

## 3.03.18. - I—Industrial district.

- A. *Purpose and intent.* This district is designed to encourage the grouping of industrial establishments at strategic locations in the County so that the economic base can be expanded, services and facilities provided, and incompatible mixing of land uses avoided.
- B. *Permitted principal uses and structures.* In the I, industrial district, no premises shall be used except for the following industrial uses and their customary accessory uses or structures:
1. Any industrial, office, commercial or related use or structure, provided applicable county standards are met.
- C. *Permitted special exceptions.*
1. One (1) detached single-family dwelling consisting of a minimum of six hundred (600) square feet of living area, on the same site as that of a permitted use, which dwelling shall be occupied exclusively by a superintendent and his family, by a caretaker and his family or by a watchman or custodian and his family.
- D. *Dimensional requirements.*
1. Minimum lot size:  
Area: Twenty thousand (20,000) square feet.  
  
Width: One hundred (100) feet.
  2. Minimum setback requirements for structures:  
Front yard: Thirty (30) feet.  
  
Rear yard: Twenty (20) feet.  
  
Side yard:  
  
Interior lot: Twenty (20) feet ;b3l; Abutting any street: Thirty (30) feet.  
  
(The minimum required side or rear yards shall be fifty (50) feet when they abut a residential classification.)
  3. Maximum building height: Sixty-five (65) feet.
  4. Minimum pervious coverage: Thirty (30) percent.
- E. *Off-street parking and loading requirements.* Off-street parking and loading space meeting the requirements of [section 3.06.04](#) shall be constructed.
- F. *Site development plan requirements.*
1. A site development plan meeting the requirements of Appendix B is required. Lots or parcels of five (5) acres or more require site plan approval by the planning board.
  2. Lots or parcels less than five (5) acres require site plan review by the technical review committee.
- G. *Industrial performance standards.*
1. *Purpose and intent.* The purpose and intent of the industrial performance standards is to provide reasonable measures to protect residential, business districts, and public property from the potentially negative impacts of odors, fumes, smoke, noise, heat, glare, vibration, soot and dust which may be associated with industrial uses.
  2. *General provisions.* The following performance standards address a series of potential nuisances or possible sources of pollution or other public health, safety, and welfare concerns. All measurements shall be enforced at the property lines, unless otherwise specified. No part of any industrial zone and no improvement thereon shall be used or allowed to be used at any time for the manufacture, storage, distribution or sale of any product or the

furnishing of any service, in a manner which is inconsistent with the requirements of this ordinance. No activity shall be carried on which may be or may become dangerous to public health, safety, or welfare which increases the fire insurance rate for adjoining or adjacent property, or which is illegal.

3. *Applicability.* Any new building, structure or tract of land, developed or constructed, or any new use of land that is used for, any permitted principal use, permitted special exception, or accessory use in any land zoned I Industrial district shall comply with all of the performance standards set forth in this section. If any existing, nonconforming use of land is extended, expanded or enlarged, the performance standards relating to odor shall apply only with respect to such extended, expanded, or enlarged portion or use of land. With respect to such extensions, expansions, or enlargements, compliance with the odor standards of this ordinance shall be based on a measurement using a thirty-minute average. The application of the performance standards relating to odor to an existing, nonconforming use of land shall not apply to the erection of new storage, office or administrative structures or the installation of equipment that will reduce emissions, provided that such erection or installation is not accompanied by an expansion or enlargement of industrial production capacity.
4. *Determination of violations relating to odor.* The performance standards relating to odor shall be enforced using the civil citation system as provided by Chapter 9, Article III of the Flagler County Code except to the extent amended herein. The board of county commissioners shall determine by resolution the monetary fines for the first, second and third violations. To determine if a violation has occurred, the code enforcement officer shall assess the existence of an odor at the property line of the industrial entity. If the officer detects an odor, the officer shall notify the industrial entity. The entity shall admit or deny that it is violating the performance standards and may provide the officer with any information or data in support of its position. If the violation is denied and the officer continues to reasonably believe that an odor is being emitted from the entity, the officer shall cause the odor to be measured at the property line in accordance with the odor standards herein. If a violation is found, the officer shall issue a civil citation. After an entity has received three (3) citations, the officer shall refer the next following violation(s), if within twelve (12) months of the first violation, for judicial enforcement by the county of the performance standards. The county shall seek to enjoin the violation by the offending industrial entity as a public nuisance. Three (3) citations, followed by another violation determination, if all are within twelve (12) months, shall constitute a public nuisance per se for purposes of enforcing these odor performance standards. In such judicial enforcement, the county will pursue compliance under the other remedies authorized by the County Code.
5. The purpose and intent of the industrial performance standards is to provide reasonable measures to protect residential and business districts from the potentially negative impacts of noise, glare, and vibration which may be associated with industrial uses.
6. *Noise provisions.*
  - (a) No industry shall emit any source of sound in such a manner as to create a sound level which exceeds the limits prescribed below for more than ten (10) percent of any measurement period. The measurement period shall not be less than ten (10) minutes. Sound levels shall be measured in "dBA," which means the composite abbreviation for the A-weighted sound level and the unit of sound level, the decibel.
  - (b) Sound level measurements shall be taken, using standardized noise measuring instrumentation, from both the property line of the industry, which is emanating the noise, and the property line of the receiving land use from which the complaint was filed. In the event the property line of the industry directly abuts the receiving property, one sound level measurement, taken at the shared boundary line of the properties, shall constitute a measurement of both the emanating and receiving properties. An industry exceeding either the sound level

limit for the emanating district or the sound level limit for the receiving district shall constitute a violation. A sound level measurement taken from the property line of the industry emanating the noise may not exceed the following level:

Emanating Land Use District	Time	Sound Level Limit
Industrial	All times	75 dBA

A sound level measurement taken from the property line of the developed land use district receiving the sounds emanating from the industry may not exceed the following levels:

Receiving Land Use District (must be developed property)	Time	Sound Level Limit (dBA)
Residential, including single-family, multifamily, planned unit development, and mobile home districts*	7:00 a.m. to before 10:00 p.m.	60
	10:00 p.m. to before 7:00 a.m.	55
Commercial, office, and public lands institutional	7:00 a.m. to before 10:00 p.m.	65
	10:00 p.m. to before 7:00 a.m.	60
Industrial	All times	75
Agricultural	All times	75

\*Residential development within the agricultural land use district is also included in this category. In such cases, the sound level measurement for the receiving category shall be taken from a location approximately one hundred (100) feet from the residential structure rather than the property line.

- (c) Condition under which sound level limits shall be increased: Where an industry has established its use away from other incompatible uses and subsequently, through encroachment of development, finds itself adjoining a receiving land use district which would require a reduction in noise generation, said industry shall

not emit a noise which exceeds the maximum noise limitation for the receiving land use district by more than ten (10) decibels.

(d) The following shall be excepted from the sound level limits:

- (1) Air conditioners, when functioning with the manufacturer's standard mufflers and noise-reducing equipment in use and when functioning in proper operating condition according to the manufacturer's standards. The same exemption shall apply to lawn mowers and agricultural equipment used during daylight hours.
- (2) Construction operations for which building permits have been issued or where a written agreement is in effect with the county authorizing such activity, provided all equipment is operated in accord with the manufacturer's specifications and with all standard manufacturers' mufflers and noise-reducing equipment in use and in proper operating condition, and such operations occur between the hours of 7:00 a.m. and 6:00 p.m.
- (3) Any noise resulting from any authorized emergency vehicle responding to an emergency or acting in time of emergency.
- (4) Calls for emergency assistance, warning calls, noises of safety signals, and warning devices.
- (5) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner of the premises served by any such alarm to turn off the alarm.
- (6) All noises coming from the normal operation of railroad trains and aircraft.
- (7) Those motor vehicles which have noise emissions controlled by Florida Statutes, up to the dBA levels allowed by law.
- (8) Construction, installation, or repair by any utility serving the industry if undertaken to address an emergency situation.
- (9) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit or written agreement has been issued.

7. *Glare provisions.*

- (a) Every industrial use shall be so operated as to prevent the emission of glare of such intensity as to be readily perceptible beyond the lot line of the property on which the use is located.
- (b) Outdoor lighting, including the illumination of the parking areas, pedestrian paths, signage, and spot lighting used for aesthetic or decorative reasons, is exempted from this provision except that such outdoor lighting shall be designed to minimize the illumination cast on adjacent residential areas by directing such lights, if possible, toward the interior of the industrial property and/or by reducing the wattage or candle power of the lights.

8. *Vibration provisions.*

- (a) Every industrial use shall be so operated as to prevent perceptible vibrations beyond the lot line of the property on which the use is located.
- (b) Industrial operations proposing to use vibration-causing equipment shall either increase the building setback or pad the base on which the equipment will rest to insure adequate ground area or padding to absorb all vibrations prior to them moving off the industrial property in any perceptible quantity.

9. *Odor provisions.*

- (a) *Performance requirements.* All industrial uses as described in subsection G.3. herein shall be controlled to prevent the emission of odorous gases or other matter in such quantities as to be readily detectable or to

produce a public nuisance or hazard as defined by the odor standards herein at any point as measured along the property line. Detailed plans for the prevention or elimination of odorous matter, fumes, smoke, soot or dust to demonstrate compliance with the odor standards shall be required from the applicant before the issuance of a building permit. Performance requirements shall be reviewed by the Technical Review Committee (TRC). The plans shall be signed and sealed by an engineer registered in the State of Florida. The plans shall be reviewed by the TRC.

- (b) *Odor standards.* All applicants for industrial uses as described in subsection G.3. herein shall demonstrate that they meet the odor standards herein. This determination shall be made during site plan approval. Site plans shall include documentation assuring that odor standards will not be exceeded by the intended use. Odors shall be measured by determining in parts per million (ppm) whether the chemicals are present. This measurement shall then be compared, as described hereafter, to data in Tables 5.1 or 5.3, Odor Thresholds: for Chemicals with Established Occupational Health Standards, published by the American Industrial Hygiene Association (1989) or the latest reprint or revision, which publications and future amendments are hereby incorporated by reference and made a binding part of this section. All measurements shall follow American Society of Testing Materials (ASTM) procedures or other procedures approved by the Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), the National Institute for Occupational Safety and Health (NIOSH), or the American Conference of Governmental Industrial Hygienists (ACGIH). When monitoring ambient air for the presence of odorous compounds, sampling should be conducted for as short a time as possible while sampling long enough to collect sufficient volume of sample so as to meet acceptable quality assurance/quality control criteria for validation of target analyte minimum detection limits.
- (1) Where Table 5.1, Odor Thresholds: for Chemicals with Established Occupational Health Standards; Range of Acceptable Values, referenced above contains several levels cited, the lowest acceptable value shall be used as the standard.
  - (2) Where the chemical in Table 5.1, Odor Thresholds: for Chemicals with Established Occupational Health Standards, does not have a lowest acceptable value reported, then Table 5.3, Odor Thresholds: for Chemicals with Established Occupational Health Standards shall be reviewed for the chemical and the lowest value of all reported odor threshold measurements shall be used.

(Ord. No. 98-06, § 1, 5-18-98; Ord. No. 01-20, §§ 1, 2, 10-1-01)

**Editor's note**— Ord. No. 01-20, § 2, adopted Oct. 1, 2001, set out provisions pertaining to odor regulations. To maintain the numerical sequencing of this Code, said ordinance provisions have been included as § 3.03.18.G.9. at the discretion of the editor to read as herein set out. See the Code Comparative Table.