

ORDINANCE NUMBER 1330

AN ORDINANCE ESTABLISHING A MORATORIUM ON DEVELOPMENT IN AREAS WHERE A POTENTIAL CONFLICT EXISTS BETWEEN THE COMPREHENSIVE PLAN MAP AND THE ZONING MAP.

Section 1. This ordinance is enacted under the powers granted to the City under ORS 221.410 (1) and under the Milwaukie Charter, Chapter I, Section 2.

The City Council deems the provisions of this ordinance necessary to promote the health, safety and welfare of the City of Milwaukie.

Section 2. The provisions of this ordinance shall not apply to areas in the Comprehensive Plan Map designated for Recreation, Open Space or Scenic Preservation or for Public or Semi-Public Facilities.

Section 3. The provisions of this ordinance shall apply to land indicated on the Zoning Map for a residential density which is greater than that designated on the Comprehensive Plan Map. The Zoning Map is that map adopted under Ordinance 1183 as amended. The Comprehensive Plan Map is that part of the Comprehensive Plan adopted by Council as Resolution Number 2-1970.

Section 4. The provisions of this ordinance shall apply to those areas designated on the Comprehensive Plan Map for residential, apartment-office-residential, commercial or industrial which do not have corresponding designations in the Comprehensive Plan Map and the Zoning Map. Table 1 outlines the corresponding land use designations of the Comprehensive Pan Map and the Zoning Map.

Comprehensive Plan Land Use Designation	TABLE 1	Zoning Land Use Designation
Low Density Residential		R-10 Single Family Residential Zone R-7 Single Family Residential Zone on a limited basis C-N Neighborhood Commercial Zone
Medium Density Residential		R-10 Single Family Residential Zone R-7 Single Family Residential Zone R-5 Single Family Residential Zone on a limited basis A-3 Apartment Residential Zone on a limited basis C-N Neighborhood Commercial Zone
High Density Residential		R-10 Single Family Residential Zone R-7 Single Family Residential Zone R-5 Single Family Residential Zone A-3 Apartment Residential Zone A-2 Apartment Residential Zone C-N Neighborhood Commerical Zone
Apartment Office Residential		A-1-B Apartment Business Office Residential Zone
Commercial		C-L Limited Commercial Zone C-C Central Commercial Zone C-G General Commercial Zone

Industrial	M-L Limited Manufacturing-Industrial Zone
	M-G General Manufacturing-Industrial Zone

Section 5. Building permits shall not be issued in areas of conflict delineated in Section 3 and Section 4.

Section 6. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of public health, peace, safety and best interests of the inhabitants of the City of Milwaukie, Oregon. Therefore, an emergency is hereby declared to exist and this ordinance shall take effect and be in full force and effect from the date of passage by the Council and signing by the Mayor.

Section 7. This measure shall be considered an interim ordinance. Its provisions shall be in force during the period in which the City is revising the Comprehensive Plan and Zoning Ordinance to resolve conflicts defined in Section 5, and to meet requirements of ORS Chapter 197, and the State-wide Planning Goals, Guidelines, Rules and Procedures of the Oregon Land Conservation and Development Commission; but not to exceed two years from the date of its passage by the Council. A public notice, with legal notice filed in a newspaper of general circulation in the City, shall be required for passage of an extension of this moratorium.

Section 8. If a property owner desires to proceed with development covered by Section 5, a Petition for Resolution of Conflict may be applied for. The petition shall state the change in zoning or comprehensive plan map desired, and shall be accompanied by the information required of applicants for a zone change. The filing fee and procedures for considering and acting upon the petition will be as set forth in Zoning Ordinance Number 1316 for a change of zone. Also, in considering the petition, the City will take into account and utilize, as appropriate, information and procedures for citizen involvement, which have been developed for revision of the comprehensive plan.

Read the first time this 19th day of January, 1976, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council this 19th day of January, 1976.

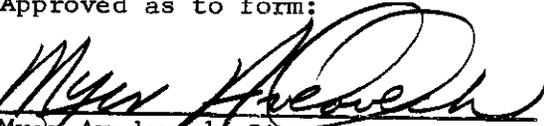
Signed by the Mayor this 19th day of January, 1976.


 Bill Hupp, Mayor

ATTEST:


 Dorothy E. Farrell, Recorder

Approved as to form:


 Myer Avedovech, City Attorney