

Sec. 34-120. - L-1 Light industrial district.

- (a) *Purpose and intent.* The purpose of this district is to provide areas in which the principal use of land is for light manufacturing, fabricating, and assembly plants, business, services, offices, retail, storage, warehousing, wholesaling and distribution. The intent of this district is to permit and regulate uses so that the noise, odor, dust, and glare of each operation is controlled to prevent becoming a nuisance to adjacent land uses. These regulations are intended to prevent frictions between uses within the district and also to protect nearby residential districts. This district is compatible with the industrial land use designation.
- (b) *Permitted principal and accessory uses and structures.* The following uses shall be permitted in the L-1 Light industrial district.
- (1) Cold storage and frozen food lockers.
 - (2) Retail and wholesale sales, with shop and/or outside display of product.
 - (3) Printing, lithographing, publishing or similar establishments.
 - (4) Tattoo parlors and related uses.
 - (5) Industrial equipment, sales and repair associated with the sale of the equipment. No junk equipment is allowed to be stored on premises.
 - (6) Construction contractors and similar contractors, yards and related activities, such storage of building supplies and materials including outside storage of equipment and materials.
 - (7) Pest control establishments.
 - (8) Light manufacturing such as electronic equipment assembly, instrument, optical goods.
 - (9) Auto detailing and upholstery.
 - (10) Any commercial use allowed in the city's B-1, B-2 or O-1 commercial zoning districts.
 - (11) Adult entertainment, game rooms, dance halls, and related adult entertainment businesses with the following exceptions:
 - a. No adult entertainment, game room, dance hall and related adult entertainment business shall be located within 1,500 feet of a school, residential area or another similar adult entertainment business.
 - b. A five-foot wide landscaping buffer shall be provided surrounding the property if abutting industrial property; if abutting a commercial or residential property landscape buffer shall be increased to a maximum of 25 feet wide with an average of 12.5 feet. Landscaping shall be such as to not obstruct the plain sight.
 - (12) Machine shop.
 - (13) Manufacture of pottery or other ceramic products.
 - (14) Moving and storage companies.

- (15) Plumbing supply.
- (16) Rental of trailers and trucks.
- (17) Rug cleaning establishments.
- (18) Sign painting and service.
- (19) Swimming pool sales, installation and service.
- (20) Trade shops, including tinsmith, cabinetmaker, rug and carpet cleaning, electrical, roofing, sheet metal, welding and plumbing shops.
- (21) Welding or soldering shops.
- (22) Wholesale commercial activities.
- (23) Wholesale houses and distributors.
- (24) Wholesale nurseries, greenhouses, and landscape services.
- (25) Vehicle sales, rental, service, and repair, including new or used automobiles, boats, buses, farm equipment, motorcycles, trailers, trucks, and recreational vehicles.
- (26) Mobile homes sales.
- (27) Automotive general repairs and paint and body shop. Any open storage of wrecked, dismantled, or inoperable cars or vehicles must be screened from the public view by a six-foot enclosed fence.
- (28) Other uses of the same general character as those listed above deemed appropriate by the planning, zoning and appeals board.
- (29) Adult arcade amusement centers compliant with Code of Ordinances section 14-121.
- (30) Churches and related activities pursuant to article V, division 3, of this chapter.
- (31) Outside storage is allowable provided that:
 - a. The storage is visually screened from roadways and neighboring properties by a solid fence of six-foot in height or thick vegetation buffer.
 - b. Any storage greater than six feet in height is setback from all property lines a minimum of ten feet.
 - c. The storage is no greater than 15 feet in height.
 - d. The storage is not land clearing debris, construction debris, recyclables, trash, garbage or other materials typically disposed of at a Class I or higher landfill.
- (32) Recreational facilities.
- (33) Vocational, technical, trade or industrial schools and similar uses.
- (34) Manufactured buildings are allowable provided that:
 - a. The building is secured to a foundation or attached to an approved anchorage;
 - b.

The axle and hitch will be removed from the building;

- c. The building is skirted or placed on a solid concrete block wall or foundation;
- d. If a multi-section construction, once together and sealed the building becomes one integrated wall, floor and roof assembly;
- e. Meets the current building code; and
- f. The building shall be visually screened if seen from SR100, US1 or SR11 by a solid fence of six-foot in height or an equivalent thick vegetation buffer.

(c) *Permitted special exception.* Permitted special exceptions, which are subject to approval by the local planning agency, in the L-1 district shall be as follows:

(1) Tractor trailer storage yards meeting the requirements listed below:

- a. The parking and storage facilities must be visually screened from roadways and neighboring properties by a solid fence of six-foot in height or thick vegetation buffer.
- b. All lights and lighting shall be so designed and arranged so that no source of light shall be directly visible from any residential district; this provision shall not be construed to prohibit interior-lighted signs.
- c. Restroom facilities with a potable water source and sanitary sewer services shall be provided for employees and patrons.
- d. Adequate, enclosed trash storage facilities shall be provided on the site.
- e. Tractor trailers must be setback from all property lines a minimum of ten feet.

(2) Junkyards or automotive wrecking or salvage yards meeting the minimum requirements listed below:

- a. The materials or vehicles are visually screened from roadways and neighboring properties by a solid fence of six-foot in height or thick vegetation buffer.
- b. Materials or stacked vehicles greater than six feet in height shall be setback from all property lines a minimum of ten feet.
- c. Materials or stacked vehicles shall not exceed 15 feet in height.
- d. Junkyards or automotive wrecking or salvage yards shall not be visible from US1, State Road 100, or State Road 11.

(3) Miscellaneous uses, such as, express office, telephone exchange, commercial parking lots, and parking garages, motor bus or truck or other transportation terminal.

(4) Service establishments catering to commerce and industry, including linen supply, laundry package dry cleaning plants, freight movers, communications services, business machine services, canteen services, and hiring and union halls.

(5) Recycling and transfer stations.

(6) Other uses and structures not listed above that with certain restrictions can be compatible with the permitted uses of the district as determined by the planning, zoning and appeals board.

(d) *Performance standards.* Every use (agricultural activities and operations are specifically excluded from these provisions.) located within the L-1 Light industrial district shall be so operated as to comply with the following minimum performance standards set forth below and all such uses which are changed, altered or enlarged shall comply with all of the required performance standards for the portion of the use and /or structure which is involved in such change, alteration or enlargement:

- (1) *Noise.* Every use shall be operated in compliance with the noise regulations specified in sections 26-196 through 26-203 in the City of Bunnell Code of Ordinances.
- (2) *Vibration.* Every use shall be so operated that ground vibration inherent and recurrently generated is not perceptible, without instruments, at any point on the property line of the property on which the use is located.
- (3) *Smoke.* No smoke shall be emitted greater than number 1 on the Ringelmann Smoke Chart.
- (4) *Dust, dirt and other particulate matter.* Particulate matter shall be defined as any material discharged into or suspended in the atmosphere in finely divided form. The calculation of the total net rate of emission of particulate matter within the boundaries of any lot shall be made in the following manner.
 - a. Determine maximum emission in pounds per hour for each source of emission and divide this figure by the acres in the lot area, thereby obtaining the gross hourly rate of emission, in pounds per acre.
 - b. For each gross hourly rate of emission, deduct the height of emission collection factor from the following table, interpolating as necessary for heights not given.

ALLOWANCES FOR HEIGHT OF EMISSION

Height of Emission Above Grade (Feet)	Collection (Pounds per Hour per Acre)
50	0.01
100	0.06
150	0.10
200	0.16

300	0.30
400	0.50
The result is the hourly rate of emission in pounds per acre for each source of emission.	

- c. Adding together individual net rates of emission gives the total new rate of emission from all sources of emission within the boundaries of the lot.

The total net rate of emission from all sources within the boundaries of a lot or tract in question shall not exceed one pound per acre of lot area during any one hour.

The emission, from all sources within any lot area, of particulate matter containing more than ten percent by weight of particles having a diameter larger than 44 microns is prohibited.

The emission of particles in the form of fly ash from any flue or smokestack shall not exceed 0.2 grains per cubic foot of flue gas at a stack temperature of 500 degrees Fahrenheit. Dust and other types of airborne pollution from such sources as storage yards, piled materials, yards, roads, or other untreated open areas which are developed, shall be kept to a minimum by appropriate screening, design, landscaping, paving, sprinkling, or other acceptable means approved by the administrative official.

- (5) *Industrial wastes.* There shall be no discharge at any point of liquid or solid wastes into any public sewage disposal system which will overload such system or create detrimental effects on the flow and treatment of public sewage, pursuant to sections 66-227 through 66-228 of the City of Bunnell Code of Ordinances. There shall be no discharge of any industrial wastes into any private sewage disposal system, stream, or into the ground of a kind or nature which may contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements or solid wastes conducive to the breeding of rodents or insects.
- (6) *Odor.* Every use shall be so operated as to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located.
 - a. Odor means a sensation resulting from stimulation of the human olfactory organ or a quantifiable level of chemical, fume or gas.
 - b. Objectionable odor means irritating, malodorous or nauseous odor which, by itself, or in combination with odors, fumes or gases exists in the atmosphere in sufficient quantities and of such duration:

1. Exceeds an acceptable level;
 2. Is irritating, annoying or offensive to a person of normal sensibilities;
 3. Is injurious to human, plant or animal life;
 4. Unreasonably interferes with the comfortable use and enjoyment of life property or the conduct of business.
- c. Odor nuisance means the use of any property, facilities, equipment, processes, products or compounds, or the commission of any acts that cause the emission into the outdoor air of dust, fume gas, mist, odor, smoke or vapor, or any combination thereof of a character and in the quantity as to be detectable by the public at any point beyond the property limits of the premises occupied or used by the person responsible for the source thereof, and so as to affect the public in one or more of the following ways:
1. Lessen the normal food and water intake of persons of normal sensitivities;
 2. Produce irritation of the upper respiratory tract in persons of normal sensitivities;
 3. Produce symptoms of nausea in persons of normal sensitivities;
 4. Cause injury or damage to real property, personal property, or human, animal or plant life of any kind;
 5. Cause harm to the health of persons of normal sensitivity; or
 6. Unreasonably interfere with the normal use and enjoyment of life or property. If a person alleged to have caused an odor nuisance shows that such an odor nuisance was made in compliance with odor emission standards, ambient odor standards, odor incineration standards, an odor compliance plan or a consent order with respect to odor, such emission shall not be deemed an odor nuisance.
- d. Procedures for odor complaint verification.
1. Each complaint of odors received by phone will be recorded on a community development odor complaint form. The form shall be designed to facilitate the gathering of information, pertinent to a complaint, within the shortest possible time. The determination of objectionability of the odor shall be left to the citizen who lodges the complaint. Community development shall determine why, if possible, the complainant finds the odor objectionable. The following questions may be posed to the complainant to assist in this determination:
 1. Is this odor irritating, annoying or offensive to you?
Y__ N__ Describe:
 2. Is the odor injurious to your health?
Y__ N__ Describe:

3. Is the odor injurious to plant or animal life?

Y___ N___ Describe:

4. Does the odor interfere with the enjoyment of property?

Y___ N___ Describe:

5. Does the odor interfere with the use and enjoyment of property?

Y___ N___ Describe:

6. Does the odor interfere with the conduct of business?

Y___ N___ Describe:

2. If the complainant has specifically identified (not a generic identification, e.g., chemical plant, kraft pulp mill) the source (facility) causing the objectionable odor, community development will notify the source (facility) that a complaint has been filed prior to or during, the complaint investigation. Notification will be made via certified mail, return receipt.
3. If the odor is ongoing, the investigator will proceed directly to the reported location of exposure. The code enforcement officer will stop, get out of the car and determine the presence or absence of a detectable odor in the air. The code enforcement officer will note the descriptive character of the odor, the intensity (faint, moderate, strong) and the time. The code enforcement officer will next measure and record meteorological data using portable, hand-held instruments carried for this purpose.
4. After recording initial data as described above, the code enforcement officer will attempt to interview the complainant, if the complainant is available on or near the scene of the reported exposure.
5. The code enforcement officer will survey the general vicinity of the reported exposure, note any odors detectable in the general vicinity and look for any small localized sources consistent with the character of the odor reported and/or noted at the complaint site; for example, animal pens, garbage piled in or near the street, anything being burned, small water or sewage treatment plants, small facilities such as garages, paint shops, etc.
6. If no odor has been detected within a general vicinity of the reported site, the code enforcement officer will close the investigation.
7. If an odor has been noted and does not seem to be from a small, localized source (as characterized in subsection 5. above), the code enforcement officer will proceed to the probable odor source, based upon his/her general knowledge of the area, the character of the odor previously noted, and the prevailing winds.

8. Upon arrival, the code enforcement officer will conduct a survey upwind and downwind of the facility, noting any odor detectable downwind beyond the property line of the facility, which has the same odor description as that of the odor detected in the area of exposure.
 9. Ambient and olfactory data pertaining to an odor complaint, i.e., odor description, odor intensity and meteorological data, must be gathered within four hours of the complaint. Other data necessary for the validation of the complaint may be gathered before or after the passage of the four-hour period.
 10. Immediately upon completion of the field investigation, the code enforcement officer will notify the alleged source of the finding of the investigation. Such notification will be made via certified mail, return receipt.
 11. Upon completion of the investigation, the code enforcement officer will promptly document the findings on the complaint form, while details are still fresh in mind.
 12. The completed complaint form shall be given to the supervisory personnel for review. If the odor complaint is validated, the source owner will be advised in writing on a monthly basis. The written notification must be postmarked no later than the fifteenth day of the month for validated complaints received during the previous month. Copies of the validated complaints shall be enclosed with the monthly notification.
- e. Receipt of citizen complaints. Complaints regarding objectionable odors from at least five persons who do not live in the same household within a 90-day period, alleging that a person or entity is responsible for objectionable odors at or beyond the property line of the responsible person.
 - f. Training. Training shall be provided to the department complaint investigators in the determination of odor intensity and odor description. Procedures utilized for training the investigators shall be documented and be made available to the public upon request. Records of training received shall be maintained and shall be available upon request.
 - g. Use of meteorological instruments. Measurements of temperature, relative humidity, wind speed and wind direction made in the course of an odor investigation must be done in accordance with methods and with the aid of instruments, described in the device instruction manual.
 - h. Odor episodes. In the event of an odor episode that results in odor complaints from households in close proximity, the code enforcement officer may elect to perform one investigation in his attempt to validate all the complaints. In such an event, a single notification to the culpable source, by phone or in person, will suffice as notification for the entire group of complaints.
 - i.

Safety. Investigation of odor complaints shall be conducted so as not to jeopardize the safety of the code enforcement officer.

- (7) Fire and explosion hazard. The storage, use, or manufacture of flammable, combustible, or explosive materials may be done only where adequate safety devices against the hazards of fire and explosion are provided, including adequate fire fighting and fire suppression equipment, and where the storage, use, or manufacture of such materials complies with the Florida Fire Prevention Code, Life Safety Code, National Fire Protection Association Codes and Standards, Florida Building Code, Title 4A, Florida Administrative Code, as amended, and all other applicable codes.
- (8) Heat, cold, dampness, and movement of air. Activities which would produce any effect on the temperature by more than five degrees fahrenheit, motion, or humidity of the atmosphere beyond the lot line shall not be permitted.
- (9) Electromagnetic interference. No use, activity, or process shall be conducted which produces electric and/or magnetic fields interference with normal radio, telephone, or television reception or the operation of any other equipment from off the premises where the activity is conducted.
- (10) Radiation and radioactive materials. The handling of radioactive materials, discharge of such materials into air or water, and disposal of radioactive waste shall comply with the regulations set forth in Chapter 10D-91, Florida Administrative Code, as amended.
- (11) Hazardous materials. In addition to the requirements imposed by any other federal, state, or local law, rule, regulation, ordinance or code, the storage of hazardous materials shall comply with the following requirements:
 - a. *Containment standards.* Except as provided herein, all storage systems intended for the storage of hazardous materials shall be designed with the capability of detecting that the hazardous material stored in the primary containment has entered the secondary containment. Visual inspection of the primary containment is the preferred method; however, other means of monitoring may be required by the city. Primary and secondary levels of containment shall be required for all storage systems intended for the storage of hazardous materials, except as provided herein.
 1. *Primary containment.* Primary containment is the first level of containment, such as the inside layer of the container which comes into immediate contact on its inner surface with the hazardous material being contained. All primary containment shall be product-tight.
 2. *Secondary containment.* Secondary containment is the level of containment external to and separate from the primary containment. All secondary containment shall be constructed of materials of sufficient thickness, density, and composition so as not to

be structurally weakened as a result of contact with the discharge hazardous materials and sufficient to preclude any loss of hazardous materials to the external environment.

- i. Leak-proof trays under containers, floor curbing, or other containment systems to provide secondary liquid containment shall be installed of adequate size to handle 110 percent of the volume of the largest container in order to contain all spills, leaks, overflows, and precipitation until removal or remedial action can be taken.
 - ii. Secondary containment systems shall be sheltered so that the intrusion of precipitation is inhibited. These requirements shall apply to all areas of use, production, and handling, to all storage areas, and to aboveground and underground storage areas.
 - iii. Vacuum suction devices, absorbent scavenger materials, or other devices approved by the city, shall be present on-site or available within a time set by the city. Devices or materials shall be available in sufficient magnitude so as to control and collect the total quantity of hazardous materials. To the degree feasible, emergency containers shall be present and of such capacity as to hold the total quantity of hazardous materials plus absorbent material.
- b. *Inspection and maintenance.* Procedures shall be established for periodic in-house inspection and maintenance of containment and emergency equipment. Such procedures shall be in writing. A regular checklist and schedule of maintenance shall be established and a log shall be kept of inspections and maintenance. Such logs and records shall be kept on-site for inspection by the city.
 1. Any substantial modification or repair of a storage system, other than minor repairs or emergency repairs, shall be in accordance with plans to be submitted to the city and approved prior to the initiation of such work.
 2. A facility owner or operator may make emergency repairs to a storage system in advance of seeking an approval whenever an immediate repair is required to prevent or contain an unauthorized discharge or release or to protect the integrity of the containment.
 3. Replacement of any existing storage system for hazardous materials shall comply with the new installation standards.
- c. *Out-of-service storage systems.*
 1. Storage systems which are temporarily out of service, and are intended to be returned to use, shall continue to be monitored and inspected.
 - 2.

Any storage system which is not being monitored and inspected in accordance with this subsection shall be closed or removed in a manner approved by the city, and at the expense of the property owner or operator.

3. Whenever an abandoned storage system is located, a plan for the closure or removal or upgrading and permitting of such storage system shall be filed at a reasonable time as determined by the city.

d. *Hazardous materials inspection program to comply with federal law.* The city shall administer a hazardous materials inspection and cleanup program for the incorporated areas of the city. Such a program shall insure compliance with Title 40 Code of Federal Regulations, Parts 260.00—265.00. The party responsible for any discharge or release shall pay all cost incurred by the city in conducting the necessary inspection and clean-up program.

(e) *Area regulations.* Area regulations within the L-1 Light industrial district shall be as follows:

(1) *Front yard.* There shall be a front yard of not less than 40 feet measured from the property line to the front building line.

(2) *Side yard.*

a. There shall be a side yard of not less than ten feet. Lots whose side lot lines are intersecting streets shall have a 20-foot side yard.

b. When a lot in the L-1 Light industrial district abuts a residential district there shall be a side yard of not less than 35 feet.

c. When a lot in the L-1 Light industrial district abuts a railroad right-of-way no side yard is required.

(3) *Rear yard.*

a. There shall be a rear yard of not less than ten feet except where the rear lot line is a railroad right-of-way and, in that case, no rear yard is required.

b. Lots which abut a residential district shall provide a rear yard of at least 20 feet, and shall include a buffer of a fence at least six feet in height and approved by the city.

(4) *Maximum lot coverage.* Main and accessory buildings shall cover no more than 65 percent of the total lot area with an impervious surface limitation of 70 percent.

(5) *Building site area regulations.* The minimum lot or building site area shall be 15,000 square feet and have a width of not less than 80 feet measured at the front of the building line.

(6) *[Floor area ratio.]* The floor area ratio (FAR) is limited to 0.5 FAR.

(f) *Height regulations.* No main building or tower or structure shall exceed 35 feet in height.

(g) *Off-street parking.* Off-street parking shall be as regulated in article V, division 2 of this chapter.

(h)

Design regulations. Any building located on a parcel adjacent to SR100, US1 or SR11, must have the front facade designed using an architectural finish (e.g., simulated stone or brick, natural stone veneers, masonry facades, insulated stucco finish, etc.) complete with architectural treatments (e.g., wainscoting, shutters, canopies, louvers, etc.) to ensure the building is not plain nor appear as a steel building. In cases where the front facade (or main building entrance) is not facing the above-mentioned streets, both the front facade and the facade facing the above-mentioned streets must receive an architectural finish and treatments. In cases where there are multiple buildings on a parcel, only the buildings with frontage along the above-mentioned streets must meet this requirement.

(LDC 1991, ch. 4, art. X, § VI; Ord. No. 2005-19, Pt. A, 8-16-05; Ord. No. 2006-17, Pt. a, 5-2-06; Ord. No. 2009-16, § 1, 6-16-09; Ord. No. 2009-28, § 1, 8-28-09; Ord. No. 2009-34, § 1, 4-12-10; Ord. No. 2010-08, § 1, 11-22-10; Ord. No. 2013-08, § 2, 2-25-13; Ord. No. 2014-09, § 2, 4-14-14)

Editor's note— Section 2 of Ord. No. 2013-08, adopted Feb. 25, 2013, amended and renumbered former § 34-118 as § 34-120.