

# *Attachment “B”*

## *land Development Code References*

*PETITION BA-16-10 VAR*

## **Sec. 30-70. - General industrial district (I-2).**

- (a) *Purpose.* The I-2 district is established for the purpose of providing areas in appropriate locations where various heavy and extensive industrial operations can be conducted without creating hazards or property devaluation to surrounding land uses. It is generally inappropriate to locate this district adjacent to residential zoning districts or most arterial streets.
- (b) *Objectives.* The provisions of this district are intended to:
  - (1) Accommodate enterprises with functions requiring access to transportation services by providing them with locations that are in close proximity to necessary transportation facilities such as major thoroughfares, railroads or air terminals for the reception and eventual distribution of their goods or services;
  - (2) Promote, through development plan approval, the most efficient use of the land used for such development, as well as a harmonious relationship between such development and the land;
  - (3) Require appropriate buffering or screening around such development, to maintain its compatibility with surrounding land uses;
  - (4) Encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; and
  - (5) Provide policies which will require such development to occur where public facilities and services are existing or are within plans for improvement.
- (c) *Permitted uses.*
  - (1) *Uses by right.*
    - a. Food and kindred products (MG-20), excluding the following: wet corn milling (IN-2046); raw cane sugar (IN-2061); beet sugar (IN-2063); soybean oil mills (IN-2075); and distilled liquor (IN-2085).
    - b. Tobacco products (MG-21), excluding cigarettes (IN-2111).
    - c. Textile mill products (MG-22), excluding cotton finishing plants (IN-2261).
    - d. Apparel and other finished products made from fabrics and similar materials (MG-23).
    - e. Lumber and wood products, except furniture (MG-24).
    - f. Furniture and fixtures (MG-25).
    - g. Paper and allied products (MG-26), excluding the following: pulp mills (IN-2611); paper mills (IN-2621); paperboard mills (IN-2631); and packaging—coated and laminated paper (IN-2671).
    - h. Printing, publishing, and allied industries (MG-27), excluding gravure commercial printing (IN-2754).
    - i. Chemicals and allied products (MG-28), excluding the following: alkalis and chlorine (IN-2812); inorganic pigments (IN-2816); cellulosic manmade fibers (IN-2823); noncellulosic organic fibers (IN-2824); gum and wood chemicals (IN-2861); nitrogenous fertilizers (IN-2873); phosphatic fertilizers (IN-2874); synthetic rubber (IN-2822); medicinals and botanicals (IN-2833); cyclic crudes and intermediates (IN-2865); explosives (IN-2892); and carbon black (IN-2895).
    - j. Petroleum refining and related industries (MG-29), excluding the following: petroleum refining (IN-2911); petroleum and coal products (not elsewhere classified) (IN-2999); and asphalt paving mixtures and blocks (IN-2951).
    - k. Rubber and miscellaneous plastics products (MG-30).
    - l. Leather and leather products (MG-31).

- m. Stone, clay, glass, and concrete products (MG-32), excluding the following: hydraulic cement (IN-3241); lime (IN-3274); flat glass (IN-3211); glass containers (IN-3221); pressed and blown glass (not elsewhere classified) (IN-3229); brick and structural clay tile (IN-3251); ceramic wall and floor tile (IN-3253); clay refractories (IN-3255); structural clay products (not elsewhere classified) (IN-3259); vitreous plumbing fixtures (IN-3261); vitreous china food utensils (IN-3262); gypsum products (IN-3275); and ground or treated minerals (IN-3295).
- n. Primary metal industries (MG-33), excluding the following: steel works, blast furnaces, and rolling mills (IN-3312); electrometallurgical products (IN-3313); primary copper (IN-3331); primary aluminum (IN-3334); primary nonferrous metals (not elsewhere classified) (IN-3339); secondary smelting and refining of nonferrous metals (IN-3341); gray iron foundries (IN-3321); copper rolling and drawing (IN-3351); aluminum extruded products (IN-3354); aluminum rolling and drawing (IN-3355); aluminum die-castings (IN-3363); and copper foundries (IN-3366).
- o. Fabricated metal products, except machinery and transportation equipment (MG-34), excluding the following: nonferrous forgings (IN-3463); and metal coatings and allied services (IN-3479).
- p. Industrial and commercial machinery and computer equipment (MG-35).
- q. Electronic and other electrical equipment and components, except computer equipment (MG-36).
- r. Transportation equipment (MG-37).
- s. Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks (MG-38).
- t. Miscellaneous manufacturing industries (MG-39).
- u. Construction (Div. C).
- v. Transportation, communications, electric, gas and sanitary services (Div. E), including solar generation station in accordance with article VI.
- w. Wholesale trade (Div. F), excluding junkyards and salvage yards.
- x. Building materials, hardware, garden supply and mobile home dealers (MG-52).
- y. Fuel dealers (GN-598).
- z. Business services (MG-73); including disinfecting and pest control services (IN-7342), in accordance with article VI .
- aa. Automotive repair, services and parking (MG-75).
- bb. Miscellaneous repair services (MG-76).
- cc. Reserved.
- dd. Landscape and horticultural services (GN-078).
- ee. Eating places.
- ff. Food trucks, in accordance with article VI.
- gg. Personal services (MG-72).
- hh. Outdoor storage.
- ii. Veterinary services (GN-074), in accordance with article VI.
- jj. Animal services, except veterinary (GN-075).
- kk. Nonstore retailers (GN-596).

- ll. Public service vehicles in accordance with article VI.
- mm. Farm labor and management services (GN-076).
- nn. Car washes (IN-7542).
- oo. Amusement and recreation services, not elsewhere classified (IN-7999), excluding go-cart raceway and rental operations, sexually oriented businesses, and simulated gambling establishments.
- pp. Noncommercial research organizations (IN-8733).
- qq. Engineering, architectural and surveying services (IN-871).
- rr. Any accessory use incidental to a permitted principal use.
- ss. Legal services (MG-81).
- tt. Motion picture production and allied services (GN-781); motion picture distribution and allied services (GN-782).
- uu. Bowling centers and billiard and pool establishments (GN-793).
- vv. Recycling centers, in accordance with article VI.
- ww. Research, development and testing service (GN-873).
- xx. Sexually oriented motion picture theaters, in accordance with section 30-90.
- yy. Sexually oriented cabarets, in accordance with section 30-90.
- zz. Sexually oriented retail stores, in accordance with section 30-90.
- aaa. Ice manufacturing/vending machines in accordance with article VI.

- (2) *Uses by special use permit.* Uses by special use permit, provided the requirements and conditions of article VI are met, if applicable, and that the findings in section 30-233 are made, in accordance with the procedures provided in section 30-204 of this chapter with the findings of section 30-233:

SIC	Uses	Conditions
	Transmitter towers	
	Junkyard and salvage yards	
GN-54	Gasoline service stations	
	Go-cart raceway operations and go-cart rentals	
	Alcoholic beverage establishments	
	Individual and family social services	In accordance with subsection a. below
MG-14	Mining and quarrying of nonmetallic minerals,	Subject to specially regulated industry

	except fuels	provisions below
IN-2111	Cigarettes	Subject to specially regulated industry provisions below
IN-2261	Cotton finishing plants	Subject to specially regulated industry provisions below
IN-2671	Packaging - coated and laminated paper	Subject to specially regulated industry provisions below
IN-2754	Gravure commercial printing	Subject to specially regulated industry provisions below
IN-2822	Synthetic rubber	Subject to specially regulated industry provisions below
IN-2833	Medicinals and botanicals	Subject to specially regulated industry provisions below
IN-2865	Cyclic crudes and intermediates	Subject to specially regulated industry provisions below
IN-2892	Explosives	Subject to specially regulated industry provisions below
IN-2895	Carbon black	Subject to specially regulated industry provisions below
IN-2951	Asphalt paving mixtures and blocks	Subject to specially regulated industry provisions below
IN-3211	Flat glass	Subject to specially regulated industry provisions below
IN-3221	Glass containers	Subject to specially regulated industry provisions below
IN-3229	Pressed and blown glass (not elsewhere classified)	Subject to specially regulated industry provisions below

IN-3251	Brick and structural clay tile	Subject to specially regulated industry provisions below
IN-3253	Ceramic wall and floor tile	Subject to specially regulated industry provisions below
IN-3255	Clay refractories	Subject to specially regulated industry provisions below
IN-3259	Structural clay products (not elsewhere classified)	Subject to specially regulated industry provisions below
IN-3261	Vitreous plumbing fixtures	Subject to specially regulated industry provisions below
IN-3262	Vitreous china food utensils	Subject to specially regulated industry provisions below
IN-3275	Gypsum products	Subject to specially regulated industry provisions below
IN-3295	Ground or treated minerals	Subject to specially regulated industry provisions below
IN-3321	Gray iron foundries	Subject to specially regulated industry provisions below
IN-3351	Copper rolling and drawing	Subject to specially regulated industry provisions below
IN-3354	Aluminum extruded products	Subject to specially regulated industry provisions below
IN-3355	Aluminum rolling and drawing	Subject to specially regulated industry provisions below
IN-3363	Aluminum die-castings	Subject to specially regulated industry provisions below
IN-	Copper foundries	Subject to specially regulated industry

3366		provisions below
IN-3463	Nonferrous forgings	Subject to specially regulated industry provisions below
IN-3479	Metal coatings and allied services	Subject to specially regulated industry provisions below
IN-2819	Industrial inorganic chemicals (not elsewhere classified)	Subject to specially regulated industry provisions below
IN-2869	Industrial organic chemicals (not elsewhere classified)	Subject to specially regulated industry provisions below
IN-2821	Plastics materials and resins	Subject to specially regulated industry provisions below

a. *Individual and family social services.* Individual and family social services are subject to the following additional conditions and limitations:

1. The fee simple owner(s) of the property must sign the application and acknowledge that the use is in an industrial district that may be subject to noise, heavy truck traffic, fumes, odors and vibrations that are customary in an industrial district.
2. The use shall not co-locate with another industrial use on the same parcel.
3. The use must occupy a building that is currently located on the parcel.
4. Residential care is prohibited and no overnight stay or lodging is allowed.
5. The special use permit is limited to a maximum of five years, subject to automatic renewal for the same term as the original permit unless, either: i. the use is discontinued or abandoned for 90 consecutive days; or ii. the city or owner of the property seeks to terminate the use by providing written notice to the city manager or designee at least 90 days prior to the expiration of the special use permit. In the event such notice is given, the special use permit shall expire and terminate unless the owner files a new application within 20 days of receipt of said notice of termination. The application will then be processed and reviewed in the same manner as a new application.

b. *Specially regulated industry.* The following apply to uses designated as subject to specially regulated industry provisions:

1. *Reports.* The applicant for a special use permit shall submit information specifying expected air emissions, surface and groundwater emissions, noise levels, truck traffic volumes (including time-of-day level(s), odor levels, and glare impacts, and the compatibility of these emissions and impact levels with other properties, uses and neighborhoods within 2,000 feet. The report shall indicate that these impacts will not violate local, regional, state, or federal limits. The report shall also indicate that "best

available technology" is being used to control impacts from the "specially regulated industry."

2. *Exemption.* Uses or developments that will result in releases of pollutants to the air and to the water no more than one percent of the average release of those pollutants on a list maintained by the city for that industry shall be exempt from the special use permit process except for the report required in subsection 1. above. The owner requesting this exemption must provide evidence acceptable to the city manager or designee that the use qualifies. Any use that was permitted under this exemption and is found to be releasing more than one percent of the average release of air or water pollutants reported for that industry shall cease operation until a special use permit is applied for and obtained.

(d) *Dimensional requirements.* All principal and accessory structures shall be located and constructed in accordance with the following requirements:

(1) Minimum yard setbacks:

a. Front: 25 feet.

b. Side, interior: 20 feet.

1. Except where the side yard abuts and is used for access to a railroad siding: Zero feet.

2. Except where the side yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: 50 feet.

c. Side, street: 25 feet.

d. Rear: Ten feet.

1. Except where the rear yard abuts and is used for access to a railroad siding: Zero feet.

2. Except where the rear yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: 50 feet.

(2) Within 100 feet of any property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan, all activity and uses except storage of equipment and parking shall be conducted within completely enclosed structures.

(e) *General requirements.* All structures and uses within this district shall also comply with the applicable requirements and conditions of section 30-71 and Article IX.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3963, § 11, 3-14-94; Ord. No. 001917, § 2, 12-13-01; Ord. No. 001763, § 2, 7-22-02; Ord. No. 002562, § 1, 4-14-03; Ord. No. 030752, § 8, 5-10-04; Ord. No. 070619, § 6, 3-24-08; Ord. No. 090643, § 6, 4-15-10; Ord. No. 090321, § 3, 7-15-10; Ord. No. 110289, § 5, 11-3-11; Ord. No. 140130, § 13, 9-4-14; Ord. No. [140190](#), § 17, 4-16-15)



## **Sec. 30-69. - Limited industrial district (I-1).**

- (a) *Purpose.* The I-1 district is established for the purpose of providing sufficient space in appropriate locations physically suitable for the development of certain types of retail-commercial sales and services, as well as research operations, wholesale or storage distribution concerns, and enterprises engaged in light manufacturing, processing or fabrication of products and machinery. This district contains those industries which generally are not objectionable because of noise, heavy truck traffic or fumes, or which generate nuisances which may be mitigated adequately by performance standards. In many instances, this district serves as a transition zone between intensive industrial activities and uses that are relatively sensitive to nuisance, such as residential and commercial areas and arterial streets.
- (b) *Objectives.* The provisions of this district are intended to:
  - (1) Accommodate enterprises with functions requiring access to transportation services by providing them with locations that are in close proximity to necessary transportation facilities such as major thoroughfares, railroads or air terminals for the reception and eventual distribution of their goods or services;
  - (2) Promote, through development plan approval, the most efficient use of the land used for such development, as well as a harmonious relationship between such development and the land;
  - (3) Require appropriate buffering or screening around such development, to maintain its compatibility with surrounding land uses;
  - (4) Encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; and
  - (5) Require such development to occur where public facilities and services are existing or are within plans for improvement.
- (c) *Permitted uses.*
  - (1) *Uses by right.*
    - a. Wholesale trade (Div. F), excluding the following: scrap and waste materials (IN-5093); construction and mining machinery and equipment (IN-5082); transportation equipment and supplies, except motor vehicles (IN-5088); and petroleum and petroleum products (GN-517).
    - b. Lumber and other building material dealers (GN-521).
    - c. Construction (Div. C), excluding heavy construction other than building construction contractors (MG-16).
    - d. Printing, publishing and allied industries (MG-27), excluding gravure commercial printing (IN-2754).
    - e. Railroad transportation (MG-40).
    - f. Local and suburban transit and interurban highway passenger transportation (MG-41).
    - g. Motor freight transportation and warehousing (MG-42).
    - h. U.S. Postal Service (MG-43).
    - i. Transportation services (MG-47).
    - j. Business services (MG-73) ; including disinfecting and pest control services (IN-7342), in accordance with article VI.
    - k. Miscellaneous manufacturing industries (MG-39).
    - l. Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks (MG-38).

- m. Communications (MG-48).
- n. Food and kindred products (MG-20), excluding the following: wet corn milling (IN-2046), raw cane sugar (IN-2061), and beet sugar (IN-2063).
- o. Textile mill products (MG-22), excluding cotton finishing plants (IN-2261).
- p. Wood containers (GN-244).
- q. Apparel and other finished products made from fabrics and similar materials (MG-23).
- r. Eating places.
- s. Food trucks, in accordance with article VI.
- t. Personal services (MG-72).
- u. Automotive repair, services and parking (MG-75).
- v. Miscellaneous repair services (MG-76).
- w. Outdoor storage in accordance with article VI.
- x. Nonstore retailers (GN-596).
- y. Public service vehicles, in accordance with article VI.
- z. Gasoline service stations (GN-554), in accordance with article VI.
- aa. Landscape and horticultural services (GN-078).
- bb. Veterinary services (GN-074), in accordance with article VI.
- cc. Animal specialty services (IN-0752).
- dd. Farm labor and management services (GN-076).
- ee. Building materials, hardware, garden and mobile home dealers (MG-52).
- ff. Auto and home supply stores (GN-553).
- gg. Boat dealers (GN-555).
- hh. Motorcycle dealers (GN-557).
- uu. Automotive dealers, not elsewhere classified (e.g., aircraft, go-carts) (GN-559).
- jj. Fuel dealers (GN-598).
- kk. Car washes (IN-7542), in accordance with article VI.
- ll. Amusement and recreation services, not elsewhere classified (IN-7999), excluding go-cart raceway and rental operations (see special use permit), and simulated gambling establishments.
- mm. Engineering, architectural and surveying services (GN-871).
- nn. Noncommercial research organizations (IN-8733).
- oo. Home furniture, furnishings and equipment stores (MG-57).
- pp. Any accessory use incidental to any permitted principal use.
- qq. Miscellaneous wood products (GN-249).
- rr. Accounting, auditing and bookkeeping services (GN-872).
- ss. Bowling centers (GN-793).
- tt. Furniture and fixtures (MG-25).

- uu. Converted paper and paperboard products, except containers and boxes (GN-267), excluding coated and laminated paper packaging (IN-2671).
  - vv. Paperboard containers and boxes (GN-265).
  - ww. Drugs (GN-283), excluding medicinals and botanicals (IN-2833).
  - xx. Soap, detergents and cleaning preparations, perfumes, cosmetics and other toilet preparations (GN-284).
  - yy. Leather and leather products (MG-31).
  - zz. Glass products, made of purchased glass (GN-323).
  - aaa. Cut stone and stone products (GN-328).
  - bbb. Sheetmetal work (IN-3444).
  - ccc. Farm and garden machinery and equipment (MG-352).
  - ddd. Electronic and other electrical equipment and components, except computer equipment (MG-36).
  - eee. Meat and fish (seafood) markets, including freezer provisioners (GN-542).
  - fff. Fruit and vegetable markets (GN-543).
  - ggg. Job training and vocational rehabilitation services (GN-833).
  - hhh. Millwork, veneer, plywood and structural wood members (GN-243).
  - iii. Used merchandise stores (GN-593), only within enclosed buildings.
  - jjj. Ice dealers.
  - kkk. Facilities on premises for security personnel.
  - lll. Motor vehicle dealers (new and used) (IN-5511).
  - mmm. Research, development and testing services (GN-873).
  - nnn. Air courier services (IN-4513).
  - ooo. Corporate offices.
  - ppp. Ice manufacturing/vending machines in accordance with article VI.
- (2) *Uses by special use permit.* Uses by special use permit, provided the requirements and conditions of article VI are met, if applicable, and that the findings in section 30-233 are made, in accordance with the procedures provided in section 30-204 of this chapter with the findings of section 30-233:
- a. Transmitter towers.
  - b. Sale of used rental vehicles as an accessory use to automotive rental and leasing, without drivers (GN-751), with the following conditions and limitations:
    - 1. *Permits.* It shall be unlawful to conduct such sale without first obtaining a permit from the building official indicating compliance with the provisions of this section.
    - 2. *Sales.* Only two sales are permitted in any 365-day period, and each such sale may not extend beyond seven consecutive days.
    - 3. *Motor vehicles.* Only motor vehicles owned by the person or entity actually operating the principal use, and leased from the subject location, may be offered for sale.
    - 4. *Signs.* No signs or street graphics are permitted which indicate that motor vehicles are offered for sale with the exception of signs affixed to the motor vehicles which shall not exceed one sign per vehicle and one square foot in area.

- c. Alcoholic beverage establishments.
- d. Wholesale trade: petroleum and petroleum products (GN-517).
- e. Recycling centers.
- f. Hazardous materials recycling.
- g. Go-cart raceway operations and go-cart rentals.
- h. Rehabilitation centers.
- i. Individual and family social services (IN8322), subject to the following conditions and limitations:
  - 1. The fee simple owner(s) of the property must sign the application and acknowledge that the use is in an industrial district that may be subject to noise, heavy truck traffic, fumes, odors and vibrations that is customary in an industrial district.
  - 2. The use shall not co-locate with another industrial use on the same parcel.
  - 3. The use must occupy a building that is currently located on the parcel.
  - 4. Residential care is prohibited and no overnight stay or lodging is allowed.
  - 5. The special use permit is limited to a maximum of five years, subject to automatic renewal for the same term as the original permit unless, either: i. the use is discontinued or abandoned for 90 consecutive days; or ii. the city or owner of the property seeks to terminate the use by providing written notice to the city manager or designee at least 90 days prior to the expiration of the special use permit. In the event such notice is given, the special use permit shall expire and terminate unless the owner files a new application within 20 days of receipt of said notice of termination. The application will then be processed and reviewed in the same manner as a new application.

(d) *Dimensional requirements.* All principal and accessory structures shall be located and constructed in accordance with the following requirements:

(1) Minimum yard setbacks:

- a. Front: 25 feet.
- b. Side, interior: Ten feet.
  - 1. Except where the side yard abuts and is used for access to a railroad siding: Zero feet.
  - 2. Except where the side yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: 50 feet.
- c. Side, street: 25 feet.
- d. Rear: Ten feet.
  - 1. Except where the rear yard abuts and is used for access to a railroad siding: Zero feet.
  - 2. Except where the rear yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: 50 feet.

(2) Within 100 feet of any property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan, all activity and uses except storage of equipment and parking shall be conducted within completely enclosed structures.

(e) *Additional requirements.*

- (1) *General conditions.* All structures and uses within this district shall also comply with the applicable requirements and conditions of section 30-71 and article IX.
- (2) *Standards for manufacturing uses.* All permitted manufacturing uses (classified as MG-20 through MG-39 of the Standard Industrial Classification Manual) shall conform to the following additional standards:
  - a. The manufacturing use shall be limited to the fabrication, manufacture, assembly or processing of materials which are, for the most part, already in processed form.
  - b. All activity and uses except storage, loading and unloading operations, and parking shall be conducted within completely enclosed structures.
  - c. Night operations, including loading and unloading, are prohibited within 100 feet of the property line of any residential zoning district or area which is shown for residential use on the future land use map of the comprehensive plan, unless conducted within a completely enclosed building which has no openings other than stationary windows or required fire exits within the 100-foot area. Night operations are those conducted between the hours of 9:00 p.m. and 6:00 a.m. This prohibition shall not apply to night watchmen or other security operations.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3835, § 1, 2-15-93; Ord. No. 3847, § 1, 3-15-93; Ord. No. 3950, § 1, 1-24-94; Ord. No. 3963, § 10, 3-14-94; Ord. No. 001917, § 1, 12-13-01; Ord. No. 001763, § 1, 7-22-02; Ord. No. 030752, § 7, 5-10-04; Ord. No. 070619, § 6, 3-24-08; Ord. No. 110289, § 4, 11-3-11; Ord. No. 140130, § 12, 9-4-14; Ord. No. [140190](#), § 16, 4-16-15)