Current Section 5 Supplemental Regulations

Sec. 5.1.51 - Outdoor activities in industrial districts.

Except as otherwise expressly permitted for a particular use, each use permitted by right or by special use permit in an industrial district shall be subject to the following:

a. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building.

b. No outdoor activity, including the location of internal access roads, shall be established, conducted or used within 100 feet of a residential or agricultural district.

c. No activity shall be conducted outdoors between 7:00 p.m. and 7:00 a.m.

(§ 5.1.51, Ord. 13-18(1) , 4-3-13)

Sec. 5.1.52 - Outdoor storage in industrial districts.

Except as otherwise expressly permitted for a particular use, the outdoor storage of parts, materials and equipment in an industrial district shall be subject to the following:

a. Storage areas shall be screened by a solid wall or fence, including solid entrance and exit gates, not less than seven feet nor more than ten feet in height.

b. No wall or fence screening a storage area shall encroach into a sight distance triangle.

c. The parts, materials and equipment stored in a storage area shall not be stacked higher than the screening wall or fence.

d. No outdoor storage shall be located within 50 feet of a residential or agricultural district.

e. The outdoor storage of recyclable materials at a recycling collection or recycling processing center is prohibited.

(§ 5.1.52, Ord. 13-18(1) , 4-3-13)

SECTION 26 - INDUSTRIAL DISTRICTS - GENERALLY

Sec. 26.1 - Intent, where permitted.

Industrial districts are intended to be for the purpose of providing places of employment and strengthening the local economic base in furtherance of the economic development policy of the comprehensive plan. To this end, the following shall be encouraged: (i) the establishment and continuation of industrial uses and their supporting uses in the locations and at the levels of intensity designated for those uses in the comprehensive plan; (ii) the establishment of new industrial uses that are appropriate for the character of the industrial districts; and (iii) the enlargement and expansion of existing industrial uses.

Industrial districts are intended to be established in areas having all of the following characteristics: (i) the area is served by public water and sewer facilities; (ii) the area is served by major highway, rail or air service, or secondary roads improved to standards approved by the county; and (iii) the area is clearly demonstrated to be suitable for the intended uses, considering the physical characteristics of the land and the intended uses and their relationship to surrounding development.

(§ 26.1, 12-10-80; Ord. 13-18(1) , 4-3-13)

Sec. 26.2 - Permitted primary and accessory uses and structures; prohibited uses and structures.

Uses and structures within the industrial districts are permitted as follows:

a. *Primary uses and structures* . Primary uses and structures within the industrial districts are permitted by right, by special use permit, and by special exception as provided in the following table, subject to the applicable requirements of this chapter:

Use	LI	HI	PD-IP Cat. 1	PD-IP Cat. 2
Manufacturing/Processing/Assembly/Fabrication/Recycling*	BR	BR	BR	BR
Asphalt mixing plants.	N	SP	N	SP
Brick manufacturing, distribution.	SP	BR	SP	BR
Cement, lime gypsum manufacture or processing.	N	SP	N	SP

Chemical, plastics manufacture or processing.	SP	SP	SP	SP
Dry cleaning plants (reference 5.1.49).	SP	BR	SP	BR
Foundries (reference 5.1.50).	N	SP	N	SP
Inorganic fertilizer manufacture or processing.	N	SP	N	SP
Materials recovery facilities, privately owned and operated.	SP	BR	SP	BR
Organic fertilizer manufacture or processing.	SP	BR	SP	BR
Petroleum, gasoline, natural gas and manufactured gas bulk storage (reference 5.1.20).	SP	BR	SP	BR
Petroleum refining, including by-products (reference 5.1.20).	N	SP	N	SP
Pulp or paper manufacture or processing.	N	SP	N	SP
Recycling processing center.	SP	BR	SP	BR
Rendering plants (reference 5.1.53).	SP	BR	SP	BR
Sawmills, temporary or permanent; planing mills; wood yards (reference 5.1.15).	SP	BR	SP	BR
Storage/Warehousing/Distribution/Transportation*	BR	BR	BR	BR
Airports.	SP	SP	SP	SP

Heavy equipment and heavy vehicle parking and storage yards.	SP	BR	SP	BR
Heliports (reference 5.1.01).	SP	SP	SP	SP
Helistops (reference 5.1.01).	SP	SP	SP	SP
Junk yards (reference 5.1.10).	N	SP	N	SP
Warehouse facilities where there may be the storage of gasoline, kerosene or other volatile materials, dynamite blasting caps and other explosives, pesticides and poisons, and other materials which may be hazardous to life in the event of accident.	SP	BR	SP	BR
Wholesale businesses where there may be the storage of gasoline, kerosene or other volatile materials, dynamite blasting caps and other explosives, pesticides and poisons, and other materials which may be hazardous to life in the event of accident.	SP	BR	SP	BR
Laboratories/Research and Development/Experimental Testing	BR	BR	BR	BR
Offices**				
Independent offices; within structure existing or vested on or before April 3, 2014.	BR	BR	BR	BR
Independent offices; within structure not established or not vested until after April 3, 2014.	SP	SP	SP	SP
Independent offices; within expanded portion of structure where expansion not established or not vested until after April 3, 2014.	SP	SP	SP	SP
Industrial offices.	BR	BR	BR	BR
Public Uses, Utilities and Services, and Telecommunications Uses**				
Energy and communications transmission facilities (reference 5.1.12).	S	S	SP	SP

	P	P		
Fire, ambulance and rescue squad stations (reference 5.1.09).	BR	BR	BR	BR
Personal wireless service facilities, Tier I (reference 5.1.40).	BR	BR	BR	BR
Personal wireless service facilities, Tier II (reference 5.1.40).	BR	BR	BR	BR
Personal wireless service facilities, Tier III (reference 5.1.40).	SP	SP	SP	SP
Public uses (reference 5.1.12).	BR	BR	BR	BR
Stormwater management facilities shown on an approved final site plan or subdivision plat.	BR	BR	BR	BR
Water, sewer, energy, communications distribution facilities (reference 5.1.12).	BR	BR	BR	BR
Temporary Uses**				
Temporary construction headquarters (reference 5.1.18).	BR	BR	BR	BR
Temporary construction storage yards (reference 5.1.18).	BR	BR	BR	BR
Temporary events sponsored by local nonprofit organizations (reference 5.1.27).	SP	SP	SP	SP
Temporary industrialized buildings (reference 5.8).	BR	BR	BR	BR
Commercial Uses**				
Uses permitted by right or by special use permit in the Commercial (C-1), Commercial Office (CO) and Highway Commercial (HC) districts (collectively, "general commercial uses" as used in section 26.3) not otherwise expressly	SP	SP	SP	SP

authorized by this section either by right or by special use permit; within structure existing or vested on April 3, 2013.				
Farmers' markets conducted in a permanent structure established after May 5, 2010 (reference 5.1.47).	SP	SP	SP	SP
Farmers' markets conducted outdoors or within a temporary or a permanent structure existing on May 5, 2010 (reference 5.1.47).	BR	BR	BR	BR
Hotels, motels, inns.	SP	SP	SP	SP
Outdoor storage, display and/or sales serving or associated with a permitted use, other than a residential, agricultural or forestal use, any portion of which would be visible from a street within the entrance corridor overlay district to which it is contiguous or from any other street within the entrance corridor overlay district which is located within 500 feet; provided that review shall be limited to determining whether the outdoor storage, display and/or sales is consistent with the applicable design guidelines.	SP	SP	SP	SP
Subordinate retail sales for any use permitted by right; use does not exceed 25% of the gross floor area of the primary industrial use.	BR	BR	BR	BR
Subordinate retail sales for any use permitted by right; use exceeds 25% of the gross floor area of the primary industrial use.	SE	SE	SE	SE
Supporting commercial; use does not exceed 25% of the gross floor area of the freestanding building or multiple buildings on an industrial site.	BR	BR	BR	BR
Supporting commercial; use exceeds 25% of the gross floor area of the freestanding building or multiple buildings on an industrial site.	SE	SE	SE	SE
Parking**				
Parking structures, as part of an occupied structure (reference 4.12, 5.1.41).	BR	BR	BR	BR
Parking structures, stand alone (reference 4.12, 5.1.41).	SP	SP	SP	SP
Parking area, stand alone (reference 4.12, 5.1.41).	SP	SP	SP	SP

Uses Not Served By Public Water or Public Sewer**				
Uses permitted by right in the Light Industry (LI) or Heavy Industry (HI) districts, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.	SP	SP	SP	SP
Uses permitted by right in the Light Industry (LI) or Heavy Industry (HI) districts, not served by public water, involving water consumption exceeding 400 gallons per site acre per day.	SP	SP	SP	SP
Miscellaneous				
Dwellings and sleeping quarters, on-site (reference 5.1.21).	BR	BR	BR	BR
Fill areas (reference 5.1.28)	BR	BR	BR	BR
Waste areas (reference 5.1.28)	BR	BR	BR	BR

*Applies to all uses within this use classification, as defined, except for those uses expressly identified in unshaded text below that use classification.

**Heading is for organizational purposes only and is not a use classification.

BR: The use is permitted by right.
SP: The use is permitted by special use permit.
SE: The use is permitted by special exception.
N: The use is not permitted.

b. *Planned industrial parks and proffered industrial districts approved prior to April 3, 2013* . Within the following planned industrial parks and proffered industrial districts, the uses permitted by right, by special use permit, and by special exception shall be as follows:

1. *Uses in planned industrial parks.* The uses permitted by right and by special use permit in any planned development -industrial park (PD-IP) district approved prior to April 3, 2013, any industrial park approved as a planned development prior to December 10, 1980 are those uses permitted by right and by special use permit in effect when the zoning map amendment was approved and those uses delineated in subsection (a), regardless of any election made for a planned development district under subsections 8.5.5.2(a) and (b).

2. *Uses in proffered industrial districts* . The uses permitted by right and by special use permit on any site within an industrial district for which proffers either specifying or prohibiting particular uses were accepted prior to April 3, 2013, are those uses permitted by right and by special use permit in effect when the zoning map amendment

was approved and those uses delineated in subsection (a), provided that any use not allowed by right or by special use permit by a proffer shall be prohibited.

3. *Certain non-industrial uses in planned industrial parks and proffered industrial districts* . In the planned industrial parks and proffered industrial districts delineated in subsections (b)(1) and (2), no supporting retail sales or subordinate commercial use that would exceed the by right thresholds in subsection (a) shall be expanded without a special exception as required by subsection (a).

c. *Accessory uses and structures* . Accessory uses and structures are permitted within each industrial district, subject to the following:

1. *When accessory use is permitted* . No accessory use is permitted until the primary use to which it is accessory has been established.

2. *When accessory structure is permitted* . No accessory structure is permitted until either construction of the primary structure or the primary use to which it is accessory has commenced.

3. *Prohibited accessory uses and structures* . Parking structures, stand alone parking and drive-through windows are permitted only as provided in subsection (a) and not otherwise as accessory uses. The storage of sludge or toxic wastes, or both, is prohibited as an accessory use; provided that the temporary storage of sludge or toxic wastes awaiting proper disposal is a permitted accessory use.

d. *Prohibited primary uses and structures* . The following uses and structures are prohibited as primary uses within each industrial district:

1. *Incinerators* . The establishment or use of an incinerator.

2. *Manufacture of certain products* . The manufacture of acetylene gas, acid, ammonia, bleaching powder, chlorine, detergent and cleaning preparations made from animal fats, explosives, fireworks, fish meal, nitrogenous tankage, paints, varnish, shellac that requires distillation or heating ingredients, vinegar that is not derived from an agricultural product, phosphates, and turpentine.

3. *Sludge* . The storage of sludge.

4. *Toxic wastes* . The disposal or storage of toxic wastes regulated under the federal Toxic Substances Control Act (15 U.S.C. § 2601 *et seq* .), provided that placing toxic wastes for their lawful collection and disposal by a third party is not prohibited.

(§ 26.2, Ord. 13-18(1) , 4-3-13; § 26.3, 12-10-80; 11-7-84; Ord. 18-18-(1), 1-10-18)

Sec. 26.3 - Independent office and general commercial uses; additional factors when considering special use permits.

In evaluating a request for a special use permit for an independent office or general commercial use as that use is described in section 26.2, the board shall consider the following factors in addition to those delineated in section 33.8:

a. The purpose of the industrial district in which the use is proposed.

b. The proposed use and its proposed size should be consistent with the intent of the applicable industrial district.

c. The use proposed should not be located on the lowest floor of any building having direct exterior access to the ground surface in order to allow that floor to be used for industrial purposes.

d. The gross floor area of each establishment should not exceed 3,000 square feet.

e. The aggregate gross floor area of the independent offices or general commercial uses, or both, should not exceed 24,000 square feet and should not exceed 25 percent of the gross floor area of the building.

f. Whether the structure or structure expansion will be constructed to the standards required for industrial structures, regardless of its intended use.

(§ 26.3, Ord. 13-18(1) , 4-3-13)

Sec. 26.4 - Structure height.

Except as otherwise provided in section 4.10, structures may be erected to a height not to exceed 65 feet. The minimum stepback requirements for any story that begin above 40 feet in height or for each story above the third story, whichever is less, in height shall be as provided in section 4.20.

(§ 26.4, Ord. 13-18(1) , 4-3-13; § 26.6, 12-10-80, 9-9-92; Ord. 15-18(4) , 6-3-15; Ord. 17-18(4) , 8-9-17)

Sec. 26.5 - Minimum yards.

The minimum yard requirements in the industrial districts are as follows:

a. *Adjacent to streets.* The minimum and maximum front yards shall be as provided in section 4.20.

b. *Adjacent to district other than commercial or industrial district.* If the abutting lot is zoned residential, rural areas, or the Monticello Historic district, the minimum and maximum side and rear yards shall be as provided in section 4.20.

c. *Use buffer adjacent to district other than commercial or industrial district.* For the purpose of this subsection, a use buffer shall not be required when a commercial or industrial district zone is across a street from a residential or rural area district. No construction activity, including grading or clearing vegetation (collectively, "disturbance"), shall occur within 30 feet of any district other than a commercial or industrial district except in the following circumstances: (i) adequate landscape screening does not currently exist and disturbance is necessary to install screening that meets or exceeds the screening requirements in section 32.7.9; (ii) an arborist or landscape architect certifies that trees in the buffer are dying, diseased or will constitute a fall hazard and must be removed; (iii) the county engineer determines that disturbance is necessary in order to address an existing drainage problem; or (iv) disturbance will result in improved screening through the use of a berm, a retaining wall or similar physical modification or improvement. When disturbance is allowed under subsection (i), (ii), (iii) or (iv), the developer shall submit an illustration showing the existing screening without disturbance and the screening that would be installed after the disturbance, and disturbance shall be allowed only if the screening installed after the disturbance is equal to or exceeds the screening existing prior to disturbance.

d. *Special exception to disturb use buffer abutting district other than a commercial or industrial district* . The board of supervisors may authorize a disturbance in the use buffer required to be maintained under subsection (c) by special exception. The board shall consider whether disturbance is necessary or would result in an improved site design, provided that: (i) minimum screening requirements are met; and (ii) existing landscaping in excess of minimum requirements is substantially restored.

e. *Building separation* . The minimum building separation shall be as provided in section 4.20.

(§ 26.5, Ord. 13-18(1) , 4-3-13; § 26.10, Ord. 09-18(1) , 1-14-09; §§ 26.10, 26.10.1, 26.10.2, 26.10.3; 12-10-80; 7-10-85, 7-8-92, 9-9-92; Ord. 15-18(4) , 6-3-15; Ord. 17-18(5) , 10-11-17; Ord. 19-18(3) , 6-5-19)

Sec. 26.6 - Site development and use.

Subject to sections 26.4 and 26.5, each site within an industrial district shall comply with the applicable site development and use requirements in sections 4, 5 and 32.

(§ 26.6, Ord. 13-18(1) , 4-3-13)