

CHAPTER 153
Commercial-Industrial Zoning District (C-M)

SECTION:

153.105	Regulations
153.106	Uses Permitted
153.107	Uses Permitted With a Use Permit
153.108	Building Requirements
153.109	Development Standards

153.105 REGULATIONS

The following regulations shall apply in all C-M districts and shall be subject to the provisions of Sections 153.180 through 153.185 of this Title.

153.106 USES PERMITTED

The following uses shall be allowed providing that (a) the use is conducted wholly within an enclosed building or within a six (6) foot high solid uniformly painted fence, and; (b) no operation shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration or electrical interference detectable off the site.

- (A) Appliance, assembly of electrical appliance (i.e. radios, phonographs, etc.).
- (B) Armature winding.
- (C) Auction house or store.
- (D) Automobile and truck service including the following:
 - 1. Automobile dismantling within a building. (Ord. 87-11)
 - 2. Automobile repair, body work, and steam cleaning subject to the following restrictions:
 - a. There shall be no painting of any kind (including spot painting) on the premises.
 - b. All work shall be conducted within the building.
 - c. The area required to meet the off-street parking requirements of Section 153.184 (C) shall not be used to store cars for more than 24-hours.
 - d. All cars to be stored for more than 24 hours shall be stored within the building or in a storage area that is surrounded by a six foot high solid fence.

3. Truck repair and steam cleaning.

(E) Bakery, retail or wholesale.

(F) Bar.

(G) Bottling plant, soft drinks.

(H) Building materials or lumberyard when screened by a six (6) foot high solid fence or hedge.

(I) Candy, sales and manufacture of.

(J) Car wash.

(K) Cemetery, columbarium, crematory, mausoleum.

(L) Community center, social hall, lodge, clubhouse, dance studio.

(M) Electronic instruments and equipment, assembly of.

(N) Farm machinery, sales, storage, repair and rental.

(O) Frozen food lockers.

(P) Garage sales as defined in Section 153.003 of this Title.

(Q) Glass studio, stained, etc., including edging, beveling and silvering in connection with sale of mirror and glass for decorating purposes.

(R) Home occupations as defined in Section 153.003 and regulated in Title 111 when conducted within an existing home.

(S) Hospitals, hotels, motels.

(T) Ice dealer (less than 5 tons), sales only.

(U) Milk dealer, creamery and dairy products manufacture.

(V) Mini-warehouses when enclosed by a solid masonry wall at least six (6) feet in height.

(W) Offices, professional and others.

(X) Parcel delivery service.

(Y) Public buildings and utilities of all types.

(Z) Parking lots.

(AA) Recreation centers.

(BB) Retail sales including but not limited to those listed in Sections 153.092 and 153.093(J) of this Title.

(CC) Schools, vocational

(DD) Second hand or used merchandise sales that comply with Section 117.01 of the City Code. Used car lots shall only be permitted when all of the cars are in operable condition without major body damage which exceeds 20% of the fair market value of the vehicle, when the lot is paved and when an office and rest room facilities are provided. Used car lots need not be in an enclosed building or fence.

(EE) Seed processing and packaging, treatment, storage and sales.

(FF) Service establishments including but not limited to those listed in Section 153.092 and 153.093(L) of the City Code unless otherwise further restricted under Section 153.107.

(GG) Sheet metal shop.

(HH) Signs as allowed in Sections 153.280 through 153.185 of this Title.

(II) Storage of boats, trailers, and RV's.

(JJ) Swimming pool, public.

(KK) Television or radio transmitter.

(LL) Temporary uses such as a circus, carnival, fair or festival provided they meet the following requirements:

1. The use shall be temporary in nature and shall not last more than four days.
2. The organizers of the event shall notify the Police Department of their intentions at least 30 days prior to the scheduled beginning of the event.
3. A business license shall be obtained as required by Section 110.18 of the City Code.
4. Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local non-profit organizations.
5. The use need not be in an enclosed building or fence.

(MM) Temporary construction building to house tools and equipment or containing supervisory offices in connection with construction projects during active construction on the same property.

(NN) Theater, indoor.

(OO) Tin smith.

(PP) Utilities.

(QQ) Veterinary hospital.

153.107 USES PERMITTED WITH A USE PERMIT

(A) Automobile and truck painting.

(B) Amusement park, carnival, circus, fairgrounds, open-air church, open-air theater, and race track other than as allowed in Section 153.106(LL).

(C) Apartments, boarding houses, multiple dwelling, dwelling groups and rooming houses provided it is determined that the use will not adversely affect commercial uses in the area and that commercial uses will not adversely affect the proposed use.

(D) Borrow pit to a depth of more than three feet.

(E) Bus terminal.

(F) Ceramic products, manufacture of, using previously pulverized clay and kilns fired only by electricity or low-pressure gas.

(G) Cleaning (including carpet) and dyeing plant.

(H) Contractor's yard, when enclosed within a six (6) foot high fence or screen planting.

(I) Draying, freighting and storage when provided with a lock box system so emergency personnel have access to information regarding materials currently stored on the property.

(J) Dump, refuse disposal, and sewage disposal plant.

(K) Feed and fuel (solid) yard.

(L) Massage parlor.

(M) Natural mineral resources, the development of, or exploration for, together with the necessary buildings, apparatus, or appurtenances incidental thereto.

(N) One dwelling unit if the following requirements are met:

1. The dwelling unit shall be clearly secondary to the commercial use of the property.
2. There are no other residences on the property.
3. The dwelling unit shall not be rented or leased independent of the principal use to which it is necessary.
4. The exterior of any residential unit shall be compatible with the commercial building(s) on the property.

5. The permit shall be reviewed annually to ensure continued compliance with the provisions of this Title.

6. A finding shall be made that other feasible security measures have been tried and that there is a demonstrated need for additional security.

(O) Service stations.

(P) Tire recapping, rebuilding, re-treading.

(Q) Warehouse, wholesale building. (Ord. 87-11)

(R) Automobile repair, bodywork, and steam cleaning subject to the following restrictions:

a. All work shall be conducted within the building.

b. The area required to meet the off-street parking requirements of Section 153.184 (C) shall not be used to store cars for more than 24 hours.

c. All cars to be stored for more than 24 hours shall be stored within the building or in a storage area that is surrounded by a six foot high solid fence. (Ord. 88-14)

153.108 BUILDING REQUIREMENTS

(A) Height Limit:

1. No building or structure shall exceed six (6) stories or 70 feet, whichever is the lesser.

2. No fence, hedge, or screen planting (excluding wire fences, and non-solid fences which do not limit visibility as determined by the Planning Director) shall be constructed or permitted to grow in excess of three (3) feet in height within any front yard or side yard of a corner lot.

(B) Building Site Area Required:

1. Minimum area, residential:

a. First two units - 6000 square feet.

b. For each unit in excess of two dwelling units - 2000 square feet, not to exceed 20 units per net acre.

2. Minimum area, commercial uses - Sufficient to provide the minimum yard and parking requirements.

3. Minimum width, interior lot - 55 feet.

4. Minimum width, corner lot - 65 feet.

5. Minimum depth - 100 feet. (Ord. 87-11)

(C) Yards and Open Spaces Required

Front, side or rear yard – the minimum setback shall be as required by Section 153.183(D) – repealed by Ordinance No. 91-25, adopted on January 14, 1991.

1. Front, side or rear yard or a corner lot - None except no building shall be closer than 10 feet to any street less than 70 feet in width.
2. Side yard, interior lots and rear yard - None except no building shall be erected closer than 15 feet to any "R" district.
3. Detached accessory buildings - 10 feet from any other buildings on the lot.
4. No vehicle opening of any building shall be closer than 20 feet to the property line or planned right-of-way line toward which the opening faces.
5. Loading docks shall be so located that trucks will head in and head out and not use the public street for maneuvering, loading and unloading.

(D) Floor Area Ratio Requirements - Residential Uses:

1. For single story buildings - 0.60:1.0
2. For two story buildings - 0.80:1.0
3. For three story buildings - 1.20:1.0

153.109 DEVELOPMENT STANDARDS

(A) **Nuisances:** No operation shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke vibration or electrical interference detectable off the site. (Ord.87-11)

(B) **Screening:** An eight (8) foot high solid, decorative masonry wall shall be constructed along the property line adjacent to any residential zone or any PD zoning for residential use except that no such wall shall be required if said property line abuts an alley. (Ord. 90-01)

(C) **Landscaping:** A landscaping plan for all uses (except single family dwellings, duplexes and triplexes) including plant species, initial size, location, growth characteristics and method of irrigation shall be approved by the Planning Director prior to issuance of any permit. Such required landscaping shall be installed prior to final inspection and shall be maintained by the property owner. Approval shall be based on the degree of compliance with Landscape Standards as adopted from time to time by the City Council. (Ord. 87-11; Amended Ord. 89-22)

(D) **Trash Storage Areas.** Trash bins (except single family dwellings, duplexes, or dwelling groups) shall be provided in a fully enclosed trash storage area. This area or areas shall be provided at locations that are readily accessible to residents and sanitation collectors.

(E) *Off-Street Parking*. Off-street parking shall be provided as required in Section 10-13-5. A circulation plan for all non-residential uses shall be required for all new development and shall include truck loading and unloading facilities. (Ord. 87-11)

(F) *Open Space Requirements*: All multiple residential uses of two (2) or more dwelling units on one lot shall provide a fenced play ground (or other open space in the case of an adult only facility) of at least fifty (50) square feet per unit with a minimum area of 300 square feet provided regardless of the number of units. This area shall not be a lineal open space but should have a width to depth ratio not exceeding 1:2. Except in very large complexes (more than 50 units) this required open space shall be in one location. (Ord. 89-11)

(G) *Site Plan Review*: Proposals to construct any thing other than a single family dwelling, a duplex, a triplex or a four-plex on a parcel shall be subject to site plan review by the Planning Commission prior to issuance of a building permit. This review shall include, but not be limited to, comparison of the project with the Architectural and Subdivision Design Standards as adopted by the City Council. (Ord. 90-01)