

ORDINANCE 2014-09

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING CHAPTER 34 ZONING OF THE LAND DEVELOPMENT CODE; AMENDING THE L-1 LIGHT INDUSTRIAL ZONING DISTRICT; AMENDING THE L-2 HEAVY INDUSTRIAL ZONING DISTRICT; PROVIDING REGULATIONS FOR TEMPORARY OR SEASONAL USES; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, *Constitution of the State of Florida*, authorizes the City of Bunnell to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Section 163.3202(2) (a), *Florida Statutes*, requires local governments to regulate the subdivision of land in their land development regulations; and

WHEREAS, the *Bunnell Land Development Code* provides zoning regulations for the L-1, Light Industrial zoning district and the L-2, Heavy Industrial zoning district; and

WHEREAS, said procedures are in need of revision; and

WHEREAS, Section 163.3174(4)(c), *Florida Statutes*, requires the local planning agency to review proposed land development regulations and amendments, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof; and

WHEREAS, the Planning, Zoning and Appeals Board reviewed this Ordinance at its January 21, 2014 and February 18, 2014 meeting and recommends adoption; and

WHEREAS, the City Commission of the City of Bunnell finds it is in the best interest and welfare of the citizens of the City to enact this Ordinance; and

WHEREAS, the City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, this Ordinance is consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Bunnell*; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~striketrough~~ shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA AS FOLLOWS:

Section 1. Amendment to Chapter 34, Land Development Code. Section 34-2, the *City of Bunnell Land Development Code* is hereby revised and amended to read as follows:

Sec. 34-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Manufactured building/housing means a type of prefabricated building or structure built after 1976 to federal codes governed by the U.S. Department of Housing and Urban Development. They are built with axles and a fixed steel chassis to assure the initial and continued transportability. Manufactured buildings are delivered on wheels attached to the fixed chassis which may be removed once delivered. Skirting or siding may be added around the bottom to hide where the wheels were attached. It is possible to reattach wheels and move a manufactured building to another location in the future.

Modular building/home means a sectional prefabricated building or structure built to Regional, State or local building codes that may consist of multiple sections that are constructed at a remote facility. The sections are transported to building sites on truck beds and set together on a permanent foundation by large cranes with finishing completed by construction crews. Once together and sealed, the building becomes one integrated wall, floor and roof assembly. Modular buildings and homes do not have axles or a fixed chassis and designed not to be moved once placed on site.

Section 2. Amendment To Chapter 34, Land Development Code.

Chapter 34, the *City of Bunnell Land Development Code* is hereby revised and amended to read as follows:

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.

Sec. 34-121. L-2 Heavy industrial district.

- (a) *Purpose and intent.* The purpose of this district is to provide areas appropriate where various heavy and extensive industrial operations can be conducted without creating

hazards or property devaluation to the surrounding land uses. The intent of this district is to promote the most efficient use of the land for heavy industrial uses such that noise, odor, dust, and glare of each operation is controlled to prevent becoming a nuisance to all adjacent land uses. No L-2 Heavy industrial district may be created within a one-half-mile radius of the Downtown District of Bunnell as referred to in the Code of Ordinances sections 14-121 and 14-122 and referencing the included map. 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-2 Heavy industrial district.

- (1) Industrial uses and structures associated with large scale production and large scale manufacturing involving the manufacturing, fabrication or processing of products from raw materials or the assembly of parts which have been manufactured off-site to make a finished product.
- (2) Junk yards or automotive wrecking or salvage yards.
- (3) Recycling collection and/or transfer station.
- (4) Solid waste transfer station.
- (5) Tire retreading and recapping shops.
- (6) Truck and freight terminals and truck scales.
- (7) Boatbuilding.
- (8) Chemical production plants.
- (9) Manufacturing involving the use of cranes and bulldozers.
- (10) Energy solution facilities.
- (11) Blacksmith shops.
- (12) Iron, ornamentation manufacturing.
- (13) Sheetmetal products manufacturing.
- (14) Planing and millwork manufacturers.
- (15) Culvert manufacturing, concrete forming and fabrication operations.
- (16) Bulk storage yards, not including bulk storage of flammable liquids and acids.
- (17) Other uses of the same general character as those listed above deemed appropriate by the planning, zoning and appeals board.
- (18) 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-2 district shall be as follows:

- (1) Other uses and structures not listed above that with certain restrictions can be compatible uses with other uses in the district as approved by the planning, zoning, and appeals board.
- (2) Accessory residential facilities for the use of watchmen or caretakers whose employment requires a residence on the premises.
- (3) Bulk storage yards for flammable liquids and acids.

Section 3. Implementing Administrative Actions.

The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative forms, policies, procedures, processes and rules. All development orders shall be issued in a manner consistent with controlling law and rendered in appealable form with the City Clerk. Denials of development approvals shall be issued in accordance with controlling law to include, but not be limited to, Section 166.033, *Florida Statutes*.

Section 4. Savings.

The prior actions of the City of Bunnell relating to the regulation of the industrial zoning districts and related matters are hereby ratified and affirmed.

Section 5. Codification.

The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Bunnell Land Development Code* and the Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 3, 4, 5, 6, 7, and 8 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 6. Conflicts.

All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction,

such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Effective Date.

This Ordinance shall take effect immediately upon enactment.

Approved on First Reading the 24th day of March 2014.

Adopted on Second Reading the 14th day of April 2014.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Wade Vose, City Attorney

Attest:

Sandra Bolser, City Clerk

Seal: