

ORDINANCE NO. 389

AN ORDINANCE UNDER THE LAND USE PLANNING ACT RE-DEFINING INDUSTRIAL ZONES AND THEIR USES; REPEALING EXISTING CHAPTER 9, TITLE 11 OF THE NEW PLYMOUTH CITY CODE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION BY SUMMARY

Whereas the definitions and use regulations for industrial E zones in the city of New Plymouth are unworkable and out of date and must be repealed; and

Whereas it is in the best interests of the citizens of the city of New Plymouth to redefine and impose use restrictions for industrial zones.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEW PLYMOUTH

Section 1:

That Chapter 9, Title 11 of the New Plymouth City Code be and the same is hereby repealed.

Section 2: Short Title

This ordinance may be referred to as the Industrial Zone Definition and Use Ordinance of the City of New Plymouth.

Section 3: Definitions and Use Regulations for Light Industrial Zones

1. Light Industrial Zone: The purpose of the light industrial zone is to provide for convenient employment centers of light industrial uses, such as light manufacturing, research and development, warehousing, light industrial parks and distributing.
2. The light industrial zone is intended to encourage the development of industrial uses that are clean, quiet and free of hazardous or objectionable elements and that are operated entirely, or almost entirely, within enclosed structures.
3. Accessibility to transportation systems is a requirement of the light industrial zone.
4. The following uses and structures shall be permitted in the light industrial zone:
 - A. Auction establishments/ stockyards

- B. Automobile painting, upholstering, repair, and body and fender work when done within the confines of a structure.
- C. Bakeries, wholesale.
- D. Beverage bottling and distributing stations.
- E. Box manufacturing
- F. Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment, maintenance or operating equipment of public agencies or public utilities, or materials or equipment of a similar nature.
- G. Bus line shops and garages.
- H. Canvas goods fabrications.
- I. Carpet and rug cleaners.
- J. Cement block manufacture, when done wholly within a building.
- K. Cleaning and dyeing establishments.
- L. Clothing and dress manufacturing.
- M. Drapery and bedding manufacturing.
- N. Electrical appliance and electronic instrument assembly.
- O. Food processing and dehydrating for human consumption, but not including the processing of sauerkraut, fish products, gelatin, sausage, casings for animal products, starch, dextrin, glucose, sugar, vinegar, yeast and the rendering of refining of fats and oils.
- P. Freight, express hauling or storage yards.
- Q. Furniture manufacturing and upholstering.
- R. Grain elevators.
- S. Greenhouses, wholesale growers.
- T. Ice manufacturing.
- U. Industrial laundry.
- V. Laboratories for scientific experiments

W. Machine shops and metal manufacturing, when not equipped with heavy presses, drop forges, screw machines, riveting machines or any other equipment which may create vibration or noise disturbing adjacent property occupants.

X. Medical laboratories and facilities, including prosthesis manufacture.

Y. Plastic products manufacturing, but not including the processing of raw materials.

Z. Printing, binding and publishing of periodicals, books and reading matter.

AA. Printing of tags, forms, calendars and other products for commercial use.

BB. Public utility electric substations and distributing centers, gas regulation centers and underground gas holder stations.

CC. Research or technology parks, or industrial developments with combine one or more uses principally permitted in the light industrial or commercial zones.

DD. Restaurants.

EE. Retail sales and service.

FF. Stone, granite and marble grinding and cutting.

GG. Storage and sale of automobiles, trailers, farm implements and equipment and other equipment on an open lot.

HH. Storage of household goods and warehouses.

II. Theaters.

JJ. Upholstering.

KK. Window and shade manufacturing.

5. The following uses and structures shall be conditional uses in the light industrial zone:

A. Animal hospitals / Boarding kennels

B. Recreational uses

C. Radio / television stations

D. Truck stops

6. Heights in Light Industrial Zones: No building or structure shall be erected or structurally altered in the Light Industrial E Zone to exceed a height of three (3) stories nor shall it exceed forty-five feet (45') in height except as otherwise provided in Title 11.

7. Areas in Light Industrial Zones: The maximum ground area occupied by all buildings in a light industrial zone shall be not more than seventy five percent (75%) of the area of the lot or tract on which a building permit has been issued.

- A. Front yard: There shall be a front yard having a depth of not less than fifty feet (50') where there shall be no structure of any kind, open storage of materials nor equipment.
- B. Side yard: There shall be a minimum side yard of not less than five feet (5') and a combined total of not less than fifteen feet (15') on both sides of the building or buildings, but where the property is adjacent to a residence zone there shall be a side yard of not less than twenty five feet (25') on the side nearest to the residential lot.
- C. The parking of private automobiles; may be permitted within the side yard areas, but not closer than five feet (5') to any lot zoned for residential use.
- D. Rear yard: A rear yard is not required except where a lot abuts upon a residence zone in which case there shall be a rear yard of not less than twenty-five feet (25') and no materials or equipment shall be stored within twenty-five feet (25') of any residential lot or lots.

Section 4: Definitions and Use Regulations in Heavy Industrial Zones.

- 1. Heavy Industrial Zone: The purpose of the heavy industrial zone is to allow for more intensive industrial uses, such as processing and manufacturing, to support agricultural, commercial and light industrial uses and activities, and provide for the existing manufacturing and heavy distribution centers that exist along major transportation corridors.

2. These areas require buffering from residential uses to mitigate the effects of noise, vibration, traffic, odor, dust, smoke or glare that is typically associated with the uses allowed in the heavy industrial zone
3. Accessibility to transportation systems is a requirement of this zone.
4. The following uses and structures shall be permitted in a heavy industrial zone:
 - A. All uses listed in the light industrial zone.
 - B. Heating and sheet metal fabrications.
 - C. Storage of flammable liquids, fats or oils in tanks, each of fifty thousand (50,000) gallons or less capacity, but only after the location and protective measures have been approved by all applicable government entities.
 - D. The manufacture, compounding and assembling or treatment of articles of merchandise from the following list of previously prepared materials: bond, cellophane, canvas, cloth, cork, feathers, felt, fibers, furs, glass, hair, horn, tanned leather, paper, plastics, precious or semiprecious metals or stones, shells, textiles, wood (excluding planer mills and finishing mills) and yards.
 - E. The manufacture of cosmetics and pharmaceuticals.
 - F. The manufacture of pottery and figurines or any other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
 - G. Tool and die shops.
 - H. Truck and bus storage yards.
 - I. Any other manufacturing establishment that can be operated without creating objectionable noise, dust, smoke, gas fumes or vapor and that has a use compatible with the use and occupancy of adjoining properties.
5. Heights in Heavy Industrial Zones: No building or structure shall be erected or structurally altered in

the Heavy Industrial E Zone to exceed a height of three (3) stories nor shall it exceed forty-five feet (45') in height except as otherwise provided in this Title.

6. Areas in Heavy Industrial Zones: The maximum ground area occupied by all buildings in a heavy industrial zone shall be not more than seventy five percent (75%) of the area of the lot or tract on which a building permit has been issued.

- A. Front yard: There shall be a front yard having a depth of not less than fifty feet (50') where there shall be no structure of any kind, open storage of materials nor equipment.
- B. Side yard: There shall be a minimum side yard of not less than five feet (5') and a combined total of not less than fifteen feet (15') on both sides of the building or buildings; but where the property is adjacent to a residence zone there shall be a side yard of not less than twenty five feet (25') on the side nearest to the residential lot.
- C. The parking of private automobiles may be permitted within the side yard areas, but not closer than five feet (5') to any lot zoned for residential use.
- D. Rear yard: A rear yard is not required except where a lot abuts upon a residence zone in which case there shall be a rear yard of not less than twenty-five feet (25') and no materials or equipment shall be stored within twenty-five feet (25') of any residential lot or lots.

Section 5: Prohibited Uses in the Industrial Zones: The following uses shall not be permitted in the light and/or heavy industrial zone:

- A. Churches and schools
- B. Kindergarten and daycare facilities
- C. Cemeteries
- D. Hospitals, sanitariums and nursing homes
- E. Parks
- F. Sports complexes

G. All residential uses

Section 6: This Ordinance may be published by summary as provided by law.

Section 7: This Ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Passed and approved by the Mayor and City Council this _____ day of _____ 2019.

CITY OF NEW PLYMOUTH

By _____

Beth Earles, Mayor

ATTEST: _____

Danielle Painter, City Clerk