

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Industrial and Commercial Districts
Purpose & Uses – § 242-501A&B**

ARTICLE 5.

Industrial, Commercial and Other Districts

§ 242-501. Industrial and commercial districts.

A. Purpose:

It is the purpose of this section to encourage industrial and commercial development in areas geographically suited and traditionally established for such uses; to regulate such uses in accordance with the extent to which the land can support development; to permit more creative, attractive and efficient use of land to balance economic benefits to individual landowners with the general welfare; to avoid traffic congestion; and to afford protection of water resource areas located in the applicable districts.

B. Uses:

(1) Prohibited Uses:

The following uses shall be prohibited in the Industrial & Commercial Districts:

- (a) Any business which includes an adult amusement machine.
- (b) Any business which could be characterized as an adult cabaret.
- (c) Any business containing or consisting of an adult motion picture theatre or adult mini-motion picture theatre.
- (d) Any business which could be characterized as an adult personal service establishment.
- (e) Any use prohibited by §242-502D(2) of the Aquifer Protection Regulation.

(2) Permitted uses:

The permitted and specifically non-permitted uses applicable to specific zoning districts are found in Table I of this section.*[revised 3/4/05]*

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**Industrial and Commercial Districts
Table 1 - § 242-501**

Table of Permitted Uses for Industrial & Commercial Districts *(revised eff. 9/30/11, 1/19/12, 5/30/12, 10/4/12, 4/17/13)*

**TABLE 1
TABLE OF PERMITTED USES**

This table is representative and not all-inclusive. Uses not specifically listed in this table may be permitted if the Commission, in its sole discretion, finds that the proposed use has essentially the same characteristics, operations and impact to those appearing in the table and that such proposed uses do not adversely affect the health, safety, convenience and welfare of the surrounding neighborhood. Such permitted use shall be evidenced by a Special Use Permit issued by the Commission.

LEGEND

10 = This use shall be applicable to the TCD only and requires:

- A minimum lot area of ten thousand (10,000) square feet
- A minimum lot width of feet (50')
- No minimum side yard
- No minimum rear yard
- A maximum building height of forty-two feet (42')

40 = This use requires:

- A minimum lot area of forty thousand (40,000) square feet
- A minimum lot width of fifty feet (50') in the TCD
- A minimum lot width of one hundred fifty feet (150') in other districts
- No minimum side yard in the TCD
- No minimum rear yard in the TCD
- Minimum side and rear yards of thirty feet (30') in other districts
- A maximum building height of forty-two feet (42') in the TCD
- A maximum building height of thirty feet (30') in other districts

80 - This use requires:

- A minimum lot area of eighty thousand (80,000) square feet
- A minimum lot width of fifty feet (50') in the TCD
- A minimum lot width of two hundred feet (200') in other districts
- No minimum side yard in the TCD
- No minimum rear yard in the TCD
- Minimum side and rear yards of fifty feet (50') in other districts
- A maximum building height of forty-two feet (42') in the TCD
- A maximum building height of thirty feet (30') in other districts

C = Special conditions apply to this use (See §242-501G)

R = The use of certain materials may be restricted for this use. Such restrictions are on a case-by-case basis as determined through the Design Review process and/or reference to the Aquifer Protection Regulation, §242-502, if the use lies within the Aquifer Protection District.

S = Identical uses are subject to a minimum separation distance of seven thousand (7,000) linear feet. Such restriction applies only to proposed commercial uses within the IL-80 district.

***See §242-203A for description of Zoning Districts**

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**Industrial and Commercial Districts
Table 1 - § 242-501**

PERMITTED USE:	IR80 SE	IR80N	IL80	ILC80 SE	IRC 80/40	RC 41	RS 40	TCD
Community & Social Service:								
Cemeteries	80	80	80		80			
Church/Parish Houses & Centers	C				C			
Club/Community Houses					40C	40C	40C	10
Theatres/Places of Assembly					40			40
Assisted Living Facilities			80C		80C			80C
Convalescent & Nursing Homes			80C		80C			80C
Dwellings & Buildings:								
Apartments, floors other than the first								10
Affordable Housing					40C			10
Caretaker/proprietor quarters	80	80	80	80	80			
Multi-family					80C			
Planned Age Restricted Community								80
Single family						40	40	
State, federal, municipal buildings	80	80	80	80	80	80	80	10
Farming: including repair, storage, maintenance of implements & equipment used on site	80	80	80		80			
Greenhouses	80	80	80	80	80			80
Livestock & Poultry	80	80	80	80	80			80
Silviculture	80	80	80	80	80			80
Sales of Site Produce	80C	80C	80C	80C	40C			
Truck/nursery/gardening	80	80	80	80	80			80
Lodging:								
Hotels/Motels			80SC	80C	80C			40C
Conference Centers			80C	80C	80C			40C
Manufacturing/Production: includes, but not necessarily limited to: raw material processing, fabrication, stamping, extruding, assembly, testing & finishing of the following commodities:								
Casting, concrete only			80		80			
Instruments, scientific, medical, musical	80R	80R	80R	80R	80R			
Machinery & tools	80R	80R	80R	80R	80R			

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PERMITTED USE:	IR80 SE	IR80N	IL80	ILC80 SE	IRC 80/40	RC 41	RS 40	TCD
Manufacturing/Prod. cont'd								
Products/Supplies/Equipment:								
Automotive	80R	80R	80R	80R	80R			
Building Materials	80R	80R	80R	80R	80R			
Beer, Brewery	40	40	40	40	40			
Beer, Microbrewery	40	40	40	40	40			10
Chemical Compounds, non-hazardous	80R	80R	80R	80R	80R			
Pharmaceuticals, non hazardous materials	80R	80R	80R	80R	80R			
Electronic	80R	80R	80R	80R	80R			
Food, Candy	80R	80R	80R	80R	80R			
Hardware	80R	80R	80R	80R	80R			
Household	80R	80R	80R	80R	80R			
Marine	80R	80R	80R	80R	80R			
Office/Business	80R	80R	80R	80R	80R			
Optical	80R	80R	80R	80R	80R			
Sporting Goods	80R	80R	80R	80R	80R			
Textile	80R	80R	80R	80R	80R			
Natural Resources Removal:								
Attendant to construction of a permitted use only (see §242-303)	80	80	80	80	80	40	40	10
Offices:								
Corporate & General Business	80	80	80	80	40	40		10
Medical & Dental	80R	80R	80R	80R	40R	40R		10
Professional, non-medical	80	80	80	80	40	40		10
Sales & Service	80	80	80	80	40	40		10
Publishing:								
Books, periodicals, videos, motion pictures	80R	80R	80R	80R	80R			
Engraving/bookbinding	80R	80R	80R	80R	80R			
Distribution	80R	80R	80R	80R	80R			
Recreation & Physical Fitness:								
Health & Fitness Centers	80	80	80	80	40			10
Gymnasiums	80	80	80	80	40			
Indoor Courts, pools, sporting areas	80	80	80	80	40		40	10
Marinas							40C	

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PERMITTED USE:	IR80 SE	IR80N	IL80	ILC80 SE	IRC 80/40	RC 41	RS 40	TCD
Outdoor Courts, pools, playing fields	80C	80C	80C	80C	80C		40C	
Riding Stables, boarding, livery	80C	80C	80C	80C	80C			
Research Laboratories:								
Note: Requires HAZMAT control plan	80	80	80	80	80			
Restaurants & Taverns:								
Cocktail Lounges/Cabarets				40C	40C			10
Diners/Coffee Shops			80C	40C	40C	40C		10
Full Service -tables, liquor, takeout			40C	40C	40C	40C	40C	10
Taverns			40	40	40	40		10
Brew Pub with brewery	40	40	40	40	40	40		
Brew Pub with microbrewery	40	40	40	40	40	40		10
Sales:								
Adult Oriented Business					40C			
Drive Thru Facility				40C	40C	40C		
General Retail, products, supplies, equipment				40	40	40		10
Flower, Nursery, Garden Centers				40C	40C	40C		10
Food Products				40	40	40		10
Alcoholic Beverages				40C	40C	40C		10
Supermarkets					80			10
Major Shopping Centers			C	C	C	C		
Salesrooms with outdoor displays: Auto/boats/trailers					80			
Wholesale Establishments		80	80	80	80			
Schools:								
Private, Public, Day Care, Preschool				80C	40C	40C		40C
Services:								
Car Wash					40C	40C		10
Cleaning, Laundry, Wash Center					40R			10
Craftsman's Shop	80R	80R	80R	80R	40R	40R		10
Food Preparation, Catering				40C	40C	40C		10
Garage/Service Station				40C	40C	40C		
Garage – Buses (including maintenance)			80R	80R	40R			
Under-building parking garage <i>[eff. 3/4/05]</i>	80	80	80	80	40	40		10
Freestanding parking garage								10

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PERMITTED USE:	IR80 SE	IR80N	IL80	ILC80 SE	IRC 80/40	RC 41	RS 40	TCD
whether connected to another building or not								
Landscaping	80R	80R	80R	80R	40R			
Machine Shop				40R	40R	40R		40R
Mail Order/Postal				40	40	40		10
Personal Care Centers/Shops					40	40		10
Rental, Equipment & Supplies					40	40		10
Rental, Autos					40	40		40
Repair:								
Vehicles, boats, light aircraft			40	40	40	40		40
Contractor's Equipment			40	40	40	40		40
Farm & Garden Equipment			40	40	40	40		40
Business & Computer Equipment			40	40	40	40		10
Home & Personal Items					40R			10
Reproduction/Photography			80R	40R	40R			10
Undertaking & Funeral					40R			10
Veterinary & Kennels			80RC		40RC			
Bicycle sales and repair								10
Storage:								
Autos, indoor			80	80	40	40		
Autos, outdoor			80		40			
General & Household Items			80	80	40	40		40
Boats, indoor			80	80	40		40	
Boats, outdoor			80				40	
Contractor's Equipment, indoor	80C	80C	80C	80C				
Contractor's Equipment, outdoor			80C	80C				
Warehouses & Distribution Centers	80	80	80	80	80			
Terminals:								
Trucks – less than 8,600 GVW			80	40				
Trucks – more than 8,600 GVW			80					
Utilities:								
including lines, substations, & accessory buildings								
Electrical & Telephone, Water	80	80	80	80	80			80
Natural Gas	80	80	80	80	80			80
Telecommunications towers & antennae	80C	80C	80C	80C	80C			80
TV & Data Facilities	80	80	80	80	80			80

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**Industrial and Commercial Districts
Requirements - § 242-501C**

C. Area, yard and height and buffer requirements:

(1) **Area, yard and height requirements** are found within Table 1 of this section.

(2) **Side and rear yard buffer strips:**

There shall be a buffer strip not less than one hundred feet (100') in all commercial or industrial districts where adjacent to the boundary of a residential district, except that when the boundary is contiguous with a railroad right of way, the buffer strip may be reduced to twenty five feet (25') and except that in the case of the IL/C-80 SE District, the buffer strip adjacent to the boundary of a residential district shall not be less than one hundred fifty feet (150') wide. Landscape requirements for these strips are found in § 242-501J, Landscape Requirements.

In the IL/C-80 SE District, surface parking areas and/or internal driveway shall be permitted to extend up to, but not more than fifty feet (50') into the required one hundred fifty feet (150') buffer.

(3) **Front yard buffer strips:**

Except for the twenty-five foot (25') buffer strip mentioned above, the required front yard may be used for driveways and for parking of customer/visitor vehicles only. For safety purposes, lighting devices and traffic signs, immediately adjacent to any parking or driveway area, may be constructed within such buffers at such locations and height deemed appropriated by the Commission. *[revised 3/17/02, 8/26/99]*

(a) **Buffer Landscaping:**

Such landscaped buffer strip shall be in accordance with §242-501J, Landscaping Requirements.

(b) **Driveways within buffers:**

The landscaped buffer strip shall be traversed by not more than two (2) driveways and one (1) additional driveway for each two hundred feet (200') of frontage of the lot in excess of three hundred feet (300'). Driveways shall comply with the provisions of the Town Driveway Ordinance.

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Special Conditions - §242-501C-D**

(c) **Use of front yard:**

The required front yard may be used for driveways as herein provided, except for the twenty five foot (25') buffer strip mentioned above, may be used for parking of passenger vehicles only. No portion of the required front yard shall be used for storage of materials nor for the parking, loading or unloading of trucks. The front yard shall be landscaped in accordance with § 242-501J, Landscaping Requirements.

(4) **Building Separation:**

(a) Building separation between a building(s) of less than thirty feet (30') in height shall be twenty feet (20').

(b) Building separation between a building(s) of thirty feet (30') or more in height shall be fifty feet (50'). *[revised 4/2/03, 3/8/04]*

(5) **Solar Panels**

Solar panels, whose primary purpose is to provide energy for the business or businesses located on the lot are not included in the maximum building height regulations. Solar Panels are to be considered as a Structure when located at ground level. If supporting documentation proving that no suitable location is available on the building, due to exposed surfaces not facing the appropriate direction and that the optimum location of the panels is at ground level, and no glare will be created, the Zoning Commission may, at its discretion, allow the lot line setback to be 10 feet or greater as the lot allows. In no case are solar panels permitted whose primary purpose is to supply power for commercial purposes other than the subject property. *[revised 9/6/08]*

D. Land coverage *[revised 11/25/98, 3/17/02, 6/18/02]*

(1) The **total area** of all buildings, structures, exterior refuse collection and machinery areas, internal drives, parking and loading areas and other impervious surfaces, shall not exceed seventy-five percent (75%) of the total lot area or that area of the lot designated for a particular purpose. To mitigate the visual impact of large areas of impervious surface(s), the remaining areas shall conform to the requirements of Section 242-501J, Landscaping Requirements.

(2) When the **proposed land coverage** is greater than fifty percent (50%), the applicant shall:

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Special Conditions - §242-501D-E**

- (a) Maximize on-site water resource regeneration. the applicant shall indicate on the site plan the specific water retention and regeneration techniques to be employed (such as use of trap rock, curbing, detention basins/retention basis, underground galleries or similar methods designed to retain water on the site). At a minimum, such techniques shall result in water resource regeneration equal to that which would have been experienced had the impervious coverage not been increased above 50% coverage.
- (b) Utilize proven pollution control techniques to avoid contamination of the Town's water resources from spillage and/or parking lot drainage and indicate such techniques on the site plan.

E. Setbacks:

(1) **Town and state roads:**

(a) **Industrial:**

one hundred feet (100') setback from the front lot line. When parking is eliminated from the front yard, the setback may be reduced to fifty feet (50') .

(b) **Commercial:**

seventy-five feet (75') setback from the front lot line. Where a lot fronts on a road with less than a fifty-foot right-of-way, the setback shall be at least one hundred feet (100') from the center of the traveled portion of the road. When parking is eliminated from the front yard, the setback may be reduced to fifty feet (50') .

(2) **Main access drives:**

fifty feet (50') setback from the center of the traveled portion of the drive

(3) **Local access drives:**

thirty-five feet (35') setback from the center of the traveled portion of the drive.

(4) **Cul-de-sac, main drives:**

fifty feet (50') setback more than the radius of the cul-de-sac from the point of radius.

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Special Conditions - §242-501E-G**

(5) **Cul-de-sac, local access drives:**

twenty-four feet (24') setback more than the radius of the cul-de-sac from the point of radius.

F. Roads and internal drives:

- (1) All roads planned for dedication to the Town of Brookfield shall be in conformance with Road Ordinance, Town of Brookfield¹.
- (2) All drives internal to the premises, e.g., industrial park drives, shall be in conformance with the Road Ordinance, Town of Brookfield², unless otherwise directed by the Commission.
- (3) Vehicular access to the IL/C-80 District shall not be permitted through the Residential Districts of the Town of Brookfield except for emergency purposes.

G. Special conditions applicable to some permitted uses:

Special conditions applicable to the permitted uses found in Table I are as follows:

(1) **All uses, all districts:**

The site planning, landscaping and architectural theme shall be in harmony with the character of the neighborhood. Existing features of the site which add value to the development of the Town as a whole, such as trees, topographical contours, inland wetlands, historical sites and similar irreplaceable assets, shall be preserved to the maximum extent possible through harmonious design and placement of buildings drives, walks and parking facilities.

(2) **Brewery/Microbrewery:** The Zoning Commission will address:

- Loading areas, off-street access to this area
- Times of operation
- Outdoor storage
- Waste product handling
- Infrastructure (sewer and water)

(3) **Car wash:**

Building and equipment must be set back a minimum of one hundred feet (100') from the front lot line.

¹ Editor's Note: See Ch. 192, Streets and Sidewalks, Art. I.

² Editor's Note: See Ch. 192, Streets and Sidewalks, Art. I.

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Special Conditions - §242-501G**

(4) **Church, parish house, etc.:**

A minimum lot area of one hundred twenty thousand (120,000) square feet is required.

(5) **Contractor's yard:**

Any fuel storage facilities shall be built above ground and provided with a containment berm. The mixing of materials is permitted provided that effective dust control methods are used and that the operations conform to the noise regulations of Section 242-602A. *[revised 8/26/99]*

(6) **Farm produce:**

Sales must be conducted from a permanent structure, and no outside display may be located more than fifteen feet (15') from the structure.

(7) **Garage/service station:**

This use may not be permitted if any part of the premises is located within two thousand five hundred (2,500) feet of any part of another premises used as:

- (a) A school for children under sixteen (16) years of age, giving instruction five (5) days per week or more than eight (8) months per year, and which is operated by a public or religious institution.
- (b) A hospital containing more than fifteen (15) beds or an outpatient clinic operated by a public body or nonprofit institution.
- (c) A playground operated by the Town or a nonprofit organization.
- (d) A church, parish house or similar religious building .
- (e) A premises used for the storage of more than five (5) cars or a service station or repair garage or an auto or trailer salesroom/lot.

Note: Specifically excepted from this condition are garages used solely for the indoor transient parking of motor vehicles and which do not repair vehicles or sell fuel lubricants or automotive supplies.

(8) **Hotel, motel, tourist cabin:**

A minimum lot area of eighty thousand (80,000) square feet is required, plus two thousand (2,000) square feet for each room (unit).

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(9) **Marinas, docks, and slips:**

The quantity, construction, lighting and physical location of docks and mooring spaces and parking spaces pertaining thereto, from the aspect of public safety, shall be subject to approval of the Commission. The sale of fuel and lubricant for marine use is considered an accessory use hereto.

(10) **Multifamily dwellings including PARC & Affordable Housing:**

Conformance is required with §242-404 and for affordable housing developments as defined in §242-202. *[revised 7/25/02]*

(11) **Recreation, all uses:**

Mechanical amusement park devices are specifically prohibited. Within the RC-41 and RS-40 Districts, outdoor recreational uses shall not be operated later than 10:00 p.m.

(12) **Restaurant, cocktail lounge, cabaret:**

Within the RC-41 and RS-40 Districts only, food sold for consumption at home is considered an accessory use. Specifically prohibited in these two (2) districts, are ice cream, soda, hot dog or hamburger stands or outlets or similarly related establishment, except those which may be reasonably considered by the Commission to be an accessory use to a club, beach or recreational sports area. The Commission may grant a special permit for such accessory use. *[revised eff. 11/1/12]*

(13) **School, private day care/nursery:**

In the IL/C-80SE District, these uses are permitted only if they are located in a separate building or facility. *[added 7/29/94]*

(14) **Signs:**

All signs shall be in conformance with §242-306. Within the RC-41 and RS-40 Districts, roadside signs are specifically prohibited.

(15) **Shopping centers, major:**

A minimum of twenty-five (25) acres is required, together with compliance with specific regulations found in §242-504.

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(16) **Spirits, beer wine and liquors:**

Conformance is required with §242-308F.

(17) **Veterinary hospitals, kennels, stables:**

Such uses require a minimum lot area of five (5) acres, and no animal may be kept in an enclosure or structure which is located within one hundred fifty feet (150') from any property line.

(18) **Dwelling, Apartment Upper Floor Only:**

Residential apartment units may be permitted on the top floor of a commercial structure. The square footage of each such apartment shall not exceed one thousand (1,000) square feet. The total area of all such apartments within such structures shall be less than one hundred percent (100%) of the total square footage of the structure allocated to the main or first floor of the structure. *[added 12/19/96]*

(19) **Telecommunication Towers and Antennas:**

All towers and antennas shall be in conformance with §242-312. Within the RC-41 and RS40 Districts, telecommunication towers and antennas are specifically prohibited.

(20) **Adult Oriented Businesses:** *[revised 7/5/01]*

An Adult Oriented Business may only be located in the specific Zoning Districts found on Table One of this Section as revised. In addition to the general requirements of these Zoning Regulations, site plan approval, parking and other requirements, and notwithstanding any regulation to the contrary, such uses are subject to the following requirements:

- (a) No such Adult Oriented Business may be located within 500 feet of any residential structure, public or private school or other educational facility serving individuals under the age of seventeen (17) years of age, daycare centers, senior centers, churches and other Adult Oriented Business establishments, nor an establishment which sell alcoholic beverages pursuant to a valid State Liquor License. For purposes of compliance with these distance requirements, distances shall be measure in a straight line without regard to intervening structures or objects from the principal interest of the building containing the proposed use to the nearest boundary of the uses identified herein.

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- (b) No such business shall remain open between the hours of 11:00 p.m., and 8:00 a.m., and shall not be open on Sundays.
- (c) All such business interiors shall be fully lighted and well lit during operating hours.
- (d) No such business shall have any enclosed screens or booths or cubicles.
- (e) No such business may have for rental or usage adult amusements machines for the viewing of materials depicting sexual activities or male or female nudity.
- (f) No such business shall include the featuring of live entertainment involving the touching or displaying of nude male or female entertainers, the actual or simulation of sexual activities, or the exposure of human genitalia or female breasts.
- (g) No such business shall be conducted in a manner that permits the observation of any materials or novelties intended for adult viewing from any public way. Accordingly, displays, windows, doorways and signs shall not be arranged so as to display the adult oriented business to the exterior of the premises. No such business shall allow Partially Nude live performances as defined in Town of Brookfield “Adult Oriented Business Establishments Ordinance.”
- (h) All such businesses must post or maintain a sign twenty-four inches by six inches (24”x 6”) on the exterior of the building adjacent to its main entranceway indicating “ADULTS ONLY” in capital letters with letters five inches (5”) in height.
- (i) Notwithstanding any other signage provision contained in these regulations, any such business shall only be permitted on single-faced sign affixed to the building where the use is located that contains the name of the establishment or otherwise refers to the permitted use provided the total area of said sign shall not exceed the area provided in § 242-306 C,F,G, & H.
- (j) Entrance and exit signs shall be allowed pursuant to Section 242-306F(6) of the Zoning Regulations. No other signage is allowed except as set forth in this subpart.

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Combined/Mixed Uses - §242-501G-H**

- (k) No such adult business shall be allowed if it has not first complied with and obtained any licensing requirements of the Town of Brookfield Ordinance Regarding Adult Oriented Businesses.

All such establishments must be in compliance with any applicable ordinance of the Town of Brookfield.

F. Combined/mixed uses:

Within districts that permit both commercial and industrial uses, the combination or mixture of such type uses on the same lot shall not generally be permitted. The Commission, in its sole determination, may permit the combination or mixture of such uses only when they are supportive of or accessory to one another, e.g., warehouse/office, manufacture/sales, etc. When incompatible uses are proposed to be combined or mixed or where the risk to pedestrians and property would be increased, the combination or mixture shall not be permitted, e.g., truck terminal/retail shop, motel/contractor's yard, etc.