

district:

EPGF

Electrical Power Generating Facility

## **SECTION 4.2 SUPPLEMENTARY DISTRICT REGULATIONS**

### **4.2.1 SCOPE**

Provisions set forth in this Section apply to all areas subject to these land development regulations, and all zoning districts therein, unless exceptions are specifically provided relating to one (1) or more zoning districts, or except as otherwise provided in these land development regulations.

### **4.2.2 ACCESSIBILITY FOR THE PHYSICALLY DISABLED OR HANDICAPPED**

The public interest, welfare, and safety requires that buildings and uses erected after the effective date of these land development regulations shall be accessible to the physically disabled and handicapped.

4.2.2.1 Application. The requirements of Section 4.2 shall apply to all levels and areas of buildings and uses, and to all types of uses, with the exceptions that one (1) family and two (2) family (duplex) dwellings are exempted from these requirements.

4.2.2.2 Requirements for access to buildings and uses.

1. Accessibility to buildings and uses shall be provided from rights-of-way and parking areas by means of a pathway leading to at least one (1) entrance generally used by the public. Such pathway shall have been cleared of all obstructions related to construction activity, prior to the opening of the building to the general public. Where curbs exist along such pathway, as between a parking lot surface and a sidewalk surface, inclined curb approaches or curb cuts having a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for access by wheelchairs.
2. Except as otherwise specified herein, required off-street parking areas shall have off-street parking space reserved for the physically handicapped. (see Section 4.2.17.5, Off-street Parking: Handicapped Parking Spaces, for the number, dimensions, and other requirements for handicapped parking spaces).

### **4.2.3 ACCESS CONTROL**

In order to provide ease and convenience in ingress and egress to private property, but more importantly to provide the maximum safety with the least interference to the traffic flow on public streets, the number and location of curb breaks shall be regulated relative to the intensity or size of the property served and the amount of frontage which that property has on a given street. Further, for roadways which are part of the State of Florida highway system the number and location of curb breaks shall be in conformance with Chapter 14-96 and 14-97, rules of the Florida Department of Transportation and the Departments Access Management Manual.

4.2.3.1 Number and location of curb breaks. A curb break is a driveway or any other point of access or opening for vehicles onto a public street. The number and location of curb breaks shall be regulated as follows:

1. One (1) curb break shall be permitted for ingress and egress purposes to a single property or development provided, however, that more than one (1) curb break may be permitted in accordance with paragraphs (2), (3) and (4) below.
2. Two (2) curb breaks entering on a particular street from a single property or development may be permitted if all other requirements of this Section are met and if the minimum distance between the two curb breaks equals or exceeds twenty (20) feet.
3. Three (3) curb breaks entering on a particular street from a single property or development may be permitted if all other requirements of this Section are met and if the minimum distance between adjacent curb breaks equals or exceeds one hundred (100) feet.
4. More than three (3) curb breaks entering on a particular street may be permitted from a single property or development where the minimum distance between adjacent curb breaks equals or exceeds one thousand (1,000) feet.

#### 4.2.3.2 Width of curb break.

1. The width of a curb break shall be within the minimum and maximum limits as specified below:

<b>Location</b>	<b>Minimum</b>	<b>Maximum</b>
Residential	12 feet	24 feet
Planned shopping centers, industrial developments, multi-family developments (with parking for 300 or more vehicles)	24 feet	60 feet
All other uses:		
One-way	12 feet	24 feet
Two-way	24 feet	40 feet

2. All curb break widths shall be measured at the street right-of-way line.
3. In no case shall a curb break width be less than twelve (12) feet.

#### 4.2.3.3 Areas of limited street improvements.

1. No curb break shall be constructed in the radius return (curved arc between intersecting street pavements) of an intersection.
2. No curb break shall be constructed nearer than ten (10) feet from the intersection of street right-of-way lines.
3. No curb break shall be constructed nearer than five (5) feet from any interior property line.
4. To prevent vehicle overhang on private property in the vicinity of curb breaks, off-street parking areas, and off-street loading areas, a

six (6) inch raised curb and/or parking stops shall be constructed a minimum distance of three (3) feet inside the street right-of-way line or property line.

5. No curb break shall be permitted to include any public facility such as traffic signal standards, catch basins, fire hydrants, utility poles, fire alarm supports, or other similar type structures.

4.2.3.4 Curb break permit. No curb break shall be established or altered without a permit issued by the Land Development Regulation Administrator.

#### 4.2.4 ACCESSORY USES AND STRUCTURES

In residential districts, unless otherwise provided in these land development regulations, in all districts accessory uses and structures shall not be located in required front, side, or waterfront yards but may be located in rear yards not less than ten (10) feet from the rear lot line; provided, however, (1) that accessory structures for the housing of persons, such as guest houses, shall not be located in any required yard, nor shall air conditioner compressor units be located in any required yard; and (2) structures used for water related activities such as boat docks, boat houses, and similar uses may be located anywhere in a required waterfront yard.

No separate accessory building shall be located within five (5) feet of any building.

#### 4.2.5 ALCOHOLIC BEVERAGES

Indications in the Schedule of District Regulations that the sale of alcoholic beverages is permitted in any zoning district shall not in any way be deemed to limit, qualify, or repeal any other local regulations or regulations of the State of Florida relating to the licensing, dispensing, or sale of such beverages or the location of alcoholic beverage establishments.

#### 4.2.6 AUTOMOTIVE SERVICE AND SELF-SERVICE STATIONS

The following regulations shall apply to the location, design, construction, operation, and maintenance of automotive service and self-service stations (with the exception that for automobile self-service stations where self service gasoline pumps in conjunction with retail and commercial outlets for sale of food, hardware and drugs, there shall be no outside sales of oil, grease, parts or accessories for automobiles and no service except for self service water, air or carwash).

4.2.6.1 Lot dimensions and area. An automotive service station lot shall be of adequate width and depth to meet all setback requirements, but in no case shall a corner lot have less than one hundred fifty (150) feet of frontage on each street side, and an interior lot shall have a minimum width of at least one hundred fifty (150) feet. A corner lot shall have a minimum area of not less than twenty thousand (20,000) square feet and an interior lot a minimum area of not less than fifteen thousand (15,000) square feet.

4.2.6.2 Lighting. All lights and lighting for an automotive service station shall be so designed and arranged that no source of light shall be visible from any residential district.

4.2.6.3 Location of pumps and structures. No main or accessory building, no sign of any type, and no gasoline pump shall be located within twenty-five (25) feet of the lot line of any property that is zoned for residential

purposes. No gasoline pump shall be located within fifteen (15) feet of any street right-of-way line; where a greater street setback line has been established, no gasoline pump shall be located within fifteen (15) feet of such setback line.

4.2.6.4 Curb breaks. A curb break is a driveway or any other point of access or opening for vehicles onto a public street. The number of curb breaks for each automotive service station shall not exceed two (2) for each one hundred fifty (150) feet of street frontage, each break having a width of no more than thirty (30) feet exclusive of transitions and located not closer than fifteen (15) feet of right-of-way lines of any intersection. Curb breaks shall not be closer than fifteen (15) feet to any other property line. There shall be a minimum distance of twenty (20) feet between curb breaks.

4.2.6.5 Trash storage. Adequate, enclosed trash storage facilities shall be provided on the site.

#### 4.2.7 DRIVE-IN THEATERS

The following regulations apply to the construction and operation of drive-in theaters:

1. The screen must be so oriented that the picture is not visible from any existing or proposed major street.
2. Not more than two (2) exits shall be provided to each access highway but such exits may be suitably channelized to provide for right and left turns onto the highway, and not more than one (1) traffic lane shall be permitted for each traffic lane on the highway available to vehicles leaving the theater.
3. No entrance or exit shall be within five hundred (500) feet of the intersection of the right-of-way lines of any public street.
4. Sufficient area shall be provided between the highway and the viewing area to provide storage space for vehicles equal to not less than twenty-five (25) percent of theater capacity and of that storage space so provided not less than ten (10) percent of the theater capacity shall be provided between the highway and the ticket booths. In all cases, sufficient storage space shall be provided so that vehicles will not back onto the traveled way of the highway. Storage area shall be calculated on the basis of one (1) space per twenty-five (25) lineal feet of storage lane.
5. An individual speaker shall be provided for each vehicle. All speakers shall be equipped with sufficient cord to permit the speaker to be placed inside the vehicle. Speakers must not be audible beyond the boundaries of the theater property lines.

#### 4.2.8 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A PLATTED LOT

Whenever any land is subdivided, a building permit for the construction of a building or other principal structure (excluding commercial buildings under common ownership or unified control) shall not be issued for any such structure on less than a lot as platted within such subdivided land. This restriction shall not apply to portions of lots in individual ownership prior to the date of adoption or amendment of these

land development regulations. Although, such portions shall be required to meet the required lot yard, building height, lot coverage, landscaped buffering, and offstreet parking requirements of these land development regulations.

4.2.9

#### FUTURE LAND USE PLAN AMENDMENT FOR PUBLIC BUILDINGS AND FACILITIES

Public buildings and facilities, including public schools, which do not meet the definition of "essential services" as stated in Article 14 of these land development regulations, shall require an amendment to the Future Land Use Plan Map of the County's Comprehensive Plan to "Public Land Use", prior to approval as a special exception.

4.2.10

#### EXCLUSIONS FROM HEIGHT LIMITATIONS

The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, elevator shaft enclosures, airport control towers, observation towers or other appurtenances usually required to be placed above the roof level and, excepting airport control towers and observation towers, not intended for human occupancy; however, the heights of these structures or appurtenances thereto shall not exceed any height limitations prescribed by the Federal Aviation Agency or airport zoning regulations within the flight-approach zone of airports.

4.2.11

#### FALLOUT SHELTERS

Fallout shelters are permitted in all zoning districts. Individual structures in residential districts shall be considered as accessory structures.

4.2.12

#### FENCES, WALLS, AND HEDGES

Notwithstanding other provisions of these land development regulations, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard; provided that no solid fence, solid wall, or hedge located within the required front yard shall constitute an obstruction to visibility between two and one half (2-1/2) and six (6) feet above the centerline grade of the adjacent street.

4.2.13

#### LANDSCAPED BUFFER AREAS

The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between or among different uses of land in proximity to each other.

4.2.13.1 Requirements. Where these land development regulations require a landscaped buffer area, the following requirements shall be met:

1. The landscaped buffer area width shall be measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines.
2. The area shall be so designed, planted, and maintained as to be eighty percent (80%) or more opaque between two (2) and six (6) feet above average ground level when viewed horizontally; provided, however, that plantings located in the required front yard shall not exceed two and one-half (2 1/2) ft. in height.
3. Types and numbers of plantings for landscaped buffers shall be submitted with application for building permit. No building permit

shall be issued without such data, where these land development regulations require a landscaped buffer area or areas.

4. Plantings shall be of a size and type which will insure the meeting of the eighty (80) percent opacity requirement within no longer than thirty (30) months of the date of first planting. Where questions may arise as to the suitability of proposed plant materials to meet this requirement, final determination of suitability shall be made by the Land Development Regulation Administrator.
  5. The remainder of the required landscaped buffer area not covered by planting shall be landscaped with grass, ground cover, or other landscape treatment; except as otherwise provided herein, structures including buildings and offstreet parking and loading areas shall not be located in any required landscaped buffer area.
  6. The landscaped buffer area shall be maintained by the property owner and successors and continued so long as the main use continues. Failure to maintain the landscaped buffer area as set out above shall be a violation of these land development regulations.
- 4.2.13.2 Substitution for landscaped buffer area. Except when otherwise specifically provided by these land development regulations, a six (6) foot high masonry or wood opaque structure may be substituted for the six (6) foot high, planted buffer within these supplementary regulations; provided, however, that where the masonry or wood opaque structure is located in the required front yard, it shall not exceed two and one-half (2 1/2) feet in height.
- 4.2.13.3 Waiver by Land Development Regulation Administrator. When the Land Development Regulation Administrator finds that the public safety requires, he or she may waive or modify the buffer requirements set out in Section 4.2 at street and alley frontages adjacent to any entrance; the finding of the Land Development Regulation Administrator shall be in writing and shall be filed with the approved building permit. The finding shall demonstrate that the buffer is not required for a certain number of feet back from the street or alley entrance in order to afford protection to pedestrian or vehicular traffic entering or leaving the lot on which the landscaped buffer area is required by these land development regulations.
- 4.2.13.4 Waiver by Board of Adjustment. Where by the terms of these land development regulations a non-residential use is required to provide a landscaped buffer along a property line which is contiguous to another non-residential use, the Board of Adjustment may waive the landscaped buffer requirements if evidence is presented to the Board that the buffer will serve no useful purpose. Such evidence shall be heard in the same manner as a request for other variances, and adjoining property owners must be notified in writing of the Board of Adjustment meeting when the request will be heard.
- 4.2.13.5 Application where these land development regulations set out different requirements. In those instances where these land development regulations set out a different buffering requirement (e.g., greater height

of landscaped buffer, or a different type of buffer), then the specific provisions of these land development regulations applicable to the particular type of use shall govern.

4.2.14 MINIMUM LIVING AREA

Minimum living area requirements are specified in Article 9 of these land development regulations.

4.2.15 MOBILE HOME - REPLACEMENT OF EXISTING MOBILE HOMES

For the purposes of these land development regulations, the phrase existing mobile homes shall mean mobile homes which existed as of the effective date of adoption or amendment of these land development regulations. In those districts which do not permit the erection of new mobile homes but do permit existing mobile homes as a principal use, such existing mobile homes may be removed and replaced by another mobile home, provided:

1. That a period of not greater than six (6) consecutive months elapses between the removal of one (1) mobile home and the erection of another mobile home; and
2. Where a mobile home is removed and is not replaced for a period greater than six (6) consecutive months for any reason (except where governmental action impedes access to the premises), such mobile home shall not be replaced and any subsequent use shall conform to the regulations for the district in which the use is located.

4.2.16 MOVING OF BUILDINGS AND STRUCTURES

No building or structure shall be moved from one (1) lot to another lot, or moved to another location on the same lot, unless such building or structure shall thereafter conform to all of the applicable provisions of these land development regulations and to all other regulations and ordinances of the County.

4.2.17 OFFSTREET PARKING AND LOADING

It is the intent of these land development regulations that the public interest, welfare, and safety requires that buildings and uses erected after the effective date of these land development regulations shall be provided with adequate offstreet parking facilities (including in certain specified cases, offstreet parking facilities for the handicapped) for the use of occupants, employees, visitors, customers, or patrons. It is also the intent of these land development regulations that the public interest, welfare, and safety require that certain uses provide adequate offstreet loading facilities. Such offstreet parking and offstreet loading facilities shall be maintained and continued so long as the main use continues. (For definitions of "loading space, offstreet", "parking space, handicapped", and "parking space, offstreet", see Definitions, Section 2.1)

4.2.17.1 Offstreet parking and offstreet loading: general.

1. Offstreet parking and loading facilities shall be provided as set out in these land development regulations. Conforming buildings and uses existing as of the effective date of these land development regulations may be modernized, altered, or repaired without providing additional offstreet parking or offstreet loading facilities, providing there is no increase in floor area or capacity.

2. Where a conforming building or use existed as of the effective date of these land development regulations and such building or use is enlarged in floor area, volume, capacity, or space occupied, offstreet parking and offstreet loading as specified in these land development regulations shall be provided for the additional floor area, volume, capacity, or space so created or used.
  3. Change in use of a building or use existing as of the effective date of these land development regulations shall require additional offstreet parking and/or offstreet loading facilities to the extent that the use shall provide additional parking spaces and/or offstreet loading facilities amounting to the difference between the required number of parking spaces and/or offstreet loading facilities for the new use and the required number of parking spaces for the previous use.
  4. The design, construction, and arrangement regulations herein set out for offstreet parking and offstreet loading facilities do not apply to one (1) and two (2) family (duplex) dwellings.
  5. Required offstreet parking areas shall not be used for sales or display, dead storage, repair, dismantling, or servicing of any type or kind, nor shall areas devoted to such activities count as meeting offstreet parking requirements.
  6. Unless otherwise specified and subject to meeting required landscaped buffer requirements, all required yards may be used for offstreet parking.
- 4.2.17.2. Offstreet parking and offstreet loading facilities: identification, surfacing, drainage, lighting, access. The required offstreet parking and offstreet loading facilities shall be:
1. Identified as to purpose and location when not clearly evident.
  2. Unless as provided below, all off street parking shall be surfaced with one (1) inch of Type S asphaltic concrete surface course, as described in the current Florida Department of Transportation Standard Specifications for Road and Bridge Construction, or the equivalent as approved as meeting standards established by the Board of Adjustment and maintained in a smooth, well-graded condition.
    - a. Driveways, access aisles, and parking spaces for special exceptions, within agricultural and residential zoning districts, public and private schools offering academic courses and churches may be surfaced with mulch, gravel or other material found acceptable by the Board of Adjustment, in lieu of an asphaltic concrete surface.
    - b. Driveways, access aisles and parking spaces for permitted uses generating less than two-hundred (200) trips per day within "CN" Commercial, Neighborhood zoning districts, "CN", as defined in Section 4.12, may be surfaced with



mulch, gravel or other material found acceptable by the Board of Adjustment, in lieu of an asphaltic concrete surface.

3. Drained so as not to cause any nuisance on adjacent property.
4. So lighted as to prevent glare or excessive light on adjacent property.
5. Arranged for convenient access and safety of pedestrians and vehicles.
6. Designed to conform to curb break requirements (see Section 4.2.3). So arranged that no vehicle shall be required to back from such facilities directly onto public streets.
7. Designed to provide curbs or motor vehicle stops or similar devices so as to prevent vehicles from overhanging on or into public right-of-way or adjacent property.
8. Required offstreet parking areas for three (3) or more automobiles shall be designed, maintained, and regulated so that no parking or maneuvering incidental to parking shall be on a public street or walk, and so that an automobile may be parked and unparked without moving another automobile.

4.2.17.3 Offstreet parking: location. The required offstreet parking facilities shall be located on the same lot or parcel of land they are intended to serve, provided, however, that the Board of Adjustment may allow the establishment of such offstreet parking facilities within three hundred (300) feet of the premises they are intended to serve when (1) practical difficulties prevent the placing of the facilities on the same lot as the premises they are designed to serve; (2) the owner of the said parking area shall enter into a written agreement with the Board of County Commissioners with enforcement running to the Board of County Commissioners providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and (3) the owner agrees to bear the expense of recording the agreement and agrees that the agreement shall be voided by the Board of County Commissioners if other offstreet facilities are provided in accord with these land development regulations.

4.2.17.4 Offstreet parking: dimensional standards. Each offstreet parking space, with the exception of handicapped parking spaces, shall be a minimum of ten (10) feet by twenty (20) feet in size. Minimum aisle width shall be as follows:

Angle of Parking	Aisle Width	
	One Way	Two Way
Parallel	12 ft.	20 ft.
30°	12 ft.	22 ft.
45°	2 ft.	22 ft.
60°	18 ft.	24 ft.
90°	22 ft.	24 ft.

For purposes of rough computation, an offstreet parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet. However, offstreet parking requirements will be considered to be met only where actual spaces meeting the requirements above are provided and maintained, improved in the manner required by these land development regulations, and in accordance with all ordinances and regulations of the Board of County Commissioners.

- 4.2.17.5 Offstreet parking: handicapped parking spaces. Except as otherwise specified herein, required offstreet parking areas shall have a number of level parking spaces, as set forth in the following table, identified by above-grade signs as being reserved for physically handicapped persons. Each parking space so reserved shall be not less than twelve (12) feet in width and twenty (20) feet in length.

<b>Parking Spaces for Handicapped</b>	
<b>Required Number of Total Spaces in Lot_</b>	<b>Required Spaces</b>
up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000

Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways, and entrances. These parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways, and elevators. (See Section 4.2.2 for additional provisions regarding accessibility for physically handicapped persons.)

- 4.2.17.6 Offstreet parking: plans required. A plan shall be submitted with every application for a building permit for any building or use that is required to provide offstreet parking. The plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the offstreet parking facilities to the uses or structures such facilities are designed to serve.
- 4.2.17.7 Offstreet parking: combined offstreet parking. Two (2) or more owners or operators of buildings or uses requiring offstreet parking facilities may make collective provision for such facilities, provided that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements computed separately. Any arrangement for combined offstreet parking shall be subject to the filing of a deed restriction

satisfactory to the Attorney for the Board of County Commissioners ensuring that such offstreet parking will be maintained in the future so long as a use or uses requiring such offstreet parking continue.

No part of an offstreet parking area required for any building or use shall be included as a part of an offstreet parking area similarly required for another building or use unless the Board of Adjustment shall find that the type of use indicates that the period of usage will not overlap or be concurrent with each other.

- 4.2.17.8 Offstreet parking: fractional measurements. When units or measurements determining number of required offstreet parking spaces result in requirement of a fractional space, then such fraction equal or greater than one half (1/2) shall require a full offstreet parking space.
- 4.2.17.9 Offstreet parking: minimum requirement. Irrespective of any other requirement of these land development regulations, each and every separate individual store, office, or other business shall be provided with at least one (1) offstreet parking space, unless specific provision to the contrary is made herein.
- 4.2.17.10 Offstreet parking: landscaping requirements. Wherever in any zoning district offstreet parking facilities are provided, such offstreet parking facilities shall conform to the minimum landscaping requirements set forth in this section, except that one (1) family and two (2) family (duplex) residential dwellings and multi-level parking structures shall be exempt from such requirements.
1. Except as otherwise noted herein, a minimum of ten percent (10%) of any offstreet parking area shall be landscaped with grass, plants, shrubs, and/or trees. Required landscaping may, in part, be located around the periphery of the offstreet parking area; however, where possible a portion of the required landscaping shall also be located within the interior of the offstreet parking area and shall be located in such a manner as to divide and break up the expanse of paving and guide traffic flow and direction.
  2. Each separate landscaped area shall contain a minimum of fifty (50) square feet and shall have a minimum dimension of at least three (3) feet, and shall include at least one (1) tree, with the remaining area adequately landscaped with shrubs, ground cover, or other landscaping material.
  3. The total number of trees shall not be less than one (1) for each two hundred (200) square feet or fraction thereof of required landscaping. Trees shall be a minimum of four (4) feet overall height immediately after planting. Trees shall not be planted closer than six (6) feet to any public street or other public works, unless the tree root system is completely contained within a barrier for which the minimum interior dimensions shall be five (5) feet square and five (5) feet deep, and for which the construction requirements shall be four (4) inch thick concrete reinforced with #6 road mesh (6 x 6 x 6) or equivalent.
  4. Required landscaped areas shall be maintained by the property owner and continued so long as the main use continues. Failure to

maintain required landscaped area shall be a violation of these land development regulations.

5. See also Section 4.2.3, Visibility at intersections and curb breaks.

- 4.2.17.11 Offstreet loading: specifications, amounts. Offstreet loading facilities are required by these land development regulations so that vehicles engaged in unloading will not encroach on or interfere with public use of streets and alleys. Offstreet loading facilities supplied to meet the needs of one (1) use may not be considered as meeting the needs of another use. Offstreet parking facilities may not be used or counted as meeting offstreet loading requirements.

When the use of a structure or land or any part thereof is changed to a use requiring offstreet loading facilities, the full amount of offstreet loading space required shall be supplied and maintained. When any structure is enlarged or any use extended so that the size of the resulting occupancy requires offstreet loading space, the full amount of such space shall be supplied and maintained for the structure or use in its enlarged or extended size.

Each offstreet loading space shall be directly accessible from a street or alley without crossing or entering any other required offstreet loading space. Such loading space shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination.

- 4.2.17.12 Offstreet loading: dimensional standards. Each offstreet loading space shall have clear horizontal dimensions of twelve (12) feet by thirty (30) feet exclusive of platforms and piers and a clear vertical dimension of fourteen (14) feet.

- 4.2.17.13 Offstreet loading: plans required. A plan shall be submitted with every application for a building permit for any use or structure required to provide offstreet loading facilities. The plan shall accurately designate the required offstreet loading spaces, access thereto, dimensions, and clearance.

- 4.2.17.14 Offstreet loading: combined offstreet loading. Collective, joint, or combined provisions for offstreet loading facilities for two (2) or more buildings or uses may be made, provided that such offstreet loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are designed, located, and arranged to be usable thereby.

Any arrangement for combined offstreet loading shall be subject to the filing of a deed restriction satisfactory to the Attorney for the Board of County Commissioners insuring that such offstreet loading will be maintained in the future so long as a use or uses requiring such offstreet loading continue.

- 4.2.17.15 Offstreet loading requirements. Offstreet loading spaces shall be provided and maintained as follows:

1. Each retail commercial store, service establishment, storage warehouse, wholesale establishment, research or industrial plant, factory, freight terminal, restaurant, dry cleaning and laundry package plant, funeral home, or similar use which has an

aggregate floor area of:

	<b>Sq. Ft.</b>		<b>Sq. Ft.</b>	<b>Number of Spaces</b>
Over	5,000	to	24,999	1
	25,000	to	59,999	2
	60,000	to	119,999	3
	120,000	to	199,999	4
	200,000	and over		5

Plus one (1) additional offstreet loading space for each additional ninety thousand (90,000) sq. ft. over two hundred ninety thousand (290,000) sq. ft. or major fraction thereof.

2. For each multiple dwelling unit having at least twenty (20) dwelling units but not over fifty (50) dwelling units: two (2) spaces. For each multiple dwelling unit having over fifty (50) dwelling units: two (2) spaces, plus two (2) spaces for each additional fifty (50) dwelling units, or major fraction thereof.
3. For each auditorium, convention hall, exhibition hall, museum, motel, hotel, bank or financial institution, office building, sports arena, stadium, hospital, or similar use which has an aggregate floor area of: Over ten thousand (10,000) square feet but not over 40,000 (40,000) square feet: one (1) space; plus for each additional sixty thousand (60,000) square feet over 40,000 square feet or major fraction thereof: one (1) space.
4. For any use not specifically mentioned, the requirements for offstreet loading facilities for a use which is so mentioned and to which the unmentioned use is similar shall apply.

#### 4.2.18 PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT

Major recreational equipment is hereby defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, houseboats, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a lot in a residential district, or in any other location not approved for such use. In residential districts, major recreational equipment may be parked or stored in a rear or side yard, but not in a required front yard; provided however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading.

#### 4.2.19 PARKING AND STORAGE OF CERTAIN VEHICLES

In residential districts, automotive vehicles or trailers of any type without current license plates shall not be parked or stored other than in completely enclosed buildings.

#### 4.2.20 PERFORMANCE STANDARDS

All uses and activities permitted in any district within these land development

regulations shall conform to the standards of performance described below:

- 4.2.20.1 Fire and explosion hazards. In any zoning district, all uses shall comply with applicable standards set forth in the rules and regulations of the State Fire Marshal.
- 4.2.20.2 Smoke, dust, dirt, visible emissions, and open burning. Regulations controlling smoke, dust, dirt, or visible emissions shall be the same as those contained in Chapter 17-2, Florida Administrative Code, as amended. Regulations controlling open burning shall be the same as those contained in Chapter 17-5, Florida Administrative Code, as amended.
- 4.2.20.3 Fumes, vapors, and gases. Regulations controlling the emission of any fumes, vapors, or gases of a noxious, toxic, or corrosive nature shall be the same as those contained in Chapter 17-2, Florida Administrative Code, as amended.
- 4.2.20.4 Heat, cold, dampness, or movement of air. Activities which may produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted, with the exception that in the I-Industrial and EPGF-Electrical Power Generating Facility district, this standard shall be applied at the boundaries of the I and EPGF district and not at the lot lines of the individual properties located within the I and EPGF district.
- 4.2.20.5 Noise. The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not at any time exceed the average noise level prevailing for the same hour, as generated by street and traffic activity, with the exception that in the I-Industrial and EPGF-Electrical Power Generating Facility district, this standard shall be applied at the boundaries of the I and EPGF district and not at the lot lines of the individual properties located within the I and EPGF district. The determination of noise level shall be measured with a sound level meter that conforms to specifications published by the American Standards Association.
- 4.2.20.6 Odor. Regulations controlling the emission of objectional odorous gases or other odorous matter, except those associated with normal agricultural practices, shall be the same as those contained in Chapter 17-2, Florida Administrative Code, as amended.
- 4.2.20.7 Glare. There shall be no direct glare visible from any residential district caused by unshielded floodlights or other sources of high intensity lighting.

#### 4.2.21 RAILROAD RIGHT-OF-WAY

Existing railroad right-of-way, but not including switching, freight, or storage yards and railroad buildings or maintenance structures, is a permitted use in all zone districts. Switching, freight, or storage yards and railroad buildings or maintenance structures are permitted only where expressly allowed by these land development regulations.

#### 4.2.22 SIGNS

The provisions of these land development regulations shall govern the sizes, location, and character of signs which may be permitted as a principal or accessory use. No

signs shall be permitted in any location except in conformity with these land development regulations.

- 4.2.22.1 Intent. Signs may unreasonably distract the attention of motorists and interfere with traffic safety. Indiscriminate erection and maintenance of signs seriously detract from the enjoyment and pleasure in the natural scenic beauty of the areas subject to these land development regulations and, in turn, injuriously affects the economic wellbeing of the citizenry. Thus, it is the intent of these regulations to prevent the uncontrolled erection of signs. The provisions of this section are intended to provide for the regulation of types, sizes, and locations of signs in relation to the identification of various uses and activities on premises, to provide for certain types and locations of off-site signs, and to supplement the regulations set out in the Schedule of District Regulations.
- 4.2.22.2 Applicability of other code or regulatory requirements. Signs or other advertising structures shall be constructed and maintained in accordance with the building and electrical codes of the County, and all other applicable ordinances and regulations of the County, as well as other, State and Federal rules and regulations.
- 4.2.22.3 Definitions. Definitions for the purposes of sign regulation under these land development regulations are set out in the definitions section of these land development regulations under Sign, etc. Sections 2.1.
- 4.2.22.4 Prohibited signs. It shall be a violation of these land development regulations punishable as provided by these land development regulations, to erect or maintain:
  - 1. Traffic or pedestrian hazard. Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any official traffic control device by diverting or tending to divert the attention of moving vehicles from the traffic movement on streets, roads, or access facilities; nor shall any sign be erected in such a manner as to obstruct the vision of pedestrians. The use of flashing or revolving red, green, blue, or amber lights is prohibited in any sign as constituting a hazard to traffic. Any sign which by glare or method of illumination constitutes a hazard to traffic is prohibited. No sign may use the words "Stop", "Look", "Drive-in", "Danger", or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
  - 2. Obscenities. Signs which are obscene, indecent, or immoral.
  - 3. Rights-of-way. Signs erected on the right-of-way of any street, road, or public way, except as specifically provided by these land development regulations.
  - 4. Public property. Signs erected on public property, other than signs erected by a public authority for public purposes, unless otherwise authorized by these land development regulations.

5. Ingress or egress to buildings. Signs so located as to prevent free ingress or egress from any door, window, or fire escape.
  6. Yard areas. Signs in required yard areas except as specifically permitted by the terms of these land development regulations.
  7. Roof signs. Signs erected, constructed, and maintained wholly upon or over the roof structure.
  8. Height. Signs which are higher than eighteen (18) feet from established grade on roads functionally classified within the Comprehensive Plan as collectors and other local roads. Signs which are higher than thirty-five (35) feet on roads functionally classified within the Comprehensive Plan as arterials, or limited access roadways.
  9. Glare. Illuminated signs which result in glare or reflection of light on residential property in the surrounding area.
  10. Minimum clearance. Canopy, marquee, projecting, or hanging signs with less than a nine (9) ft. minimum clearance between the bottom of the sign and the ground surface
- 4.2.22.5 Sign permits. Within areas subject to these land development regulations, it shall be unlawful for any person to erect, maintain, or replace any sign not specifically exempted by these land development regulations, without first securing from the Land Development Regulation Administrator a building permit to do so.
- 4.2.22.6 Exemptions. Except as otherwise provided, the following signs may be erected without a permit, subject, however, to all remaining requirements of these land development regulations. All exempt signs may be located within the required front yard, but shall not be located within twenty (20) ft. of any adjacent property line (except as provided in (3) below).
1. Signs not exceeding one (1) sq. ft. in area and bearing only property numbers, mail box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
  2. Flags and insignia of any government except when displayed in connection with commercial promotion.
  3. Traffic or other municipal, County, State, or Federal signs, legal notices, railroad crossing signs, danger signs, and such temporary, emergency, or non-advertising signs. Such signs may be located in or may overhang or infringe upon the right-of-way of streets, roads, or public ways.
  4. Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving lights.
  5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
  6. Signs within buildings.
  7. One (1) "For Sale" or "For Rent" sign per parcel of property, unless such property fronts on more than one (1) street, in which case two (2) signs may be erected, one (1) on each frontage. The size of any



such sign shall not be in excess of eight (8) sq. ft., and such sign shall be removed within one (1) month after the premises have been sold or rented.

8. Occupational signs denoting only the name, street number, and business of an occupant, which do not exceed two (2) sq. ft. in surface area.

4.2.22.7 On-site signs. Unless otherwise specified in these land development regulations, the following regulations shall govern on-site signs (see Section 2.1 for definition of on-site signs):

1. On-site signs may be erected in any zone district.
2. On-site signs may be located in the required front yard; provided, however that any such sign shall not obstruct visibility at intersections and curb breaks (see Section 4.2.26).
3. On-site signs shall not exceed a height above established grade of eighteen (18) feet.

4.2.22.8 Off-site signs. Unless otherwise specified in these land development regulations, the following regulations shall govern off-site signs (see Section 2.1 for definition of off-site signs):

1. Off-site signs are prohibited, except where specifically permitted by these land development regulations.
2. Off-site signs may be erected in the required front yard, provided:
  - a. Off-site signs shall be no nearer the street right-of-way line than fifteen (15) feet.
  - b. No off-site sign shall be erected so as to obstruct visibility at intersections and curb breaks (see Section 4.2.26).
3. Off-site signs may not be erected within one hundred (100) feet of any church, school, cemetery, public park, public reservation, public playground, State or National forest, or railroad intersection.
4. Off-site signs shall not exceed a height above established grade of eighteen (18) feet, when located on roads functionally classified within the Comprehensive Plan as collectors and other local roads. Off-site signs shall not exceed a height above established grade of thirty-five (35) feet, when located on roads functionally classified within the Comprehensive Plan as arterials or limited access roadways.

#### 4.2.23 TRANSITIONAL USE AREA REQUIREMENTS

It is the intent of these requirements to ease the frictions between residential and non-residential uses by creating a transition area in which certain intensive non-residential uses are prohibited.

Where a commercial or industrial district adjoins a residential district, along the same frontage and without an intervening street, the following uses shall not be located within one hundred (100) feet of the residential district:

1. Drive-in restaurants or refreshment stands.

2. Bars, taverns, and cocktail lounges.
3. Car washes.
4. Outdoor storage yards, wrecking yards, automobile wrecking yards, junk yards, yards used in whole or in part for scrap or salvage operations, or for processing, storage, display, or sales of any scrap, salvage, or second-hand building materials, junk automotive vehicles, or second-hand automotive parts.
- 5 Bulk storage of flammable liquids or explosives.

#### 4.2.24 TRAVEL TRAILER PARKS AND CAMPGROUNDS

The following regulations apply to the construction and operation of travel trailer parks and campgrounds.

1. Sites in travel trailer parks and campgrounds shall be occupied primarily by travel trailers, pickup coaches, tents, camping trailers, and other vehicular accommodations.
2. Each site in a travel trailer park or campground shall be at least twelve hundred (1,200) sq.ft. in area. No part of a travel trailer or other unit placed on a travel trailer or campground site shall be closer than twenty-five (25) feet to any lot line.

#### 4.2.25 USE OF LAND IN A RESIDENTIAL DISTRICT FOR ACCESS

No land in a residential or residential/office district shall be used for drive-way, walkway, or access purposes to any land which is in a commercial or industrial district, or used for any purpose not permitted in a residential district except for ingress and egress to an existing use which does not abut on a street.

#### 4.2.26 VISIBILITY AT INTERSECTIONS AND CURB BREAKS

- 4.2.26.1 Visibility at intersections. On a corner lot in all zoning districts, no fence, wall, hedge, landscaping, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2-1/2) feet and six (6) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of such intersection.
- 4.2.26.2 Visibility at curb breaks. In all zone districts, where a curb break intersects a public right-of-way, no fence, wall, hedge, landscaping, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct cross-visibility between a height of two and one-half (2-1/2) and six (6) ft. within the areas of property on both sides of the curb break formed by the intersection of each side of the curb break and public right-of-way lines with two (2) sides of each triangle being ten (10) ft. in length from the point of intersection and the third being a line connecting the end of the two (2) other sides.
- 4.2.26.3 Retaining walls. The requirements of this Section shall not be deemed to prohibit any necessary retaining wall.
- 4.2.26.4 Trees. Trees shall be permitted in the clear space provided that foliage is cut away within the prescribed heights.

4.2.27 WATERFRONT YARDS - MINIMUM REQUIREMENT

No structure shall be located closer than fifty (50) feet to the mean high water line (see Section 4.2.4 for exceptions for certain accessory structures).

4.2.28 YARD ENCROACHMENTS

Every part of every required yard shall be open and unobstructed from the ground to the sky except as hereinafter provided or as otherwise permitted in these land development regulations:

1. Sills and belt courses may project not over twelve (12) inches into a required yard.
2. Movable awnings may project not over three (3) feet into a required yard, provided that where the yard is less than five (5) feet in width the projection shall not exceed one-half (1/2) the width of the yard.
3. Chimneys, fireplaces, bay windows, or pilasters may project not over two (2) feet into a required yard.
4. Fire escapes, stairways, and balconies which are unroofed and unenclosed may project not over five (5) feet into a required rear yard, or not over three (3) feet into a required side yard of a multiple dwelling, hotel, or motel.
5. Hoods, canopies, roof overhangs, or marquees may project not over three (3) feet into a required yard, but shall not come closer than one (1) foot to the lot line.
6. Fences, walls, and hedges are permitted in required yards, subject to the provisions of this Section.
7. Cornices, eaves, or gutters may project not over three (3) feet into a required yard, provided that where the required yard is less than six (6) feet in width, such projection shall not exceed one-half (1/2) of the width of the yard.
8. Except as provided herein, nothing in these land development regulations shall be so construed as to prohibit any type of landscaping or private, non-profit, gardening on any lot.

4.2.29 AIRPORT LAND USE RESTRICTIONS

1. Use Restrictions. Notwithstanding any other provisions of these land development regulations, no use may be made of land or water adjacent to any airport which will interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use.
  - a. All lights or illumination used in conjunction with street, parking, signs, or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the airport or in vicinity thereof.
  - b. No operations from any land use type shall produce smoke, glare, or other visual hazards within three (3) statute miles of any usable runway of the airport.
  - c. No operations from any land use type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

- d. Use of land for residential uses, schools, hospitals, storage of explosive material, assemblage of large groups of people, or any other use that could produce a significant loss of life or property as a result of an aircraft crash, shall be prohibited within five-thousand (5,000) feet of the approach or departure end of a runway.
- e. No structure exceeding one-hundred fifty (150) feet in height above the established airport elevation shall be permitted within five-thousand (5,000) feet of the approach or departure end of a runway.

#### 4.2.30

#### SPECIAL RIGHT-OF-WAY REQUIREMENTS

- 4.2.30.1 For all new arterial and collector roadways extra right-of-way, as provided within the Florida Department of Transportation Bicycle Facilities Planning and Design Manual, Official Standards, Revised Edition, 1982, shall be provided for integrated or parallel bicycle ways or lanes.
- 4.2.30.2 All new structures shall provide a minimum setback of seventy-five (75) feet as measured from the center line of the right-of-way for new or realigned collector or arterial roads.

#### 4.2.31

#### HOME OCCUPATION REQUIREMENTS

- 1. Only two (2) additional persons other than members of the family residing on the premises shall be engaged in such occupation;
- 2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof;
- 3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding four (4) square feet in area, non-illuminated, mounted flat against the wall of the principal building at a position as close to the main entrance to the residence as practical;
- 4. In all zone districts except agricultural districts, no home occupation shall be conducted in an accessory building. In agriculture districts, home occupations may be conducted in an accessory building, provided that the floor area devoted to the home occupation does not exceed 2,500 square feet.
- 5. No home occupation shall occupy more than twenty percent (20%) of the first floor area of the residence, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters. No rooms which have been constructed as an addition to the residence, nor any attached porch or garage which has been converted into living quarters, shall be considered as floor area for the purpose of this definition until two (2) years after the date of completion thereof.
- 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.
- 7. No equipment or process shall be used in such home occupation which

creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

8. For purposes of illustration, the following uses shall not be considered home occupations:
  - a. Studio for group instruction,
  - b. Dining facility or restaurant,
  - c. Antique or gift shop,
  - d. Photographic studio,
  - e. Outdoor repair,
  - f. Food processing (excepting food service catering for off premises consumption),
  - g. Retail sales, and
  - h. Child care center.
9. For purposes of illustration, the following uses may be considered home occupations, provided they meet all the requirements listed in subparagraphs 1-8 above and all other provisions of these land development regulations:
  - a. The giving of individual instruction to one (1) person at a time such as art or music teacher;
  - b. Fabrication of articles such as are commonly classified under the terms arts and handicrafts, providing no retail sales are made in the home;
  - c. Custom dressmaking, seamstress, milliner;
  - d. Tutoring for not more than one (1) student at a time;
  - e. Answering telephone;
  - f. Barber or beauty shop;
  - g. Food service catering for off premises consumption; and
  - h. Business and professional offices.
10. A home occupation shall be subject to all applicable occupational licenses and other business taxes.

#### 4.2.32

#### SPECIAL SEPTIC TANK REQUIREMENTS

Lots within new subdivisions shall be required to be a minimum of five (5) acres in size where septic tanks are required by the Department of Health to be installed as a mounded system (elevated above ground) or filled system. Where lots are to be served by septic tanks, the subdivider shall be required to furnish, along with the preliminary plat submittal, competent evidence of the type of septic system, which will be allowed on the site.

Existing septic tanks shall be allowed to remain in service until such time as a centralized sanitary sewer service is accessible, conditioned on the following

requirements:

1. A building permit shall not be issued for construction of a building or facility where sanitary sewage is proposed to be disposed using an onsite sewage disposal system in an area zoned industrial on the County's official zoning atlas, or used for industrial or manufacturing purposes, or its equivalent, where the County's centralized sanitary sewer system is available within 1/4 mile of the area used or zoned industrial or manufacturing, or where a likelihood exists that the onsite sewage disposal system may receive toxic, hazardous or industrial waste;
2. An occupational license shall not be issued to the owner or tenant of a building located in an area zoned industrial on the County's official zoning atlas, or used for industrial or manufacturing purposes, or its equivalent, when such site is served by an onsite sewage disposal system without first obtaining an annual operating permit from the County Health Department; and
3. A certificate of land development regulation compliance shall not be issued to a new owner or tenant of a building located in an area zoned industrial on the County's official zoning atlas, or used for industrial or manufacturing purposes, or its equivalent, or who operates a business which has the potential to generate toxic, hazardous or industrial wastewater, when such site is served by an onsite sewage disposal system without first obtaining an annual operating permit for an onsite sewage disposal system from the County Health Department.

#### 4.2.33 PROVISIONS FOR RESIDENTIAL DESIGN MANUFACTURED HOUSING.

Residential Design Manufactured Homes as defined in Section 2.1 shall be installed in accordance with the following:

1. A permanent foundation and anchoring according to Chapter 15c - 1.10 of the Florida Administrative Code;
2. Underfloor area of the home shall be permanently enclosed (e.g. masonry block stem wall);
3. All transportation equipment shall be removed.

#### 4.2.34 SPECIAL COMMUNITY RESIDENTIAL HOME REQUIREMENTS

The County shall facilitate the provision of group homes or foster care facilities as licensed or funded by the Florida Department of Health and Rehabilitative Services within residential areas or areas of residential character.

- 4.2.34.1 The County shall permit group homes with six or fewer residents which otherwise meet the definition of a community residential home to be located within a radius of one thousand (1,000) feet of existing homes of six (6) or fewer residents which otherwise meets the definition of a community residential home.
- 4.2.34.2 The County shall permit the siting of a community residential home, unless the County determines that the site selected meets the following criteria:
  1. The site selected does not meet applicable licensing criteria established and determined by the Florida Department of Health and Rehabilitative Services, including requirements that the home

be located to assure the safe care and supervision of all clients in the home.

2. The site selected would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered. (A home that would be located within a radius of one thousand two hundred (1,200) feet of another existing community residential home shall be considered to be an over concentration of such homes that substantially alters the nature and character of the area. A home that would be located within a radius of five hundred (500) feet of a residential district shall be considered to substantially alter the nature and character of the area).

#### 4.2.35

#### WETLAND PRESERVATION REGULATIONS

Where the alternative of clustering all structures on the non-wetland portion of the site exists, the County shall provide for the conservation of wetlands by prohibiting development which alters the natural function of wetlands and regulating mining operations as provided for in Section 14 of these Land Development Regulations. Mitigation efforts shall be required for activities which alter the natural function of wetlands in accordance with Chapter 17-312, Florida Administrative Code in effect upon the adoption or amendment of this section. Such mitigation efforts shall result in no net loss of wetland functions and all restored or created wetlands shall be of the same ecological type, nature and function.

Where the alternative of clustering all structures on the non-wetland portion of a site does not exist, the County shall allow only minimal residential development activity in those areas defined as wetlands within these Land Development Regulations and such development activity shall conform to the density requirement for the zoning district applicable to the location of the wetland. However, in no case shall residential dwelling unit density be greater than 1 dwelling unit per 5 acres. In addition, such development activity shall comply with the following densities and performance standards:

1. Residences and any support buildings shall be elevated no lower than 1 foot above the highest recorded flood level in the wetland. If flooding data is not available, residences and any support buildings shall be built at least 2 feet above the highest seasonal water level.
2. Clearing or removal of native vegetation shall not exceed 1/2 acre per 5 acres. Exotic vegetation may be removed without regard to this limitation provided that, if the area cleared of exotic vegetation exceeds the applicable 1/2 acre limitation, it is replanted with native wetland vegetation.
3. Walking paths and driveways to the residence shall use permeable fill and shall be constructed with a sufficient number and size of culverts to allow the natural flow of water to continue.

For the purposes of these Land Development Regulations, wetlands shall be generally located as shown on Illustration A-VI of the County's Comprehensive Plan, entitled Wetlands, and more specifically described as defined in Section 2.1 of these Land Development Regulations.

#### 4.2.36

#### SEXUALLY ORIENTED BUSINESSES

In order to provide clear and consistent, content neutral regulations, for sexually oriented businesses, the following regulations govern the placement and design of sexually oriented businesses. These regulations are based on the secondary effects associated with sexually oriented businesses, while recognizing the rights of citizens to obtain constitutionally protected speech guaranteed under the First Amendment of the U.S. Constitution.

##### 4.2.36.1 General Media Store

1. A store that sells or rents media in which less than ten percent (10 %) of the numbers of items in inventory are sexually explicit media and in which less than ten percent (10%) of the retail floor area is devoted to sexually explicit media shall be considered a general media store unless it is a sex shop as defined in Section 2.1. A general media store meeting these inventory and floor area limits shall not be considered a sexually oriented business.
2. A general media store which devotes more than ten percent (10%) of its floor area or ten percent (10%) of the number of items in inventory to sexually explicit media, but devotes less than thirty percent (30%) of its floor area or less than thirty percent (30%) of the number of items in inventory to sexually explicit media shall be treated for zoning purposes as a general media store and not as a sexually oriented media store or other sexually oriented business, provided that it continuously meets the following conditions.
  - a. All sexually explicit media shall be maintained in a room that is separated from other media by an opaque wall that extends to the ceiling or eight (8) feet above the floor, whichever is less;
  - b. Access to the room containing the sexually explicit media shall be through an opaque, solid door;
  - c. The room containing sexually explicit media shall be posted with a notice indicating that only persons eighteen (18) years of age or older are allowed in the room;
  - d. Access to the room will be physically limited to adults through control of access by an employee of the store, through the use of an access release located at least sixty-six (66) inches off the floor, or through constant monitoring of the room by an employee on duty through electronic means or through a window or mirror providing visibility into the room from the manager's or cashier's work station.

If either the thirty percent (30%) threshold of either gross floor area or number of items in inventory is exceeded, then the use shall be classified as a sexually oriented media store and considered a sexually oriented business.

##### 4.2.36.2 Sexually Oriented Media Store



1. Sexually oriented media stores shall be considered sexually oriented businesses.
2. Sexually oriented media stores shall not be located within five hundred (500) feet of churches and houses of worship, public parks and playgrounds, day care centers, existing residences, and residentially zoned districts. Sexually oriented media stores shall not be located within five hundred (500) feet of any other sexually oriented business.
3. Sexually explicit media shall not be displayed publicly.
4. Window glazing shall be frosted or opaque.
5. A sign shall be placed on the front door of the store prohibiting persons under eighteen (18) years of age from entering the store.
6. None of the following may be co-located as an accessory use; motion picture arcade booths, massage parlors, lingerie modeling or nude photography studios.

#### 4.2.36.3 Sex Shops

1. Sex shops shall be considered sexually oriented businesses.  
Sex shops shall not be located within five hundred (500) feet of churches and houses of worship, public parks and playgrounds, day care centers, existing residences, and residentially zoned districts. Sex shops shall not be located within five hundred (500) feet of any other sexually oriented business.
2. Window glazing shall be frosted or opaque.
3. A sign shall be placed on the front door of the store prohibiting persons under eighteen (18) years of age from entering the store.
4. Sexually explicit media and sexually oriented toys or novelties shall not be displayed publicly.
5. None of the following may be co-located as an accessory use; motion picture arcade booths, massage parlors, lingerie Modeling or nude photography studios.

#### 4.2.36.4 Sexually Oriented Cabarets

1. Sexually oriented cabarets shall be considered sexually oriented businesses. Sexually oriented cabarets shall not be located within five hundred (500) feet of churches and houses of worship, public parks and playgrounds, day care centers, existing residences, residentially zoned districts, or within five hundred (500) feet of businesses that sell alcohol for on-premises consumption.  
Sexually oriented cabarets shall not be located within five hundred (500) feet of any other sexually oriented business.
2. Security lighting shall be installed on the building and in the parking lot.
3. Window glazing shall be frosted or opaque.

4. A sign shall be placed on the front door of the cabaret prohibiting persons under eighteen (18) years of age from entering the cabaret.
5. There shall be a minimum separation of two (2) feet between any stage feature and the customer seating or standing area. Stages shall be a minimum of two (2) feet high.
6. Alcohol sales in sexually oriented cabarets shall be prohibited.
7. Private booths or private dancing rooms shall be prohibited.
8. None of the following may be co-located as an accessory use; motion picture arcade booths, massage parlors, lingerie Modeling or nude photography studios.

#### 4.2.36.5 Sexually Oriented Motion Picture Theaters

1. Sexually oriented motion picture theaters shall be considered sexually oriented businesses. Sexually oriented motion picture theaters shall not be located within five hundred (500) feet of churches and houses of worship, public parks and playgrounds, day care centers, existing residences, residentially zoned districts, and five hundred (500) feet of businesses that sell alcohol for on-premises consumption. Sexually oriented motion picture theaters shall not be located within five hundred (500) feet of any other sexually oriented business.
2. A sign shall be placed on the front door of the theater prohibiting persons under eighteen (18) years of age from entering the theater.
3. Security lighting shall be installed on the building and in the parking lot.
4. Theaters shall remain lit at a minimum five-tenths (.5) footcandle at all times, and constant monitoring of the theaters by an employee on duty shall be achieved through electronic means or through a window or mirror providing visibility into the room from the manager's or cashier's work station.
5. Alcohol sales in sexually oriented movie theaters are prohibited.
6. Seating in sexually oriented movie theaters shall be individual seating with chair arms that do not rise. Bench seating or sofa seating is prohibited.
7. Theaters shall be a minimum of six hundred (600) square feet in size.
8. None of the following may be co-located as an accessory use; motion picture arcade booths, massage parlors, lingerie modeling or nude photography studios.

#### 4.2.36.6 Sexually Oriented Businesses Generally: Separation from Schools, Churches and Houses of Worship, and Day Care Centers

1. All sexually oriented businesses, as defined and described herein, shall comply with the provisions of Section 847.0134, Florida Statutes, which prohibits the location of sexually oriented businesses displaying, selling, or distributing materials harmful to minors within two thousand five hundred (2,500) feet from a

public or private elementary, middle or secondary school, unless the Board of County Commissioners approves the location under proceedings as provided in Section 125.66(4)(b), Florida Statutes.

2. The separation requirement from a school will apply only if one (1) or more of the following applies:
  - a. If it is a public school; or
  - b. If the school has been in operation at the same location for one year or more; or
  - c. If the location at which the school is now operating is owned by the organization operating the school.
3. The separation requirement from a church or house of worship will apply only if one (1) or more of the following applies:
  - a. If the church or house of worship has been in operation at the same location for one (1) year or more; or
  - b. If the location at which the church or house of worship is now operating is owned by the organization operating the house of worship.
4. The separation requirement from a day care center will apply only if one (1) or more of the following applies:
  - a. If the day care center has been in operation at the same location for one (1) year or more; or
  - b. If the location at which the day care center is now operation is owned by the organization operating the day care center.

#### 4.2.36.7 Measurement of Separation Distances

For purposes of the distance limitations, the measurement shall be made by extending a straight line from the main entrance of the building of the regulated use to the front door of the main building occupied by any other regulated use or any established church or house of worship or to the nearest property line of any existing residential use, residentially zoned district, public park and playground, school or day care center.

#### 4.2.36.8 Sexually Oriented Businesses Generally: Restrictions on Co-Location

1. No more than one (1) sexually oriented business may be located in a single building or on a single lot;
2. No sexually oriented business may be established as an accessory use to another business;
3. No sexually oriented business may offer any of the following products or services to customers, whether or not for a fee:
  - a. Gasoline or other fuels;
  - b. Showers or baths;
  - c. Alcoholic beverages for off-premises consumption.

#### 4.2.36.9 Motion Picture Arcade Booths Prohibited

Motion picture arcade booths either as an accessory use to any permitted sexually oriented businesses, as defined herein, or as a principal use are prohibited.

4.2.36.10    **Massage Parlors, Lingerie Modeling and Nude Photography Studios Prohibited**

Massage parlors, lingerie modeling establishments and nude photography studios are prohibited. This provision shall not apply to massage therapists licensed and certified by the State of Florida.

4.2.37        **FLAG LOTS**

Flag lots shall not be permitted within any zoning district.