
Sec. 94-175. - Industrial districts neighborhood compatibility requirements.

- a. *Intent.* The intent of neighborhood compatibility standards is to provide criteria to determine the anticipated impacts of proposed industrial development on surrounding residential zoning districts.
- b. *Application and enforcement.*
 - 1. *Application of standards.*
 - a. If an existing structure contains industrial uses within an I or IL district and is expanded, enlarged, moved, structurally altered, or reconstructed, or any existing industrial use of land is enlarged, the neighborhood standards applicable to the district shall apply to the extent such use or structure is expanded, enlarged, moved, structurally altered, or reconstructed.
 - 2. *Analysis.*
 - a. All industrial uses subject to the site plan review requirements of section 94-35 shall submit a neighborhood compatibility analysis of proposed facilities and operations. Site plan approval shall not be granted unless there is compliance with all of the following requirements:
 - 1. The analysis is prepared by qualified professional engineers or other appropriate professionals;
 - 2. The analysis contains definite findings that the proposed facilities and operations will be in compliance with the impact standards of this section;
 - 3. The applicant submits a sworn affidavit that the operation will be conducted in accordance with recommendations contained within the analysis, if recommendations are provided.
 - b. All existing uses may be subject to an investigation by the planning and zoning administrator if a possible violation of the impact standards is suspected.
 - 3. *Impact standards.*
 - a. *Air quality standards.*
 - 1. **Smoke.** Every use shall be operated to prevent the emission of smoke as specified in F.A.C. ch. 17.2 "Rules of the Department of Environmental Regulations: Air Pollution," as revised.
 - 2. **Particulate matter.** Every use shall be operated to prevent the emission of dust or other solid matter as specified in F.A.C. ch. 17.2 "Rules of the Department of Environmental Regulations: Air Pollution," as revised.
 - 3. **Odor.** Every use shall be operated to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond property lines on which the use is located as required in F.A.C. ch. 17.2, "Rules of the Department of Environmental Regulations: Air Pollution," as revised.
 - b. *Glare.* Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in a residential district.
 - c. *Vibration.* All uses shall be operated in such fashion that ground vibration inherently and recurrently generated is not perceptible without instruments at any point on the property lines within which the use is located.
 - 1. Vibration shall be measured at or beyond any adjacent lot line or residential district line as indicated in Table 1. Measurements shall not exceed the particle velocities designated. The instrument used for measurements shall be a three component system capable of simultaneous measurement of vibration in three mutually perpendicular directions.

TABLE X-2: MAXIMUM GROUND TRANSMITTED VIBRATION		
ZONING DISTRICT	PARTICLE VELOCITY IN INCHES PER SECOND	
	ADJACENT LOT LINE	RESIDENTIAL LOT LINE
Residential District	0.10	0.02
Industrial District	0.20	0.20

2. Vibration is given as particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. The following formula shall be used to compute particle velocity:

$$P.V. = 6.28 F \times D$$

P.V. = Particle velocity, inches per second

F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration, inches

The maximum particle velocity shall be the vector sum of the three individual components recorded. Such particle velocities shall not exceed the values given in Table X-2.

3. Where vibration is produced as discrete impulses, and such impulses do not exceed a frequency of one second between impulses, then the applicable value in Table X-2 may be multiplied by two.
 4. Vibration resulting from temporary construction activity occurring between 7:00 a.m. and 6:00 p.m. shall be exempt from the requirements of this section.
 - d. *Fire and explosive hazards.* All structures, uses, construction, manufacturing, and industrial and commercial activities within the city shall comply with the rules and regulations, as amended, adopted by the office of the state fire marshal, pursuant to F.S. ch. 633.
 - e. *Noise.* See chapter 34, article II of this code.
- c. *Design and impact standards.*
1. *Lighting onto residential.* No lighting shall be directed from an industrial or industrial light use, which is subject to the requirements of this code, in a manner which illuminates adjoining residential property and no source of incandescent or mercury vapor illumination shall be directly visible from any adjoining residential property. No neon lights inside or outside structures shall be visible from any adjoining residential property.
 - a. *Control of effects of lights from vehicles or other sources.* Where the site plan indicates potential adverse effects of parking or of other sources on the lot on which the nonresidential use is to be located, such effects shall be eliminated or at a minimum prevented so that lights do not illuminate adjacent residential property below a height of six feet at the residential lot line, or from shining into any residential window if there is to be nonresidential parking on the premises after dark.
 - d. *Buffer yard requirements.* When an industrial or industrial light use is contiguous to any residential property, the property where the use is located shall be required to have a landscaped strip area and a physical barrier between it and the residential property. Such landscape strip shall meet the following requirements:
 1. *Landscape strip requirement.* A ten foot wide landscape strip shall be located along all property lines which are adjacent to residential property. Such landscape strip shall include trees, shrubs and ground cover as provided in the landscape provisions of section 94-443(2), landscape and tree preservation requirements. The width of the landscape area shall extend to the property line. All required landscaping shall be protected from vehicular encroachment.
 2. *Parking restrictions.* No parking shall be located within ten feet of the property line, within the yard area required by the district in which the proposed nonresidential use is located, when such yard is contiguous to residential property.

3. *Dumpster regulations.* All solid waste refuse containers (dumpsters) shall be set back a minimum of ten (10) feet from any property line which is contiguous to residential property, and shall be screened in accordance with the dumpster requirements provided in section 94-444(b).
4. *Loading facilities.* Loading and service facilities shall be screened so as not to be visible from abutting residential property.
5. *Screening of rooftop mechanical equipment.* All rooftop mechanical equipment and stair and elevator towers shall be designed as an integral part of the building volume and shall be required to be screened with material that matches the material used for the principal structure and shall be at least as high as six inches above the top most surface of the roof mounted structure.
6. *Wall requirements.* A wall shall be required on the industrial or industrial light property, a minimum of seven feet in height, constructed in accordance with section 94-443(1)(b) and subject to the following:
 - a. Shall be located within and along the length of the property line which abuts the residential property,
 - b. When the industrial/industrial light property is located adjacent to an alley, such wall shall be located at least five feet from the right-of-way line located closest to the nonresidential property,
 - c. When a utility or other public purpose easement on the industrial/industrial light property precludes the construction of wall, then an opaque fence, constructed in accordance with the standards described in section 94-443(1)(b), may be erected in lieu of the wall required by this section. The use of an opaque fence as a physical barrier between industrial and residential property shall be reviewed and approved by the planning and zoning division.
- e. *Amortization application to existing uses.* On or before December 31, 2021, all nonconforming uses of land which were in existence prior to such date shall comply with the requirements of subsection (d)(6) unless compliance would cause one or more of the following to occur:
 1. Demolition of any load-bearing portion of a building as it existed on December 31, 2016;
 2. Reduction of required parking spaces;
 3. Reduction in the number of parking spaces required if based on the parking requirements of section 94-486 parking and loading requirements in effect on and applicable to such use on December 31, 2016;
 4. Relocation of an existing wall which complied with the code prior to December 31, 2016;
 5. Would require the removal of an existing wall or comparably durable and aesthetic wood or metal, excluding metal or wood slats in chain-link fences, which complied with the Code prior to December 31, 2016;
 6. Access to the land would be substantially impaired;
 7. Installation of the wall required by subsection (d)(6) would require a modification of the existing vehicular use area which would impair traffic circulation on the site and a minimum five foot high hedge, fence or other physical barrier is in place along the length of the industrial property line which abuts the residential property;In such cases, the use shall otherwise comply with the requirements of this section to the maximum extent possible; however, the requirement of subsection (d)(1) to install a landscape strip shall be met if an abutting residential property owner agrees in writing that the landscape strip may be placed on his or her property. An agreement in a form provided by the city must be executed by the applicant and the abutting property owner. If the abutting property owner removes the landscape strip after it has been installed, there shall be no further requirement to install another landscape strip on the abutting property in connection with the commercial use which existed at the time of the initial installation.

(Ord. No. 4660-16, § 4, 12-5-2016)