

CHAPTER 12 – PLANNING & ZONING

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Section 12-7-101 Legal boundary descriptions for the Light Industrial District.

An area beginning at a point where the main line of the D M & E Railroad intersects the easterly line of Washington Avenue; thence easterly along said main line to a point on the westerly line of Block 1, Kindt Addition extended; thence southerly along the westerly line of Block 1, Kindt Addition extended, and Lot 9, Block 167, Wells Second Addition to the northerly line of Sioux Avenue; thence easterly along the northerly line of Sioux Avenue to the westerly line of Polk Avenue; thence southerly along the westerly line of Polk Avenue to the southerly line of the easterly-westerly alley in Block 93, Wells Second Addition, extended; thence easterly along the southerly line of the easterly-westerly alley in Blocks 93 and 94, Wells Second Addition, extended, to the east line of Filmore Avenue; thence northerly along the east line of Filmore Avenue to the north line of Lot 16, Block 95, Wells Second Addition; thence easterly along the northerly line of Lots 16 through 30, Block 95, and Lots 16 through 30, Block 96, Wells Second Addition to the centerline of Buchanan Avenue, extended; thence southerly along the centerline of Buchanan Avenue extended to the southerly line of Dakota Avenue; thence easterly along the southerly line of Dakota Avenue to the north-south centerline of Section 3-110-79; thence south along the north-south centerline of Section 3-110-79 to the northerly alley line in Block 98, Wells Second Addition; thence northwesterly along the northerly line of the east-west alleys in Blocks 98 to 102, inclusive, Wells Second Addition, to the westerly line of the north-south alley in Block 102, Wells Second Addition; thence southwest along the westerly line of the north-south alley in Block 102, Wells Second Addition to the east-west centerline of Lot 10, Block 102, Wells Second Addition; thence northwesterly along the east-west centerline of Lot 10, Block 102, Wells Second Addition to the

easterly line of Polk Avenue; thence northeasterly along the easterly line of Polk Avenue to the north line of Dakota Avenue; thence northwesterly along the north line of Dakota Avenue to the easterly line of Harrison Avenue; thence northerly along the easterly line of Harrison Avenue to the intersection of the said line with the northerly line of the alley in Block 90, Wells Second Addition extended, thence easterly along the alley to the southeast corner of Lot 11, Block 89, Wells Second Addition; thence northerly along the east line of Lot 11, Block 89, Wells Second Addition to the south line of Sioux Avenue to the centerline of Jackson Avenue; thence southerly along the centerline of Jackson Avenue to the intersection of the said line with the northerly line of the alley in Block 89, Wells Second Addition; thence easterly along the alley to the north-south centerline of Adams Avenue; thence northerly along the centerline of Adams Avenue to the centerline of Sioux Avenue; thence westerly along Sioux Avenue to the centerline of Washington Avenue; thence northerly along the easterly line of Washington Avenue to the place of beginning.

An area beginning at the south line of Green Street and the west line of Roosevelt Avenue; thence south along the west line of Roosevelt Avenue to the northerly line of State Highway 34 right-of-way; thence easterly along the northerly line of State Highway 34 right-of-way to its intersection with the west line of Lot 1, Cunningham's Outlot No. 3; thence north along the west line of Lot 1, Cunningham's Outlot No. 3, 200 feet; thence westerly along a line parallel 200 feet north of the northerly right-of-way line of the State Highway 34 to the west line of Lowell Avenue; thence north along the west line of Lowell Avenue to the east-west centerline of Section 3-110-79; thence easterly along the said centerline of the said Section to the east line of Section 3-110-79; thence north along the east line of the said Section 3 to the south line of Harmony Hills Addition; thence west along the south line of Harmony Hills Addition extended to the centerline of Arthur Avenue extended; thence south along the centerline of Arthur Avenue extended to the north line of Block 11 and 12, Wright and Templeton Addition; thence east along the north line of blocks 11 and 12, Wright and Templeton Addition to the west line of Sigler's Subdivision; thence south along the west line of Sigler's Subdivision to the north line of Lots 5 through 18, Sigler's Subdivision; thence east along the north line of Lots 5 through 18, Sigler's Subdivision to the east line of Lots 18 and 19, Sigler's Subdivision; thence south along the east line of Lots 18 and 19, Sigler's Subdivision extended the south line of Humboldt Street; thence east along the south line of Humboldt Street to the west line of Roosevelt Avenue; thence south along the west line of Roosevelt Avenue to the place of beginning.

An area beginning at the southwest corner of Cunningham's Outlot No. 4 and the northerly line of State Highway 34 right-of-way; thence easterly along the northerly of line of State Highway 34 right-of-way to its intersection with the centerline of Section 2-110-79; thence north along the centerline of Section 2-110-79; thence north along the centerline of Section 2-110-79 200 feet; thence westerly along a line parallel and 200 feet north of the northerly right-of-way line of the State Highway 35 to the west line of Cunningham's Outlot No. 4; thence south along the west line of Cunningham's Outlot No. 4 to the place of beginning.

An area beginning at the intersection of the north line of Section 34-111-79 and the westerly right-of-way line of Highway 14-83 Truck Route; thence south along the westerly right of way line of said highway to the east-west line of Section 34-111-79; thence east along the east-west centerline of Section 34-111-79 to the west line of the E 1/2, E 1/2, E 1/2, NE 1/4 of Section 34-111-79; thence north along the west line of the E 1/2, E 1/2, NE 1/4 of Section 34-111-79 to the north line of Section 34-111-

79; thence west along the north line of Section 34-111-79 to the place of beginning.

Airport Outlot 2 and Airport Outlot 3.

Lots 1-18, Liz Korkow Addition in Section 3-110-79.

Lots 1-20, Kacy Korkow Addition in Section 3-110-79.

The Railroad Depot Lot beginning at the southwest corner of Lot A-1 of the L. Iverson Addition thence northerly a distance of 75' to the northwest corner of Lot A-1 thence westerly along the southerly line of State Highway 34 to the westerly line of Harrison Avenue; thence southerly 75' along the westerly line of Harrison Avenue, thence easterly along the southerly line of the DM&E Railroad to place of beginning.

Beginning at a point at the intersection of the northerly line of State Highway 34 Right of Way and the north-south centerline of Section 2-110-79; thence north along the north-south centerline of Section 2-110-79 to the north line of Lot 1 of Outlot A extended; thence east along the north line of Lot 1 of Outlot A extended to the east line of Lot 1 of Outlot A; thence south along the east line of Lot 1 of Outlot A 147.4 feet; thence east 105.4 feet; thence south 50 feet; thence east 319.2 feet to the east line of Lot 3 of Outlot A; thence south along the east line of Lot 3 of Outlot A to the northerly line of State Highway 34 Right of Way; thence westerly along the northerly line of State Highway 34 Right of Way to the place of beginning.

An area beginning at the intersection of the east line of Section 3-110-79 and the centerline of the main line of the DM&E Railroad; thence westerly along the centerline of the main line of the DM&E Railroad to a point 150 feet west of the east line of Section 3-110-79; thence south parallel to the east line of Section 3-110-79 to the north line of Park Street; thence east along the north line of Park Street to the east line of Section 3-110-79; thence north along the east line of Section 3-110-79 to the place of beginning.

S $\frac{1}{2}$, S $\frac{1}{2}$, SE $\frac{1}{4}$, except the W. 225' of Section 27-111-79, lying east of the Highway Truck Route Right-of-Way.

N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35-111-79.

SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 27-111-79 east of Lots H-1. (Truck Route right-of-way)

Lots 1 through 8 and 23 through 29, Block 103, Wells Second Addition.

Lots 15, 16 & 17 of the B & E Addition, Section 34-111-79.

An area beginning at the intersection of the north line of the B & E Addition and the centerline right-of-way line of Highway 14-83 Truck Route; thence east to the northwest corner of Lot 12R, B & E Addition, then east along the north boundary of Lots 12R and 13R, B & E Addition, to the northeast corner of Lot 13R, B & E Addition; thence south along the east boundary of Lot 13R, B & E Addition,

to the southeast corner of Lot 13R, B & E Addition; thence west along the south boundary of Lot 13R, B & E Addition, to the southwest corner of Lot 13R, B & E Addition; thence south along the west boundary of Lot 11R, B & E Addition, to the southeast corner of Lot 11R, B & E Addition; thence west along the south boundary of Lot 11R, B & E Addition, to the centerline right-of-way of Highway 14-83 Truck Route; thence north along the centerline right-of-way to a point at the intersection of the north line of the B & E Addition and the centerline right-of-way of Highway 14-83 Truck Route; thence south along the centerline of said highway to the east-west line of Section 34-111-79; thence east along the east-west centerline of Section 34-111-79 to the west line of the E 1/2, E 1/2, E 1/2, NE 1/4 of Section 34-111-79; thence north along the west line of the E 1/2, E 1/2, NE 1/4 of Section 34-111-79 to the northeast corner of Lot 17, B&E Addition; thence westerly along the north boundary of Lot 17, B&E Addition, to the northwest corner of Lot 17, B&E Addition; thence south along the west boundary of Lot 17 to the southwest corner of Lot 17, B&E Addition; thence west along the south boundary of Lot 17, B & E Addition, to the southeast corner of Lot 17, B & E Addition; thence north along the west boundary of Lot 17, B & E, Addition to the northeast corner of Lot 17, B & E Addition, thence west along the north line of the B & E Addition to the place of beginning.

An area beginning at the north-south centerline of Section 2-110-79 and the north line of Cunningham's Outlot No. 5; thence west along the north line of Cunningham's Outlots No. 3, 4 and 5 to the west line of Cunningham's Outlot No. 3; thence south along the west line of Cunningham's Outlot No. 3 to the north line of Lot 1, Cunningham's Outlots; thence east along the north line of Lot 1, Cunningham's Outlots and Lot 1, Cunningham's Outlots extended to the north-south centerline of Section 2-110-79; thence north along the north-south centerline of Section 2-110-79 to the place of beginning.

Lot 6, Seyer's First Addition in the W¹/₂, W¹/₂, NW¹/₄ of Section 26-111-79.

Lot 3C, Wall Plaza Addition.

Amended by Ord. No. 882, 1973; 969, 1977; 978, 1977; 987, 1977; 993, 1978; 1128, 1984; 1129, 1984; 1141, 1985; 1167, 1986; 1196, 1987; 1198, 1987; 1199, 1987; Ord. No. 1290, 1991; Ord. No. 1296, 1992; Ord. No. 1306, 1992; Ord. No. 1316, 1992; Ord. No. 1344, 1994; Ord. No. 1374, 1996; Ord. No. 1501, 2001; Ord. No. 1505, 2001; Ord. No. 1532, 2003; Ord. No. 1537, 2003; Ord. No. 1552, 2004; Ord. No. 1591, 2006; Ord. No. 1605, 2007; Ord. No. 1669, 2010; Ord. No. 1711A, 2012; Ord. No. 1716, 2013; Ord. No. 1743, 2015; Ord. No. 1754, 2016. Ord. No. 1757, 2016; Ord. No. 1766, 2016.

Section 12-7-102 Statement of purpose for the Light Industrial District.

To provide for a number of light manufacturing, light processing, warehousing and service uses, which are compatible to adjoining districts and which shall be able to meet comparatively rigid specifications as to nuisance free performance.

Source: Ord. 1438, 1999.

Section 12-7-103 Principal Permitted uses. Retail and service stores of the following types:

1. Assembly and packaging
2. Automobile/heavy truck equipment sales and service
3. Building material sales
4. Contractor shop/storage and Equipment storage (less than 20,000 sq. ft.)
5. Feed and seed store
6. Freight handling
7. Light manufacturing or processing
8. Office
9. Parking facility or lot
10. Printing or publishing
11. Public transportation facility
12. Public utility facility
13. Railroad tracks & facilities
14. Storage and warehousing
15. Truckstop
16. Veterinary
17. Wholesale trade
18. Other, light industrial uses approved by the Planning Commission, except those uses enumerated in another district.

Amended by Ord. No. 1186, 1986; 1222, 1988; 1252, 1990; Ord. 1438, 1999.

Section 12-7-104 Certain uses declared incompatible and excluded.

The following uses are hereby declared incompatible with the purpose of the Light Industrial District and are hereby expressly excluded:

1. All dwellings
2. Aluminum can processing
3. Drive-in theaters
4. Mobile home parks
5. Hospitals, clinics, rest homes and other institutions for the housing or care of human beings
6. Public, parochial and private schools and colleges, except trade schools
7. Any use not enumerated as permitted in this district but which is specifically provided for in another district or districts.

Amended by Ord. No. 1167, 1986; Ord. 1438, 1999.

Section 12-7-105 Accessory uses.

Accessory buildings and uses customarily incidental to any of the permitted uses in the district and provided that such use shall conform to all performance standards set forth for this district

Source: Ord. 1438, 1999.

Cross reference: Section 12-7-107, performance standards.

Section 12-7-106 Conditional uses.

1. Concrete ready mix plant
2. Daycare facility
3. Implement sales & service
4. Recycling facility
5. Retail or service store
6. Temporary recreational use

Source: Ord. 1438, 1999.

Section 12-7-107 Performance standards.

1. Physical Appearance

All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open.

Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from the street.

The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the open storage of vehicles, boats, farm machinery, trailers, mobile homes or similar equipment when in operable condition.

Contractors storage yards and equipment storage yards shall be screened from view from streets and from adjacent properties, and other zoning districts by means of a sight obscuring fence not to exceed a height of 80 inches approved by the city inspector. The fence shall be maintained in good repair. The fence shall be constructed within a period of 90 days after notification by the city inspector, after the date of passage of this Ordinance.

Temporary recreational uses approved as a conditional use shall not involve any appreciable amount of fixed construction and shall not interfere with the efficient functioning of the district for its primary purpose of providing for light industrial uses

2. Fire Hazard

No operation shall involve the use of highly flammable gases, acid, liquids, grinding processes or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with other ordinances of the city.

3. Noise

No operation shall be carried on which involves noise in excess of the oral traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency changes. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness.

4. Sewage and Liquid Waste

No operation shall be carried on which involves the discharge into a sewer, water course or the ground of liquid wastes of any radioactive nature, or liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

5. Air Contaminants

Air contaminants and smoke shall be less dark than designated number one of the Ringleman chart as published by the United States Bureau of Mines, except that smoke of a density designated as number one (1) shall be permitted for one 4 minute period in each one-half hour. Light Colored contaminants of such an opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two-tenths grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of 4 minutes in any one-half hour, at which time it may equal but not exceed six-tenths grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.

Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any source whatsoever, such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons to cause or have a natural tendency to cause injury or damage to business, vegetation or property.

6. Odor.

The emissions of odors that are generally agreed to be obnoxious to any considerable number of persons shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor, it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this ordinance.

7. Gases.

The gases sulphur dioxide and hydrogen sulphide shall not exceed 5 parts per million, carbon monoxide shall not exceed 5 parts per million. all nitrous fumes shall not exceed one part per million. Measurements shall be taken at the zoning lot line.

8. Vibration

All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this district.

9. Glare and Heat

All glares such as welding arcs and open furnaces shall be shielded so that they are not visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than 5 degrees Fahrenheit.

Amended by Ord. No. 1186, 1986; Ord. 1438, 1999.

Section 12-7-108 Space limitations.

Building Height Limit

No building shall exceed seventy-five (75) feet in height.

Required Lot Area

No required lot area.

Percentage of Lot Coverage

Entire lot may be covered except as hereinafter otherwise specified.

Yard Required

Each lot shall have front, side and rear yards of not less than the depth or widths following:

1. Front yard depth - Thirty (30) feet
2. Rear yard depth - None required but has to comply with loading zone requirement.
3. Side yard width - None required, except on corner lots on which the side setback shall be not less than thirty (30) feet unless approved by the Board of Adjustment.

Section 12-7-109 Requirements for selected uses.

1. Off-street parking and loading shall be provided for all uses established in this district unless otherwise specified herein. All drive-in type restaurants shall provide adequate off-street space for the maneuvering and parking of patrons' vehicles.
2. Automobile repair shops and filling stations shall be subject to the following provisions:
 - a) No repair work is performed out-of-doors.
 - b) Pumps, lubricating or other devices shall be at least twenty (20) feet from any street.
 - c) All gasoline, liquified petroleum gas, fuel, oil or similar substances, that are for resale shall be stored underground.

d) All automobile parts, dismantled vehicles and similar articles shall be stored within a building.

3. Transmission towers are limited to 35 feet high.

Source: Ord. 1438, 1999.

Sections 12-7-110 to 199, inclusive. Reserved.

Section 12-7-201 to 299, inclusive. Heavy Industrial District - general provisions.

Section 12-7-201 Legal boundary descriptions for the Heavy Industrial District.

Area beginning at a point on the west line of Lowell Avenue and 200 feet north of the northerly right-of-way line of State Highway 34; thence easterly in a line parallel and 200 feet north of the northerly right-of-way line of State Highway 34 to the west line of Lot 1, Cunningham's Out-lots; thence south along said west line to the north right of way line of Highway 34; thence easterly along said line to the east line of Lot 1, Cunningham's Out-lots; thence north along said line to a point 200 feet north of the northerly right of way line of Highway 34; thence southeasterly on a line parallel and 200 feet north of the northerly right of way line of Highway 34 to the north-south center line of Section 2-110-79; thence north to the north line of Lot 1, Cunningham's Outlots extended; thence westerly along the north line of Lot 1, Cunningham's Out-lots extended ; thence west along the north line of Lot 1, Cunningham's Out-lots, to west line of Cunningham's Out-lot No. 3; thence north along the west line of Cunningham's Out-lot No. 3 to a point 400 feet north of the northerly right-of-way line of State Highway 34; thence westerly along a line parallel to the northerly right-of-way line of State Highway 34 to the east line of Cunningham's Out-lot No. 1; thence north 50 feet along the east line of Cunningham's Out-lot No. 1; thence westerly to a point 450 feet north of the northerly right-of-way line of State Highway 34 and the east line of Lot R, Cunningham's Out-lot No. 1; thence south 50 feet along the east line of Lot R, Cunningham's Out-lot No. 1; thence westerly on a line parallel to the northerly right-of-way line of State Highway 34 to the west line of Lowell Avenue; thence south along the west line of Lowell Avenue to the place of beginning.

Area beginning at a point on the Main line of D M & E Railroad and 150 feet west of the East line of Section 3-110-79; thence northwesterly along said Main line of the D M & E Railroad to the westerly line of Block 1, Kindt Addition extended; thence southerly along the westerly line of Block 1, Kindt Addition extended and Lot 9, Block 167, Wells Second Addition to the northerly line of Sioux Avenue extended; thence easterly along the northerly line of Sioux Avenue to the westerly line of Polk Avenue; thence southerly along the westerly line of Polk Avenue to the southerly line of the easterly-westerly alley in Block 93, Wells Second Addition extended; thence easterly along said alley line extended to the easterly line of Filmore Avenue; thence northerly to the northerly line of Lot 16, Block 95, Wells Second Addition; thence easterly along northerly line of Lots 16 through 30, Block 95, and Lots 16 through 30, Block 96, Wells Second Addition to the centerline of Buchanan Avenue extended; thence southerly along the center line of Buchanan Avenue extended to the southerly line of Dakota

Avenue; thence southeasterly along the southerly line of Dakota Avenue to the centerline of Section 3-110-79; thence south along the centerline of Section 3-110-79 to the north line of Henrichs Addition; thence east along the north line of Henrichs Addition 330 feet; thence southeasterly along Henrichs Addition 42.6 feet; thence south along the east line of Henrichs Addition to the north line of Park Street; thence east along the north line of Park Street to a point 150 feet west of the east line of Section 3-110-79; thence north to the place of beginning.

W 1/2, W 1/2, NW 1/4 Section 26-111-79 except that portion lying northerly of a line which is 1,000 feet southerly of and parallel to the southerly right of way line of Highway 14 & 83.

Amended: Ord. 882, 1973; 903, 1974; 1129, 1984; 1139, 1984; 1222, 1988; 1249, 1989; Ord. 1282, 1991; Ord. No. 1597, 2006;

Section 12-7-202 Statement of purpose for the Heavy Industrial District.

This district provides for the widest range of industrial operations permitted in the district for location of those industries that have not reached a technical stage in processing which renders them free of nuisance factors or where economics precludes construction and operation in a nuisance free manner.

Section 12-7-203 Principal permitted uses.

Any use which can meet the performance standards for this district except as herein modified.

The following uses shall be allowed only in this district.

1. Trucking terminals containing in excess of 4 loading or transfer bays.
2. The storage above ground of liquid petroleum products or chemicals of a flammable or noxious nature when stored for resale.
3. Meat packing, slaughtering, eviscerating and skinning.
4. Poultry killing, plucking and dressing when such operations are of such size as to employ in excess of 3 persons.
5. Rendering of by-products or slaughtering and killing of animals or poultry.
6. Yards for the sale, transfer and temporary holding of livestock.
7. Junk yards, auto parts salvage and auto wrecking yards when such operations are obscured from any street or from any adjacent property in another district by a sturdy, sight obscuring fence in good repair, and under the condition that any burning operations be carried on in an enclosed structure provided with such super-heating devices designed to assure complete combustion as may be approved by the city inspector.

Off-site advertising signs and billboards will be allowed as stated in this chapter. At such time as 50% or more of the area of property, exclusive of public streets and alleys, within 300 feet of any such display sign or billboard, is developed, then any such display sign shall be removed by the owner at his expense.

Every off-site advertising sign or billboard will be required to have a permit issued.

All off-site signs or billboards shall be kept in good repair.

All off-site advertising or billboard found in violation of this chapter may be removed or subject the owner to the penalties of this code or both.

Off-site advertising signs and billboards shall be spaced 300 feet apart, maximum area of 400 square feet on one side and maximum height of 30 feet.

Amended: Ord. 1222, 1988; 1252,1990; Ord. No. 1451, 1999. (Reference Section 12-14-101 to 199.)
Cross-reference: Section 12-7-207, performance standards.

Section 12-7-204 Certain uses declared incompatible and excluded.

The following uses are hereby declared incompatible with the purpose of the Heavy Industrial District and are hereby expressly excluded:

1. Any use that cannot meet the performance standards set forth herein.
2. All dwellings and other types of living accommodations shall be prohibited save quarters for a watchman or caretaker shall be permitted as an accessory use for any permitted use.
3. Schools and colleges, except trade schools.
4. Hospitals, clinics, rest homes and other institutions for the housing or care of human beings, except that medical facilities accessory to any industrial operation shall be permitted.
5. Hotels, motel and mobile home parks.

Cross-reference: Section 12-7-207, performance standards.

Section 12-7-205 Accessory uses.

Any accessory use normally appurtenant to a permitted use shall be allowed provided such use shall conform to all performance standards set forth for this district.

Cross-reference: Section 12-7-207, performance standards.

Section 12-7-206 Conditional uses.

Recreational uses which are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the district for its primary purpose of providing for manufacturing and heavy commercial establishments may be allowed only upon appeal to the Board of Adjustment.

Section 12-7-207 Performance standards.

1. Appearance

Junk, salvage, auto wrecking and similar operations shall be shielded from view from streets and from adjacent properties in another district by means of a sturdy, sight-obscuring fence in good repair.

2. Fire Hazard

All flammable substances involved in any activity established in this district shall be handled in conformance with the standards of the National Board of Fire Underwriters, National Fire Protection Association, and any additional regulations of the city.

3. Noise

All noise and noise causing activities shall be muffled so that they will not create a disturbance greater than normal peak hour traffic noise on a major street when observed from any area zoned residential. Major street noise for comparison purposes shall be measured on the primary state highway nearest the industry.

4. Sewage and Liquid Wastes

No operation shall be carried on which involves the discharge into a sewer, water course or the ground of liquid wastes of any radioactive nature, or liquid waste of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations. Any liquid wastes which create heavy loading on the city treatment plant will be subject to treatment by the owner, before being discharged into the city sewer system or by other agreement with the City Commission.

5. Air Contaminants

Air contaminants and smoke shall be less dark than designated number 2 on the Ringelman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as number 2 shall be permitted for one 4-minute period in each one-half hour. Light colored contaminants of such opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

Particulate matter or dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two-tenths grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.

Due to the fact that the possibilities of air contaminants cannot be comprehensively covered in this section there shall be applied the general rule that there shall not be discharged from any source whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons or the general public or to cause or have a natural tendency to cause injury or damage to business, vegetation or property.

6. Odor

Odor causing operations shall be controlled so as to reduce escape of odors to the minimum practical within the limits of technology and economics.

7. Gases

All noxious gases shall be controlled to the extent that they will not be injurious to life and property. The gases sulphur dioxide and hydrogen sulphide shall not exceed 5 parts per million, carbon monoxide shall not exceed 25 parts per million, and nitrous fumes shall not exceed 5 parts per million. All measurements shall be made at the zoning lot line.

8. Vibration

All machines including punch presses and stamping machines shall be mounted so as to minimize vibration. Vibration shall not be so excessive that it interferes with industrial operations on nearby zoning lots.

Section 12-7-208 Space limitations.

Building Height Limit.

No building shall exceed seventy-five (75) feet in height.

Required Lot Area

No required lot area.

Percentage of Lot Coverage

Entire lot may be covered, except as hereinafter otherwise specified.

Yard Required.

Each lot shall have front side and rear yards of not less than the depth or widths following:

1. Front yard depth - Thirty (30) feet.
2. Rear yard depth - None required, but has to comply with loading zone requirement.
3. Side yard width - None required, except on corner lots on which the side setback shall be not less than thirty (30) feet unless approved by the Board of Adjustment.

Section 12-7-209 Requirements for selected uses.

1. Off-street parking and loading shall be provided for all uses established in this district unless otherwise specified herein.
2. Automobile repair shops and filling stations shall be subject to the following provisions:
 - a. No repair work is performed out-of-doors.
 - b. Pumps, lubricating or other devices shall be at least twenty (20) feet from any street line.
 - c. All gasoline, liquefied petroleum gas, fuel, oil, or similar substances that are for resale shall be stored underground.
 - d. All automobile parts, dismantled vehicles and similar articles shall be stored within a building.

Source: Ord. No. 1451, 1999.

Section 12-7-210 to 299, inclusive. Reserved.

Sections 12-7-301 to 399, inclusive. Industrial Park District - general provisions.

Section 12-7-301 Legal boundary descriptions for the Industrial Park District.

NW 1/4 of Section 26-111-79 except the W 1/2, W 1/2 of said NW 1/4 of Section 26-111-79.

SW 1/4 of Section 26-111-79.

Lots 1 & 2 of the Schlachter Addition, Lots AR1, AR2 and AR3, and the NE ¼ NE ¼ all in

Section 27-111-79 lying east of the Highway Truck Route right-of-way.

Amended: Ord. 1222, 1988; Ord. 1296, 1992; Ord. 1374, 1996; Ord. 1720, 2013.

Section 12-7-302 Statement of purpose for the Industrial Park District.

This district provides for a limited range of commercial and industrial uses.

Section 12-7-303 Principal permitted uses.

Any use which can meet the performance standards of this district.

Wholesaling, manufacturing, jobbing, warehousing, or business of a similar nature subject to the regulations as hereinafter specified.

Section 12-7-304 Certain uses declared incompatible and excluded.

The following uses are hereby declared incompatible with the Industrial Park District and are hereby expressly excluded.

1. Any use which cannot meet the performance standards set forth herein.
2. All dwellings and other types of living accommodations shall be prohibited save that quarters for a watchman or caretaker shall be permitted as an accessory for any permitted use.
3. Billboards.

Section 12-7-305 Performance standards and requirements for selected uses.

1. Any use which may be or may become a nuisance or annoyance by reason of excessive emission of noise, smoke, fumes, odors, vibrations, glare, or similar substances and conditions or by reason of unsightliness shall be prohibited. Standardized measurements taken by standardized methods and equipment shall be used as proof of non-compliance and the cost of said measurements shall be borne by the occupant.
2. The storage of all materials and equipment used in connection with the development shall be enclosed within buildings or substantial fences.
3. No building or premises shall be used, erected, or altered until and unless a permit for the contemplated development has been secured from the city commission. There shall have been filed with the city commission a written application for said permit. Said application shall include the following information:

- a) The location of present and proposed buildings, parking lots, driveways, and other necessary facilities indicated on a plot plan.
- b) Preliminary architectural plans for the proposed building, or buildings.
- c) A written description indicating the effects of the industrial operations in producing problems of glare, noise, odor, sewerage, fire hazards, air pollution, or water pollution, or of excessive traffic congestion, or other factors detrimental to the safety, health, and welfare of the area.
- d) Any other information the commission may deem as necessary to adequately consider the cost of providing municipal services to the area and the effect the proposed uses may have upon the surrounding properties.

Section 12-7-306 Space limitations.

Building Height Limit.

No building shall exceed two and one-half (2 1/2) stories, or forty-five (45) feet in height.

Required Lot Area.

Individual building sites shall be of such size that the requirements of this chapter are satisfied and be of such size that the development will have architectural unity.

Industrial park districts shall have a minimum area of at least five (5) acres.

Percentage of Lot Coverage.

All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.

Yards Required.

Each lot shall have front, side and rear yards not less than the depths and widths following:

1. Front yard depth:

Sixty (60) feet. Required front yard shall be landscaped and maintained to provide an attractive setting for the building.

2. Rear yard depth:

Fifteen (15) feet. Where the rear yard abuts a lot in a residential district said rear lot depth shall be thirty (30) feet. Required rear yards shall be planned and maintained to provide a sightly and well-kept condition.

3. Side yard width:

Ten (10) feet. Where the side yard abuts a lot in a residential district said yard shall be thirty (30) feet. Required side yards shall be planted and maintained to provide a sightly and well-kept condition.

Sections 12-7-307 to 399, inclusive. Reserved.