

ARTICLE 20. "CM-P" COMMERCIAL & MANUFACTURING PLANNED DISTRICT

1. **Purpose**: It is the purpose of this district to provide a flexible planning framework in which a broad range of commercial and manufacturing facilities can be integrated into a business park environment with a consistent visual quality and a comprehensive infrastructure concept.
2. **Permitted Uses**:
 - A. Any use permitted in "C-1", "C-2". (Ord 5903)
 - B. Medical Marijuana Cultivation Facility (Ord 6084)
 - C. Medical Marijuana-Infused Products Manufacturing Facility (Ord 6084)
 - D. Medical Marijuana Testing Facility (Ord 6084)
 - E. Transportation Facility (Ord 6084)
3. **Use Limitations**: Use limitations shall be consistent with those for "C-1", "C-2". (Ord 5903 enacted 12-7-15)
4. **Height and Area Regulations**: In "CM-P" districts the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area permitted on any lot shall be as follows:
 - A. **Height**: No building shall exceed sixty (60) feet in height.
 - B. **Front Yards**: There shall be a front yard the minimum depth of which shall be twenty-five (25) feet.
 - C. **Side Yards**: There shall be side yards the minimum depth of which shall be ten (10) feet.
 - D. **Rear Yards**: There shall be rear yards the minimum depth of which shall be twenty-five (25) feet.
 - E. **Lake Frontage**: There is no setback or yard required for property lines adjacent to lakes.
 - F. **Lot Size**: No more than fifty (50%) percent of the site may be covered with building or other structures.
5. **Parking Restrictions**: Off-street parking space shall be provided in accordance with the requirements for specific uses set forth in this chapter. Please see Article 24.

6. **Building Materials**: All buildings shall be finished with brick, glass, stucco, stone, wood, concrete masonry, vinyl, tilt-up or pre-cast concrete panels or 26 gauge (minimum thickness) factory-finished metal siding. However, the building elevation that faces the street must have at least twenty-five (25%) percent of the exterior finished in brick, stone, or stucco. In situations where the building fronts on more than one street, this requirement shall only apply to the side which contains the building entrance.
7. **Building Material Colors**: Building material colors must be approved by the Planning & Zoning Commission prior to construction.
8. **Signs**: See Article 23.
9. **Landscaping**
 - A. All area unpaved or not occupied by a structure shall be covered and maintained in grass or other landscaping material. In no event shall less than ten Percent (10%) of the total improved area be landscaped. Landscaping shall be an effective combination of trees, grass, ground cover and shrubbery. Landscaping shall be designed so as to permit reasonable access to public and private utility lines and easements situated on or adjacent to the applicant's site, for installation and repair. Proposed landscaping shall be installed within sixty (60) days of occupancy or completion of the building, whichever occurs first unless winter conditions prevent installation. In this case, the sixty (60) days will start March 1.
 - B. Unimproved areas proposed for future expansion shall be kept free of weeds, litter and debris and mowed as to prevent an unsightly appearance.
 - C. If 20,000 square feet or more of contiguous parking area is constructed on a site, then there shall be landscaping equal to not less than five (5%) percent of the parking area so situated within the parking area.
10. **Fencing, Outside Storage, Exterior Lighting, Utilities & Equipment** .
 - A. No outside storage of any type shall be allowed nearer than fifty (50) feet to the beginning of the street right-of-way adjacent to the property.
 - B. In other areas, outside storage of raw materials, unassembled product, boxed or crated items, inoperative or surplus items shall be allowed only in side or rear yards. Storage areas shall be properly paved in asphalt or concrete and screened from view by opaque fencing. Assembled or finished merchandise for retail sale may be displayed, but only on a paved surface and need not be screened.
 - C. Exterior lighting fixture types shall be down-lighting cut-off fixtures. Light pattern shall be restricted to the applicant's property. Outside wiring for

exterior lighting shall be installed underground. Lighting fixtures shall not exceed four (4) feet above the height of any building on the site not to exceed twenty-four (24) feet.

- D. Utility connections and installations of wires and conduits to buildings shall be made underground from the nearest available power source. No transformers, electric, gas or other meter of any type of other apparatus shall be located on any pole but the same shall be placed on or below the surface of the land, and where placed on the surface of the land shall be adequately screened and fenced.
- E. Facilities for storage of waste and rubbish shall be maintained within a screened area in closed containers and in locations not visible from the street.
- F. The above-ground bulk storage of any liquids or materials on the outside of buildings shall be screened and in locations not visible from the street.
- G. Ground mounted air conditioning equipment, air handling equipment and transformers, exterior mechanical and electrical equipment (including but not limited to pump houses, communication towers, vents, fans, ducts, switchgear, and cooling towers), mounted on the ground, shall be screened from view of bypassing traffic. Such equipment shall not be located in any front yard.
- H. Roof mounted air conditioning equipment, air handling equipment and transformers, installed in any building shall be of a color to blend with the predominant colors of the building on or near which they are installed. If screened, the height of the screening shall be at least equal to the height of the equipment to be screened from view of bypassing traffic.

11. **Parking, Access drives and Off-Street Loading Docks and Areas:** Notwithstanding any requirements contained in Article 24 to the contrary the following requirements apply:

- A. No parking of automobiles, trucks, trailers, or other vehicles shall be permitted on any public or private streets, and it will be the responsibility of each applicant to keep available on its site paved areas or land for future paved areas at least to the minimum standards set forth in Article 24.
- B. Parking or loading areas or drives shall be located at least five (5) feet from side or rear lot lines. Landscaping shall be used to screen loading docks from public view.
- C. All parking surfaces and drives shall be paved with asphalt or concrete. Parking lots shall have curb and gutter.

12. **Site Plan Approval:** All applications for Site Plan Approval for property in “CM-P” districts shall be submitted and handled in accordance with the following procedures:

- A. Consideration of the Preliminary Site Plan: All applications for site plan approval for property in “CM-P” districts shall first submit a preliminary site plan to the City Planning & Zoning Commission for consideration within 30 calendar days from date of application. Following staff review and after considering the preliminary site plan, the Planning & Zoning Commission shall approve, deny or require modifications of the preliminary site plan. In the event of site plan approval, the applicant shall submit a final site plan in accordance with the procedure noted herein.
- B. Criteria for Considering Applications for Site Plan Approval: In considering any application for site plan approval, preliminary or final, the Planning & Zoning Commission shall give consideration to the criteria stated below:
 - 1) Whether the site is capable of accommodating the buildings, parking areas and drives with appropriate open space.
 - 2) Whether the plan provides for safe and easy ingress, egress and internal traffic circulation, and adequate access for emergency vehicles to all parts of the property and of all buildings and structures on the property.
 - 3) Whether the plan is consistent with good land planing and site engineering design principles.
 - 4) Whether an appropriate degree of harmony will prevail between the architectural quality and building materials of the proposed buildings and those of the adjacent building.
 - 5) The extent to which utilities and services including but not limited to sewers, water service, police and fire protection, and parks and recreation facilities, are available and adequate to serve the proposed use.
 - 6) The extent to which the proposed use and plan would create excessive storm water runoff, air pollution, water pollution, noise pollution or other environmental harm.
 - 7) The extent to which there is a need for the use in the community.
 - 8) the economic impact of the proposed use and plan on the community.
 - 9) The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

10) The recommendation of professional staff, or other professionals retained by the city to evaluate the application.

C. Waiver of Final Site Plan Approval: If the Planning & Zoning Commission determines based upon the submission of the preliminary site plan that the preliminary site plan satisfies the requirement of the final site plan defined herein, the Planning & Zoning Commission may recommend the approval of the preliminary site plan to the City Council as a final site plan.

D. Contents of Preliminary Site Plan and Submission Requirements: Five (5) copies of the preliminary site plan shall be submitted to the City in support of the application for plan approval. The preliminary site plan shall contain the following information:

- 1) North arrow and scale.
- 2) With regard to the subject property only:
 - a) Methods of compliance with City Storm Water Ordinance.
 - b) Proposed location of buildings, building setback lines and other structures, parking areas, drives, walks, screening, drainage patterns, public streets and any existing easements.
 - c) Sufficient dimensions to indicate relationship between buildings, property lines, parking areas and other elements of the plan.
 - d) General extent and character of proposed landscaping.
- 3) With regard to areas within one hundred (100) feet of the subject property:
 - a) Any public streets which are of record.
 - b) The location and size of any drainage structure, such as culverts, paved or earthen ditches or storm water sewers and inlets.
- 4) Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. Where several building types are proposed on the plan, such as apartments and commercial buildings, a separate sketch shall include elevation drawings, but detailed drawings and perspectives are not required.
- 5) The plan shall show total gross floor area, land area, parking spaces and other quantities relative to the submitted plan in order that compliance with requirements of the Article can be determined.
- 6) Name and address of landowner.

- 7) Name and address of architect, landscape architect, planner, engineer, surveyor, contractor, or other persons or entities involved in the preparation of the plan.
- 8) Date of preparation of the plan.

E. Additional Information Required in Support of Preliminary Site Plan.

- 1) In addition to the information listed in the previous section, the Planning & Zoning Commission or City council may also require applicants for preliminary site plan approval to submit and/or pay the cost of such technical studies as may be necessary to enable the Planning & Zoning Commission or governing body to evaluate the application. Examples of technical studies that may be required shall include, but not be limited to, traffic studies, engineering studies, geologic or hydro-geologic studies, flood studies, environmental impact assessments, noise studies, market studies or economic impact reports. The applicant shall reimburse the City for the cost of all such studies, and the person or firms preparing the studies must be approved in advance by the entity requiring such study. The City may require that the applicant post a deposit. The City shall be under no obligation to proceed with consideration of the plan. Notwithstanding, the fact that the Planning Commission did not require submission of any such technical study in support of the application, the Planning & Zoning Commission may require the submission of such studies prior to taking action on the application for preliminary site plan approval. In such case, the persons or firms selected to perform the studies shall be subject to the approval of the Planning & Zoning Commission. If the Planning & Zoning Commission determines the need for such studies, consideration shall be continued until such time as such studies have been completed and submitted.
- 2) Also, the Planning & Zoning Commission shall have authority to require that the applicant for preliminary plan approval submit proof of having reviewed the plan with applicable water, sewer, fire, police, gas and electric utility officials. In order to obtain approval of a preliminary site plan, the applicant must show that adequate water, sewer, fire, gas, police and electric services are presently available to the subject property. If adequate public facilities and services are not presently available at the time of submittal of the application for preliminary site plan approval as determined by the affected utility company or agency, the preliminary site plan may be denied.

F. Final Site Plan Approval - Contents and Submission Requirements: Five (5) copies of the final site plan shall be submitted in support of the application for final site plan approval. The final site plan shall contain the following information and meet the following requirements:

- 1) A site plan including the following:
 - a) All existing and proposed adjacent public street right-of-way with centerline location.
 - b) Location, width and limits of all existing and proposed sidewalks.
 - c) Location, size and radii of all existing and proposed median breaks and turning lanes.
 - d) Distance between buildings, between buildings and property lines and between all parking areas and property lines.
 - e) Location of all required building and parking set-backs.
 - f) Location, dimensions, number of stories and area in square feet of all proposed buildings.
 - g) Area of land on site plan in square feet.
 - h) Limits, location, size and material to be used in all proposed retaining walls.
 - i) Location and dimensions of all driveways, parking lots, parking stalls, aisles, loading and service area and docks.
 - j) Pertinent peripheral information to include adjacent developments alignment and location of public and private driveways and streets, medians, and public and semi-public easements.
 - k) Preliminary drainage design and location and existing drainage facilities.
 - l) North arrow and scale.
- 2) Building elevations including the following:
 - a) Elevations of all sides of proposed buildings including notation indicating building materials to be used on exteriors and roofs.
 - b) Location, size and materials to be used in all screening of mechanical equipment.
- 3) Landscaping and screening plans as required by this ordinance, which include:
 - a) Location and number of all existing and proposed landscape materials.
 - b) Notation of all areas to be seeded or sodded.
 - c) Location, size and materials to be used for all screening, including screening of outside trash enclosure areas.
- 4) All site plans are to be drawn to a standard engineer's scale.
- 5) The following additional items shall be shown in support of the application for final site plan approval:
 - a) Evidence of satisfaction of any stipulations of the preliminary site plan approval which were conditions precedent to consideration of the final site plan.
 - b) Assurances of adequate public facilities.

G. Consideration of Final Site Plans.

- 1) Final site plans which are consistent with the approved preliminary site plan and the criteria contained herein shall be reviewed by City staff and approved by the Planning & Zoning Commission.
- 2) If the Planning & Zoning Commission determines that the proposed final plat site plan is not in compliance with the approved preliminary site plan, and the criteria contained herein, the application may not be considered unless the plan is revised and resubmitted to the Planning & Zoning Commission.

H. Time Limitation on Plan Approval: If the applicant has obtained preliminary site plan approval, but fails to apply for final plan approval within one (1) year from the date of approval of the preliminary site plan by the Planning & Zoning Commission, said preliminary site plan approval shall be deemed to have expired, and the applicant shall be required to resubmit his plan for preliminary site plan approval. If the applicant has obtained final site plan approval from the Planning & Zoning Commission, but fails to commence construction of the project within one year from the date of final site plan approval, both preliminary and final site plan approval will be deemed to have expired, and the applicant shall be required to resubmit said plan for preliminary and final site plan approval.

13. Conditional Uses: The following uses are permitted in the CM-P District only by obtaining a conditional use permit. See Article 31 Conditional Uses for complete information on the procedure and requirements.

- A. Radio, television, microwave and mobile telephone towers.
- B. Golf driving ranges.
- C. Taxicabs.
- D. Billboards or outdoor poster panels.
- E. Outdoor gun clubs, skeet shoots or target ranges.
- F. Field crops.
- G. Inflatables more than fifteen (15) feet high and greater than twenty (20) square feet in surface area. (Ord. 5665, May 2, 2011)
- H. Institutional schools for human care except where they are incidental to a primary permitted use.

- I. Acid manufacture.
- J. Cement, lime, gypsum or plaster of paris manufacture.
- K. Distillation of bones and glue manufacture or storage.
- L. Waste to energy facility (incinerator).
- M. Explosives manufacturer or storage.
- N. Fat rendering and fertilizer manufacturer.
- O. Garbage, offal or dead animals, reduction or dumping.
- P. Refining of petroleum or its products.
- Q. Smelting of tin, copper, zinc or iron ores.
- R. Stockyard or the slaughter of animals.
- S. Storage of flammable or combustible liquids.

(Ord 5903 enacted December 7, 2015)