

**377 SPECIAL INDUSTRIAL OVERLAY DISTRICT (SID)**

**377-1 Purpose and Intent**

377-1.1 The purpose of the Special Industrial Overlay District is:

- A. To protect and enhance development opportunities for industrial uses which may require large sites in a planned campus industrial park setting;
- B. To provide the opportunity for small and medium size industrial uses to locate in proximity to large single user industrial uses;
- C. To provide an opportunity for the market place to demonstrate actual development through the industrial lot size requirements demanded by industrial uses;
- D. To preserve large lots for single major industrial uses until such a time as there is no demonstrated demand or need for such large lots.

377-1.2 The intent of the Special Industrial Overlay District is to recognize the need to provide large lots for single major industrial uses while recognizing that small and medium sized industrial uses may require siting in proximity to large uses in order to service such large uses. Additionally, the Special Industrial Overlay District recognizes the potential employment growth opportunities of small and medium industrial uses and provides a stable planned campus industrial park atmosphere which may accommodate such firms as employment and site size requirements change through time.

377-1.3 For the above reasons, development in the Special Industrial Overlay District is limited to the following categories of mutually compatible uses which require a park-like setting:

- A. High technology, light manufacturing, research and development, processing, storage and distribution;
- B. Freestanding offices, under Sections 377-5.2 and 377-5.3 only; and
- C. Planned industrial parks containing light manufacturing uses and related service and trade activities.

**377-2 Terms and Definitions**

For the purposes of this Overlay District (Section 377), the following definitions shall apply:

377-2.1 Special Industrial Overlay District

An overlay district which may be applied in addition to the industrial designation in which additional provisions apply for the purpose of creating a unique setting.

## 377-2.2 SID Process

The procedure, as codified in the Special Industrial Overlay District Section, whereby tiers are established within the overlay district.

## 377-2.3 Committed Development

- A. An arms length transfer of ownership, or a lease or build-to-lease agreement between two (2) legal entities based upon fair market value, including term of payment, and not for the purposes of circumventing the requirements of this Code.
- (1) Fair market value will be based on demonstration by the applicant of the value of three comparable planned and designated industrial sites, comparable in size, services and natural features. The fair market value of the applicant's site must prove to be within twenty-five (25) percent of the average value of the three comparable sites; or
  - (2) For ground-lease arrangements or the transfer of ownership on lots of thirty (30) acres or greater, committed development may be demonstrated based upon the appraisal of real property. The appraisal shall be performed within the following conditions:
    - (a) Washington County shall make available to the applicant a list of three (3) M.A.I. certified appraisers;
    - (b) The applicant shall select one (1) from the list provided;
    - (c) Washington County shall contract the appraiser for the purposes of demonstrating compliance with the terms of Committed Development;
    - (d) The applicant shall reimburse Washington County for costs incurred on the appraisal.
  - (3) Approval of a Building Siting and Architectural Design application under the requirements of Section 406 of this Code that demonstrates full commitment of the subject area to complete urban development consistent with the provisions of the SID such that no further parcelization is or will be required.
- B. The applicant may prove committed development, by demonstrating that the area has been physically improved, by providing copies of building permits for allowed buildings where such buildings demonstrate full commitment of the subject area to complete urban development consistent with the provisions of the SID such that no further parcelization is or will be required.

## 377-2.4 Tier

An area of land within a Special Industrial Overlay District delineated in the Master Plan-Site Analysis process and designated for a certain level of development activity according to prescribed conditions within the overlay district.

377-2.5 Industrial Park

A planned industrial development designed as a coordinated environment for a variety and mix of industrial and industrial support uses, having a comprehensive development plan which ensures compatibility among uses and with adjacent properties, which occurs on a parcel or adjacent parcels under single ownership or development control.

377-2.6 Gross Area

The total land area within the SID boundary, including development which existed prior to the establishment of the district, expressed in acres or fractions thereof.

377-2.7 Net Buildable Area

The total land area within the SID, excluding present and future rights-of-way, restricted hazard areas, public open space, flood plain, bodies of water, and restricted resource protection areas, expressed in acres or portions thereof.

**377-3 Designation of Special Industrial Overlay District**

The Special Industrial Overlay District shall be designated on the community plan maps through the community planning process, through the plan update process or through a plan amendment under the policies and criteria set forth in the Comprehensive Plan.

**377-4 Standards**

These standards apply in addition to the general provisions of the Industrial District.

377-4.1 Within the Industrial District, a contiguous area of largely undeveloped land of fifty (50) or more acres may be designated "Special Industrial Overlay District" (SID) on the community plan map through line application of the overlay. Areas are considered contiguous even if separated by streets, roads, easements and natural features. Areas designated SID should have adequate and convenient access to an arterial and should have relatively few separate ownerships to facilitate consolidation.

377-4.2 Prior to the issuance of any development permit, the Master Plan-Site Analysis must be processed and approved for the entire SID. The Master Plan-Site Analysis is to be considered a schematic commitment of three (3) tier types to certain levels of use and minimum lot size. It does not require the legal partitioning of the three (3) tiers into three (3) lots, nor does it require the subdivision of lots with the tiers until such a time as development occurs.

A. This does not, however, preclude an applicant from submitting a Master Plan-Site Analysis for the SID which would include all possible tiers. Where such a Plan is submitted and approved, all remaining tiers shall be processed under a Type I procedure as long as the subsequent application is consistent with the Plan initially approved. If an application is determined to be inconsistent with the initial plan approval, a Type II procedure shall be followed.

- B. The Master Plan, once approved, is binding on the property and development may occur only under the conditions of the SID provisions, regardless of ownership.
- C. All variances under Section 435 (Variances and Hardship Relief) are specifically prohibited in this district.

377-4.3 Within the SID, development shall conform to the following requirements regardless of ownership pattern. Development within the SID may occur under only one (1) of the following two (2) options:

A. Option A - Thirty (30) Acre Minimum Lot Size:

Through the Site Analysis, processed as a Type II procedure, lots may be partitioned or subdivided to a thirty (30) acre minimum lot size for the use of a single major industrial user, a user which requires or will ultimately require a total of at least thirty (30) acres for its operation. Uses permitted on such parcels are those listed in Sections 377-5.1 through 377-5.2. Industrial Parks are not permitted.

B. Option B - SID Process:

Under the utilization of this option, a Site Analysis shall be submitted for the entire area covered by the SID which shall be processed through a Type III procedure without the flexibility permitted under that process but instead with the flexibility permitted herein. The Site Analysis shall designate three (3) tiers as described in "C" below.

C. Descriptions:

(1) Tier I

A maximum twenty (20) percent of the initial gross acreage of the SID as delineated on the community plan map with a two (2) acre minimum lot size and uses permitted as listed in Sections 377-5.1, 377-5.2 and 377-5.3.

(2) Tier II

A maximum twenty (20) percent of the SID gross acreage with a minimum lot size of ten (10) acres and uses permitted as listed in Sections 377-5.1, 377-5.2 and 377-5.3.

(3) Tier III

A minimum sixty (60) percent of the SID with a thirty (30) acre minimum lot size and uses permitted as listed in Sections 377-5.1 and 377-5.2.

377-4.4 Under Option B, SID Process (Section 377-4.3 B.), the following development conditions shall be available at the initiation of an applicant, once prescribed conditions have been met:

A. Committed Development Adjustment:

(1) Tier I

- (a) Following the development of sixty-seven (67) percent of the net acreage in Tier I, an applicant may initiate a petition to permit land division down to a five (5) acre minimum lot size in Tier II. Uses permitted shall continue as prescribed for Tier II.
- (b) The application shall be a Site Analysis application and shall be processed through a Type II procedure with the applicant demonstrating that the sixty-seven (67) percent development condition has been met and is in compliance with other applicable standards of this Code.

(2) Tier II

Following the development of sixty-seven (67) percent of the combined net acreage in Tier I and Tier II of the first SID, an applicant may petition for a second SID on any vacant area of fifty (50) acres or greater in Tier III. Such an application shall be made as a Site Analysis application and shall be processed through a Type II procedure unless previously approved under Section 377-4.2 A., then it shall be processed as a Type I. The burden of demonstrating that sixty-seven (67) percent development of Tier I and II has been met and is in compliance with the applicable standards of this Code rests on the applicant.

B. Additional Tiers:

The total number of times the SID process of creating new tiers may be applied is determined by the formula below:

$$\text{Formula: } \frac{\text{Gross Acreage of SID}}{50 \text{ Acres}} = \text{Maximum Number times the SID Process may be applied}$$

$$\text{Example: } \frac{210 \text{ Gross Acres}}{50 \text{ Acres}} = 4.2 \text{ Times}$$

Result: The SID process may be applied four (4) times in this Special Industrial District creating a potential total of 9 final tiers.

Note: If the formula results in a fraction 0.5 or above, an additional SID process may occur if the conditions in Section 377-4.4 C. can be met.

C. Final SID:

When the SID has been legally applied, and when in subsequent applications, Tiers I and II have been sixty-seven (67) percent or more developed, and when the option of going through one additional SID process to create an additional set of tiers remains except the remaining acreage in Tier III is less than the fifty (50) acre minimum required for application of an SID, then any vacant buildable land remaining in Tiers I and II from previous tier phases may be added to Tier III to

create a fifty (50) acre parcel for the application of an additional SID with the following limitations:

- (1) No more than a combined total of five (5) acres of vacant buildable land may be transferred from Tiers I and II of the previous phase for such purposes;
- (2) Land so transferred must be contiguous and incorporated into the overall design of the SID in a cohesive and comprehensive manner which lends itself to the orderly provision of services and creates compatible lotting patterns and uses of land; and
- (3) Such a transfer shall occur through a Type I lot line adjustment.

D. Expansion of Existing, Contiguous Industrial Development

- (1) When an existing, approved industrial use requires expansion to a contiguous area, and when such expansion can only occur on the last remaining thirty (30) acre parcel within the SID as a result of other contiguous areas being fully committed to development, the use of the last remaining thirty (30) acre parcel within the SID for industrial expansion will be permitted under the following conditions:
  - (a) Expansion must be from a contiguous, existing industrial development;
  - (b) The proposed expansion involves a single-user industrial use;
  - (c) The proposed expansion will require a minimum of five (5) acres;
  - (d) The proposed expansion will not create a remaining lot of less than five (5) acres in the last remaining thirty (30) acre parcel;
  - (e) No further parcelization of the lot used for expansion shall be permitted; and
  - (f) The above described process shall occur through a Type II lot line adjustment. The expansion under these provisions shall not create a new, separate lot, but rather shall be an addition to the previous lot.
- (2) Once the entire SID, as designated by the Community Plan, has been developed to sixty-seven (67) percent of its potential and one (1) thirty (30) acre parcel in Tier III remains vacant and cannot meet the conditions set forth in 377-4.4 C., the SID restrictions on that thirty (30) acre parcel and remaining buildable vacant land within the SID may be removed, with the exception of the use provisions of the SID, through the Plan Amendment process under the conditions of strategy M under Policy #1 of the Comprehensive Framework Plan.

377-4.5 Special Conditions

A. Preexisting Lots:

- (1) Preexisting lots within the boundary of an SID shall be considered as a part of the appropriate Tier of the first SID based upon their lot size.
- (2) The lot size of any preexisting lot shall be maintained until the Master Plan-Site Analysis for the entire SID is made, at which time it may be partitioned into lots which meet the minimum lot size permitted in the Tier in which it is included.
- (3) Development on preexisting lots shall be preceded by a Master Plan-Site Analysis application for the entire SID.

B. Once the initial application of tiers within the SID process has occurred, that is, the Master Plan-Site Analysis has been approved, identifying the three (3) tiers, and once development occurs on any part of the SID under the approved Master Plan, the tiers become fixed and cannot be transferred or altered except as permitted by the provisions of the SID, with the following exceptions:

(1) Trades

In the event a landowner has an opportunity to sell, lease or lease-to-build a vacant parcel or vacant parcels previously approved as part of Tier I, II or III, and the purchaser or lessee desires the parcel(s) to be located in a tier of SID not previously contemplated and approved for that lot size or location, the landowner may petition for a lot location trade within the SID. A parcel location trade shall involve only vacant buildable lands and such a trade shall involve equal amounts of land such that the net results of potential lot parcelization is exactly equal to what it would be both before and after such a trade. The adjustment shall be approved if the parcel locations resulting from the trade can be incorporated into the overall design of the SID in a cohesive manner which lends itself to acceptable patterns and uses of land. Parcel location trades will be processed as a Type I procedure. Notwithstanding any other parcel procedure, lot line adjustments shall be processed as a trade.

C. Mortgage Lot in a Special Industrial District

The creation of a mortgage lot within the Special Industrial District may be considered through a Type I procedure subject to the following cited limitations:

- (1) The proposed mortgage lot shall be limited to and located in Tier III of an approved Special Industrial Overlay District;
- (2) The parent lot, from which the mortgage lot is to be created, shall be a lawfully created lot located in Tier III of an approved Special Industrial Overlay District;
- (3) The parent and mortgage lot shall both have legal access;

- (4) The proposed mortgage lot shall be a minimum of ten (10) acres in size;
- (5) An affidavit, approved as to form by County Counsel, shall be completed, signed, notarized and filed with the Director of Records and Elections for filing under Deed Records stating that the applicant agrees:
  - (a) That in the event of a sale or transfer, both lots will be sold simultaneously as a unit to the same buyer,
  - (b) That the mortgage lot and the balance of the parent lot will be consolidated into one (1) tax lot as soon as the applicant secures title to either, and in the event of foreclosure, the balance of the parent lot becomes unbuildable unless subject to the benefits accruing through a valid reiteration of a subsequent Special Industrial Overlay District approval.
- (6) A lawfully created lot in Tier III of an approved Special Industrial Overlay District shall be eligible for only one (1) mortgage lot at any point in time.

### **377-5 Uses Permitted**

The following lists of uses are uses which may be permitted under the review procedure indicated except when the particular use has been reviewed and approved through the Master Plan-Site Analysis process for a specific location within the SID, then the application for a development permit for the approved use shall be a Type I procedure unless the use has been changed in location, nature and size.

#### **377-5.1 Uses Permitted Through a Type I Procedure:**

- A. Accessory Uses and Structures - Section 430-1.
- B. Temporary Use - Section 430-135.
- C. Bus Shelter - Section 430-23.
- D. Recycle Drop Box - Section 430-113.
- E. Uses which are exempt from the Public Facilities standards as specified in Section 501-2 of this Code.
- F. Facility 3 and 4 Communication Towers that:
  - (1) Do not exceed a maximum height of sixty-five (65) feet; and
  - (2) Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site- Section 430-109.

- G. Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- H. Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:
  - A. Do not exceed a maximum height of sixty-five (65) feet; and
  - B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

377-5.2 Uses Permitted Through a Type II Procedure:

- A. Development, manufacture or assembly of:
  - (1) Communication equipment, electronic equipment and supplies;
  - (2) Scientific and precision instruments and equipment;
  - (3) Engineering laboratory, scientific and research instruments; and
  - (4) Electromedical apparatus, biomedical, surgical and medical instruments, artificial limbs, hearing aids, dentures, ophthalmic goods, and other medical or dental devices.
- B. Research and Development:
  - (1) Research and development laboratories; and
  - (2) Industrial trade or skill schools and training centers.
- C. Processing and Storage of:
  - (1) Photographic laboratories, blue printing, photoengraving, photocopying, printing, publishing and bookbinding, including on-site commercial service associated with said use;
  - (2) Wholesale business, storage buildings and warehouses; and
  - (3) Storage and distribution.
- D. Construction of a local street not in conjunction with a development application or within existing right-of-way.
- E. Communication Towers greater than sixty-five (65) feet and up to two-hundred (200) feet in height - Section 430-109.

F. Uses Accessory and Incidental to an Allowed Use, not Otherwise Permitted by Section 377-5.1 E.:

- (1) Garages for storage and maintenance of motor vehicles used by the principal use;
- (2) Storage of motor fuels and lubricating oils for vehicles used by the principal use;
- (3) Maintenance and utility shops for equipment used by the principal use;
- (4) Central heating, air conditioning and refrigeration plants;
- (5) Water storage, drainage and treatment facilities;
- (6) Fire protection facilities;
- (7) Educational facilities;
- (8) Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use;
- (9) Clinics, cafeterias, lounges and recreational facilities for employees;
- (10) Living quarters for custodians and caretakers;
- (11) Rental and development information offices;
- (12) Laundry facilities;
- (13) Electrical substations;
- (14) Administrative offices related to the principal use;
- (15) Day-care facility primarily for use by employees and their families; and
- (16) Retail outlets for warehousing or manufacturing operations, limited to ten (10) percent of total floor area. The retail area shall be physically separated, by a wall or other barrier, from warehousing and or manufacturing operations. Warehousing and storage areas shall not be used as showrooms.

G. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

377-5.3 Uses Which May be Permitted Within an Industrial Park:

- A. Industrial parks may be established within the Special Industrial Overlay District on a minimum of ten (10) contiguous acres in Tier I or II under a Type III Master Plan-Primary Use Procedure with the flexibility of standards provided for in the Master Plan-Primary Uses provisions only. The application for the Industrial Park

may be processed simultaneously with the application for establishing the tiers through the SID, as a Master Plan-Primary Use application.

- B. Specific uses may be approved through this process if the nature, size and location of the use is identified and the public facilities standards of Section 501 are met. If approved through the Master Plan application, such uses will be eligible for a development permit through a Type I procedure. Uses not approved in this manner or uses which are changed after approval of the Master Plan application shall be reviewed through a Type II Procedure prior to issuance of a development permit.
- C. All uses listed in Sections 377-5.1 and 377-5.2 may be permitted within industrial parks. Uses listed under Section 377-5.4 may be permitted through the Type III procedure. Additional uses may also be permitted in industrial parks under the following conditions:
  - (1) The minimum lot size shall conform to the appropriate tier, except each SID as defined by the Community Plan is permitted one (1), one (1) acre minimum lot size lot for one use listed in Section 377-5.2 C. (3) and one (1), one (1) acre minimum lot size lot for one use listed in Section 377-5.3 C. (7)(a).
  - (2) The building floor area shall be determined based on buildings in existence at the time of application together with buildings for uses approved through the application.
  - (3) The maximum ground floor building area shall in no case exceed the maximum allowed by computing the total permitted building floor area in the industrial park based on the lot coverage allowed.
  - (4) No more than fifteen (15) percent of the combined total ground floor building area within the industrial park may be utilized for the uses specified in (6) and (7) below to insure the primary character of the district remains industrial.
  - (5) Such uses shall be limited to a scale to serve persons working in the Special Industrial Overlay District and only secondarily to serve residents in the area. Such uses are limited to a maximum building floor area size of five-thousand (5,000) square feet per business premise.
  - (6) Uses which may be permitted under the aforementioned conditions through a Type II procedure:
    - (a) Restaurant, delicatessen or cafeteria primarily for employees if located on an interior street within the industrial park;
    - (b) Recreation facilities, indoor or outdoor exercise facilities, primarily for employees; and
    - (c) Day-care facilities primarily for employee families.

- (7) No more than twenty-five (25) percent of the combined total ground floor building area within the industrial park may be utilized for the following office uses in order to maintain the primarily industrial character of the district. These uses shall be supportive of or related to the permitted industrial uses in the SID. Free standing office buildings must be occupied by a single tenant which utilizes at least twenty-five (25) percent of the gross building floor area. Uses which may be permitted under the above conditions through a Type II procedure:
- (a) Offices for financial institutions, banks and credit unions; and
  - (b) Professional offices for accounting, auditing and bookkeeping; architectural; engineering including surveying; medical; law; other professional uses.

377-5.4 Uses which may be permitted through a Type III Procedure.

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code. The Review Authority shall make specific findings with respect to the use being compatible to the intent and purpose of the district. Approval may be further conditioned by the Review Authority pursuant to Section 207-6.

- A. Parcel Delivery Service.
- B. Government and Special District Facilities.
- C. Transit Stations or Park and Ride Lots - Sections 430-89 and 430-139.
- D. Public Utility - Section 430-105.
- E. Heliport - Section 430-59.
- F. Solid Waste Transfer Station - Section 430-129.
- G. Communication Towers greater than two-hundred feet in height - Section 430-109.
- H. Broadcast Towers – Section 430-109.