

COUNCIL BILL NO. 1760**INTRODUCED BY: JOHN D. MICKS****ORDINANCE NO. 1669****AN ORDINANCE OF THE CITY OF DUBOIS AMENDING CHAPTER 27, PART 16, SETTING FORTH THE VARIOUS USES IN THE INDUSTRIAL PARK DISTRICT. TO AMEND THE DEFINITION OF TRANSITIONAL USES TO REVISE THE USES PERMITTED THEREIN AND AMENDING CHAPTER 27, PART 2, SECTION 201.**

BE IT ENACTED AND ORDAINED by the Council of the City of DuBois as follows:

Section 1. Chapter 27, Part 16, Section 1600, Subsection E entitled "Transitional Uses" is hereby revised to repeal the uses set forth therein and to substitute. Instead the following language:

(1) Permitted Uses

- a) Paper box factory.
- b) Distribution plant, including warehousing, wholesale business, and parcel delivery of appliances, food, clothing and paper products, and household goods and furniture.
- c) Laboratories – experimental, photo or motion picture, film, or testing.
- d) Manufacture, fabrication and maintenance of electric and neon signs, light sheet metal products, and also, including plumbing, heating or electrical contracting business.
- e) Manufacturing, fabricating, compounding, assembling, or treatment of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feather, paper, plastics, powdered metals, precious or semi-precious metals or stones, shell, textiles, yards, wood, and paint not employing a boiling process.
- f) Manufacture, fabricating, compounding, canning, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products, but not including the following: fish and meat products, sauerkraut, vinegar and yeast, except in conjunction with a general food products manufacturing company, and not including the rendering of fats and oils, or the slaughter of animals.
- g) Manufacture of appliances – electrical or mechanical; instruments and equipment – electronic, musical, precision, or the like; machines – electrical or mechanical, for home or office, and the like; phonographic, radios, telephones, or other instruments or machines for receiving, reproducing, or transmitting sound; watches and clocks, toys, novelties, and rubber and metal products.
- h) Printing, lithographing, type composition, ruling and binding establishment.
- i) Heavy industry permitted as a special exception if determined by the Zoning Hearing Board to be appropriate to surrounding uses and not deleterious to the overall development of the Industrial Park or the health, safety, and general welfare of neighboring land uses.

j) Bowling alleys.

(2) Prohibited Uses

- a) Motor vehicles sales, salvage and storage yards.
- b) Motels and hotels.
- c) Mortuaries and funeral homes.
- d) Any use not specifically permitted by right, special exception or conditional use within this District.

(3) Conditional Uses

- a) Restaurants without drive-through pick-up windows, provided the same are part of a larger shopping complex that have met all of the requirements of Section 1600.E(3)(e) of this Ordinance as set forth below.
- b) Educational institutions, provided all of the requirements of Section 1600.E(3)(e) of this Ordinance as set forth below are met.
- c) Grocery stores having a minimum floor size of 50,000 square feet provided the same are part of a larger shopping complex that have met all of the requirements of Section 1600.E(3)(e) of this Ordinance as set forth below. In addition grocery stores may offer motor vehicle filling pumps Islands with conditional use approval subject to the following specific criteria:

The applicant shall demonstrate that the handling, storage, dispensing and disposal of fuels, oils and other related fluids will be accomplished in a manner that complies with all applicable local, State and Federal regulations;

- ii. No fueling pumps shall be located closer than three hundred (300) feet to any lot line of a school, hospital or public institution for human care;
- iii. The applicant shall prepare and continuously implement a working plan of the collection and proper disposal of litter and debris;

If an outside public address system is to be utilized, the applicant shall submit evidence that the proposed public address system use will be designed and operated in a manner to comply with the standards relating to sound contained in Section 1602.1 of this Ordinance;

- v. Off-street parking shall be provided at the rate of 2 spaces per each fuel pump nozzle;
- vi. The location and arrangement of the proposed fuel islands and related access drives shall not cause traffic back-up onto adjoining roads or interfere with safe and convenient access to the off-street parking lot associated with the grocery store;
- vii. Adequate lighting shall be provided for the security of patrons that will be arranged so as not to cast glare onto adjoining roads and properties. Such lighting must comply with the requirements of Section 1601.7 of this Ordinance;
- viii. The motor vehicle filling operation shall be supervised with on-site personnel at all times during hours of operation; and,

- ix. No servicing or cleaning of vehicles or the sales of vehicle parts shall be permitted aside from those items normally incidental with vehicle fueling activities (e.g. oil, coolant, washer fluid, gas treatment, pressurized air and etc.)

d) Motor Vehicle Service and Repair Facilities subject to the following specific criteria and those of Section 1600.E(3)(e) of this Ordinance as set forth below:

The use shall be limited to working upon passenger vehicles, not heavy equipment, both as defined herein;

- ii. All vehicles shall be repaired and removed from the premises promptly and the demolition or junking of motor vehicles is prohibited;
 - iii. Any parts removed from repaired vehicles shall not remain on the site longer than thirty (30) days;
 - iv. No outdoor storage of parts, equipment, lubricants, fuel, or other materials new, used or discarded, as part of the service or repair operation, shall be permitted;
 - v. All uses involving drive-through service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads;
 - vi. All exterior vehicle storage areas shall be screened from adjoining residential properties. The storage of vehicles on the property without current registration or inspection is prohibited;
 - vii. All service and/or repair activities shall be conducted within a building. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining property within a residential district;
 - viii. The applicant shall furnish evidence of how the handling, storage, dispensing and disposal of fuels, oils, and other related fluids and materials will be accomplished in a manner that complies with all applicable local, State and Federal regulations;
 - ix. The applicant shall submit and continuously implement a working plan for the collection and proper disposal of litter and debris; and,
 - x. If an outside public address system is to be utilized, the applicant shall submit evidence that the proposed public address system use will comply with the standards relating to sound contained in Section 1602.1 of this Ordinance.
- e) All conditional uses permitted within this Section 1600.E(3) shall demonstrate compliance with the following criteria and submit the necessary materials to verify that:

The proposed use will not adversely affect the safe function of adjoining streets and intersections through the preparation of a qualified traffic study;

- ii. The proposed use has sufficient off-street parking and loading on the subject property;

- iii. The proposed access drive(s) are located and designed so as not to obstruct traffic flow on adjoining roads;
- iv. The proposed use will not constitute a detriment to the neighborhood or the use of surrounding properties; and,

The proposed use complies with all other rules and regulations of the Industrial Park District without exception.

Section 2. Chapter 27, Part 2, Section 200, Subsection 12. is hereby revised to repeal the language set forth therein and to substitute instead the following language:

“12. Service Stations; Taverns:

- A. No tavern or fueling pumps of an auto service station shall hereafter be located closer than three hundred (300) feet to any lot line of a school, hospital or public institution for human care.”

Section 3. Chapter 27, Part 18, Section 1801, Subsection 2. is hereby revised to alphabetically add the following definitions:

“HEAVY EQUIPMENT – vehicles and machinery that are not normally associated with residential use (e.g. excavation equipment, tractor trailers, commercial trucks and trailers, buses, yachts, farm equipment and tractors, mechanized amusement rides, industrial machinery and other similar devices).”

“MOTOR VEHICLE FILLING – a use devoted to the refueling of motor vehicles which may or may not include, depending upon those regulations imposed herein, the servicing and repair of motor vehicles. This definition is meant to include uses referred to as auto service stations and filling stations within this Ordinance.”

“MOTOR VEHICLE SERVICE AND REPAIR FACILITIES – a principal use devoted to the retail repair, servicing, maintenance and reconstruction of passenger vehicles, including car washes. This definition is meant to include uses referred to as public garages, and auto service stations within this Ordinance.”

“PASSENGER VEHICLES – Transport vehicles normally associated with domestic use (e.g. automobiles, vans, sport utility vehicles, pick-up trucks, motorcycles and scooters, recreational vehicles, towable boats and trailers and other similar vehicles.)”

Section 4. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

ATTEST:

CITY OF DUBOIS:

By: Ronald J. Tynjma
City Manager

By: John S. Lijio
Mayor and President of Council

APPROVED BY COUNCIL

November 24, 2003