Executive Summary:

This is a proposed change to the LDR which will:

1. Adopt by reference the State of Florida definition of Manufacturing

2. Define a subset of Manufacturing called Light Manufacturing based on processes used and other characteristics.

3. Establish Light Manufacturing as a conditional use only on Commercial properties which meet certain restrictions.

Background: This matter was first discussed at 13 June 2023 Planning Commission meeting. I was asked to refine the idea so that the LDR could be used as the sole vehicle to permit the desired limited manufacturing not resulting in industrial sewer flow in Commercial parcels and without having to change the Comprehensive Plan, particularly the Future Land Use Map. It was again discussed at the 8 Aug 2023 planning meeting and I received the Planning Commissions instruction to work with Mr. Sloan on administrative details for a final version of necessary changes to the LDR for presentation to the Planning Commission.

Concept rationale: Manufacturing isn't currently allowed or defined in our LDR, yet there are existing manufacturing businesses now in Parker. CB Sails is a great example of a manufacturer which is highly compatible with our seaside village paradigm. There are other manufacturing businesses which would be a public benefit to Parker if we would allow them to establish. The key is a regulation which is both determinant and non-discriminatory that would allow only manufacturing which we believe is compatible with and will preserve that paradigm.

How should Parker define manufacturing: Manufacturing is defined in great detail in F.S. 163.3251(4). Florida adopts by reference the North American Industry Classification System (NAICS). That system provides a high degree of granularity by defining more than 440 types of manufacturing to which it assigns individual six digit codes. These codes cover more than 667,000 individual manufacturing businesses nationwide. CB Sails for instance falls under NAICS code 314910 Sails made from purchased fabrics.

I believe it would be unwise to arbitrarily declare some operations ”not manufacturing” when they are so defined by the state. A municipality could pick and chose from within the NAICS recognized codes to create its own subset by going through the entire list and selecting only those codes representing types of manufacturing which the municipality considers desirable. I don’t think it would be wise to take this approach because the NAICS list changes periodically both to add new codes and change codes for existing activities. This would require the LDR to be updated continuously.

Instead, we should accept the Florida definition of manufacturing and continue to restrict it to Industrial Use districts. We can then create a new sub-category called Light Manufacturing which would be a conditional use in certain General Commercial Districts. We create this sub-category by placing parametric limits on common manufacturing processes and infrastructure requirements. By doing this we can eliminate the types of manufacturing which the community finds undesirable or which would overly tax our infrastructure while encouraging those which represent a public benefit. These limitations must be carefully chosen. We must not create a limitation which is an obvious attempt to restrict a specific manufacturer from locating in Parker.

Purpose of Change: To allow light manufacturing as a conditional use in certain Commercial Land Use Districts where it is compatible with the desired growth patterns of the CRA and which will serve a legitimate public purpose.

Proposed Changes to LDR to disambiguate Industrial, Manufacturing, and Low Intensity Commercial definitions

1. Page 2-14 change the definition of "Industrial Use" to:

"Any activity within land areas involving manufacturing as defined in Sectors 31-33 of the North American Industry Classification System but not LIGHT MANUFACTURING which is defined below.

2. Page 2-15 add the following definition

LIGHT MANUFACTURING. A subset of manufacturing for any business which in addition to complying with Parker Code 26-101 Nuisances meets all of the following limitations:

1. Wet or dry processes not generating industrial waste that must be treated before its release into the Parker sanitary sewer system.

2. Processes that emit no obnoxious odors as defined in the Parker Code 26-101.

[***The following probably needs to be added to the Parker Code***] Should a citizen odor complaint be lodged with code enforcement, ASTM E679-19 using the recognition of the nature of the substance threshold method will be used to confirm a violation. Cost of testing will be the responsibility of the complainant. If testing confirms the odor violation the business will be assessed the actual testing costs plus reasonable administrative fees and the complainant reimbursed.

3. Processes not requiring temperatures above 600°F or pressures above 300 psig. Notwithstanding the foregoing, all dry processes run at atmospheric pressure regardless of temperature which emit no waste gasses are allowed.

4. Processes not involving materials in Hazard Class (as defined in 49 CFR 173.2) 1 (explosives), 2.1 (flammable gas), 2.3 (poisonous gas), 4.2 (spontaneously combustible material), 5 (oxidizers), 6 (poisonous or infectious materials), 7 (radioactive material), 8 (corrosive material), 9 (miscellaneous hazardous material).

5. Processes or operations that exceed noise limits defined in Parker Code 26-101 (14) for mixed use; general commercial and (15) following with the following added conditions:

a. May not exceed an equivalent continuous sound levels (Leq) for the limits stated in the code using a time weighting of 1 second over a random five minute window while operations are in progress. ***[This establishes an average noise level]***

b. May not exceed the highest sound level (Lmax) of 75 dB(A) using a time weighting of 0.25 seconds over a suitable time window while operations are in progress. ***[This covers short duration impulse like events which can be masked within the average level]***

3. Page 2-17 to avoid confusion and to keep all "manufacturing" definitions in one place change item 21 to read:

"Inside assembly facilities not defined as Manufacturing[1] under NAICS Sectors 31-33."

4. Page 2-17 after MAINTENANCE add the following definition:

MANUFACTURING. A business engaged in the mechanical, physical, or chemical transformations of materials, substances or components into new products as defined in Sectors 31-33 of the North American Industry Classification System[2].

5. Page 2-20 add the following definition

North American Industry Classification System ("NAICS"). A private industry standards company which expands the 99 OSHA Standard Industrial Classification (SIC) codes into many hundreds of more specific, discrete and detailed NAICS codes. Florida Statutes incorporate by reference NAICS code groups 31 through 33 as the state definition of manufacturing.

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[1] Reference to NAICS Manufacturing is needed to avoid "inside assembly" being incorrectly classified as "not manufacturing".

[2] This is consistent with the definition of "manufacturer" in F.S. 163.3251 (4)

6. ***[This LDR change reinforces that manufacturing will be allowed only as a conditional use in commercial districts]***

On Page 4-10 add new section 4.5.4.2 a. Allowable uses, add new final sentence:

This does not include manufacturing including light manufacturing.

7. Page 4-10 renumber existing section 4.5.4.3 to 4.5.4.5 and add new sections as follows.

4.5.4.3 Conditional Uses.

1. Light Manufacturing, provided that:

a. in any Subarea of the CRA the property must have direct vehicular access to a state or federal road or highway without the use of any city streets for deliveries including raw materials or finished products.

b. The total enclosed area of all structures within all properties associated with the Light Manufacturing business may not exceed 22.500 square feet[3].***[this was an input from a citizen who was concerned there was no "upper limit" on how big a business would be allowed. Since I had to pick a number I arbitrarily used a 150'X150' building]***

4.5.4.4 Prohibited Uses

Manufacturing (except light manufacturing).

8. Change 4-7.2.1 to clarify Subarea 1 may include low intensity commercial which is not Light Manufacturing.

1. Purpose: To provide guidelines for development activity within the Main Street Subarea which includes properties located adjacent to the Business Highway 98 corridor. The subarea is intended to be the core of the Community Redevelopment Area and to redevelop over time through a combination of public and private investments into a more traditional downtown including low intensity commercial and residential. The boundaries of this subarea are more particularly illustrated on City of Parker Community Redevelopment Design Overlay Subarea 1 Map in Article 10.

[3] This is a reasonable compromise which both allows Light Manufacturing and prevents very large operations which would go against the character and intent of the CRA

9. Change 5-9.8 Off Street Parking (table) page 5-35. Change existing Use category

From “Commercial, retail business personal services”

To “Commercial, Light Manufacturing, retail business personal services”