

ORDINANCE NO 1577

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON AMENDING ORDINANCE NO 1438 BY ADDING THE M MANUFACTURING ZONE.

WHEREAS, the amendment was considered by the Planning Commission and recommended unanimously on June 25, 1985 and

WHEREAS, the Council finds that the amendment is in the public interest and is consistent with the purposes of Ordinance No. 1438 and the Comprehensive Plan, therefore

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings:

- A. The Comprehensive Plan adopted in 1979 designated certain property within the City of Milwaukie for Industrial development. The M Manufacturing Zone will replace the existing M-L (Limited Manufacturing- Industrial Zone) and M-G (General Manufacturing- Industrial Zone).
- B. The M Manufacturing Zone will promote clean, employee-intensive industries which may also include sub-ordinate, accessory related uses such as commercial and office uses.
- C. The M Manufacturing Zone is in compliance with the Comprehensive Plan Industrial Land Use Element in tha it will encourage a diversity of manufacturing uses within the City.

Section 2. Amendment. Ordinance 1438 is amended by adding Section 3.13 as follows on the next three pages:

STATEMENT OF PURPOSE: The purpose of this Manufacturing Zone is to promote clean, employee-intensive industries which may also include related accessory uses, such as commercial and office uses, which serve the industrial area.

1. 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 1.b. The combined uses shall provide at least 10 employees per acre.
- b. A use which involves the collection and assembly of durable goods, warehousing of goods, trans-shipment 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 day care center, 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 D.E.Q. and the City Noise Ordinance.
- e. Has access to a collector or arterial street.
- f. Provision for sidewalks and mass transit facilities (i.e. bus stop shelter, trash receptacle, benches) shall be made.
- g. 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.
- h. Warehouse use which is accessory to an industrial use.

2. 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 Uniform Fire Code, Article 80.
- b. New residential construction; churches; public schools.

3. AUTHORITY AND APPEAL OF ADMINISTRATIVE DECISIONS:

If the Planning Director has any questions regarding the applicant's ability to meet the criteria (a-h), the request may be scheduled for review by the Planning Commission. In addition, a member of the public may appeal a use administratively approved or denied by the Planning Director to the Planning Commission. See Section for appeal procedures.

Section 3.13. Manufacturing Zone, M.

4. CONDITIONAL USES:

a. Natural resource extraction.

Open pit and gravel excavating or processing shall not be permitted nearer than 50 feet 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 feet to the right-of-way line of an existing platted street or an existing public utility right-of way.

An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.

A rock crusher, washer, or sorter, shall be located nearer than 500 feet 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:

- a) Nearness to dwellings, churches, hospitals, or other uses which require a quiet environment.
- b) Building entrances, lighting, exterior signs, and other features which could generate or be conducive to noise or other disturbance for adjoining uses.
- c) Parking vehicles and pedestrian access and circulation could contribute to noise or attract habitual assembly or unruly persons.
- d) Hours of operation.
- e) 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 insure that such establishments do not become unduly or unnecessarily disruptive.

In addition, when considering an Adult Entertainment business, the following criteria shall be used: the proposed location of an adult entertainment business shall not be within 500 feet of an existing or previously approved adult entertainment business or within 500 feet of either a public park, a church, a day care center, a primary, elementary, junior high or high school or any residentially zoned property, both of which 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 impacted property or the closest structural wall of any pre-existing or previously approved adult entertainment business.

Section 3.13. Manufacturing Zone, M.

5. SITE DEVELOPMENT REQUIREMENTS:

- a. Setbacks: Front 20 feet  
Side None\*  
Corner side yard 10 feet  
Rear None\*
- b. Height: 45 feet\*\*
- c. Parking and Loading See Section 5
- 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 One curb cut (45 feet maximum) per 150 feet of street frontage.
- f. Transition Area  
When the industrial development is adjacent to and within 120 feet of areas zoned for Residential Uses, the following characteristics will be considered:
  - 1. Noise
  - 2. Lighting
  - 3. Hours of operation
  - 4. Delivery and shipping
  - 5. Height of structure
  - 6. Distance to Residential Zone boundary

The Commission may attach conditions to reduce any potentially adverse impacts to residential properties.

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

\*\*With provision for solar access which shall not restrict a building to less than thirty (30) feet.

Section 3.13 Limited Manufacturing-Industrial Zone M-L  
Delete entire section.

Section 3.14 General Manufacturing-Industrial Zone M-G  
Delete entire section.

Section 2.02. Delete reference to M-L and M-G Zones and add "Manufacturing M".

Amend Zoning Map to replace M-L and M-G Zones with M designation.

amended 8/06/85  
ckn

Read the first time on AUGUST 6, 1985 and  
moved to a second reading by LINANIMOUS vote of the  
City Council.

Read the second time and adopted by the City Council  
AUGUST 6, 1985.

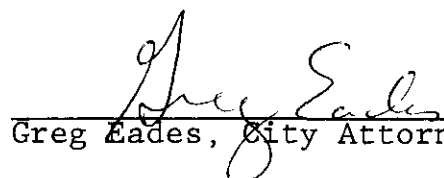
Signed by the Mayor on AUGUST 6, 1985.

  
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Ronald D. Kinsella, Mayor

ATTEST:

  
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Margaret A. Post, Finance Director

APPROVED AS TO FORM:

  
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Greg Eades, City Attorney