



**AGENDA
TOWN OF SUNNYVALE TOWN COUNCIL
PLANNING AND ZONING COMMISSION
JOINT WORKSHOP SESSION
JANUARY 30, 2012
7:00 P.M.**

THE TOWN COUNCIL AND PLANNING AND ZONING COMMISSION OF THE TOWN OF SUNNYVALE WILL MEET IN JOINT WORKSHOP SESSION ON JANUARY 30, 2012 AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF THE SUNNYVALE TOWN HALL LOCATED AT 127 N. COLLINS ROAD, SUNNYVALE, TEXAS UNDER V.T.C.A., GOVERNMENT CODE SECTION 551.041 AND GOVERNMENT CODE SECTION 551.071. ITEMS TO BE DISCUSSED:

- **CALL MEETING TO ORDER**

- **WORKSHOP DISCUSSION:**

PRESENTATION AND DISCUSSION REGARDING TOWN PLANNER/STAFF RECOMMENDATIONS RELATED TO CURRENT AND PROPOSED INDUSTRIAL (I) USES ALLOWED BY RIGHT AND AS CONDITIONAL USE IN GENERAL BUSINESS (GB), HIGHWAY COMMERCIAL (H C), AND INDUSTRIAL (I) ZONED DISTRICTS; AND PROPOSED AMENDMENTS TO CURRENT DEFINITIONS FOR SUCH USES.

THIS ITEM IS FOR PRESENTATION AND DISCUSSION ONLY AND NO FORMAL ACTION WILL BE TAKEN AT THIS WORKSHOP.

- **ADJOURN**

ALL LOCATIONS IDENTIFIED ARE IN THE TOWN OF SUNNYVALE UNLESS OTHERWISE INDICATED. FOR A DETAILED PROPERTY DESCRIPTION, PLEASE CONTACT THE BUILDING OFFICIAL AT TOWN HALL. ALL ITEMS ON THE AGENDA ARE FOR POSSIBLE DISCUSSION AND ACTION. PLEASE TURN OFF ALL TELEPHONES AND HANDHELD COMMUNICATION DEVICES WHILE IN ATTENDANCE AT THIS MEETING.

THE SUNNYVALE TOWN COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATION ABOUT REAL PROPERTY), 551.073 (DELIBERATIONS ABOUT GIFTS AND DONATIONS), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATIONS ABOUT SECURITY DEVICES), AND 551.086 (ECONOMIC DEVELOPMENT).

THE TOWN OF SUNNYVALE IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA). REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED TO THOSE WHO PROVIDE NOTICE TO THE DIRECTOR OF COMMUNITY SERVICES AT 972-226-7177 AT LEAST 48 HOURS PRIOR TO THE MEETING.

I HEREBY CERTIFY THAT THE FOREGOING NOTICE WAS POSTED ON THIS THE 26TH DAY OF JANUARY 2012 IN THE FOLLOWING LOCATIONS:

TOWN HALL AT 127 N. COLLINS ROAD

SUNNYVALE ISD 417 E. TRIPP ROAD

SUNNYVALE LIBRARY AT 402 TOWER PLACE

TOWN MANAGER/ASSISTANT TOWN SECRETARY

TO: Scott Campbell, Town Manager – Town of Sunnyvale, Texas

CC: Terry Morgan – Terry Morgan & Associates

FROM: Sherry Sefko, Urban Planner

SUBJECT: Industrial Uses Study (Ordinance No. 538)

DATE: December 23, 2011

At the Town's request, we have reviewed and researched the following documents and topics pursuant to directive given by the Town Council upon adoption of Ordinance No. 538:

1. The Town's current General Business (GB), Highway Commercial (HC) and Industrial (I) zoning districts, as such districts are set forth in the Zoning Ordinance;
2. The land uses that are currently allowed by right, or that may be allowed by Conditional Use Permit (CUP), within each of those zoning districts;
3. Undeveloped land tracts within the Town that are currently (or anticipated to be) zoned as each of these zoning districts;
4. Proximity of such land tracts to residential and lower intensity nonresidential land uses;
5. Current Zoning Ordinance definitions for the land uses allowed in each of these zoning districts (and also noting those uses and definitions that appear to be antiquated or that are lacking altogether); and
6. Current planning practice publications and other city ordinances which define various industrial uses.

Based upon this research, and based upon our understanding of the Town's objectives to amend its Zoning Ordinance to better define various industrial land uses, to evaluate appropriate locations within the Town for such uses, and to protect the public health, safety and welfare by ensuring greater compatibility among land uses in the Town's zoning pattern, we make the attached recommendations pertaining to amending the Town's Zoning Ordinance.

INDUSTRIAL USES STUDY

Town of Sunnyvale, Texas

Draft – December 23, 2011

*Following are the lists of land uses that are allowed by right, or that may be allowed as conditional uses, in the General Business (GB), Highway Commercial (HC) and Industrial (I) zoning districts, pursuant to the directives given in Ordinance No. 538 (adopted June 28, 2010). The land uses that were originally cited as “industrial” in nature in Ordinance No. 538, Exhibit A, are shown below in **bold type**. During the course of this study, these uses were analyzed, defined and in some cases redefined or reclassified with respect to their appropriateness in the GB, HC and I zoning districts, and with respect to their appropriateness if one of these districts is located adjacent to a residential district or to a less intense non-residential district. As a result of this analysis, it became apparent that some other previously named uses (not shown in bold type) within these districts were also affected, were made redundant, or became conflicting with the uses cited in the original study. Therefore, it became necessary to also analyze those additional uses in order to correct such redundancies and conflicts. All recommended amendments to the Town’s Zoning Ordinance cited below are, we believe, related to the original directives given in Ordinance No. 538 with respect to industrial uses within the Town of Sunnyvale.*

All suggested amendments to the various land uses are shown below in “redlined” format. An “Editor’s Note” is included under each affected use describing how each use is suggested to be redefined or reclassified, as applicable. New definitions for the land uses analyzed during the course of this study are provided following the districts’ use listings, and the uses that have new definitions are shown in the lists below with an asterisk().*

CHAPTER 12 – GENERAL BUSINESS DISTRICT

12.2 USES PERMITTED

B. In the General Business District, land, buildings and structures may be used for the following purposes:

1. Animal Hospitals and Veterinary Clinics - no outside pens
2. * Contractor’s Shop ~~Auto-Glass-Repair~~
[Editor’s Note: this use was rolled into more global term “Contractor’s Shop”, and is still allowed by right in the GB district.]
3. Offices - Bank, Savings and Loan

4. * Home Improvement Center ~~Building Materials or Home Improvement Center~~
~~retail sales of materials for building or home improvement. Outside storage will be permitted under this use without restrictions generally applicable within the district, excluding concrete mixing operations and contractor yards.~~
[Editor's Note: this use was split into two uses, "Home Improvement Center", which is still allowed by right in the GB district, and "Building or Garden Materials Sales and Storage", which has been eliminated from GB and reclassified as only being allowed as a conditional use in the HC district, due to differing scale and operational characteristics.]
5. ~~Cabinet Shop~~
[Editor's Note: this use was rolled into more global term "Contractor's Shop", and is still allowed by right in the GB district.]
6. Ceramic Products - retail
7. ~~Electrical Repairing and Contracting~~
[Editor's Note: this use was rolled into more global term "Contractor's Shop", and is still allowed by right in the GB district.]
8. **Envelope Manufacturing**
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Light", and it has been eliminated from the GB district and reclassified as being allowed by right in the I district.]
9. ~~Lithographing~~
[Editor's Note: this use was redefined as "Printing or Publishing House", and eliminated from the GB district due to the large scale of long-run printing and publishing operations; it has been reclassified as being allowed by right in the HC district.]
10. – Deleted by Ordinance 404, January 10, 2005 -
11. ~~Mechanical Contracting (heating and air conditioning)~~
[Editor's Note: this use was rolled into more global term "Contractor's Shop", and is still allowed by right in the GB district.]
12. Motion Picture Studios - Commercial Films
13. **Optical Goods Manufacturing**
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Light", and it has been eliminated from the GB district and reclassified as being allowed by right in the I district.]
14. ~~Plumbing Contractors~~
[Editor's Note: this use was rolled into more global term "Contractor's Shop", and is still allowed by right in the GB district.]
15. **Printing**
[Editor's Note: this use was redefined as "Printing or Publishing House", and eliminated from the GB district due to the large scale of long-run printing and publishing operations; it has been reclassified as being allowed by right in the HC district.]

16. **Publishing Company**

[Editor's Note: this use was redefined as "Printing or Publishing House", and eliminated from the GB district due to the large scale of long-run printing and publishing operations; it has been reclassified as being allowed by right in the HC district.]

17. Schools - all types, including business, trade, and commercial

18. Auto Parts Store - Storage and sale of reconditioned auto parts and accessories when located inside building and in which no automobiles or parts of automobiles for sale are stored or displayed in the open.

19. Stone Monument Works - retail

20. ~~Upholstery Shop~~

[Editor's Note: this use was redefined as "Furniture and Appliance Cleaning and Repair", and it has been reclassified as only being allowed as a conditional use in the GB district.]

21. ~~Venetian Blind Assembly~~

[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Light", and it has been eliminated from the GB district and reclassified as being allowed by right in the I district.]

22. ~~Welding—retail~~

[Editor's Note: this use was rolled into more global term "Contractor's Shop", and is still allowed by right in the GB district.]

12.3 USES PERMITTED AS CONDITIONAL USES (GB district)

A. The following conditional uses may be permitted in this district in accordance with the procedures contained in Chapter 24:

1. Any use permitted as a conditional use in a Local Retail (LR) district
2. Accessory buildings in excess of 400 square feet
3. Auto dealership, new with outside display of vehicles. Used car sales permitted only for automobiles that are traded as a part of new car sales
4. ~~**Manufacturing—Processing and fabrication of pre-manufactured parts or material into finished or semi-finished products for resale and/or distribution**~~
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Light", and it has been eliminated as a possible conditional use in the GB district and reclassified as being allowed by right in the I district.]
5. Minor auto repair
6. Tool Rental
7. Trailer Sales and Leasing - trailers less than 28 feet in length

8. **Truck Leasing - excluding semi-trucks and heavy load vehicles**
[Editor's Note: this possible conditional use was left as-is.]
9. *** Distribution Center, Small Wholesale Storage—~~Wholesale operations and storage of products for wholesale distribution~~**
[Editor's Note: this use was redefined as "Distribution Center, Small" for reasons of scale/size of operation, and left as a possible conditional use in the GB district; a "Distribution Center, Large" has been classified as a possible conditional use in the HC district.]
10. Veterinarian or Dog Kennel with outside pens
11. Establishment or expansion of a permitted use with outside storage exceeding 20 percent of lot area
12. Establishment or expansion of a permitted use with proposed outside display exceeding the dimensions allowed in Section 12.2D
13. Mortuary, Funeral Home or Cemeteries, and Crematories (NAICS Code 812220)
Added by Ordinance 404, January 10, 2005
14. *** Furniture and Appliance Cleaning and Repair**

CHAPTER 14 – HIGHWAY COMMERCIAL

14.2 USES PERMITTED

B. In the Highway Commercial District, land, buildings and structures may be used for the following purposes:

1. ~~Air Conditioning Contractor~~
[Editor's Note: this use was rolled into more global term "Contractor's Shop" which is already allowed by right in GB, and hence also in the HC district.]
2. Ambulance Service
3. **Artificial Flower Manufacturing**
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Light", and it has been eliminated from the HC district and reclassified as being allowed by right in the I district.]
4. **Artificial Limb Manufacturing**
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Light", and it has been eliminated from the HC district and reclassified as being allowed by right in the I district.]
5. Aquarium - wholesale
6. Bed and Breakfast
7. Boat sales
8. **Book Printing, Binding, Bindery**
[Editor's Note: this use was redefined as "Printing or Publishing House", and is still allowed by right in the HC district.]
9. ~~Cabinet Shop~~
[Editor's Note: this use was rolled into more global term "Contractor's Shop", and is still allowed by right in GB, and hence also by right in the HC district.]
10. **Candy Manufacturing**
[Editor's Note: this use was rolled into more global term "Food Processing and Storage", and it has been eliminated from the HC district and reclassified as only being allowed as a possible conditional use in the I district.]
11. ~~Carpenter Shop~~
[Editor's Note: this use was rolled into more global term "Contractor's Shop", and is still allowed by right in GB, and hence also by right in the HC district.]
12. ~~Carpet and Rug Cleaning—washing and scouring if dust proof room and dust catching equipment is provided~~
[Editor's Note: this use was rolled into more global term "Laundry and Rug Cleaning Plant, Commercial", and it has been eliminated from the HC district and reclassified as being allowed by right in the I district.]
13. Ceramic Products - retail

14. Church or rectory
15. ~~Cleaning and Laundry—having an area in excess of six thousand (6,000) square feet~~
[Editor’s Note: this use was rolled into more global term “Laundry and Rug Cleaning Plant, Commercial”, and it has been eliminated from the HC district and reclassified as being allowed by right in the I district.]
16. Colleges, Commercial, public, state or other institution of higher learning.
17. Convenience store with gasoline sales
18. *** Distribution Center, Small**
[Editor’s Note: this use was redefined as “Distribution Center, Small” for reasons of scale/size of operation, and is still allowed by right in the HC district; a “Distribution Center, Large” is only allowed in the HC district as a possible conditional use.]
19. ~~Electrical Repairing and Contracting~~
[Editor’s Note: this use was rolled into more global term “Contractor’s Shop”, and is still allowed by right in GB, and hence also in the HC district.]
20. **Electroplating; Electrotyping**
[Editor’s Note: these uses are somewhat different in that one, electrotyping, is related to prepress activities associated with printing and publishing and is therefore being rolled into more global term “Printing or Publishing House”, which is still allowed by right in the HC district; the other use, electroplating, is more of a light industrial type of use so it is being rolled into more global term “Industrial or Manufacturing, Light”, which is allowed by right in the I district.]
21. ~~Engraving Plant~~
[Editor’s Note: this use was rolled into more global term “Industrial or Manufacturing, Light”, and it has been eliminated from the HC district and reclassified as being allowed by right in the I district.]
22. **Envelope Manufacturing**
[Editor’s Note: this use was rolled into more global term “Industrial or Manufacturing, Light”, and it has been eliminated from the HC district and reclassified as being allowed by right in the I district.]
23. **Feed Store – wholesale**
[Editor’s Note: this use was left as-is.]
24. ~~Fence Company—sales and storage~~
[Editor’s Note: this use was rolled into more global term “Contractor’s Shop”, and is still allowed by right in GB, and hence also in the HC district.]
25. Florist - wholesale

26. ~~Furniture Repair and Upholstering—wholesale~~
[Editor's Note: this use was redefined as "Furniture and Appliance Cleaning and Repair", and was reclassified as only being allowed as a conditional use in the HC district.]
27. **Gas and electrical public utility regulating stations**
[Editor's Note: this use was left as-is.]
28. Golf course, but not including miniature golf course, driving range, or any forms of commercial amusement
29. Grocery or Food Store - wholesale and storage
30. Hospitals, community homes, and group homes pursuant to Section 19.3
31. ~~Ice Cream Manufacturing; Ice Manufacturing~~
[Editor's Note: this use was rolled into more global term "Food Processing and Storage", and it has been eliminated from the HC district and reclassified as only being allowed as a conditional use in the I district.]
32. ~~Leather Products Manufacturing~~
[Editor's Note: this use was redefined as "Leather and Allied Products Manufacturing", and it has been eliminated from the HC district and reclassified as only being allowed as a conditional use in the I district.]
33. ~~Lithographing~~
[Editor's Note: this use was rolled into more global term "Printing or Publishing House", and is still allowed by right in the HC district.]
34. ~~Looseleaf Book Manufacturing~~
[Editor's Note: this use was redefined as "Printing or Publishing House", and is still allowed by right in the HC district.]
35. ~~Lumber Yard or building material sales~~
[Editor's Note: this use was redefined as "Building or Garden Materials Sales and Storage", and it has been reclassified as only being allowed as a conditional use in the HC district.]
36. ~~Machine Shop~~
[Editor's Note: this use was reclassified as only being allowed as a conditional use in the HC district.]
37. ~~Milk Depot—wholesale~~
[Editor's Note: this use was rolled into more global term "Food Processing and Storage", and it has been eliminated from the HC district and reclassified as only being allowed as a conditional use in the I district.]
38. ~~Millinery Manufacturing~~
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Light", and it has been eliminated from the HC district and reclassified as being allowed by right in the I district.]
39. Motion Picture Studios - Commercial films
40. Motorcycle Repairing

41. Office - professional & administrative
42. **Optical Goods Manufacturing**
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Light", and it has been eliminated from the HC district and reclassified as being allowed by right in the I district.]
43. Paint Shop - retail
44. **~~Paper Products and Paper Box Manufacturing~~**
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Light", and it has been eliminated from the HC district and reclassified as being allowed by right in the I district.]
45. **Photoengraving Plant**
[Editor's Note: this use was rolled into more global term "Printing or Publishing House", and is still allowed by right in the HC district.]
46. **~~Plastic Products—molding, casting and shaping~~**
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Light", and it has been eliminated from the HC district and reclassified as being allowed by right in the I district.]
47. **~~Plumbing Contractor~~**
[Editor's Note: this use was rolled into more global term "Contractor's Shop", and is still allowed by right in GB, and hence also in the HC district.]
48. * Printing or Publishing House
[Editor's Note: this use was redefined as "Printing or Publishing House", and is still allowed by right in the HC district.]
49. Printing Equipment, Supplies, Repairs
50. Public Utility Installation, either privately or publicly owned, fire station, public museums, public libraries, water supply reservoir, water pumping plant, water tower, artesian wells or sewage lift station
51. Public parks, playgrounds, neighborhood recreation centers, or private swimming pools
52. **~~Publishing Company~~**
[Editor's Note: this use was redefined as "Printing or Publishing House", and is still allowed by right in the HC district.]
53. Schools - all
54. Seed Company - wholesale
55. Single-family detached dwelling, existing on the date of adoption of this ordinance, together with accessory uses and home occupations permitted in a single-family district, provided that such use may not be converted to any other use without compliance with all standards set for in this chapter
56. Shoe Store - wholesale sales and storage
57. Stone Monument Works - retail

58. Auto Parts Store - Storage and Sale of Used Auto Parts and Accessories - when located inside building and in which no automobile or parts of automobiles for sale are stored or displayed in the open
59. Tire Dealer
60. ~~Truck Sales or Leasing—semi-trucks and heavy load trucks~~
[Editor's Note: this use was reclassified as only being allowed as a conditional use in the HC district.]
61. ~~Trailer Sales or Leasing—trailers, all lengths~~
[Editor's Note: this use was reclassified as only being allowed as a conditional use in the HC district.]
62. Typesetting
[Editor's Note: this use was rolled into more global term "Printing or Publishing House", and is still allowed by right in the HC district.]
63. ~~Upholstery shop~~
[Editor's Note: this use was redefined as "Furniture and Appliance Cleaning and Repair", and was reclassified as only being allowed as a conditional use in the HC district.]
64. ~~Blinds Assembly~~
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Light", and it has been eliminated from the HC district and reclassified as being allowed by right in the I district.]
65. * ~~Warehouse, Office with Showroom wholesale or retail, offices, sales and storage—excluding self-storage~~
[Editor's Note: this use was redefined as "Warehouse, Office with Showroom", and is still allowed by right in the HC district.]
66. **Welding Supply - retail or wholesale**
[Editor's Note: this use was left as-is.]

14.3 USES PERMITTED AS CONDITIONAL USES

- A. The following conditional uses may be permitted in this district in accordance with the procedures contained in Chapter 24:
 1. Any use permitted as a conditional use in the General Business (GB) district
 2. Auto Body Repair
 3. Car Wash
 4. Commercial Amusement - All types, both indoor and outdoor, commercial recreation or amusement, including but not limited to baseball fields, skating rinks, commercial swimming pools, driving ranges, miniature golf, carnivals and other similar open air activities

5. Boat Storage
6. Bus, recreational vehicle, truck or trailer storage
7. **Clothing Manufacturing**
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Light", and it has been eliminated from the HC district and reclassified as being allowed by right in the I district.]
8. ~~**Warehouse—cold storage**~~
[Editor's Note: this use was rolled into more global term "Food Processing and Storage", and it has been eliminated from the HC district and reclassified as only being allowed as a conditional use in the I district.]
9. Commercial amusements, including all types, both indoor and outdoor commercial recreation or amusement, including but not limited to driving range, skating rink, playing fields, commercial swimming pools, miniature golf, carnivals, go-cart tracks, video arcades and other similar activities
10. Veterinarian or Dog Kennel with outside pens
11. ~~**Furniture manufacturing**~~
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Light", and it has been eliminated from the HC district and reclassified as being allowed by right in the I district.]
12. Hotel and/or motel
13. Any use authorized in Section 14.2 that requires service by private track.
 Paragraph 13 added by Ordinance 513, June 28, 2010
14. ~~*** Motor freight terminal, hauling and storage and truck parking**~~
[Editor's Note: this use was defined, and left as a possible conditional use in the HC district.]
15. Motor Vehicles - All types of motor vehicle operations, including but not limited to, new and used car sales and service, motorcycle sales and service, motor home sales and service and farming equipment
16. ~~Moving and storage company—with indoor storage of household goods~~
[Editor's Note: this use was redefined as "Distribution Center, Small" or "Distribution Center, Large" depending upon the scale and size of a particular operation; a small distribution center is still allowed by right in the HC district, a large distribution center is only allowed in the HC district as a conditional use.]
17. Manufactured home sales
18. Radio broadcasting towers and station
19. Self Storage/Mini-warehouse pursuant to Section 19.10
20. Taxicab storage/repair
21. Taxidermist
22. Television towers and transmitting station

23. Truck Stop
24. ~~Truck Terminal Yard~~
[Editor's Note: this use was rolled into "Motor Freight Terminal", and remains as a possible conditional use in the HC district.]
25. Water distillation or wholesale water bottling
26. Establishment or expansion of a permitted use with proposed outside storage exceeding 20 percent of lot area
27. Establishment or expansion of a permitted use with proposed outside display exceeding the dimensions allowed in Section 14.2D
28. * Distribution Center, Large
29. * Building or Garden Materials Sales and Storage
30. Truck Sales or Leasing - semi-trucks and heavy load trucks
31. Trailer Sales or Leasing - trailers, all lengths
32. Machine Shop
33. * Furniture and Appliance Cleaning and Repair

CHAPTER 15 – INDUSTRIAL DISTRICT

15.2 USES PERMITTED

A. In an Industrial District, land, buildings and structures may also be used for the following purposes:

1. **Aircraft firms, including sales, service and rentals**
[Editor's Note: this use was split into two uses, "Airport or Heliport" and "Helistop" due to differing scale and operational characteristics; both have been reclassified as only being allowed as a conditional use in the I district.]
2. **Awning Manufacturing**
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Light", and is still allowed by right in the I district.]
3. Any installation of a public utility either privately or publicly owned, fire station, public museums, public libraries, water supply reservoir, water pumping plant, water tower, artesian wells or sewage lift station
4. *** Bakery, Commercial Bakeries—wholesale**
[Editor's Note: this use was redefined as "Bakery, Commercial", and is still allowed by right in the I district.]
5. **Bottling plants or breweries**
[Editor's Note: this use was split into two uses, "Bottling Plants", which remains allowed by right in the I district, and "Brewery or Distillery", which is only allowed as a conditional use in the I district.]
6. Church or rectory
7. *** Laundry and Rug Cleaning Plant, Commercial Cleaning plants— including carpets and dyeing**
[Editor's Note: this use was redefined as "Laundry and Rug Cleaning Plant, Commercial", and is still allowed by right in the I district.]
8. **Construction equipment (heavy), including sales, service, rental and storage (unless a part of a construction site in case of storage)**
[Editor's Note: this use was redefined as "Heavy Machinery Sales, Rental, Storage and Repair", and has been reclassified as only being allowed as a conditional use in the I district.]
9. *** Contractors storage yard**
[Editor's Note: this use was defined, and it has been reclassified as only being allowed as a conditional use in the I district; a "Contractor's Shop" is still allowed by right in GB, and hence in the HC district.]
10. Dwelling - Single-family detached, existing on the date of adoption of this ordinance, together with accessory uses and home occupations permitted in a single-family district, provided that such use may not be converted to any other use without compliance with all standards set forth in this chapter

11. **Dairy products—processing**
[Editor's Note: this use was rolled into more global term "Food Processing and Storage", and has been reclassified as only being allowed as a conditional use in the I district.]
12. **Drapery Manufacturing**
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Light", and is still allowed by right in the I district.]
13. Electrical Substation
14. **Gas and electrical public utility regulating stations**
[Editor's Note: this use was left as-is.]
15. * Laboratories - experimental, photo or motion picture, research or testing
[Editor's Note: this use was defined, and is still allowed by right in the I district.]
16. ~~Manufacturing, compounding, assembling, processing, packaging or treatment of products such as candy, drugs, perfumes, pharmaceuticals, perfumed toilet soaps, toiletries, but not including refining or rendering of fats and oils~~
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Heavy", and has been reclassified as only being allowed as a conditional use in the I district.]
17. ~~Manufacturing, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, metal, paper, plastics, precious or semi-precious metals or stones, light sheet metal, shell, textiles, tobacco, tools, toys, wire, yarns, wood not involving planing mills as the primary process, and paint not employing a boiling process~~
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Heavy", and has been reclassified as only being allowed as a conditional use in the I district.]
18. ~~Manufacturing or assembly of electrical appliances, electronic instruments and devices, optical goods, precision instruments, radios and phonographs –including the manufacture of small parts only, such as coils, condensers, transformers and crystal holders~~
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Light", and is still allowed by right in the I district.]
19. ~~Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay~~
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Light", and is still allowed by right in the I district.]
20. Manufactured home sales

21. ~~Fruit or vegetable packing housing, not including processing~~
[Editor's Note: this use was rolled into more global term "Food Processing and Storage", and has been reclassified as only being allowed as a conditional use in the I district.]
22. ~~Oil Equipment Sales, Manufacturing and Storage~~
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Heavy", and has been reclassified as only being allowed as a conditional use in the I district.]
23. ~~Paint mixing and manufacturing~~
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Heavy", and has been reclassified as only being allowed as a conditional use in the I district.]
24. Pawn shop
25. ~~Plastic Products—molding, casting and shaping~~
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Light", and is still allowed by right in the I district.]
26. * **Recycling or Reclamation Collection Center**
[Editor's Note: this use was redefined as "Recycling or Reclamation Collection Center", and is still allowed by right in the I district.]
27. ~~Recycling Plant~~
[Editor's Note: this use was redefined as "Recycling or Reclamation Plant and Salvage Yard", and has been reclassified as only being allowed as a conditional use in the I district.]
28. ~~Storage of mineral production related materials~~
[Editor's Note: this use was redefined as "Bulk Materials Sales and Storage", and has been reclassified as only being allowed as a conditional use in the I district.]
29. ~~Sheet Metal Shop~~
[Editor's Note: this use was redefined as "Contractor's Shop", and is still allowed by right in the I district.]
30. ~~Sales and service of mineral related equipment~~
[Editor's Note: this use was redefined as "Heavy Machinery Sales, Rental, Storage and Repair", and has been reclassified as only being allowed as a conditional use in the I district.]
31. ~~Welding Shop (fabrication)~~
[Editor's Note: this use was redefined as "Contractor's Shop", and is still allowed by right in the I district.]
32. * **Public Utility Service Yard**
[Editor's Note: this use was defined, and is still allowed by right in the I district.]
33. Auto Repair – Minor

- 34. * Industrial or Manufacturing, Light
- 35. Machine Shop
- 36. * Furniture and Appliance Cleaning and Repair
- 37. * Distribution Center, Large

15.3 USES PERMITTED AS CONDITIONAL USES

A. The following conditional uses may be permitted in this district in accordance with the procedures contained in Chapter 24:

- 1. Accessory buildings in excess of 400 square feet
- 2. **Hauling—light and heavy**
[Editor's Note: this use was eliminated as unnecessary, since the transportation of goods and materials is a necessary function in many, if not most, commercial or industrial businesses.]
- 3. **Rock quarries, sand, gravel and earth excavations.—At the time the permit is granted, the Town Council may impose reasonable conditions for the protection of public health and safety, and may provide for the restoration of such property to a usable condition after uses have been terminated**
[Editor's Note: this use was left as-is; the last sentence is deleted as being unnecessary since the imposition of special conditions may occur with issuance of a CUP for any type of conditional use.]
- 4. * **Food processing and storage**
[Editor's Note: this use was defined, and left as a possible conditional use in the I district.]
- 5. **Tire retreading or recapping**
[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Heavy", which is only allowed as a possible conditional use in the I district.]
- 6. Sexually oriented businesses
- 7. Skin art salons
- 8. Body piercing salons
- 9. Establishment or expansion of a permitted use with proposed outside storage exceeding 20 percent of lot area
- 10. Establishment or expansion of a permitted use with proposed outside display exceeding the dimensions allowed in Section 15.2D

11. **Automotive Body, Paint, and Interior Repair and Maintenance (NAICS-02 Code 811121, and Car Washes (NAICS-02 Code 811192)**

Paragraph 11 added by Ordinance 404, January 10, 2005

[Editor's Note: this use was left as-is.]

11.A Any use authorized in Section 15.2 that requires service by private track.

Paragraph 11.A added by Ordinance 513, June 28, 2010

12. ~~**Asphalt Paving and Products Manufacturing Plant (NAICS Codes 324121-324122)**~~

Paragraph 12 added by Ordinance 405, January 25, 2005

[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Heavy", which is only allowed as a possible conditional use in the I district.]

12.A ~~***Motor Freight Terminal (including hauling, storage and truck parking)**~~

[Editor's Note: this use was defined, and left as a possible conditional use in the I district.]

13. ~~**Assembly/Mixture of Certain Nontoxic Compounds—An establishment that is involved with the assembly, mixture, or combination of non-toxic, non-polluting, non-combustible, and inorganic raw materials into another non-toxic, non-polluting, non-combustible, and inorganic chemical form. A use classified under this definition shall be classified under NAICS Code #325188, but shall only specifically include the manufacturing of liquid iron sulfate and liquid aluminum sulfate for the water clarification industry**~~

Paragraph 13 added by Ordinance 451, October 23, 2006

[Editor's Note: this use was rolled into more global term "Industrial or Manufacturing, Heavy", which is only allowed as a possible conditional use in the I district.]

- 14. * Airport or Heliport
- 15. * Helistop
- 16. * Brewery or Distillery
- 17. * Winery
- 18. * Recycling or Reclamation Collection Center
- 19. * Recycling or Reclamation Plant and Salvage Yard
- 20. * Contractor's Storage Yard
- 21. * Bulk Materials Sales and Storage
- 22. * Industrial or Manufacturing, Heavy
- 23. * Landscape Nursery or Tree Farm

24. * Heavy Machinery Sales, Rental, Storage and Repair
25. * Animal Feed Processing and Storage
26. * Leather and Allied Products Manufacturing

NEW DEFINITIONS:

- 5a. Airport or Heliport. An area reserved or improved for the landing or take-off of aircraft, including rotary wing aircraft, which may include hangars, fueling, rental, repair and servicing facilities for such craft as well as facilities for passengers.
- 6a. Animal Feed Processing and Storage. A large-scale manufacturing operation that prepares or produces foods for animal consumption such as livestock feeds, foods and snacks for domestic animals, and other similar animal-consumables primarily for commercial or wholesale customers for off-site distribution and consumption. Includes dry and cold storage of animal food products, unless such is incidental to another primary use such as a pet store, stable or agricultural operation. Can include incidental retail sales of animal food products produced on the premises. Does not include the preparation or manufacture of products for consumption by humans (see definition for *Food Processing and Storage*), or the slaughtering of any type of animal.
- 7c. Bakery, Commercial. A large-scale food manufacturing operation that produces baked goods for human consumption such as bread, buns, biscuits, tortillas, ice cream cones, cakes, pies and other baked products of which flour or meal is the principle ingredient primarily for commercial or wholesale customers for off-site distribution and consumption. Can include incidental retail sales of baked goods produced on the premises. Does not include the baking or preparation of products for consumption by animals (see definition for *Animal Feed Processing and Storage*).
- 16a. Building or Garden Materials Sales and Storage. The indoor and outdoor sale of building materials that are primarily oriented toward the wholesale building construction industry (e.g., lumber, drywall, bricks, landscaping and building exterior stones, roofing, paint, electrical supplies, plumbing fixtures, concrete and mortars, doors, windows, siding, landscaping materials, tools, hardware, etc.) rather than toward retail home improvement supplies. Materials offered for sale shall be palletted, bagged, crated, packaged or similarly contained, and shall be loadable either by hand or by using a forklift or other warehouse lifting device – does not include the sale or storage of uncontained materials (see definition for *Bulk Materials Sales and Storage*). At least fifty percent (50%) of the operation shall occur fully enclosed within a building(s), and the operation may include the outdoor display and storage of new and unused materials for sale of up to fifty percent (50%) of the total enclosed building square footage provided such is screened in accordance with Section 20.5 of the Zoning Ordinance; outdoor display or storage exceeding this amount may be approved by CUP if such is allowed in the applicable zoning district. (Also see definitions for *Outside Display* and *Outside Storage*.)
- 14a. Brewery or Distillery. A commercial- or industrial-scale establishment that annually brews more than 5,000 barrels of ales, beers, meads or other alcoholic beverages (other than wine – see the definition for *Winery*), and that has all applicable local, state and federal permits and licenses for such alcoholic beverage production.

- 18a. Bulk Materials Sales and Storage. The indoor or outdoor storage and sale of uncontained inanimate matter such as rock (including a granite “slab yard”), stone, sand, aggregates, powders, composts, wood chips, soils and other building- and road-construction related materials. Can include retail and wholesale sales of materials.
- 30a. Contractor’s Shop. An indoor office and warehouse storage facility for materials, equipment, tools, products and vehicles used in the conduct of a construction-related business such as those specializing in welding, plumbing, electrical, heating and air conditioning, roofing, paving, pest control, janitorial, major appliance repair and service, masonry, carpet installation and cleaning, windows and glass (including automotive glass), landscaping installation and maintenance, swimming pools, fencing and other similar contractors. Includes no outdoor display or storage.
- 30b. Contractor’s Storage Yard. An office and storage facility for materials, equipment, tools, products and vehicles used in the conduct of a construction-related business such as those specializing in welding, plumbing, electrical, heating and air conditioning, roofing, paving, pest control, janitorial, major appliance repair and service, masonry, carpet installation and cleaning, windows and glass (including automotive glass), landscaping installation and maintenance, swimming pools, fencing and other similar contractors. Includes the outdoor display and storage of usable materials normally associated with the business (i.e., not unrelated scrap, junk, trash, etc.) of up to fifty percent (50%) of the total enclosed building square footage provided such is screened in accordance with Section 20.5 of the Zoning Ordinance; outdoor display or storage exceeding this amount may be approved by CUP if such is allowed in the applicable zoning district. (Also see definitions for *Outside Display* and *Outside Storage*.)
- 43a. Distribution Center, Large. A large-scale (i.e., over ten (10) shipping truck bays) warehousing and distribution operation having a building(s) used primarily for the storage and distribution of non-consumable and non-compostable goods, merchandise, supplies or equipment including wholesalers that display, sell and distribute merchandise to business representatives. Includes large-scale long-distance moving companies, and often includes the loading and unloading of cargo on a regular basis from trucks or rail cars. With the exception of parking areas, loading docks and outside scales (if provided), all portions of the operation shall take place entirely within an enclosed building. Includes no outside display, outside storage or private track facilities, unless such is allowed (by right or by CUP) and approved in the zoning district wherein the business is located. (Also see definitions for *Outside Display*, *Outside Storage* and *Private Track*.)

- 43b. Distribution Center, Small. A small-scale (i.e., ten (10) or fewer shipping truck bays) warehousing and distribution operation having a building(s) used primarily for the storage and distribution of non-consumable and non-compostable goods, merchandise, supplies or equipment including wholesalers that display, sell and distribute merchandise to business representatives. Includes small-scale moving companies, and often includes the loading and unloading of cargo on a regular basis from trucks or rail cars. With the exception of parking areas, loading docks and outside scales (if provided), all portions of the operation shall take place entirely within an enclosed building. Includes no outside display, outside storage or private track facilities, unless such is allowed (by right or by CUP) and approved in the zoning district wherein the business is located. (Also see definitions for *Outside Display*, *Outside Storage* and *Private Track*.)
- 56a. Food Processing and Storage. A large-scale manufacturing operation that prepares or produces foods and nonalcoholic beverages for human consumption such as grain milling, fruit and vegetable packing, fats and oils rendering, and the manufacture of cereals, sugars, syrups, candies and other confections, packaged and frozen foods, dairy products, seafoods, snack foods, nuts, coffees and teas, seasonings, condiments, packaged meats, soft drinks, bottled water and other nonalcoholic beverages, ice, and other similar human-consumables primarily for commercial and wholesale customers for off-site distribution and consumption. Includes dry and cold storage of food products, unless such is incidental to another primary use such as a grocery store or a restaurant. Can include incidental retail sales of food products produced on the premises. Does not include the preparation or manufacture of products for consumption by animals (see definition for *Animal Feed Processing and Storage*), or the slaughtering of any type of animal other than sea life.
- 57a. Furniture and Appliance Cleaning and Repair. An indoor establishment that cleans, repairs and refurbishes common household appliances, furnishings and electronics either on-site or at the customer's location. Includes furniture reupholstering and the cleaning and repair of carpets, rugs and draperies, but does not include automotive reupholstering or repairs or refurbishing of any type of appliance or equipment which has an internal combustion engine (such as cars, trucks, motorcycles, lawnmowers, etc.). Includes no outdoor display or storage, unless such is allowed (by right or by CUP) and approved in the zoning district wherein the business is located. (Also see definitions for *Outside Display* and *Outside Storage*.)
- 62a. Heavy Machinery Sales, Rental, Storage and Repair. An establishment for the indoor or outdoor display, sales, rental, storage and repair and servicing of heavy machinery including tractors and other farm machinery, bulldozers, street graders, paving machines and similar construction-related heavy equipment. Does not include the temporary parking or positioning of equipment that is being, or soon will be, used in conjunction with a properly permitted construction site, provided that such equipment is promptly removed when active construction on the site is completed.
- 63a. Helistop. An area of land or water, or a structural surface, which is used or intended for use for the landing and taking off of helicopters. Does not include refueling, maintenance, repairs or overnight storage of helicopters.

- 64a. Home Improvement Center. The indoor retail sale of building materials that are primarily oriented toward home improvements (e.g., lumber, drywall, paint, electrical supplies, plumbing fixtures, prepackaged concrete and mortars, doors, windows, siding, landscaping materials, tools, hardware, etc.) rather than toward the wholesale building construction industry. Materials offered for sale shall be palletted, bagged, crated, packaged or similarly contained, and shall be loadable either by hand or by using a forklift or other warehouse lifting device – does not include the sale or storage of uncontained materials (see definition for *Bulk Materials Sales and Storage*). Includes no outdoor display or storage, unless such is allowed (by right or by CUP) and approved in the zoning district wherein the business is located. (Also see the definitions for *Outside Display* and *Outside Storage*.)
- 68a. Industrial or Manufacturing, Heavy. Heavy industrial manufacturing, processing, assembling, researching and developing, packaging, shipping, storing, servicing or other such processes which are not prohibited by law, which typically involve the processing or manufacture of products from raw materials, which typically involve the use of significant amounts of chemicals, solvents, petroleum products or acids or which involve the use of high-heat processes, which do not meet standards set forth in the definition of *Light Industrial or Manufacturing* uses, and which have all portions of the operation except loading and unloading conducted within a fully enclosed building.
- 68b. Industrial or Manufacturing, Light. An indoor establishment engaged in light assembly or manufacturing of finished non-consumable products or parts, predominately from previously prepared materials including the fabrication, manufacture, assembly, storing and packaging of such products or parts. All portions of the operation except loading and unloading are conducted within a fully enclosed building. Does not include industrial processing from raw materials, and does not include any type of use that involves processing or storage of consumable products (see *Food Processing and Storage* and *Animal Feed Processing and Storage*).
- 71a. Laboratory. An indoor facility for testing and analyzing scientific problems including soil testing, concrete compression testing, medical testing, prototype design and development and other types of product research and testing.
- 71b. Landscape Nursery or Tree Farm (wholesale). An establishment for the cultivation and propagation, display, storage and sale (mostly wholesale, but can include a limited amount of retail sales) of large plants, shrubs, trees and other living vegetative materials used in indoor or outdoor landscape plantings. Can also include the contracting for installation and maintenance of landscaping as an accessory use.
- 72a. Laundry Plant, Commercial. A commercial-scale establishment that is six thousand (6,000) square feet or larger in size, and that launders or dry cleans garments, linens, rugs, carpets and other textiles on a bulk, commercial or wholesale basis (i.e., not retail). Includes a uniform supply service. Rug and garment alterations, repair and dyeing may be offered in relation to this use.

- 72b. Leather and Allied Products Manufacturing. An indoor establishment engaged in transforming animal hides into leather by tanning or curing, and fabricating the leather into finished non-consumable products or into materials that will be further assembled by others into finished products. Includes the manufacture of similar products such as rubber footwear, textile luggage and plastic purses and wallets from other materials such as rubber, plastics and textiles that are thought of as “leather substitutes”. Also includes the processes of tanning, currying, dressing, dyeing and finishing of leather, hides and furs. Does not include the slaughtering of any type of animal, and does not include any type of use that involves processing or storage of consumable products (see *Food Processing and Storage* and *Animal Feed Processing and Storage*).
- 87a. Motor Freight Terminal. A premises where cargo is stored and where trucks, including tractor trailer units, load and unload cargo on a regular basis. Includes facilities for the temporary indoor storage of loads and cargo prior to shipment, or that are transferring from one mode of transportation to another (such as onto trucks and rail cars), and may include the parking and storage of trucks and cargo trailers on a regular basis, and may also include on-site fuel tank(s) for use by the operation only (i.e., no retail or external fuel sales) if such are approved by the Fire Department and Building Official.
- 103a. Printing or Publishing House. An establishment whose primary service is long-run printing including, but not limited to, book, magazine and newspaper publishing.
- 108a. Public Utility Service Yard. A premises that is used by a public utility provider to park service vehicles and to store utility repair and maintenance materials. Outside storage of materials, other than vehicles and trailers, is allowed provided that it is screened in accordance with Section 20.5 of the Zoning Ordinance. (Also see the definitions for *Outside Display* and *Outside Storage*.)
- 110a. Recycling or Reclamation Collection Center. A completely indoors facility (i.e., no outside storage) which provides for the collection, sorting, storage, bundling and shipping of recoverable and recyclable non-automotive, non-consumable and non-compostable materials such as aluminum cans, glass, papers including magazines and newspapers, cardboard, wood pallets, metals, plastics, tires, computers and electronics, oil, paints, solvents, textiles, etc. Processing of materials shall be limited to weighing, sorting, flattening, crushing, shredding, bundling and palletizing materials for shipment essentially by hand or by machine, and shall not include smelting, melting, refining or other conversion back to a “raw material” state.

- 110b. Recycling or Reclamation Plant and Salvage Yard. A facility which provides for the collection, sorting, storage, bundling and shipping of recoverable and recyclable non-automotive, non-consumable and non-compostable materials such as aluminum cans, glass, papers including magazines and newspapers, cardboard, wood pallets, metals, plastics, tires, computers and electronics, oil, paints, solvents, textiles, etc. Processing of materials may include weighing, sorting, flattening, crushing, shredding, bundling and palletizing materials for shipment by hand or by machine, and may also include smelting, melting, refining or other conversion back to a “raw material” state. Includes the outside storage of materials provided that such areas are fully screened in accordance with Section 20.5 of the Zoning Ordinance.
- 135d. Warehouse, Office with Showroom. An indoors only establishment with at least forty percent (40%) of its total floor area devoted to office and showroom space (i.e., a maximum of 60% of its total floor area may be devoted to storage and warehousing that is not generally accessible to the public). Includes sales offices, retail and wholesale sales areas, and display areas (showrooms) for products sold and distributed from the warehousing area.
- 136a. Winery. A business establishment that produces 10,000 or more cases of wine per year. No maximum site or building area, and building(s) may include space allocated to bottling and grape crushing, lab and office space, tasting room(s), storage, indoor events room(s), and outdoor event or picnic area(s) A winery shall provide at least two of the following four activities on-site: grape crushing, fermentation, bulk aging and storage, and bottling.