



**FAIRFAX
COUNTY**

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Articles 4, 5, 6, 9, and 20 – Small-Scale Production Establishments

PUBLIC HEARING DATES

Planning Commission

October 25, 2018 at 7:30 p.m.

Board of Supervisors

December 4, 2018 at 4:00 p.m.

**PREPARED BY
ZONING ADMINISTRATION DIVISION
DEPARTMENT OF PLANNING AND ZONING
703-324-1314**

September 25, 2018

CB



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STAFF COMMENT

This proposed amendment is on the 2018 Priority 1 Zoning Ordinance Amendment Work Program as part of the Zoning Ordinance Modernization (zMOD) initiatives to facilitate building repositioning and repurposing and to accommodate emerging trends in land uses. This amendment is part of an overall Small-Scale Production, or Made in Fairfax, initiative spearheaded by the Office of Community Revitalization (OCR). OCR has contracted with a consultant, Recast City, to explore the potential for small-scale production establishments to enhance the County's commercial areas.

Stakeholder and Community Outreach

The overall initiative was introduced to the Board's Development Process Committee on February 13, 2018. Since that time, the concept of extending small-scale production uses to commercial areas has been presented at three public zoning open houses, an OCR public forum, to the National Association for Industrial and Office Parks (NAIOP), and the G-7 Committee (Revitalization Areas). Draft text has been distributed to retailers and local chambers of commerce and discussed with several groups, including the zMOD Citizens Work Group, the Land Use Attorneys Work Group, and the Small-Scale Production County Advisory Team, consisting of representatives from developers, the Economic Development Authority, the Springfield Chamber of Commerce, the Southeast Fairfax Development Corporation, the Community Business Partnership, and County agencies. In addition, information about the proposed amendment is on the County website and has been featured in the press and on social media.

Background

Emerging Trends

Small-scale production or manufacturing refers to a broad range of businesses that produce tangible goods, such as textiles, woodworking, metalworking, food, beverages, and crops (e.g., from vertical farming). Tools, machinery, or 3D printers may be used, and various business models may be incorporated, including makerspaces, shared kitchens or other production facilities, or individual enterprises. The use often includes accessory retail and educational components. Most small-scale production businesses occupy less than 5,000 square feet and have one to 30 employees.

Small-scale manufacturing, start-up, incubator and makerspace operations have increased over the past decade, and the trend is anticipated to continue. Technological and economic changes have supported this trend through access to online marketing, the availability of cleaner, quieter and more affordable tools, and consumer preferences for locally made products. Small-scale production businesses represent an opportunity to fill storefronts, offices, and other buildings. They support tourism, develop local identity, and generate direct and related employment. Particularly when combined with retail sales, small-scale production establishments that allow consumers to view processes such as manufacturing, food production, or indoor farming can promote pedestrian-friendly revitalization. Modern zoning ordinances typically acknowledge different scales of manufacturing and reduce barriers to allow small-scale production businesses, sometimes referred to as craft or artisan manufacturing, in commercial and mixed use districts.

Current Zoning Ordinance Provisions

For zoning purposes, a small-scale production establishment is currently classified as an establishment for production, processing, assembly, and manufacturing. Presently, the Zoning Ordinance restricts these uses to the I-3 (Light Intensity) through I-6 (Heavy) Industrial Districts, and the PTC (Planned Tysons Corner) District when identified on an approved development plan. However, for the I-3 District, establishments for printing, and food and beverage production and processing are currently excluded from the establishment for production and processing use and are not permitted.

A small-scale production establishment may have accessory uses, such as retail sales, wholesale trade, training and education. Accessory retail sales are currently permitted in the I-4 through I-6 Districts in association with an establishment for production, processing, assembly and manufacturing, if the retail component is limited to ten percent of the gross floor area (GFA) of the establishment.

Craft beverage production establishments are a type of small-scale production. The Zoning Ordinance was amended in January 2017 to allow these establishments by right, subject to use limitations, in the C-5 through C-8, I-3 through I-6, PDC, PRC, PRM and PTC Districts.

Current Zoning Ordinance			
Use (as a principal use)	Commercial Districts	Planned Districts*	Industrial Districts
Establishments for production, processing, etc.	n/a	PTC	I-3 through I-6 (I-3: no food & beverage; no printing)
Craft beverage production	C-5 through C-8 - maximum 5,000 barrels of beer or 5,000 gallons of spirits, etc.	PDC, PRM, PRC, PTC - max 5,000 barrels of beer or 5,000 gallons of spirits, etc. (unless modified by the Board)	I-3 through I-6 - max 20,000 barrels of beer or 36,000 gallons of spirits, etc.
Wholesale trade	C-7 (SE); C-8	n/a	I-3 (SE); I-4 through I-6
Heavy industrial	n/a	n/a	I-6 (SE)
School of special education	All	All	I-1 through I-5
Retail sales	C-5 through C-8	All	I-4 & I-5 (SE – with warehousing, etc.)

* when shown on an approved development plan

Proposed Amendment

Similar to craft beverage production, staff proposes that small-scale production establishments be permitted by right, subject to use limitations, in certain commercial, industrial, and planned development districts (P Districts).

Definition

The amendment adds a broad definition for a small-scale production establishment, intended to encompass the entire manufacturing process from design to production and packaging, and could include both products and prototypes. The definition notes that incidental or accessory uses,

including retail sales, wholesale trade, training and education may be part of a small-scale production establishment. The definition also indicates that tools and machinery may be shared, as a reference to the possible makerspace or shared kitchen format. The amendment would permit food and beverage production or printing establishments, on a small-scale basis with up to 10,000 square feet of GFA, in the I-3 District. The proposed amendment would not impact the previously approved definition or regulations of craft beverage production establishments.

The Zoning Ordinance does not presently include definitions of manufacturing and related uses. However, it is anticipated that the revised Ordinance under development as part of zMOD will include definitions for different scales of manufacturing/production of goods and will incorporate the proposed definition for small-scale production. Toward that end, the proposed definition has been coordinated with the County's zMOD consultant, Clarion Associates.

Zoning Districts and Use Limitations

A small-scale production establishment would be permitted by right in most commercial districts (C-3 through C-8) and P Districts (PDH, PDC, PRM, PRC), and the I-3 District, if it conforms to prescribed use limitations. The use limitations would address size, uses, materials, requirement for an enclosed building, interaction with the public, and parking.

Districts and Size – A size limit is intended to ensure that a small-scale production establishment fits in with the fabric of the surrounding area, and to limit the impacts of production activities. A review of other jurisdictions' regulations on "artisan" manufacturing indicates that there is not an established standard for size limitations. However, Par. 4 of Sect. 4-505 of the Zoning Ordinance limits the size of a separate business establishment in the C-5 District to 6,000 square feet of GFA, except for a drugstore and a food supermarket. This size limitation is intended to preserve the neighborhood retail character of the district. Therefore, staff recommends a maximum of 6,000 square feet as the appropriate size threshold for a small-scale production establishment in the C-3 through C-6 Districts.

While most small-scale production establishments are less than 5,000 square feet in size, some are larger. In order to provide for flexibility to accommodate these uses, it is recommended that the maximum size be increased to 10,000 square feet in the more intensive commercial districts (C-7 and C-8), the P Districts (PDH, PDC, PRM, and PRC), and the I-3 District. The flexibility for a size of up to 10,000 square feet is considered appropriate in the P Districts, which have additional review afforded through the approval of conceptual and final development plans. Larger sizes would also be compatible in the C-7 District which is intended to accommodate the full range of regional retail commercial and service uses.

Staff considered whether the larger size limitation is appropriate in the C-8 District which is intended to provide for commercial uses located on heavily traveled collector and arterial highways. With an average parcel size of approximately 30,000 square feet and 60 percent of the total acreage of the C-8 District located within the Highway Corridor (HC) Overlay District, small-scale production uses located on small parcels with abutting residential zoning could have an adverse impact on residential uses. However, several existing and proposed Zoning Ordinance provisions should mitigate potential impacts. The maximum floor area ratio of 0.50 for the C-8

District will serve to limit the size of the proposed use, while the transitional screening and barrier requirements of Article 13 of the Ordinance will help mitigate visual and noise impacts. In addition, as outlined below, staff recommends use limitations to minimize impacts, including requiring all storage and production activities to be located within an enclosed structure. Small-scale production uses have lower trip generation than typical commercial uses, and deliveries by trucks are consistent with certain other uses commonly found in commercial areas, such as restaurants and supermarkets. Therefore, staff recommends permitting a maximum size of up to 10,000 square feet in the C-8 District (Option 1). However, based on discussions at the Board's Revitalization Committee meeting on July 24, 2018, the amendment is advertised with several options: to permit any size between 6,000 and 10,000 square feet (for each district where the use would be permitted); to limit the size in the C-8 District containing the HC Overlay District to 6,000 square feet (Option 2); or to limit the size in the C-8 District to 6,000 square feet, with the ability to increase the size up to 10,000 square feet with special exception (SE) approval (Option 3).

Establishments for production and processing are currently permitted in the I-4 through I-6 and PTC Districts without size limitations, other than applicable bulk and floor area ratio standards. Also, unlike with the I-3 District, food and beverage manufacturing and printing are not excluded. Therefore, the proposed small-scale production establishment use does not need to be added to these districts. The small-scale production establishment definition mentions indoor farming, which is not specifically listed as part of an establishment for production and processing as permitted in the I-4 through I-6 and PTC Districts. However, staff interprets that indoor farming would be permitted in these districts as an establishment for production and processing.

Proposed Amendment			
Use (as a principal use)	Commercial Districts	Planned Districts*	Industrial Districts
Small-scale production establishment - production with accessory uses	C-3 through C-8 - C-3 through C-6: maximum 6,000 SF - C-7 & C-8: maximum 10,000 SF	PDC, PRM, PRC, PDH** - maximum 10,000 SF (unless modified by the Board) PTC - Establishment for production, processing	I-3 - maximum 10,000 SF I-4 through I-6 - Establishment for production, processing

* when shown on an approved development plan

** commercial areas only

Uses/Materials and Enclosed Building – Several use limitations are proposed so that small-scale production establishments do not negatively impact neighboring land uses:

- a) As required for other establishments for production and processing in the I-3 through I-5 Districts and the PTC District, the use would not allow the bulk storage of flammable materials for resale.
- b) Storage of materials and all production activities would be located within a completely enclosed structure in order to reduce visual, odor, and noise impacts. Odor would also be mitigated through use-specific ventilation as required by the building code. The Noise Ordinance,

Chapter 108.1 of the County Code, contains standards for the maximum sound levels according to use and zoning district classification. Additional noise standards that would apply only to this use are not proposed as other uses typically found in commercial settings may have similar noise levels.

e) Uses that are classified as heavy industrial in the Zoning Ordinance would not be permitted. However, it should be noted that some of these uses, when conducted on a small scale, may be permitted based on a determination that they would not result in the noise, other pollutants, or intensive traffic that are characteristic of large manufacturing and other heavy industrial uses as described in the purpose and intent for the I-6 (Heavy Industrial) District. For instance, most handcrafted soap is made with food-quality ingredients and would not be considered heavy industrial.

Public Interaction – Small-scale production businesses often have associated retail sales or another element that supports interaction with the public, such as occasional tours or classes. Although these accessory uses are subordinate to the production use, they are important to cultivating place-making and pedestrian activity. Therefore, it is recommended that retail sales or another accessory component that provides direct interaction with the public be required in the retail and planned districts (C-5 through C-8, PDH, PDC, PRM, and PRC). This requirement will encourage a consumer-facing aspect to the business, but in order to provide operational flexibility, no minimum amount of retail sales or similar use is recommended. In addition, it is understood that retail sales could occur online, during limited hours, or off-site, such as at a farmer’s market. Incidental retail sales in association with a small-scale production establishment would be permitted, but not required, in the office and industrial districts (C-3, C-4, and I-3). In the I-3 District, retail sales would be limited to 10 percent of the GFA, as currently required for production establishments in the I-4 through I-6 Districts.

Parking – As a type of production, a small-scale production establishment, when located outside of a shopping center, should be parked at the manufacturing rate: 1 space per employee on a major shift plus 1 space per company vehicle and piece of mobile equipment. In addition, it is recommended that for a small-scale production establishment in the commercial and P Districts, the rate include a minimum of no less than 1 space/1,000 square feet, similar to the minimum for warehousing establishments. When located in a shopping center, the applicable shopping center rate should apply (4.0 – 4.8 spaces/1,000 square feet of GFA).

Procedures

The approval process that applies to this new use would depend on the existing site-specific approvals. For properties where there are no approved proffers or development plans that specifically limit the permitted uses, the newly defined small-scale production establishment would not require further zoning approvals. However, if prior approvals specify permitted uses, a review and possible amendment may be needed. An applicant could potentially pursue an interpretation, a minor variation, a proffered condition amendment (PCA), or a final development plan amendment (FDPA). In addition, the Department of Planning and Zoning has implemented new procedures to facilitate a timely review of single-issue PCAs. During the Board’s Revitalization Committee meeting on July 24, 2018, it was requested that staff review the cost of

the FDPA application fee, which is currently one-half of the prevailing fee or \$6,820 for an FDPA with no new construction. While a change in the fee may be warranted, staff believes that it is appropriate to consider the FDPA fee as part of a comprehensive review of application fees, and such a review is ongoing. Therefore, no change to the fee is proposed with this amendment.

Conclusion

In order to facilitate building repurposing and strengthen economic activity that promotes place-making, the amendment proposes to extend the ability to have a production establishment to most of the commercial and planned development districts, but only for a small-scale production establishment. No modifications are proposed for craft beverage production establishments or for production uses that exceed the size limitations for a small-scale production establishment. The amendment would clarify that a small-scale production establishment may include a number of incidental or accessory uses, such as retail and wholesale sales, training, and education. Therefore, staff recommends approval of the proposed amendment, including the following: (1) a maximum size of 10,000 square feet in all districts where the use would be permitted, other than in the C-3 through C-6 Districts where a maximum size of 6,000 square feet would be permitted; and (2) approval of **OPTION 1** with regard to the C-8 District. The amendment, if adopted, would have an effective date of 12:01 a.m. on the day following adoption.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of September 25, 2018, and there may be other proposed amendments that could affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment. Any necessary renumbering or editorial revisions will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

1 **Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3,**
2 **Definitions, as follows:**

3
4 - **Add the following new definition in its proper alphabetical sequence, as follows:**

5
6 SMALL-SCALE PRODUCTION ESTABLISHMENT: An establishment where shared or
7 individual tools, equipment, or machinery are used to make or grow products on a small
8 scale, including the design, production, processing, printing, assembly, treatment, testing,
9 repair, and packaging, as well as any incidental storage, retail or wholesale sales and
10 distribution of such products. Typical small-scale production establishments include, but are
11 not limited to, vertical farming or the making of electronics, food products, non-alcoholic
12 beverages, prints, household appliances, leather products, jewelry and clothing/apparel, metal
13 work, furniture, glass, ceramic or paper, together with accessory uses such as training or
14 educational programs. AGRICULTURE, CRAFT BEVERAGE PRODUCTION
15 ESTABLISHMENT, RESTAURANT, RESTAURANT WITH DRIVE-THROUGH, or
16 CARRYOUT RESTAURANT are not small-scale production establishments.

17
18 **Amend Article 4, Commercial District Regulations, as follows:**

19
20 - **Amend Part 3, C-3 Office District, as follows:**

21
22 - **Amend Sect. 4-302, Permitted Uses, by adding new Par. 17 to read as follows, and**
23 **re-numbering all affected paragraphs:**

24
25 17. Small-scale production establishments, limited by the provisions of Sect. 305 below.

26
27 - **Amend Sect. 4-305, Use Limitations, by adding a new Par. 6 to read as follows:**

28
29 6. Small-scale production establishments are permitted by right in accordance with the
30 following:

31
32 A. The maximum size of an individual small-scale production establishment is 6,000
33 square feet of gross floor area. This maximum does not preclude the location of
34 more than one establishment per lot. [Advertised to permit the Board to consider
35 a maximum size between 6,000–10,000 square feet of gross floor area.]
36

- 1 B. The use may not include the bulk storage of flammable materials for resale.
 2
 3 C. Storage of materials and production activities must be located within a completely
 4 enclosed structure. The emission of odor and noise must be mitigated through the
 5 provision of ventilation and soundproofing in accordance with all County and
 6 State standards.
 7
 8 D. A small-scale production establishment may not include heavy industrial uses as
 9 listed in Par. 13 of Sect. 9-501.
 10
 11 E. Off-street parking must be provided for small-scale production establishments in
 12 accordance with the requirements of Sections 11-104 and 11-105 of the Zoning
 13 Ordinance as follows:
 14
 15 (1) When located within a shopping center: applicable shopping center rate; or
 16
 17 (2) When not located in a shopping center: rate for a manufacturing
 18 establishment, but with a minimum of one (1) space per 1,000 square feet of
 19 gross floor area.

20
 21 - **Amend Part 4, C-4 High Intensity Office District, as follows:**
 22

- 23 - **Amend Sect. 4-402, Permitted Uses, by adding new Par. 19 to read as follows, and**
 24 **re-numbering all affected paragraphs:**
 25

26 19. Small-scale production establishments, limited by the provisions of Sect. 405 below.
 27

- 28 - **Amend Sect. 4-405, Use Limitations, by adding a new Par. 7 to read as follows:**
 29

30 7. Small-scale production establishments are permitted by right in accordance with the
 31 following:
 32

33 A. The maximum size of an individual small-scale production establishment is 6,000
 34 square feet of gross floor area. This maximum does not preclude the location of
 35 more than one establishment per lot. *[Advertised to permit the Board to consider*
 36 *a maximum size between 6,000–10,000 square feet of gross floor area.]*
 37

38 B. The use may not include the bulk storage of flammable materials for resale.
 39

40 C. Storage of materials and production activities must be located within a completely
 41 enclosed structure. The emission of odor and noise must be mitigated through the
 42 provision of ventilation and soundproofing in accordance with all County and
 43 State standards.
 44

45 D. A small-scale production establishment may not include heavy industrial uses as
 46 listed in Par. 13 of Sect. 9-501.
 47

1 E. Off-street parking must be provided for small-scale production establishments in
 2 accordance with the requirements of Sections 11-104 and 11-105 of the Zoning
 3 Ordinance as follows:

4
 5 (1) When located within a shopping center: applicable shopping center rate; or

6
 7 (2) When not located in a shopping center: rate for a manufacturing
 8 establishment, but with a minimum of one (1) space per 1,000 square feet of
 9 gross floor area.

10
 11 - **Amend Part 5, C-5 Neighborhood Retail Commercial District, as follows:**

12
 13 - **Amend Sect. 4-502, Permitted Uses, by adding new Par. 29 to read as follows, and**
 14 **re-numbering all affected paragraphs:**

15
 16 29. Small-scale production establishments, limited by the provisions of Sect. 505 below.

17
 18 - **Amend Sect. 4-505, Use Limitations, by adding a new Par. 12 to read as follows:**

19
 20 12. Small-scale production establishments are permitted by right in accordance with the
 21 following:

22
 23 A. The maximum size of an individual small-scale production establishment is 6,000
 24 square feet of gross floor area. This maximum does not preclude the location of
 25 more than one establishment per lot. *[Advertised to permit the Board to consider*
 26 *a maximum size between 6,000–10,000 square feet of gross floor area.]*

27
 28 B. The use may not include the bulk storage of flammable materials for resale.

29
 30 C. Storage of materials and production activities must be located within a completely
 31 enclosed structure. The emission of odor and noise must be mitigated through the
 32 provision of ventilation and soundproofing in accordance with all County and
 33 State standards.

34
 35 D. A small-scale production establishment may not include heavy industrial uses as
 36 listed in Par. 13 of Sect. 9-501.

37
 38 E. A small-scale production establishment must include accessory retail sales or
 39 another accessory component that provides direct interaction with the public. For
 40 food or beverage production, this requirement may be satisfied by an accessory
 41 carryout restaurant that is subordinate and incidental to the commercial
 42 production, and where the counter, customer waiting and seating areas do not
 43 exceed ten percent of the gross floor area of the establishment. This requirement
 44 may also be satisfied by a retail sales establishment or a restaurant or carryout
 45 restaurant that is established and parked as a separate principal use.
 46

1 F. Off-street parking must be provided for small-scale production establishments in
 2 accordance with the requirements of Sections 11-104 and 11-105 of the Zoning
 3 Ordinance as follows:

4
 5 (1) When located within a shopping center: applicable shopping center rate; or

6
 7 (2) When not located in a shopping center: rate for a manufacturing
 8 establishment, but with a minimum of one (1) space per 1,000 square feet of
 9 gross floor area.

10
 11 - **Amend Part 6, C-6 Community Retail Commercial District, as follows:**

12
 13 - **Amend Sect. 4-602, Permitted Uses, by adding new Par. 32 to read as follows, and**
 14 **re-numbering all affected paragraphs:**

15
 16 32. Small-scale production establishments, limited by the provisions of Sect. 605 below.

17
 18 - **Amend Sect. 4-605, Use Limitations, by adding a new Par. 14 to read as follows:**

19
 20 14. Small-scale production establishments are permitted by right in accordance with the
 21 following:

22
 23 A. The maximum size of an individual small-scale production establishment is 6,000
 24 square feet of gross floor area. This maximum does not preclude the location of
 25 more than one establishment per lot. *[Advertised to permit the Board to consider*
 26 *a maximum size between 6,000–10,000 square feet of gross floor area.]*

27
 28 B. The use may not include the bulk storage of flammable materials for resale.

29
 30 C. Storage of materials and production activities must be located within a completely
 31 enclosed structure. The emission of odor and noise must be mitigated through the
 32 provision of ventilation and soundproofing in accordance with all County and
 33 State standards.

34
 35 D. A small-scale production establishment may not include heavy industrial uses as
 36 listed in Par. 13 of Sect. 9-501.

37
 38 E. A small-scale production establishment must include accessory retail sales or
 39 another accessory component that provides direct interaction with the public. For
 40 food or beverage production, this requirement may be satisfied by an accessory
 41 carryout restaurant that is subordinate and incidental to the commercial
 42 production, and where the counter, customer waiting and seating areas do not
 43 exceed ten percent of the gross floor area of the establishment. This requirement
 44 may also be satisfied by a retail sales establishment or a restaurant or carryout
 45 restaurant that is established and parked as a separate principal use.
 46

1 F. Off-street parking must be provided for small-scale production establishments in
 2 accordance with the requirements of Sections 11-104 and 11-105 of the Zoning
 3 Ordinance as follows:

4
 5 (1) When located within a shopping center: applicable shopping center rate; or

6
 7 (2) When not located in a shopping center: rate for a manufacturing
 8 establishment, but with a minimum of one (1) space per 1,000 square feet of
 9 gross floor area.

10
 11 - **Amend Part 7, C-7 Regional Retail Commercial District, as follows**

12
 13 - **Amend Sect. 4-702, Permitted Uses, by adding new Par. 38 to read as follows, and**
 14 **re-numbering all affected paragraphs:**

15
 16 38. Small-scale production establishments, limited by the provisions of Sect. 705 below.

17
 18 - **Amend Sect. 4-705, Use Limitations, by adding a new Par. 16 to read as follows:**

19
 20 16. Small-scale production establishments are permitted by right in accordance with the
 21 following:

22
 23 A. The maximum size of an individual small-scale production establishment is
 24 10,000 square feet of gross floor area. This maximum does not preclude the
 25 location of more than one establishment per lot. *[Advertised to permit the Board*
 26 *to consider a maximum size between 6,000–10,000 square feet of gross floor*
 27 *area.]*

28
 29 B. The use may not include the bulk storage of flammable materials for resale.

30
 31 C. Storage of materials and production activities must be located within a completely
 32 enclosed structure. The emission of odor and noise must be mitigated through the
 33 provision of ventilation and soundproofing in accordance with all County and
 34 State standards.

35
 36 D. A small-scale production establishment may not include heavy industrial uses as
 37 listed in Par. 13 of Sect. 9-501.

38
 39 E. A small-scale production establishment must include accessory retail sales or
 40 another accessory component that provides direct interaction with the public. For
 41 food or beverage production, this requirement may be satisfied by an accessory
 42 carryout restaurant that is subordinate and incidental to the commercial
 43 production, and where the counter, customer waiting and seating areas do not
 44 exceed ten percent of the gross floor area of the establishment. This requirement
 45 may also be satisfied by a retail sales establishment or a restaurant or carryout
 46 restaurant that is established and parked as a separate principal use.
 47

1 F. Off-street parking must be provided for small-scale production establishments in
2 accordance with the requirements of Sections 11-104 and 11-105 of the Zoning
3 Ordinance as follows:

4
5 (1) When located within a shopping center: applicable shopping center rate; or
6

7 (2) When not located in a shopping center: rate for a manufacturing establishment,
8 but with a minimum of one (1) space per 1,000 square feet of gross floor area.
9

10 - **Amend Part 8, C-8 Highway Commercial District, as follows:**

11
12 - **Amend Sect. 4-802, Permitted Uses, by adding new Par. 39 to read as follows, and**
13 **re-numbering all affected paragraphs:**

14
15 39. Small-scale production establishments, limited by the provisions of Sect. 805 below.
16

17 **OPTION 1:**

18
19 - **Amend Sect. 4-805, Use Limitations, by adding a new Par. 18 to read as follows:**

20
21 18. Small-scale production establishments are permitted by right in accordance with the
22 following:

23
24 A. The maximum size of an individual small-scale production establishment is
25 10,000 square feet of gross floor area. This maximum does not preclude the
26 location of more than one establishment per lot. *[Advertised to permit the Board*
27 *to consider a maximum size between 6,000–10,000 square feet of gross floor*
28 *area.]*

29
30 B. The use may not include the bulk storage of flammable materials for resale.
31

32 C. Storage of materials and production activities must be located within a completely
33 enclosed structure. The emission of odor and noise must be mitigated through the
34 provision of ventilation and soundproofing in accordance with all County and
35 State standards.
36

37 D. A small-scale production establishment may not include heavy industrial uses as
38 listed in Par. 13 of Sect. 9-501.
39

40 E. A small-scale production establishment must include accessory retail sales or
41 another accessory component that provides direct interaction with the public. For
42 food or beverage production, this requirement may be satisfied by an accessory
43 carryout restaurant that is subordinate and incidental to the commercial
44 production, and where the counter, customer waiting and seating areas do not
45 exceed ten percent of the gross floor area of the establishment. This requirement
46 may also be satisfied by a retail sales establishment or a restaurant or carryout
47 restaurant that is established and parked as a separate principal use.
48

1 F. Off-street parking must be provided for small-scale production establishments in
2 accordance with the requirements of Sections 11-104 and 11-105 of the Zoning
3 Ordinance as follows:

4
5 (1) When located within a shopping center: applicable shopping center rate; or

6
7 (2) When not located in a shopping center: rate for a manufacturing establishment,
8 but with a minimum of one (1) space per 1,000 square feet of gross floor area.
9

10 **STAFF RECOMMENDS OPTION 1**

11
12 **OPTION 2:**

13
14 - **Amend Sect. 4-805, Use Limitations, by adding a new Par. 18 to read as follows:**

15
16 18. Small-scale production establishments are permitted by right in accordance with the
17 following:

18
19 A. The maximum size of an individual small-scale production establishment is
20 10,000 square feet of gross floor area, except when located in the Highway
21 Corridor Overlay District, the maximum size may not exceed 6,000 square feet of
22 gross floor area. This maximum does not preclude the location of more than one
23 establishment per lot. *[Advertised to permit the Board to consider a maximum*
24 *size between 6,000–10,000 square feet of gross floor area.]*

25
26 B. The use may not include the bulk storage of flammable materials for resale.

27
28 C. Storage of materials and production activities must be located within a completely
29 enclosed structure. The emission of odor and noise must be mitigated through the
30 provision of ventilation and soundproofing in accordance with all County and
31 State standards.

32
33 D. A small-scale production establishment may not include heavy industrial uses as
34 listed in Par. 13 of Sect. 9-501.

35
36 E. A small-scale production establishment must include accessory retail sales or
37 another accessory component that provides direct interaction with the public. For
38 food or beverage production, this requirement may be satisfied by an accessory
39 carryout restaurant that is subordinate and incidental to the commercial
40 production, and where the counter, customer waiting and seating areas do not
41 exceed ten percent of the gross floor area of the establishment. This requirement
42 may also be satisfied by a retail sales establishment or a restaurant or carryout
43 restaurant that is established and parked as a separate principal use.

44
45 F. Off-street parking must be provided for small-scale production establishments in
46 accordance with the requirements of Sections 11-104 and 11-105 of the Zoning
47 Ordinance as follows:
48

1 (1) When located within a shopping center: applicable shopping center rate; or

2
3 (2) When not located in a shopping center: rate for a manufacturing establishment,
4 but with a minimum of one (1) space per 1,000 square feet of gross floor area.

5
6 **OPTION 3:**

- 7
8 - **Amend Sect. 4-804, Special Exception Uses, by adding a new Par. 4T to read as follows,**
9 **and re-lettering all affected paragraphs accordingly:**

10
11 4. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

12
13 T. Small-scale production establishments

- 14
15 - **Amend Sect. 4-805, Use Limitations, by adding a new Par. 18 to read as follows:**

16
17 18. Small-scale production establishments are permitted by right in accordance with the
18 following:

19
20 A. The maximum size of an individual small-scale production establishment is 6,000
21 square feet of gross floor area, unless increased up to a maximum of 10,000
22 square feet of gross floor area by the Board in conjunction with the approval of a
23 Special Exception. This maximum does not preclude the location of more than
24 one establishment per lot. *[Advertised to permit the Board to consider a*
25 *maximum size between 6,000–10,000 square feet of gross floor area.]*

26
27 B. The use may not include the bulk storage of flammable materials for resale.

28
29 C. Storage of materials and production activities must be located within a completely
30 enclosed structure. The emission of odor and noise must be mitigated through the
31 provision of ventilation and soundproofing in accordance with all County and
32 State standards.

33
34 D. A small-scale production establishment may not include heavy industrial uses as
35 listed in Par. 13 of Sect. 9-501.

36
37 E. A small-scale production establishment must include accessory retail sales or
38 another accessory component that provides direct interaction with the public. For
39 food or beverage production, this requirement may be satisfied by an accessory
40 carryout restaurant that is subordinate and incidental to the commercial
41 production, and where the counter, customer waiting and seating areas do not
42 exceed ten percent of the gross floor area of the establishment. This requirement
43 may also be satisfied by a retail sales establishment or a restaurant or carryout
44 restaurant that is established and parked as a separate principal use.

45
46 F. Off-street parking must be provided for small-scale production establishments in
47 accordance with the requirements of Sections 11-104 and 11-105 of the Zoning
48 Ordinance as follows:

1
2 (1) When located within a shopping center: applicable shopping center rate; or

3
4 (2) When not located in a shopping center: rate for a manufacturing establishment,
5 but with a minimum of one (1) space per 1,000 square feet of gross floor area.

6
7 **Amend Article 9, Special Exceptions, Part 5, Commercial and Industrial Uses of Special**
8 **Impact, as follows (OPTION 3, continued):**

- 9
10 - **Amend Sect. 9-501, Category 5 Special Exception Uses, by adding new Par. 47 to**
11 **read as follows:**

12
13 47. Small-scale production establishments.

- 14
15 - **Amend Sect. 9-502, Districts in Which Category 5 Uses May be Located, by adding**
16 **references to new use 47 in Paragraphs 1 and 2, as follows:**

- 17
18 1. Category 5 uses may be permitted by right or as an accessory service use in the following
19 districts:

20
21 **Add use 47 to the following districts: PDH, PDC, PRC, PRM, C-3, C-4, C-5, C-6,**
22 **C-7, C-8, and I-3.**

- 23
24 2. Category 5 uses may be allowed by special exception in the following districts:

25
26 **Add use 47 to the C-8 district.**

- 27
28 - **Add new Sect. 9-534, Additional Standards for Small-Scale Production**
29 **Establishments, as follows:**

30
31 **9-533 Additional Standards for Small-Scale Production Establishments**

32
33 In the C-8 District, the Board may approve a special exception to allow a small-scale
34 production establishment containing more than 6,000 square feet and up to a maximum of
35 10,000 square feet of gross floor area which is not otherwise permitted by right, subject to the
36 following standards:

- 37
38 1. The maximum size of 10,000 square feet of gross floor area for an individual small-scale
39 production establishment does not preclude the location of more than one establishment
40 per lot. [Advertised to permit the Board to consider a maximum size between 6,000–
41 10,000 square feet of gross floor area.]
42
43 2. The use may not include the bulk storage of flammable materials for resale.
44
45 3. Storage of materials and production activities must be located within a completely
46 enclosed structure. The emission of odor and noise must be mitigated through the
47 provision of ventilation and soundproofing in accordance with all County and State
48 standards.

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4. A small-scale production establishment may not include heavy industrial uses as listed in Par. 13 of Sect. 9-501.
 5. A small-scale production establishment must include accessory retail sales or another accessory component that provides direct interaction with the public. For food or beverage production, this requirement may be satisfied by an accessory carryout restaurant that is subordinate and incidental to the commercial production, and where the counter, customer waiting and seating areas do not exceed ten percent of the gross floor area of the establishment. This requirement may also be satisfied by a retail sales establishment or a restaurant or carryout restaurant that is established and parked as a separate principal use.
 6. Off-street parking must be provided for small-scale production establishments in accordance with the requirements of Sections 11-104 and 11-105 of the Zoning Ordinance as follows:
 - A. When located within a shopping center: applicable shopping center rate; or
 - B. When not located in a shopping center: rate for a manufacturing establishment, but with a minimum of one (1) space per 1,000 square feet of gross floor area.

23 **END OPTION 3**

24
25 **Amend Article 5, Industrial District Regulations, as follows:**

26
27 **- Amend Part 3, I-3 Light Intensity Industrial District, as follows:**

- 28
29 **- Amend Sect. 5-302, Permitted Uses, by adding new Par. 18 to read as follows, and re-numbering all affected paragraphs:**

30
31
32 18. Small-scale production establishments, limited by the provisions of Sect. 305 below.

- 33
34 **- Sect. 5-305, Use Limitations, by adding a new Par. 9 to read as follows:**

35
36
37 9. Small-scale production establishments are permitted by right in accordance with the following:

38
39 A. The maximum size of an individual small-scale production establishment is 10,000 square feet of gross floor area. This maximum does not preclude the location of more than one establishment per lot. *[Advertised to permit the Board to consider a maximum size between 6,000–10,000 square feet of gross floor area.]*

40
41
42
43
44 B. The use may not include the bulk storage of flammable materials for resale.

45
46
47
48 C. Storage of materials and production activities must be located within a completely enclosed structure. The emission of odor and noise must be mitigated through the

1 provision of ventilation and soundproofing in accordance with all County and
 2 State standards.

3
 4 D. A small-scale production establishment may not include heavy industrial uses as
 5 listed in Par. 13 of Sect. 9-501.

6
 7 E. Retail sales may be permitted as an accessory use, if the associated retail sales
 8 area is limited to ten percent of the gross floor area of the establishment.

9
 10 F. Off-street parking must be provided for a small-scale production establishment in
 11 accordance with the requirements for a manufacturing establishment pursuant to
 12 Sect. 11-105 of the Zoning Ordinance.

13
 14 **Amend Article 6, Planned Development District Regulations, as follows:**

15
 16 **- Amend Part 1, PDH Planned Development Housing District, as follows:**

- 17
 18 **- Amend Sect. 6-103, Secondary Uses Permitted, by adding new Par. 20 to read as**
 19 **follows, and re-numbering all affected paragraphs:**

20
 21 20. Small-scale production establishments.

- 22
 23 **- Amend Sect. 6-106, Use Limitations, by adding a new Par. 12 to read as follows:**

24
 25 12. Small-scale production establishments are permitted in accordance with the following:

26
 27 A. The use may only be located in commercial areas as shown on an approved final
 28 development plan.

29
 30 B. The maximum size of an individual small-scale production establishment is
 31 10,000 square feet of gross floor area, unless modified by the Board in
 32 conjunction with the approval of a development plan. This maximum does not
 33 preclude the location of more than one establishment per lot. [Advertised to
 34 permit the Board to consider a maximum size between 6,000–10,000 square feet
 35 of gross floor area.]

36
 37 C. The use may not include the bulk storage of flammable materials for resale.

38
 39 D. Storage of materials and production activities must be located within a completely
 40 enclosed structure. The emission of odor and noise must be mitigated through the
 41 provision of ventilation and soundproofing in accordance with all County and
 42 State standards.

43
 44 E. A small-scale production establishment may not include heavy industrial uses as
 45 listed in Par. 13 of Sect. 9-501.

46
 47 F. A small-scale production establishment must include accessory retail sales or
 48 another accessory component that provides direct interaction with the public. For

1 food or beverage production, this requirement may be satisfied by an accessory
 2 carryout restaurant that is subordinate and incidental to the commercial
 3 production, and where the counter, customer waiting and seating areas do not
 4 exceed ten percent of the gross floor area of the establishment. This requirement
 5 may also be satisfied by a retail sales establishment or a restaurant or carryout
 6 restaurant that is established and parked as a separate principal use.

7
 8 G. Off-street parking must be provided for small-scale production establishments in
 9 accordance with the requirements of Sections 11-104 and 11-105 of the Zoning
 10 Ordinance as follows:

11
 12 (1) When located within a shopping center: applicable shopping center rate; or

13
 14 (2) When not located in a shopping center: rate for a manufacturing establishment,
 15 but with a minimum of one (1) space per 1,000 square feet of gross floor area.

16
 17 - **Amend Part 2, PDC Planned Development Commercial District, as follows:**

18
 19 - **Amend Sect. 6-203, Secondary Uses Permitted, by adding new Par. 15 to read as**
 20 **follows, and re-numbering all affected paragraphs:**

21
 22 15. Small-scale production establishments, limited by the provisions of Sect. 206 below.

23
 24 - **Amend Sect. 6-206, Use Limitations, by adding a new Par. 17 to read as follows:**

25
 26 17. Small-scale production establishments are permitted in accordance with the following:

27
 28 A. The maximum size of an individual small-scale production establishment is
 29 10,000 square feet of gross floor area, unless modified by the Board in
 30 conjunction with the approval of a development plan. This maximum does not
 31 preclude the location of more than one establishment per lot. *[Advertised to*
 32 *permit the Board to consider a maximum size between 6,000–10,000 square feet*
 33 *of gross floor area.]*

34
 35 B. The use may not include the bulk storage of flammable materials for resale.

36
 37 C. Storage of materials and production activities must be located within a completely
 38 enclosed structure. The emission of odor and noise must be mitigated through the
 39 provision of ventilation and soundproofing in accordance with all County and
 40 State standards.

41
 42 D. A small-scale production establishment may not include heavy industrial uses as
 43 listed in Par. 13 of Sect. 9-501.

44
 45 E. A small-scale production establishment must include accessory retail sales or
 46 another accessory component that provides direct interaction with the public. For
 47 food or beverage production, this requirement may be satisfied by an accessory
 48 carryout restaurant that is subordinate and incidental to the commercial

1 production, and where the counter, customer waiting and seating areas do not
 2 exceed ten percent of the gross floor area of the establishment. This requirement
 3 may also be satisfied by a retail sales establishment or a restaurant or carryout
 4 restaurant that is established and parked as a separate principal use.

5
 6 F. Off-street parking must be provided for small-scale production establishments in
 7 accordance with the requirements of Sections 11-104 and 11-105 of the Zoning
 8 Ordinance as follows:

9
 10 (1) When located within a shopping center: applicable shopping center rate; or

11
 12 (2) When not located in a shopping center: rate for a manufacturing
 13 establishment, but with a minimum of one (1) space per 1,000 square feet of
 14 gross floor area.

15
 16 - **Amend Part 3, PRC Planned Residential Community District, as follows:**

- 17
 18 - **Amend Sect. 6-302, Permitted Uses, by adding Small-Scale Production**
 19 **Establishments as a new Par. B(16) in those locations approved for a Neighborhood**
 20 **Convenience Center, C(21) in those locations approved for a Village Center, and**
 21 **E(20) in those locations approved for a Convention/Conference Center, to read as**
 22 **follows, and re-numbering all affected paragraphs:**

23
 24 B(16), C(21), and E(20). Small-scale production establishments.

- 25
 26 - **Amend Sect. 6-305, Use Limitations, by adding a new Par. 16 to read as follows:**

27
 28 16. Small-scale production establishments are permitted in accordance with the following:

29
 30 A. The maximum size of an individual small-scale production establishment is
 31 10,000 square feet of gross floor area, unless modified by the Board in
 32 conjunction with the approval of a development plan. This maximum does not
 33 preclude the location of more than one establishment per lot. *[Advertised to*
 34 *permit the Board to consider a maximum size between 6,000–10,000 square feet*
 35 *of gross floor area.]*

36
 37 B. The use may not include the bulk storage of flammable materials for resale.

38
 39 C. Storage of materials and production activities must be located within a completely
 40 enclosed structure. The emission of odor and noise must be mitigated through the
 41 provision of ventilation and soundproofing in accordance with all County and
 42 State standards.

43
 44 D. A small-scale production establishment may not include heavy industrial uses as
 45 listed in Par. 13 of Sect. 9-501.

46
 47 E. A small-scale production establishment must include accessory retail sales or
 48 another accessory component that provides direct interaction with the public. For

food or beverage production, this requirement may be satisfied by an accessory carryout restaurant that is subordinate and incidental to the commercial production, and where the counter, customer waiting and seating areas do not exceed ten percent of the gross floor area of the establishment. This requirement may also be satisfied by a retail sales establishment or a restaurant or carryout restaurant that is established and parked as a separate principal use.

F. Off-street parking must be provided for small-scale production establishments in accordance with the requirements of Sections 11-104 and 11-105 of the Zoning Ordinance as follows:

(1) When located within a shopping center: applicable shopping center rate; or

(2) When not located in a shopping center: rate for a manufacturing establishment, but with a minimum of one (1) space per 1,000 square feet of gross floor area.

- **Amend Part 4, PRM Planned Residential Mixed Use District, as follows:**

- **Amend Sect. 6-403, Secondary Uses Permitted, by adding new Par. 22 to read as follows, and re-numbering all affected paragraphs:**

22. Small-scale production establishments, limited by the provisions of Sect. 406 below.

- **Sect. 6-406, Use Limitations, by adding a new Par. 15 to read as follows:**

15. Small-scale production establishments are permitted in accordance with the following:

A. The maximum size of an individual small-scale production establishment is 10,000 square feet of gross floor area, unless modified by the Board in conjunction with the approval of a development plan. This maximum does not preclude the location of more than one establishment per lot. *[Advertised to permit the Board to consider a maximum size between 6,000–10,000 square feet of gross floor area.]*

B. The use may not include the bulk storage of flammable materials for resale.

C. Storage of materials and production activities must be located within a completely enclosed structure. The emission of odor and noise must be mitigated through the provision of ventilation and soundproofing in accordance with all County and State standards.

D. A small-scale production establishment may not include heavy industrial uses as listed in Par. 13 of Sect. 9-501.

E. A small-scale production establishment must include accessory retail sales or another accessory component that provides direct interaction with the public. For food or beverage production, this requirement may be satisfied by an accessory

1 carryout restaurant that is subordinate and incidental to the commercial
2 production, and where the counter, customer waiting and seating areas do not
3 exceed ten percent of the gross floor area of the establishment. This requirement
4 may also be satisfied by a retail sales establishment or a restaurant or carryout
5 restaurant that is established and parked as a separate principal use.
6

7 F. Off-street parking must be provided for small-scale production establishments in
8 accordance with the requirements of Sections 11-104 and 11-105 of the Zoning
9 Ordinance as follows:

10 (1) When located within a shopping center: applicable shopping center rate; or
11

12 (2) When not located in a shopping center: rate for a manufacturing
13 establishment, but with a minimum of one (1) space per 1,000 square feet of
14 gross floor area.
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