

MAYOR'S BUSINESS READY TASK FORCE

June 19, 2012

Members: Sharon Konopa, Jeff Christman, Oscar Hult, Arthur Meeker , Jessica Pankratz, Dave Reece, Ron Reimers, Rob Richards, John Pascone, Dala Rouse, Mark Spence, Janet Steele

Staff: Wes Hare, Heather Hansen, Tari Hayes

Agenda

1. Review and Approval of May 22nd minutes
2. Business from the Public
3. Review of Home Occupation standards that are more clear and objective (Anne Catlin)
4. Review of recommendation for new land use - Small Scale Manufacturing w/ On-site Retail (Evan Fransted)
5. Review of specific circumstances that would no longer require Site Plan Review (David Martineau)
6. Next Scheduled Meeting Topics:
 - July 31st – Parking, Existing Buildings, Non-conforming, Difficult properties (staff from multiple departments)
 - August 14th – Development Review Process from start to finish (staff from multiple departments)
7. Adjourn

MAYOR'S BUSINESS READY TASK FORCE -MINUTES

May 22, 2012

Attendees: Sharon Konopa, Jeff Christman, Kate Foster, Oscar Hult, Arthur Meeker , Jessica Pankratz, Dave Reece, Ron Reimers, Rob Richards, John Pascone, Mark Spence, Janet Steele

Staff: Wes Hare, Heather Hansen, Tari Hayes

Guest: Richard, Berger, Realtor's Association

1. Review and Approval of May 1st minutes
Hult made motion to accept, Meeker seconded, passed unanimously
2. Business from the Public - none
3. Review and Approval of Issues Matrix
The group reviewed the list and approved it as is. There were no additions at this time, however, the list can be added to during the process.

The group discussed tree cutting standards and the loosening of standards for commercial and industrial lands. Recommendations for changes to the tree cutting standards should to go before the Tree Commission; staff can facilitate that for the taskforce.

4. Review of Home Occupation Standards
A matrix (see agenda file) was shared with the taskforce. The group discussed amendments based on a review of standards in other cities and the issues and complaints that have come up with home occupations.

The taskforces recognizes the needs of citizens engaged in small scale business ventures that could not be sustained if leased commercial quarters. The group reviewed the existing code (ADC Article 3) and agreed it needs standardization and clearly defined levels for words such as excessive, adversely and frequent. Some home occupations are bucolic, like farms and gardens, some are more edgy, like tattoos parlors. All have to co-exist with the neighbors, and the standards need to be fair across the board. Some of the most common complaints are signage, parking, noise, light, and odor. It was stated that if you can't tell it's a business, it's probably not a violation of a home occupation. North Albany is not a traditional residential neighborhood.

Home occupation is not a large issue for the business community in general. Ambiguity in the code requires a large amount of City resources to respond to complaints and policing. Staff will bring some suggested edits to the home occupation section of the code.

MAYOR'S BUSINESS READY TASK FORCE -MINUTES

May 22, 2012

5. Discussion of Future Meeting Dates – the group tentatively agreed to meet June 19th, July 12th, July 24th, July 31st, August 14th, August 21st.

Next meeting

- Site plan review
- Bring back home occupation language

Of importance on the list:

- Existing building /infill/zoning (K,F)
- Parking

6. Adjourn 4:45

Respectfully submitted

Tari Hayes

City of Albany

Administrative Assistant



TO: Mayor's Business Ready Task Force
 FROM: Anne Catlin, Community Development Planner
 DATE: June 15, 2012
 SUBJECT: Home Occupations (Businesses & Hobbies)

Attached is a draft proposal that includes creating two levels of home occupations. The first level of uses would be allowed outright subject to satisfying the standards for Level 1 and all home occupations. It is modeled around what is allowed in Lebanon administratively (standards and checklist attached). Home occupations that cannot satisfy the Level 1 standards would be processed as Level 2 home occupations. They would be allowed following a conditional use review to ensure compatibility with the neighborhood, similar to how day care centers are reviewed.

Highlights	Level 1	Level 2
Review	Allowed outright if it meets the criteria. <i>(NOTE: Lebanon does not allow the use outright, but instead requires administrative review. They use a checklist that the applicant signs, and they charge a \$100 fee)</i>	Land Use Decision (Conditional Use Type II). Includes all home businesses that do not meet the standards listed in Level 1. A land use review requires notice to property owners and gives them a chance to comment and participate in the land-use process. The proposed business would be evaluated to determine its compatibility within the residential neighborhood.
Size & Scale	Use occupies no more than 25% of floor area of residence, up to a maximum of 500 square feet, except workshops, which may be up to 750 square feet.	Conditional Use review
Sales	Products or services produced on-site, by appointment only	Conditional Use review
Traffic & Parking	Only one non-resident vehicle on-site at any one time; No customer parking off-site.	Conditional Use review
Employees	Residents only.	Up to 2 FTE of non-resident employees.
Signs	One small unlit sign on wall of residence, not larger than 12"x18"	
Off-site Impacts	No uses that <i>may</i> produce offsite noise, odors, or vibrations	Conditional Use review
Compatibility	No visible outside storage or display Property cannot be used as a dispatch center or meeting location for off-site employees. Use is accessory to the dwelling. Maintain residential character of site.	

alc/hah
 Attachments

HOME OCCUPATIONS

- 3.090 **Purpose.** The home occupation provisions recognize the needs of many persons who are engaged in small scale business ventures or personal hobbies, whether conducted for profit or not, which could not be sustained if it were necessary to lease commercial quarters, or because the nature of the activity would make it impractical to expand to a full scale enterprise. **The intent of these standards is to allow home occupations as long as they comply with the standards and do not alter the residential character of the neighborhood, infringe upon the right of neighboring residents to the peaceful enjoyment of their homes, or are otherwise detrimental to the community at large.**
- 3.093 **Exceptions.** The provisions of this section apply to all home businesses and hobbies except for the following situations:
- (1) **Garage, yard or estate sales** from the site that comply with Albany Municipal Code Section 7.84.190.
 - (2) **Open Houses and Other Events** involving the sale of goods or services as long as they comply with the frequency of garage sales allowed in Albany Municipal Code Section 7.84.190.
- 3.094 **Prohibited Uses.** The following uses are prohibited as home occupations:
- (1) Auto body repair and painting.
 - (2) Ongoing mechanical repair conducted outside of an entirely enclosed building.
 - (3) Storage and/or distribution of toxic or flammable materials, and spray painting or spray finishing operations that involves toxic or flammable materials which in the judgment of the Fire Marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties.
 - (4) Junk and salvage operations.
 - (5) Storage and/or sale of fireworks in quantities judged by the Fire Marshal to be dangerous.
 - (6) Storage or display of more than one motor vehicle for sale.
 - (7) **The overnight boarding, training or breeding of three or more adult domestic animals are considered Kennels and subject to the standards for that use category.**
- 3.095 **Procedures.** Home occupations must meet the standards for either Level 1 or Level 2 home occupation; otherwise they will be classified as non-residential uses.
- (1) **Level 1 home occupations are those uses that can satisfy the threshold standards in 3.105. They will be allowed outright as an accessory use to a residence. Home occupations that do not meet the standards for a Level 1, may be considered under the Level 2 standards. *Staff Comment: Lebanon only allows Level 1 home occupations, which are more restrictive, and they require administrative review for all of them, including a \$100 fee.***
 - (2) **Level 2 home occupations are those that cannot satisfy the Level 1 threshold standards in 3.105. Level 2 home occupations will be considered Conditional Uses**

and must satisfy the review criteria for Conditional Uses found in Article 2, as well as the standards in Section 3.110. They will be processed through the Type II land use process.

3.100 Standards that Apply to All Home Occupations. All home occupations shall ~~be allowed as a permitted accessory use to a residence provided that all of the following conditions are met~~ meet the following standards:

- ~~(1) The use is carried on only by members of the family residing on the premises and not more than one outside employee or volunteer who shall work a maximum of 20 hours per week.~~ *Staff Comment: Standards for employees are addressed under Level 1 and Level 2 Home Occupation Standards.*
- ~~(2) There is no offensive~~ No materials or equipment shall be used that cause noise, vibration, smoke, dust, odors, heat or glare resulting from the operation ~~noticeable~~ **detectable** at or beyond the property line ~~or that interfere with radio, television, internet or other transmission.~~ For the purposes of this section, detectable noise is considered more than 50 decibels of ambient noise levels as measured at a property line.
- ~~(3) One window or wall sign is allowed, not larger than 12 inches by 18 inches.~~
- ~~(4) There is no display, other than the allowed sign, which would to indicate from the exterior that the any building is being used for any purpose other than a dwelling for residential uses.~~
- ~~(4) The proposed use will obtain all required building permits. Applicants should be aware that the site of their home occupation may be classified as commercial or industrial occupancies by the Building Codes, and if so, would need to comply with the applicable requirements.~~
- ~~(5) There is no visible outside storage or display of materials or commodities other than plant materials.~~
- ~~(6) The use is conducted entirely within an enclosed building except plant production. does not adversely affect the residential character of the neighborhood, nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.~~ *Staff Comment: "Adversely affect residential character" needs to be more clear and objective.*
- ~~(7) There is not excessive generation of traffic created by the home occupation, including frequent deliveries and pickups by trucks or other vehicles.~~ The use will not generate more than two deliveries or pickups per day. *Staff Comment: "Excessive generation of traffic" needs to be quantified so it's clear and objective.*
- ~~(7) The property may not be used as a dispatch center or meeting location for employees.~~

~~(8) The rental of separate living quarters within a single family residence is limited to not more than one bedroom which does not contain separate cooking facilities and which has a maximum occupancy of two persons. **Staff Comment: Not necessary. Meets definition of family and is already allowed.**~~

(8) The home occupation shall be accessory to the main use of the dwelling as a residence.

(9) Any exterior remodeling, additions, or construction of accessory buildings shall not alter the residential appearance of the property or the residential character of the neighborhood, and shall meet all applicable Development Code and Building Code standards.

(10) Parking shall meet all applicable standards of this Code without changing the appearance of the property from the street or resulting in any other impacts that may infringe upon the right of neighboring property to the peaceful enjoyment of their homes.

3.105 Level 1 Home Occupation Standards. In order to be classified as a Level 1 home occupation, the proposed home occupation shall meet the following standards:

(1) Only employ or engage residents of the dwelling; and

(2) Occupy (including storage) no more than 25 percent of the floor area of the residence, up to maximum of 500 square feet, except for workshops, which may be up to 750 square feet; and

(3) Sale of goods produced on-site is permitted by appointment only – one appointment at a time; and

(4) In addition to required residential parking, adequate off-street parking shall be provided to accommodate employee and customer vehicles. No more than one non-resident vehicle may be parked on the property at any one time.

3.110 Level 2 Home Occupation Standards. Applications for Level 2 home occupations must meet the review criteria for a Conditional Use and must demonstrate how the proposal satisfies the following standard:

(1) The use is carried on by members of the family residing on the premises and not more than two outside employees or volunteers.

Staff Comments: The prohibited uses section has been relocated to follow the purpose statement.

~~3.110 Prohibited Uses. The following uses are prohibited as home occupations:~~

~~(1) Auto body repair and painting.~~

~~(2) Ongoing mechanical repair conducted outside of an entirely enclosed building.~~

~~(3) Storage and/or distribution of toxic or flammable materials, and spray painting or spray finishing operations that involves toxic or flammable materials which in the judgment of~~

~~the Fire Marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties.~~

~~(4) Junk and salvage operations.~~

~~(5) Storage and/or sale of fireworks in quantities judged by the Fire Marshal to be dangerous.~~

~~(6) Storage or display of more than one motor vehicle for sale. [Ord. 5673, 6/27/07]~~

3.120 Initiation of Complaints. Complaints may be originated by the City of Albany or the public. Complaints from the public shall clearly state the objection to the Home Occupation based on the **applicable** standards ~~listed above.~~

3.130 Review Procedures for Complaints. **For complaints regarding all home occupations,** an investigation of the complaint will be performed.

(1) For complaints about Level 1 home occupations, the Director shall make an initial determination of whether the alleged violation requires discretionary review. If the Director determines that review of the complaint is discretionary, the complaint will be reviewed by the Hearings Board **through the Type III procedure.** The Hearings Board shall either approve the use as it exists, order it to be terminated, or restrict and/or condition the use in order to ensure compatibility with the neighborhood.

~~All other~~ **Non-discretionary** complaints will be reviewed by staff. The use will either be approved as it exists **if the use complies with the applicable standards,** ordered terminated, or brought into compliance with the standards.

~~3.160 Hearings Board Review.~~

(2) For complaints about Level 2 home occupations, the Director shall determine if the use complies with the applicable standards and conditions of approval. If not, the use will be considered a violation of land use approval per Section 1.190 and must be brought into compliance with the standards or conditions of approval or be ordered terminated.

~~3.140~~**65** Cessation of Home Occupations Pending Review. If it is determined by the Director, or his designee, that the Home Occupation in question will affect public health and safety, the use may be ordered to cease pending Hearings Board review **for Level 1 home occupations** and/or exhaustion of all appeals. Violation of an order to cease shall be an infraction subject to the penalties set forth in Section 3.180 below.

Staff Comments: These procedures are covered in Article 1 and are not necessary here.

~~3.150 Notice of Hearing.~~ Written notice of the hearing, including its date, time, and place shall be given to the property owner and the person undertaking the use, if other than the property owner, as well as property owners within 100 feet of the use, and any complainant(s).

~~3.170 Notice of Decision and Appeal.~~ Written notice of the Hearings Board's decision and associated findings shall be sent to the person undertaking the activity, the property owner(s) if different than the above, and persons participating in the above proceedings.

3.180 Penalties. Non-compliance with the orders of the Director, or his designee, or Hearings Board, as referred to above, are an infraction punishable as per AMC Section 1.04.01. In addition, each violation of this Article shall bear an additional minimum civil penalty of \$50 per violation. The procedure for adjudication for infractions shall be as set forth at AMC Section 1.05.

[Ord. 5673, 6/27/07]



Citizen Services & Development Center

925 S. Main Street
 Lebanon, OR 97355-3211
 (541) 258-4906 (541) 258-4955 Fax
 Email: cdc@ci.lebanon.or.us
 Web: www.ci.lebanon.or.us

Home Occupation Application
 LDC 16.19.060

Planning File Number:

PROPOSED HOME OCCUPATION:

APPLICANT INFORMATION:

Printed Name:		Phone:	
Address:	City:	State:	Zip:
Email Address:			

PROPERTY INFORMATION:

Signature of Property Owner (if other than applicant):	Printed:
Situs Address (if applicable):	
Nearest Cross Street or Road:	
Zoning Map Designation:	
Overlay Zones:	
Assessor's Map & Tax Lot #(s):	
Size of Total Lot Area:	
Present Use of Property:	
Existing Structures:	

PROVIDE THE FOLLOWING ATTACHMENTS:

<input type="checkbox"/> Site Plan (preferably on 8 1/2" x 11" paper) including the following:						
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">1) Locations of all existing structures</td> <td style="width: 50%;">4) Driveways</td> </tr> <tr> <td>2) Location of home occupation</td> <td>5) Streets</td> </tr> <tr> <td>3) Parking</td> <td>6) Signage</td> </tr> </table>	1) Locations of all existing structures	4) Driveways	2) Location of home occupation	5) Streets	3) Parking	6) Signage
1) Locations of all existing structures	4) Driveways					
2) Location of home occupation	5) Streets					
3) Parking	6) Signage					
<input type="checkbox"/> Proof that applicable local, state or federal licenses or other requirements for the home occupation have been granted.						
<input type="checkbox"/> Floor Plan						
<input type="checkbox"/> Narrative Describing the Home Occupation						

HOME OCCUPATION CRITERIA QUESTIONNAIRE

- A.** The home occupation is secondary to the main use of the dwelling as a residence. Yes No NA
- B.** All aspects of the home occupation are contained and conducted within a completely enclosed building. Yes No NA
- C.** The home occupation is located in either a pre-existing garage or accessory structure, or not over 25 percent of the floor area (maximum of 500 square feet) of the main floor of a dwelling. Yes No NA
- D.** There are no structural alterations that will detract from the outward appearance of the property as a residential use. Yes No NA
- E.** No persons other than those residing within the dwelling will be engaged in the home occupation. Yes No NA
- F.** No window display and no sample commodities displayed outside the dwelling. Yes No NA
- G.** No materials or mechanical equipment will be used which are detrimental to the residential use of the dwelling or any nearby dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or any other factor. Yes No NA
- H.** Parking of customers' vehicles (maximum of two at one permitted time) will not cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking shall be allowed. Yes No NA
- I.** There will be no signage other than a single name plate (not to exceed six (6) square feet in area, mounted flat against the exterior of the building). Yes No NA

Explain any "No" answer above:

I hereby certify that my business will continually conform to the standards of Section 16.19.060 of the Lebanon Development Code. Non-compliance with these regulations will result in the revocation of this permit.

Signature of Applicant: _____

Date: _____

DECISION:

____ APPROVED as presented.

____ DENIED List of criteria not met: _____

____ APPROVED with Conditions as follows: _____

Dated this _____ day of _____, 20____.

By: _____

Title: _____

FOR OFFICE USE

Date:

Rec'd By:

Fee: \$100

Receipt No.:

LEBANON DEVELOPMENT CODE

16.19.060 GENERAL PROVISIONS REGARDING HOME OCCUPATIONS

A home occupation, when conducted in a residential zone, shall be subject to the following standards:

- A.** The home occupation shall be secondary to the main use of the dwelling as a residence.
- B.** All aspects of the home occupation shall be contained and conducted within a completely enclosed building.
- C.** The home occupation shall be limited to either a pre-existing garage or accessory structure, or not over 25 percent of the floor area of the main floor of a dwelling. If located within an accessory structure or a garage, the home occupation shall not utilize over 500 square feet of floor area.
- D.** No structural alteration, including the provision of an additional entrance, shall be permitted to accommodate the home occupation, except when otherwise required by law. Such structural alterations shall not detract from the outward appearance of the property as a residential use.
- E.** No persons other than those residing within the dwelling shall be engaged in the home occupation.
- F.** No window display and no sample commodities displayed outside the dwelling are allowed.
- G.** No materials or mechanical equipment shall be used which are detrimental to the residential use of the dwelling or any nearby dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or any other factor.
- H.** No parking of customers' vehicles in a manner or frequency so as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking shall be allowed. A maximum of two customers' vehicles shall be permitted at one time.
- I.** No sign shall be permitted except for a single name plate not to exceed six (6) square feet in area, located inside the dwelling or flat against the exterior of the building (see Chapter 16.18, Table 16.18.040-2, Subsection 9).
- J.** See Table 16.05-2 (Chapter 16.05) for review and permitting requirements.



TO: Mayor's Business Ready Task Force
FROM: Evan Fransted, Community Development Planner
DATE: June 19, 2012
SUBJECT: Small-scale Manufacturing with on site sales

The Albany Development Code (ADC) does not have a specific classification for small-scale manufacturing with an incidental retail component. In general, the Code classifies small-scale manufacturing as either manufacturing, retail sales and service, or office. In some non-industrial zones, such as mixed-use zones and some commercial zones, small scale manufacturing may not be allowed where it might make sense. As the economy changes, these businesses have come up more often over the last couple years.

One example of when this issue arose was with a proposed distillery in the Waterfront zoning district. Generally, distilleries, wineries, and breweries are classified as manufacturing, unless the goods are sold primarily on site and to the general public. A proposed distillery in WF zoning district that would sell most of the goods off site and with a small tasting room would be not allowed unless it were on a special status list, even if the building is in an old industrial area and would not impact residential or commercial properties in the area.

Staff proposes to amend the schedule of permitted uses in ADC Article 4 and 5 to include a small-scale manufacturing category and to add a definition for small-scale manufacturing in ADC Article 22.

Definition: Small-scale businesses that manufacture artisan goods or specialty foods occupying no more than 5,000 square feet. Goods are generally sold on site with a small retail component. Small-scale manufacturing businesses are intended to be allowed where compatible with the commercial and residential zones. The use shall not create excessive noise, dust or offensive odors that would be disruptive or be detrimental to other nearby commercial businesses or residential uses.

Use Examples: Types of uses include, but are not limited to: sugar and confectionary, fruit and vegetable preserving and specialty foods, bakeries and tortilla manufacturing; microbreweries, microdistilleries, and wineries; artisan leather, glass, jewelry, cutlery, hand tools, wood, paper, ceramic, textile and yarn products; musical instruments, pens, pencils, sporting and athletic goods, toys, brooms and brushes, buttons, costume novelties, and other miscellaneous small-scale manufacturing industries.

There are a few items that warrant discussion with the group before a concrete proposal can be drafted including business expansions and parking requirements.

Attachments: Attachment A (Code Comparison for Small-scale Manufacturing Uses)
Attachment B (Draft Code Amendments)

Code Comparison for Small-scale Manufacturing Uses

Cities	Use Description	Review Required	Regulations
A l b a n y	Manufacturing and Production. Goods are generally not displayed or sold on site. If they are, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.	SPR or CU in OP, CC, TD, IP & LI; SPR in HI; Not allowed in NC & RC	Environmental performance standards determine if SPR or CU in OP, CC, TD, IP & LI zones. In CC zone, manufacturing must have a retail storefront and sell their products to the public.
	Manufacturing of goods to be sold primarily on site and to the general public is classified as <u>Retail Sales and Service</u> .	SPR in OP, NC, CC, RC, TD & IP; Not allowed in LI & HI	OP, NC and IP zones: the only retail uses allowed are convenience-oriented retail and personal services-oriented retail intended to serve nearby residences and employees. Businesses are limited to a 5,000-square-foot maximum building footprint.
	Small-scale manufacturing or assembly that is compatible with an office building is classified as <u>Office</u> .	SPR in OP, NC, CC, RC, TD, IP & LI; Not allowed in HI	Offices in the IP zone intended to serve customers on site are considered through the conditional use review. Offices with limited customer traffic are permitted through Site Plan Review. Offices in the LI zone intended to serve customers on site are not allowed. Offices with limited customer traffic are permitted through Site Plan Review.
	Manufacturing and Production. Goods are generally not displayed or sold on site. If they are, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.	SPR or CU in HD, CB & LE; Not allowed in other zones.	Environmental performance standards determine if SPR or CU.
	Manufacturing of goods to be sold primarily on site and to the general public is classified as <u>Retail Sales and Service</u> .	SPR in MUC, HD, CB, LE, PB, MS, ES & MUR; CU in WF.	MS, ES and MUR zones: The only retail uses permitted are convenience and personal service-oriented commercial intended to serve nearby residents and employees; specialty retail stores and studios; small appliance rental and repair, shoe repair, and tailoring. WF zone: The only retail uses allowed are convenience and personal service-oriented commercial intended to serve nearby residents and employees; specialty retail stores and studios.
	Small-scale manufacturing or assembly that is compatible with an office building is classified as <u>Office</u> .	SPR in all zones in Article 5: MUC, WF, HD, CB, LE, PB, MS, ES & MUR	

Code Comparison for Small-scale Manufacturing Uses

Cities	Use Description	Review Required	Regulations
P o r t l a n d	Office including Industrial Office uses are characterized by uses that focus on the development, testing, production, processing, packaging, or assembly of goods and products, which may include digital products such as internet home pages, media content, designs and specifications, computer software, advertising materials, and others. They primarily provide products to other businesses. They do not require customers or clients to visit the site; any such visits are infrequent and incidental.	Allowed outright in most commercial zones except in CN1 (Neighborhood Commercial) and CM (Mixed Commercial/Residential)	CN1 requires small business limitation to 5,000 square feet of total floor area. CM requires residential limitation of 1 sf of nonresidential use to 1 sf of residential for new development. Existing development requires at least a FAR 1:1 for nonresidential.
	Office including Industrial Office (same as above)	Allowed outright in EX (Employment). Limited Use in EG1 & EG2 (Employment). Limited Use or Conditional Use in IG1, IG2 & IH (Industrial).	EG1 & EG2 limits FAR not more than 1:1. IG1 limits sf of floor area plus exterior display and storage to 3,000 sf unless approved through conditional use; more than one office or retail is a conditional use. IG2 limits up to 4 retail or office per site and up to 3,000 sf floor area plus exterior display and storage per use; more than 4 uses and/or 3,000 sf is a conditional use; total 20,000 sf or FAR of 1:1. IH is same as IG2 except limited to a total 12,000 sf or FAR 1:1.
	Manufacturing and Production including processing of food and related products. Examples: breweries, distilleries and wineries. Goods are generally not displayed or sold on site, but if so, they are subordinate part of sales. Relatively few customers come to the manufacturing site.	Not allowed in CO1 & CO2 (Office Commercial). Limited Use or Conditional Use otherwise.	CN1 & CN2 requires small business limitation to 5,000 square feet of total floor area. CM is limited to 10,000 sf of floor area. Residential limitation of 1 sf of nonresidential use to 1 sf of residential for new development. Existing development requires at least a FAR 1:1 for nonresidential. CS & CX is limited to 10,000 sf of floor area. CG is also limited to 10,000 sf with prohibition of exterior display or storage industrial equipment.
	Manufacturing and Production (same as above)	Allowed outright in EG 1, EG 2, EX (Employment), IG1, IG2, IH (Industrial)	

Code Comparison for Small-scale Manufacturing Uses

Cities	Use Description	Review Required	Regulations
E u g e n e	Manufacturing	Not allowed in General Office (GO); permitted in all other zones with restrictions: Commercial Zones (C-1, C-2, C-3, C-4 & GO)	C-1 requires no external air emissions requiring a permit from an air quality public agency; All industrial activity completely enclosed within building; uses limited to apparel, food and beverage products, handcraft industries, and other manufacturing uses with similar external impacts; Each individual business is limited to 5,000 sf of floor area. C-2 and C-3 have same requirements except uses includes electronic communication assembly and each business is limited to 10,000 sf. Manufacturing uses allowed in C-4 are the same as Light-Medium Industrial that allows most manufacturing uses.
	Retail trade when secondary, directly related, and limited to products manufactured, repaired, or assembled on the development site	Permitted in Industrial Zones (I-1, I-2 & I-3)	Eating and Drinking, Financial, Personal Services, and Trade Allowance in I-1. These uses require approval as part of a business park according to site review or planned unit development procedures. The combined floor area of all these types of uses shall not exceed 15 percent of the total floor area of all buildings within the business park. These uses shall be designed and located within buildings that contain another permitted primary use and shall exclude any drive-through.
B e n d	Manufacturing and Production	Depends on size, use and zone. Central Business District (CBD), Convenience Commercial District (CC), Limited Commercial District (CL), General Commercial District (CG)	Must be greater than 5,000 sf to be allowed with a Conditional Use in CL, otherwise not allowed in the other zones. Less than 5,000 sf with retail is permitted in all zones if it meets special standards.
	Manufacturing and Production	Not allowed in Professional Office District (PO); permitted in Mixed Employment District (ME) & Mixed Use Riverfront District (MR)	Permitted in ME & MR if greater than 5,000 sf. Uses with retail are permitted if less than 5,000 sf in ME & MR.
	Light manufacturing, fabrication and repair (e.g., appliances, electronic equipment, printing, furniture, signs and similar goods) with incidental sales associated with a permitted use.	Permitted in General Industrial (IG) & Light Industrial (LI)	On-site sales must be incidental.

Code Comparison for Small-scale Manufacturing Uses

Cities	Use Description	Review Required	Regulations
D a y t o n	Wineries with retail sales	Conditional Use in Commercial Res	The processing of grains, fruits, vegetables, or dairy products for breads, wines, jams, cheeses and similar products may be allowed as part of a commercial business or small-scale manufacturing where permitted in the zone.
	Wineries with retail sales	Permitted in Commercial	Same as above.
	Small-scale manufacturing	Site Development Review and Conditional Use in Commercial	<p>A. The area involved in the manufacturing of the product does not involve more than 4,000 square feet of floor area, and all storage of materials is enclosed.</p> <p>B. The building and site plan are not incompatible with the character of the commercial area nor will seriously interfere with adjacent land uses.</p> <p>C. The use shall not be objectionable in relationship to surrounding residential or commercial uses because of odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration.</p>
	Manufacturing with sales on site	Permitted as Retail in Commercial	
V a n c o u v e r W A	Artisan and Specialty Goods Production defined under Office classification. Small scale businesses that manufacture artisan goods or specialty foods. Small manufacturing production aims at direct sales rather than the wholesale market. This small-scale manufacturing use is intended to be allowed where compatible with the commercial and residential fabric of the City Center. An allowance for public viewing or customer service space is required with artisan and specialty goods production. This use category includes the following uses: Sugar and confectionary, fruit and vegetable preserving and specialty foods, bakeries and tortilla manufacturing; artisan leather, glass, cutlery, hand tools, wood, paper, ceramic, textile and yarn products; microbreweries, microdistilleries, and wineries.	"Artisan and specialty goods production" commercial uses are allowed as limited uses in CC (Community Commercial), CG (General Commercial) & CX (City Center). Not allowed in neighborhood or mixed-use districts (CN, WX, CPX, MX & RGX).	In the CX zone, artisan uses are limited to 10,000 SF in area to limit impacts on surrounding properties and must accommodate a public viewing or customer service space as defined.
Arietta, NY	Small Scale Manufacturing: Not more than 800 square feet of floor area. Design standards and parking	Commercial Districts 8-12: Permitted or allowable by special permit that requires hearing	

Code Comparison for Small-scale Manufacturing Uses

Cities	Use Description	Review Required	Regulations
<p style="text-align: center;">Buellton, CA</p>	<p>Handicraft industries, small-scale manufacturing (land use)" means manufacturing establishments not classified in another major manufacturing group, including: jewelry, silverware and plated ware; musical instruments; toys; sporting and athletic goods; pens, pencils, and other office and artists' materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; caskets; and other miscellaneous manufacturing industries. Also included are artisan and craftsman-type operations which are not home occupations, and which are <u>not secondary to on-site retail sales.</u></p>	<p>General & Service Commercial Districts, Industrial/Manufacturing District: Minor Use Permit in General & Service Commercial Districts. Zoning clearance and a development plan in Industrial or manufacturing district.</p>	<p>A. All manufacturing activities shall be conducted within a completely enclosed building having a total gross floor area of not to exceed two thousand five hundred (2,500) square feet. B. All storage of materials and equipment shall be screened from view from surrounding properties by a solid fence approved by the zoning administrator; C. No fumes, noxious gases, objectionable odors, heat, glare, or radiation generated by or resulting from such use shall be detectable at any point upon the boundary of the property upon which the use is located; D. The use shall create no objectionable noise or vibration; E. No smoke or dust shall be created except from the heating of buildings.</p>
<p style="text-align: center;">Campbell, CA</p>	<p><u>Artisan products, small-scale assembly</u> means commercial establishments manufacturing and/or assembling small products primarily by hand, including jewelry, ceramics, quilts, and other small glass and metal arts and crafts products. <u>Handicraft industries, small scale assembly</u> means manufacturing establishments not classified in another major manufacturing group, including: jewelry, musical instruments, pens, pencils, sporting and athletic goods, toys, and other artists' and office materials; brooms and brushes, buttons, costume novelties, and other miscellaneous small-scale manufacturing industries.</p>	<p>C-2 (General Commercial), C-M (Controlled Manufacturing) and M-1 (Light Industrial): Permitted with ministerial zoning clearance from Planning</p>	<p>Must meet definition and get zoning clearance from Planning.</p>

Code Comparison for Small-scale Manufacturing Uses

Cities	Use Description	Review Required	Regulations
<p align="center">M i S S O u i a , M T</p>	<p><u>Artisan manufacturing</u> is defined as “on-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations or storage, and occupying no more than 3,500 square feet of gross floor area. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and craft or very small manufacturing uses that have no negative external impacts on surrounding properties.” <u>Limited Manufacturing</u> of finished parts or products, primarily from previously prepared materials. Typical uses include: catering establishments, printing and related support activities; machinery manufacturing; food manufacturing; computer and electronic product manufacturing/assembly; electrical equipment, appliance, component manufacturing/assembly; furniture and related product manufacturing/assembly; and other manufacturing and production establishments that typically have very few, if any, negative external impacts on surrounding properties. Also includes “artisan manufacturing/production” type uses that do not comply with the enclosed building, floor area and/or outside operations/storage criteria that apply to artisan manufacturing/production uses. <u>Microbrewery/Microdistillery</u>: A brewery (for malt beverages) that has an annual nationwide production of not less than 100 barrels or more than 10,000 barrels. A distillery that produces</p>	<p>Artisan :B1 (Neighborhood Business), B2 (Community Business) requires CU. Permitted in C1 Neighborhood Commercial), C2 (Community Commercial), CBD (Central Business District), M1R (Limited Industrial-Residential), M1 (Limited Industrial) & M2 (Heavy Industrial). Microbrewery/Microdistillery and winery requires CU in B2, C1, C2 & CBD. Not allowed in B1. Permitted in M1R, M1 & M2.</p>	<p>No special regulations</p>

Small-Scale Manufacturing

Draft ADC Amendments

4.050 SCHEDULE OF PERMITTED USES

Commercial, Office and Industrial Zoning Districts

Use Categories (See Article 22 for use category descriptions.)	Spec. Cond.	OP	NC	CC	RC	TD	IP	LI	HI
INDUSTRIAL									
Contractors and Industrial Services		N	N	S-1	N	S-1	S-1	S-1	S
Manufacturing and Production	2	S/CU	N	S/CU, 3	N	S/CU	S/CU	S/CU	S
Small-scale Manufacturing	2	S/CU	N						
Warehousing and Distribution		N	N	N	N	N	CU	S	S
Wholesale Sales		N	N	N	N	N	S-5	S	N

4.060 SPECIAL CONDITIONS

- (2) Manufacturing and Production. The environmental performance standards of Article 9 may limit the placement of certain uses in some districts. If the site is located within 300 feet of residentially zoned land, the use may require a conditional use approval.

5.050 SCHEDULE OF PERMITTED USES

Use Categories (See Article 22 for use category descriptions.)	Spec. Cond.	MUC	WF	HD	CB	LE	PB	MS	ES	MUR
INDUSTRIAL										
Contractors and Industrial Services	1	N	N	N	S	S	S	N	N	N
Manufacturing and Production	2	N	N	S/CU	S/CU	S/CU	N	N	N	N
Small-scale Manufacturing	2	S/CU	N	N						
Warehousing and Distribution		N	N	N	N	N	N	N	N	N
Wholesale Sales		N	N	N	CU	N	N	N	N	N

5.070 SPECIAL CONDITIONS

- (2) **Manufacturing.** The environmental performance standards of Article 9 may further limit the placement of certain uses in some districts. Developments on sites located within 300 feet of residentially zoned land may require a Conditional Use approval.

Categories and Definitions

22.040 Manufacturing and Production

- (1) Manufacturing and Production businesses manufacture, process, fabricate, package, or assemble products or energy. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site. If they are, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- (2) *Use Examples.* Types of uses include, but are not limited to: the manufacturing, researching, testing, experimentation and development of products, including engineering and laboratory research, pharmaceuticals, medical and dental devices and instruments; manufacturing, assembly, or packaging of products from previously prepared materials (excluding vehicle repair shops); weaving or production of textiles or apparel; manufacture or assembly of machinery, equipment, instruments, including musical instruments, appliances, precision items, and other electrical items; movie production facilities; production of artwork and toys; printing, publishing and book binding; catering establishments; processing of food, beer, wine and related products, including slaughterhouses and meat packing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; sign making; crematoriums; wood products manufacturing; concrete and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; production of prefabricated structures, including manufactured homes; and energy production.
- (3) *Exceptions.*
- (a) Manufacturing of goods to be sold primarily on site and to the general public is classified as Retail Sales and Service, unless defined under small-scale manufacturing.
 - (b) ~~Small scale manufacturing or assembly that is compatible with an office building is classified as Office.~~
 - (c) Manufacturing and production of goods from composting organic material is classified as Waste and Recycling Related uses.

22.045 Small-scale Manufacturing

- (1) **Small-scale businesses that manufacture artisan goods or specialty foods occupying no more than 5,000 square feet. Goods are generally sold on site with an incidental retail component. Small-scale manufacturing businesses are intended to be allowed where compatible with the commercial and residential zones. The use shall not create excessive noise, dust or offensive odors that would be disruptive or be detrimental to other nearby commercial businesses or residential uses.**

- (2) *Use Examples.* Types of uses include, but are not limited to: sugar and confectionary, fruit and vegetable preserving and specialty foods, bakeries and tortilla manufacturing; microbreweries, microdistilleries, and wineries; artisan leather, glass, jewelry, cutlery, hand tools, wood, paper, ceramic, textile and yarn products; musical instruments, pens, pencils, sporting and athletic goods, toys, brooms and brushes, buttons, costume novelties, and other miscellaneous small-scale manufacturing industries.

DRAFT

TO: Mayor's Business Ready Task Force

FROM: David Martineau, Lead Current Planner

DATE: June 19, 2012

SUBJECT: Site Plan Review Checklist

Site Plan Review is required for most uses in commercial, industrial and village center districts. These are usually classified as either new construction, modification/expansion to existing development, or changes of use. New construction requires the most comprehensive review since it is usually located on raw land or land being completely redeveloped. Parking lots must be developed, utilities extended, and new buildings constructed. Examples include Wal-Mart, the new YMCA, and Little Caesar's Pizza. Site Plan Review for modifications to existing development requires somewhat less review because the site already has some development such as an existing building, parking lot or landscaping. These would include projects such as a new production facility at W.R. Grace or a building expansion at Target Distribution Center. Lastly, Site Plan Review is required for changes of use such as a rental property office to a beauty shop, or a gas station to a coffee drive-thru.

Site Plan Review ensures that parking is adequate to meet the proposed use, that the new use is compatible with existing adjacent uses, that property owners within a distance (usually 300 feet) are made aware of the proposed change of use and are given opportunity to comment, and that non-conforming elements of the site are brought up to current standards commensurate with the proposed changes.

However, there are occasions when requiring Site Plan Review makes no sense. These include properties that are already built-out and retail strip development or tenant spaces within existing buildings. In some cases, site improvements are not physically possible. The majority of properties in the Historic Downtown (HD) district for instance are built lot line-to-lot line. Many are also located in the Downtown Parking Assessment Area where provision of off-street parking is not required. In the example of existing retail strip development, parking lots are usually shared. For newer retail developments, landscaping, pedestrian amenities, building design standards, and ranges of uses are already established. Therefore in these cases, site improvements are neither possible nor justified.

Staff proposes to develop a checklist that provides a clear-cut process for determining if Site Plan Review is needed and at what level. Standards however must be clear-cut and objective, otherwise it needs to be a land use decision per state law.

Additionally, we believe future discussions could consider allowing more uses outright rather than through Site Plan Review, especially for areas already built-out and committed. We also have thoughts on ways of making the process time shorter at the back end, particularly when no public comments are received during the comment period.

I appreciate the opportunity to meet with you and look forward to a fruitful discussion.

Attachment: Additional Situations When Site Plan Review would not be required

Recommendation for Additional Situations When Site Plan Review would not be required:

- When sites are built out 100% from lot line to lot line within the Downtown Parking Assessment District;
- New tenants/occupants within an existing retail strip center such as a mall, commercial plaza, or an office;
- A change of use to a same or similar (kind, category) of use when the non-conforming building or site has not been vacant for more than one year, even if the use continues to be non-conforming;
- On lots where it can be demonstrated Code requirements have already been met;
- Developed sites where it is not physically possible to make site improvements.

Examples:

Change of use: A new tenant wants to open up a pizza restaurant in a restored downtown building that is built out to the lot lines, effectively covering 100% of lot area.

Change of use: A restaurant wishes to operate in a tenant space formally occupied by a dry cleaning establishment in a retail shopping center developed to present standards.

Change of non-conforming use: Herb store to comic book store within an existing building in a residential zoning district where retail uses are not allowed. The building had not been vacated more than a year.

Expansion: A 1,600 square-foot building addition for a test facility on the campus of an existing industrial complex allowed through Site Plan Review in the underlying zoning district. Front yard landscaping meeting the present code was installed in 2008. There is no increase in the number of employees; therefore no new parking is required.