

## ARTICLE XIII. - INDUSTRIAL, GENERAL, DISTRICT M-2

### Sec. 53-377. - Statement of intent.

The primary purpose of the industrial, general, district M-2 is to establish an area where the principal use of land is for heavy commercial and industrial operations, which may create some nuisance and which are not properly associated with, nor particularly compatible with, residential, institutional and neighborhood commercial service establishments. The specific intent of this district is to:

- (1) Encourage the construction of and the continued use of the land for heavy commercial and industrial purposes;
- (2) Prohibit residential and neighborhood commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district; and
- (3) Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.

(Code 2000, § 16.77)

### Sec. 53-378. - Use regulations.

- (a) In industrial, general, district M-2, any structure to be erected or land to be used shall be for one or more of the following uses:
  - (1) Any use permitted by right or with a conditional use permit in a business, limited, B-1 district, a business, general, B-2 district, or a industrial, limited, M-1 district, subject to all other applicable requirements of this chapter, except that use as a dwelling will only be permitted for purposes of occupancy by a guard, caretaker, or watchman, employed in connection with the primary use of the premises;
  - (2) Acid manufacturing, if issued a conditional use permit;
  - (3) Asphalt mixing plant, if issued a conditional use permit;
  - (4) Boiler shops;
  - (5) Brick manufacturing, if issued a conditional use permit;
  - (6) Bottling plants;
  - (7) Business signs;
  - (8) Cement, lime or gypsum manufacturing, if issued a conditional use permit;
  - (9) Community centers, if issued a conditional use permit;
  - (10) Conservation areas;
  - (11) Crushed stone operations, if issued a conditional use permit;
  - (12) Distribution centers;
  - (13) Facilities, activities and operations that are provided by a duly constituted unit of government;
  - (14) Farming and agricultural uses;
  - (15) Fertilizer manufacturing, if issued a conditional use permit;
  - (16) Fireworks or explosives manufacturing, if issued a conditional use permit;
  - (17) General advertising signs;
  - (18) Ice manufacturing and packaging;

- (19) Junk storage, if issued a conditional use permit;
  - (20) Location signs;
  - (21) Meat, poultry and fish processing, if issued a conditional use permit;
  - (22) Off-street parking as required by this chapter;
  - (23) Outdoor amusement/entertainment areas, if issued a conditional use permit;
  - (24) Paper and pulp manufacture, if issued a conditional use permit;
  - (25) Petroleum refining, including byproducts, if issued a conditional use permit;
  - (26) Petroleum storage, if issued a conditional use permit;
  - (27) Public utilities, and industrial waste disposal facilities located on the same site as, and used for the storage and disposal of industrial waste produced by, a public utility;
  - (28) Retail sales outlets within industrial-use buildings;
  - (29) Sand and gravel operations, if issued a conditional use permit;
  - (30) Sheet metal and metal fabrication shops;
  - (31) Small wind energy systems, if issued a conditional use permit;
  - (32) Truck terminals;
  - (33) Wood-preserving operations;
  - (34) Small scale solar energy facilities.
- (b) In industrial, general, district M-2, the following uses shall not be permitted:
- (1) Any use which might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, glare, noise, or other cause which may be deemed as hazardous to the health, welfare, and/or safety of any part of the county;
  - (2) All nonconforming uses shall not be allowed to expand facilities;
  - (3) Ammonia and chlorine manufacturing;
  - (4) Animal slaughterhouses;
  - (5) New residential uses.

(Code 2000, § 16.78; Ord. of 3-5-2007; Ord. No. 2007-5, § 1, 11-5-2007; Ord. No. 2009-2, § 1, 4-6-2009; Ord. No. 2017-3, § 4, 11-6-2017)

**Editor's note**— It should be noted that Ordinance of March 5, 2007, provides, "NOTE: All Uses in Zoning Districts M-1 and M-2 require a Conditional Use Permit."

Sec. 53-379. - Performance standards.

- (a) *Plans.* Before a building permit shall be issued or construction commenced on any permitted uses in the industrial, general, district M-2, or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for their recommendation. Modifications of the plans may be required.
- (b) *Uses to be enclosed.* Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence, or an evergreen hedge six feet in height. Public utilities and signs requiring natural air

circulation, unobstructed view or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.

- (c) *Landscaping.* Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three feet, and to within 50 feet from the corner of any intersecting streets.
- (d) *Screening; parking.* Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential districts and for off-street parking of vehicles incidental to the industry, its employees and clients.
- (e) *Automobile graveyards and junkyards.* Automobile graveyards and junkyards in existence on April 4, 1972, shall be considered as nonconforming uses. They shall be allowed up to three years after April 4, 1972, in which to completely screen, on any side open to view from a public road, the operation or use by a masonry wall, a uniformly painted solid board fence or an evergreen hedge.
- (f) *Action on applications .* The administrator shall act on any application received within 30 days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a 30-day period. Failure on the part of the administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

(Code 2000, § 16.79)

Sec. 53-380. - Area regulations.

Area regulations in the industrial, general, district M-2 are as follows: none, except that the minimum area for uses utilizing individual water supply or sewage disposal systems shall be determined by the zoning administrator in consultation with the department of health.

(Code 2000, § 16.80)

Sec. 53-381. - Setback regulations.

Buildings in the industrial, general, district M-2 shall be located ten feet or more from any street right-of-way which is 50 feet or greater in width, or 35 feet or more from the centerline of any street right-of-way less than 50 feet in width, except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the setback line.

(Code 2000, § 16.81)

Sec. 53-382. - Frontage and yard regulations.

For permitted uses in the industrial, general, district M-2, the minimum side yard adjoining or adjacent to a residential or agricultural district shall be 50 feet. Off-street parking shall be in accordance with the provisions contained herein.

(Code 2000, § 16.82)

Sec. 53-383. - Height regulations.

Buildings in industrial, general, district M-2 may be erected up to a height of 50 feet. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workers are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.

(Code 2000, § 16.83; Ord. of 6-4-2007(2); Ord. No. 2007-5, § 1, 11-5-2007)

Sec. 53-384. - Coverage regulations.

Buildings or groups of buildings with their accessory buildings in the industrial, general, district M-2 may cover up to 70 percent of the area of the lot.

(Code 2000, § 16.84)