



DATE: October 2, 2024

TO: Members of the and Historic Resources Preservation and Planning & Zoning Boards

FROM: William Waters, Director Community Sustainability

MEETING: October 9 & November 6, 2024

SUBJECT: **Ordinance 2024-17**: Consideration of an ordinance amending multiple sections of Chapter 23 “Land Development Regulations” to establish definitions, regulations, and performance standards for manufacturing and processing facilities with apparatuses.

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**PROPOSAL / BACKGROUND/ ANALYSIS:**

This is a request for a privately initiated amendment to establish a manufacturing and processing facilities with apparatuses use in the Industrial Park of Commerce (I-POC).

The applicant is seeking to develop an industrial property for a concrete batch plant. The City currently does not have land development regulations for this type of use. With the applicant’s coordination, staff has prepared language to allow for this type of use and similar uses.

Although the City’s draft ordinance is generally acceptable to the applicant, staff and the applicant do not agree on the following points:

- Minimum proximity distance to similar uses
- Separation distance from residential and protected land uses
- Height of apparatus
- Hours of operation

A table comparing the City’s proposed ordinance language and the applicant’s proposed revisions (shown in red) is provided in **Attachment C**.

The proposed LDR Amendments will modify the following sections of the City’s Land Development Regulations:

- Article 1 – Section 23.1-12: Definitions
  - Creating definitions for apparatuses as well as manufacturing or processing facilities with apparatuses.
- Article 2 – Section 23.2-38: Temporary Use Permit
  - Adding language to allow for a temporary use permit to be issued for manufacturing/processing facilities with apparatuses, and correcting references to the Temporary Uses section of the code.
- Article 3 – Section 23.3-6: Use Tables
  - Creating a new use for manufacturing/processing facilities with apparatuses, revising existing manufacturing/processing uses to including the phrase “without apparatus structure,” and creating a temporary use category for manufacturing/processing facilities with apparatuses.
- Article 3 – Section 23.3-24: Industrial Park of Commerce (I-POC)

- Correcting the maximum Sustainable Bonus Incentive height for principal structures and creating standard hours of operation for the zoning district.
- Creating regulations and performance standards for manufacturing/processing facilities with apparatuses, including a minimum proximity distance between these uses, a waiver option for the proximity requirement, and maximum height of apparatus structures through the Sustainable Bonus Incentive Program.
- Article 4 – Section 23.4-10: Off-Street Parking
  - Adding standard parking dimensions for oversized vehicles, as well as revising the minimum parking requirements for industrial uses to base minimum parking requirements on total use area rather than on the enclosed use area space.
- Article 4 – Section 23.4-13: Administrative Uses and Conditional Uses
  - Revising the existing design and performance standards for manufacturing/processing/fabrication facilities to correct the height of principal structures, revise the number of silos permitted, and create standard hours of operation.
  - Creating regulations and performance standards for manufacturing/processing facilities with apparatuses, including maximum height of apparatus structures; screening for outdoor storage areas; avoidance of nuisances; separation distance from residential land uses, schools, places of worship, and child care facilities; and perimeter landscaping.
- Article 4 – Section 23.4-23: Temporary Uses
  - Creating a temporary use for manufacturing/processing facilities with apparatuses to allow these facilities to temporarily alter their hours of operation.
- Article 5 – Section 23.5-9: Public Purpose Dedication
  - Correcting references to the Development Review Official, adding additional references to the goals and objectives in the City’s Comprehensive Plan, and allowing for credit to be considered towards the City’s Sustainable Bonus Incentive Program.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt staff’s version of Ordinance 2024-17.

**POTENTIAL MOTION:**

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendments included in Ordinance 2024-17.

Attachments

- A. Draft Ordinance 2024-17
- B. Exhibit C – Use Table
- C. Applicant’s Proposed Language