

CHAPTER 1139
HS Highway Service District

1139.01 Purpose.
1139.02 Uses.

1139.03 Site development regulations.

CROSS REFERENCES

Visibility at intersections - see 1153.03
Special provisions for commercial uses - see P. & Z. 1155.01
Accessory uses - see P. & Z. 1157.021
Signs - see P. & Z. Ch. 1161

1139.01 PURPOSE.

This district is intended to provide an appropriate location for commercial establishments offering accommodations, supplies and services to the motoring public. Such a district is most appropriately located adjacent to freeway interchanges and intersections of major thoroughfares.

1139.02 USES.

(a) Permitted Uses

- (1) Auto and truck rental; new and used car, truck, bicycle or motorcycle sales and service; boat and marine equipment sales, rental and service; trailer sales and rentals.
- (2) Restaurants and lounges (sit down, carry out, fast food, and drive-in).*
- (3) Motels.
- (4) Automobile service stations, service centers, repair garages and wash facilities.*
- (5) Body shops.
- (6) Farm equipment sales and service.
- (7) Lumber yards.
- (8) Tool and equipment rental facilities.
- (9) Store and lock enclosed storage facilities.
- (10) Theaters (enclosed and drive-in).*
- (11) Veterinarian offices, kennels and animal hospitals.
- (12) Medical and dental offices, clinics, health centers and hospitals.
- (13) Par 3 golf courses, miniature golf, driving ranges.
- (14) Health spas.
- (15) Greenhouses.
- (16) Nursery and plant materials sales. (Ord. 1987-05. Passed 8-4-87.)
- (17) Banks, including drive-through facilities.
- (18) Research and development offices and laboratories, administrative offices of any kind, including corporate, public, semi-public, civic, religious and charitable organizations, post offices and governmental buildings.

- (19) Convenience food stores that primarily provide products and services for interstate travelers.
- (20) Accessory buildings incidental to the principal use. (Regulations governing accessory facilities and uses are specified in Chapter 1157).
(Ord. 2003-10. Passed 2-3-04.)
- (21) Governmentally owned or operated Parks and Recreation Facilities. Recreation Facilities shall include the Montgomery County Fair Facilities and fair operation. This use shall be permitted only as a PD-Planned Development and following the requirements of Chapter 1151 and specifically Section 1151.14. (Ord. 2014-02. Passed 4-1-14.)

(b) Special Uses. The following special use is subject to review in accordance with Chapter 1163.

- (1) Truck service centers and repair facilities.
(Ord. 1999-07. Passed 1-4-00; Ord. 2003-10. Passed 2-3-04.)
- (2) Retail establishments engaged in the retail trade of pharmacies, book and stationery stores, apparel stores, florist shops, antique stores, sporting goods stores, jewelry stores, optical goods stores, furniture, home furnishings, camera-photo supplies, electronic or computer sales and service, groceries, department stores, including department stores that offer a variety of retail goods and groceries, and other retail uses that are similar in character to those retail uses listed above, however, excluding any use that is an adult entertainment facility, as defined in Section 1103.03.
(Ord. 2003-10. Passed 2-3-04.)
- (3) Mobile food vendors. (Ord. 2010-06. Passed 8-3-10.)
- (4) Wireless telecommunication facilities. (Ord. 2014-13. Passed 2-3-15.)

1139.03 SITE DEVELOPMENT REGULATIONS^{27,28}

²⁷Those uses identified by an asterisk shall comply with all pertinent development standards contained in Chapter 1163.

²⁸See Chapter 1155 for additional provisions for commercial facilities.

(a) Lot Requirements.

- (1) Minimum lot area 20,000 square feet
- (2) Minimum lot frontage 150 feet

(b) Yard Requirements.

- (1) Minimum front yard depth 50 feet
- (2) Minimum rear yard depth
- A. Where lot line abuts other business or industrial district lot lines - none, except as required to meet other provisions for loading, parking, etc.
- B. Where lot line abuts residential lot line, see transitional requirements.
- (3) Minimum side yard depth
- A. Where lot line abuts other business or industrial district lot lines, a setback of 30 feet shall be provided.
- B. Where lot line abuts residential lot line, see transitional requirements.
- (4) Transitional requirements. When said side or rear lot line abuts residential district lot lines, the minimum side or rear transitional setback distance shall be 50 feet in depth and provided with a landscape screen or wall as defined in Section 1155.01.

(c) Structural Requirements.

- Maximum building height 35 feet

- (d) Parking and Loading Requirements. See Chapter 1159 for off-street parking and loading requirements.
- (e) Signs. See Chapter 1161 for size and location of permitted signs.
- (f) Supplementary Regulations.
- (1) A request to rezone land to Highway Service must be substantiated with evidence that (1) such a use will not conflict with the intended function of a major street to carry traffic; and (2) that the capacity of the street(s) will not be materially reduced by the additional commercial facilities.
 - (2) A site plan shall be submitted to the Planning Commission for approval. Such site plan shall graphically include the locations and dimensions of vehicular and pedestrian entrances, exits, driveways, walkways, and the vehicular circulation patterns to and from the site; building locations and dimensions, off-street parking spaces and landscaping.
 - (3) All merchandise, new and used, with the exception of boat, automobile, truck or farm implements shall be stored within a completely enclosed building. Open storage may be permitted if located behind the principal structure if visually screened from the street and adjacent properties by a landscaped screen, fence or wall.



CHAPTER 1145
I-2 General Industrial District

1145.01 Purpose.
1145.02 Uses.

1145.03 Site development regulations.

CROSS REFERENCES

Special provisions for industrial uses - see P. & Z. 1155.01
Accessory uses - see P. & Z. 1157.021
Off-street loading - see P. & Z. 1159.04
Signs - see P. & Z. Ch. 1161

1145.01 PURPOSE.

The intent of this District is to accommodate a broad range of industrial activities - diverse in products, operational techniques and size which have a greater potential impact upon their environment than those permitted in the Light Industrial District.

1145.02 USES.

(a) Permitted Uses.

- (1) All permitted and special uses as provided within the Light Industrial District with the exception of those uses defined as special uses within this District.
 - (2) Cement block and formed products manufacturing.
 - (3) Railroad train yards, classification yards, team tracks and depots.
 - (4) Sawing and planing mills.
 - (5) Chemical products such as drugs, paints, wood chemicals, and allied chemicals.
 - (6) Stone, clay, glass, brick, abrasives, tile, and related products.
 - (7) Fabricated metal manufacturing, including ordinance, engines, machinery, electrical equipment, transportation equipment, metal stamping, wire products and structural metal products.
 - (8) Meat packing. (Ord. 1987-05. Passed 8-4-87.)
 - (9) Sexually oriented businesses (as defined in Section 1103.03). These uses shall also comply with the development standards contained in Section 1145.03(g). (Ord. 2005-09. Passed 11-15-05.)
 - (10) Accessory buildings and uses incidental to the principal use.⁴⁰
- ⁴⁰Regulations governing accessory facilities and uses are specified in Chapter 1157. (Ord. 1987-05. Passed 8-4-87; Ord. 2005-09. Passed 11-15-05.)

(b) Special Uses. The following special uses are subject to review in accordance with Chapter 1163:

- (1) Asphalt or asphalt products, bulk storage stations for liquid fuel, petroleum products, petroleum and volatile oils.
- (2) Concrete mixing plants.
- (3) Bulk storage of corrosive acids and acid derivatives.
- (4) Fertilizer manufacturing.
- (5) Garbage or refuse reduction or transfer.
- (6) Sanitary landfill.
- (7) Incinerators.
- (8) Glue manufacturing.
- (9) Paper products manufacturing.
- (10) Plastics manufacturing.
- (11) Rubber processing or manufacturing.
- (12) Mining, mixing, processing, and transportation of stone, sand or gravel aggregate.
- (13) Manufacturing or processing of asphalt products.
- (14) Soap manufacturing.
- (15) Steel manufacturing.
- (16) Junk yards and auto graveyards.
(Ord. 1987-05. Passed 8-4-87.)
- (17) Radio, television or other transmission towers and related station facilities, and wireless telecommunication facilities.
(Ord. 2014-07. Passed 9-16-14.)
- (18) Banks, including drive-in facilities.
- (19) Restaurants, including fast food and drive-ins.
- (20) Taverns.
- (21) Airport or landing strips. (Ord. 1987-05. Passed 8-4-87.)
- (22) Mobile food vendors. (Ord. 2010-06. Passed 8-3-06.)
- (23) Other manufacturing, processing, or storage uses determined by the Board of Appeals to be of the same general character as the permitted uses previously listed and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic, or noxious matter, or glare or heat. In this regard, the Board of Appeals may seek expert advice on what conditions should be imposed on a particular operation to carry out the purposes of this zone; the cost of such expert assistance shall be borne by the applicant.

1145.03 SITE DEVELOPMENT REGULATIONS.⁴¹

⁴¹Special uses shall comply with all pertinent development standards contained in Chapter

1163.

(a) Lot Requirements.

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|-----|----------------------|------------------------|
| (1) | Minimum lot area | none |
| (2) | Minimum lot frontage | 150 feet ⁴² |
- ⁴²Or such lesser frontage as will permit compliance with the side yard and off-street parking requirements.

(b) Yard Requirements.

- | | | |
|-----|---|---------------------|
| (1) | Minimum front yard depth | ⁴³ |
| | ⁴³ Fifty foot front yard depth shall be provided; however, if adjacent lots are developed, the average of adjoining front yard depths shall be provided if less than 50 feet. If located across the street from a Residential District, 50 feet shall be provided in any case. | |
| (2) | Minimum rear yard depth | ^{44,45,46} |

- (3) Minimum side yard width ^{44,45,46} on each side.
⁴⁴Each side and rear yard shall be equal to two (2) times the height of the principal building. If adjacent lots are industrially developed to the lot line, side yard requirements shall be at the discretion of the Planning Commission. Where a side or rear yard abuts upon a Residential District, said yard shall in no case be less than one hundred (100) feet and a landscaped screening as specified in Section 1155.01 shall be provided. An opaque fence may be substituted for such plantings if approved by the Planning Commission. If the use is to be serviced from the rear, the yard shall be at least fifty (50) feet deep.
⁴⁵A minimum side and rear yard of one hundred (100) feet shall be provided for all special uses with the exception of banks, restaurants and taverns which shall be reviewed on an individual case basis. Where a side or rear yard abuts onto a Residential District, said yard shall in no case be less than one hundred fifty (150) feet and a landscaped screening as specified in Section 1155.01 shall be provided. An opaque fence may be substituted for such plantings if approved by the Planning Commission.
⁴⁶Any portion of the side and rear yards in excess of 15 feet from the property line may be used for parking.

- (c) Structural Requirements.
 Maximum building height 45 feet
- (d) Parking and Loading Requirements. See Chapter 1159 for off-street parking and loading requirements.
- (e) Signs. See Chapter 1161 for signs and location of permitted signs.
- (f) Supplementary Regulations. Site plan approval required. A site plan shall be submitted to the Planning Commission for approval. Such site plan shall graphically include the location and dimensions of vehicular entrances, exits, internal circulation pattern, off-street parking and loading facilities, building locations and dimensions, storage facilities, landscaping and screening facilities. (Ord. 1987-05. Passed 8-4-87.)
- (g) Sexually Oriented Business Development Regulations.
- (1) No sexually oriented business shall be established within 700 feet of any area zoned as a residential district or zoned for residential use.
 - (2) No sexually oriented business shall be established within a radius of 700 feet of any nursery school, kindergarten, day care, compulsory school, or library, whether public or private, governmental, religious or commercial, which nursery school, kindergarten, day care, compulsory school, or library is attended by persons under eighteen years of age.
 - (3) No sexually oriented business shall be established within 700 feet of any public park or public recreation facility.

- (4) No sexually oriented business shall be established within a radius of 700 feet of any other sexually oriented business or a 700-foot radius of any two of the following establishments:
- A. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
 - ~~B. Pawn shops.~~
 - C. Pool or billiard halls.
 - D. Pinball palaces, halls, or arcades.
 - E. Dance halls or discotheques.
- (5) No sexually oriented business shall be established within 700 feet of any church.
- (6) No sexually oriented business shall be located within 3,000 feet of the right of way of Interstate 70.
- (7) Advertisements, displays or other promotional materials posted or displayed at a sexually oriented business shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from any other public areas.
- (8) All building openings, entries, doorways, windows and the like, at any sexually oriented business shall be located, covered or screened in such manner as to prevent any view into the interior of any sexually oriented business from the exterior of the structure or any public area.
- (9) No screens, loudspeakers or sound equipment shall be used by a sexually oriented business that can be seen or discerned by the public from any public area.
- (10) Site plan approval required. A site plan shall be submitted to the Planning Commission for approval. Such site plan shall be drawn to scale and shall graphically demonstrate compliance with the location requirements set forth herein, and compliance with all setback, landscaping, screening, parking, loading, signage, yard and structural requirements of the I-2, General Industrial District. The Planning Commission shall grant approval or denial of the site plan based only on the non-discretionary technical requirements set forth in Section 1145.03(a)-(f), except as modified by Section 1145.03(g) herein. The Planning Commission shall render its decision on whether to approve or deny a site plan for a sexually oriented business within forty-five days of submission of the site plan. Failure of the Planning Commission to render approval or denial of a submitted site plan for a sexually oriented business within the forty-five day review period shall result in the submitted site plan automatically being approved and issuance of a zoning permit. This subsection (g)(10) shall apply only to site plan approvals for sexually oriented businesses.
- (11) Whether the location of a sexually oriented business satisfies the criteria of this subsection (g) shall be determined by measuring the straight-line distance, without regard for intervening structures, from the closest exterior structural wall or section of wall enclosing the sexually oriented business to the nearest property line of the other use in question and in the case of Interstate 70, the nearest right of way line to the sexually oriented business. (Ord. 2005-09. Passed 11-15-05.)