

ORDINANCE NO. 152941

An Ordinance amending Chapter 33.52, General Manufacturing Zone, of Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, Oregon by amending Sections 33.52.015, 33.52.020, 33.52.030, 33.52.040, 33.52.135 and 33.52.180 and by adding Section 33.52.137 to establish provisions and regulations for M2* zoned areas, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that:

1. On October 16, 1980, City Council passed Ordinance No. 150581 amending Title 33, Planning and Zoning, effective January 1, 1981 in order to implement the City's adopted Comprehensive Plan as required by State law.
2. As amended by Ordinance No. 150581, Title 33 established the M2, General Manufacturing Zone and the M1, Heavy Manufacturing Zone as "industrial sanctuaries", limiting commercial uses allowed as principal uses, requiring other commercial uses as conditional uses under prescribed provisions and prohibiting new residential construction.
3. On November 17 and December 1, 1981, the Planning Commission held public hearings and considered an application submitted by the Portland Development Commission for Comprehensive Plan amendments and zone changes for the St. Johns Riverfront Development Project area, P.C. File No. 7167 PA.
4. In evaluating zoning options for the subject site, the Planning Commission found that both the M3, Light Manufacturing Zone and the M2, General Manufacturing Zone were inadequate because of limitations on uses allowed under the two classifications.
5. The Planning Commission found that the M3 Zone was not appropriate for the subject site because:
 - a. most river-dependent uses are not permitted in M3;
 - b. M3 regulations would prohibit labor-intensive manufacturing activities on all but about 12 acres of the subject site; and
 - c. none of the existing manufacturing uses within the subject site are permitted in the M3 zone.
6. The Planning Commission also found that the M2 Zone was not appropriate for the subject site because:
 - a. objections were raised by both the public and the Commission to classifying the subject site as an "industrial sanctuary" as is inherent in the M2 zone; and
 - b. serious questions were also raised by the public and the Commission about the advisability to excluding new residential uses from the subject site by establishing zoning which prohibits such uses.

7. On December 1, 1981, concluding that both the M3 and M2 Zones were inadequate zoning options for the subject site, the Planning Commission recommended the creation of a special M2* zone, allowing commercial uses and housing in the M2 Zone, as set forth on pages 18 through 20 of the Planning Commission Report and Recommendation to the Portland City Council on P.C. File No. 7167 PA.
8. The proposed amendments to Chapter 33.52, General Manufacturing Zone maintain the primary emphasis on general manufacturing activities, while allowing certain commercial and residential uses within M2* zoned areas.
9. It is appropriate and in the public interest that the following amendments to Chapter 33.52, General Manufacturing Zone, be adopted to provide additional flexibility by establishing provisions and regulations for M2* allowing certain commercial and residential uses.

NOW, THEREFORE, the Council directs:

- a. Chapter 33.52, General Manufacturing Zone, of Title 33, Planning and Zoning, is hereby amended to read as follows:

33.52.010 Generally. *** (no change)

33.52.015 Purpose. To allow for sufficient land to be available for general industrial activity, and to protect industrial activity, and to protect industrial districts from the intrusion of non-manufacturing uses, while allowing certain commercial and residential uses within M2* zoned areas.

PRINCIPAL USES

33.52.020 Uses Permitted.

(1) through (7) *** (no change)

(8) Within M2* zoned areas, Group 1, 2, 5 and 6 uses listed in Section 33.42.020(g) shall be permitted.

33.52.030 Limitations on Use.

(a) and (b) *** (no change)

(c) Within M2* zoned areas, the following new uses ordinarily permitted in an M2 zone shall be prohibited but existing uses shall be allowed to continue as pre-existing uses:

1. Meat or fish smoking, curing or canning;
2. Automobile and truck wrecking;
3. Junk/rags, paper or metal salvage, storage, processing or treatment;
4. Poultry or rabbit killing;
5. Wrecking and salvage yard of building materials;
6. Brewery, distillery or winery;
7. Drive-in theaters;

8. Fuel oil distributor, retail;
9. Fuels, solid, yard;
10. Pickles, sauerkraut, or vinegar production.

(d) Within M2* zoned areas, new non-residential uses located adjacent to or directly across a right-of-way from an existing residential use or a residentially zoned area shall provide a landscaped buffer between the new industrial use and the residential use or residentially zoned area which meets the following requirements:

1. The buffer shall be at least 25 feet in width.
2. The buffer shall be heavily planted with evergreen bushes, trees and hedges. Such evergreen planting shall be established so as to reach a height of at least ten feet and to create a continuous hedge within a period not to exceed two years. Such planting shall at all times be maintained in a satisfactory manner.
3. The applicant may request that this buffering requirement be waived. Such requests shall be reviewed by the Planning Director or his/her designee and approved if it is found that existing topographic or other conditions would render such buffering ineffective. The applicant may appeal the decision of the Planning Director or his/her designee to the Hearings Officer, in which event the request shall be processed as a conditional use.

33.52.040 Off-street parking required.

(a) through (k) *** (no change)

(1) Within M2* zoned areas, for Group 1, 2, 5 and 6 uses, the regulations for required spaces shall be the same as those specified for Group 1, 2, 5 and 6 uses in Section 33.42.040.

33.52.050 (Off-street loading required) through 33.52.130 (Signs) *** (no change)

PRE-EXISTING USES

33.52.135 Pre-existing uses. (a) At the time an area is zoned M2, existing non-residential uses, which were allowed principal uses or approved conditional use under the former zoning and would become non-conforming due to Comprehensive Plan-initiated downzoning, shall be allowed to continue as approved conditional uses subject to the following regulations.

(1) through (5) *** (no change)

(b) At the time an area is zoned M2*, existing non-residential uses specified in Section 33.52.030(c) shall be allowed to continue as approved conditional uses subject to the regulations set forth in Section 33.52.135(a).

RESIDENTIAL USES

33.52.137 Residential Uses. Within M2* zoned areas, residential uses are permitted subject to the following regulations:

(a) Uses Permitted.

1. One-Family detached dwellings;
2. One-Family attached dwellings;
3. Two-Family dwellings;
4. Multi-Family dwellings.

(b) Where any lot is used for any of the above residential uses, all regulations governing principal uses in Chapter 33.32, R1 Multi-Family Residential Zone shall apply.

(c) All new residential construction shall be constructed with sound insulation to achieve a day/night average interior noise level of 45 dBA as a maximum.

(d) All new residential construction shall be oriented away from any existing major noise sources such as railroads and any industrial activity which is inherently noisy or vibration producing.

(e) A screen of evergreen planting shall be provided for all new residential uses abutting or directly across a right-of-way from an existing non-residential use at a distance equal to the depth of the required yard. This planting shall be established so as to reach a height of at least ten feet and to create a continuous hedge within a period not to exceed two years. Such screening shall at all times be maintained in a satisfactory manner.

CONDITIONAL USES

33.52.140 (Uses Permitted) through 33.52.175 (Automobile service station)
*** (no change)

33.52.180 Prohibited Uses. (a) The following uses are prohibited in M2 zones:

(1) through (3) *** (no change)

(b) Within M2* zoned areas, the following uses prohibited in M2 zones are allowed as principal uses:

(1) Group 6 uses as listed in Section 33.43.020(g).

(2) Residential uses as listed in Section 33.52.137(a).

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Section 2. The Council declares that an emergency exists because existing limitations on uses allowed under the M3 and M2 Zones have required the establishment of the M2* Zone and because the timely establishment of the M2* Zone is necessary for implementation of Planning Commission recommendations on P.C. File No. 7176 PA, therefore, this ordinance shall be in full force and effect upon passage by the council.

Passed by the Council, **MAR 4 1982**

Commissioner Mildred A. Schwab
January 5, 1982
Michael Harrison:sa

Attest:


Auditor of the City of Portland

569

Calendar No. ~~35~~

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Title

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THURSDAY

JAN 14 1982

CONTINUED TO FEB 25 1982

FEB 3 1982 *see CC 299-1*

CONTINUED TO MAR 4 1982

JAN 7 1982

Filed _____

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *George C. Crall*
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	<i>[initials]</i>	
LINDBERG	<i>[initials]</i>	
SCHWAB	<i>[initials]</i>	
STRACHAN	<i>[initials]</i>	
IVANCIE	<i>[initials]</i>	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

INTRODUCED BY
Commissioner Mildred A. Schwab

NOTED BY THE COMMISSIONER
Affairs <i>[initials]</i>
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL
Bureau: Planning
Prepared By: Michael Harrison Date: 1/5/82
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Required
Bureau Head <i>[Signature]</i>
Terry D. Sandblast, Director

CALENDAR
Consent Regular <input checked="" type="checkbox"/>

NOTED BY
City Attorney <i>KS Beaumont</i>
City Auditor
City Engineer