

ARTICLE XIV. - GENERAL INDUSTRIAL DISTRICT I-2

Zoning
I 2

Sec. 42-396. - Statement of intent.

The purpose of this district is to provide for a wide variety of industrial operations, including open storage of products, supplies and equipment, but to restrict or prohibit those industries which have characteristics likely to produce serious adverse effects within or beyond the limits of the district. Certain potentially hazardous industries are permitted only after public hearings and review to ensure protection of the public interest and surrounding property and persons. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

(Code 1972, § 30-91; Code 1992, § 30-113; Ord. No. 2004-4, § 30-91, 9-7-2004)

Sec. 42-397. - Permitted uses.

- (a) The following uses are permitted by right, unless noted otherwise:
 - (1) Any manufacturing, processing, storing or distributing use permitted in the I-1 Limited Industrial District.
 - (2) Dwellings for resident watchmen and caretakers employed on the premises, including a family and one unrelated individual per unit.
 - (3) Agriculture and forestry uses as permitted in the A Agricultural District.
 - (4) Agricultural or farm implements, manufacture, sale, storage or repair.

- (5) Animal hospital.
- (6) Auction house, business.
- (7) Auction house, industrial.
- (8) Automobile service station.
- (9) Banks and savings and loan offices.
- (10) Brewery.
- (11) Building materials (cement, lime in bags or container, sand, gravel, stone, lumber, structural or reinforcing steel, pipe and the like) storage and sales, open or enclosed, but not manufacture or steel fabricating or junk storage.
- (12) Business and office supply establishments.
- (13) Clinics, medical or dental.
- (14) Construction trailers on active construction sites.
- (15) Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.
- (16) Data center.
- (17) Employment service or agency.
- (18) Equipment sales, rental, service and storage, but not junk.
- (19) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, transmission lines, telephone booths and the like for normal electrical power distribution or communication service; communications antennas; amateur radio towers; meters and pipelines or conduits for electrical, gas, sewer or water service; treatment facilities; pumping and regulatory stations; substations.
- (20) Janitorial or exterminating service.

- (21) Laboratories, research, experimental or testing, excluding explosives.
- (22) Mobile food vendor.
- (23) Mobile food vendor commissary.
- (24) Off-street parking and loading and parking garages.
- (25) Offices and office buildings, studios and the like, business, professional or administrative.
- (26) Plumbing and electrical supplies, manufacture, sale or storage.
- (27) Portable storage containers, in accordance with section 42-662.
- (28) Public buildings to consist of fire, police and rescue squad stations and recreational facilities.
- (29) Recycling collection center with a zoning permit application and plan of operation approved by the administrator. The administrator may refer any proposed collection center application to the town planning commission or health official, or both, for their advice as to the desirability, practicability or health effects of any such center before issuing a zoning permit to any collection center applicant. Collection center zoning permits may be revoked at any time by the administrator or health official when such recycling center poses a threat to public safety, health or general welfare.
- (30) Research and development facility.
- (31) Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing or distributing use.
- (32) Security service office or station.
- (33) Signs in accordance with the sign ordinance in article XXIV, signs.

- (34) Temporary stands, or outdoor areas or temporary vehicle parking, for retail or wholesale trade.
- (35) Trade or business school, including instruction in heavy construction or materials handling equipment or similar vehicles and equipment.
- (36) Welding and soldering shops; machine shop.
- (37) Well drilling establishment, water, gas or oil; offices, storage or service of supplies and equipment.
- (38) Accessory buildings and uses, including, but not limited to, the following:
 - a. Dwellings accessory to a farm of ten acres or more, including a family and up to two unrelated individuals per unit.
 - b. Retail and service facilities inside a principal building for the use of occupants thereof and occupants of other buildings in the industrial development. Retail and service facilities may include barbershops, beauty parlors, dining rooms, newsstands, restaurants, tobacco, drugs and sundries.
 - c. Storage of supplies, merchandise, equipment or goods normally carried in stock, used or produced in connection with a permitted office, business, commercial or industrial use subject to applicable district regulations.
- (39) The following uses and any similar industrial uses which are not likely to create any more offensive noise, vibrations, dust, heat, smoke, odor, glare or other objectionable influences than the minimum amount normally resulting from other uses permitted, and the manufacture, compounding, processing, packaging or treatment of the following uses or similar uses. In cases of doubt

regarding the nature of a process or use, the administrator may require an engineering report describing the process or use and the probable impact thereof at property lines in terms of the factors listed above or other significant factors as may be associated with a particular process or use. Where doubt remains following such engineering report, the proposal shall be considered as a potentially hazardous use and shall require conditional use permit approval.

- a. Industry and manufacturing, Type 1.
- b. Automobile, motorcycle, bus, tractor truck, pickup or panel truck manufacture, assembly, rental or repair, including a commercial garage or automobile body shop, but not a salvage, junk, or wrecking yard.
- c. Blacksmith shop.
- d. Coal, flour or grain elevator; coal or wood yard.
- e. Concrete products or central mixing and proportioning plant.
- f. Engine testing (internal combustion engines), but not jet engines or rockets.
- g. Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building, but not manufacture or processing.
- h. Flour, storage, blending and packaging, but not milling.
- i. Galvanizing or plating (hot dip).
- j. Lumberyard.
- k. Petroleum and other inflammable liquids, aboveground bulk storage up to 80,000 gallons, but not refining.

- l. Railroad switching and classification yards, repairs and cleaning shops, roundhouses, powerhouses, interlocking towers and fueling, sanding and watering stations.
 - m. Recycling, post-collection separation facilities with a zoning permit application and plan of operation approved by the administrator and subject to the foregoing conditions.
Collection center zoning permits may be revoked at any time by the administrator or health official when such recycling center poses a threat to public safety, health or general welfare. In addition, any landscaping or screening provisions of this article shall be mandatory.
 - n. Sand and gravel processing, but not extraction or stone crushing or grinding.
 - o. Sawmill (including cooperage stock mill), stationary and planing mill.
 - p. Structural iron and steel fabrication.
 - q. Terminal, truck, with any petroleum storage to not exceed 80,000 gallons.
 - r. Terminal, truck freight, with any petroleum storage to not exceed 80,000 gallons.
- (b) The following uses require a conditional use permit:
- (1) Single-family or two-family dwellings, including a family and up to two unrelated individuals per unit.
 - (2) Adult businesses as regulated in section 42-398(f).
 - (3) Fitness center or health club.
 - (4)

Industrialized building units for business, agricultural, industrial, institutional, security or construction purposes.

- (5) Kennels.
- (6) Loudspeaker/sound amplification/outdoor sound system to be used in excess of the town's noise ordinance.
- (7) Private buildings to consist of recreational facilities.
- (8) Public billiard parlors and poolrooms, game rooms, bowling alleys, skating rinks, indoor and outdoor shooting ranges, paintball courses and similar forms of public amusement.
- (9) Public utility generating, booster or relay stations; major transmission lines and towers; communications monopoles or towers.
- (10) Railroad yards and terminals.
- (11) Restaurant or cafeteria, drive-in or otherwise.
- (12) Towing service.
- (13) Potentially hazardous uses. The following uses or the manufacture, compounding, processing, packaging or treatment of products not specifically listed above or below, but which may have accompanying hazards, such as fire, explosion, noise, vibration, dust or the emission of smoke, odor, toxic gases or other pollutants, may, if not in conflict with any state or town law or ordinance, be located in the I-2 General Industrial District, only after the location and nature of such use shall have been approved by the town council as a conditional use permit, as provided in this chapter. In cases of doubt regarding the nature of a process or use, the town council may require an engineering report describing the process or use and the probable impact

thereof at property lines in terms of the factors listed above or other significant factors as may be associated with a particular process or use. The town council shall review the plans and statements and shall not permit such buildings, structures or uses until there has been shown that the public health, safety and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of streams or other water areas and surrounding property and persons. The town council, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety, and shall pay particular attention to protection of the town, the county and its neighbors from the harmful effects of air or water pollution of any type.

- a. Industry and manufacturing, Type 2.
- b. Airport or heliport.
- c. Flour, feed and grain milling or grain drying.
- d. Foundries or forge plant, pneumatic drop and forging hammering.
- e. Incinerator, industrial or public.
- f. Livestock market.
- g. Petroleum and other inflammable liquids, aboveground bulk storage over 80,000 gallons, but not refining.
- h. Portable toilet service and storage.
- i. Sand and gravel extraction, or similar major excavations.
- j. Sandblasting or cutting.
- k.

Septic storage tanks, aboveground; in conjunction with a commercial septic service for the temporary storage and collection of septic effluent prior to transfer of such effluent to a sanitary disposal facility.

- l. Terminal, truck with any petroleum storage exceeding 80,000 gallons.
- m. Terminal, truck freight with any petroleum storage exceeding 80,000 gallons.

(Code 1972, § 30-92; Code 1992, § 30-114; Ord. of 4-3-1990; Ord. of 7-2-1991; Ord. of 7-16-1991; Ord. of 12-17-1991(1); Ord. of 6-15-1993; Ord. of 6-2-1998; Ord. No. 2000-2, 4-18-2000; Ord. No. 2001-1, 4-17-2001; Ord. No. 2004-2, 5-18-2004; Ord. No. 2004-4, § 30-92, 9-7-2004; Ord. No. 2007-1, 4-3-2007; Ord. No. 2008-6, 12-2-2008; Ord. No. 2012-6, § 30-114, 6-19-2012; Ord. No. 2012-10, § 30-114, 11-20-2012; Ord. No. 2014-7, 12-9-2014; Ord. No. 2017-7, 9-12-2017; Ord. No. 2018-4, 4-24-2018; Ord. No. 2019-4, 3-12-2019; Ord. No. 2019-5, 3-12-2019)

Sec. 42-398. - Limitations.

- (a) *Plans; site plan.* Before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, together with a site plan as required herein, shall be submitted to the administrator for review.
- (b) *Landscaping; traffic hazards.* The front yard shall contain a minimum of 20 percent greenspace or landscaped area. For duplexes for individual sale, the greenspace or landscaped area in the front yard shall be maintained at a ratio of 20 percent for each dwelling unit on each lot. For this purpose, corner lots shall be deemed to contain a minimum of 20 percent greenspace or landscaped area in each yard

fronting a public street. 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 of the corner of any intersecting streets.

- (c) *Site plan.* The plan for the site shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and, to this end, may provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.
- (d) *Drainage.* Provisions shall be made for proper stormwater drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Provisions shall be made for protection against erosion and sedimentation in accord with applicable town ordinances.
- (e) *Fencing.* All fencing shall have a uniform and durable character and shall be properly maintained.
- (f) *Adult businesses.* In addition to all other requirements, any adult business shall conform to the following requirements:
 - (1) The business shall be located at least 500 feet away from any residential or agricultural zoning district, and at least 500 feet from the property line of any land used for any of the following:
 - a. A residence;
 - b. A nursing home, assisted living facility or similar institution;
 - c. An adult day care center;
 - d. A child day care center;

- e. A public or private school, college or university;
 - f. A public park;
 - g. A public library, museum or cultural center;
 - h. A church or other place of worship;
 - i. A hotel, motel or boarding house;
 - j. Any other adult business.
- (2) Adult merchandise shall not be visible from any point outside the establishment.
- (3) Signs or attention-getting devices for the business shall not contain any words or graphics depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in section 42-1.
- (4) The business shall not begin service to the public or any outside activity before 6:00 a.m. Hours of operation for any adult movie theater, adult nightclub or other business providing adult entertainment shall not extend after 2:00 a.m. Hours of operation for any adult bookstore, adult video store, adult model studio, adult store or any other adult business, except an adult motel, shall not extend after 12:00 midnight.
- (5) In any adult business other than an adult motel or adult movie theater, there shall be no viewing of videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices, internet sites or files transmitted over the internet, or similar media characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in section 42-1, while on the premises.

- (6) Adult merchandise shall be located in a separate room or other area inaccessible to persons under 18 years of age.
- (7) All owners, managers, employees and entertainers shall be at least 18 years of age.
- (8) The owner or operator shall install, operate and maintain a security camera and video tape system designed by a security specialist. Surveillance cameras shall continuously monitor all entrances, parking areas and all areas of the establishment where the adult business is conducted, except for the sleeping rooms of an adult motel. Such cameras shall provide clear imagery of the establishment's patrons and their vehicles. Tapes recording activities in the areas under surveillance shall be preserved for a period of four months. Authorized representatives of the town police department or the town planning office shall have access to such tapes, upon request.
- (9) The owner or operator shall provide adequate lighting for all entrances, exits and parking areas serving the adult business, and all areas of the establishment where the adult business is conducted, except for the private rooms of an adult motel or the movie viewing areas in an adult movie theater. The term "adequate lighting" means sufficient lighting for clear visual and security camera surveillance.

(Code 1972, § 30-93; Code 1992, § 30-115; Ord. No. 2004-4, § 30-93, 9-7-2004)

Sec. 42-399. - Area.

- (a) For permitted uses utilizing individual sewage disposal systems, the required area shall be determined and approved by the health official.
- (b) Required lot area for dwellings shall adhere to the requirements of the R-3 Multiple-Family Residential District, unless such dwelling is part of the industrial building or structure.

(Code 1972, § 30-94; Code 1992, § 30-116; Ord. of 6-20-1989; Ord. No. 2004-4, § 30-94, 9-7-2004)

Sec. 42-400. - Setback.

Structures, temporary or permanent, shall be located 30 feet or more from any street right-of-way which is 50 feet or greater in width or 55 feet or more from the centerline of any street right-of-way less than 50 feet in width. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. The minimum building setback from any common area shall be ten feet. Parking lots shall have a minimum setback of 15 feet from any street right-of-way. Restaurant outdoor dining areas shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1972, § 30-95; Code 1992, § 30-117; Ord. of 4-3-1990; Ord. No. 2001-5, 11-6-2001; Ord. No. 2002-2, 3-5-2002; Ord. No. 2004-4, § 30-95, 9-7-2004; Ord. No. 2007-1, 4-3-2007; Ord. No. 2020-4, 1-12-2021)

Sec. 42-401. - Frontage and yards.

- (a) For permitted uses, the minimum side or rear yard adjoining or adjacent to a residential district shall be 40 feet. The side yard of corner lots shall be 30 feet or more, except as otherwise provided in this chapter.
- (b) Residential development shall comply with all frontage, lot, yard and development standards for similar development in the R-3 Multiple-Family Residential District, unless such dwelling is part of the industrial building or structure.
- (c) Lots need not abut or adjoin a public street right-of-way, provided vehicular or pedestrian access is provided to a public street right-of-way through a perpetual unobstructed paved easement or parking area of at least 30 feet in width for vehicular access or ten feet in width for pedestrian access. Other access designs may be approved by the administrator with consideration being given to overall site conditions and traffic patterns in keeping with article XXI, Site Plan Review.
- (d) If a development includes common areas in addition to the individual lots, the common areas shall be maintained by, and be the sole responsibility of, the developer-owner of the development until such time as the developer-owner conveys such common area to a nonprofit corporate owner whose members shall be all of the individual owners of the individual lots in the development. Said land shall be conveyed to, and be held by, said nonprofit corporate owner solely for the benefit of the owners of the individual lots in the development. In the event of such conveyance by the developer-owner to a nonprofit corporate owner, deed restrictions and covenants shall provide, among other things, that any assessments,

charges for cost of maintenance of such common areas shall constitute a pro rata lien upon the individual lots. Maintenance to exteriors, lawns, special lighting and drainage shall be provided in a manner so as to discharge any responsibility for the town.

- (e) Whenever any development containing common area is proposed by a developer, and before any permit for the erection of structures shall be granted, the developer, or his agent, shall apply, in writing, to the agent for the approval of the plat and submit three copies of the plat, including the lot, street and utilities layout to a scale of not less than one inch equals 50 feet. No lots shall be sold until a final plat for the development shall have been approved by council and recorded in the office of the clerk of the county within 60 days after notification of final approval by the agent; otherwise, the approval shall become invalid.
- (f) Provisions shall be made to ensure that nonpublic areas for the common use of occupants shall be maintained without expense to the town.
- (g) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1972, § 30-96; Code 1992, § 30-118; Ord. of 6-20-1989; Ord. No. 2001-5, 11-6-2001; Ord. No. 2004-4, § 30-96, 9-7-2004; Ord. No. 2007-1, 4-3-2007; Ord. No. 2020-4, 1-12-2021)

Sec. 42-402. - Coverage.

Impervious surfaces may cover up to 80 percent of the area of the lot. The front yard shall contain a minimum of 20 percent greenspace or landscaped area.

(Code 1972, § 30-97; Code 1992, § 30-119; Ord. No. 2004-4, § 30-97, 9-7-2004)

Sec. 42-403. - Height.

There shall be no height restrictions in the I-2 General Industrial District with the exception that structures greater than 70 feet shall require conditional use permit approval. Town water tanks shall be exempt from the conditional use permit requirement.

(Code 1972, § 30-98; Code 1992, § 30-120; Ord. No. 2004-4, § 30-98, 9-7-2004; Ord. No. 2012-6, § 30-120, 6-19-2012)

Secs. 42-404—42-434. - Reserved.