

Sec. 8-C. - M-3 Mixed manufacturing district.

The M-3 mixed manufacturing district is intended to accommodate mixed use development that integrates certain existing commercial and industrial uses permitted within the neighboring B-1 neighborhood business district, M-1 light manufacturing district, and M-2 medium manufacturing district in a manner that fosters the development of primary retail storefront uses and secondary commercial and industrial uses. The primary retail storefront/secondary commercial and industrial use regulations are designed to encourage future growth in the M-3 district as generally contemplated by the comprehensive plan.

- A. *Retail storefront.* Every property must be used and every building must be used, erected, reconstructed, altered, or enlarged, to accommodate a retail storefront area that is incident and subordinate to the underlying use of at least 1,000 square feet or ten percent of the total building square footage, whichever is greater, for that portion of the property or building facing Robinson Road or Hanna Road. To the extent no portion of a property or building faces Robinson Road or Hanna Road, then no minimum square footage of retail storefront is required. Site plan review is required in order to verify conformity with the retail storefront requirement.
- B. *Uses permitted by right.* Every property must be used and every building must be hereafter used, erected, reconstructed, altered, or enlarged, for one or more of the following uses or uses which are equivalent thereto as determined by the planning and zoning commission. To the extent a zoning regulation within this section conflicts with another zoning use regulation applicable to this section, the more restrictive zoning use regulations shall control unless otherwise specifically stated.
 - 1. Any use permitted by right in the B-1 neighborhood business district to the extent not otherwise prohibited herein.
 - 2. Any use permitted by right in the B-2 secondary and highway business district to the extent not otherwise prohibited herein.
 - 3. Any use permitted by right in the M-1 light manufacturing district to the extent not otherwise prohibited herein.
 - 4. Any use permitted by right in the M-2 medium manufacturing district to the extent not otherwise prohibited herein.
 - 5. Dry-cleaning and laundry service (plant on-site).
- C. *Other uses permitted.* Any light or medium manufacturing, assembling, fabrication, business, or service operation not included above, provided that such use is not a nuisance, noxious, or offensive to adjacent or nearby uses within the M-3 mixed manufacturing district or any

adjoining district by reason of noise, vibrations, smoke, odor, dust, gas, light, or pollution of any type.

D. *Prohibited uses.*

1. All uses not specifically permitted by right or by special exception in this section, or by specific use permit issued in accordance with section 9, are strictly prohibited; and
2. Sexually oriented businesses.

E. *Special exceptions.* The following uses for buildings or lots shall be a use permitted by special exception subject to consideration and approval by the board of adjustment according to the procedure outlined in section 17 herein:

1. Office uses, including, but not limited to, medical offices and clinics, and real estate offices on the first floor in a building.
2. Non-retail uses of a property or a building that otherwise require a retail storefront component as provided herein.
3. Buildings or structures that exceed 45 feet in height.
4. Mobile food unit, subject to chapter 18 (businesses), article IV.

F. *Prohibited noise, vibrations, smoke, odor, dust, gas, or light.*

1. Sustained or repetitive noise or vibration, of such an intensity or character that it constitutes a nuisance which injures or destroys the peaceful enjoyment or use, comfort, repose, safety, or health of persons of ordinary sensibilities, is prohibited, when such noise or vibration is measured, or audible, or felt at the property line of any adjoining district.
2. Smoke, odor, dust, gas, light, or pollution of any type that constitutes a nuisance which injures or destroys the peaceful enjoyment or use, comfort, repose, safety, or health of persons of ordinary sensibilities, is prohibited, when such smoke, odor, dust, gas, light, or pollution is measured, or present, or detected at the property line of any adjoining district.

G. *Height regulations.* No building or structure shall exceed 45 feet in height except by special exception in accordance with the procedure outlined in section 17 herein, as may be amended.

H. *Yard area regulations.*

1. *Lot size and width.* Every lot shall have an area of not less than one acre and a minimum width of 100 feet. Additionally, every lot shall have a minimum lot size and width sufficient to provide the minimum front, side, and rear yard requirements set out below. Such minimum yard requirements shall be applicable at the property line of commonly owned lots.
- 2.

Front yard. For uses permitted in the M-3 Mixed Manufacturing District, there shall be a front yard along the front property line of the lot. The minimum depth of such front yard shall be 25 feet.

3. *Side yards.* For uses permitted in the M-3 Mixed Manufacturing District, there shall be a minimum side yard of 5 feet.
 - a. Side yards fronting public roads. For uses permitted in the M-3 Mixed Manufacturing District, shall be a minimum side yard of 20 feet.
 - b. Side yards abutting a single-family dwelling zoning district and required privacy fencing. For uses permitted in the M-3 Mixed Manufacturing District, there shall be a minimum side yard of 25 feet and a required privacy fence (no access or view) at least eight feet in height, constructed of cedar, treated (by the manufacturer) pine, brick, or masonry, which shall be built prior to or contemporaneous with any commercial use of or construction on the lot zoned M-3 Mixed Manufacturing District, and such fence shall be maintained in good condition.
4. *Rear yards.* For uses permitted in the M-3 Mixed Manufacturing District, there shall be a minimum rear yard of 10 feet.
 - a. Rear yards fronting public roads. For uses permitted in the M-3 Mixed Manufacturing District, there shall be a minimum rear yard of 20 feet.
 - b. Rear yards abutting a single-family dwelling zoning district and required privacy fencing. For uses permitted in the M-3 Mixed Manufacturing District, there shall be a minimum rear yard of 25 feet and a required privacy fence (no access or view) at least eight feet in height, constructed of cedar, treated (by the manufacturer) pine, brick, or masonry, which shall be built prior to or contemporaneous with any commercial use of or construction on the lot zoned M-3 Mixed Manufacturing District, and such fence shall be maintained in good condition.

I. *Parking regulations (see Schedule A—Master Parking Schedule).*

1. Parking spaces shall be arranged so as to permit satisfactory egress and ingress of an automobile and/or commercial vehicles including delivery trucks according to generally accepted, published standards, and such parking spaces shall be required in addition to driveways.
2. Where any structure is erected, reconstructed, or converted for any of the business or commercial uses permitted in this section, parking spaces shall be provided in accordance with the following schedule, calculated on the amount of floor space in the structure used for each applicable use. Such parking space may be located on the same lot the building or on an area within 300 feet of the building. Two or more owners of buildings may join together for the purpose of providing the required parking spaces.

Office	2.5 spaces for every 1,000 square feet of floor space
Retail	4.0 spaces for every 1,000 square feet of floor space
Restaurant	8.0 spaces for every 1,000 square feet of floor space
Warehouse	1.0 spaces for every 5,000 square feet of floor space
Bulk warehouse	1.0 spaces for every 7,000 square feet of floor space
Light manufacturing	1.0 spaces for every 1,500 square feet of floor space

3. The parking or storage, including temporarily, of any type of motor vehicle, wheeled vehicle, or trailer on any unpaved surface is prohibited. "Paved" means a constructed surface of concrete or asphalt.

J. *Outside sales/display prohibited.* Outside sales, including outside display of goods and merchandise in the M-3 district is prohibited, except as expressly provided in this subsection. The term "outside" means outside of a fully enclosed building which is constructed on-site on a lot in compliance with all city codes. It is the intent of this provision to prohibit the use of any yard (front, side, or rear), parking space, setback, easement, or any open land for these purposes.

1. *Exception.* The outside sale or display of goods or merchandise is permitted under either of the following three circumstances only:

a. They are offered for sale or displayed outside as an integral part of the business conducted in the main building located on the lot and the sale or display is conducted within five feet of such main building; or

b.

They are offered for sale or displayed outside as an integral part of the business conducted in the main building located on the lot, and they are customarily displayed outside, and they are of such a large size that outside display is necessary; for example, automobiles or large boats (boats over 14 feet in length).

- c. They are offered for sale or displayed as an integral part of the business conducted in the main building located on the lot and the sale display is conducted within 18 feet from the front curb (or one parking space) in front of the merchant's building only. The sale or display shall not impede the flow of traffic or endanger the safety of the shoppers or passersby. This type of "outside sales" event will be allowed four times a year. The event shall not last longer than 72 hours in duration, with 12 hours for set-up and 12 hours for take down.
- K. *Outside storage or discarding of materials prohibited.* No refuse, unused material or item, or discarded material or item shall be stacked, stored, or placed on any part of a lot that is not designed, constructed, screened or fenced for that particular purpose is prohibited so as to prevent the placement or accumulation of such materials or items in a manner that tends to cause blight within the M-3 or other adjoining zoning districts.
- L. *Screening of garbage facilities.* It shall be unlawful for any person to fail to screen from public view any dumpster, container, receptacle, or bag used for the collection or storage of garbage, refuse, or recyclable materials. Such screening device shall be not less than six feet in height, measured from grade upward, shall be constructed of solid or other opaque material, and shall be located so as to screen such materials from any adjacent street, public way, or private property.
- M. *Exterior building materials.*
 1. All buildings or structures, with the exception of mobile food units, shall contain at least 75 percent brick, stone, decorative concrete block, or a combination thereof on the part of the exterior of any building or structure which fronts a major street. In calculating the 75 percent requirement, doors and windows shall not be counted. The remaining 25 percent of the part of the exterior of any such building or structure which fronts a major street shall consist of brick, stone, cement siding, decorative concrete block, stucco, or a combination thereof.

(Ord. No. 53-2013, § 3, 10-14-13; Ord. No. 21-2014, § 6, 3-24-14; Ord. No. 32-2016, § 11, 9-26-16; Ord. No. 21-2017, § 2(Exh. A), 12-18-17; Ord. No. 20-2020, § 3, 6-22-20)