

ARTICLE 7

SUPPLEMENTARY REGULATIONS

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ARTICLE 7

SUPPLEMENTARY REGULATIONS

SECTION 7.01. PURPOSE

It is the purpose of this Article to regulate the installation, configuration, and use of accessory structures, and the conduct of accessory uses, in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas.

SECTION 7.02. ACCESSORY STRUCTURES AND USES

7.02.01. General Standards and Requirements

Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:

- A. There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this Code.
- B. All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.
- C. Accessory structures shall not be located in a required buffer, landscape area, or minimum setback area.
- D. Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.
- E. Accessory structures shall be shown on any concept development plan with full supporting documentation as required in Article 6 of this Code.

7.02.02. Storage Buildings, Utility Buildings, Greenhouses

- A. No accessory buildings used for industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located nearer than 100 feet from any property line.
- B. Storage buildings, greenhouses, and the like shall be permitted only in compliance with standards for distance between buildings, and setbacks, if any, from property lines.
- C. Storage and other buildings regulated by this section shall be permitted only in side and rear yards, and shall not encroach into any required building setback from an abutting right-of-way.

- D. Storage and other buildings regulated by this section shall be included in calculations for impervious surface, floor area ratio, or any other site design requirements applying to the principal use of the lot.
- E. Vehicles, including manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings, or other such uses.

7.02.03. Swimming Pools, Hot Tubs, and Similar Structures

- A. Swimming pools shall be permitted only in side and rear yards, and shall not encroach into any required building setback.
- B. Enclosures for pools shall be considered a part of the principal structure and shall comply with standards for minimum distance between buildings, yard requirements, and other building location requirements of this Code.
- C. All pools shall be completely enclosed with an approved wall, fence, or other substantial structure not less than 5 feet in height. The enclosure shall completely surround the pool and shall be of sufficient density to prohibit unrestrained admittance to the enclosed area through the use of self-closing and self-latching doors.
- D. No overhead electric power line shall pass over any pool unless enclosed in conduit and rigidly supported, nor shall any power line be nearer than 10 feet horizontally or vertically from the pool's water edge.
- E. Excavations for pools to be installed for existing dwellings shall not exceed a 2:1 slope from the foundation of the house unless a trench wall is provided.

7.02.04. Fences

- A. All fences to be built shall comply with the Standard Building Code. The posts of each fence must be resistant to decay, corrosion, and termite infestation. Wooden posts must also be pressure-treated for strength and endurance.
- B. Fences or hedges may be located in all front, side, and rear yard setback areas. No fences or hedges shall exceed 4 feet in height when placed in the front yard (the yard abutting a road or public right-of-way). Each fence located in the side and rear yard setbacks shall not exceed the height of 8 feet.
- C. In areas where the property faces 2 roadways or is located in any other area construed to be a corner lot, no fence shall be located in the vision triangle, a triangular area defined on two sides by public right-of-way for 50 feet from the corner, and on the third side by the line connecting the far ends of the other two sides. The fence shall not interfere with vehicle traffic and safety on a public street.

- D. Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.
- E. A fence required for safety and protection of hazard by another public agency may not be subject to height limitations above. Approval to exceed minimum height standards may be given by the Plan Board upon receipt of satisfactory evidence of the need to exceed height standards.
- F. No fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site. The fence shall not interfere with vehicle traffic and safety on a City Street.

7.02.05. Home Occupations

A home occupation shall be allowed in a bona fide dwelling unit, subject to approval as a special use permit pursuant to the procedures in Article 11 of this Code. The following standards shall be met:

- A. No 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 of the structure.
- 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 non-illuminated sign not exceeding 2 square feet in area.
- D. No home occupation shall occupy more than 50 percent of the first floor area of the residence. No accessory building, freestanding or attached, shall be used for a home occupation, unless by exception.
- E. No traffic shall be generated by such 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 a front yard required pursuant to this Code.
- F. No equipment, tools, or process shall be used in such a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, or television receivers off the premises or causes fluctuations in line voltage off the premises.

- G. Fabrication of articles commonly classified under the terms arts and handicrafts may be deemed a home occupation, subject to the other terms and conditions of this definition, and providing no retail sales are made at the home.
- H. Outdoor storage of materials shall not be permitted.
- I. A home occupation shall be subject to all applicable city occupational licensing requirements, fees, and other business taxes.

7.02.06. Keeping Chickens, Goats, and Bees on Residential Parcels

- A. The keeping of chickens, goats, and bees shall be allowed by right on residential parcels within the Residential Low Density, Residential Medium Density, Center City, and Waldo/301 future land use categories, subject to the following standards and limitations:
 - 1. The chickens, goats, and bees permitted in this Section shall be for personal use only, except for youth projects in association with groups such as 4-H or Future Farmers of America.
 - 2. The commercial raising of chickens, goats, and bees on residential parcels is prohibited. The by-products of the above listed animals shall not be sold on the premises.
 - 3. The keeping of chickens, goats, and bees in residential areas shall be done in such a manner as to control odors, noise, predators, and the breeding of rodents, flies, or other insects, so as not to create a nuisance.
 - 4. Roosters are prohibited on residential parcels. Any chicken that crows shall be considered a rooster.
 - 5. All chickens and goats on residential parcels shall be kept within fenced areas. Chickens may be permitted to roam within the fenced area during daylight hours. Chickens shall be kept within a coop or covered enclosure from dawn to dusk.
 - 6. Chicken coops and covered enclosures shall be placed a minimum of 10' from rear and side property lines and a minimum of 40' from any residential home on adjacent properties.
 - 7. Chickens, goats, and bees shall not be kept in any front yard.
 - 8. Chickens and goats shall not be allowed to roam beyond their fenced areas.
 - 9. Beekeepers shall be registered with the State of Florida and be in compliance with Chapter 586, Florida Statutes. Beekeepers shall follow all relevant Best

Management Practices set forth by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Plant and Apiary Inspection.

- B. The maximum number of chickens, goats, and beehives cumulatively allowed per Residential Parcel shall be as follows:
 - 1. Chickens: 2
 - 2. Goats: 1
 - 3. Bees: 1 hive

SECTION 7.03. SCHOOLS

7.03.01. Generally.

The purpose of the Section is to implement Policy I.1.5 of the Waldo Comprehensive Plan.

7.03.02. Standards.

The location of public, private, and charter schools sites shall be consistent with the following criteria:

- A. The proposed school location shall be compatible with present and projected use of adjacent property.
- B. Adequate public facilities and services are, or will be, available concurrent with the development of the school.
- C. There are no significant environmental constraints that would preclude development of an educational facility on the site.
- D. 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.
- E. The proposed location shall be well-drained and soils shall be suitable for development, or shall, with drainage improvements, be adaptable for development and outdoor educational purposes.
- F. The required site shall be able to accommodate the required parking and circulation of vehicles on the site.

- G. Where feasible, the proposed site shall be so located to allow for co-location with parks, libraries, and community centers.

SECTION 7.03. ADULT USES

7.03.01. Intent.

- A. There are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section.
- B. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area, to insure the integrity of the city's residential neighborhoods and to protect the integrity of the city's churches, schools, parks and playgrounds - areas where juveniles often congregate.
- C. Nothing in this section shall be construed as permitting or allowing a violation of any state or federal law relating to obscenity.

7.03.02. Findings.

- A. The possession, display, exhibition, production, distribution and sale of books, magazines, motion pictures, videotapes, prints, photographs, periodicals, records, novelties and similar devices which depict, illustrate, describe or relate to specified sexual activities is a business that may exist in the future within the city of Waldo.
- B. The operating and maintaining of places presenting dancers displaying or exposing specified anatomical areas are businesses that may exist in the future within the City of Waldo.
- C. When the activities detailed below are present in an area of the City, other activities may tend to accompany them which are illegal, immoral or unhealthful, such as prostitution, lewd and lascivious behavior, exposing minors to harmful materials, possession, distribution and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and property; and these illegal, immoral or unhealthful activities tend to concentrate around and be aggravated by the presence of the activities detailed below.
- D. Based upon evidence and testimony from the City's professional planner, the grouping together of the activities described above lowers property values, detracts from the

aesthetic beauty of residential, commercial and international neighborhoods and is harmful to juveniles who congregate in such areas.

- E. Based upon evidence and testimony within other jurisdictions from various professional law enforcement officers, the grouping together of the activities described above creates an inordinate amount of concentrated crime in such areas.
- F. Also based upon evidence and testimony from various other jurisdictions in Florida and the United States from professional law enforcement officers, any of the types of establishments at which the activities described above occur are likely to attempt to locate in any community which lacks adequate regulations to control such activities.
- G. Also based upon evidence and testimony from various professional law enforcement officers and the City's professional planner, the location of the activities described above near residential, institutional or other areas where juveniles often congregate lowers property values in such areas and exposes juveniles to the activities described above.
- H. Based upon evidence and testimony received from the City's professional planner, there will be free and reasonable access for and to the regulated uses, and the limitations imposed herein will not preclude robust competition with other regulated uses.
- I. Based upon the experiences of other communities statewide and nationwide, the evidence and testimony of the City's professional planner and law enforcement officers appear to be correct.

7.03.03. Definitions.

Adult bookstore or film store means an establishment having as a portion of its stock in trade books, magazines, other periodicals, films, video, tapes, video disks, or similar items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined below).

Adult cabaret means a bar, lounge, club or other establishment which sells alcoholic beverages and which features as part of the regular entertainment topless or bottomless dancers, strippers - male or female - or similar entertainers whose acts are characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

Adult photographic or art studios means a place or establishment wherein a substantial portion of the services or stock in trade consists of photographs, drawings, sketches, paintings, statues, effigies or the like, including those which are made or exhibited on the premises, which are characterized by an emphasis on matter relating to "specified sexual activities" or "specified anatomical areas".

Adult motion picture theater or drive-in means an enclosed building or open-air establishment with a capacity for fewer than 50 persons in which a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, for observations by patrons therein.

Emphasis or emphasis on means that the type of matter specified is the apparent matter upon which the particular work or exhibition is based, or that the matter specified is a substantial portion of such work or exhibition. Because of the matters specified in the definition of specified sexual activities and the definition of specified anatomical areas, the establishments exhibiting, creating or selling such goods or exhibitions are not generally open to juveniles.

Established place of religious assembly means established places of worship at which non-profit religious services are regularly conducted and carried on.

Public playground or public park means properties and facilities owned and operated by any governmental agency, which are open to the general public for recreational purposes.

Regulated uses or adult and sexually oriented establishments means those uses specified and defined above.

School means a public or private education institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, high schools, colleges and universities. Such term also shall include all adjacent properties owned and used by such schools for educational or recreational purposes.

Specified sexual activities includes human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Specified anatomical areas include areas that are less than completely and opaquely covered, including human genitals; pubic region; buttock; female breast below a point immediately above the top of the areola; human male genitals in a discernibly turgid state, even if completely and opaquely covered.

7.03.04. Restrictions.

- A. A regulated use may not be established or continued in any permitted district unless all other requirements of this Code pertaining to such districts and to buildings generally are met and unless the regulated use is at least:
 - 1. One mile from any other regulated use;

2. One thousand feet from any existing established place of religious assembly, school, or public playground or park;
 3. Five hundred feet from any area zoned in a residential category.
- B. For purposes of the distance limitations, the measurement shall be made by extending a straight line from the main entrance of the building of the regulated use to the front door of the main building occupied by any other regulated use or any established place of religious assembly or to the nearest property line of any residential district, playground, park or school.
- C. Any use herein defined as a regulated use or an adult and sexually oriented establishment which was existing, in actual operation and open to the public on July 24, 2001, and which in all other respects is in full compliance with applicable laws and ordinances of the county, but which would not otherwise be permitted under the terms of this section, shall be a permitted, non-conforming use. Such uses may continue as non-conforming uses, except that any change of tenant or ownership of such non-conforming uses shall terminate that use's status and any further operation of the use must be in full conformity with this section.
- D. Any use herein defined as a regulated use or an adult and sexually oriented establishment which is established in conformity with this section and other applicable laws and ordinances shall not be made unlawful if, subsequent to the establishment and operation of such regulated use, a place or religious assembly, school, playground, park or residential area is created or established within the distance limitations of the regulated use specified in this section.