

## ARTICLE 10

### COMMERCIAL INDUSTRIAL DISTRICT - CM-1

#### STATEMENT OF INTENT

The intent of this district is to allow a mixture of commercial and light industrial uses in those areas of the City that currently contain a mixture of such uses. Industrial uses allowed are those that are relatively free from offense. In order to avoid future conflicts between industry and residence, new residential uses are prohibited.

#### SECTION 10-1. USE REGULATIONS.

Structures to be erected or land to be used shall be for the following uses. Permitted industrial uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid wall or fence six (6) 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.

- 10-1-1            Accessory uses, as defined.
- 10-1-2            Automobile and truck sales and service establishments and rental agencies, provided that vehicle lifts and pits and all service and repair of motor vehicles shall be within a building enclosed on all sides. (10/11/83, Case 83-06, Ord. No. 034-83)
- 10-1-3            Banks and financial institutions, not including short-term loan establishment, as defined in Article 1. (4/3/10, Case TA-10-21, Ord. No. 2010-06)
- 10-1-4            Bowling alleys.
- 10-1-5            Building supplies and service with storage under cover.
- 10-1-6            Car washes.
- 10-1-7            Churches.
- 10-1-8            Contractors' establishments, offices and display rooms. (10/17/95, Case TA-95-04, Ord. No. 053-95)
- 10-1-9            Convenience and service establishments such as, but not limited to, barber shops, beauty parlors, tailors, automatic self-service laundries.
- 10-1-10           Fire stations and rescue squad stations.

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- 10-1-11 Funeral homes, and crematories when accessory to a funeral home. (6/8/10, Case TA-10-111, Ord. No. 2010-19)
- 10-1-12 Government offices.
- 10-1-13 Industrial uses. (1/14/03, Case TA-02-10, Ord. No. 003-2003; 6/12/07, Case TA-07-01, Ord. No. 2007-19)
- a. Distributing plants, parcel delivery, ice and cold storage plant, and food commissary, bakery or catering establishment, and brewery.
  - b. Carpenter or cabinet shop.
  - c. Contractors' equipment storage yards or plants, or rental equipment commonly used by contractors.
  - d. Laundry, cleaning, and dyeing works, and carpet and rug cleaning.
  - e. Machinery sales and service.
  - f. Machine shop, metal fabrication shop, or welding shop, excluding punch press and drop hammers exceeding forty (40) ton rated capacity.
  - g. Monumental stone works.
  - h. Plant nurseries or greenhouses.
  - i. Public utility service yard.
  - j. Retail lumberyard, including only incidental mill work.
  - k. Upholstery shop.
- 10-1-14 Institutions of higher education.
- 10-1-15 Library.
- 10-1-16 Museums and art galleries.
- 10-1-17 Newspaper office buildings, including printing and publishing facilities incidental to such use.
- 10-1-18 Office, business and professional.
- 10-1-19 Parking garages and parking lots.

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- 10-1-20 Pet shops.
- 10-1-21 Philanthropic and charitable institutions.
- 10-1-22 Printing shops.
- 10-1-23 Public utilities, such as poles, lines, distribution transformers, pipes, meters, water and sewer lines, booster or relay stations, transformer substations, transmission lines and towers.
- 10-1-24 Radio and television broadcasting stations, studios, or offices.
- 10-1-25 Repair services or businesses, including repair of bicycles, guns, radios, television sets, electrical appliances, locks and other home appliances, shoes, toys, typewriters, watches, and clocks.
- 10-1-26 Restaurants.
- 10-1-27 Retail stores.
- 10-1-28 Schools.
- 10-1-29 Service stations, provided that all repairs of vehicles take place in a fully enclosed building. (10/11/83, Case TA-83-06, Ord. No. 034-83)
- 10-1-30 Special care hospitals.
- 10-1-31 Outdoor storage of materials and supplies and display of merchandise for sale or rent incidental to the conduct of any permitted uses on the lot as provided for in Section 18-20 of this Ordinance. (10/17/95, Case TA-95-04, Ord. No. 053-95)
- 10-1-32 Theaters, motion picture theaters, and assembly halls.
- 10-1-33 Veterinary hospitals.
- 10-1-34 Kennels as per Section 8-2-10 of this Ordinance.
- 10-1-35 Wholesale businesses, storage buildings, and warehousing.
- 10-1-36 Off-Street Parking Areas as defined in Section 18-6 of this Ordinance for permitted and conditional uses in the CM-1 District and access drives for permitted and conditional uses in the B-2, B-1, M-1, M-2, MC and HE-1 Districts in accordance with Section 18-6 of this Ordinance. (8/12/97, TA-97-06, Ord. No. 019-97; 3/8/05, TA-04-08, Ord. No. 007-2005)
- 10-1-37 Signs in accordance with Section 18-8 of this Ordinance.

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- 10-1-38 Mini-warehouses/mini-storage, as defined, subject to the following provisions. (9/10/91, Case TA-91-02, Ord. No. 037-91)
- a. Repealed. (10/17/95, Case TA-95-04, Ord. No. 053-95)
  - b. No business activities other than rental of storage units and office for management of the facility shall be conducted on the premises or within the building. Specifically, no activities such as miscellaneous or garage sales shall be conducted on the premises. The servicing or repair of motor vehicles, boats, trailers, lawn mowers, or other similar equipment shall not be conducted on the premises. The operation of a mini-warehouse/mini-storage shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of such business.
  - c. No entrances to individual compartments shall front on public streets
- 10-1-39 Commercial Records Center (4/12/94, Case TA-94-03, Ord. No 011-94)
- 10-1-40 Pet Daycare Center, as per Section 8-2-10.1 of this Ordinance. (8/12/08, Case TA-08-04, Ord. No. 2008-33)
- 10-1-41 Physical fitness or martial arts establishments. (10/14/97, Case TA-97-09, Ord. No. 027-97)
- 10-1-42 Assembling establishments not involved in any on site manufacturing that are not objectionable because of smoke, odor, dust, or noise with not more than ten (10) persons employed. (1/14/03, Case TA-02-10, Ord. No. 003-2003)
- 10-1-43 Entertainment Establishments, located at least 200 feet from a residentially zoned property, as measured from the structure containing the establishment or the off-street parking area to the residential zone property line. (10/22/13, Case TA-13-146, Ord. No. 2013-28)

### **SECTION 10-2. USES REQUIRING A CONDITIONAL USE PERMIT.**

- 10-2-1 Day nurseries or day care centers.
- 10-2-2 Laboratories: pharmaceutical, medical, experimental, photo, or motion picture film, or testing.
- 10-2-3 Entertainment Establishments, located less than 200 feet from a residentially zoned property, as measured from the structure containing the establishment or the off-street parking area to the residential zone property line, and such establishments where the entertainment will be conducted outdoors. (10/22/13, Case TA-13-146, Ord. No. 2013-28)

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- 10-2-4 Private clubs and lodges.
- 10-2-5 Roller Rinks.
- 10-2-6 Bed & Breakfast Inns, Hotels and motels. (12/13/94, Case TA-94-09, Ord. No. 028-94)
- 10-2-7 Bus Terminals (6/14/94, Case TA-94-06, Ord. No. 019-94)
- 10-2-8 Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems in accordance with Section 18-2-1.2 of this Ordinance. (2/13/96, Case TA-95-07, Ord. No. 002-96)
- 10-2-9 Motor vehicle painting, upholstery, and body and fender work provided that all service and repair of motor vehicles shall be within a building enclosed on all sides. Damaged motor vehicles awaiting repair shall be contained within a completely enclosed building or within an area enclosed on all sides by screening meeting the requirements of Section 19-5-6.4d of this Ordinance. (8/13/96, Case TA-96-04, Ord. No. 018-96)
- 10-2-10 Repealed. (2/12/08, Case TA-07-09, Ord. No. 2008-11)
- 10-2-11 Animal Shelters, provided no such use is situated within 500 feet of any residential district. (12/12/00, Case TA-00-06, Ord. No. 025-2000)
- 10-2-12 Extended stay lodging. (8/12/03, Case TA-03-01, Ord. No. 031-2003)
- 10-2-13 Short-term loan establishment, provided that no such use is located within 500 feet of any other short-term loan establishment or residentially-zoned property. (4/3/10, Case TA-10-21, Ord. No. 2010-06)
- 10-2-14 Crematories. (6/8/10, Case TA-10-111, Ord. No. 2010-19)
- 10-2-15 Hookah establishment, as defined, provided that no such use shall be located within 500 feet of a similar use, public/private school, playground, or public park. (2/8/11, Case TA-10-639, Ord. No. 2010-73)
- 10-2-16 Arenas, Amphitheaters, and Stadiums provided that no such structure is situated within 300 feet of any MR or LR residential district. (7/10/12, Case TA-12-187, Ord. No. 2012-20)

### SECTION 10-3. AREA REGULATIONS.

The minimum lot area shall be as follows:

- 10-3-1 Permitted and conditional uses - 20,000 square feet per building.

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### SECTION 10-4. LOT WIDTH REGULATIONS.

The minimum lot width shall be as follows:

10-4-1 Permitted and conditional uses - 125 feet.

### SECTION 10-5. SETBACK REGULATIONS.

10-5-1 Main buildings: Thirty-five (35) feet. (3/8/94, Case TA-93-08, Ord. No. 004-94)

10-5-2 For canopies covering gasoline or other petroleum pumps or dispensers which are oriented at an angle between forty-five (45) and ninety (90) degrees to the adjacent right-of-way line, there shall be a twenty (20) foot setback required from any street or highway, or from any street or highway right-of-way. Where the above angle is less than forty-five degrees, there shall be a ten (10) foot setback. No setback shall be required for canopies to be installed above existing islands or replacement islands provided the replacement islands come no closer to the street right-of-way than the closest existing island to the right-of-way and provided dispensing of petroleum does not cease for more than six consecutive months anytime subsequent to adoption of this amendment. (1/9/90, Case TA-89-06, Ord. No. 90-01)

### SECTION 10-6. YARD REGULATIONS.

10-6-1 Side. The minimum width of each side yard for a main structure shall be ten (10) feet, except that when such use abuts a residential district, there shall be a side yard of twenty-five (25) feet and except as per Section 10-8 of this Ordinance. No side yard shall be required when a building adjoins a railroad right-of-way or siding.

10-6-2 Rear. Each main structure shall have a rear yard of at least twenty-five (25) feet except as follows:

10-6-2.1 When a rear yard abuts a lot in a residential district the minimum rear yard shall be fifty (50) feet.

10-6-2.2 No rear yard shall be required when a building adjoins a railroad right-of-way or siding and the proposed building or structure functionally requires immediate proximity to the railroad right-of-way or siding as determined by the administrator. (9/11/01, TA-01-03, Ord. No. 028-2001)

### SECTION 10-7. HEIGHT REGULATIONS.

As per Section 8-7 of this Ordinance.

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**SECTION 10-8. CORNER SIDE YARD REGULATIONS.** (9/13/05, Case TA-05-04, Ord. No. 027-2005)

As per Section 8-8 of this Ordinance.

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