance with this subsection.

Except as provided for major interior alterations, applicable standards only apply to the proposed modification and not to the nonmodified portion of the existing building. Exterior maintenance and repair, minor exterior alterations, and changes in use are exempt from these standards. Subsection 19.310.6.A defines new construction, exterior maintenance and repair, and major/minor exterior and interior alterations, and changes in use for the purposes of this subsection.

1. New Construction

All design elements apply to the construction of new primary structures. New accessory structures are exempt from the Access and Main Entrance element in Table 19.310.6.D.1 but all other design elements apply.

2. Major Exterior Alterations

All design elements apply to major exterior alterations. However, major exterior alterations that do not add or modify building entrances are exempt from the Access and Main Entrance element in Table 19.310.6.D.1.

3. Major Interior Alterations

Major interior alterations are exempt from the Orientation of Service Activity element in Table 19.310.6.D.2. All other design elements apply.

C. Review Process

An applicant may choose between two review processes available for review of development in the BI zone: objective and discretionary. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met. Applicants can address design review requirements through a combination of satisfying certain design standards and, in instances where they elect not to utilize design standards, satisfying the applicable design guideline instead. In such a case, the project will be reviewed using the Type II

Development Review process outlined in 19.310.6.C.2.

1. Objective process: uses clear objective standards that do not require the use of discretionary decision-making. Developments reviewed against these standards will be processed with Type I Development Review per Subsection 19.906.2.A.1.
2. Discretionary process: uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility. Developments reviewed against these guidelines will be processed with Type II Development Review per Subsection 19.906.2.B.1.

D. Building and Site Design Guidelines and Standards

Applicable guidelines and standards for the BI zone are located in Table 19.310.6.D. These standards should not be interpreted as requiring a specific architectural style. Table 19.310.6.D.1 specifies the primary, secondary, and prohibited material types referenced in Table 19.310.6.D.

Table 19.310.6.D Building and Site Design Guidelines and Standards		
Design Element	Design Guidelines (Discretionary Process)	Design Standard (Objective Process)
Site Design		
1. Pedestrian Experience and Access	Arrange site to provide for safe pedestrian access and connections as well as weather protection.	All buildings must 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 must not be more than 40 ft from a public sidewalk. In all cases, a walkway must connect the primary entrance to the sidewalk. In cases where there is no sidewalk within the adjacent right of way (ROW), a walkway must connect the primary entrance to the ROW. All pedestrian entrances must include an awning, canopy, recess, or some other form of shelter to provide weather protection for users. Features used for weather protection must have a minimum depth of 4 ft for primary entrances and a minimum depth of 12 in for all other entrances.

Table 19.310.6.D Building and Site Design Guidelines and Standards		
Design Element	Design Guidelines (Discretionary Process)	Design Standard (Objective Process)
2. Orientation of Major Service Activity	Orient major service activity areas of the development away from major streets.	Major service activity (e.g., loading, delivery, and garbage collection, etc.) must not be located on a façade that faces an adjoining major street (i.e., within 45 degrees of the street property line). Major streets in the BI zone are: Hwy 224, International Way, Harmony Road, and 37th Avenue. Building facades more than 200 ft from a property line along a major street may include major service activity provided there is a continuous 4-ft wide landscape buffer or another building which separates the entire length of the service activity area from the street.
Building Design		
3. Building Façade Design	Use color, materials, and architectural design to visually reduce the scale and impact of large buildings.	All buildings must incorporate design elements that break up all street-facing facades. For every 60 ft of street-facing façade, a minimum of one of the following elements must be provided: a. A recess of the building by a minimum of 2 ft deep and 6 ft long. b. A covered walkway or recessed entry a minimum of 5 ft deep and 6 ft long. c. A roof line offset of at least 5 ft from the top surface of one roof to the top surface of the other. d. Extending an architectural bay at least 2 ft from the primary street-facing façade. Exterior wall-mounted mechanical equipment is prohibited on street-facing facades.

Table 19.310.6.D Building and Site Design Guidelines and Standards		
Design Element	Design Guidelines (Discretionary Process)	Design Standard (Objective Process)
4. Building Materials	Use building materials and features that are durable and consistent with the proposed use of the building, level of exposure to public view, and exposure to natural elements. Prohibited materials listed as (N) in Table 19.310.6.D.1 are not permitted.	All buildings must utilize the following building materials on exterior walls of street-facing facades. See Table 19.310.6.D.1 for the primary, secondary, and prohibited material types referenced in this standard. a. Buildings must utilize primary materials for at least 60% of the applicable building façades. b. Secondary materials are permitted on no greater than 40% of each applicable building façade. c. 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.) d. Buildings must not utilize materials listed as prohibited materials (N). e. For existing development, façade modifications that affect more than 50% of the façade must comply with standards in this subsection. The Planning Manager may waive this requirement if application of the standards would create an incongruous appearance of existing and new materials.

Table 19.310.6.D.1 Exterior Building Materials	
Material	Material Type
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

**Table 19.310.6.D.1
Exterior Building Materials**

Material	Material Type
Vinyl siding	N
Exterior insulation finishing system (EIFS)	N
Plywood paneling	N

P = Primary material

S = Secondary material

A = Accent material

N = Prohibited material

§ 19.312 North Milwaukee Innovation Area

[...]

§ 19.312.2 Uses

[...]

**Table 19.312.2
Uses Allowed in the North Milwaukee Innovation Area**

Uses and Use Categories	NME	MUTSA	Standards/Additional provisions
[...]			
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 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	L	Subsection 19.312.4.B.1 Standards for Limited Uses

Table 19.312.2 Uses Allowed in the North Milwaukie Innovation Area			
Uses and Use Categories	NME	MUTSA	Standards/Additional provisions
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	
Data Center This category comprises establishments, facilities, or firms primarily engaged in the storage, management, transmission, or dissemination of data and digital information using electronic equipment. Examples include: Facilities housing electronic equipment for remote IT infrastructure resources, networked servers, cloud computing services, and training artificial intelligence.	N	N	
[...]			

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

§ 19.504 Site Design Standards

[...]

§ 19.504.8 Setbacks Adjacent to Transit

The following requirement applies to all new commercial, industrial, and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

When adjacent to a street served by transit, new commercial, industrial, or institutional Development, including uses authorized under Section 19.904 Community Service Uses, must be set back no more than 30 ft from the right-of-way that is providing transit service.

- A. An individual building may be set back more than 30 ft, provided the building is part of an Approved phased development that will result in a future building(s) that complies with the 30-ft setback standard.
- B. For sites with multiple buildings, the maximum distance from a street with transit to a public entrance of the primary building must be no more than 100 ft.
- C. If the proposed building is part of an institutional campus, the Planning Director may allow flexibility in the setback and orientation of the building. As a trade-off for this flexibility, enhanced sidewalk connections must be provided between the institutional building(s) and nearby transit stops.
- D. If the site abuts more than one street served by transit, then the maximum setback requirement need only apply to one street.

CHAPTER 19.900 LAND USE APPLICATIONS

§ 19.906 Development Review

[...]

§ 19.906.2. Applicability.

[...]

B. Type II Review

The following development proposals must submit a development review application and are subject to the requirements of this section. Type II development review does not apply to development proposals in the downtown zones as these zones have a separate design review process.

1. New development, or expansions or modifications to existing development, for which the applicant elects, where a choice is available, to have the proposal reviewed against discretionary criteria or standards.
2. New construction of over 1,000 sq ft, either: 1) in the Manufacturing Zone within 120 ft of areas zoned for residential uses, or 2) within any part of the North Milwaukie Innovation Area.

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- 3.** New development or expansions, or modifications to existing development, where the Planning Director determines that the scale of development and/or the level of discretion required to evaluate applicable standards and criteria is not appropriate for a Type I Development review.