

Section 3-140 INDUSTRIAL PARK DISTRICTS

3-140.1 - Intent.

The purpose of this section is to establish Industrial Park Districts, and to regulate land use to insure compatibility of development, both within the District and with adjacent uses and users by means of the following performance standards, area requirements and other regulations.

3-140.2 - Use Regulations.

Within any Industrial Park District, as indicated on the Building Map, no building, structure or land shall be used and no building or other structure shall hereafter be erected, altered or enlarged except for the following:

1. *Manufacturing*
2. *Fabricating*
3. *Processing*
4. *Packing*
5. *Office Buildings*
6. *Public Utility uses*
7. *Research laboratories and research facilities*
8. *Accessory buildings and uses located on the same lot with the main buildings*
9. *Restaurants and banks*
10. *Warehousing*
11. *As an accessory use to a permitted manufacturing or warehousing use, retail sales shall be permitted, but in no case shall such retail sales floor space exceed ten (10) percent of the total floor space of the establishment.*
12. *Farming or other agricultural uses as defined by the Farm Lands Assessment Act.*
13. *Dwellings only in connection with bona fide agricultural operations or one living quarter or a watchman and/or caretaker and his family.*
14. *Above ground radio and television broadcasting stations, towers and accessory structures. (FCC Approved)*
15. *Helicopter landing pad. (FCC Approved)*
16. *Transfer/distribution facilities. (6/3/04)*
17. *Home Occupation (See Section 5-100.1) (7/1/10)*
18. *Large Scale Solar Power Generator, provided that for any such use occupying a footprint of more than 30,000 square feet or occurring within 150' of any residential use, the Planning Board has issued a site plan approval and found that the impact of the facility from abutting properties and public ways will be suitably mitigated. (09/8/15)*

3-140.3 - Special Permit Uses.

1. *Lumber yards, fuel storage plants, truck terminals, motor vehicle storage yards (i.e. school buses, tow truck operations but not including junk yards and auto sales), and contractor yards. (City Council) (1/19/06)*
2. *Any proposed use involving a building or buildings with a cumulative total floor area equal to or greater than 100,000 square feet. This shall apply to both new uses and buildings and to any alteration, extension or expansion of an existing use or building whose cumulative total floor area is equal to or exceeds 100,000 square feet. (Planning Board) (6/17/04)*
3. *Processing, reprocessing, remanufacturing, reclamation and/or recycling of construction (including but not limited to road and bridge) materials, building materials and/or demolition materials such as, but not limited to, lumber, asphalt, brick and concrete. (City Council) (9/15/05)*
4. *Any proposed use that will discharge a cumulative total of more than 25,000 gallons per day of waste into the city's sanitary sewer system, or any use categorized as a Significant Industrial User (SIU). This shall apply to both new uses and to any alteration, extension or expansion of an existing use which would result in a cumulative total of more than 25,000 gallons per day of waste being discharged into the city's sanitary sewer system, or any use categorized as a Significant Industrial User (SIU). (Planning Board) (1/19/06)*
5. *Home Based Business (See Section 5-100.2) (7/1/10)*

3-140.4 – Prohibitions.

Within any industrial Park District, no building shall be erected, altered or enlarged and no land shall be used for the following:

1. *Abattoir.*
2. *Asphalt manufacturing or refining.*
3. *Building material manufacturing and distribution where outside storage or manufacturing operations are required.*
4. *Commercial coal yard or coal storage.*
5. *Creosote manufacturing.*
6. *Distillation of coal, wood or bones.*
7. *Explosives or fireworks manufacturing exclusive of making firearms or small arms ammunition.*
8. *Fat rendering.*
9. *Fertilized or potash manufacturing or refining.*
10. *Glue or size manufacturing or process involving recovery from fish or animal offal.*
11. *Gypsum, cement, plaster, or plaster of paris manufacturing.*
12. *Incineration of infectious and biogenetic research material and no other incineration except where required by State Regulation. (12/15/88)*
13. *Motor vehicle repairing.*
14. *Reduction of or dumping of offal, garbage, or refuse.*
15. *Junk or salvage yard or junk or salvage storage.*
16. *Petroleum refining.*
17. *Sewage disposal plant except where controlled by a municipality.*
18. *Tar distillation.*
19. *Tar roofing manufacturing.*
20. *Grist mill.*
21. *Chemical, low level radioactive waste disposal or any other hazardous waste disposal.*
22. *Stockyard.*
23. *Manufacture of corrosive, poisonous, or malodorous acids and chemicals.*
24. *Smelting and reduction of copper, tin, zinc and iron ores.*
25. *Racetrack.*
26. *Foundry.*

3-140.5 - Area Requirements- Net Lot Area- Minimum Floor Area.

1. *Within any Industrial District each main building hereafter erected, together with its accessory buildings, shall be located on a lot having an area of at least two (2) acres, excepting structures necessary for the maintenance of and owned by the public utility. Said excepted structures may be placed on parcels sized to meet the requirements of the service and need in question.*
2. *The principal building on any lot used for offices, laboratories, warehouses and light industrial uses, except public utility buildings and structures necessary for public convenience and service, shall cover a minimum ground area of five thousand (5,000) square feet.*
3. *Industrially zoned lots of less than two (2) acres existing at the time of passing of this ordinance are specifically excepted from this requirement. In such cases, the following rules shall apply:*
 - a. *Street frontage shall be one hundred (100) feet minimum.*
 - b. *Minimum building size requirement shall be reduced proportionally with the parcel area ratio to two (2) acres. (e.g. One (1) acre = 0.5 of two (2) acres; therefore, building area requirements are 0.5 x 5,000 square feet or 2500 square feet).*
 - c. *Minimum side/rear yard and front yard requirements shall be similarly reduced down to minimum setbacks of twenty-five (25) feet for side/rear yard and thirty-five (35) feet front yard abutting an Industrial or Commercial District and one hundred (100) feet abutting a Residential District.*
 - d. *No parking is to be allowed in any required yard in parcels less than two (2) acres.*

3-140.6 - Required Yards and Landscaped Areas.

1. *No parking area, loading or maneuvering area shall be located:*
 - a. *Along the front or side portions of building setbacks unless specifically permitted by Planning Board waiver.*
 - b. *Less than two hundred (200) feet from the boundary of any Residential District, or;*
 - c. *Less than twenty (20) feet from any lot line which adjoins an Industrial District or Commercial District.*
2. *No principal or accessory building above grade shall be located less than two hundred (200) feet from the boundary of any Residential District or less than twenty (20) feet from the boundary of any Industrial or Commercial District.*
3. *No principal or accessory building above grade, parking area, loading or maneuvering area shall be located less than the following minimum distances from the street right-of-way line or proposed street right-of-way of the following types of streets or highways as designated by the Planning Board:*

<u>Major Highway:</u>	75 feet
<u>Local Access Routes:</u>	
Arterial street separating the Industrial District from a Residential District:	100 feet
Arterial street separating the Industrial District from a Commercial District:	50 feet
From a local street, arterial street, or private way through the Industrial District:	50 feet
4. *Whenever property that is zoned Residential or Commercial is owned and/or used by a public utility as a transmission line right of way, or is owned and/or used as a railroad right-of-way, the setbacks required in Section 3-140.4, paragraphs a and b shall be determined as if said property were zoned Industrial.*
5. *Street frontages shall be defined by the shade tree plantings, as defined by the Westfield Subdivision regulations, and shall be installed not less than sixty (60) feet on center, three (3) feet inside street frontage, using trees no less than two and one half inch caliper at the time of installation. In the base of an uncleared site, existing vegetation can be preserved to achieve said objective.*

6. *Industrial lots which abut Residentially or Agriculturally zoned lots shall retain or install a vegetative screen planting adequate to screen the entire site from view from any part of the non-industrial parcel at any season.*
7. *Notwithstanding other screening and landscape requirements set forth elsewhere in this ordinance, all front and side yards shall be landscaped. Said landscaping shall consist of grass and live shade trees and ornamental trees with adequate spaces being left unpaved for their growth.*

Should the site of the proposed development have a forest cover of an average height of forty (40) feet, the developer may choose to meet the above requirement through preserving the forest in its natural condition on front, side and rear yards.

3-140.7 – Street Access and Frontage.

1. *Each lot shall have a minimum frontage of two hundred (200) feet on a street or private way that shall meet the minimum standards defined in the Westfield Subdivision regulations, provided, however, that the Planning Board may approve a lesser-frontage to a minimum of one-hundred (100) feet for lots located on a cul-de-sac or on street curves having other extraordinary characteristics. Vehicular access shall be permitted only to one of the following types of streets:*
 - a. *Controlled access routes: Major highways*
 - b. *Local Access Routes:*
 1. *Connecting or secondary (arterial) highways.*
 2. *A local street or private way connecting only with any of the above highways and not directly connected with any residential street.*
2. *The Planning Board may at the time of reviewing any site plan as set forth in Section 3-140.14(3) below, designate by type all streets and highways adjacent to the proposed development. The Planning Board may, should the proposed facility potentially employ more than four hundred (400) individuals, require that a traffic impact report be submitted by the developer prepared by a qualified professional to determine what impacts, if any, would result to the circulation system and what remedies to the site design, if any, would be required.*
3. *For the purpose of the above section, streets and highways shall be defined as follows:*
 - a. *Connecting or Secondary (arterial) Highway. Numbered state high-speed highway (e.g. Route 10/202). (Minimum right of way – eighty (80) feet)*
 - b. *Industrial Connector Road. Major improved road for the purpose of connecting an Industrial District with a state highway and/or limited access highway (e.g. Lockhouse Road). (Minimum right of way – fifty (50) feet).*
 - c. *Local Street or Private way. A way used primarily to connect lot or lots in the Industrial District with an Industrial Connector Road or highway. (Minimum right of way forty (40) feet).*

3-140.8 – Height.

No buildings or structures shall exceed sixty (60) feet in height. Buildings or structures located within the designated Airport Landing Zone, height will be whichever is the most restrictively regulated.

The Planning Board may issue a Special Permit permitting heights in excess of the maximum permitted. (2/24/03)

3-140.9 – Lot Coverage.

Not more than forty (40) percent of the area of the lot may be covered by buildings.

3-140.10 – Spacing Between Buildings.

On the same parcel, no two buildings shall be located closer to one another than a distance equal to the height of the lower building measured perpendicular from the face of each building.

3-140.11 – Signs.

1. Signs displayed on any lot shall be limited to:
 - a. Those necessary for directional or informational purposes, but not exceeding four (4) square feet in size per sign.
 - b. Those necessary to identify an industrial park, but not exceeding ten (10) square feet in size.
 - c. Those necessary to identify the use or establishment and designed as part of the site plan for any lot.
2. Signs falling within Section 3-140.11(1b) shall not exceed one (1) square foot in size for each five (5) linear feet of frontage of the street on which the sign faces. Signs falling within Section 3-140.11(1c) shall not exceed one (1) square foot for each horizontal linear foot of building wall facing on the street on which the sign faces.
3. The design, size of lettering, lighting, etc. of all ground signs or accessory wall shall accompany the site plan submission and shall meet the approval of the Planning Board or its designee provided that additional signs may be added and existing signs changed after submission or approval of the site plan notification thereof and the necessary descriptions as above provided are given to the Planning Board and if the additions or changes are approved by the Planning Board. Exterior spot lighting of signs is permissible, but only if shielded so as to direct the light to the sign only. (3/4/19)

3-140.12 – Off-Street Parking Requirements.

See Article VII.

3-140.13 - Enclosed Building and Outdoor Storage.

1. All permitted uses and accessory activities shall be confined within completely enclosed buildings with the exception of off-street parking spaces, off-street loading berths, accessory fuel storage and employee recreational facilities. In addition, the temporary thirty (30) day outdoor storage of materials, equipment or vehicles in an orderly manner is permitted in any areas other than required front, rear or side yards, provided such outdoor storage does not exceed fifteen (15) feet in height or occupy more than ten (10) percent of the area of the lots, and is effectively screened from any adjacent residence district boundary, as in the case of parking areas above.

In special instances where the nature of the enterprise is such that great efficiencies may be achieved through outdoor storage of materials, a special permit by the Planning Board may be sought provided that such outdoor storage would be entirely screened from view by evergreen plantings, earth mounds, walks or permanent opaque fencing.

2. Fuel storage tanks utilized as part of the heating equipment of an establishment shall be located underground or in a building. Bulk storage of gasoline or petroleum products shall not be permitted except as incidental to a laboratory, a production operation or the servicing of company-owned or leased vehicles and then shall be subject to the Fire Prevention Code for the City of Westfield as well as the Underground Fuel and Hazardous Waste Storage Ordinance.

3-140.14 – Application and Plan Approval.

In addition, to the powers and duties outlined under Article I, Section 1-10 of the Westfield Zoning Ordinance (“Enforcement”), the following conditions shall apply:

1. Permit Fee: A permit fee of \$1 per one hundred (100) square feet of building area shall be required at the time of the permit request. Simple warehouse space shall be charged at the lesser rate of 50 cents per one hundred (100) square feet.
2. Permitting Authority: Proposed developments up to and including one hundred thousand (100,000) thousand square feet shall require approval of the Building Inspector. Sufficient copies of the site plan described in Section C below shall be provided by the applicant to the Superintendent of Buildings to allow for forwarding of three (3) copies to the Planning Board for its file and for site plan review.

Proposed developments of greater than one hundred thousand (100,000) square feet shall require Special Permit approval by the Planning Board. (6/17/04)

3. Site Plan Approval: *No building permit or certificate of occupancy shall be issued for any use except in accordance with a plan of development approved by the Superintendent of Buildings and/or Planning Board (as determined in Section 3-140.14(2) above) for the lot or tract on which such use is to be located. Such plan of development shall show the location and height of all buildings and structures; the internal transportation, water, electrical, sewage and rail systems and how they tie into the systems outside the lot or tract; the area devoted to parking facilities and loading berths; all access roads, landscaping and screening plans; areas designed for outdoor storage; proposed signs and other features required by this ordinance.*

The Building Inspector and/or Planning Board shall consider the standards and objectives of the Industrial District Regulations and, specifically, the location of the buildings, parking and loading areas and other features with respect to the topography of the lot and existing natural features such as water courses and large trees, with the objective of achieving maximum of coordination between the proposed use and the surrounding uses.

The Superintendent of Buildings and/or Planning Board shall approve a plan of development if it meets the standards of these regulations.

Should the Superintendent of Buildings and/or Planning Board determine that the proposal does not meet the conditions of this ordinance, the Superintendent of Buildings and/or Planning Board shall submit its findings in writing, together with the reasons therefore, to the applicant. An applicant may resubmit an amended plan for up to 12 months from the date of the denial. All projects shall be reviewed by the Permit Granting Authority as to the potential for groundwater contamination. If the Permit Granting Authority after consultation with the Board of Health or any other entity that it deems appropriate determines that the project use has potential it shall prescribe an appropriate groundwater management program. This program may include the installation of groundwater monitoring wells and a regular testing procedure. The Permit Granting Authority reserves the right to withhold any and all permits until such groundwater management programs have been approved. (10/4/90)

4. Compliance with Performance Standards: *See Article IV, Section 4-120*

In addition to submitting plans required above, applicants are required to submit a statement of applicant development plan and a description of the industrial processes involved and the types of possible effluent produced.

In reviewing the application, the Superintendent of Buildings and/or Planning Board and/or designee may secure the advice or assistance of one or more consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards as set out in Section 2 above.

The assistance of a consultant, if sought, must be obtained within thirty (30) days of the receipt of the application. Such consultant or consultants shall report within thirty (30) days after receipt of such request whether or not the use applied for will be operated in conformance with the performance standard, and if not, what modification in design or operation would be necessary for conformance.

A copy of the report of such consultants shall be furnished to the applicant. The costs associated with the production of the consultant's report shall be borne by the applicant, or the applicant's designee.

5. Action by Department: *Following receipt of the consultant's report, if any, and upon approval of the site plan by the Superintendent of Buildings and/or Planning Board, if required, the Planning Board shall, within ninety (90) days from date of public hearing, either approve or disapprove, or require modifications in the plan as submitted.*
6. Change in Use: *A new certificate of occupancy shall be required if there are any major structural alterations involving an increase in the total square footage, of greater than twenty-five (25) percent, or substantial variation from the operations referred to in the original Building Permit.*

7. Enforcement: Plans approved by the Superintendent of Buildings and/or Planning Board shall constitute a binding agreement between the City and the developers.

Substantial deviation from plans and specifications as submitted, or a change in use, not with standing the change in use provision, that bring the facility in non-compliance grounds for permit revocation.

Sustained violation of the conditions of this agreement shall be grounds for a fine levy not to exceed ten (10) dollars per month for every one hundred (100) square feet of enclosed industrial space and revocation of occupancy permit after six (6) months.

Therefore, any variation from approved plans much be reviewed by the Superintendent of Buildings/and or Planning Board to determine if the variation is of such magnitude that plans must be submitted for re-approval.