

### **§ 92.17.2.00. "E-I" energy industrial zone.**

The "E-I" energy industrial zone is intended to provide areas for alternative energy development, industrial development, and cultivation uses. By virtue of strong prevailing winds, the E-I zone is ideally suited for large-scale development of wind energy facilities. Additionally, due to the E-I zone's location north of Interstate 10 and isolation from the resort areas of the city, land in the E-I zone is ideally suited for manufacturing, assembly, cultivation and distribution of products and fulfillment activities, all of which are compatible with the goal of enhancing the city's eco-nomic base. No industrial use shall be permitted, which by the nature of its development or operation, will adversely affect the resort environment of the city.

(Ord. 2056 § 6, 2022)

### **§ 92.17.2.01. Uses permitted.**

#### **A. Uses Permitted.**

Building, structures and land shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses. All uses shall be subject to the standards in Section 92.17.2.03.

1. Accessory uses to permitted uses; provided, such uses are established on the same parcel as, and do not substantially alter the character of, the principal use:
  - a. Storage of trucks and other vehicles,
  - b. Storage of materials and machinery,
  - c. Offices and maintenance shop structures,
  - d. Caretaker's residence 2,000 square feet maximum,
  - e. Meteorological towers under 200 feet in height;
2. Fabrication.
  - a. Manufactured housing and mobilehomes,
  - b. Cans and containers,
  - c. Cutlery, tableware, hand tools and hardware,
  - d. Wrought iron,
  - e. Fencing,
  - f. Metal buildings,
  - g. Ordinance and firearms, not including explosives,
  - h. Vehicles, aircraft, boats, parts and repairs,
  - i. Railroad equipment,

- j. Motorcycles, bicycles and parts,
- k. Travel trailers and recreational vehicles;
- 3. Manufacturing.
  - a. Agricultural chemicals, not including pesticides and fertilizers,
  - b. Bakeries,
  - c. Bottling plants,
  - d. Ceramic products using only previously pulverized clay and fired in kilns using only electricity or gas,
  - e. Electronics (electrical and related parts, electrical appliances, electrical devices, motors, and radio, television and phonograph),
  - f. Furniture upholstering,
  - g. Garment manufacturing,
  - h. Glass blowing, pressing and cutting,
  - i. Instruments (electronic, medical and dental tools, precision, and timing and measuring),
  - j. Knitting, floor covering, and yarn and thread mills,
  - k. Laboratories (dental, electrical, optical, mechanical and medical),
  - l. Lumber yard (including incidental millwork but not including planing mill),
  - m. Machinery and Shop.
    - i. Blacksmith and forging shop,
    - ii. Cabinet or carpenter shop,
    - iii. Electric motor rebuilding,
    - iv. Engines, turbines and parts,
    - v. Farm, garden construction and industrial machinery,
    - vi. Lighting and wiring,
    - vii. Machine shop,
    - viii. Sheet metal shop,
    - ix. Welding shop,
    - x. Painting and powder coating,
  - n. Manufacturing (compounding, processing, packaging or treatment of such

products as):

- i. Bakery goods,
- ii. Candy,
- iii. Concrete, gypsum, plaster and mineral products,
- iv. Cosmetics,
- v. Drugs,
- vi. Food products,
- vii. Fruit and vegetables (packing only),
- viii. Glassware,
- ix. Honey extraction plant,
- x. Leather,
- xi. Nonalcoholic beverages,
- o. Manufacture and maintenance of electrical and neon signs,
- p. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously-prepared materials:
  - i. Canvas,
  - ii. Cellophane,
  - iii. Cloth,
  - iv. Cork,
  - v. Felt,
  - vi. Fiber,
  - vii. Fur,
  - viii. Glass,
  - ix. Leather,
  - x. Metals,
  - xi. Paper (no milling),
  - xii. Plaster,
  - xiii. Plastic,
  - xiv. Precious or semiprecious stones or metals,

- xv. Rubber,
- xvi. Shells,
- xvii. Textiles,
- xviii. Tobacco,
- xix. Wood,
- xx. Yarns,
- q. Novelties and holiday paraphernalia,
- r. Office and related machinery (audio and visual machinery, computers),
- s. Paper and paperboard mills,
- t. Pharmaceutics (cosmetics, drugs, perfumes, soap and toiletries),
- u. Rubber and metal stamps,
- v. Shoes,
- w. Stone cutting and related activities,
- x. Textiles;

4. Processing.

- a. Carpet and rug cleaning,
- b. Cleaning and dyeing,
- c. Laundry;

5. Services.

- a. Governmental facilities,
- b. Newspaper publishing,
- c. Ice and cold storage plant,
- d. Offices (business, professional and research),
- e. Printing, lithographing, publishing,
- f. Public utility service yards,
- g. Radio and television broadcasting;

6. Wholesale, warehouse, distribution, fulfillment, and import/export centers;

7. Cannabis transportation and distribution facility, subject to the development standards contained in Section 93.23.15 of this Code.

**B. Similar Uses Permitted by Commission Determination.**

The commission may, by resolution, permit any other uses which it may determine to be similar to those listed above, in conformity with the intent and purpose of this zone, and not more obnoxious or detrimental to the public health, safety and welfare, or to other uses permitted in this zone, as provided in Section 94.01.00. All uses shall be subject to the property development standards in Section 92.17.2.03 and the performance standards in Section 92.17.2.04.

**C. Uses Permitted by Land Use Permit.**

1. Modifications to existing WECS, subject to the requirements and standards contained in Section 94.02.00(H)(8);
2. Meteorological towers in excess of 200 feet in height;
3. Operations and facilities providing tours of alternative energy facilities;
4. Recycling collection center;
5. Vehicle impound yards.

**D. Uses Permitted by Conditional Use Permit.**

The following uses may be permitted subject to approval of a conditional use permit, as provided in Section 94.02.00:

1. Acid and abrasives manufacturing;
2. Animal hospitals, shelters or kennels;
3. Brewery, distillery or winery;
4. Chemical plating shop;
5. Concrete batch plants and asphalt plants;
6. Disposal service operations;
7. Energy Use.
  - a. Solar energy facility,
  - b. Wind energy conversion systems (WECS), subject to the requirements and standards contained in Section 94.02.00(H)(8),
  - c. Co-generation facilities;
8. Fertilizer production;
9. Meat packing plants, not including slaughtering or rendering of animals;
10. Cannabis cultivation facility, subject to the development standards contained in Section 93.23.15 of this Code;

11. Cannabis manufacturing facility, subject to the development standards contained in Section 93.23.15 of this Code;
12. Cannabis testing facility, subject to the development standards contained in Section 93.23.15 of this Code;
13. Natural gas storage, above ground;
14. Paints and varnishes manufactured and incidental storage;
15. Paper storage and recycling, outdoor;
16. Petroleum and bulk fuel storage, above ground;
17. Planing mill;
18. Poultry and egg processing;
19. Recycling/salvage center.

(Ord. 1447, 1993; Ord. 1553, 1998; Ord. 1876 § 8, 2015; Ord. 1908 § 1, 2016; Ord. 1943 §§ 18—20, 2017; Ord. 2004 § 2, 2019; Ord. 2007 §§ 27, 28, 2019; Ord. 2056 § 7, 2022)

### **§ 92.17.2.02. Uses prohibited.**

The following uses are expressly prohibited in the "E-I" zone, and shall not be permitted by commission determination or by conditional use permit:

- A. Residential uses, other than for a caretaker as specifically permitted;
- B. The following manufacturing uses:
  1. Bone black plant,
  2. Carbon black and lamp black plant,
  3. Charcoal manufacturing plant,
  4. Chemical plant (heavy or industrial),
  5. Coal and coke plant,
  6. Detergents, soaps and by-products using animal fat,
  7. Gas manufacturing plant,
  8. Glue manufacturing plant,
  9. Graphite manufacturing plant,
  10. Insulation manufacturing plant (flammable types),
  11. Metal extraction and smelting plant,
  12. Metal ingots, pigs, casting or rolling mill,

13. Paraffin manufacturing plant,
14. Petroleum and petroleum products plant,
15. Serum, toxin and virus manufacturing laboratory,
16. Sugar and starch manufacturing plant,
17. Turpentine manufacturing plant,
18. Wax and wax products manufacturing plant,
19. Wool pulling or scouring plant;

C. The following processing uses:

1. Animal by-products processing,
2. Carbon black and lamp black refining,
3. Chemical (heavy or industrial),
4. Coal and coke processing,
5. Detergents and soap processing,
6. Dog and cat food processing,
7. Fish by-products,
8. Fruit by-products,
9. Grain milling and sacking,
10. Petroleum and petroleum products processing or refining,
11. Potash works,
12. Printing ink processing,
13. Radium or uranium extraction,
14. Rubber reclaiming or processing,
15. Salt works,
16. Smelting works,
17. Soap works,
18. Sulfuric acid processing or bottling,
19. Vinegar processing or refining,
20. Volatile or poisonous gas storage or processing,

21. Wood and lumber kilns for industrial kiln-drying,
22. Wood preserving by creosoting or other pressure impregnation of wood by preservations.

(Ord. 1447, 1993)

**§ 92.17.2.03. Property development standards.**

The following property development standards shall apply to all land and buildings in the "E-I" zone, except that any lot created in compliance with applicable laws and ordinances in effect at the time of its creation may be used as a building site.

These standards may be altered where a specific development plan is approved under a planned development or a conditional use permit or otherwise approved master plan of development where the development meets the intent of this Zoning Code.

**A. Lot Area.**

Each lot shall have a minimum area of five acres.

**B. Lot Dimensions.**

1. Each lot shall have a minimum width of 250 feet.
2. Each lot shall have a minimum depth of 250 feet.

**C. Height Limits.**

1. Buildings and structures shall have a height not greater than 30 feet. Buildings taller than 30 feet may be permitted pursuant to Section C(2) below.

**2. Exceptions.**

- a. Permitted Projections Above Building Height Limit. The provisions of Section 93.03.00 shall apply.
- b. Buildings of up to 60 feet in height may be permitted, provided that: (1) the building is located on a parcel of not less than one acre in size; and (2) the building or any portion thereof is set back one foot from any property line for every one foot of vertical height.
- c. Buildings of up to 95 feet in height may be permitted, provided that: (1) the building is located on a parcel of not less than five acres in size; and (2) the building or any portion thereof is set back one foot from any property line for every one foot of vertical height.
- d. Any buildings over 30 feet in height shall only be permitted within the area bounded by Dillon Road on the north, the eastern boundary of the zone district on the east, 19th Avenue on the south, and the Karen Avenue right-of-way on the west.
- e. The provisions of Section 93.04.00 shall not apply to buildings in the E-I (Energy

Industrial) zone.

3. WECS shall be subject to the requirements and standards contained in Section 93.23.07.

D. Yards.

1. General Provisions. Section 93.01.00 shall apply.

2. Energy Uses.

a. The minimum setback from any property line shall be 50 feet.

b. The setback for WECS shall be determined by the provisions of Section 93.23.07.

3. Other Uses.

a. No building shall be erected closer than 25 feet from the front property line. Not less than 15% of such yard shall be landscaped and maintained.

b. Where the E-I zone abuts a street which is a boundary with a residential or open space zone, there shall be a yard abutting such street of not less than 100 feet. The 25 feet nearest the street shall be landscaped and maintained. The remainder may be used for parking.

c. Where the E-I zone abuts property in a residential or open space zone, there shall be a yard of not less than 100 feet. The 25 feet nearest the property line shall be landscaped and maintained. The remainder shall not be used for parking, loading or storage.

d. Landscaped buffers at least 15 feet in width may be required by the planning commission along interior yards.

E. Walls, Fences and Landscaping.

The provisions of Section 93.02.00 shall apply.

Exception.

1. Fences and walls shall not exceed eight feet in height in any required interior side or rear yard.

2. Barbed wire may be used for security purposes at alternate energy installations.

F. Coverage.

Lot coverage by buildings or structures shall not exceed 60% of any lot or planned development.

G. Access.

The provisions of Section 93.05.00 shall apply.

H. Off-street Parking.

The provisions of Section 93.06.00 shall apply.

I. Off-street Loading and Trash Areas.

The provisions of Section 93.07.00 shall apply.

J. Signs.

The provisions of Section 93.20.00 shall apply.

K. Outdoor Storage.

1. Outdoor storage and activities associated with permitted uses shall be adequately screened from view from any public street or abutting residential property by a solid masonry wall. Such wall shall return along any interior side property line which is perpendicular to such public street or residential property for a distance of not less than 25 feet. Other fencing may be of chain link, or other open style, if the entire length of such fence is landscaped so to screen the storage area from view. Such landscaping shall be allowed to grow to eight feet in height and shall be adequately maintained and irrigated. Items shall not be stacked or stored higher than the wall if located within 25 feet from any public street or residential property. All enclosures and stored materials must comply with fire department regulations for access and fire protection.
2. All enclosures and stored materials must comply with fire department requirements for access and fire protection.
3. No materials or waste shall be deposited or stored in any form or manner that they may be transferred off the lot by normally-occurring natural causes or forces. Waste which might cause dust or fumes or which constitutes a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored only in closed containers in required enclosures.

L. Antennas.

The provisions of Section 93.08.00 shall apply.

M. Public Art.

The provisions of Section 93.11.00 shall apply.

(Ord. 1447, 1993; Ord. 1908 § 4, 2016; Ord. 2056 §§ 8—10, 2022)

**§ 92.17.2.04. Performance standards.**

The uses established or placed into operation after the effective date of this Zoning Code, shall comply at all times hereafter with the following limitations or performance standards.

A. Energy Uses.

The provisions of Section 94.02.00(H)(8) shall apply.

B. Other Uses.

1. Fire and Explosion Hazards.

- a. All storage of and activities involving inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. All incineration is prohibited; or
- b. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the state rules and regulations. Bulk storage of flammable liquids, liquid petroleum, gases and explosives above ground shall be unlawful, except gasoline and lubricating fuel oil. Storage below ground shall be permitted; provided, all tanks shall be located not closer to any property line than the greatest depth of the bottom of the buried tank. All incineration is prohibited.

2. Radioactivity or Electrical Disturbance.

Devices which radiate radio-frequency energy shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Radiofrequency energy is electromagnetic energy at any frequency in the radio spectrum between 10 kilocycles and three million (3,000,000) megacycles.

3. Noise.

The provisions of Chapter 11.74 of the Municipal Code shall apply.

4. Vibration.

Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on any boundary line of the lot on which the use is located.

5. Emission of Smoke, Dust, Heat and Glare.

Every use shall be so operated that it does not emit smoke, dust, heat or glare in such quantities or degree as to be readily detectable on any boundary line of the lot on which the use is located.

6. Emission of Odors/Gas.

The emission of obnoxious odors of any kind shall not be permitted. No gas shall be emitted which is deleterious to the public health, safety or general welfare.

(Ord. 1447, 1993)

**§ 92.17.2.05. Property maintenance standards.**

The provisions of Section 93.19.00 shall apply.

(Ord. 1447, 1993)