

ORDINANCE SUMMARY

Lake County Comprehensive Plan requires that residential areas be protected from the encroachment of incompatible non-residential development and performance standards be adopted in the Land Development Regulations. Existing regulations do not provide sufficient standards to meet the requirements of the plan to define buffer and screening requirements for heavy industrial uses which have the potential to generate impacts on the environment and adjacent land uses including noise, vibration, dust, and odors. [The Local Planning Agency considered this ordinance at its September 20, 2007 meeting and recommended approval.](#)

ORDINANCE NO. 2007 – _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS CHAPTER II, ENTITLED DEFINITIONS; SECTION 3.01.02, ENTITLED CLASSIFICATION OF USES; SECTION 3.01.03, ENTITLED SCHEDULE OF PERMITTED AND CONDITIONAL USES; SECTION 3.01.04, ENTITLED KEY TO CONDITIONS IN TABLE OF PERMITTED AND CONDITIONAL USES; SECTION 3.05.00, ENTITLED SCREENING FOR COMMERCIAL AND INDUSTRIAL USES; SECTION 9.01.04, ENTITLED LANDSCAPE REQUIREMENTS; SECTION 9.01.04, TABLE 9.01.04.B.2.A, ENTITLED LANDSCAPE PLANTS FOR BUFFERS BETWEEN LOTS AND RIGHTS-OF-WAY; SECTION 9.01.04, TABLE 9.01.04.B, ENTITLED LANDSCAPE BUFFERS BETWEEN ZONING TYPES; SECTION 9.01.10, FIGURE 2, ENTITLED LAND USE BUFFERING STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lake County Comprehensive Plan Future Land Use Policy 1-1.3, Mitigation of Impacts from Adjacent Development, states that residential areas shall be protected from the encroachment of incompatible non-residential development; and

WHEREAS, Lake County Comprehensive Plan Future Land Use Policy 1-4.3: Mitigation of Impacts to Adjacent Land Uses, states that the County shall incorporate performance standards into the Land Development Regulations which define buffer and screening requirements for non-polluting and polluting industries; and

WHEREAS, Heavy Industrial Uses have the potential to generate impacts on the environment and adjacent land uses including noise, vibration, dust, and odors; and

WHEREAS, the Land Development Regulations provide standards for the location and performance standards of certain land uses;

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, as follows:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Amendment. Chapter II, Lake County Code, Appendix E, Land Development Regulations, entitled Definitions shall be amended to add definitions as follows:

* * *

Industrial Use. A use devoted to the manufacture, warehousing, assembly, packaging, processing, fabrication, storage or distribution of goods and materials whether new or used or the substantial refinishing, repair and/or rebuilding of vehicles or boats.

Industrial Use, Light. An Industrial Use engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products, from processed or previously manufactured materials, generally within an enclosed building.

Industrial Use, Heavy. An Industrial Use that has significant potential impacts on the environment or adjacent uses ~~in terms of including but not limited to~~ noise, vibrations, emissions, hazards and odors, where more than twenty (20) percent of the use takes place outside of an enclosed building or where exterior storage equals or exceeds building floor area.

* * *

Section 3. Amendment. Section 3.01.02(D), Lake County Code, Appendix E, Land Development Regulations, entitled Classification of Uses shall be amended to read as follows:

3.01.02 Classification of Uses.

* * *

D. Industrial Uses.

1. Incinerator. A facility in which Solid Waste or Recovered Materials are disposed of through a burn process.

~~2. Industrial, Light. An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including the processing, fabrication, assembly, treatment and packaging of such products, but excluding heavy industrial uses. Typical uses include the manufacture of apparel, computer, electrical and electronic~~

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equipment, food, furniture and fixtures, leather, rubber and plastics products; boat Building and repair, machine shops, and welding shops. This category also includes crematories.

3. ~~Industrial, Heavy. An establishment engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions. Typical uses include asphaltic cement plants, bulk fuel storage and distribution, fat rendering plants, grain mills, petroleum refineries, steel works and tanneries. Also includes agriculturally related industry or processes. This category also includes crematories.~~

2. Industrial Use, Light. An Industrial Use engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products, from processed or previously manufactured materials, generally within an enclosed building. Light Industrial uses include, but are not limited to: Publishing plants, medical/biomedical operations, warehousing, automotive/mechanical repair, paint and body shops. These examples are not intended to be comprehensive and may not include all light industrial uses. If a use is not specifically listed herein and exhibits similar characteristics to those listed, the County Manager, or designee, shall make a written interpretation that the proposed use exhibits similar characteristics to a listed use, in which case the use shall be permitted in the same manner as the use with similar characteristics.~~This category also includes crematories.~~

3. Industrial Use, Heavy. An Industrial Use that has significant potential impacts on the environment or adjacent uses including but not limited to ~~in terms of~~ noise, vibrations, emissions, hazards and odors, where more than twenty (20) percent of the use takes place outside of an enclosed building or where exterior storage equals or exceeds building floor area. Heavy Industrial uses include, but are not limited to: junkyards, ~~railways~~rail-yards, bulk petroleum storage, concrete batch plants, asphalt plants, resource extraction, incinerators, fabrication facilities (involving open air grit blasting or open air painting), fiberglass products manufacturing facility, explosive storage and or manufacturing facility, pesticide formulation facility, soil remediation facility, bulk solvent chemical storage/processing facility, and secondary metals recovery/manufacturing facility. Heavy Industrial uses also include agriculturally related industry or processes. These examples are not intended to be comprehensive and may not include all heavy industrial uses. If a use is not specifically listed herein and exhibits similar characteristics to those listed, the County Manager, or designee, shall make a written interpretation that the proposed use exhibits similar characteristics to a listed use, in which case the use shall be permitted in the same manner as the use with similar characteristics.

4. Recycling Center. A facility used for the processing and temporary storage of small recyclable items such as, but not limited to, food and beverage containers, fabrics, and paper.

Section 5. Amendment. Section 3.01.04, Lake County Code, Appendix E, Land Development Regulations, entitled Key to Conditions in Table of Permitted and Conditional Uses shall be amended to add the following:

24. Heavy Industrial Uses. Heavy Industrial Uses Shall only be Permitted as shown in Table 3.01.03 Schedule of Permitted and Conditional Uses. Conditional Use approval shall be required where properties used for Heavy Industrial Uses are located within 500 feet of the property line of a residential or PUD zoning district. The following conditions shall apply to Heavy Industrial Uses [in these locations](#):

- a. A minimum setback of 100 feet shall be required for all buildings, structures, outdoor storage areas, and areas for operation of vehicles and equipment from the property line of adjacent residential and PUD zoning district.
- b. Noise attenuation measures shall be required as part of site plan review based upon the nature of the proposed use and its relationship to surrounding land uses. A noise study may be required to establish the [base](#) level of background noise and recommend appropriate attenuation measures.
- c. Hours of Operation may be limited where properties used for Heavy Industrial Uses are located within 500 feet of the property line of a residential or PUD zoning district,~~—~~ based upon the nature of the proposed use and its relationship to surrounding residential land uses.
- d. Outside storage of materials shall be screened [so](#) they are not visible from right of ways ~~or adjacent parcels, residential zoning districts or PUDs, unless it is another industrial use~~ in accordance with Section 3.05.00. Soil~~—~~like materials that can generate dust shall be located in three sided walled enclosures that are a minimum of ten (10) feet in height. The opening of the enclosure shall not be visible from right of ways or adjacent parcels.
- e. The following standards shall be maintained:
 - i) All on-site travel ways and maneuvering lanes must be paved, watered, and swept as necessary to achieve maximum control of dust emissions.
 - ii) During operations, all stockpiles of materials with the potential of generating dust must be sprayed with water, oil or other solution meeting [Best Management Practices-Guidelines](#), as necessary to achieve maximum control of particulate emissions.
 - iii) Measures to clean up spilled materials must begin within thirty (30) minutes of ~~the~~ spillage to contain or dampen the material so that disturbance ~~-from~~ wind, erosion and/or vehicle traffic are minimized.
- f. Lighting. Lighting shall conform with the requirements of Section ~~-3.09.00.~~

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Section 6. Amendment. Section 3.05.00, Lake County Code, Appendix E, Land Development Regulations, entitled Screening for Commercial and Industrial Uses shall be amended to read as follows:

3.05.00 Screening for Commercial and Industrial Uses.

All commercial and industrial uses Shall screen their parking area, loading facilities, and storage areas in the following manner:

A. ~~Non-structural e~~Equipment, ~~L~~oading facilities and storage areas Shall be screened on all sides having Frontage on streets, Roads, highways, and Easements used for ingress and egress. Parking areas for automotive vehicles other than passenger cars utilized in the operation of the enterprise located thereon Shall be screened in a like manner.

B. Parking areas, ~~equipment~~, loading facilities, and storage areas Shall be screened on all sides abutting a residential zoning district.

C. ~~Such s~~Screening Shall ~~include be~~ a continuous and consistent fence or wall constructed of a substantial and durable material such as concrete Blocks, preformed concrete, ~~red~~ wood, or similar type material, of up to 12 feet, ~~a~~ sufficient height and design so as to effectively hide from view any material or vehicles located behind such fence or enclosure. Such views, however, Shall not be considered as applying to the overview portion of elevated highways, airplanes, helicopters, etc.

D. The display of goods such as automobiles, furniture, mobile homes, and similar uses, are exempted from screening along the Road Right-of-Way.

Section 7. Amendment. Section 9.01.04, Lake County Code, Appendix E, Land Development Regulations, entitled Landscape Requirements shall be amended to read as follows:

H. *Buffering of Heavy Industrial Uses. Buffering between heavy industrial uses and adjacent land uses shall be used to reduce noise, sight, and air impacts.*

Section 8. Amendment. Section 9.01.04, Lake County Code, Appendix E, Land Development Regulations, Table 9.01.04.B.2.A, entitled Landscape Plants For Buffers Between Lots And Rights-Of-Way shall be amended to read as follows:

Table 9.01.04.B.2.a: Landscape Plants for Required Buffers Between Lots and Rights-of-Way

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Buffer Type	Minimum Width	Minimum Number of Canopy Trees		Number of Ornamental Trees*	Shrub Reqt
A	10'	3	AND	2	1 single row of shrubs
B	15'	4	AND	3	1 single row of shrubs
C	20'	6	AND	5	Double (2 rows) of shrubs
D	30'	10	AND	8	Double (2 rows) shrubs AND a min 6' high wall
<u>E</u>	<u>50</u>	<u>10*</u>	<u>AND</u>	<u>8</u>	<u>Double (2 rows) shrubs, a min 6' high wall and a 4' ft berm</u>

***The minimum requirements for trees planted in a Buffer Type E Shall be ~~two-three (3)~~ three (3) inches caliper and ~~twenty-fourty-five (2045)~~ twenty-five (25) gallon container or greater. The minimum height of trees is ten (10) feet. Allowable trees planted in Buffer Type E shall not include Palms.**

Section 9. Amendment. Section 9.01.04, Lake County Code, Appendix E, Land Development Regulations, Table 9.01.04.B, entitled Landscape Buffers Between Zoning Types shall be amended to read as follows:

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**Table 9.01.04.B:
Landscape Buffers between Zoning Types**

	Ag +	RA	AR	R1	R2	R3	R4	R5	R6	R7	R10	RP	RMRP	RM	C1	C2	CP	LM	HM	MP	CFD	RV	PUD
Ag +	*	*	*	*	*	*	*	*	*	*	*	A	*	*	C	C	C	D	D	D	A	B	B
RA	*	*	*	*	*	*	*	*	*	*	*	A	*	*	C	C	C	D	D	D	A	B	B
AR	*	*	*	*	*	*	*	*	*	*	*	A	*	*	C	C	C	D	D	D	A	B	B
R1	*	*	*	*	*	*	*	*	*	*	*	A	*	*	C	C	C	D	D	D	A	B	B
R2	*	*	*	*	*	*	*	*	*	*	*	A	*	*	C	C	C	D	D	D	A	B	B
R3	*	*	*	*	*	*	*	*	*	*	*	A	*	*	C	C	C	D	D	D	A	B	B
R4	*	*	*	*	*	*	*	*	*	*	*	A	*	*	C	C	C	D	D	D	A	B	B
R5	*	*	*	*	*	*	*	*	*	*	*	A	*	*	B	B	B	D	D	D	A	B	B
R6	*	*	*	*	*	*	*	*	*	*	*	A	*	*	B	B	B	D	D	D	A	B	B
R7	*	*	*	*	*	*	*	*	*	*	*	A	*	*	B	B	B	D	D	D	A	B	B
R10	*	*	*	*	*	*	*	*	*	*	*	A	*	*	B	B	B	D	D	D	A	B	B
RP	A	A	A	A	A	A	A	A	A	A	A	A	*	*	B	B	B	D	D	D	A	A	B
RMRP	*	*	*	*	*	*	*	*	*	*	*	*	*	*	B	B	B	D	D	D	A	A	B
RM	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	C	D	D	D	A	B	B
C1	C	C	C	C	C	C	C	B	B	B	B	B	B	C	B	B	B	B	B	B	B	B	B
C2	C	C	C	C	C	C	C	B	B	B	B	B	B	C	B	B	B	B	B	B	B	B	B
CP	C	C	C	C	C	C	C	B	B	B	B	B	B	C	B	B	B	B	B	B	B	B	B
LM	D	D	D	D	D	D	D	D	D	D	D	D	D	B	B	B	B	B	B	B	C	D	B
HM	D	D	D	D <u>E</u>	D <u>E</u>	D <u>E</u>	D <u>E</u>	D <u>E</u>	D <u>E</u>	D <u>E</u>	D <u>E</u>	D <u>E</u>	D	B	B	B	B	B	B	B	C	D	B <u>E*</u>

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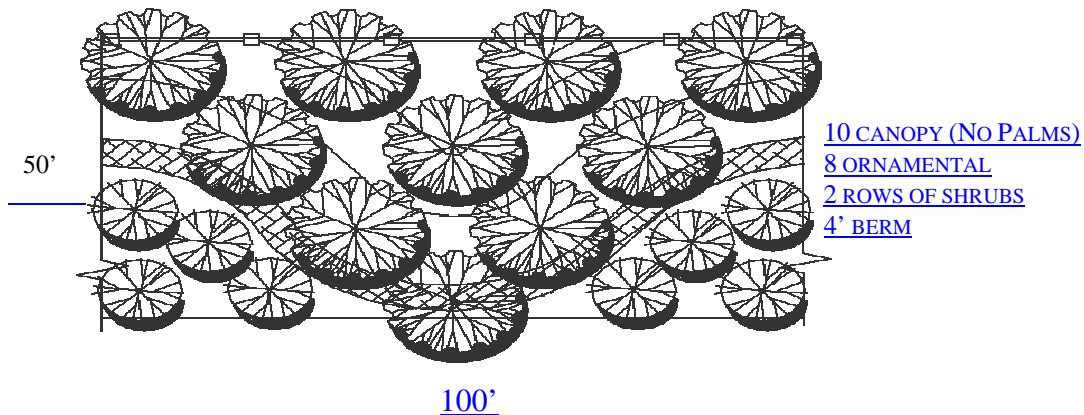
MP	D	D	D	D	D	D	D	D	D	D	D	D	D	D	B	B	B	B	B	B	C	D	B
CFD	A	A	A	A	A	A	A	A	A	A	A	A	A	A	B	B	B	C	C	C	B	B	B
RV	B	B	B	B	B	B	B	B	B	B	B	A	A	B	B	B	B	D	D	D	B	B	B
PUD	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B

***Bufferyard E is required when the proposed industrial use is adjacent to a PUD containing residential uses.**

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Section 10. Amendment. Section 9.01.04, Lake County Code, Appendix E, Land Development Regulations, Figure 2, entitled Land Use Buffering Standards shall be amended to read as follows:



Insert graphic of Bufferyard E here

Section 11. Inclusion in Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

Section 12. Severability. If any section, sentence, clause, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance.

Section 14. Effective Date. This ordinance shall become effective as provided for this ___ day of -, 2007.

Enacted this _____ day of _____, 2007.

Filed with the Secretary of State _____, 2007.

Effective _____, 2007.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

James C. Watkins, Clerk of the
Board of County Commissioners
of Lake County, Florida

Welton Cadwell, Chairman
This _____ day of _____, 2007.

Approved as to form and legality:

Sanford A. Minkoff
County Attorney