

ARTICLE 3.
USE REGULATIONS
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ARTICLE 3. USE REGULATIONS**3.01 GENERAL PROVISIONS****3.01.01 Purpose**

This article establishes permitted, accessory, and prohibited uses, as well as uses that require special exceptions, according to the various zoning districts. Where such uses are allowed within a zoning district but are not permitted by right, applicable standards are established for the use.

3.01.02 Uses within Planned Development (PD) Zoning Districts

Within Planned Development (PD) zoning districts, all uses shall be set forth within the development order approved by the Town Council, in a manner consistent with the Comprehensive Plan and this LDC.

3.02 CONSERVATION**3.02.01 Uses permitted without special use permit.**

The following uses are allowed within the Conservation zoning district without a special use permit, but are otherwise subject to all applicable regulations in this Code:

- A. Non-intensive resource-based recreation activities.
- B. Residential and non-residential uses necessary to manage conservation lands (i.e., ranger stations, research stations, and park amenities).

3.02.02 Uses permitted only with special use permit.

The following uses are allowed within the Conservation zoning district only if authorized by a special use permit granted pursuant to the procedures in Article 10 of this Code. Such uses are subject to any regulations within this Code applicable to such uses and any applicable policies of the Fort White Comprehensive Plan.

- A. Low intensity recreational facilities such as campsites and similar uses.

3.02.03 Prohibited uses.

The following uses are prohibited with the Conservation zoning district:

- A. Residential uses, except as specifically provided above.
- B. Any other use not specifically listed in 3.02.01 or 3.02.02 above, provided that a non-listed use may be allowed if the LDC Administrator determines the non-listed use to be so similar to the listed use as to be within the intent of the Comprehensive Plan and this Code in allowing the listed use in the district.

3.03 AGRICULTURE

3.03.01 Uses permitted without special use permit.

The following uses are allowed within the Agriculture zoning district without a special use permit, but are otherwise subject to all applicable regulations in this Code:

- A. Agricultural activities involving the production of livestock and poultry (excluding livestock or poultry slaughterhouses), the cultivation of field crops, fruits, and berries, forestry, apiculture, and similar uses provided that no structure used for housing of animals or any commercial feedlot operation shall be located within two hundred (200) feet of any lot line, and no structure used for housing domestic animals shall be located within one hundred (100) feet of any lot line.
- B. Single family dwellings.
- C. Plant nurseries and greenhouses.
- D. Public parks and recreational facilities.
- E. Public and private elementary, middle, and high schools.
- F. Fairgrounds.
- G. Equestrian facilities.

3.02.02 Uses permitted only with special use permit.

The following uses are allowed within the Agriculture zoning district only if authorized by a special use permit granted pursuant to the procedures in Article 10 of this Code. Such uses are subject to any regulations within this Code applicable to such uses and any applicable policies of the Fort White Comprehensive Plan.

- A. The processing, storage, and sale of agricultural products and commodities which are not raised on the premises provided that no building used for these activities shall be located within one hundred (100) feet of any side or rear lot line.
- B. Livestock auction arenas not in combination with a Fairgrounds complex.
- C. Agricultural equipment and related machinery sales.
- D. Agricultural feed and grain packaging, blending, storage and sales.
- E. Hospitals, nursing homes, rehabilitation facilities and assisted-living facilities.
- F. Commercial kennels, veterinary clinics, and animal shelters provided that no open runs or buildings used for housing of animals shall be located within three hundred (300) feet of any lot line.

- G. Places of worship and assembly.
- H. Cemeteries and mausoleums.
- I. Day care centers.
- J. Home Occupations.
- K. Flea markets.
- L. Commercial recreation activities such as racetracks; speedways; golf courses; tennis and racket clubs; golf driving ranges; archery ranges; rifle, shotgun and pistol ranges; and similar uses.
- M. Public buildings and facilities in keeping with the character and requirements of the district, except those otherwise specified.
- N. Overnight Recreational Campground

3.02.03 Prohibited uses.

The following uses are prohibited with the Agriculture zoning district:

- A. Intensive agriculture operations.
- B. Junk yard or automobile wrecking yards.
- C. Any other use not specifically listed in 3.03.01 or 3.03.02 above, provided that a non-listed use may be allowed if the LDC Administrator determines the non-listed use to be so similar to the listed use as to be within the intent of the Comprehensive Plan and this Code in allowing the listed use in the district.

3.04 RESIDENTIAL – 2, – 4

3.04.01 Uses permitted without special use permit.

The following uses are allowed within the Residential zoning districts (RSF – 2, RSF – 4) without a special use permit, but are otherwise subject to all applicable regulations in this Code:

- A. Single family dwelling units.
- B. Duplexes.
- C. Public parks and recreational facilities.
- D. Public and private elementary, middle and high schools.

3.04.02 Uses permitted only with special use permit.

The following uses are allowed within the Residential (RSF – 2, RSF – 4) zoning districts only if authorized by a special use permit granted pursuant to the procedures in Article 10 of this Code. Such uses are subject to any regulations within this Code applicable to such uses and any applicable policies of the Fort White Comprehensive Plan.

- A. Golf courses.
- B. Tennis and racquet clubs.
- C. Homes of six (6) or fewer residents which otherwise meet the criteria of a Community Residential Home.
- D. Parks maintained by any private association of persons residing in the district.
- E. Nursing homes, rehabilitation facilities, and assisted-living facilities.
- F. Commercial greenhouses and plant nurseries.
- G. Places of worship and assembly.
- H. Cemeteries and mausoleums.
- I. Day care centers.
- J. Home Occupations.
- K. Community Thrift Shops, defined as a business operated by a Section 501(c)3 organization, defined by the United States Internal Revenue Code (26 U.S.C Section 501(c)), that primarily engages in or specializes in the sale or resale of previously owned or used goods and merchandise, which is donated or principally donated.
- L. Public buildings and facilities in keeping with the character and requirements of the district, except those otherwise specified.

3.04.03 Prohibited uses.

The following uses are prohibited with the Residential (RSF – 2, RSF – 4) zoning districts:

- A. Any use not specifically listed in 3.04.01 or 3.04.02 above, provided that a non-listed use may be allowed if the LDC Administrator determines the non-listed use to be so similar to the listed use as to be within the intent of the Comprehensive Plan and this Code in allowing the listed use in the district.

3.05 COMMERCIAL, NEIGHBORHOOD

3.05.01 Uses permitted without special use permit.

The following uses are allowed within the Commercial, Neighborhood zoning district without a special use permit, but are otherwise subject to all applicable regulations in this Code:

- A. Single family dwelling units.
- B. Retail commercial outlets for sale of food, hardware, and drugs.
- C. Service establishments such as barber or beauty shop, laundry or dry cleaning pick up station.
- D. Public parks and recreational facilities.
- E. Public and private elementary, middle, and high schools.

3.05.02 Uses permitted only with special use permit.

The following uses are allowed within the Commercial, Neighborhood zoning districts only if authorized by a special use permit granted pursuant to the procedures in Article 10 of this Code. Such uses are subject to any regulations within this Code applicable to such uses and any applicable policies of the Fort White Comprehensive Plan.

- A. Day care centers.
- B. Financial institutions.
- C. Commercial greenhouses and plant nurseries.
- D. Places of worship and assembly.
- E. Home Occupations.
- F. Public buildings and facilities.

3.05.03 Prohibited uses.

The following uses are prohibited with the Commercial, Neighborhood zoning district:

- A. Any use not specifically listed in 3.05.01 or 3.05.02 above, provided that a non-listed use may be allowed if the LDC Administrator determines the non-listed use to be so similar to the listed use as to be within the intent of the Comprehensive Plan and this Code in allowing the listed use in the district.

3.06 COMMERCIAL, GENERAL

3.06.01 Uses permitted without special use permit.

The following uses are allowed within the Commercial, General zoning district without a special use permit, but are otherwise subject to all applicable regulations in this Code:

- A. Retail commercial outlets for the sale of food, wearing apparel, fabric, toys, sundries and notions, books and stationery, leather goods and luggage, paint, glass, jewelry (including repair), art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops, pet shops (but not animal kennels), musical instruments, optical goods, television and radio (including repair incidental to sales), florist or gift shop, delicatessen, bake shop (but not wholesale bakery), drugs, plants and garden supplies (including outside storage and display of plants and materials), automotive vehicle parts and accessories (but not salvage yards), and similar uses.
- B. Retail commercial outlets for sale of home furnishings (furniture, floor coverings, draperies, upholstery, wallpaper) and appliances (including repair incidental to sales), office equipment or furniture, hardware, secondhand merchandise in completely enclosed buildings, and similar uses.
- C. Service establishments such as barber or beauty shops, show repair, restaurant, coffee shop, interior decorator, photographic studio, art or dance or music studio, health and fitness centers, animal grooming, self-service laundry, tailor or dressmaker, laundry or dry cleaning pickup station, and similar uses.
- D. Service establishments such as radio or television station, funeral home, radio and television repair shop, applicant repair shop, printing establishments, pest control, and similar uses.
- E. Medical or dental offices, clinics, and laboratories.
- F. Banks and financial institutions.
- G. Newspaper offices.
- H. Business and professional offices.
- I. Professional, business, and technical schools.
- J. Commercial recreational facilities in completely enclosed, soundproof buildings, such as indoor motion picture theater, community or little theater, billiard parlor, bowling alley, and similar uses.
- K. Hotels and motels.
- L. Dry cleaning and laundry package plants in completely enclosed buildings using nonflammable liquids with no odors, fumes, or steam detectable to normal senses from off the premises.
- M. Art galleries.

- N. Miscellaneous uses such as call centers, commercial parking lots, and parking garages.
- O. Vehicular service.
- P. Places of worship and assembly.
- Q. Sexually-oriented business uses.
- R. Nursing homes, rehabilitation facilities and assisted-living facilities.
- S. Hospitals.
- T. Day care centers.
- U. Public buildings and facilities.
- V. Residential dwelling units that lawfully existed within this district on the date of adoption or amendment of the Comprehensive Plan.

3.06.02 Uses permitted only with special use permit.

The following uses are allowed within the Commercial General zoning districts only if authorized by a special use permit granted pursuant to the procedures in Article 10 of this Code. Such uses are subject to any regulations within this Code applicable to such uses and any applicable policies of the Fort White Comprehensive Plan.

- A. Any commercial use proposed within 100 feet of a parcel of property used for residential purposes or which has a zoning designation of RSF – 2 or RSF – 4.
- B. Group residential center.
- C. Group treatment center.
- D. Group treatment homes.
- E. Outdoor display and sales of large items such as vehicles, boats, trailers, manufactured buildings, and agriculture machinery.
- F. Vehicle repair.
- G. Motor bus or other transportation terminals.
- H. Automotive service stations.
- I. Rental of automotive vehicles, trailers, and trucks.
- J. Mini-self storage building and mini-storage facilities.

- K. Wholesale, warehouse, or storage use in completely enclosed buildings. However, bulk storage of flammable liquids is not permitted.
- L. Building trades contractor with on premises storage yard for materials and equipment.
- M. Overnight Recreational Campgrounds

3.06.03 Prohibited uses.

The following uses are prohibited with the Commercial, General zoning districts:

- A. Any use not specifically listed in 3.06.01 or 3.06.02 above, provided that a non-listed use may be allowed if the LDC Administrator determines the non-listed use to be so similar to the listed use as to be within the intent of the Comprehensive Plan and this Code in allowing the listed use in the district.

3.07 DOWNTOWN DISTRICT

3.07.01 Uses permitted without special use permit.

The following uses are allowed within the Downtown District (DD) zoning district without a special use permit, but are otherwise subject to all applicable regulations in this Code:

- A. Single family dwelling units.
- B. Duplexes.
- C. Public parks and recreational facilities.
- D. Public and private elementary, middle, and high schools.
- E. Retail commercial outlets for the sale of food, wearing apparel, fabric, toys, sundries and notions, books and stationery, leather goods and luggage, paint, glass, jewelry (including repair), art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops, pet shops (but not animal kennels), musical instruments, optical goods, television and radio (including repair incidental to sales), florist or gift shop, delicatessen, bake shop (but not wholesale bakery), drugs, plants and garden supplies (including outside storage and display of plants and materials), automotive vehicle parts and accessories (but not salvage yards), and similar uses.
- F. Retail commercial outlets for sale of home furnishings (furniture, floor coverings, draperies, upholstery, wallpaper) and appliances (including repair incidental to sales), office equipment or furniture, hardware, secondhand merchandise in completely enclosed buildings, and similar uses.
- G. Service establishments such as barber or beauty shops, shoe repair, restaurant, coffee shop, interior decorator, photographic studio, art or dance or music studio, health and fitness centers, animal grooming, self-service laundry, tailor or dressmaker, laundry or dry cleaning pickup station, and similar uses.

- H. Service establishments such as radio or television station, funeral home, radio and television repair shop, applicant repair shop, printing establishments, pest control, and similar uses.
- I. Medical or dental offices, clinics, and laboratories.
- J. Banks and financial institutions.
- K. Newspaper offices.
- L. Business and professional offices.
- M. Professional, business, and technical schools.
- N. Commercial recreational facilities in completely enclosed, soundproof buildings, such as indoor motion picture theater, community or little theater, billiard parlor, bowling alley, and similar uses.
- O. Hotels and motels.
- P. Dry cleaning and laundry package plants in completely enclosed buildings using nonflammable liquids with no odors, fumes, or steam detectable to normal senses from off the premises.
- Q. Art galleries.
- R. Miscellaneous uses such as call centers, commercial parking lots, and parking garages.
- S. Places of worship and assembly.
- T. Nursing homes, rehabilitation facilities, and assisted-living facilities.
- U. Day care centers.
- V. Public buildings and facilities.
- W. Commercial greenhouses and plant nurseries.
- X. Home Occupations.

3.07.02 Uses permitted only with special use permit.

The following uses are allowed within the Downtown District zoning district only if authorized by a special use permit granted pursuant to the procedures in Article 10 of this Code. Such uses are subject to any regulations within this Code applicable to such uses and any applicable policies of the Fort White Comprehensive Plan.

- A. Group residential center.
- B. Group treatment center.

- C. Group treatment homes.

3.07.03 Prohibited uses.

The following uses are prohibited with the Downtown District zoning district:

- A. Any use not specifically listed in 3.07.01 or 3.07.02 above, provided that a non-listed use may be allowed if the LDC Administrator determines the non-listed use to be so similar to the listed use as to be within the intent of the Comprehensive Plan and this Code in allowing the listed use in the district.
- B. Outdoor display and sales of large items such as vehicles, boats, trailers, manufactured buildings, and agriculture machinery.
- C. Vehicle repair.
- D. Motor bus or other transportation terminals.
- E. Automotive service stations.
- F. Rental of automotive vehicles, trailers, and trucks.
- G. Mini-self storage building and mini-storage facilities.
- H. Wholesale, warehouse, or storage use in completely enclosed buildings. However, bulk storage of flammable liquids is not permitted.
- I. Building trades contractor with on premises storage yard for materials and equipment.

3.08 INDUSTRIAL

3.08.01 Uses permitted without special use permit.

The following uses are allowed within the Industrial (I) zoning district without a special use permit, but are otherwise subject to all applicable regulations in this Code:

- A. Wholesale, warehouse, storage, or distribution uses in completely enclosed buildings. However, bulk storage of flammable liquids is not permitted.
- B. Research laboratories and activities in completely enclosed buildings.
- C. Light manufacturing, assembling, processing (including food processing, but not slaughterhouse), packaging, or fabrication in completely enclosed building.
- D. Outdoor storage yards and lots, provided, this provision shall not permit wrecking yards), junkyards, or 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.

- E. Retail commercial establishments for sale, repair, and service of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, heavy machinery and equipment, and farm equipment; motor vehicle body shop; establishments for sale of farm supplies, lumber and building supplies, monuments, automotive vehicle parts and accessories (but not junkyards or automotive vehicle wrecking yards), and similar uses.
- F. Service establishments catering to commerce and industry including linen supply, freight movers, communications services, business machine services, canteen service, restaurant, employment agency, sign company, pest control, and similar uses.
- G. Service establishments such as crematory.
- H. Vocational, technical, trade, or industrial schools and similar uses.
- I. Dry cleaning and laundry package plants in completely enclosed buildings using nonflammable liquids with no odors, fumes, or steam detectable to normal senses from off the premises.
- J. Miscellaneous uses such as express or parcel delivery office, call centers, commercial parking lots, and parking garages.
- K. Vehicular service.
- L. Public buildings and facilities.
- M. Motor bus or other transportation terminals.
- N. Rental of automotive vehicles, trailers, and trucks.
- O. Mini-self storage building and mini-storage facilities.
- P. Building trades contractor with on premises storage yard for materials and equipment.

3.08.02 Uses permitted only with special use permit.

The following uses are allowed within the Industrial zoning district only if authorized by a special use permit granted pursuant to the procedures in Article 10 of this Code. Such uses are subject to any regulations within this Code applicable to such uses and any applicable policies of the Fort White Comprehensive Plan.

- A. Automotive service stations
- B. Junk yards (including yards used for scrap, salvage, second-hand building materials, junk automotive vehicles, or second-hand automotive parts);

3.08.03 Prohibited uses.

The following uses are prohibited with the Industrial zoning districts:

- A. Any use not specifically listed in 3.08.01 or 3.08.02 above, provided that a non-listed use may be allowed if the LDC Administrator determines the non-listed use to be so similar to the listed use as to be within the intent of the Comprehensive Plan and this Code in allowing the listed use in the district.

SECTION 3.09. SPECIFIC USE REGULATIONS

3.09.01 Accessory Uses and Structures. Unless otherwise provided in these land development regulations, in all districts accessory uses and structures shall not be located in required front or side yards but may be located in rear yards not less than ten (10) feet from the rear lot line, subject to the restrictions below.

- A. 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.
- B. No separate accessory building shall be located within five (5) feet of any building.
- C. No manufactured building originally designed or intended to be used for residential purposes shall be used as an accessory storage building.

3.09.02 Alcoholic Beverage Establishments

- A. Definitions.

Alcoholic beverages means all beverages containing more than 1% alcohol by weight.

Beer means all brewed beverages containing malt.

Division means the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation of the State of Florida.

Wine means all beverages made from fresh fruits, berries, or grapes, either by natural fermentation, or by natural fermentation with brandy added, in the manner required by the laws and regulations of the United States, and includes all sparkling wines, champagnes, combination of the aforesaid beverages, vermouths, and like products.

Vendor means all persons, associations of persons or corporations selling alcoholic beverages at retail.

Bar, Cocktail Lounge, or Tavern means an establishment primarily devoted to the retailing and on-premises consumption of alcoholic beverages and in which the service of food is only incidental

to the consumption of such beverages. This definition does not apply to restaurants as defined herein.

Restaurant means a commercial establishment, licensed by the State of Florida, where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 75 percent of the gross sales receipts for food and nonalcoholic beverages. Restaurants shall only be allowed to sell beer and wine. Liquor sales are not allowed.

Liquor store or package store means an establishment primarily engaged in the sale of alcoholic beverages for off-premises consumption. This definition does not apply to retail sales establishments, such as gas stations or grocery stores, which sell alcoholic beverages for off-premises consumption as a small portion of a substantially larger and broader range of consumer goods.

- B. Hours during which alcoholic beverages shall be allowed to be sold in the corporate limits of the Town of Fort White, Florida, are as follows:
1. Alcoholic beverages may be sold, consumed, or served, or permitted to be sold, consumed, or served in any place holding a license under the Division in accordance with said license between the hours of 7:00 a.m. of each day of the week and 1:00 a.m. of the succeeding day.
 2. After 11:00 p.m. on Sundays, and until the legal hour for the sale of alcoholic beverages on Monday, no alcoholic beverages shall be sold, consumed, served, or permitted to be sold, consumed or served in any place holding a license under the Division, except that the serving, consumption, or sale of beer and wine on Sunday in any place holding a license under the Division shall be permitted only between the hours of 1:00 p.m. to 11:00 p.m.
- C. No bar, cocktail lounge, tavern, liquor store, or package store, as described herein, shall be located within 1,000 feet of any school or place of worship within the Town of Fort White, Florida. Restaurants selling beer and wine shall be setback 500 feet from any school or place of worship. Distances shall be measured from the entrance of to the entrance of the bar, cocktail lounge, tavern, liquor store, or package store to the entrance of the school or place of worship as a pedestrian would travel along the public rights-of-way.
- D. All bars, cocktail lounges, taverns, liquor stores, and packages stores are required to obtain approval through the special use permit process in Article 10, Land Development Code.
- E. If a complaint is filed in writing with the Town alleging a violation of the above-listed regulations, then the Town shall require the owner to file a report and certified audit that the establishment is in compliance with these regulations.

3.09.03 Animals

- A. Definitions.

Animal Shelter means any for-profit or not-for-profit facility primarily intended to provide for the temporary accommodation of ten (10) or more adult dogs or cats at any given time (in addition to

any personal household pets or litters of animals not more than six (6) months of age) until more appropriate disposition of such animals can be made. An animal shelter may include accessory office facilities, in fully enclosed buildings, used for administrative activities typically associated with an animal shelter, including, but not limited to adoption services.

Wild Animal means all animals which are identified as Class I or Class II wildlife by the Florida Fish and Wildlife Conservation Commission, as listed in Chapter 68A-6.002, Florida Administrative Code.

Commercial Kennel means an established in which ten (10) or more adult dogs or cats (in addition to personal household pets or litters of animals of not more than six (6) months in age), are kept, raised, bred, trained, or boarded at any given time for commercial purposes. Commercial purposes may include, but are not limited to, conducting any of the activities listed above for others for profit.

Livestock means any animal which is normally raised for riding, food, milk, eggs, or wool for local consumption or sold to others. Livestock includes all animals of the equine, bovine, ovine, or swine class, as well as animals considered to be poultry. Animals considered to be livestock will include, but are not limited to: goats, sheep, mules, horses, hogs, cattle, chickens, turkeys, quail, pheasant, and the like.

Household Pet means any historically domesticated animal, kept for hobby or companionship rather than utility, including, but not limited to, dogs, cats, aquarium fish, birds, rodents, rabbits, non-venomous reptiles, and the like. Household pets do not include wild animals or livestock as defined herein.

B. Special Permit Required.

1. A special use permit shall be required for the following:
 - a. The keeping, raising, and breeding of any number of Class I and Class II animals for commercial or non-commercial purposes.
 - b. Establishing a commercial kennel or animal shelter as defined herein.
 - c. The keeping, raising, and breeding of any number of American Alligators or venomous reptiles for commercial or non-commercial purposes.
 - d. The raising and breeding of tropical birds for commercial purposes.
 - e. The raising and/or breeding of rodents.
2. The following standards must be met before a special use permit for the foregoing may be issued:
 - a. The subject property is within an Agriculture or Industrial zoning district, and not located within a recorded or unrecorded subdivision.

- b. The following setbacks shall be maintained:
- (1) Open runs, open buildings used for housing of animals, or areas where animals can run free: 300 feet from any property line.
 - (2) Buildings and runs that are completely enclosed and climate controlled: 100 feet from any property line.
 - (3) Buildings and runs that are not completely enclosed and climate controlled may be constructed with a setback of less than 300 feet, but in no event less than 100 feet, if it is determined that screening and sound abatement methods sufficient to protect adjacent properties will be used.
- c. The number and type of animals to be housed on the property shall be set forth on the permit and shall not exceed the number of animals that the property can accommodate without the creation of nuisance conditions or negative impacts on surrounding properties.
- d. Buildings shall be constructed with a concrete floor providing proper drains, which flow into an approved sanitary sewer system.

3. The activities outlined in 2. above which were lawfully commenced prior to the date of adoption of this Land Development Code, shall be considered lawful nonconforming uses. No new or additional animals will be permitted on these lots unless a special use permit is granted in accordance with this section.

C. Household Pets. The keeping, raising, and breeding of household pets, as defined in this section, for non-commercial purposes, is permitted by right as an accessory use in all land use districts provided that the numbers and actions of such animals do not create a nuisance to the public at large or create a nuisance in the immediate area.

D. Animal Density.

1. On lots or parcels of 2.5 acres or less in recorded or unrecorded subdivisions, the maximum animal units allowed shall be one (1) per acre.
2. The following table establishes what constitutes one (1) animal unit.

| Animal | Number that Equal One (1) Animal Unit |
|---------------------------------|---------------------------------------|
| Bovine (cow, calf, bison) | 1 |
| Equine (horse, donkey, mule) | 1 |
| Hog or other swine | 1 |
| Sheep | 2 |
| Goat | 2 |
| Llama, or other similar species | 2 |

| | |
|--|----|
| Hen | 15 |
| Rooster | 1 |
| Duck, turkey, pheasant, goose, or other similar fowl | 5 |
| Rabbit, rodent, or other similar mammals | 5 |
| Note: Numbers shall be rounded down to the next whole animal. For example, on the 2.5 acres only two (2) horses would be allowed, not three (3). The remaining half unit could be used for hens, ducks, etc., so long as the total 2.5 unit maximum is not exceeded. | |

3. In addition to the animal units allowed above, the following may be kept on the property:
 - Dogs (kept outdoors): five (5) per acre
 - Cats (kept outdoors): five (5) per acre
4. Notwithstanding the foregoing, additional animals may be kept on the property for not more than a six (6)-month period when keeping of such animals is for a 4-H or FAA project.

3.09.4 Automotive Service Stations

A. Lot Dimension 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 150 feet of frontage on each street side, and an interior lot shall have a minimum width of at least 150 feet. A corner lot shall have a minimum area of not less than 20,000 square feet. An interior lot shall have a minimum area of not less than 15,000 square feet.

B. Lighting

All lights and lighting for automotive service stations shall provide a total lot illumination at an intensity of at least two (2) foot-candles per square foot 18 inches above the surface. The light source shall be completely concealed within an opaque housing and shall not be visible from any street right-of-way or adjacent property. The light source shall be horizontal to the ground. A maximum 15-degree angle is permitted if the light source is not visible and the angled direction does not face a residential zoned district or property.

C. Location of pumps and structures

No main accessory building, no sign of any type, no fuel or petroleum holding tanks, and no gasoline pump shall be located within 25 feet of the lot line of any property that is zoned for residential purposes. No gasoline pump shall be located within 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 15 feet of such setback line.

D. Curb breaks

A curb break is a driveway or any other access or opening for vehicles onto a public street. The number of curb breaks for each automotive service station shall not exceed 2 for each 150 feet of street frontage, each break having a width of not more than 30 feet exclusive of transitions and

located not closer than 15 feet of right-of-way lines of any intersection. Curb breaks shall not be closer than 15 feet to any other property line. There shall be a minimum distance of 20 feet between curb breaks.

E. Trash storage

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

3.09.05 Bed and Breakfast Inns

A. Generally.

1. Bed and Breakfast Inn means a house, or portion thereof, where short-term guest lodging rooms are provided, and where the operator of the inn lives on the premises or in adjacent premises.
2. Bed and Breakfast Inn may be approved by special use permit as provided in this Code.

B. Standards.

1. The exterior appearance of the structure shall be single-family in character.
2. The maximum number of rooms for guests shall be as follows:

| <i>Building Size (Gross Floor Area)</i> | <i>Maximum Guest Rooms</i> |
|---|--|
| Less than or equal to: | |
| 1,200 sq.ft. | 1 |
| 1,201 – 1,800 sq.ft. | 2 |
| 1,801 – 2,400 sq.ft. | 3 |
| 2,401 – 3,000 sq.ft. | 4 |
| 3,001 – 3,600 sq.ft. | 5 |
| 3,601 sq.ft. and over | 6 (plus one additional room per additional 600 sq.ft.) |

3. The owner must live on the premises.
4. Separate toilet and bathing facilities for exclusive use of guests must be provided.
5. Rentals shall be on a daily basis. The maximum stay for an individual guest shall be 30 days in a 12-month period.
6. No cooking facilities shall be allowed in guest rooms. Exceptions will be made for kitchens or kitchenettes in guest cottages as part of a larger Bed and Breakfast Inn complex.
7. Bed and Breakfast Inns must comply with appropriate health permits, building and fire codes, and business licenses as applicable to such use.

8. Signage, excepting historical markers located by federal, state, or county agencies, shall be limited to one (1) sign, not exceeding six (6) square feet in area, with characters not exceeding eight (8) inches, non-illuminated (excepting flood lighting on each side of the sign).
9. In addition to the parking required for the residence, one (1) parking space for each guestroom shall be provided as off-street parking.

3.09.06 Community Residential Home Requirements

The Town shall facilitate the provision of community residential homes as licensed or funded by the State of Florida within residential areas and areas of residential character.

- A. For the purposes of these regulations, a “community residential home” shall mean a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency for Health Care Administration which provides a living environment for seven (7) to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.
- B. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. Homes of six (6) or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multifamily zoning without approval by the local government, provided that such homes shall not be located within a radius of 1,000 feet of another existing such home with six (6) or fewer residents. Such homes with six (6) or fewer residents shall not be required to comply with the notification provisions of this section; provided that, prior to licensure, the sponsoring agency provides the local government with the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the local government in which the proposed site is to be located in order to show that no other community residential home is within a radius of 1,000 feet of the proposed home with six (6) or fewer residents. At the time of home occupancy, the sponsoring agency must notify the local government that the home is licensed by the licensing entity.
- C. The Town shall not deny the siting of a community residential home unless the local government establishes that the siting of the home at the site selected:
 1. Does not otherwise conform to existing zoning regulations applicable to other multifamily uses in the area.
 2. Does not meet applicable licensing criteria established and determined by the licensing entity, including requirements that the home be located to assure the safe care and supervision of all clients in the home.
 3. 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 is located within a radius of 1,200 feet of another existing community residential home in a multifamily zone shall be an overconcentration of such homes that substantially alters the nature and character of the area. A home that is located within a radius of 500 feet of an area of single-family zoning substantially alters the nature and character of the area.

3.09.07 Community Thrift Stores

Community Thrift Shops, defined as a business operated by a Section 501(c)3 organization, defined by the United States Internal Revenue Code (26 U.S.C Section 501(c)), that primarily engages in or specializes in the sale or resale of previously owned or used goods and merchandise, which is donated or principally donated, provided:

- A. The property is located adjacent to properties with a Future Land Use designation of Downtown District or Commercial; and
- B. The property is located in an area where a mix of uses is already established as the pattern for development; and
- C. The use is located in an existing single-family residential house or, if newly constructed, is designed to look like a single-family residential house reflective of the existing architectural character of the surrounding area; and
- D. Provision is made for off-street parking and loading; and
- E. The use of outdoor commercial dumpsters is prohibited; and
- F. Hours of operation shall be limited to Monday through Saturday from 9:00 a.m. to 7:00 p.m.; and
- G. Signs are limited to building signs with a total sign area of 24 square feet; and
- H. Outdoor display of goods is prohibited; and
- I. Outdoor lighting, except for wall-mounted security lighting, is prohibited. Wall-mounted security lighting shall be directed toward the ground with no light trespassing onto adjacent properties.

3.09.08 Day Care Centers

- A. A “day care center” includes any child care facility or child care arrangement where more than five (5) children, other than the children of the residents of the premises, are cared for during the day, whether or not the business is operated for profit. The term includes day nurseries, kindergartens, child care center, or play school.
- B. No outdoor play activities shall be conducted before 8:00 a.m. or after 7:00 p.m.
- C. Provisions shall be made for areas for off-street pick-up and drop-off of children.

3.09.09 Family Lots.**A. Generally.**

1. A special family lot permit may be issued by the Town Clerk on land in an Agriculture or Residential zoning district for the use solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to such individual, notwithstanding the density of intensity of use assigned to the parcel in the Comprehensive Plan.
2. Any individual family member may only ever receive one family lot.
3. The parent tract of property, a portion of which is proposed for the creation of a family lot by an immediate family member, much be in fee simple ownership and be in use as a homestead by an immediate family member.
4. The parent tract of property must be a legal lot of record and shall not be located in a recorded or unrecorded subdivision and shall not be a non-conforming lot.
5. Once a family lot is created, the newly created family lot shall not be further split or subdivided pursuant to this section.

B. Standards.

1. The family lot permit shall not be issued and recorded by the Town until such time as the family member applies for a building permit to construct a residence on the lot.
2. No permit shall be issued for a family lot unless the lot complies with the following:
 - a. The remainder of the parent tract will be the size and configuration that complies with all the standards, including density and intensity standards for lots in the applicable zoning district as defined in Article 2 of this Code.
 - b. The newly created lot will be at least 65 feet in width and at least 0.5-acre in size and the lot length shall not exceed three times the lot width.
 - c. The newly created lot will contain a sufficient buildable area located outside the limits of any environmentally sensitive areas and does not require access for ingress/egress through such environmentally sensitive areas.
 - d. Access for ingress/egress to the newly created lot may be provided by easement, but such easement shall be shown on the recorded deed and certified boundary survey. No easement created under this section may be less than 30 feet wide for the purpose of ingress and egress, exclusive of any utility easements.
 - e. Right-of-way dedication may be required by the Town for any newly created lot

located within areas identified for future public roadways on the adopted Future Traffic Circulation Map.

- f. The newly created lot shall meet all other applicable Land Development Code regulations.
- g. The applicant provides the following:
 - (1) A completed application for a Family Lot Permit.
 - (2) Personal identification and proof of relationship to establish the required family member status of both the parent track property owner and the family member receiving the family lot permit.
 - (3) A recorded deed describing only the land encompassed by the family lot and including language giving notice that the subdivision of land is in accordance with the family lot provisions of the Land Development Code and of the prohibition of additional lot split or subdivision addressed in subsection 3.09.09.A.5.
 - (4) A certified boundary survey of the newly created lot prepared by a Florida Registered Surveyor showing all easements, dimensions of the property, ingress and egress, public rights-of-way and legal description.
 - (5) Certification that the residence will become his or her homestead.

3.09.10 Fences, Walls, and Hedges

- A. Generally. Notwithstanding other provisions of these land development regulations, fences, walls, and hedges may be permitted in any yard or along the edge of any yard subject to the specific regulations below.
- B. Setbacks. No fence, wall, or opaque hedge shall be permitted:
 - 1. Within the public right-of-way line where there is an express right-of-way (described in deed or on a plat) or where a public right-of-way has been created by prescriptive easement and such line is at least two (2) feet from the wearing surface of the road.
 - 2. Within two (2) feet of the right-of-way line if the right-of-way line has been created by prescriptive easement and such line is coterminous with the edge of the wearing surface of the road.

Section 3.09.11 Flea Markets

- A. Definition. *Flea Market* means the use of land, structures, or buildings for the sale of goods, usually secondhand or cut-rate, by individuals or groups that lease the portion of the building or land from which they sell by the hour, day, week, or month.

B. Supplemental Regulations.

1. The outdoor sales of goods shall only be allowed in a lawfully established flea market, with the exception of the following land uses, which by their nature, require the sales and displays to take place outdoors:
 - a. A lawful temporary use operating under Section 3.09.27 of this Article.
 - b. The sale of new and used vehicles, including watercraft, in a zoning district that allows such sales activity.
 - c. Equipment or vehicle rental establishments in a land use district that allows such rental activity.
 - d. Sale of monuments, tombstones, birdbaths, statues, and related items in a zoning district that allows such sales activity.
 - e. Mobile home and portable building sales in a zoning district that allows such sales activity.
 - f. A plant nursery or produce stand in a zoning district plant nurseries and produce stands.
 - h. Any permanent structure used to shelter people or merchandise shall be required to obtain a building permit and shall be constructed in accordance with the Florida Building Code. "Permanent structure" as used herein shall mean a structure of any size used to shelter persons or property that is used during the operating hours of the flea market and kept in place when the flea market is closed. It does not include tarps, tents, canopies, or other portable shelters that are dismantled and carried off the property or stored in a permanent shelter at close of each business day.
 - i. A flea market shall be required to meet the parking, landscaping, and buffering requirements of Article 6 of this Code.

3.09.12 Home Occupation Requirements

- A. Only one (1) additional person other than members of the family residing on the premises shall be engaged in such occupation.
- B. 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.
- C. 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 two (2)

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- square feet in area, nonilluminated, mounted flat against the wall of a principal building at a position not more than two (2) feet distance from the main entrance to the residence.
- D. 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 1,000 square feet.
- E. 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, living quarters, shall be considered as floor area for the purpose of this definition until two (2) years after the date of completion thereof.
- F. 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.
- G. 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.
- H. For purposes of illustration, the following uses shall not be considered home occupations: (1) studio for group instruction, (2) dining facility or restaurant, (3) antique or gift shop, (4) photographic studio, (5) fortune-telling or similar activity, (6) outdoor repair, (7) food processing, (8) retail sales, and (9) child care center.
- I. 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: (1) the giving of individual instruction to one (1) person at a time such as art or music teacher; (2) fabrication of articles such as are commonly classified under the terms arts and handicrafts, providing no retail sales are made in the home; (3) custom dressmaking, seamstress, milliner; (4) tutoring for not more than one (1) student at a time; (5) answering telephone; (6) barber or beauty shop; and (7) professional offices.
- J. Home occupations that meet the following requirements shall be administratively approved by the land development regulations administrator: (1) no persons other than members of the family residing on the premises shall be engaged in such occupation; (2) no signs shall be erected on the property or home advertising the home occupation; (3) the home occupation shall not occupy more than ten percent (10%) of the first floor area of the residence; (4) no traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood; (5) no additional parking area shall be provided; (6) no outdoor storage of materials shall be allowed; and (7) the home occupation shall meet the requirements of subparagraph G above.

- K. For the purposes of illustration, the following uses may be considered as administratively approved home occupations, provided they meet all of the requirements of subparagraph 10 above and all other applicable provisions of the land development regulations: (1) professional offices; (2) subcontractors; (3) fabrication of articles such as arts and handicrafts, providing no retail sales are made in the home; (4) custom dressmaking, seamstress, milliner, and similar occupations provided that no customers visit the home occupation; and (5) internet sales, such as Ebay, provided that no customers visit the home occupation.
- L. A home occupation shall be subject to all applicable occupational licenses and other business taxes.

3.09.13 Miscellaneous

- A. Number of principal structures on single parcel. A building permit for the construction of more than one 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 or parcel. Provided, however, that if a portion of a platted lot is conveyed to an adjoining lot owner, and the original platted lot remains conforming in size despite the conveyance, a permit may be issued for a principal structure on that lot.
- B. Exclusions from height limitations. Height limitations contained in this Code do not apply to spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, elevator shaft enclosures, observation towers, or other appurtenances usually required to be placed above the roof level.
- C. Moving of buildings and structures. No building or structure shall be moved from one lot or parcel to another lot or parcel, or moved to another location on the same lot or parcel, 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 Town.
- D. Removal of replaced dwellings. Once a structure has been approved as the replacement of an existing dwelling, either through a Final Inspection or Certificate of Occupancy, the original dwelling must be moved off the property within 30 days of the date of the Final Inspection or Certification of Occupancy.

3.09.14 Nonconformities

- A. Generally.
1. It is the intent of this section to permit nonconformities to continue until they are voluntarily removed or removed as required by this section, but not to encourage their survival. It is further the intent of this section that nonconformities shall not be enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
 2. The casual, temporary, or illegal use of land or structures, or land and structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.

3. Where on the date of adopted of this Land Development Code, the lawful use of land existed which would be permitted pursuant to a special use permit under the terms of this Land Development Code, such use shall not be deemed a conforming use in such district. However, any enlargement or expansion of such uses shall be subject to the procedures for securing a special use permit.

B. Definitions.

Nonconforming Development means a structure and/or other physical alterations of the land that do not currently comply with this Land Development Code or the existing Comprehensive Plan, but, at the time it was constructed, was in compliance with all then-existing Town regulations, and was consistent with the then-existing Town Comprehensive Plan. Nonconformity may be the result of noncompliance with requirements relating to setbacks, floor area ratio, parking, landscaping, stormwater management, flood protection, building height, and other such requirements in this Land Development Code and the Comprehensive Plan.

Nonconforming Lot means a use of land or structure that does not currently comply with this Land Development Code or the existing Comprehensive Plan, but at the time it was created, was in compliance with all Town regulations, including subdivision requirements, and was consistent with the Town Comprehensive Plan, in effect at the time the lot or parcel was created.

Nonconforming Use means a use of land or structure that does not currently comply with this Land Development Code or the existing Comprehensive Plan, but at the time it was established, was in compliance with all then-existing Town regulations, including zoning or land development regulations, and was consistent with the then-existing Town Comprehensive Plan, and which has continued without cessation of the use for a period of more than 12 consecutive months. A use shall be considered nonconforming if the characteristics of the use, such as a residential density or commercial intensity, do not comply with the current regulations or Comprehensive Plan requirements.

C. Nonconforming Uses.

1. Nonconforming uses are declared to be incompatible with permitted uses in the districts involved.
2. A nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. The nonconforming use shall not be enlarged, increased, intensified, or extended to occupy a greater area of land or structure.
 - b. If a nonconforming use ceases for any reason (except when governmental action impedes access to the premises) for a period of more than 12 consecutive months, any subsequent use of such land shall conform with the regulations specified by these land development regulations for the district in which such land is located.

- c. A nonconforming use may not be changed to another nonconforming use unless the change is to another nonconforming use of the same character, or to a more restricted but nonconforming use. Such change must be approved by the Planning and Zoning Board, which must find, after a quasi-judicial hearing, that the proposed use is equally or more appropriate to the district than the existing nonconforming use and that the relation of the structure to surrounding properties such that adverse effects on occupants and neighboring properties will not be greater than if the existing nonconforming use is continued. In permitting such change, the Planning and Zoning Board may require appropriate conditions and safeguards.

D. Nonconforming Lots.

1. Nonconforming lots shall be eligible for the issuance of residential building permits, subject to all other provisions of this Land Development Code and the Town Comprehensive Plan, including setbacks, lot coverage, and concurrency. Provided, however, that in order to receive a building permit to construct a residence or other structure that will be served by an onsite sewage disposal system, the nonconforming lot must be at least 0.25-acre.
2. No portion of a nonconforming lot shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Land Development Code, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Land Development Code.

E. Nonconforming development.

1. Nonconforming development may be continued in use so long as it remains otherwise lawful, and subject to the limitations in 2 below.
2. Nonconforming development is subject to the following:
 - a. No nonconforming structure may be enlarged or altered in a way that would increase the nonconformity of the development. For example, a structure could not be increased in size if to do so would increase the need for parking on a site that already failed to meet current parking requirements.
 - b. In no event shall the total square footage of a nonconforming structure be increased so that its total square footage would be more than 50 percent greater than the original maximum lawfully-created square footage of the structure.
 - c. Should a nonconforming structure be destroyed by any means to an extent of more than 50 percent of its replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Land Development Code.
 - d. Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform with the regulations for the district in which it is located after it is moved.

- e. Any nonconforming development may be altered to decrease its nonconformity.

F. Special Rules for Existing Mobile Homes.

1. For the purposes of this subsection, the term “existing mobile home” shall mean mobile homes that existed as of the effective date of this Land Development Code.
2. In those districts that do not permit the placement of new mobile homes but do permit existing mobile homes, such existing mobile homes may be removed and replaced by another mobile home, provided:
 - a. That a period of not greater than six (6) consecutive months elapses between the removal of one (1) mobile home and the placement of another mobile home; and
 - b. 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.

3.10.17 Overnight Recreational Campgrounds

A. Definitions.

Accessory Uses or Structures means designed, intended, and used to serve only overnight guests of the campgrounds.

Cabin or Lodge means a structure to be used for temporary housing quarters that is permanently affixed to the ground and which shall comply with the building code and regulations as adopted by the Town Council and the statutes and regulations of the State concerning building, electrical installations, plumbing, and sanitation systems.

Campsite means a generic term encompassing any site to be used for an RV, tent, cabin, or camping trailer.

Recreational Vehicle (RV) means a vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation, or vacation uses, permanently identified as a recreational vehicle by the manufacturer of the vehicle, having a width not exceeding 14 feet, and an overall dimension not exceeding 500 square feet, when constructed to the U.S. Department of Housing and Urban Development standards and shall include the following:

Camping Trailer (includes the terms pop-up or pop-out trailer) means a canvas folding structure, mounted on wheels and designed for travel, recreation, or vacation use.

Motor Home means a portable, temporary dwelling to be used for travel, recreation, or vacation uses, and constructed as an integral part of a self-propelled vehicle.

Travel Trailer (includes the term fifth-wheel trailer) means primarily designed and constructed to be drawn by another vehicle.

Truck Camper (includes the terms pick-up coach, topper, or slide-out camper) means a structure designed to be mounted on the bed or chassis of a truck.

RV Site means any site to be used for RV or cabin.

Unit: Each of the following shall be counted as one (1) dwelling unit for the purposes of determining density:

- 1 caretaker home
- 4 RV sites
- 4 beds in cabins or lodges
- 4 primitive campsites

- B. In addition to the requirements of Chapter 64-E-15, Florida Administrative Code, the following standards apply to all new Overnight Recreational Campgrounds. In the event that regulations contained herein conflict with state regulations, the more stringent regulation shall apply.
- C. Standards. The following standards apply to Overnight Recreational Campgrounds:
1. **Maximum Density.** Density is the number of units (as defined in this subsection) allowed per acre and shall be determined based on the applicable zoning district. If located in a Commercial, General district, the maximum density shall not exceed two (2) dwelling units per acre. Clustering of units onsite shall be allowed so long as overall density does not exceed the maximum.
 2. **Minimum Parcel Size and Maximum Impervious Surface.** The minimum parcel size shall be ten (10) acres; and the use shall not exceed the maximum impervious surface allowed for residential uses under the applicable zoning district.
 3. **Uses Allowed.** The following uses may be allowed:
 - RV
 - Cabins
 - Lodge
 - Meeting Facilities
 - Primitive Camping
 - Caretaker Residence
 - Accessory Recreational Facilities, e.g., clubhouse, tennis courts, pool
 - Accessory Retail, e.g., camp store, dive shop
 - Accessory Administrative and Other Service Facilities
 - Accessory Rentals, e.g., canoe, kayak, tube, bicycle
 4. **Maximum Stay.** The maximum length of stay shall be 90 consecutive days or 120 non-consecutive days with a 12-month period, with a minimum break of two (2) weeks between

stays at the same campground. The owner of the campground shall maintain accurate rental and occupancy records indicating when customers check-in to and check-out of the campground, which shall be made available for inspection during regular business hours upon request from the Town Clerk. With exception of the caretaker's residence lawfully constructed in accordance with the applicable Florida Building Code, campground facilities shall not be used as a permanent housing option. The length of stay may be extended up to 180 consecutive days pursuant to a temporary use permit if the person(s) requesting the extension is staying as a result of demonstrated hardship situation such as a medical emergency, the destruction of a principle home by fire, flood, or other calamity, subject to the following:

- a. The permit shall have a maximum duration of six (6) months.
 - b. The person(s) requesting the additional time shall have access to lawfully permitted electrical power, potable water, and bathroom facilities. If the person(s) requesting additional time will be making use of an RV site, the RV site must have a potable water hookup and a lawfully permitted sewer hookup at the RV site or usable dump station on premises.
5. Internal minimum setbacks. A minimum distance of ten feet will be maintained between all RVs, tents, or other overnight units.
6. Buffers. An overnight recreational campground shall be install and maintain a 25-foot buffer subject to the buffering and screening requirements of Section 6.04.03 of this Code.
7. Sanitation. The following sanitation standards shall be met:
- a. An adequate supply of pure water for drinking and domestic purposes shall be provided for as required by Chapter 64E-15.003, Florida Administrative Code.
 - b. Restrooms and shower facilities shall be provided in accordance with requirements of the Florida State Department of Health. Such facilities shall be so located as to be reasonably available to all RV sites and campsites. Sewage effluent may only be disposed of in approved sanitary stations as herein provided.
 - c. A safe method of sewage collection, disposal, or treatment and disposal shall be provided for as required by Chapter 64E-15.004, Florida Administrative Code.
 - d. Garbage and refuse disposal shall be provided for as required by Chapter 64E-15.007, Florida Administrative Code.
8. Campsites. The following standards for campsites shall be met:
- a. Each campsite shall be clearly defined on the ground and shall abut on a street or on a driveway with unobstructed access to a street, and each campsite shall contain no more than one RV, cabin, park trailer, or tent, and accessory structures.

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- b. Each campsite shall contain a minimum of 1,500 square feet and shall have a minimum width of 30 feet.
 - c. The requirements for paving, street lighting, electrical outlets, and water taps may be waived in whole or in part where the approved site plan provides for a density in all or any portion of the campground for two (2) spaces per gross acre, and where such spaces are designed and intended to afford the users thereof an opportunity to camp in a quiet, uncongested, and natural setting.
 - d. For RV Campsites: each RV shall have an electrical outlet with adequate amperage available to provide the needs of each RV. All such outlets shall be weatherproof. Permanent carports and accessory enclosures may be included in each RV campsite, provided that such enclosures are not attached in any fashion to the RVs.
9. Cabins. Cabins shall be limited in size to 500 square feet.
 10. Street and driveway improvements. Streets and driveways shall meet the following standards:
 - a. All streets and driveways shall be paved in accordance with the specifications as set forth in Article 9 of this Code.
 - b. All two-way streets and driveways shall have a minimum width of 20 feet. All one-way streets and driveways shall have a minimum width of ten (10) feet.
 11. Street lighting. All streets and driveways within the campground shall be lighted at night with electric lights providing a minimum average illumination of 0.2 footcandle.
 12. Fires.
 - a. Fires shall be permitted only in stoves, fireplaces, and other equipment intended for such purposes.
 - b. Firefighting and protection equipment shall be provided at appropriate locations within the park. All equipment shall be maintained in good operating condition and its location shall be adequately marked. Inspection, maintenance, and marking of firefighting equipment shall be in accordance with those standards established by the national fire codes (National Fire Protection Association International) and the rules and regulations of the State of Florida Fire Marshal.
 13. Service stores. A service stores, if provided, shall be internally located within the park and shall not be provided separate driveway access or signage along an exterior road.
 14. Site Plan. The Special Use Permit application shall contain a complete site plan, prepared, signed, and sealed by a Professional Engineer licensed in the State of Florida, at a scale of not less than 50 feet to the inch and showing:

- a. The area and dimensions of the proposed overnight recreational campground.
- b. The street and lot layout.
- c. The location of water lines, sanitary sewer lines, natural gas lines, manholes, fire hydrants, and streetlights.
- d. A preliminary drainage plan prepared by a Professional Engineer registered in the State of Florida.
- e. Location and dimensions of all cabins, lodges, sanitation facilities, recreational facilities, buffers, office structures, utility buildings, service stores and impervious surfaces.
- f. Density calculations.

3.09.16 Parking and Storage of Certain Vehicles

- A. Generally. 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.

3.09.17 Performance Standards

- A. All uses and activities permitted in any district within these Land Development Code shall conform to the standards of performance described below:
 1. Fire and explosion hazards. In any zoning district, all uses shall comply with the applicable standards set forth in the rules and regulations of the State Fire Marshal.
 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 62, Florida Administrative Code, as amended. Regulations controlling open burning shall be the same as those contained in Chapter 62, Florida Administrative Code, as amended.
 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 62, Florida Administrative Code, as amended.
 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 Industrial district, this standard shall be applied to the boundaries of the district and not at the lot lines of the individual properties located within the district.
 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 Industrial district, this standard shall be applied to the boundaries of the district and not at the lot lines of the individual properties located within the district. The determination of noise level shall be measured with a sound level meter that conforms to the specifications published by the American National Standards Institute.

6. Odor. Regulations controlling the emission of objectionable odorous gases or other odorous matter, except those associated with normal agricultural practices, shall be the same as those contained in Chapter 62, Florida Administrative Code.
7. Glare. There shall be no direct glare visible from any residential district caused by unshielded floodlights or other sources of high intensity lighting.

3.09.18 Permanent Accessory Dwelling Structure

A. Generally.

1. Permanent accessory dwelling structures are allowed in Agriculture, Residential, and Downtown District zoning districts, subject to the standards below.
2. For the purposes of determining the applicability of impact fees and special assessments, a permanent accessory dwelling, whether attached to the primary dwelling or not, shall be treated as a separate residential dwelling unit.
3. The standards below shall apply notwithstanding conflict with other provisions of this Code relating to accessory uses, including Section 3.10.1, Accessory Uses.
4. It is the intent of the regulations in 3.10.14.5 below to limit the allowable permanent accessory dwelling unit to a small, truly accessory unit that shall not constitute a separate dwelling unit for purposes of determining compliance with the density limitations in the Article 2 of this Code.
5. Where the permanent accessory dwelling unit is being proposed on a lot within a recorded subdivision, the application for the unit shall include a written and signed opinion by a title company or licensed Florida attorney that the proposed dwelling unit will not conflict with restrictive covenants, deed restrictions, or other applicable private restrictions on the use of the lot.

B. Standards.

1. If the accessory dwelling is proposed on a lot in a recorded or registered unrecorded subdivision, or if the accessory dwelling is proposed on a parcel that is not a recorded or registered unrecorded subdivision, but which is developed at greater than twice the density allowed in Article 2 of this Code, then the following standards apply:
 - a. Both the primary dwelling and the accessory dwelling must be constructed as a site-built or modular structure.

- b. No more than one (1) accessory dwelling structure, in addition to the primary dwelling, shall be placed on a parcel or lot.
 - c. The lot or parcel on which the detached accessory dwelling structure is to be placed is not less than 10,000 square feet in size, and no less than 100 feet in width.
 - d. The accessory dwelling structure may be attached to the primary residential structure, or it may be detached so long as it is no less than 15 feet or more than 75 feet away from the primary structure. This shall be measured exterior wall to exterior wall.
 - e. The accessory dwelling structure shall be no smaller than 400 square feet and no greater than 1,000 square feet, and in all cases shall be smaller and clearly subordinate to the primary dwelling.
 - f. The total lot coverage allowed in the applicable zoning district shall not be violated, or made more non-conforming, by the addition of the accessory dwelling.
 - g. Before obtaining a building permit for an accessory dwelling unit the property owner shall record in the official records of Columbia County a declaration of restrictions containing a reference to the deed under which the property was acquired by the owner/applicant, to be binding on the current owner and all future successors in ownership of the property, and providing that:
 - (1) The accessory unit shall not be sold separately from the primary dwelling unless a division of the property is approved by the Town; and
 - (2) That under no circumstances shall the existence of an accessory dwelling unit be grounds for a variance or any deviation from applicable Town subdivision regulations.
2. If the accessory dwelling is not in a recorded or registered unrecorded subdivision but which is developed at less than or equal to half the density allowed under Article 2 of this Code, then the following standards apply:
- a. Both the primary dwelling and the accessory dwelling must be constructed as a site-build or modular structure.
 - b. No more than one (1) accessory dwelling structure, in addition to the primary dwelling shall be placed on the parcel.
 - c. The accessory dwelling structure will be no larger in size than the primary dwelling and shall not exceed 35 feet in height.
 - d. The lot or parcel on which the accessory dwelling structure is to be placed shall be no less than 10,000 square feet in size, and no less than 100 feet in width.

- e. Before obtaining a building permit for an accessory dwelling unit the property owner shall record in the official records of Columbia County a declaration of restrictions containing a reference to the deed under which the property was acquired by the owner/applicant, to be binding on the current owner and all future successors in ownership of the property, and providing that:
- (1) The accessory unit shall not be sold separately from the primary dwelling unless a division of the property is approved by the Town; and
 - (2) That under no circumstances shall the existence of the accessory dwelling unit be grounds for a variance or any deviation from applicable Town subdivision regulations.

3.09.19 Railroad Right-of-Way

- A. Existing railroad right-of-way is a permitted use in all zoning districts.

3.09.20 Recreational Vehicles.

- A. Definition. Recreational Vehicle shall mean a unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. This definition shall include, but not necessarily limited to, the following:

Camping Trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

Motor Home: A vehicular unit built on a self-propelled motor chassis primarily designed to provide temporary living quarters for recreational, camping, or travel use.

Travel Trailer: A vehicular portable unit, mounted on wheels of such a size or weight as not to require special highway movement permits, when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.

- B. Use for residential purposes.

1. Recreational vehicles are not considered to be single-family dwellings or mobile homes for purposes of this Code. Recreational vehicles shall, therefore, not be used for permanent living, sleeping, or housekeeping purposes, unless they are specifically listed as being a permitted use or allowed by special use permit in the applicable zoning district.
2. Recreational vehicles that were permitted by the Town as permanent residences prior to the adoption of this Section will be considered nonconforming uses, and will remain legal, subject to the regulations for nonconformities contained in this Land Development Code.

C. Temporary Use.

1. Unless approved by a temporary use permit or special use permit as set forth below, recreational vehicles may only be set up and occupied for temporary living purposes within an approved campground or recreational vehicle park.
2. The Town Clerk may grant a temporary use permit to allow a recreational vehicle to be used for temporary living purposes in the following circumstances:
 - a. As an accessory use to a primary residence, in any zoning district, for the purpose of providing temporary accommodations for visitors. This permit may be issued for a period of up to 30 days. A period of at least 30 days must pass in order to reapply for another temporary use permit.
 - b. For living purposes, in any zoning district, where a property owner will live in the recreational vehicle while the owner is building a home, or a replacement home is being set up, on the parcel where the recreational vehicle is to be located. This permit may be issued for a period of up to 12 months. Such permit may be renewed for a maximum of two (2) additional 30-day periods provided that substantial progress has been made on the construction of the house and the building permit is still valid. Once a certificate of occupancy is issued for the house, or a final inspection is approved for a mobile home, the recreational vehicle may no longer be used as a residence.
3. A special use permit may be granted by the Planning and Zoning Board for the use of a recreational vehicle for temporary living purposes on a specific parcel of property subject to the following standards and requirements:
 - a. The proposed location must be vacant property in an Agriculture zoning district.
 - b. The proposed use must be compatible with the surrounding development and land uses. In determining whether the use of a recreational vehicle for temporary living purposes would be compatible with surrounding development and land uses, the Planning and Zoning Board shall consider:
 - (1) The extent to which surrounding parcels have been used for similar purposes in the past and/or are presently being used from such purposes.
 - (2) The extent to which the area may be considered more recreational than residential in character. For example, a parcel near hunting lands may be considered more recreational in nature than a small lot in a largely built-out residential subdivision.
 - (3) The size of the parcel on which the recreational vehicle would be placed, and the amount of buffering there would be between the recreational vehicle and adjacent or nearby permanent residential uses.

- (4) The extent to which the parcel and surrounding parcels are unsuitable for the construction of permanent residential dwellings.
 - (5) The extent to which there is support or opposition to the granting of the special use permit by nearby property owners.
- c. The special use permit shall contain conditions which:
- (1) Establish the times during which the recreational vehicle may be located on the parcel. This shall include, but not necessarily be limited to:
 - i. The number of consecutive days that the recreational vehicle may be located on the parcel. Under no circumstances shall this number exceed 120.
 - ii. The total number of days that the recreational vehicle may be located on the parcel during any calendar year. Under no circumstances shall this number exceed 180.
 - (2) Establish whether a power pole may be located on the parcel. If so, the condition shall limit the power service to no more than 60 amps.
 - (3) Establish whether an onsite sewerage disposal system shall be required, allowed at the option of the owner, or prohibited, on the parcel. If a system is to be required, the condition shall provide that a permit for the disposal system shall be obtained prior to any use of the parcel of the parking of a recreational vehicle.
 - (4) Address other potential negative impacts of the proposed use.
 - (5) Provide that any violation of the special use permit, or conditions thereof, shall result in the revocation of the special use permit by the Planning and Zoning Board. The Planning and Zoning Board shall hold a public hearing on the proposed revocation with notice of the hearing provided by certified mail to the property owner. Evidence of violation of the special use permit may be presented by any person including a resident, Code Enforcement Officer, or other Town official. Once a special use permit has been revoked pursuant to this provision, the owner shall be prohibited from re-applying for a special use permit for use of a recreational vehicle for temporary living purposes.

3.09.21 Salvage Yard

- A. Definition. Salvage yard means any open area where inoperative, dilapidated, abandoned or wrecked materials are bought, sold, exchanged, stored, processed or handled as a principle or accessory use. This term shall include operations primarily engaged in the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, and operations engaged in the collection, sorting and shipping of materials for purposes of recycling or

reuse. Typical materials found in a salvage yard include inoperable automobiles, trucks, tractors, wagons, boats or other kinds of vehicles and parts thereof, as well as scrap materials, scrap building materials, recovered or reclaimed building materials, scrap contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, appliances, furniture and the like.

B. Supplementary regulations.

1. The setback from any property line which is in a residential district or which is shown for residential use on the zoning map shall be 300 feet.
2. The entire area occupied by a salvage yard shall be surrounded by a continuous solid masonry wall or opaque fence eight (8) feet in height without any openings, except for entrances and exits, which shall be equipped with solid gates. Materials stored in the salvage yard shall not be visible above the wall or fence, and shall not be placed in any required setback area. Fabric or plastic sheets or nets shall not be used as part of the fence or attached to a fence for the purpose of affecting the required opacity.
3. Salvage yards shall be limited to the Industrial zoning district; except that recycling operations conducted in connection with a solid waste facility may be located in a zoning district where such solid waste facility are allowed, subject to any conditions or requirements related to the solid waste facility.

3.09.22 Setback Areas.

A. General encroachment rules.

1. Every part of every required setback area shall be open and unobstructed from the ground to the sky except as hereinafter provided or as otherwise permitted in these Land Development Regulations.
2. The following encroachments into required setback areas are specifically allowed:
 - a. Sills and belt courses may project into a required yard a maximum of 12 inches.
 - b. Movable awnings may project into a required setback area a maximum of three (3) feet, provided that where the setback area is less than five (5) feet in width the projection shall not exceed half the width of the setback area.
 - c. Chimneys, fireplaces, bay windows, or pilasters may project in a required setback area a maximum of two (2) feet.
 - d. Fire escapes, stairways, and balconies which are unroofed and unenclosed may project a maximum of five (5) feet into a required rear setback area, or a maximum of three (3) feet into a required side setback area of a multiple dwelling, hotel, or motel.

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- e. Hoods, canopies, roof overhangs, or marquees may project a maximum of three (3) feet into a required setback area, but shall not come closer than one (1) foot to the lot line.
 - f. Fences, walls, and hedges are permitted in required setback area, subject to the provisions of this Section.
 - g. Cornices, eaves, or gutters may project a maximum of three (3) feet into a required setback area, provided that where the required setback area is less than six (6) feet in width, such projection shall not exceed half the width of the setback area.
- B. Landscaping. Except as provided herein, nothing in these Land Development Regulations shall be so construed as to prohibit any type of landscaping or private, nonprofit gardening on any lot.

3.09.23 Sexually-Oriented Business

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

A. Definitions.

Display Publically. The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from any portion of the premises where items and material other than sexually oriented media are on display to the public.

General Media Store.

1. A general term for the retail sale or rental of books and other media, including stores that may have some sexually oriented media, but excluding those stores that are classified as sexually oriented media stores. A store that sells or rents media in which less than 10 percent of the numbers of items in inventory are sexually explicit media and in which less than 10 percent of the retail floor area is devoted to sexually explicit media shall be considered a general media store unless it is a sex shop. 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 10 percent of its floor area or 10 percent of the number of items in inventory to sexually explicit media, but devotes less than 30 percent of its floor area or less than 30 percent of the number of items in inventory to sexually explicit media shall be treated for the purposes of these LDRs 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 is 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 18 years of age or older are allowed in the room;
 - d. Access to the room is physically limited to adults through control of access by an employee of the store, through the use of an access release located at least 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; and
 - e. If either the 30 percent 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.

Massage. Touch, stroking, kneading, stretching, friction, percussion and vibration, and including holding, positioning, and causing movement of soft tissues and applying manual touch and pressure to the body.

Massage Parlor or Shop. An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Massage Therapy. The profession licensed in accordance with Chapter 480, Florida Statutes

Media. Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication; including, but not limited to, books, newspapers, magazines, movies, videos, sound recordings, CD-Roms, other magnetic media, and undeveloped pictures.

Motion Picture Arcade Booth. Any booth, cubical, stall or compartment which is designed, constructed, or used to hold or seat customers and is used for presenting sexually explicit material, motion pictures, or viewing publications by any photographic, electronic, magnetic, digital, or other means or medium for observation by customers therein. Also known as booth, arcade booth, preview booth, video arcade booth, video viewing booth, and peep show booth.

Religious Institutions. A structure or place in which worship, ceremonies, rituals, and education are held, together with its accessory buildings and uses (including buildings used for educational

and recreational activities), operated, maintained, and controlled under the direction of a religious group. Religious institutions include churches, mosques, synagogues, and temples. Accessory uses may include school facilities, parking, caretaker's housing, pastor's housing, and group living facilities such as convents.

Sadomasochistic Practices. Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.

School. A public or private institution at the elementary, middle, or high school level that provides educational instruction to students, but not including an establishment primarily for the instruction of adults, a day-care, a day-care home, a child care center, or an in-home school for the purposes of instructing children of the family residing in the household.

Sex Shop. An establishment offering goods for sale or rent and that meets any of the following tests:

1. It offers for sale items from any two (2) of the following categories: sexually oriented media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items make up more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area; or,
2. More than five (5) percent of its stock in trade consists of sexually oriented toys or novelties; or,
3. More than five (5) percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

Sexual Conduct. The engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttock or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person.

Sexual Gratification. Sexual conduct as defined herein.

Sexually Explicit Media. Magazines, books, videotapes, movies, slides, CD-Roms, or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas.

Sexually Oriented Acts. Sexual conduct as defined herein.

Sexually Oriented Business. An inclusive term used to describe collectively: sexually oriented cabaret; sexually oriented media store, sexually oriented motion picture theater; sex shop, motion picture arcade; bathhouse; and massage parlor or shop and/or sex shop.

Sexually Oriented Cabaret or Sex Oriented Cabaret. A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the

primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specified anatomical areas for observation by customers therein.

Sexually Oriented Cinema, Sexually Oriented Motion Picture Theater, or Sex Oriented Cinema. A cinema or motion picture theater that shows hard-core features on more than half the days that it is open, or that is marketed as or offers features described as “adult”, “XXX”, or sexually oriented.

Sexually Oriented Media Store. An establishment that rents and/or sells media, and that meets any of the following three (3) tests:

1. Thirty (30) percent or more of the gross public floor area is devoted to sexually explicit media;
2. Thirty (30) percent or more of the stock in trade consists of sexually explicit media;
3. It advertises or holds itself out in any forum as “XXX”, “adult”, “sex”, or otherwise as a sexually oriented business other than a sexually oriented movie theater or sexually oriented cabaret.

Sexually Oriented Toys or Novelties. Instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

Specified Anatomical Areas. Includes: (1) less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and, (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Means and includes human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, or sodomy

B. General Standards for All Sexually Oriented Businesses

1. Separation from School

- a. All sexually oriented businesses 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 2,500 feet from a school, unless the Town Council approves the location under proceedings provided in Section 166.041(3)(c), Florida Statutes. The Town shall notify the principal of any school that could be affected by the exception request and the School Board of Columbia County whenever an exception to Section 847.0134, Florida Statutes is requested.
- b. The separation standards from a school shall apply only if one (1) or more of the following applies:

- i. If it is a public school;
 - ii. The school has been in operation at the same location for one (1) year or more; or
 - iii. The location at which the school is now operating is owned by the organization operating the school or its parent organization.
2. When Separation Standards from Religious Institution Apply. The separation standard from a religious institution shall apply only if one (1) or more of the following applies:
 - a. The religious institution has been in operation at the same location for one (1) year or more; or
 - b. The location at which the religious institution is now operating is owned by the organization operating the religious institution or its parent religious organization.
3. When Separation Standards from Child Day Care Center or Day Care Home Apply. The separation standard from a child day care center or day care home shall apply only if one (1) or more of the following applies:
 - a. The child day care center or day care home has been in operation at the same location for one (1) year or more; or
 - b. The location at which the child day care center or day care home is now operational is owned by the organization operating the facility.
4. Measurement of Separation Distances. For purposes of measuring the separation distances in this Section, the measurement shall be made by extending a straight line from the main entrance of the building of the sexually oriented business to the front door of the main building occupied by any other sexually oriented business or to the nearest property line of any established religious institution, existing residential use, residential district, day care center, public park and playground, or school.
5. Co-location Standards for Sexually Oriented Businesses
 - a. No more than one sexually oriented business shall be located in a single building or on a single lot.
 - b. No sexually oriented business shall be established as an accessory use to another business.
 - c. No sexually oriented business shall offer any of the following products or services to customers, whether or not for a fee:
 - i. Gasoline or other fuels;
 - ii. Showers or other baths;

iii. Alcoholic beverages for off premises consumption.

6. Motion Picture Arcade Booths. Motion picture arcade booths either as an accessory use to any permitted sexually oriented business or a permitted principal use is prohibited.
 7. Massage Parlors, Lingerie Modeling, Nude Photography Studios. 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.
- C. Sexually Oriented Media Store. A sexually oriented media store shall be considered a sexually oriented business. A sexually oriented media store shall comply with the following standards:
1. Separation. Not be located within 300 feet of religious institutions, parks and playgrounds, child day care centers, day care homes, existing residential uses, and residential districts.
 2. Other Sexually Oriented Business. Not be located within 500 feet of any other sexually oriented business.
 3. Window Glazing. Frost or opaque any window glazing in the store.
 4. Signage. Place a sign on the front door of the store prohibiting persons less than 18 years of age from entering the store.
 5. Security Lighting. Install security lighting on the building and in the parking lot.
 6. Not Display Publicly. Not display publicly sexually oriented media.
- D. Sex Shop. A sex shop shall be considered a sexually oriented business. A sex shop shall comply with the following standards:
1. Separation. Not be located within 300 feet of religious institutions, public parks and playgrounds, child day care centers, day care homes, existing residential uses, and residential districts.
 2. Separation From Other Sexually Oriented Business. Not be located within 500 feet of any other sexually oriented business.
 3. Window Glazing. Frost or opaque any window glazing in the shop.
 4. Signage. Place a sign on the front door of the store prohibiting persons less than 18 years of age from entering the store.
 5. Security Lighting. Install security lighting on the building and in the parking lot.
 6. Sexually Explicit Media and Toys. Not display publicly explicit media and sexually oriented toys or novelties.

- E. Sexually Oriented Cabaret. A sexually oriented cabaret shall be considered a sexually oriented business. A sexually oriented cabaret shall comply with the following standards:
1. Separation. Not be located within 300 feet of religious institutions, public parks and playgrounds, child day care centers, day care homes, existing residential uses, and residential districts.
 2. Separation from Business that Sells Alcohol. Not be located within 500 feet of a business that sells alcohol for on-premises consumption.
 3. Separation from Other Sexually Oriented Business. Not be located within 500 feet of any other sexually oriented business.
 4. Window Glazing. Frost or opaque any window glazing.
 5. Signage. Place a sign on the front door of the store prohibiting persons less than 18 years of age from entering the cabaret.
 6. Security Lighting. Install security lighting on the building and in the parking lot.
 7. Prohibit Sale of Alcohol. Prohibit alcohol sales.
 8. Separation between Stage Feature and Customer Seating/Standing Area. Provide 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.
 9. Prohibit Booths or Private Dancing Rooms. Prohibit private booths or private dancing rooms.
 10. Noise. There shall be no projection of sound from the building housing the sexually oriented cabaret.
- F. Sexually Oriented Motion Picture Theater. A sexually oriented motion picture theater shall be considered a sexually oriented business. A sexually oriented motion picture theater shall comply with the following standards:
1. Separation. Not be located within 300 feet of religious institutions, public parks and playgrounds, child day care centers, day care homes, existing residential uses, and residential districts.
 2. Separation From Business That Sale Alcohol. Not be located within 500 feet of a business that sales alcohol for on premises consumption.
 3. Separation From Other Sexually Oriented Business. Not be located within 500 feet of any other sexually oriented business.

4. Minimum Area. Be a minimum area of 660 square feet.
5. Signage. Place a sign on the front door prohibiting persons less than 18 years of age from entering the theater.
6. Security Lighting. Install security lighting on the building and in the parking lot.
7. Lighting within Theater. Maintain at least 0.5 footcandles of lighting within the theater at all times.
8. Monitoring of Theater. Maintain constant monitoring of activity within the theater 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.
9. Seating in Theater. Provide individual seating with arm chairs that do not rise, only.
10. Prohibit Bench and Sofa Seating. Prohibit bench seating and sofa seating.
11. Prohibit Sale of Alcohol. Prohibit alcohol sales.
12. Separation between Stage Feature and Customer Seating/Standing Area. Provide 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.
13. Noise. There shall be no projection of sound from the building housing the sexually oriented motion picture.

3.09.24 Schools.

- A. Location. The location of public, private, and charter school sites shall be consistent with the following criteria:
 1. The proposed school location shall be compatible with present and projected use of the adjacent property.
 2. Adequate public facilities and services, are, or will be, available concurrent with the development of the school.
 3. There are no significant environmental constraints that would preclude development of an educational facility on the site.
 4. There will be no adverse impacts on archeological or historic sites or structures listed on the State of Florida Historic Master Site File, which are located on the site.
 5. The proposed location is well drained and soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements.

6. The proposed site can accommodate the required parking and circulation of vehicles on the site.
 7. Where feasible, the proposed site is so located to allow for co-location with parks, libraries, and community centers.
 8. Middle and high schools shall be located on collector or arterial roadways, as functionally classified within the Comprehensive Plan, which have sufficient capacity to carry traffic to be generated by the school and are suitable for high volume traffic during evening and special events as determined by generally acceptable traffic engineering standards.
- B. Other Standards. The Town shall require the development of public, private, and charter school sites to be consistent with the following standards:
1. The location, arrangement, and lighting of playfields and playgrounds shall be located and buffered as may be necessary to minimize impacts to adjacent residential property.
 2. All structural setbacks, building heights, and access requirements shall be governed by the Town's Land Development Code.

3.09.25 Special Right-of-Way Requirements

- A. A development which requires platting or is required to provide a site plan shall include requirements for an additional ten (10) feet of right-of-way for bicycle and pedestrian ways in proposed arterial and collector roadways.
- B. Proposed structures or structural additions along new or realigned collector or arterial roadways shall provide an additional setback of seventy-five (75) feet from the centerline of the right-of-way for the future need of additional right-of-way.

3.09.25 Telecommunication Towers

- A. Generally.
 1. The Town Council may approve, approve with conditions, or deny an application for a telecommunications tower and/or antenna pursuant to the special use permit procedures in Article 10.
 2. Meeting the requirement of this section shall not excuse the applicant from otherwise complying with the Town's Comprehensive Plan and these Land Development Code. The Town Council shall have the right and authority to waive certain requirements of this section where it is found that a literal application or enforcement of this section would result in practicable difficulty or unnecessary hardship and relief granted would not be contrary to the public interest or intent of this section, but will do substantial justice and remain in accordance with the spirit of this section.

B. Applicability.

1. The standards in this section apply to all new or expanded telecommunications towers, except as specifically provided herein.
2. No permit is required under this section for telecommunications towers used for governmental purposes and located on property, rights-of-way, or easements owned by any governmental entity.
3. Routine maintenance, including replacement with a new tower and height modifications to accommodate the co-location of an additional user (or users) shall be permitted on such existing towers. New construction, other than routine maintenance and modifications to accommodate co-location on an existing telecommunications tower, shall comply with the requirements of this section.
4. No permit under this section shall be required to locate a telecommunications tower, shall be required to locate a telecommunications antenna on an existing structure, provided however, that the telecommunications antenna does not extend more than twenty (20) feet above the existing structure. Such structures may include, but are not limited to, buildings, water towers, existing telecommunications towers, recreational light fixtures and other public utility structures.
5. No permit under this section shall be required to locate a telecommunications antenna used by amateur radio operators licenses by the Federal Communications Commission, including citizens band (CB), UHF Aircraft, VHF Marine, telecommunications antenna used by investor-owned electric utilities, municipally-owned electric utilities or rural electric cooperatives for the provision of the essential service of electricity, or similar radio operators, or such antenna, which is exempted, or local authority preempted by, federal and or state law.
6. For purposes of this section, a telecommunications tower that has received final approval in the form of either a special use permit or building permit, but has not yet been constructed shall be considered as existing tower so long as such approval is otherwise valid and unexpired.
7. A permit for an amateur radio tower may be approved by the Town Clerk and shall be exempt from the standards and procedures of this section if the following standards are met:
 - a. The proposed tower shall be intended and used solely for private, non-commercial purposes such as for private short-wave radio use.
 - b. The proposed tower shall not exceed 125 feet in height, or the distance from the tower to the property line of the parcel on which the tower sits, whichever is less.

c. Upon proof of engineering to ensure collapse without going beyond the property line of the parcel on which the tower is located, the Town Clerk may approve a tower of up to 125 feet in height even if the tower is closer than 125 feet from a property line.

8. Notwithstanding anything herein to the contrary, this section shall not be construed to exempt telecommunications towers or antenna from compliance with other Town ordinances and regulations such as building permit requirements.

C. Location.

1. Telecommunications towers may be located in Agricultural, Commercial, General, and Industrial zoning districts as a permitted principal use and shall not be subject to review by the Planning and Zoning Board and Town Council so long as such tower is not located within ½-mile from a recorded or unrecorded approved subdivision, or public or private school, provided that such tower or antenna shall meet all other requirements of these Land Development Regulations.

2. Every reasonable effort shall be made to locate telecommunications towers in an Agricultural, Commercial, General, or Industrial zoning district.

3. Telecommunications towers shall be prohibited within a recorded or unrecorded approved subdivision.

4. Regardless of the zoning district in which a telecommunications tower or antenna is located, the tower and antenna shall meet the following standards. Distances shall be measured from the center of the base of the telecommunications tower to the boundary line of recorded or unrecorded approved subdivisions.

a. Camouflaged towers shall be permitted within one (1) times the height of the tower from recorded or unrecorded subdivisions.

b. Towers that are not lit shall be at least five (5) times the height of the tower or 450 feet, whichever is greater, from recorded or unrecorded approved subdivisions.

c. Towers that are lit at night with red lights shall be at least seven (7) times the height of the tower from recorded or unrecorded approved subdivisions.

d. Towers that are lit at night with white lights shall be at least twenty (20) times the height of the tower from recorded or unrecorded approved subdivisions.

5. If the proposed location is within an Agricultural zoning district, the proposed location shall reasonably minimize the impact of the telecommunications tower due to height, use, or appearance of the adjacent structures or surrounding area.

6. A telecommunications tower shall not be approved in an area unless:

- a. There are no existing building structures located within the area that are reasonably available to the applicant for the intended purpose and serve the applicant's telecommunications needs; and,
 - b. No other existing telecommunications tower meeting the applicant's telecommunications system needs located within the area is reasonably available to the applicant for the purposes of co-location. Further, owners of telecommunications towers must provide access and space for government-owned antenna where possible on a basis not less favorable than is required for private co-location.
7. No telecommunications tower shall be located or allowed which causes the existing airport license of any airport defined in Chapter 330, Florida Statutes, as amended, to be limited, modified, restricted, or otherwise changed as a result of the siting of such telecommunications tower.
 8. Replacement towers shall be located on the same parcel. They shall be located within 30 feet of the existing tower, and may be rebuilt to the same or lesser height as the existing tower. The replacement tower must be able to accommodate at least two new carriers. The standards in (1) through (7) above are not applicable to replacement towers. Replacement towers shall comply with Florida Building Code requirements together with the design and construction of the replacement tower, shall be permitted on the site for up to 60 days. At the time the building permit is issued for the replacement tower, the demolition permit for removal of the old tower will be issued. The old tower must be removed within 60 days of completion of the replacement tower.
 9. The applicant must provide a written, notarized statement to the Town Clerk demonstrating compliance with (1) through (8) above.

D. Design and Construction.

1. Regardless of the zoning district in which a telecommunications tower or antenna is located, the tower and antenna shall meet the following criteria for the design and construction of telecommunications towers.
2. The proposed height of the telecommunications tower is the minimum necessary by the applicant to satisfy the applicant's telecommunications systems needs at the proposed location.
3. All other applicable permits must be obtained, including Federal Communications Commission and Columbia County building permit approvals before construction. All tower facilities shall comply or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the federal or state government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owner(s) shall bring such towers or antennas into compliance with such revised standards and regulations to the extent required by such governmental agency.

4. All towers shall be designed and constructed to Electronic Industries Association/Telecommunications Industry Association 222-E Standards or greater (at the option of the applicant) as published by the Electronic Industries Association, as may be amended from time to time. Telecommunications tower owners shall be responsible for periodic inspections of such towers at least once every five (5) years to ensure structural integrity. Such inspections shall be conducted by a structural engineer licensed to practice engineering in Florida. The results of the inspection shall be filed with the Town Clerk.
5. All towers shall be designed and constructed so that in the event of collapse or failure the tower structure will fall completely with the tower parcel or property. Certification of this requirement signed by a structural engineer with a current license issued by the State of Florida shall be provided by the applicant to the Town Clerk.
6. All telecommunications tower supports and peripheral anchors shall be located within the parcel or property where the tower is located.
7. Telecommunications tower shall be marked and lighted as required by Federal Aviation Administration, or other federal or state agency of competent jurisdiction, however, provided that, strobe lighting shall not be used after dark.
8. All accessory buildings or structures shall comply with other applicable provisions of this Land Development Code.
9. Setbacks for telecommunications tower accessory buildings and structures shall comply with the requirements for the zoning district in which the tower is located.
10. No advertising shall be permitted on the tower structure.
11. The perimeter base of all telecommunications towers shall be enclosed within a security fence no less than eight (8) feet in height with access secured by a locked gate.
12. All telecommunications tower facilities shall be identified by use of a metal plate or other conspicuous marking giving the name, address, and telephone number of the telecommunications tower owner and lessee if different from the owner, and operator. Such identification shall also include the telephone number of a contact person.

E. Co-location.

1. Regardless of the zoning district in which a telecommunications tower or antenna is located, the following requirements shall be met for co-location of telecommunications towers and antennas.
2. A special use permit for the location and use of a telecommunications tower shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs of its antenna.

3. All new telecommunications towers shall be designed and constructed so as to accommodate co-location. Establishing accommodation for co-location of at least two (2) other providers of at least equal capacity shall meet the requirements of this section.
4. If a party who owns or otherwise controls a telecommunications tower shall fail or refuse to alter a telecommunications tower so as to accommodate a proposed and otherwise feasible co-location, said telecommunications tower shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded, or extended in any respect.
5. If a party who owns or otherwise controls a telecommunications tower shall fail or refuse to permit a feasible co-location, and this requires construction and/or use of a new telecommunications tower, the party failing or refusing to permit a feasible co-location shall be deemed in direct violation and contradiction of this policy, intent, and purpose of the Town's Land Development Regulations, and consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new telecommunications tower within the Town for a period of five (5) years from the date of failure or refusal to permit the co-location. Such a party may seek and obtain relief for the five (5) year prohibition of receiving approval for a new telecommunications tower by the Town if, and to the limited extent, the applicant demonstrates entitlement to relief, which in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent services, or that such enforcement would have the effect of prohibiting the provision of telecommunication services.

F. Existing Towers.

1. All telecommunications towers or antennas existing on the effective date of this Code, shall be allowed to continue to be used as they presently exist.
2. Telecommunications towers or antenna existing on the effective date of this Code that are damaged or destroyed may be rebuilt and all such towers or antennas may be modified or replaced; provided the type, height, and location of the tower shall be of the same type and intensity (or lesser height or intensity e.g., a monopole in substitution for a lattice tower) as the original facility. Building permits to rebuild any such tower shall otherwise comply with applicable Florida Building Code requirements together with the design and construction criteria in subsection (D) above except paragraph (9) if such setbacks cannot be met, and shall be obtained within one (1) year from the date the tower is damaged or destroyed. If no permit is obtained or said permit expires, the telecommunications tower shall be deemed abandoned as specified in this section.
3. Any telecommunications tower or antenna found not to be in compliance with Florida Building Code standards, or found to constitute a danger to persons or property, upon notice to the owner of the telecommunications facility, such tower or antenna shall be bought into compliance or moved within 90 days. In the event the use of any telecommunications tower has been discontinued for a period of one (1) year, the tower shall

be deemed to be abandoned. Determination of the date of abandonment shall be made by the Town Clerk who shall have the right to request documentation and/or affidavits from the telecommunications tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional 90 days within which to:

- a. Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or,
- b. Dismantle and remove the tower.

At the earlier of one (1) year from the date of abandonment without reactivation or upon completion of dismantling and removal, any special use permit approval for the tower shall automatically expire.

G. Procedure and Submittals.

1. An application for a permit shall be reviewed according to the procedures for special use permit in Article 10.
2. The application shall include the following information:
 - a. An inventory of existing telecommunications towers owned/operated by the applicant in the area. Each applicant for a tower site shall provide the Town with an inventory of its existing telecommunications towers that are either within the jurisdiction of the Town or within a ½-mile of the border thereof, including specific location, height, and design of each tower. Such information shall be a public record document and may be shared by the Town with other applicants seeking to locate telecommunications towers within the Town.
 - b. Description of the area of service of the telecommunications tower identifying the use of the tower or antenna for coverage or capacity.
 - c. If required, photo simulations of the proposed telecommunications facilities illustrating the potential visual impact.
 - d. Site plan or plans to scale specifying the location of the tower(s), guy anchors (if any), accessory buildings or uses, access, parking, fences, landscaped areas, and adjacent land uses.
 - e. Legal description of the parent tract and leased parcel (if applicable). The location of the proposed telecommunications tower in digital format suitable to the Town. Certification by a Florida licensed land surveyor of the mean sea level election and topography.
 - f. Utilities inventory indicating the locations of all water, sewer, drainage, and power lines impacting the proposed tower site.

- g. Report from a structural engineer, licensed to practice engineering in the state of Florida documenting the following:
 - i. Tower height and design, including technical engineering, and other pertinent factors governing the proposed tower design. A cross-section of the tower structure shall be included.
 - ii. Total anticipated capacity of the structure, including number and types of antennas that can be accommodated.
 - iii. Failure characteristics of the tower and demonstration that the site and setbacks are of adequate size to contain possible debris.
- h. Written statement from the Federal Aviation Administration, the Federal Communications Commission, and appropriate federal or state review authority stating that the proposed tower site complies with regulations administered by that agency or that the tower is exempt from such regulations.
- i. Written agreement to lease excess space on the tower structure and to lease additional excess land on the tower site until the shared use potential of the tower is absorbed, where feasible, and subject to reasonable terms. The term “where feasible”, as it applies to co-location, means the utilization of tower by another party which would, at the time of such utilization, comply with sound engineering principles, would not materially degrade or impact existing users. Reasonable terms for use of a telecommunications tower and tower site that may be imposed by the owner include requirement for a reasonable rent or fees, taking into consideration the capitalized cost of the telecommunications tower and land, rental, and other charges payable by the tower owner, the incremental cost of designing and constructing the tower so as to accommodate additional users, increases the maintenance expenses relating to the tower and a fair return on investment, provided such amount is also consistent with rates paid by other co-locators at comparable telecommunications tower sites.
- j. Evidence of applicant’s inability to co-locate on a reasonable basis on an otherwise suitable existing telecommunications tower for the location of the proposed antenna.
- k. Evidence that the telecommunications tower is needed to meet the applicant’s communications systems requirements.
- l. The applicant shall provide any additional information which may be reasonably requested by the Town Clerk to fully evaluate and review the proposed telecommunications tower and/or antenna.

3.09.27 Temporary Uses.**A. Generally.**

1. Certain uses are temporary in character. They vary in type and degree, as well as length of time involved. Such uses may have little impact on surrounding and nearby properties or they may present questions involving potential incompatibility of the temporary use with existing uses.
2. Depending on their character and potential for negative impact on the public, temporary uses may be authorized either by a Special Use Permit approved by the Planning and Zoning Board, or a Temporary Use Permit issued by the Town Clerk.
3. The following temporary uses may take place only if authorized by a Special Use Permit issued by the Planning and Zoning Board.
 - a. Circuses, carnivals, fairs, music festivals, and outdoor concerts where attendance at any one time is expected to exceed 250 persons.
 - b. Seasonal sales and seasonal rentals which are proposed to exceed 120 days per calendar year.
 - c. Temporary uses of similar size and character that, in the judgment of the Town Clerk, should be subject to review by the Planning and Zoning Board.
 - d. In addition to the principal residential dwelling, one (1) mobile home used as an accessory residence for the reason of medical hardship, provided that such mobile home is occupied by persons related by blood, adoption, or marriage to the family occupying the principal residential use. Such mobile home shall be subject to minimum setbacks, and shall not be located within 20 feet of any building. The lot must meet the minimum lot requirements. A permit for such mobile home may be granted for a time period up to five (5) years or conditioned to terminate at the end of the hardship.
4. The following temporary uses may take place only if authorized by a Temporary Use Permit issued by the Town Clerk:
 - a. A circus, carnival, fair, music festival, or outdoor concert where the expected attendance at any one time is expected to be 250 persons or less.
 - b. In agricultural and commercial districts: seasonal sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and other similar agricultural products, may be permitted for a maximum of 120 days per calendar year.

- c. In commercial districts: seasonal rentals of recreation equipment, such as tubes, canoes, kayaks, and other similar equipment, may be permitted for a maximum of 120 days per calendar year.
- d. Other uses that are similar to (a) through (c) above and which will not extend beyond 30 days.
- e. Manufactured buildings used for temporary purposes by any agency of municipal, county, state, or federal government; provide such use shall not be nor include a residential use.
- f. Manufactured buildings or recreational vehicles used as a residence, temporary office, security shelter, or shelter for materials or goods, incident to construction on or development of the premises upon which the manufactured building or recreational vehicle is located. Such use shall be strictly limited to the time construction or development is actively underway. In no event shall the use continue more than 12 months without the approval of the Town Council, which shall give such approval only upon finding that actual construction has begun and is continuing.
- g. Temporary religious or revival activities in tents.

B. Standards.

1. Prior to granting the special use permit or temporary use permit, the Planning and Zoning Board or Town Clerk, as the case may be, shall determine that:
 - a. Adequate measures will be taken to protect adjacent and nearby uses from adverse impacts, especially excessive noise.
 - b. Excessive vehicular traffic will not be generated on residential streets, and there is an adequate plan to provide safe ingress and egress to the use.
 - c. A vehicular parking problem will not be created.
 - d. Adequate measures will be taken to ensure the use will be conducted in a safe and sanitary manner.
 - e. Merchants may display and/or sell goods described in Section 3.10.17.B.4(b) and (c) in the Town on a temporary basis without establishing a permanent place of business, subject to the following standards: (1) the property contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing buffers, open space, landscaping, traffic movements, or parking space availability; (2) the proposed display and/or sale of goods, products and/or services for commercial purposes may not occur within 100' of a residential dwelling unit; (3) tents and other temporary

structures will be located so as not to interfere with the normal operations of any permanent use located on the property; (4) off-street parking area is adequate to accommodate the proposed sale of products; (5) temporary sale of products will not interfere with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided; (6) hours of operation of the temporary sale of products shall be from no earlier than 7:30 a.m. to no later than 10:00 p.m., or the same as the hours of operation of the principal use, whichever is more restrictive.

2. The permit, if granted, shall be granted for a specific time period, at the end of which, if the use permitted has not been discontinued, it shall be deemed a violation of this Code.
3. Appropriate conditions and safeguards may include, but area not limited to, reasonable time limits within which the action for which temporary use permit is requested shall be begun or completed, or both.
4. A temporary use permit or a special use permit may authorize more than one occurrence of the authorized temporary use so long as there is adequate spacing of the events over time to protect the public interest. The timing and other restrictions on such recurrence shall be specifically addressed in the conditions of the permit.

3.09.28 Transitional Use Area Requirements

- A. Intent. It is the intent of these requirements to ease the frictions between residential and nonresidential uses by creating a transition zone in which certain intensive nonresidential uses are prohibited.
- B. 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 or drive-through restaurants or refreshment stands.
 2. Bars, taverns, and cocktail lounges.
 3. Car washes.
 4. Outdoor storage yards, wrecking yards, automobile wrecking yards, junkyards, yards used in whole or in part from scrap or salvage operations, or for processing, storage, display, or sales of any scrap, salvage, or second-hand automotive parts.
 5. Bulk storage of flammable liquids or explosives.

3.09.29 Visibility at Intersections and Curb Breaks

- A. Visibility at intersections. On a corner lot in all zoning districts, not fence, wall, hedge, landscaping, sign, or structure shall be erected, placed, planted, or allowed to grown in such a

manner as to obstruct vision between a height of 2 ½ feet and 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 25 feet from the point of such intersection.

- B. Visibility at curb breaks. In all zone districts, where a curb break intersects a public right-of-way, no fence, wall, hedge, landscaping, sign, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct cross-visibility between a height of 2 ½ feet and 6 feet within the areas of property on both sides of the curb break formed by the intersection of each side of the curb break formed by the intersection of each side of the curb break and public right-of-way lines with 2 sides of each triangle being 10 feet in length from the point of intersection and the third being a line connecting the end of the 2 other sides.
- C. Retaining walls. The requirements of this Section shall not be deemed to prohibit any necessary retaining wall.
- D. Trees. Trees shall be permitted in the clear space provided that foliage is cut away within the prescribed heights.