

Article IV. Zones, Permitted Uses, Development Standards, and Site Planning Standards.

Sec. 26.4.1. General Industry (I) Zone.

Sec. 26.4.1-1. Purpose and Intent. The General Industry (I) Zone is intended to provide for the orderly development and operation of most types of Industrial Use and to promote the concentration of such uses in a manner that will foster mutually beneficial relationships with each other. The regulation of uses and establishment of Development Standards and Site Planning Standards set forth in the I Zone are those deemed necessary to promote the orderly operation and efficient functioning of the City. The right to use and maintain Legal Nonconforming Uses and Legal Nonconforming Building and Standards in the I Zone and all Overlay Zones are governed by Section 26.5.3. Commercial Use, Retail Use, and Religious Use are permitted only in the C Overlay Zone, Rendering Plants are permitted only in the R Overlay Zone, and Slaughtering is permitted only in the S Overlay Zone, and these uses are not permitted in other areas of the I Zone, and are not eligible for a Conditional Use Permit in other areas of the I Zone, even if they are less intensive uses than the Permitted Uses within the I Zone or an Overlay Zone. Uses that are prohibited under this Chapter, even if less intensive than the Permitted Uses, shall not be permitted in the I Zone or any Overlay Zone. Religious Use shall not include the right of any Person to use any portion of any Property as a Residence. Determination of whether uses fit within the definition of those uses that are permitted of right shall be in the discretion of the Director of Community Services, as further described in Section 26.3.1-5.

Sec. 26.4.1-2. Uses Permitted of Right. The following uses of buildings and land are permitted of right in the I Zone and all such uses shall be subject to the Development Standards of Section 26.4.1-6 and the Site Planning Standards of Section 26.4.1-7.

- (a) Industrial Use.
- (b) Data Centers.
- (c) Cold Storage Warehouses.
- (d) Industrial Gas Manufacturing.
- (e) Warehouse Use (other than Cold Storage Warehouses).
- (f) Ancillary Use. Each occupant or user on the Property and each tenant in a multi-tenant Building shall be permitted to dedicate a portion of that person's space to an Ancillary Use in connection with that Person's Permitted Use, if the following criteria are satisfied:
 - (1) The Permitted Use for such Person is that Person's majority use;

- (2) The Ancillary Use is located upon the same Lot as that Person's Permitted Use.
 - (3) The Ancillary Use is used solely and exclusively by the Person for that Person's Permitted Use.
 - (4) Ancillary Use includes offices and showrooms ancillary to the Permitted Use, but does not include the right to sell at retail. Ancillary Use does not include Outdoor Storage and Activities.
- (g) Any activity or use undertaken by the City.

Sec. 26.4.1-3. Uses That May Be Permitted by Conditional Use Permit. Uses that are not specifically permitted pursuant to Section 26.4.1-2 and are not specifically prohibited by Section 26.4.1-1 or Section 26.4.1-4 or Section 26.4.1-5 may be permitted in the I Zone only with a Conditional Use Permit. Without limiting the generality of the foregoing, the following uses require a Conditional Use Permit:

- (a) Refineries.
- (b) Generating facilities, power plants, cogeneration facilities.
- (c) Hazardous waste facilities.
- (d) Trash to energy facilities.
- (e) Petroleum Related Uses, Petroleum Storage Facilities.
- (f) Recycling Facilities.
- (g) Telecommunications antenna and cell towers.
- (h) Public utilities.
- (i) Urgent care facilities.
- (j) Incidental Use. Each occupant or user on the Property and each tenant in a multi-tenant Building shall be permitted to dedicate a portion of that Person's space to an Incidental Use in connection with that Person's Permitted Use, if the following criteria are satisfied:
 - (1) The Permitted Use for such Person is that Person's majority use;
 - (2) The Incidental Use is located upon the same Lot as that Person's Permitted Use.

- (3) Incidental Use includes offices and showrooms ancillary to the Permitted Use, but does not include the right to sell at retail. Incidental Use does not include Outdoor Storage and Activities.

Any uses permitted in the I Zone by a Conditional Use Permit shall be subject to the Development Standards of Section 26.4.1-6 and the Site Planning Standards of Section 26.4.1-7. The City Council may impose as part of the Conditional Use Permit any other requirements as are reasonably necessary to protect adjacent users from traffic, noise, odor, dust, and similar concerns.

Sec. 26.4.1-4. Uses That Are Prohibited or Limited.

(a) No Motel, Hotel, Trailer, or Trailer Park is permitted in any Zone or Overlay Zone. The provisions of this Section do not apply to portable units which (1) have been acknowledged in writing by the owner or user to be units that are to be used temporarily and solely in connection with a construction project on the same Lot by persons who have a separate existing, permanent Residence, (2) have received written approval from the Director of Community Services for such temporary usage, and (3) are not used for bathing or sleeping. The provisions of this Section do not apply to trailers used solely to move goods.

(b) No marijuana dispensary, store, co-op, or cultivation operation is permitted in any zone or overlay zone.

Sec. 26.4.1-5. Uses That May Constitute Legal Nonconforming Use. The following uses are not permitted in any Zone or Overlay Zone, except that any such use that is existing as of the effective date of this chapter may be maintained as a legal nonconforming use, subject to the terms of Section 26.5.3.

- (a) Residences;
- (b) Community Facilities;
- (c) Bars;
- (d) Junk or Salvage Business;
- (e) Public Storage (including mini-storage) facilities;
- (f) Freight Terminals, Truck Terminals, Transportation-Related Use;
- (g) Manure Fertilizer Business;
- (h) Contractor's Yard.

Sec. 26.4.1-6. Development Standards. The following development and performance standards (Development Standards) apply to all Buildings, Ancillary Structures, land, and businesses in the I Zone.

(a) All Buildings, Ancillary Structures, land, uses, and businesses in the I Zone must comply with the following Development Standards at all times.

(1) ***Fire and Explosion Hazards.*** All storage of, and activities involving, hazardous, flammable, or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that meet the standards and requirements of the Vernon Fire Department, as such standards and requirements may change from time to time.

(2) ***Radioactivity and Electrical Disturbances.***

(i) Except with the prior approval of the City Council as to specific uses, the use of radioactive materials within any Zone or Overlay Zone shall be limited to measuring, gauging, and calibration devices, and tracer elements in X-ray and like apparatus. In no event shall radioactivity, when measured at any point along any Lot line, be in excess of two and seven-tenths (2.7) by ten (10) to the eleventh (11th) power microcuries per milliliter of air at any moment of time.

(ii) Radio and television and other telecommunications transmitters shall be operated at the regularly assigned wavelengths (or within the authorized tolerances therefor) as assigned thereto by the appropriate governmental agency. All electrical and electronic devices and equipment shall be suitably wired, shielded, and controlled so that in operation they shall not, beyond any point along any Lot line, emit any electrical impulse or wave which will adversely affect the operation and control of any other electrical or electronic device or equipment.

(3) ***Outdoor Storage and Activities.*** Outdoor Storage and Activities (other than off-street parking and loading, which are governed by Section 26.5.1) are permitted only in compliance with the following requirements:

(i) No materials or wastes may be deposited on a Lot in such form or manner that they may be transferred off the Lot by natural causes or forces.

(ii) Wastes which might cause fumes or dust, which constitute a fire hazard, or which may be edible by or otherwise attractive to rodents or insects shall be stored only in closed containers in required enclosures.

- (iii) Outdoor Storage and Activities of all materials, products, and inoperative equipment shall be screened or otherwise hidden so as not to be visible from the Street; however, the screen need not exceed eight (8) feet from grade level. Operational equipment used in the business located on the Lot is not required to be screened.
- (iv) No Outdoor Storage and Activities are permitted on any area of a Lot that is required to be available for fire department access, as such access requirements are set forth in the Code.
- (v) Outdoor Storage and Activities (including operational equipment used in the business located on the Lot) may not be commenced after the effective date of this Ordinance if such usage would result in either (a) a reduction of the required parking, loading, or maneuvering standards set forth in this Chapter, or (b) a reduction in the existing parking, loading, or maneuvering areas, if the existing areas for such purposes are legally nonconforming. Outdoor Storage and Activities existing as of the effective date of this Ordinance that violate these provisions may be continued as a legally nonconforming usage for the period described in Section 26.5.3-2(e).

- (4) **Weed and Debris Abatement.** All landscaped areas (on the Property, as well as contiguous planted areas within the public Right-of-way) shall be kept free from weeds, overgrown grass and shrubbery, and debris. Any diseased, dead, damaged, or decaying plant materials shall be removed.
- (5) **No Vehicular Encroachment.** No vehicle (including a truck trailer) when parked or stopped on a Lot shall extend into the Right-of-way.

(b) All Buildings, Ancillary Structures, land, and businesses in the I Zone must comply with the following Development Standards upon a Change of Use or upon the occurrence of an event described in Table 26.5.3-3 that requires compliance with the Development Standards.

- (1) **Vibration.** Upon a Change of Use or the occurrence of an event described in Table 26.5.3-3 that requires compliance with the Development Standards, all of the businesses located on the Lot shall be operated so that, cumulatively with existing Vibrations of all new and existing equipment of all businesses on the Lot, the steady ground Vibration inherently and recurrently generated shall not exceed four hundredths of one inch (0.04) per second particle velocity when measured at any point along the Lot line of the Lot on

which the source of the Vibration is located. The cumulative effect of Vibrations in excess of four hundredths (0.04) of one inch measured at any point along the Lot line on which the source of the Vibration is located shall be permitted only with a Conditional Use Permit.

(2) **Noise.** Upon a Change of Use or the occurrence of an event described in Table 26.5.3-3 that requires compliance with the Development Standards, all of the businesses located on the Lot shall be operated in compliance with the following noise standards.

(i) The following noise standards, unless otherwise specifically indicated, shall apply to all Lots within the designated noise zones, measured cumulatively with existing noise from all businesses on the Lot.

NOISE ZONE	TIME INTERVAL	ALLOWABLE EXTERIOR NOISE
Lots located within one tenth (1/10) of a mile of any resident or school located in Vernon or abutting communities.	10:00 pm to 7:00 am	60 dBA
	7:00 am to 10:00 pm	65 dBA
All other Lots	Any time	75 dBA

(ii) No Person, in any location within the City, shall create any noise, or allow the creation of noise, on any Lot owned, leased, occupied or otherwise controlled by such Person which causes the cumulative noise level when measured at any point along the Lot line of the Lot on which the source of the noise is located to exceed:

- (A) The applicable noise standard for a cumulative period of more than thirty (30) minutes in any hour; or
- (B) The applicable noise standard plus five (5) dBA for a cumulative period of more than fifteen (15) minutes in any one hour; or
- (C) The applicable noise standard plus ten (10) dBA for a cumulative period of more than five (5) minutes in any hour; or
- (D) The applicable noise standard plus fifteen (15) dBA for a cumulative period of more than one (1) minute in any hour; or

- (iii) In the event the ambient noise level exceeds any of the noise limit categories set forth in subsections (A), (B), or (C) of subsection 2(ii) of this Section, the cumulative period applicable to such category shall be increased to reflect the ambient noise level, plus 5 dBA.
 - (iv) If a Lot is located on a boundary between two (2) different noise zones, the noise level standard applicable to the quieter noise zone shall apply.
 - (v) If the noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be determined, the measured noise level obtained while the source is in operation shall be compared directly to the Lot's designated noise zone for the time of day the noise level is measured.
 - (vi) Any noise source in excess of the standards set forth herein shall be permitted only with a Conditional Use Permit.
- (3) **Water Usage.** Upon a Change of Use or the occurrence of an event described in Table 26.5.3-3 that requires compliance with the Development Standards, no aggregated usage of water on a Lot shall exceed 500 acre feet per year except with a Conditional Use Permit.
 - (4) **Truck Emissions.** Upon a Change of Use or the occurrence of an event described in Table 26.5.3-3 that requires compliance with the Development Standards, no truck is permitted to idle for more than five minutes while parked or queued on the Lot. At warehouse and industrial Lots receiving refrigerated trailers, electrical receptacles shall be installed so that the trailer's refrigeration unit may be plugged in when parked at the loading dock.

Sec. 26.4.1-7. Site Planning Standards. The following Site Planning Standards shall apply to all Buildings, Ancillary Structures, land, and businesses in the I Zone. Legal Nonconforming Uses and Legal Nonconforming Buildings or Standards are required to comply with the Site Planning Standards at the time of the occurrence of an event described in Table 26.5.3-3 that requires compliance with the Site Planning Standards.

(a) **Building Intensity.** The total gross Floor Area of all Buildings on any Lot shall not exceed a Floor Area Ratio (FAR) of 2:1.

(b) **Off-Street Parking and Loading.** Off-street parking and loading facilities shall be provided in accordance with the provisions of Section 26.5.1.

(c) **Building Setback.** Where a Lot or parcel of land in any Zone or Overlay Zone abuts a Street with a planned future ultimate width as shown on the Master Plan of Streets greater than the existing Street, every Building on such Lot or parcel shall be set back not less than fifteen (15) feet from the curb face, as shown on the Master Plan of Streets.

(d) **Ancillary Structure Setback.** Where a Lot or parcel of land in any Zone or Overlay Zone abuts a Street with a planned future ultimate width as shown on the Master Plan of Streets greater than the existing Street, every Ancillary Structure on such Lot or parcel shall be set back as follows: (1) if the Ancillary Structure is equal to or greater than twenty (20) feet in height, it shall be set back not less than fifteen (15) feet from the curb face, as shown on the Master Plan of Streets; and (2) if the Ancillary Structure is less than twenty (20) feet in height, it shall be set back a distance equal to one-half (1/2) the planned future ultimate width of the Street, in accordance with the Master Plan of Streets, measured from the center of the Street, and shall also be set back a distance of 30 (thirty) feet from any curb cut for a driveway. The Director of Community Services shall designate the distance from the center of the Street in any case in which the planned future ultimate width of a Street is not specified or a Street is not symmetrical.

(e) **No Encroachment.** Except as otherwise provided in Section 22.32 of the Code, no Building or Ancillary Structure shall encroach into the planned future ultimate width of a Street.

(f) **Barriers.** Where parking, loading, or maneuvering areas adjoin a Street or Streets, a twelve (12) gauge wrought iron fence not less than eight (8) feet high, a masonry or concrete wall not less than thirty (30") inches in height, or a landscaped area a minimum of four (4) feet in width measured from the property line, or an equivalent protective device as approved by the Director of Community Services, shall be established along such full frontage, except at driveways, walkways, or other openings where such are necessary. Where a barrier or a landscaped area adjoins a driveway, a ten-inch (10") concrete-filled steel pipe or equivalent protective device shall be installed on driveways used for trucks, and an eight inch (8") concrete filled steel pipe or equivalent protective device shall be installed on driveways used exclusively by automobiles.

(g) **Minimum Lot Size.** No Lot shall be established for any use in the I Zone unless the Lot is at least one acre in size and complies with Section 28.28 of the Code.

Sec. 26.4.2. Commercial (C) Overlay Zone.

Sec. 26.4.2-1. Purpose and Intent. The purpose of the Commercial (C) Overlay Zone is to accommodate at limited and specific areas of the City those commercial, service, and business operations that are necessary to support Industrial Use and which, by their nature, do not generate excessive traffic or other external effects inappropriate to industrial areas, and are designed appropriately for meeting the needs of the businesses and their employees and residents in the City. The regulation of uses and establishment

of Development Standards and Site Planning Standards set forth in the C Overlay Zone are those deemed necessary to promote the orderly operation and efficient functioning of the City.

Sec. 26.4.2-2. Uses Permitted of Right. Uses permitted of right in the I Zone are permitted of right in the C Overlay Zone, and all such uses shall be subject to the Development Standards of Section 26.4.1-6 and the Site Planning Standards of Section 26.4.1-7.

Sec. 26.4.2-3. Uses That May Be Permitted by Conditional Use Permit. The uses set forth in this Section 26.4.2-3 may be permitted in the C Overlay Zone only with a Conditional Use Permit. Any uses permitted in the C Overlay Zone by a Conditional Use Permit shall be subject to the Development Standards of Section 26.4.1-6 and the Site Planning Standards of Section 26.4.1-7.

- (a) Retail Use (including Adult or Sexually Oriented Business, in conformity with the terms of Article VII).
- (b) Commercial Use (including Adult or Sexually Oriented Business, in conformity with the terms of Article VII).
- (c) Religious Use (which shall not include any use as a Residence, as no new use as a Residence is permitted in the City).
- (d) All uses permitted in the I Zone with a Conditional Use Permit.

Sec. 26.4.2-4. Development Standards and Site Planning Standards.

(a) The Development Standards of Section 26.4.1-6 and the Site Planning Standards of Section 26.4.1-7 shall apply to all Buildings, Ancillary Structures, land, and uses in the C Overlay Zone.

(b) The front Building setback of all Retail Uses, Commercial Uses, and Religious Uses shall be located not more than one hundred (100) feet from either Santa Fe Avenue or Soto Street, as applicable.

(c) The total square footage of a Retail Use, Commercial Use, or Religious Use, or any combination of such uses, shall not exceed 20,000 square feet on a Lot. The intent of this provision is to ensure that new Commercial Use and Retail Use is designed solely to serve the needs of the City's businesses, employees of the businesses located in the City, and residents of the City.

(d) No Outdoor Storage or Activities are permitted. All activities and operations shall be conducted within a completely enclosed Building except for parking and loading activities.

(e) All parcels and Lots located in the C Overlay Zone shall dedicate a minimum of one percent (1%) of the gross square footage of the Lot to irrigated Landscaping that is visible from the Street.

(f) The City Council may impose as part of the Conditional Use Permit any other requirements as are reasonably necessary to protect nearby owners and occupants from traffic, noise, odor, dust, and similar concerns.

Sec. 26.4.3. Slaughtering (S) Overlay Zone.

Sec. 26.4.3-1. Purpose and Intent. The purpose of the Slaughtering (S) Overlay Zone is to permit the Slaughtering of animals at limited and specific locations, with such land use controls as will adequately accommodate their specialized operations and will minimize traffic, noise, vibration, dust, odors, smoke, or risk of disease that is obnoxious to or interferes with the operation of other uses in the I Zone and the other Overlay Zones. The provisions of this S Overlay Zone are intended to ensure that the City will function safely and efficiently and provide an attractive industrial environment.

Sec. 26.4.3-2. Uses Permitted of Right. Uses permitted of right in the I Zone are permitted of right in the S Overlay Zone, and all such uses shall be subject to the Development Standards of Section 26.4.1-6 and the Site Planning Standards of Section 26.4.1-7.

Sec. 26.4.3-3. Uses That May Be Permitted by Conditional Use Permit. The uses set forth in this Section 26.4.3-3 may be permitted in the S Overlay Zone only with a Conditional Use Permit. Any uses permitted in the S Overlay Zone by a Conditional Use Permit shall be subject to the Development Standards of Section 26.4.1-6 and the Site Planning Standards of Section 26.4.1-7.

(a) All uses permitted in the I Zone with a Conditional Use Permit are also permitted in the S Overlay Zone with a Conditional Use Permit.

(b) Lots encompassing one acre or more of area may be used for the Slaughtering of animals.

Sec. 26.4.3-4. Development Standards and Site Planning Standards.

(a) The Development Standards of Section 26.4.1-6 and the Site Planning Standards of Section 26.4.1-7 shall apply to all Buildings, Ancillary Structures, land, and uses in the S Overlay Zone.

(b) The City Council may impose as a part of the Conditional Use Permit any other requirements as are necessary to protect nearby owners and occupants from the traffic, noise, odor, dust, vibration, risk of infection or disease, and similar concerns.

Sec. 26.4.4. Rendering (R) Overlay Zone.

Sec. 26.4.4-1. Purpose and Intent. The purpose of the Rendering (R) Overlay Zone is to allow for Rendering Plants at limited and specific locations, with such land use controls as will adequately accommodate their specialized operations and will minimize traffic, noise, vibration, dust, odors, smoke, or risk of disease that is obnoxious to or interferes with the operation of other uses in the I Zone and the other Overlay Zones. The provisions of the R Overlay Zone are intended to ensure that the City will function safely and efficiently and provide an attractive industrial environment.

Sec. 26.4.4-2. Uses Permitted of Right. Uses permitted of right in the I Zone are permitted of right in the R Overlay Zone, and all such uses shall be subject to the Development Standards of Section 26.4.1-6 and the Site Planning Standards of Section 26.4.1-7.

Sec. 26.4.4-3. Uses That May Be Permitted by Conditional Use Permit.

- (a) All uses permitted in the I Zone with a Conditional Use Permit are also permitted in the R Overlay Zone with a Conditional Use Permit.
- (b) Lots encompassing one acre or more of area may be used for a Rendering Plant.

Sec. 26.4.4-4. Development Standards and Site Planning Standards.

(a) The Development Standards of Section 26.4.1-6 and the Site Planning Standards of Section 26.4.1-7 shall apply to all Buildings, Ancillary Structures, land, and uses in the R Overlay Zone.

(b) The City Council may impose as a part of the Conditional Use Permit any other requirements as are necessary to protect nearby owners and occupants from the traffic, noise, odor, dust, vibration, risk of infection or disease, and similar concerns.