

12/8/98

CITY ORDINANCE NO. 1063
CITY OF PRINEVILLE

AN ORDINANCE AMENDING CITY LAND DEVELOPMENT ORDINANCE NO. 1057,
ESTABLISHING AN INDUSTRIAL PARK (M-3) ZONE,
AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF PRINEVILLE, OREGON, DO ORDAIN AS FOLLOWS:

SECTION 1. ADD SECTION 3.200 TO CITY ORDINANCE NO. 1057 TO READ AS FOLLOWS:

SECTION 3.200. INDUSTRIAL PARK, M-3 ZONE. In a M-3 Zone, the following regulations shall apply:

(1) Purpose. The purpose of the Industrial Park M-3 Zone is to provide for a variety of commercial, wholesale, trade and distribution, bulk retailing and industrial uses in a "park" or "planned unit development" type setting where visual appearance is a prime consideration. Uses permitted in this Zone should require little or no outdoor storage of products, materials or equipment except as may otherwise be permitted in approved landscaped display areas. In many cases, such will require the limiting or exclusion of those commercial and industrial uses which commonly involve open, outside storage and outside operations that are not aesthetically attractive, that are commonly found in more intensive type industrial settings, and/or involve hazardous or nuisance creating conditions, real or potential. Relative thereto, the provisions of this section are intended to:

- (a) Provide a mix of clean and attractive industries and commercial uses which have no on-site or off-site impacts in terms of noise, odor, glare, lights, smoke, dust or visual types of impacts;
- (b) Provide for combining building materials and appearances, parking, landscaping and other design features which physically enhance the overall attractiveness of the area;
- (c) Establish and maintain high aesthetic standards and preserve and enhance the natural features of the area; and
- (d) Encourage originality, flexibility, and innovation in site planning and development, including architecture, landscaping and graphic design.

(2) Uses Permitted Outright. In an M-3 Zone, the following uses and their accessory uses are permitted outright when they satisfy the purposes of this zone, and the performance design standards, operational impact standards, and the limitations set forth in Subsections (5), (6) and (7) of this Section respectively.

Section 3.200. M-3 Zone. (2) Outright Uses; Contd.

- (a) Business and professional offices, including product design, sales, service, packaging; corporate headquarters or regional offices.
- (b) Professional offices for architect/designer, accountant, attorney, engineer/surveyor, insurance agent, investment counselor, travel agent and similar business services that support or complement the other permitted and existing uses in the M-3 Zone.
- (c) Scientific research or experimental development of materials, methods or products, including engineering and laboratory research, or film offices and laboratories, and including testing facilities.
- (d) Manufacturing, processing, fabrication, packaging, or assembly of products, not including the primary processing of raw materials.
- (e) Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting, or photo processing.
- (f) Administrative, educational and other related activities and facilities in conjunction with a permitted use.
- (g) Trade or other technical skill schools primarily serving the business communities within the area or region.
- (h) Contractor's or building materials business, and other construction related business including plumbing, electrical, roofing, siding, etc. totally within a building, including all storage.
- (i) Ice or cold storage plant, bottling plant or food processing and/or packaging plant totally enclosed within a building, but not including the production of fish or meat products, or fermented foods such as sauerkraut, vinegar, or the like, or the rendering of fats and oils.
- (j) Wholesale distribution outlet, including warehousing, totally within a building, but outside product display common to the use in an approved landscaped display area.
- (k) Enclosed storage facilities including mini-warehouse operations, but excluding outdoor storage of vehicles, boats, and recreation vehicles.
- (l) Welding, sheet metal, machine shop or other metal fabrication establishment, totally within a building.
- (m) Veterinary clinic or kennel totally enclosed within a building.
- (n) Compounding, packaging and storage of cosmetics, drugs, perfumes, pharmaceuticals, soap or toiletries, excluding refining or rendering of fats and oils.
- (o) Government buildings including armories, maintenance, repair, or storage facilities, not including outside storage of equipment and materials.

Section 3.200. M-3 Zone. (2) Outright Uses; Contd.

- (p) Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or electronic supplies and equipment, business machines, boats, furniture, signs, metal goods, tires, and similar operations totally within a building.
- (q) Tire manufacturing business, which includes all of the following elements: tire and tire equipment manufacturing, retail sales, distribution, warehousing, trucking, and associated repair and office facilities wholly enclosed within a building.
- (r) Utility facilities necessary for public service.
- (s) Land partitioning where no new road or street is created.
- (t) Maintenance or repair of an existing transportation facility, including reconstruction, surfacing, minor widening or realignment of an existing road within an existing right-of-way, including the addition of turn refuges at existing street intersections, but not including the addition of "through" travel lanes unless provided for in within a locally adopted Transportation System Plan (TSP), the State Highway Transportation Improvement Plan, or as has been identified in a specific development review and approval process.
- (u) Temporary improvements in association with construction projects, such as temporary roads and detours.
- (v) Bikeways, footpaths, and recreation trails.
- (w) Construction of new streets and roads, including the extensions of existing streets and roads, that are included within locally adopted TSP (as may be amended), the State Highway Transportation Improvement Plan, or as has been identified in a specific development review and approval process.

(3) Conditional Uses Permitted. In an M-3 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this Section and Article 6 of this Ordinance.

(a) Type I Conditional Uses:

- (A) Any use permitted as an Outright Use in Subsection (2) of this Section that involves outside storage of equipment, materials, and products.

Section 3.200. M-3 Zone. (3.a.) Type I Conditional Uses; Contd.

- (B) Any use permitted in Subsection (2) of this Zone as an Outright Use that requires a contaminant discharge permit from the State Department of Environmental Quality.
- (C) Any use permitted in Subsection (2) of this Zone as an Outright Use where buildings are proposed to occupy more than 50 percent of the total lot or parcel area.
- (D) Any use permitted in Subsection (2) of this Section that is located within an Airport Approach (AA) or other Airport Protection Zone such as the RPZ, BRL, OFA, and RSA areas as identified by the Airport Master Plan as may be amended.
- (E) Wood products manufacturing or remanufacturing, provided all manufacturing is within an enclosed building, including cabinet shops, but not including the primary processing of raw materials.
- (F) Repair, rental, sales, servicing and storage of machinery, implements, equipment, recreation vehicles, delivery and service vehicles, and mobile or modular homes, and the manufacturing and/or assembling of all items listed herein, including enclosed/sight-obscuring fenced outside storage of equipment and materials.
- (G) Automobile and Truck sales and service, including service stations and truck stops with cafes, convenience stores, car washes, and other directly related types of uses.
- (H) Machinery or heavy equipment sales, service, repair, rental and storage, provided all repair and service work onsite is within a building, and including open/outside display of equipment for sale, but requiring all equipment for repair and materials therefor be enclosed.
- (I) Farm, feed and/or garden supply business including enclosed storage with open display of equipment and goods, but excluding onsite processing not totally enclosed within a building.
- (J) Governmental structure or land use not specifically permitted in Subsection (2) of this Section.
- (K) Telephone, radio and television facilities, and electrical and other public or private utility facilities, but not including towers.
- (L) Utility substations.

(b) Type II Conditional Uses:

- (A) Any use proposing open/outside storage and or display of equipment and materials that is permitted in Subsection (3)(a) of this Section as a "Type I Conditional" Use "not including or excluding open/outside storage of equipment and/or materials."

Section 3.200. M-3 Zone. (3.b.) Type II Conditional Uses; Contd.

- (B) Concrete or ready-mix plants, not including the quarrying, mining and processing of raw materials on site.
- (C) Agricultural products storage and processing plants, including agricultural fertilizer and chemical operations, and not permitted as an Outright use in Subsection (2) of this Section.
- (D) Petroleum, synthetic or other fuel producing and/or packaging plant, and by-products thereof, including storage and distribution.
- (E) Commercial utility facilities or other facilities for the purpose of generating power for sale.
- (F) Solid waste transfer station and/or recycling facility.
- (G) Any other retail trade, business or industrial uses found similar to or compatible with the existing uses in said M-3 Zone that has not been declared a nuisance by the City, the County, or a court of competent jurisdiction, provided such use is not expected to create a nuisance because of odor, noise, dust, smoke, gas, traffic or other factors, is found to be in compliance with applicable nuisance and pollution regulations, and is not specifically permitted in another Zone.

(4) Accessory Uses. In addition to those accessory uses that are common to a permitted use, the following additional uses shall be allowed in an M-3 Zone as accessory uses to the primary use.

- (a) Temporary buildings for uses incidental to construction work which will be removed upon completion or abandonment of the construction work;
- (b) Street furniture and bus or other common carrier shelters;
- (c) Solar collection apparatus meeting all the dimensional and development standards of this Zone;
- (d) Satellite dishes, provided such use is buffered from periphery and internal circulation roads;
- (e) Cafeterias, employee lounges and dining rooms;
- (f) Employee day-care facilities, conference rooms for tenant uses, newsstands, central mail room and self-service postal and banking facilities, and product information and display areas.
- (g) Indoor and outdoor recreational facilities for employees, such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, tennis and other courts, bicycle, jogging and exercise trails and courses, playfields, pedestrian plazas and courts, and similar uses.

Section 3.200. M-3 Zone; Contd.

(5) Performance Design Standards. In an M-3 Zone, structures, circulation, parking, loading, and landscaping shall be designed to:

- (a) Avoid undue disturbance of significant vegetation, slopes, drainage ways, and other natural features;
- (b) Incorporate and use significant natural features to enhance the quality of the development and preserve the visual character of the site and the area;
- (c) Project a positive image as viewed from both inside and outside the site;
- (d) Minimize the impact of truck loading and maneuvering, and outside display areas; and
- (e) Minimize hazards and conflicts with airport operations.

(f) Building Types and Designs permitted in the M-3 Zone shall be designed and constructed to comply with the following provisions:

- (A) Are designed for the specific site to accomplish the objectives set forth in (a) through (d) above;
- (B) Buildings that provide for natural light penetrations into work areas using windows, skylights, atriums, courtyards, etc. are preferred;
- (C) Should have distinctive public entrances into the building;
- (D) Use color, materials, and architectural design to visually reduce the scale and impact of large buildings.
- (E) Use high-image and durable exterior materials and finishes such as masonry, architecturally treated tilt-up concrete, glass, wood or stucco, or combinations thereof; Metal siding materials are permitted provided that not less than 15% of the exterior surfaces are accented by the use of the foregoing materials in combination therewith.
- (F) To the extent possible, screen or mask roof-mounted mechanical equipment, except solar collection apparatus, from view.
- (G) Buildings shall be oriented so that major service activity areas (e.g. loading, delivery, garbage collection, etc.) are away from major streets and thoroughfares, especially arterials and collectors.

(f) Outdoor Storage/Process Areas.

- (A) Outdoor storage of materials or products is limited, and may only be permitted if fully enclosed and screened from an adjoining street, especially an arterial or collector.

Section 3.200. M-3 Zone.(5)(f) Design Standards/Outdoor Areas;
Contd.

- (B) No outdoor processes shall be permitted in the operation of the business except for the loading, unloading, delivery and shipping of materials and products.
 - (C) Loading, unloading, delivery and/or shipping areas shall be located to the side or rear of buildings relative to adjoining streets or roads unless topography, natural features, or other requirements of this Section dictate front yard loading bays.
 - (D) Loading/unloading docks may be required to be recessed, screened, or otherwise designed to be buffered from adjacent properties, streets and roads.
 - (E) Waste and recycle receptacles shall be maintained within enclosed structures in all cases.
- (g) Display Areas. All display areas shall be located within a building except when such display is common to a permitted use, and shall then be limited to a specific area designated for that purpose and appropriately designed and landscaped; Such areas shall be subject to a continuing review, and are subject to additional requirements, improvements, and/or limitations at any time.
- (h) Landscaping.
- (A) A minimum of fifteen percent (15%) of the developed site shall be landscaped, except for sites located adjacent to an arterial or collector, twenty-five percent (25%) of the area within 100 feet of said street shall be landscaped and shall, at a minimum, include a minimum five(5)-foot landscaped buffer along said street.
 - (B) Landscaping should consist of a variety of lawn, trees, shrubbery, and ground cover, and may include preserved natural vegetation.
 - (C) Street trees must be provided along street frontages and within off-street parking lots except where significant trees already exist; Such trees are required to help delineate entrances, to provide shade and to provide permeable areas for storm water drainage.
 - (D) In addition to the requirements set forth in this Section, landscaping Zone shall be provided and maintained in compliance with the provisions of Section 4.090 of this Ordinance, particularly as related to Parking Lots, Buffering and Screening, and Maintenance.

Section 3.200. M-3 Zone; (5) Design/Landscaping; Contd.

(E) A bond or other financial guarantee may be required to insure landscape completion.

(6) Operational Impact Standards. In an M-3 Zone, uses are limited by the following operational impact standards:

- (a) No use is permitted in the M-3 Zone which will or is expected to produce noise, fumes, gases, or vibrations which exceed the standards of the State Department of Environmental Quality (DEQ).
- (b) No use is permitted which is reasonably expected to create a nuisance because of noise, smoke, odor, dust or gas.
- (c) For uses requiring pollution or contaminant discharge permits by an agency other than the City, final approval for such a use shall not be issued by the City prior to review and approval by the applicable permit reviewing authority(s).
- (d) No use is permitted in the M-3 Zone which will or is expected to generate, release, store or deposit hazardous materials or substances except as specifically approved by DEQ and/or any other appropriate state and/or federal agency.
- (e) No use is permitted in the M-3 Zone if determined to be hazardous to aircraft operations by the FAA or State Aeronautics.

(7) Use Limitations. In an M-3 Zone, all permitted uses shall be subject to the following limitations and standards.

- (a) No use shall be permitted which has been declared a nuisance by action of the City, the County, or by a court of competent jurisdiction.
- (b) Materials shall be stored and grounds maintained in such a manner as to prevent the attraction of or aid in the propagation of insects or rodents, or in such a manner as to not otherwise create a public health hazard or attractive nuisance hazard, or a hazard to airport operations.
- (e) All parking demand created by any use permitted in this Zone shall be accommodated entirely on-premise or off-street on another area or adjoining premise shared by one or more uses permitted in this Zone.
- (f) No use permitted in this Zone shall require the backing of traffic onto a public right-of-way to accommodate ingress and egress to the subject use.
- (g) Except as approved otherwise by the City in accordance with applicable access management provisions, there shall not be more than one access for ingress and egress from properties accommodating uses permitted by this section.

Section 3.200. M-3 Zone; Contd.

(8) Dimensional Standards. In an M-3 Zone, the following Dimensional Standards shall apply:

- (a) The minimum lot area shall be determined in accordance with the provisions of this Section and this Ordinance relative to yard and other setback requirements, off-street parking and loading requirements, and such additional area as deemed necessary by the City to maintain air, water and land resource quality and to protect adjoining and area land uses.
- (b) The minimum building setback between a structure and the right-of-way line of a collector or local street shall be 25 feet, and 50-feet to the right-of-way line of an arterial, and such setbacks shall be increased one foot for each foot of structural height above 35 feet, except as otherwise required or approved by the City.
- (c) A side or rear yard shall be a minimum of 10 feet and shall be increased 1/2 foot for each foot of structural height above 35 feet, unless otherwise approved by the City.
- (d) Internal Site Setbacks. A 20 feet setback shall be provided between buildings within a site area, and 10 feet between any building and an internal circulation road or drive (Note: an internal circulation road is any public or private roadway which provides direct access to more than one use, building or parcel within a site area but not including connecting driveways within or between parking areas).
- (e) A structure located on the corner of two roads shall observe the minimum setback requirement for both roads, provided such also complies with the Vision Clearance requirements applicable thereto.
- (d) No building shall exceed a height of 35 feet except as otherwise approved by the City upon establishing the following findings:
 - (A) A finding that the serving fire protection agency has sufficient fire-fighting capability to provide emergency response to a higher structure; and/or
 - (B) The building is provided with an approved automatic fire-extinguishing system throughout as provided for in the Structural Specialty and Fire Life Safety Code edition of the current Uniform Building Code; and
 - (C) Approval by the City Fire Department is evident, including compliance with any conditions set forth thereby.

Section 3.200. M-3 Zone. (8) Dimensional Standards; Contd.

- (D) Building heights shall also be found to be in compliance with any applicable Airport Approach limitations.
 - (E) With the exception of Airport Approach height limitations, vertical projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations set forth in this Section.
 - (e) All buildings, primary and accessory, on a lot shall not cover more than 50% of the total lot area.
 - (f) The total area of all buildings, parking areas, drive-ways, access roads, loading/unloading areas, and other impervious surfaces shall not cover more than 75% of the total lot area.
- (9) Signs. In an M-3 Zone, Signs are permitted in accordance with the provisions of City Ordinance No. 824 as amended, or as otherwise set forth in this Subsection.
- (a) One ground-mounted free-standing sign not exceeding an area of either one square foot for every 100 square feet of lot area or 400 square feet, whichever is less, is permitted.
 - (b) In lieu of, but not in addition to, one wall-mounted sign not exceeding fifteen percent (15%) of the total surface area of the wall to which said sign is affixed or 400 square feet, whichever is less, is permitted.
 - (c) The one main sign permitted by (a) or (b) above shall be limited to the identification of the company or enterprise on the property where the sign is located, or to the advertisement of the products handled or produced or services rendered by the enterprise. The sign shall not be located within required yards or within 100 feet of an arterial street unless otherwise approved by the City.
 - (d) Other signs not exceeding a cumulative total area of either one square foot for every 200 square feet of total lot area or 200 square feet, whichever is less, are permitted provided such signs are directional signs without advertising. Such signs, other than those necessary for the direction of traffic, shall be set back 20 feet from all streets or roads.
 - (e) In addition to the foregoing permitted signs, within a "planned unit development" complex on a single lot or parcel with a single access point, separate ground-mounted building identification signs oriented toward on-site circulation roads are permitted, but shall:

Section 3.200. M-3 Zone; (9) Signs (e); Contd.

- (A) Be located in front of and within 50 feet of the building being identified;
 - (B) Each such sign shall not exceed sixteen square feet in area;
 - (C) Each such sign shall not exceed five feet in height; and
 - (D) Shall use materials and colors which are the same, of substantially the same, as those used on the building identified by the sign except as otherwise approved by the City.
- (f) One temporary sign not exceeding 320 square feet identifying the developer, contractor, or real estate agency responsible for developing, leasing or selling land or buildings on a lot or parcel, or within a planned complex which shall be removed upon completion of a construction project, or sale or lease of the premises advertised; Such signs shall be set back 20 feet from all street or road rights-of-way.

(10) On-Site Lighting. All on-site lighting shall be designed, located, shielded, or deflected so as not to shine into off-site structures on adjoining properties, impair the vision of the driver of any vehicle, or be a hazard to aircraft operations in the area. As the part of any application for a development plan for any use in the M-3 Zone, an on-site lighting plan shall be provided that includes the design, height and location of all on-site exterior lighting.

(11) On-Site Equipment and Utilities. Except as approved otherwise by the City, all on-site utility lines shall be placed underground. All roof-mounted fixtures, utility cabinets, or similar equipment installed above ground shall be visually screened from public view from arterial and collectors streets.

(12) Off-Street Parking and Loading. In an M-3 Zone, off-street parking and loading facilities shall be provided in accordance with the provisions set forth in Article 4 of this Ordinance for all new development and all exterior remodeling and/or expansions in excess of 25% of the total square footage of all enclosed structures existing on a lot, parcel or tract under a unit ownership on or before the effective date of this Ordinance; Provided, however, that any existing parking that is displaced by such remodeling and/or expansion is replaced.

Section 3.200. M-3 Zone; Contd.

(13) Site Design and Review. In an M-3 zone, the site design, and the review thereof, of any permitted use is subject to the Design Review provisions set forth in Article 4 of this Ordinance, and shall make the most effective use reasonably possible of the site topography, existing landscaping, and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring residential uses, to minimize intrusion into the character of existing developments and land uses in the immediate area; and to minimize hazards to airport operations.

(14) Additional Requirements. As a condition of approval of any use proposed within a M-3 zone, the City may require:

- (a) An increase in required setbacks.
- (b) Additional off-street parking and loading facilities.
- (c) Limitations on signs or lighting, time of operations, and points of ingress and egress.
- (d) Additional landscaping, screening and other improvements.
- (e) Any other conditions considered necessary to achieve compliance with the intent and purposes of this Section, this Ordinance, and policies of the Comprehensive Plan.

SECTION 2. ADD SUBSECTION (1) TO SECTION 2.020. LOCATION OF ZONES. TO READ AS FOLLOWS:

(1) LOCATION OF M-3 ZONE. The boundaries of the M-3 Zone established and classified by City Ordinance No. 1063 amending City Ordinance No. 1057 are as indicated and set forth on the attached "Prineville City Zoning Map Amendment No.1" dated 12-8-98, 1998.

SECTION 3. ENACTMENT, EMERGENCY DECLARED. Whereas the City Council has determined that the provisions of this Ordinance are necessary to protect the public welfare of the City, and more particularly to enhance the appearances of development in the Airport Industrial Area and to facilitate the continuance of needed economic development in the community, and has therefor declared an emergency, this Ordinance shall be in full force and effect on and after the date of approval by the City Council and the Mayor.

APPROVED BY THE CITY COUNCIL ON THE 9th DAY OF December, 1998.

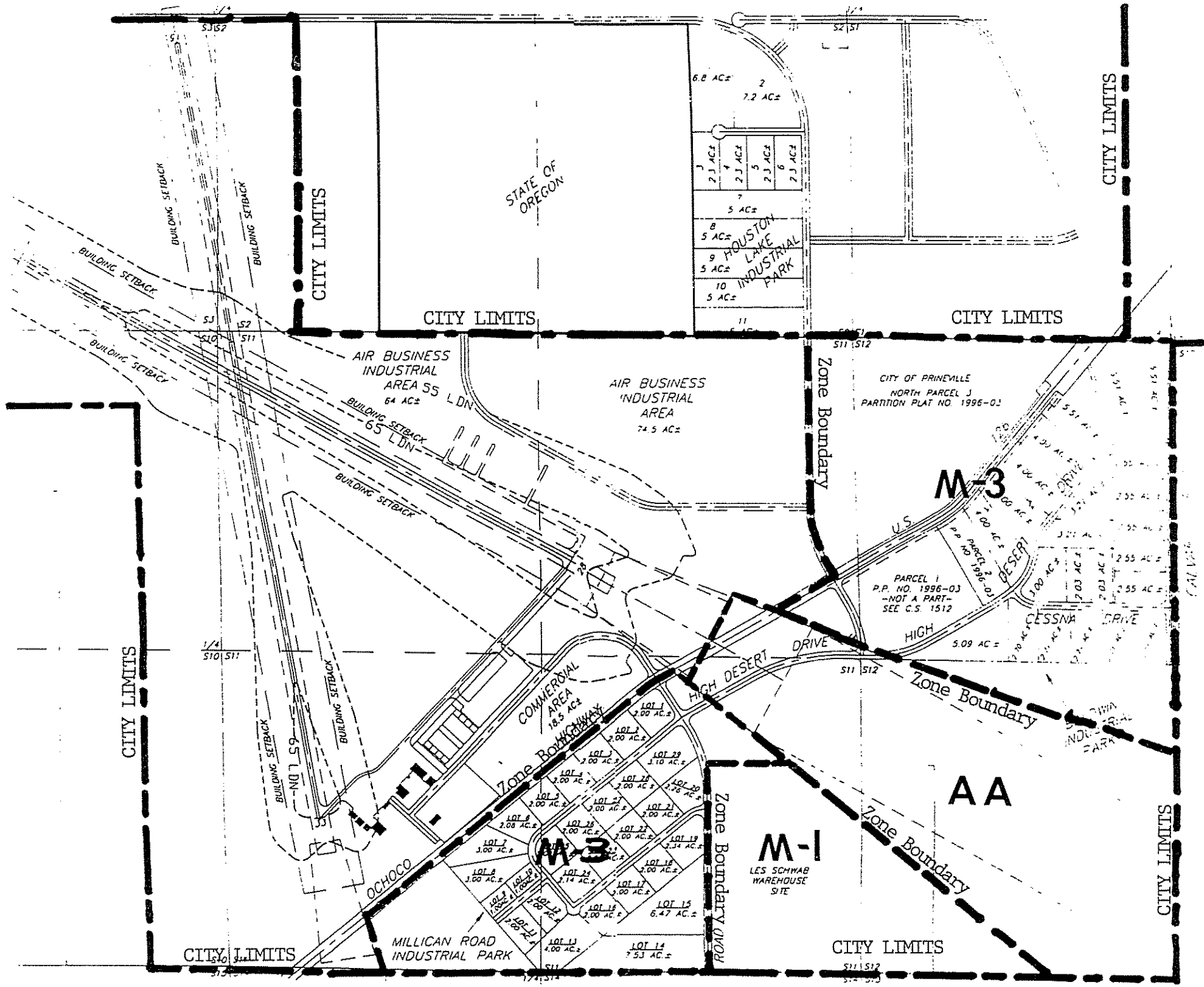
APPROVED BY THE MAYOR ON THE 9th DAY OF December, 1998.


DORLESS REID

ATTEST:


CITY RECORDER

12-9-98
DATE



CALVIN