

## ARTICLE VII

### INDUSTRIAL DISTRICT REGULATIONS

#### SECTIONS

- 7-101 PURPOSES OF INDUSTRIAL DISTRICTS
- 7-102 USES AND STRUCTURES
- 7-103 BULK REGULATIONS
- 7-104 SUPPLEMENTAL PROVISIONS

#### 7-101 PURPOSES OF INDUSTRIAL DISTRICTS

##### 7-101.1 General Purposes

The industrial districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following:

1. To provide sufficient space, in appropriate locations, to meet the needs of the area for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.
2. To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provide that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.
3. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.
4. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.

5. To protect industrial activities and related developments against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
6. To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to strengthen the economic base of the area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenues.
7. To protect adjacent residential and commercial districts from any negative impacts attributable to sites devoted to industrial activities.

#### **7-101.2 District Purposes**

##### **1. I-R, Restrictive Industrial Districts**

This class of district is intended to provide space for a wide range of industrial and related uses which conform to a high level of performance criteria and have the least objectionable characteristics. These districts may provide a buffer between other districts and other industrial activities which have more objectionable influences. Except as specified in ARTICLE III, Subsection 3-105.2, Subpart 8, (Residential Occupancy in Connection with Nonresidential Activity) new residential activities are excluded. Community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.

##### **2. I-G, General Industrial Districts**

This class of district is intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics require locations relatively well segregated from nonindustrial uses. Except as specified in ARTICLE III, Subsection 3-105.2, Subpart 8, (Residential Occupancy in Connection with Nonresidential Activity) new residential activities are excluded. Commercial establishments and community facilities which provide needed services for industry and are complementary thereto are permitted.

##### **3. I-S, Special Industrial Districts**

This class of district is intended to provide suitable areas for intense, potentially noxious and/or dangerous industrial operations, including open land operations. It is specifically intended that all newly created districts be so located as to prevent possible negative impact upon adjoining uses. To this end, these districts are to be protected from encroachment by other activities.

## **7-102 USES AND STRUCTURES**

### **7-102.1 General Provisions**

Principal uses of buildings or other structures and land have been classified and combined into major classes and activity types in ARTICLE III, of this ordinance. The procedure for interpreting the classes and type of activities is provided in ARTICLE III, Section 3-101. Table 7-102A, presents a tabulation of uses and structures which are classified as "principal permitted" **(P)**, "permitted with supplemental provisions" **(SUP)** or "conditional" **(C)** uses within the various industrial districts. The supplemental design provisions with which **(SUP)** and **(C)** uses and activities are required to comply appear in ARTICLE III, Section 3-104, (Supplemental Use Regulations).

### **7-102.2 Principal Permitted Uses (P)**

Principal permitted uses are permitted as a matter of right within the district indicated, subject to the general requirements established for the district wherein the use is located.

### **7-102.3 Use Permitted with Supplemental Provisions (SUP)**

A use permitted with supplemental provisions is an activity, use or structure which is permitted subject to a finding by the Zoning Administrator that the specific standards indicated for the use in question have been met. Only those uses and structures so indicated in Table 7-102A, may be allowed within the districts indicated.

### **7-102.4 Conditional Uses (C)**

A conditional use is an activity, use, or structure which may require large land area, have unique operating, traffic generating or other characteristics that may tend to dominate or adversely affect the area more than do other uses permitted within the same zone district. Because the impacts of these uses cannot be satisfactorily predetermined for every possible location within a zone district, these land uses are permitted only upon approval by the Board of Appeals. Each conditional use is subject to a finding by the Board of Appeals that the specific standards indicated for the use in question have been met. Only those uses and structures so indicated in Table 7-102A, may be allowed within the districts indicated.

### **7-102.5 Accessory Uses**

In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity when such accessory activity is located on the same zone lot as such principal activity and meets the further conditions set forth in Article III, Section 3-105. Accessory uses designated with the Letter "P", on Table 7-102A, are permitted as a matter of right and no permit is required to conduct the activity in question. Those accessory uses

designated with the letters “ASP” do require a permit obtained from the Office of the Zoning Administrator. Permits for accessory uses designated “ASP” shall be issued upon demonstration that the activity in question meets the requirements established for such activity Article III, Section 3-105.

#### **7-102.6 Temporary Uses**

The temporary uses and structures specified in ARTICLE III, Section 3-106, as permissible within industrial districts may be permitted for the limited time periods indicated for each such use or activity.

#### **7-102.7 Uses Not Permitted**

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses or accessory uses are prohibited within the various industrial districts.

### **7-103 BULK REGULATIONS**

#### **7-103.1 General**

The minimum lot dimensions, maximum lot coverage, minimum front, rear, interior and street side yards, maximum building heights and minimum separation between buildings on the same zone lot within any base industrial district shall be as indicated in Table 7-103A, (Bulk Regulations for Industrial Districts), and the additional bulk regulations specified in this section. For certain uses, alternative bulk regulations may be specified in this section or other sections of this zoning ordinance.

#### **7-103.2 Lot Dimensions**

No lot shall be created and no building permit or zoning approval shall be issued for any lot that does not meet the following minimum dimensional requirements.

1. Lot Area

a. Minimum Area

Within the various industrial districts, the minimum horizontal area of a lot shall not be less than that indicated in Table 7.-103A, (Bulk Regulations for Industrial Districts), or as may be otherwise specified in this ordinance.

b. Reduction in Lot Area Prohibited

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot width, building area, or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

## (TABLE 7.102A, AMENDED BY ORDINANCE 490, DECEMBER 21, 2000)

## TABLE 7.102A

PERMITTED AND CONDITIONAL USES AND STRUCTURES  
ALLOWABLE WITHIN INDUSTRIAL DISTRICTS

ACTIVITIES	ZONE DISTRICT		
	I-R	I-G	I-S
<b>I. MANUFACTURING ACTIVITIES</b>			
A. Manufacturing – Limited	P	P	P(1)
B. Manufacturing – General	P	P	P(1)
C. Manufacturing – Basic Industry		C	P(1)
D. Manufacturing – Hazardous			P(1)
<b>II. COMMERCIAL ACTIVITIES</b>			
A. Adult Oriented Business		O (2)	
B. Animal Care and Veterinary Services	SUP*	SUP*	
C. Automotive Parking	P	P	P
D. Automotive and Marine Craft Sales, Service and Repair	C	C	
E. Outside Materials and Equipment Sales and Repair		P	
F. Professional Services – Medical	P	P	
G. Restaurant, Full-Services	P	P	
H. Restaurant, Fast Food	P	P	
I. Scrap Operations			(1)*
J. Self Service Storage	P	P	
K. Warehousing, Goods Transport and Storage		P	P(1)
L. Wholesale Sales	P	P	P(1)
<b>III. COMMUNITY FACILITY ACTIVITIES</b>			
A. Administrative Services	P	P	P
B. Child Care Facilities	C	C	
C. Community Assembly	C	C	
D. Essential Public Transport Communication and Utility Services	P	P	P
E. Extensive Impact Facilities	C	C	C(1)
F. Intermediate Impact Facilities	C	C	C
G. Religious Facilities	C	C	C
H. Special Institutional Care Facilities	C	C	C(1)
<b>IV. AGRICULTURAL and EXTRACTIVE</b>			
A. Feed Lots and Stockyards			(1)
B. Mining and Quarrying			(1)
KEY TO INTERPRETING USE CLASSIFICATIONS P = Use permitted by right within the district. SUP = Principal use permitted with supplemental provisions C = Conditional use (subject to approval by the Board of Appeals)			
NOTES (1) See Section 7-104 (2) See Section 8-301			

**TABLE 7-103A**

**BULK REGULATIONS FOR INDUSTRIAL DISTRICTS**

	<b>DISTRICTS</b>		
	<b>I-R</b>	<b>I-G</b>	<b>I-S</b>
<b>I. Maximum Lot Coverage By Buildings</b> (As Percent (%) of Total Lot Area)	50	50	50
<b>II Maximum Impermeable Surface Ratio</b> (As % of Lot Area)			
A. Lots Two Acres or Less	80	80	80
B. Lots Greater Than Two Acres	70	70	70
<b>III. Minimum Zone Lot Requirements</b>			
A. Area (in 000 Square Feet)	40	40	(1)
B. Width (in Feet, Measured at Building Line)	100	100	150
<b>IV. Maximum Height</b> (In Feet)	50	50	50
<b>V. Minimum Yard Requirements</b> (In Feet)			
A. Front	20	20	(4)
B. Side	(2) & (5)	(2) & (5)	(4)
C. Rear	20 (3)	20 (3)	(4)
<b>NOTES:</b>			
(1) The minimum lot shall be as required to meet other provisions of this article.			
(2) Along the periphery of an industrial site which adjoins commercial or industrial property, side yards ten (10) feet in width, are required. Where an industrial site abuts property classified as residential, the provisions of Subsection 7-103.4, Subpart 7, shall apply.			
(3) Except along residential district boundaries. (See Subsection 7-103.4, Subpart 7.)			
(4) See Subsection 7-103.4, Subpart 8, for special yard provisions within I-S Districts.			
(5) See Subsection 7-103.4, Subpart 9, for special provisions applicable to party walls.			

2. Lot Width

The minimum lot width (measured at the building line) shall not be less than indicated in Table 7-103A, or otherwise specified in this ordinance.

3. Lot Frontage

All lots shall have a minimum of fifty (50) feet of frontage on a publicly dedicated and maintained street or a permanent access easement as defined and regulated by this ordinance, except that lots located along the terminus of a cul-de-sac shall have a minimum of thirty-five (35) feet of frontage.

4. Maximum Permitted Lot Coverage

Within the various industrial districts, the maximum zone lot coverage by all buildings (principal and accessory) shall not exceed the percentage of the total area of the zone lot indicated in Table 7-103A.

5. Maximum Impermeable Surface Ratio

Within the various industrial district, the impermeable surface ratio, computed by dividing the impermeable surface area by the total lot area shall not exceed the percentage indicated in Table 7-103A.

**7-103.3 Height Regulations**

1. Basic Requirements

The maximum permitted height for buildings shall not, except as provided in Subpart 2, below, exceed that set forth for the various industrial districts in Table 7-103A.

2. General Exception to Height Regulations

The height limitation contained in the district regulations does not apply to spires, belfries, cupolas, radio towers, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

**7-103.4 Yard Regulations**

1. Permitted Obstructions in Required Yards

In all industrial districts, the following shall not be considered obstructions when located within a required yard, except that items shall comply with ARTICLE V, Subsection 5-103.5, Subpart 4.

a. Arbors and trellises.

b. Awnings or canopies projecting from a building wall over a required yard not more than six (6) feet, and having no supports other than provided by the wall or its integral parts.

- c. Chimneys projecting not more than three (3) feet into, and not exceeding two (2) percent of the area, of the required yard.
- d. Driveways subject to other specific provisions of this ordinance related directly thereto.
- e. Eaves, gutters, or down spouts, projecting into or over required yards not more than twenty-four (24) inches or twenty (20) percent of the width of such yard, whichever is the lesser distance.
- f. Fire escapes or staircases, the riser area of which shall be at least fifty (50) percent open, and whose vertical projection downward onto a required yard does not exceed thirty (30) percent of the area of such yard.
- g. Flagpoles, having only on structural ground member.
- h. Fountains.
- i. Mailboxes.
- j. Open terraces, including natural plant landscaping.
- k. Retaining walls.
- l. Sculpture or other similar objects of art.
- m. Street furniture such as, but not limited to, benches, drinking fountains, trash receptacles, ash trays, light standards, or directional signs.
- n. Vehicular parking areas, unless otherwise specifically prohibited by applicable sections of this ordinance.
- o. Vents necessary for use of fallout shelter constructed below grade of such yards, but excluding all other parts of such shelters.
- p. Walls or fences not exceeding six (6) feet in height measured from finish grade level at any point along the length of, and on any side of, such walls or fences, and not roofed or structurally part of a building.

2. Measurement of Yard Width or Depth

In all industrial districts, the width or depth of a required yard shall be measured perpendicular to straight lot lines, or for curved lot lines, in such a way that such yard is bounded by the arc of a curve which is concentric with such curved lot line.



3. Dimension of Yards

In all industrial districts, yards of such dimensions as set forth in Table 7-103A, shall be provided.

4. Uses of Required Yard Areas

The following uses may be made of yard areas, provided such uses are otherwise permissible in this district.

a. Landscaping

All required yard areas not occupied by driveways or sidewalks shall be devoted to landscaping, as required by ARTICLE X.

b. Driveways

Driveways may be located within any required yard; provided, however, that no more than fifty (50) percent of the area of any required yard may be used as a driveway.

c. Sidewalks

d. Parking

Within all industrial districts any yard may be used for off-street parking or loading, except as provided in Subpart D, 7, of this section. However, such areas shall not be used for storage or processing of any kind. No parking shall be permitted within ten (10) feet of the front property line.

5. Restrictions on Outside Storage Within Areas Other Than Required Yards

a. Outside Storage Within I-R

Within the I-R, Districts, no stocks, merchandise or material (with the exception of automobiles, tractors and other transportation, excavation or agriculturally related vehicles) may be stored upon any open area situated on any zone lot.

b. Outside Storage Within I-G and I-S Districts

Within the I-G and I-S Districts, outside storage may be permitted only within areas designated for such upon an approved site development plan.

6. Special Yard Provisions Applying Along Railroad Right-of-Way

In all industrial districts, other provisions of this ordinance notwithstanding, along such portion of a rear or side lot line which coincides with a boundary of a railroad right-of-way, no rear or side yard shall be required.

7. Special Provisions Applying to Required Yards and Building Setbacks Along District Boundaries Coincident with Side or Rear Lot Lines of Zone Lots Located, in Any Residential District

a. Required Yards Along District Boundaries Coincident with Side or Rear Lot Lines

Within I-R and I-G, Industrial Districts, along such portion of the boundary of the industrial district which coincides with a side or rear lot line of a zone lot in any residential district, an open area unobstructed from the ground to the sky shall be provided within the industrial district. Within I-R Districts, this area shall be thirty (30) feet in width and within I-G Districts, the width shall be fifty (50) feet. No portion of this open area shall be used for off-street parking, off-street loading or for storage or processing of any kind. No portion of this open area shall be paved, graveled or used for parking or as an access way of any type.

b. Special Front Setback

Regardless of the front yard provisions established for any industrial district, no building located on any zone lot adjacent to any residential district shall extend closer to the street than the average of the distances of the buildings located within one hundred (100) feet, of the lot whereon the industrial activity is located; provided that no building shall be required to setback more than twice the minimum front yard applicable within the industrial district.

c. Screening Along Residential District Boundaries

To assist in the prevention of the transmission of light and noise from within any industrial district into any abutting residential district, screening shall be required where such district abuts or is contiguous to any residential district, without an intervening street, alley, or other public way. Such screening shall be provided within the industrial district, but not within a public street or alley, along the entire contiguity of said districts. Transitional screening which meets the standards of ARTICLE X, of this ordinance, shall be located in this open area.

8. Required Yards Within I-S Districts

Due to the potentially noxious activities which may be permitted within IS Districts, special yard provisions are required.

a. Provisions Applicable to Zone Lots Occupied by Any Activity Classified as Hazardous Manufacturing

In its review of any application for approval of a hazardous manufacturing activity proposed for location within an IS District,

the Board of Commissioners shall establish yards and building separations sufficient to protect the health, safety and economic benefit of persons owning or occupying nearby property. As an absolute minimum such yards shall be as indicated below. Screening shall be provided as established in Subpart 7 c (above) of this Section.

i. Use Adjoins Residential Property

Along any rear or side lot line which adjoins residential property, whether such property is presently occupied for residential purposes or only zoned for such use, an open area unobstructed from the ground to the sky at least two hundred (200) feet wide, shall be provided within the industrial district. Such open area shall not be paved nor used for off-street parking, loading, or storage or processing of any kind.

ii. Use Adjoins Commercial or Industrial Property

Along any lot line which adjoins property, either classified or presently utilized for commercial or industrial purposes, an open area at least one hundred-fifty (150) feet wide, shall be provided. Such area may be utilized for off-street parking or loading, but shall not be used for storage or processing of any kind.

b. Zone Lots Occupied by Other Than Hazardous Manufacturing Activities

Yards for zone lots located within I-S Districts, and occupied by other than hazardous manufacturing activities may be as provided for I-G Districts.

9. Special Provisions for Party Walls

Within I-R and I-G, Industrial Districts, side or rear yard requirements may be waived along the side or rear adjacent to another commercial or industrial zoned lot.

- a. At all points of attachment, adjoining buildings shall be separated from each owner by a four (4) hour wall constructed in accordance with the Standard Building Code.
- b. A common or party wall may bisect the dividing line of two (2) adjacent lots so that one-half (1/2) of the wall is located on each of the properties, provided that the owners of each property sign a covenant in the form of an easement running with the land granting to the owner of the adjoining property the right to maintain, reconstruct and protect the wall.

- c. In the event of the construction of a building on the lot line, the wall along the lot line if not constructed as a part or common wall between two (2) buildings, shall be constructed as a four (4) hour wall and meet all requirements of the Standard Building Code, without regards to any construction that may exist or be proposed on the adjoining property.
- d. All walls constructed within ten (10) feet, of a property line, shall have a four (4) hour fire rating and shall comply with all requirements of the Standard Building Code.

#### **7-103.5 Obstructions Prohibited at Street Intersections**

On a corner lot, no fence, wall, hedge, or other planting or structure that will materially obstruct vision between a height of two and one-half (2 1/2) feet and ten (10) feet above the center line grades of the intersecting streets shall be erected, placed, or maintained within the triangular area formed by the street lines at such corner lots and a straight line joining such street lines at points which are thirty-five (35) feet distance from the intersection of the street lines and measured along said street lines. In case of rounded street lines at the intersecting streets, such measurement shall be made from the point of intersection of the tangents of the curve constituting the rounding.

#### **7-103.6 Requirements for Fire Lanes**

Fire lanes with a minimum width of ten (10) feet shall be located adjacent to the front and rear entrances of all commercial or industrial buildings. Such fire lanes shall be positioned directly adjacent to emergency water facilities designed for fire protection and shall be paved with an all weather surface capable of supporting the imposed loads of fire apparatus. The required fire lanes shall not be obstructed in any manner, including the parking of vehicles. Installation of No Parking signs or other appropriate notice, or of approved obstructions inhibiting parking, may be required and if installed shall be maintained. The owner or his representative of a building which is adjacent to the fire lane shall be responsible for keeping the fire lane free of obstructions.

### **7-104 SUPPLEMENTAL PROVISIONS**

#### **7-104.1 Operation and Intent**

The I-S, Special Industrial District, is intended to provide a mechanism for managing a wide variety of high impact, potentially noxious and/or dangerous, but necessary uses or activities which seek to locate within the Planning Jurisdiction. Certain of the potential uses that may locate within the district have associated with them some special impact or uniqueness related to materials, processes or products which can not be evaluated as to effect on the surrounding area or environment in advance of the use being proposed for a particular location. At the time an application is filed for approval of an I-S District, a review of the location, design configuration and its impact will be conducted. This evaluation shall consider the proposed use, the Master Development Plan required for all such development by Article XIV, Subsection 14-103.3, and all operational and environmental data required to be submitted.

The express goal of this review is to determine appropriate design criteria and environmental safeguards to be applied to such use in order to protect the health and safety of the public at large. The review will formulate a basis for a detailed recommendation to the Board of Commissioners as to the conditions under which the proposed use may be permitted to locate within the Planning Jurisdiction through creation of an I-S, Special Industrial District.

## **7-104.2 Development Plans and Review Process**

### **1. Procedure for Submission and Review**

The process for review and approval of any I-S, Special Industrial District, consists of three (3) progressive elements:

- a. Review and recommendation of the Master Development Plan required for all such development by Article XIV, Subsection 14-103.3, and all operational and environmental data required by Subpart 2, of this section.
- b. Consideration by the Board of Commissioners of the requested I-S District, as specified in Subpart 3, of this section.
- c. Review and approval of a Final Site Development Plan as specified in Article XIV, Section 14-103.

### **2. Operational Data Required**

Sufficient information shall be presented to fully divulge the operational nature, intensity and ultimate extent of the proposed activity. This information shall include, but not be limited to, the following:

- a. Nature of materials to be utilized and processes involved in the proposed operation, to specifically include a detailed listing of types and expected quantities of all materials classified as hazardous by the Federal Department of Environmental Protection or by the Tennessee Department of Health and Environment.
- b. Average number of vehicles entering and leaving the site on a daily basis and the anticipated route(s) of travel.
- c. Detailing of types and current status of all Federal and State permits required for operation of the proposed facility.
- d. Detailing of all safety and protective measures to be utilized in connection with the operation as well as an indication of the system proposed for dealing with complaints.
- e. A general indication of the anticipated duration of the proposed use and, details of plans and methodologies proposed for removal of the activity and/or reclamation of the site.
- f. A listing of the type and quantity of emissions expected to be released from the site.

- g. Effects of the proposed use on ground water and air quality.
- h. Effects on surface water run-off and potential for any contamination of the same.
- i. A detailed listing of soils and geological conditions found upon the site.

3. Planning Commission Recommendation

The Planning Commission shall consider the Master Development Plan and forward a detailed recommendation concerning its disposition to the Board of Commissioners. This recommendation may contain suggestions for specific conditions and/or limitations to be applied to the use should the Board of Commissioners approve the zoning request.

4. Action by Board of Commissioners

After review and recommendation by the Planning Commission, the applicant may proceed to the Board of Commissioners with the proposal. At the meeting of the Board where the proposal is presented, the Master Development Plan along with the action recommended by the Planning shall be presented for review. The Board of Commissioners may approve or disapprove the proposal, or in an instance where the Planning Commission has recommended approval with conditions or recommendations for alterations, the Board may establish specific conditions within the purview of this ordinance for approval.

Upon action by the Board of Commissioners approving the Master Development Plan and the proposed change in zoning classification, the applicant may proceed to prepare and present to the Planning Commission a Final Site Development Plan, as specified in Article XIV, Section 14-103. In no event shall a building permit be issued for any portion of a development subject to this procedure until a final site development plan has been approved.

In the event that the action by the Board of Commissioners is a conditional approval, such conditions shall be agreed to in writing by the applicant before the zoning approval shall become final. Moreover, such acceptance by the applicant shall cause the activity to be continuously subject to compliance with the conditions set out in the grant of approval (and accepted by the applicant) and any violation of these conditions shall be deemed a violation of this ordinance to be punished, as set out in ARTICLE XIV.

5. Special Information Required for Final Site Development Plan

Following the action by the Board of Commissioners creating the I-S District, the applicant may proceed to prepare and present for review by the Planning Commission a Final Site Development Plan as specified in Article XIV, Section 14-103. Additionally, all such plans shall contain the following:

a. Approved State and Federal Permits

Copies of all permits required by State and Federal law for operation of the facility shall be provided.

b. Site Restoration or Reclamation Plan

Depending upon the nature of the proposed use, a site restoration or reclamation plan may be required as a condition of zoning approval. Where such is required, said plan shall accompany the final development plan. Adequate provision, as determined by the city attorney, shall be made to assure implementation of said plan regardless of the future financial capabilities of the applicant.

6. Review of Approval Action

In the event that any Final Site Development plan shall be disapproved, such action shall, upon request by the applicant be reviewed by the Board of Commissioners. The Board shall consider the report submitted by the Planning Commission and such other information as it may require in order to determine whether such development in its view meets the test of substantial compliance and complies with other standards of review, herein, established. Should the Board of Commissioners uphold the Planning Commission in its action, it shall notify the applicant that final approval of the development plan is denied. Should the Board of Commissioners override the Planning Commission's recommendation to disapprove the plan, it shall notify both the applicant and the Planning Commission of its decision and the action of the Board of Commissioners approving the plan shall become final.

**7-104.3 Site Location and Design**

1. General Location Criteria

The provisions of this section shall apply in determining the suitability of any site proposed for classification as an I-S, Special Industrial District.

- a. The proposed site will be located in areas apart from concentrations of residential developments and community facilities where concentrations of people will be present.
- b. The proposed use will not pollute or deteriorate air quality, surface or subterranean water, or any other natural features.
- c. The proposed site will not be located in an area that could contaminate the source of an existing public water supply.
- d. The proposed site will be free of sinkholes, caves, caverns, or other karst features that would present significant potential for surface collapse or significant degradation to local ground water resources.

- e. The proposed site will be adequately served by public utilities and services to ensure a safe operation.
- f. The proposed use will not result in the transportation of dangerous products or wastes through areas of population concentrations which would endanger community safety.
- g. The proposed site will have direct access from a road classified as an arterial or collector on the Major Thoroughfare Plan.
- h. The proposed lot shall be sufficient so that no danger occurs to the adjoining uses.
- i. The proposed site will not be located within a one hundred (100) year floodplain or wetland.

2. General Site Design Criteria

- a. No excavation or filling shall be made within any portion of the yard areas required by Subsection 7-103.4, Subpart 8.
- b. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times, during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain.
- c. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality or purity of ground water or wells.
- d. A layer of clean earth at least two (2) feet thick, shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.
- e. The finished surface of the site shall bear the proper relationship to that of adjoining properties.
- f. The installation of roads, parking areas, buildings, structures and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
- g. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties.
- h. The proposed site must have a public supply of water available, capable of providing the required fire flow to fire hydrants on site.



**7-104.4 Expansion of Facilities or Changes in Operational Characteristics**

Any approval of an I-S, Special Industrial District, is specifically limited to the uses(s), facilities and operations presented and approved in the plans provided for by this section. Any expansion of the facilities or change in the materials, services or products shall only be accomplished after approval of a modified Master Development Plan. Such modification may be approved by resolution of the Board of Commissioners.