

Sec. 7. - B-1 Neighborhood business district.

The following regulations shall apply to the B-1 neighborhood business district. To the extent a zoning use regulation within this section conflicts with another zoning use regulation applicable to this section, the more restrictive zoning use regulation shall control unless otherwise specifically stated.

A. *Use regulations.* The following uses for buildings or lots shall be a use by right:

1. Bakeries designed for retail sales rather than wholesale operation.
2. Health, beauty, salon, and spa.
3. Caterer.
4. Dry-cleaning and laundry service (no self-service).
5. Ice retail distributing station, but no manufacturing, and capacity not to exceed five tons storage.
6. Job printing.
7. Lodge hall.
8. Medical office/clinic.
9. Office.
10. Radio repair and sales shop.
11. Radio station.
12. Real estate office.
13. Restaurant, cafe, and cafeteria.
14. Service and supply business.
15. Stores and shops for the sale of products at retail only.
16. Studio (art, photo, music).
17. State-licensed day care center.
18. Woodworking business.
19. Governmental buildings, safety services, or facilities and attendant operations.

B. *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. Billiard or pool hall.
2. Church/place of worship.
3. Filling station, service station, provided all storage tanks for gasoline shall be below the surface of the ground.
4. Garage, public.

5. Micro-brewery, micro-winery, and wine cafe (subject to all local and state regulations).
 6. Convenience retail.
 7. Research or laboratory service.
 8. Mobile food unit, subject to chapter 18 (businesses), article IV.
- C. *Prohibited uses.* 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.
- D. *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.
- E. *Height regulations.* No building or structure shall exceed two stories or 35 feet in height.
- F. *Yard regulations.*
1. *Front yard.* For uses permitted in the B-1 neighborhood business 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.
 2. *Side yards.* For uses permitted in the B-1 neighborhood business district, there shall be a minimum side yard of 5 feet.
 - a. Side yards fronting public roads. For uses permitted in the B-1 neighborhood business district, there shall be a minimum side yard of 20 feet.
 - b. Side yards abutting a single-family dwelling zoning district. For uses permitted in the B-1 neighborhood business district, there shall be a minimum side yard of 25 feet.
 3. *Rear yard.* For uses permitted in the B-1 neighborhood business district, there shall be a minimum rear yard of 10 feet.
 - a. Rear yards fronting public roads. For uses permitted in the B-1 neighborhood business district, there shall be a minimum rear yard of 20 feet.
 - b. Rear yards abutting a single-family dwelling zoning district. For uses permitted in the B-1 neighborhood business district, there shall be a minimum rear yard of 25 feet.

G.

Intensity of use. For uses permitted in the R-2 district, the minimum lot area and minimum lot width shall be the same as in the R-2 district. There are no minimum lot area or lot width requirements for other uses.

- H. *Parking regulations (see Schedule A—Master Parking Schedule).* 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 the ratio of not less than as provided below:
1. *Medical office/clinic.* Five spaces per 1,000 gross square feet (hereafter "GSF").
 2. *Retail.*
 - a. Over 600,000 GSF: Five spaces per 1,000 GSF;
 - b. 300,000 to 600,000 GSF: Four spaces per 1,000 GSF;
 - c. Up to 300,000 GSF: Three and one-half spaces per 1,000 GSF.
 3. *General office.* Three spaces per 1,000 GSF.
 4. *Research or laboratory.* Two and one-half spaces per 1,000 GSF.
 5. *Business service.* Two spaces per 1,000 GSF.
 6. *Warehousing.* One space per 1,000 GSF.
 7. *Restaurant (freestanding).*
 - a. From zero to 5,000 GSF: Ten spaces per 1,000 GSF;
 - b. Over 5,000 GSF: 15 spaces per 1,000 GSF.
 8. *Church or place of worship.* One space per three sanctuary seats.
 9. *Daycare.* One space per nine students (capacity).
 10. *Hotel/motel.* One and one-quarter spaces per room.
- I. *Additional use, height and area regulations.* Additional use, height and area regulations and exceptions are found in section 10 herein.
- J. *Outside sales/display prohibited.* Outside sales, including outside display of goods and merchandise in the B-1 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 two 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); or

- c. They are offered for sale or displayed as an integral part of the business conducted in the main building (business) 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 so as to prevent the placement or accumulation of such materials or items in a manner that tends to cause blight within the B-1 district 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. 14-2013, § 2, 3-11-13; Ord. No. 52-2013, § 3, 10-14-13; Ord. No. 32-2016, § 7, 9-26-16; Ord. No. 21-2017, § 2(Exh. A), 12-18-17; Ord. No. 16-2020, § 3, 6-22-20)

Sec. 8. - B-2 Secondary and highway business district.

The following regulations shall apply to the B-2 secondary and highway business district:

- A. *Use regulations.*
 - 1.

Permitted Uses. The following retail-related uses may be allowed for buildings or lots unless otherwise specifically prohibited:

- a. Restaurants;
 - b. Stores for the sale of products at retail only; and
 - c. Wholesale in connection with any other permitted retail use.
 - d. Not retail-relates uses in the B-2 District are otherwise prohibited.
2. Provisional Uses. Not retail uses prohibited by Section 8.A. may be permitted subject to a property owner's execution of a Sales Tax Preservation Agreement.
- B. *Special exceptions.* The following uses may be permitted by special exception only:
1. Hotels; and
 2. Mobile food units.
- C. *Height regulations.* No building or structure shall exceed four stories or 75 feet in height.
- D. *Yard regulations.*
1. Front yard. For uses permitted in the B-2 Secondary and Highway Business 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.
 2. Side yards. For uses permitted in the B-2 Secondary and Highway Business District, there shall be a minimum side yard of 5 feet.
 - a. Side yards fronting public roads. For uses permitted in the B-2 Secondary and Highway Business District, there shall be a minimum side yard of 20 feet.
 - b. Side yards abutting a single-family dwelling zoning district. For uses permitted in the B-2 Secondary and Highway Business District, there shall be a minimum side yard of 25 feet.
 3. Rear yards. For uses permitted in the B-2 Secondary and Highway Business District, there shall be a minimum rear yard of 10 feet.
 - a. Rear yards fronting public roads. For uses permitted in the B-2 Secondary and Highway Business District, there shall be a minimum rear yard of 20 feet.
 - b. Rear yards abutting a single-family dwelling zoning district. For uses permitted in the B-2 Secondary and Highway Business District, there shall be a minimum rear yard of 25 feet.
- E. *Intensity of use.* For uses permitted in the R-2 district, the minimum lot area and minimum lot width shall be the same as the R-2 district. There are no minimum lot area or lot width requirements for other uses.
- F. *Parking regulations (see Schedule A—Master Parking Schedule).*

1. Except where in conflict with this subsection, parking requirements applicable to district B-1 shall apply to district B-2.
2. Shared off-street parking facilities may be utilized within integrated business developments in accordance with this subsection where peak parking demand hours differ among certain uses. The following shared parking credit schedule and formula shall be used in determining shared parking demands:

Uses	6:00 p.m. to Midnight	Midnight to 9:00 a.m.	9:00 a.m. to 6:00 p.m.
Retail/Commercial	25%	0%	100%
Office	10%	10%	100%
Restaurant/Bar	100%	50%	50%
Entertainment/ Cinema/Recreation	100%	50%	50%

3. Utilize the following formula for calculating shared parking requirements:
 - a. Determine the minimum amount of parking required for each use in accordance with the table above;
 - b. Multiply each such amount by the corresponding percentage for each of the three time periods above to arrive at the minimum number of parking spaces per use required in each of the time periods;
 - c. Calculate the total for all applicable uses and add the totals for each time period; and
 - d. The highest value for all time periods represents the minimum number of spaces required for all uses.

G. *Additional use, height, and area regulations.* Additional use, height and area regulations and exceptions are found in section 10 herein.

H. *Outside sales/display prohibited.* Outside sales, including outside display or storage of goods and merchandise in the B-2 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, display, or storage of goods or merchandise is permitted under either of the following two circumstances only:
 - a. They are offered for sale, displayed, or stored outside as an integral part of the business conducted in the main building located on the lot and the sale, display, or storage is conducted within five feet of such main building; or
 - b. They are offered for sale, displayed, or stored outside as an integral part of the business conducted in the main building located on the lot, and they are customarily displayed or stored outside, and they are of such a large size that outside display or storage is necessary; for example, automobiles or large boats (boats over 14 feet in length).
 - c. They are offered for sale, displayed, as an integral part of the business conducted in the main building (business) 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 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 only with a permit from city hall. The event shall not last longer than 72 hours in duration, with 12 hours for set-up and 12 hours for take-down.

I. *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.

J. *Exterior building materials.*

1. The exterior walls of all buildings and structures, with the exception of mobile food units, shall be constructed of brick, stone, decorative concrete block, or a combination thereof. Doors and windows are excluded.

(Ord. No. 14-2013, § 2, 3-11-13; Ord. No. 32-2016, § 8, 9-26-16; Ord. No. 21-2017, § 2(Exh. A), 12-18-17; Ord. No. 35-2019, § 3, 12-16-19; Ord. No. 14-2020, § 3, 5-11-20; Ord. No. 17-2020, § 3, 6-22-20)

Sec. 8-A. - M-1 Light manufacturing district.

The M-1 light manufacturing district is intended primarily for the conduct, predominantly within an enclosed building, of light manufacturing, assembling, fabrication, and business and service operations, including those which are permitted uses in the B-1 neighborhood and B-2 secondary and highway business districts. The size of the required yards adjoining any residential district is increased to provide a barrier between uses in the different districts. The following regulations shall apply to the M-1 light manufacturing district:

- A. *Use regulations.* The following uses for buildings or lots shall be a use by right:
1. Any use permitted in the B-1 neighborhood and the B-2 secondary and highway business districts.
 2. Warehouse—Within a main building.
 3. Storage—Within a main building.
 4. General construction.
 5. Electronics and high technology.
 6. Medical.
 7. Woodworking.
 8. Metalworking.
 9. Bottling and canning.
 10. Furniture.
 11. Transportation.
 12. Industrial machinery and equipment.
 13. Sporting goods.
 14. Product packaging.
 15. U.S. Postal Service or similar private services.
 16. Air conditioning and heating.
 17. Home and commercial appliance.
 18. Electrical.
 19. Utilities.
 20. Pool, spa, and related appurtenances.
 21. Building materials, hardware, and garden supply.
 22. Auto and home supply.
 23. Carpet installation and cleaning.
 24. Home services, such as, painting, contracting, repair, and cleaning.
 25. Armature rewinding and repair services.

26. Tire repair or services.
 27. Re-upholstery and furniture repair.
 28. Governmental buildings, safety services, or facilities and attendant operations.
 29. Pawn shops.
 30. Sexually oriented businesses, subject to chapter 18 (businesses), article II.
 31. Other uses. Any light 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-1 light manufacturing district or any adjoining district by reason of noise, vibrations, smoke, odor, dust, gas, light, or pollution of any type.
 32. Residential uses prohibited. It is the determination of the city that residential uses are inconsistent with and are not compatible with the M-1 light manufacturing district, and such residential uses are expressly not permitted uses in this M-1 light manufacturing district.
 33. Special exceptions. The following uses for buildings or lots shall be a use permitted by special exception, subject to the granting of a special exception as prescribed in section 17 herein:
 - a. Mobile food unit, subject to chapter 18 (businesses), article IV.
- B. *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 residential use.
 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 residential use.
- C. *Height regulations.* No building shall exceed 45 feet in height.
- D. *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, but in every case the minimum lot size and width shall be 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-1 Light 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-1 Light Manufacturing District, there shall be a minimum side yard of 5 feet.
 - a. Side yards fronting public roads. For uses permitted in the M-1 Light 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-1 Light 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-1 Light Manufacturing District, and such fence shall be maintained in good condition.
4. *Rear yards.* For uses permitted in the M-1 Light Manufacturing District, there shall be a minimum rear yard of 10 feet.
 - a. Rear yards fronting public roads. For uses permitted in the M-1 Light 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-1 Light 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-1 Light Manufacturing District, and such fence shall be maintained in good condition.

E. *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 the ratio of not less than one for each 200 square feet of floor space of the building which is used for

commercial purposes. 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.

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, asphalt, or similar materials (not debris) to establish a permanent surface.

- F. *Additional use, height, and area regulations.* Additional use, height, and area regulations and exceptions are found in section 10 herein.
- G. *Outside sales/display prohibited.* Outside sales, including outside display or storage, of goods and merchandise in the M-1 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, display, or storage of goods or merchandise is permitted under either of the following three circumstances only:
 - a. They are offered for sale, displayed, or stored outside as an integral part of the business conducted in the main building located on the lot and the sale, display, or storage is conducted within five feet of such main building; or
 - b. They are offered for sale, displayed, or stored outside as an integral part of the business conducted in the main building located on the lot, and they are customarily displayed or stored outside, and they are of such a large size that outside display or storage is necessary; for example, automobiles or large boats (boats over 14 feet in length).
 - c. They are offered for sale, displayed, or stored 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 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 only with a permit from city hall. The event shall not last longer than 72 hours in duration, with 12 hours for set-up and 12 hours for take down.
- H. *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 or constructed for that particular purpose, and any such use of a lot is prohibited. For example, the placement of surplus materials or items or refuse, generated during

manufacturing operations, within a building or structure or on an area constructed to store such items until they can be picked up for disposal or recycling is not prohibited, but the placement or discarding of such materials on a vegetated portion of the lot would be prohibited. It is the intent of this provision to prohibit the placement and/or accumulation of such materials or items in a manner that tends to cause blight within the M-1 or adjoining zoning districts.

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

Sec. 8-B. - M-2 Medium manufacturing district.

The M-2 medium manufacturing district is intended for the conduct of light manufacturing, assembling, fabrication, and business and service operations, including those that are permitted uses in the B-1 neighborhood business, B-2 secondary and highway business, and M-1 light manufacturing districts. The following regulations shall apply to the M-2 medium manufacturing district:

- A. *Use regulations.* A building or lot shall be used only for the following purposes:
 1. *Permitted uses.* Any use permitted in the B-1 neighborhood business, the B-2 secondary and highway business, or the M-1 light manufacturing districts.
 2. *Storage.* Storage (associated with an operation carried out in a building on the property) and accessory to a permitted use.
 3. *Other uses permitted.* Any 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-2 medium manufacturing district or any adjoining district by reason of excessive noise, vibrations, smoke, odor, dust, gas, light, or pollution of any type.
 4. *Residential uses prohibited.* It is the determination of the city that residential uses are inconsistent with and are not compatible with the M-2 medium manufacturing district, and such residential uses are expressly not permitted uses in the M-2 medium manufacturing district.

5. *Special exceptions.* The following uses for buildings or lots shall be a use permitted by special exception, subject to the granting of a special exception as prescribed in section 17 herein:
- a. Mobile food unit, subject to chapter 18 (businesses), article IV.
 - B. *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 that injures or destroys the peaceful enjoyment or use, comfort, repose, safety, or health of persons of ordinary sensibilities, when such noise or vibration is measured, or audible, or felt at the property line of any adjoining residential use within the city limits, is prohibited.
 2. Smoke, odor, dust, gas, light, or pollution of any type that constitutes a nuisance that injures or destroys the peaceful enjoyment or use, comfort, repose, safety, or health of persons of ordinary sensibilities, when such smoke, odor, dust, gas, light, or pollution is measured, or present, or detected at the property line of any adjoining residential use within the city limits, is prohibited.
 - C. *Height regulations.* No building shall exceed 45 feet in height.
 - D. *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-2 Medium 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-2 Medium Manufacturing District, there shall be a minimum side yard of 5 feet.
 - a. Side yards fronting public roads. For uses permitted in the M-2 Medium 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-2 Medium 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-2 Medium Manufacturing District, and such fence shall be maintained in good condition.

4. *Rear yards.* For uses permitted in the M-2 Medium Manufacturing District, there shall be a minimum rear yard of 10 feet.
 - a. Rear yards fronting public roads. For uses permitted in the M-2 Medium 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-2 Medium 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-2 Medium Manufacturing District, and such fence shall be maintained in good condition.

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

1. Parking spaces shall be arranged so as to permit the satisfactory egress and ingress of automobiles 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, asphalt, or similar materials (not debris) to establish a permanent surface.

- F. *Additional use, height, and area regulations.* Additional use, height, and area regulations and exceptions are found in section 10 herein.
- G. *Outside storage or discarding of materials.* 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 or constructed for that particular purpose, and any such use of a lot is prohibited. For example, the placement of raw materials, surplus materials, completed goods, other items, or refuse generated on-site during manufacturing operations, within a building or structure or on an area constructed to store such items until used, sold, or picked up for disposal or recycling is not prohibited, but the placement or discarding of such materials on a vegetated portion of the lot would be prohibited. It is the intent of this provision to prohibit the placement and/or accumulation of such materials or items in a manner that tends to cause blight within the M-2 or adjoining zoning districts. All such outside storage shall be separated from any streets or adjacent properties by fencing at least six feet high made out of wrought iron, galvanized chain link, or equivalent material and visually screened by use of landscaping or vinyl slats.
- H. *Fencing.* Any fencing located between the support foundation of the principle building located on the property and any adjacent roadway or street must be of wrought iron.
- I. *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. 14-2013, § 2, 3-11-13; Ord. No. 32-2016, § 9, 9-26-16; Ord. No. 21-2017, § 2(Exh. A), 12-18-17; Ord. No. 19-2020, § 3, 6-22-20)

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)