ARTICLE V.

SPECIFIC USE STANDARDS

DIVISION 1.

AGRICULTURAL, AQUACULTURE, HORTICULTURE AND SILVICULTURE USE

Sec. 13-701. Farm and non-farm animals.

(a) *Intent and purpose.* Farm and non-farm animals in agricultural and rural residential zones are permissible as a permitted or special use where indicated by uses 1.120 and 1.130 on Table 13-362A. In addition to the other provisions of this chapter, it is the intent and purpose of this section to provide for such animals in a manner which will benefit agricultural use while having the least possible adverse impact to other land uses.

(b) *Animal densities, buffers and shelters.*

(1) *Densities.*

a. For purposes of computing densities of animals, the land area in which the animals are confined shall be used rather than the gross area of the parcel upon which the animals are located.

b. Offspring of any of the permitted animals shall not be computed initially as additional animals; provided however, that when any such offspring reach a stage where they are capable of sustaining life independently of the mother animal, or when they become three (3) months old, whichever occurs first, they must be disposed of within thirty (30) days unless the size of the confining area permits the number of animals to be accommodated without exceeding the density allowed.

(2) *Buffers.*

a. Where animals are confined at densities which require special use approval, a minimum buffer distance of fifty (50) feet shall be provided between the animal confinement area and the property lines of adjoining residential, commercial and institutional parcels. This buffer may be increased by the special use approving authority.

b. Shelters, pens or corrals (except loading pens) temporarily housing more than five (5) livestock or ten (10) fowl shall be located a minimum of two-hundred (200) feet from any residence on adjoining property and one-hundred (100) feet from the property line of any adjoining property designated residential, commercial or institutional.

(c) *Exemptions.* The provisions of this section shall not be deemed to apply to or to limit those animals customarily kept as household pets.
(Ord. No. 96-23, § 9, 12-16-96)

Sec. 13-702. Exotic animals and wildlife.

It is the intent and purpose of this section to provide for the production, keeping, breeding, training or treating of exotic animals and wildlife in a manner which will have the least possible adverse impact to the community. Therefore, in addition to the other provisions of this chapter, such activities shall meet all applicable requirements of state and federal agencies. Persons possessing wildlife as pets shall file a copy of their Florida Game and Freshwater Fish Commission permit as provided in Chapter 372, F.S., with the department.
(Ord. No. 96-23, § 9, 12-16-96)

Sec. 13-703. Reserved for agricultural conservation easements.

Secs. 13-704--13-710. Reserved.

DIVISION 2.

RESIDENTIAL USE

Sec. 13-711. Community residential homes.

(a) *Intent and purpose.* Community residential homes are permissible as a permitted or special land use where indicated by use 2.510 on Table 13-362A. In addition to the other provisions of this chapter, it is the intent and purpose of this section to provide for housing for unrelated persons who operate as the functional equivalent of a family and who might otherwise have difficulty finding adequate housing, while protecting property values and the residential character of neighborhoods where such housing is located.

(b) *Standards.* Community residential homes may be allowed provided all of the following requirements are met:

(1) *State requirements.* As a minimum, the requirements and standards of Chapter 419 F.S. shall be met. A copy of the HRS license shall be supplied to the department prior to commencing operation as a community residential home.

(2) *Lot size.* The minimum lot size for the zone in which the home is located shall be adjusted upward for every resident (any person who resides there) at the rate of 1/6th of the zone's required lot area for each resident in excess of six (6).

(3) *Living area.* The minimum living area for the zone in which the home is located shall be adjusted upward for every resident (any person who resides there) at the rate of

1/6th of the zone's required living area for each resident in excess of six (6).

(4) *Architectural characteristics.* Community residential homes shall not have external features distinguishing the home from existing residential structures in the neighborhood.

(5) *Buffers.* Each community residential home housing more than six (6) persons shall provide a twenty (20) foot wide separation strip and a Type B screen, as specified in section 13-612, along each property line adjoining a developed residentially zoned parcel. However, if the applicant can provide alternatives producing equivalent protection of adjacent properties from undesirable views, lighting, noise, etc., the required screening may be reduced or eliminated.
(Ord. No. 96-23, § 9, 12-16-96)

Sec. 13-712. Bed and breakfast.

(a) A bed and breakfast establishment is allowable as an accessory use to a primary residential use in residential and agricultural land use areas. The owner must reside on site. An owner for purposes of this section shall be an individual who owns a fifty (50) percent or greater interest in the real property on which the establishment is located. A bed and breakfast establishment shall be a permitted use in commercial land use zones.

(b) The maximum number of guest rooms in a bed and breakfast located in a commercial land use shall be twenty-five (25).

(c) The maximum number of rooms in a bed and breakfast located in an agricultural land use shall be six (6). This number may be exceeded only if the Sumter County Zoning and Adjustment Board makes a specific finding that due to the size of the property, the number of existing bedrooms, and the relationship to surrounding residential structures, more guest rooms will not adversely impact the neighborhood. Under no circumstances shall the number of bedrooms exceed fifteen (15).

(d) The maximum number of rooms in a bed and breakfast located in residential land uses shall be as follows:

- Rural Residential: 6
- Low Density Residential: 8
- Medium Density Residential: 10
- High Density Residential: 15

(e) All applications for a bed and breakfast establishment shall require site plan approval by the division.

(f) All bed and breakfast establishments shall comply with all applicable state rules and regulations and permitting and shall meet all applicable Sumter County building codes and regulations as well as all life safety and handicapped accessibility rules and regulations.

(g) In residential and agricultural land use zones, meals may only be served to residents and guests. In commercial land use zones, meals may be served to guests and the general public if all applicable codes are complied with and the establishment obtains all necessary permits and licenses.

(h) The structure in which the bed and breakfast establishment is to be located shall be a single-family residential dwelling of conventional construction. All guest rooms shall be contained within the primary structure and shall be accessed from within the primary structure, except for required emergency access. No kitchen facilities shall be allowed in a guest room.

(i) A bed and breakfast establishment in agricultural and residential land use areas may have employees who do not reside on-site only if approved as part of the conditional use application. A bed and breakfast establishment in a commercial land use area may have non-resident employees.

(j) A bed and breakfast establishment in agricultural and residential land use areas may have one (1) on-site sign with a face no larger than nine (9) square feet. The sign may be illuminated with unobtrusive lighting that does not interfere with the use and enjoyment of neighboring properties. Signage and lighting plans shall be submitted as part of the site plan approval process. A bed and breakfast establishment in a commercial land use area shall comply with other signage regulations contained in the Sumter County Code.

(k) Each bed and breakfast establishment shall provide for off-street parking, with a maximum of two (2) spaces for the owner/occupant and one (1) space for each guest bedroom. Handicapped accessible parking rules and regulations shall be complied with. Guest parking areas may not be located in the front of the structure when observable from adjacent properties or public roads. Parking areas must be screened from view of adjacent properties. Parking plans shall be submitted as part of the site plan approval process.

(l) The only activity allowable in a bed and breakfast establishment is the renting of guest rooms to transient visitors for periods of up to sixty (60) consecutive days. Special activities, such as the use for social events, reunions, weddings, and parties are expressly prohibited. Provided, however, special events are permitted in a bed and breakfast establishment located in a commercial land use area.

(m) All bed and breakfast establishments shall comply with all safety codes, building codes, state regulations and accessibility codes. All required licenses shall be

obtained prior to commencing operation and copies shall be filed with the division.

(n) The granting of a conditional use permit is specific to the original applicant. Sale or transfer of the property, or the vacation of the premises by the original owner/applicant terminates the permit. Any new owner shall apply for a new conditional use permit to be authorized to use the premises for a bed and breakfast establishment. (Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2000-1, § 3, 2-29-00)

Sec. 13-713. Home occupations.

(a) *Purpose and intent.* Home occupations that are not so insubstantial or incidental, or that are not so commonly associated with the residential use as to be regarded a residential accessory use (see section 13-364) are permissible as special uses where indicated by use 2.700 on Table 13-362A. It is the purpose of this section to recognize the need within Sumter County for reasonable latitude in allowing citizens to pursue economic goals as accessory uses to residential usage. However, it is also the intent of this section to recognize the potential for adverse impact on neighboring properties by such activities.

(b) *Character of use.*

(1) The primary use of property on which a home occupation is conducted shall be as the permanent residence for all participants in the home occupation. The use of a dwelling or premises for the home occupation shall be clearly secondary and subordinate to its use for residential purposes.

(2) Any negative impact of the home occupation on the appearance of the subject parcel and surrounding neighborhood shall be minimized by proper maintenance of all buildings, other structures, and grounds in an orderly and neat appearance.

(3) One sign, not to exceed ten (10) square feet in area and without illumination, shall be allowed.

(c) *Location and parcel size.*

(1) Home occupations shall only be located on parcels fronting on roadways within the state or county maintained system.

(2) Due to the typical density of development in recorded and unrecorded subdivisions of record, the following minimum requirements shall apply thereto:

a. In the R2, R2C, R4, R4C, R6 and R6C zones, all activities of the home occupation must be inside the residential structure.

b. In the RR1, RR1C, RR2.5 and RR2.5C zones, all activities must be within an enclosed structure. For purposes of this section, an enclosed structure is defined as one

with all walls, windows, and doors in place.

(3) In addition to subsections (1) and (2), the appropriateness of a home occupation use in terms of location and parcel size shall be determined by the planning and zoning commission. The planning and zoning commission shall examine:

a. The size, location and nature of the subject and surrounding properties.

b. The size, type and nature of the servicing roadway,

c. The potential for impact on surrounding properties,

d. The practical effectiveness of mitigation techniques.

e. Any other circumstances which are relevant to the placement of the specific use applied for.

(d) *Participants.* Only persons who maintain a permanent residence on the same parcel where the home occupation is conducted shall participate in the home occupation. Employment or use of persons not residing on the property is expressly prohibited.

(e) *Traffic generation.* Traffic generated by the proposed use must not negatively impact the safety and ambiance of the neighborhood. The increase to existing traffic created by the home occupation shall not exceed ten (10) trips per day or five (5) percent, whichever is greater. For purposes of this section, the assumption is that each residential site generates approximately six (6) trips per day (each exit from or entrance onto the property equals one trip).

(f) *Neighborhood impact.* The use must be conducted to minimize adverse impact on the surrounding neighborhood. Without limiting the generality of the foregoing, the following shall be observed:

(1) Outdoor display of goods is prohibited.

(2) The total gross area used in the conduct of the home occupation (residence, accessory structures and outside storage areas) shall not exceed the lessor of five (5) percent of the parcel's area or five thousand (5,000) sq. ft.

(3) Any storage of materials or goods shall be inside of a fully enclosed building where practical. Where outside storage is required due to size requirements, that storage area shall be fully enclosed by durable, one hundred (100) percent opaque materials to a height sufficient to completely screen the stored items. This screening shall be maintained in good repair and appearance at all times.

(4) All equipment, tools and processes used in the conduct of the home occupation

must be maintained in proper working order to minimize noise, fumes, dust, odor, vibration, glare, or electrical interference.

(5) Any accessory structures or areas used in the conduct of the home occupation must be maintained in good repair and appearance at all times.

(6) Where activities in a partially enclosed building or outdoor activities (including storage areas) are conducted as part of the home occupation, a setback of two hundred (200) feet from any off-site residence shall be maintained. The planning and zoning commission may increase or reduce this setback for good cause shown.

(7) Where the home occupation is conducted totally within a fully enclosed building, the setbacks of the zoning classification of the subject property shall apply, unless the potential for adverse impacts upon neighboring property exists. If such is the case, the planning and zoning commission shall determine the setbacks required.

(8) The conduct of the home occupation shall be limited to 8:00 A.M. to 6:00 P.M., Mondays through Fridays exclusive of holidays recognized and observed by the county commission. The planning and zoning commission may alter or extend these days and hours for good cause shown. This restriction applies not only to the opening of the business to the public, but also to any activities associated with the home occupation, except for passive activities such as bookkeeping, sewing, painting and other similar art work.

(g) *Approval.*

(1) Applications for home occupations may only be made by the owner/occupier whose permanent residence is on the subject parcel.

(2) The primary responsibility of the planning and zoning commission shall be in protecting the interests of the surrounding neighborhood from unreasonable adverse impacts of uses proposed by the applicant, such as, but not necessarily all inclusive, noise, traffic, unsightly property and general aesthetics. To grant approval, the planning and zoning commission must determine that the proposed use can be conducted without such impact on surrounding residents. To this end the planning and zoning commission shall, when necessary, attach additional appropriate conditions and restrictions, such as setbacks, buffering, screening and hours of operation, to an approval to accomplish compatibility. If the planning and zoning commission determines that unreasonable adverse impacts cannot be prevented by the use of mitigation techniques, it shall deny the application.

(3) If, upon operation of the special exception use, the applicant refuses to implement any of the required conditions and restrictions, the planning and zoning commission may, after due process, take action to suspend or revoke the special exception home occupation

(4) Approval for the conduct of a home occupation applies only to the applicant(s).

The approval specifically does not run with the property and is personal to the applicant(s) only. Upon sale of the property, death of the owner, other absence or cessation of the home occupation for a period of eighteen (18) months, the special exception shall be null and void without further action by the county.

(5) Approval will be rendered only for a specific use. There is no implied approval for related uses or other home occupation uses. Any change from the type of usage specifically approved will require a new application.

(6) No vested rights are created by the grant of approval for the conduct of a home occupation. The construction of accessory buildings, screening, fencing, or other improvements does not act to vest any rights for the conduct of the approved home occupation. These costs are expressly held to be a risk assumed by the applicant.

(7) All final orders and conditions attached thereto approving an application for home occupation shall be recorded in the official records of the Sumter County clerk's office.

(h) *Exempt uses.*

(1) Home occupations which meet the following criteria shall be exempt from the requirements of this section, including special exception approval:

a. The home occupation must be conducted entirely within the enclosed living area portion of a residence.

b. No sign advertising the home occupation may be placed on the property.

c. No advertising, other than business cards, may be done which contains the physical location of the home occupation, and

d. Any increase in traffic to the property, that is attributable to the home occupation, shall be limited to two (2) trips (1 trip to and 1 trip from the premises) per day.

(i) *Prohibited uses.*

(1) The following is a non-exhaustive list of examples of enterprises that are prohibited as home occupations:

a. Auto body repair and painting.

b. Salvage and recycling yards.

c. Any activity involving the storage, processing or use of hazardous materials.

d. Major appliance repair that involves repair, display, or storage of parts or equipment outside of a fully enclosed building.

e. Retail food and beverage sales, vegetable and juice stands.

f. Truck terminals.
(Ord. No. 96-23, § 9, 12-16-96)

Secs. 13-714--13-725. Reserved.

DIVISION 3.

SALES AND SERVICES

Sec. 13-726. Alcoholic beverages.

(a) *Purpose and intent.* Retail sales of alcoholic beverages are permissible as a permitted or special land use where indicated by Use 3.140 on Table 13-362A. In addition to the other provisions of this chapter, it is the intent of this section to provide for such sales in a manner which will have the least possible adverse impact to the community.

(b) *Standards.* Retail sales of alcoholic beverages may be allowed provided all of the following standards are met:

(1) *Uses 3.141 through 3.144.* No additional standards.

(2) *Use 3.145 and 3.146.*

a. Separation requirements. Except as provided in subsection c., no parcel shall be utilized and no structure shall be erected or altered on that parcel for the purpose of uses 3.145 and 3.146 on Table 13-362A if the nearest point of said parcel is within a five hundred (500) foot radius of any portion of a parcel being used or reserved for use for any of the following purposes:

1. Schools, child care or day care centers.

2. Hospitals.

3. Churches.

4. Public parks, playgrounds and libraries.

b. A parcel shall be deemed to be reserved for any of the above uses if a valid land use permit has been issued for such use.

c. Exemptions. No existing, approved alcoholic beverage establishment shall become non conforming through subsequent establishment of the uses specified in subsection a.
(Ord. No. 96-23, § 9, 12-16-96)

Sec. 13-727. Commercial kennels.

(a) *Purpose and intent.* Commercial kennels are permissible as a special land use where indicated by Use 3.912 on Table 13-362A. In addition to the other provisions of this chapter, it is the intent of this section to provide for such use in a manner which will have the least possible adverse impact to the community.

(b) *Types of kennels.* For purposes of applying standards, kennels shall be classified as either Class A or Class B:

(1) *Type A.* A Type A kennel is one in which, between 10:00 p.m. and 6:00 a.m., all animals are confined in a sound and odor proof kennel building that is completely enclosed and air-conditioned, or in a sound and odor restricted kennel building whose total open area (doors and windows) shall not exceed twenty (20) percent of the floor area of the building. During all other hours, the animals may be confined in open fenced yards, pens, runs, etc., in conformance with the locations prescribed in this article.

(2) *Type B.* A Type B kennel is one where, at any time, animals may be confined in open fenced yards, pens runs, etc., in conformance with the locations prescribed in this article.

(c) *Standards.* Commercial kennels may be allowed provided all of the following requirements are met.

(1) *Effects.* A commercial kennel shall be developed and operated to minimize noise, odor and other objectionable effects on the area in which it is located.

(2) *Parcel size.* The minimum parcel size requirement shall be as follows:

a. For a Type A kennel, five (5) usable acres.

b. For a type B kennel, ten (10) usable acres.

(3) *Kennel facilities.* Kennel facilities shall include all kennel buildings, exercise yards, pens, runs, etc., where animals are contained at any time, and shall conform to the following minimum requirements:

a. Location. The minimum setbacks from the parcel's property lines for all kennel facilities shall be based on the number of animals, excluding pups less than four (4) months of age, kept on the parcel and are as follows:

1. Type A kennel:

a) From adjoining agricultural or other non-residential zones--Five (5) feet per animal, and

b) From adjoining residential zones--Ten (10) feet per animal, and

c) From an existing residence--Fifteen (15) feet per animal.

d) Kennel buildings that are sound and odor restricted but not completely enclosed, air conditioned and sound and odor-proof shall observe the setback requirements for a Type B kennel.

2. Type B kennel:

a) From adjoining agricultural or other non-residential zones--Ten (10) feet per animal, and

b) From adjoining residential zones--Fifteen (15) feet per animal, and

c) From an existing residence twenty (20) feet per animal.

b. Construction. Sound and odor proof or restricted kennel buildings shall be built to county building codes. Sound and odor-proof buildings shall be adequately constructed so that there will be no emission of noise or odor detrimental to other property in the area.

(4) *Nuisances.* Chapter 4 of this Code shall apply to all animal nuisance complaints except those related to noise and odor from regulated kennels.

(5) *Effect of zoning changes.* At the time a commercial kennel is established, or enlarged, the location of the kennel facilities and number of animals allowed will be determined by the type of kennel and the them existing zoning and use of adjacent property. Changes in zoning or use of adjacent land after the kennel is legally established or expanded shall not require existing kennel facilities to be relocated or number of animals to be reduced.
(Ord. No. 96-23, § 9, 12-16-96)

Sec. 13-728. Staging areas.

(a) *Purpose and intent.* A staging area may be allowed as a permitted use in CH, CR, and ID zoning classifications, or as a special use in CL, as indicated in table 13-362A, Use 3.727. The intent of this section is to provide standards for the use so that the least adverse affect will occur to the community.

(b) *Character of use.* The purpose of a staging area (as defined in section 13-31) is to provide an area for the parking of operable commercial motor vehicles not larger than one and one-half (1 1/2) ton trucks or cargo vans with utility trailers. It is to provide an area where employees can park their personal vehicles and acquire a qualified commercial vehicle for off-site business services. It is specifically not intended for usage as a truck terminal or for parking of heavy trucks, equipment or semi tractor trailers or similar cargo containers. The maintenance of vehicles and equipment is prohibited.

(c) *Location in light commercial districts.* A staging area may be allowed in CL zoning districts as a special use. The usage must be sited with consideration of adverse impacts to surrounding properties. To that purpose, the approving authority may place limitations and restrictions on the use, such as but not limited to restrictions on the number of vehicles allowed, the time of day when employees may arrive to pick up or leave the commercial vehicles, and the days of the week. The authority may also require site improvements such as additional access points, screening, and buffering. The authority shall deny the use when practical methods are not sufficient to protect surrounding properties from unreasonable adverse impacts.
(Ord. No. 2003-2, § 3, 2-25-03; Ord. No. 2004-22, § 2, 8-24-04)

Sec. 13-729. Massage therapy.

(a) *Purpose and intent.* For reasons set forth in findings codified at section 13-11(11)dd. through hh., the board of county commissioners has determined that massage therapy as a permitted land-use or activity should be permitted only when operated in accordance with applicable licensing laws of the State of Florida.

(b) *Standards.* Massage therapy shall be allowed as a land-use, in accordance with table 13-362A, provided that the following conditions are met:

(1) Only a massage therapy studio or other establishment operated or staffed by one or more massage therapist(s) licensed by the board of massage therapy in accordance with the Florida Massage Practice Act, as codified at F.S. § 480.031 et seq. shall be permitted. Sumter County shall not issue permit, license certificate or other authority shall be issued for the establishment of a massage parlor or similar establishment unless the applicant for such permit or license has been licensed by the board of massage therapy or the applicant provides the name(s) and or licensing information of one or more persons who are so licensed and who will provide massage therapy at the establishment. Any such massage establishment shall maintain posted on its premises copies of the license(s) of the licensed massage therapists who provide services at the establishment. There shall be a rebuttable presumption that any massage parlor or similar establishment operated by a person who is not a licensed massage therapist and that does not have posted on its premises one or more licenses of massage therapists who provide services there is operating in violation of this chapter and is subject to enforcement action and penalty under this chapter, in addition to any violation of the Massage Practice Act. Nothing in this section shall be construed to limit the operation of a massage school in

accordance with the applicable provisions of the Massage Practices Act or the provision of clinical experience to students of a massage school in a setting consistent with the provisions of the Massage Practices Act.
(Ord. No. 2005-9, § 7, 4-12-05)

Sec. 13-730. Motion picture arcade booths.

(a) *Purpose and intent.* For reasons set forth in findings codified at section 13-11(11)a. through q., the board of county commissioners has determined that the showing of motion pictures or videos in Sumter County should be severely limited.

(b) *New motion picture arcade booths prohibited.* Motion picture arcade booths are a prohibited use in all zoning districts in Sumter County. After May 1, 2005, no new motion picture arcade booths may be established in any zoning district. This section shall have no effect on the showing of motion pictures in motion picture theaters in permitted districts or in public areas of retail stores. For purposes of this section, any space smaller than five hundred (500) square feet in area used for the showing of motion pictures for a fee charged to the viewer(s) shall be considered a motion picture arcade booth.

(c) *Standards for arcade booths existing on May 1, 2005.* Motion picture arcade booths which were legally installed or constructed prior to May 1, 2005, and which were in existence on May 1, 2005, may continue at the same location, subject to the following requirements.

(1) *Continuous requirements.*

a. Management shall post on each booth and enforce a requirement that only one (1) person is allowed in each booth at one time;

b. Management shall ensure that there are no openings in walls between booths and shall immediately patch with permanent opaque material any opening that is found;

c. Floors, walls, seats and any other surfaces in arcade rooms shall be non-porous; and

d. Lighting in the hallways leading to the booths shall at all times be maintained at no less than ten (10) footcandles at floor level in every portion of such establishment to which patrons, users or visitors to the establishment are admitted.

(2) *Additional requirement effective August 1, 2005.* From and after August 1, 2005, there shall be no doors, curtains, shutters or other visual obstructions in the door or entrance to each booth.

(3) *Additional requirement effective May 1, 2006.* From and after May 1, 2006,

motion picture arcade booths shall be arranged or configured so that the interior of each booth is at all times clearly visible from a space of at least five hundred (500) square feet that is open to customers generally and from the cash register or other station in the establishment normally occupied by the manager or clerk on duty. If such a configuration is not practicable without impairing the vested rights of the operator, then the operator may substitute a video monitoring system which shall provide a view of all hallways leading to booths and of at least fifty (50) percent of the floor and seating area of each individual booth. The monitoring system shall feed a display that is clearly visible to a clerk or manager on duty at the cash register in the establishment.
(Ord. No. 2005-9, § 8, 4-12-05)

Sec. 13-731. Retail establishments with limited quantities of sexually oriented media.

(a) *Purpose and intent.* For reasons set forth in findings codified at section 13-11(11)r., the board of county commissioners has determined that sexually oriented materials may be offered in general retail contexts without the adverse secondary effects often associated with sexually oriented businesses and that the locational restrictions otherwise applicable to sexually oriented businesses should not apply to businesses offering such materials in a more general retail context.

(b) *Standards.* A retail establishment which devotes more than ten (10) percent of its floor area or ten (10) percent of the number of items in inventory to sexually-explicit material, but which devotes less than thirty (30) percent of its floor area and less than thirty (30) percent of the number of items in inventory to sexually-explicit material shall be treated for zoning purposes as a book or magazine store and not as a sexually-oriented media shop, provided that it meets the following conditions:

(1) All sexually-explicit media shall be maintained in a room that is separated from other material by an opaque wall that extends to the ceiling or eight (8) feet above the floor, whichever is less;

(2) Access to the room containing the sexually-explicit media shall be through an opaque, solid door;

(3) The room containing sexually-explicit media shall be posted with a notice indicating that only persons eighteen (18) years of age or older are allowed in the room; and

(4) Access to the room shall be physically limited to adults through control of access by an employee of the store, through use of an access release located at least sixty-six (66) inches off the floor, or through constant monitoring of the room by an employee on duty through electronic means or through a window or mirror providing visibility into the room from the manager's or cashier's work station.
(Ord. No. 2005-9, § 9, 4-12-05)

Sec. 13-732. Sexually oriented businesses--Additional location requirements.

(a) *Purpose and intent.* (a) *Purpose and intent.* For reasons set forth in findings codified at section 13-11(11)d. through j. and 13-11(11)s. through w., the board of county commissioners has determined that the separation of sexually oriented businesses from one another and from certain specified uses will help to mitigate the adverse secondary effects of such businesses on the community at large and on certain sensitive uses in particular.

(b) *Separation requirements.* Sexually oriented businesses shall be allowed only in the zoning districts in which a specific sexually oriented business is listed as a permitted use under table 13-362A. The separation standards established in this section shall require the separation of a new sexually oriented business from any uses listed in this section and located in Sumter County, regardless of whether such other uses are located in the unincorporated part of the county or in one (1) of the cities within the county. Any sexually oriented business established or expanded after May 1, 2005, in such a district shall be by at least the number of feet set forth as to the following uses:

(1) *Residential property.* The distance from this use shall be one thousand (1,000) feet. For purposes of this section only, "residential property" shall mean land that is:

a. Located in a zoning district carrying a Sumter County district designation beginning with an R, or in a portion of a planned unit development bearing an exclusive "residential" designation, or in a comparable zoning district designation that is exclusively residential in one of the cities in Sumter County; and

b. Designated as "residential" for the use category in the Sumter County comprehensive plan or the adopted comprehensive plan of a city within Sumter County or an exclusively residential planned development.

(2) *Other uses.* The distance from these uses shall be two thousand five hundred (2,500) feet:

i. Schools, child care or day care centers;

ii. Houses of worship; and

iii. Public parks, playgrounds and libraries.

(3) A parcel shall be deemed to be used for any of the above purposes if a valid land use permit has been issued for such use and such use is either actively conducted on the property or there has been measurable, good faith progress in implementation of such use at that location in accordance with the permit.

(4) *Exemptions.* No sexually oriented business shall become nonconforming through subsequent establishment of the uses specified in subsection b., nor shall a permit for a sexually oriented business be denied based on the issuance of a land use permit for one

(1) of the uses listed in subsection a. if the application for such permit was filed after the filing of the application for the permit for the sexually oriented business.
(Ord. No. 2005-9, § 10, 4-12-05)

Sec. 13-733. Sexually oriented cabarets--Design standards.

(a) *Purpose and intent.* For reasons set forth in findings codified at section 13-11(11)y., aa., and bb., the board of county commissioners has determined that it is impracticable to establish licensing standards at this time for possible future adult cabarets but that it is thus necessary to establish some basic design parameters for any such establishment that might be opened in Sumter County in the future.

(b) *Standards.* Any building used for the operation of a sexually oriented cabaret in the county shall meet the following design standards at all times that such cabaret is operated in such building:

1. *Stage required.* The building shall include one (1) or more stages, on which all performances shall take place. Each such stage shall be in a room open to all customers of the establishment and containing at least five hundred (500) square feet of floor area. The stage shall be raised at least thirty (30) inches above the level of the floor on which customers stand or are seated.

a) *Performance area.* All performances and all interactions between performers and customers shall occur in a room open to all customers of the establishment and containing at least 500 square feet of floor area. No curtains, screens, shades or other devices shall be used to obscure any part of the room.

b) *Lighting.* The lighting level in the area occupied by customers shall be at least five (5) footcandles at a height of three (3) feet off the floor.
(Ord. No. 2005-9, § 11, 4-12-05)

Sec. 13-734. Sexually oriented motion picture theaters--Design standards.

(a) *Purpose and intent.* For reasons set forth in findings codified at section 13-11(11)aa. through bb., the board of county commissioners has determined that it is impracticable to establish licensing standards at this time for possible future adult cabarets but that it is thus necessary to establish some basic design parameters for any such establishment that might be opened in Sumter County in the future.

(b) *Standards.* Any sexually oriented motion picture theater established in Sumter County shall meet the following design standards at all times that such theater is operated in such building:

(1) *Presentation area.* All screenings and presentations of motion pictures, videos or other media shall occur in a room open to all customers of the establishment and containing at least 500 square feet of floor area. No curtains, screens, shades or other

devices shall be used to obscure any part of the room.

(2) *Lighting.* The lighting level in the area occupied by customers shall be at least two (2) footcandles at floor level.

(3) *Seating.* Seating shall consist of individual, theater-style chairs, with solid arms separating the chairs. No couches, benches, individual chairs, beds, loose cushions or mattresses, or other forms of seating may be provided. Separate spaces for wheelchairs shall be provided in accordance with the applicable provisions of the Southern Building Code and the Americans with Disabilities Act.
(Ord. No. 2005-9, § 12, 4-12-05)

Secs. 13-735--13-750. Reserved.

DIVISION 4.

INDUSTRY

Sec. 13-751. Salvage/recycling yards.

(a) *Purpose and intent.* Salvage/recycling yards are permissible as special land uses where indicated by Use 4.400 on Table 13-362A. In addition to the other provisions of this chapter, it is the intent of this section to provide for such use in a manner which will have the least possible adverse impact to the community.

(b) *Development standards.*

(1) *Screening.*

a. Type. Class A screening, as specified in Section 13-612(c), shall be installed on all boundary lines of a salvage/recycling yard. Notwithstanding the provisions of Section 13-612(c), all vehicles and other salvaged materials shall be completely screened (100% opaque) from off-premises view at all times.

b. Openings. No openings shall be allowed in the required screening except for approved gates which shall be of a material that is one hundred (100) percent opaque.

(c) *Operation.*

(1) *Recyclable or salvageable articles or materials.* These articles or materials shall be stored in bins or containers until removed from the property, except where due to size constraints, they may be openly stored on the property.

(2) *Non-recyclable or salvageable articles or materials.* Articles or materials that are not salvageable shall not be permitted to accumulate except in bins or containers and shall be disposed of in an approved manner within one (1) year of accumulation. Non-

salvageable articles to be disposed of shall include, but are not necessarily limited to, refuse, trash, rags, paper, bottles, building materials and unusable parts of vehicles, appliances, equipment, machinery, or parts thereof.

(3) *On-site disposal.*

a. Waste fluids. Salvage/recycling yard operators shall be responsible for compliance with all applicable federal and state regulations pertaining to handling, storage, and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on site except with the specific approval of FDEP.

b. Filling. In no case shall articles or materials be buried or used as fill except at an approved sanitary landfill.

(4) *Safety.* In any non-secured open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker or similar airtight unit having an interior space of two (2) cubic feet or more, unless the door has been removed.
(Ord. No. 96-23, § 9, 12-16-96)

Sec. 13-752. Hazardous waste treatment.

(a) *Purpose and intent.* Stationary facilities and operations which store, treat, or dispose of biohazardous or hazardous waste and petroleum contaminated soil, and mobile facilities or operations which treat petroleum or hazardous waste contaminated soil are permissible as conditional land uses where indicated by Use 4.300 on Table 13-362A. In addition to the other provisions of this chapter, it is the intent of this section to provide for such uses in an environmentally acceptable manner at locations which will have the least possible adverse impact to the community.

(b) *Parcel size and location standards.*

(1) *Stationary facilities.* Stationary facilities and operations which store, treat or dispose of biohazardous or hazardous waste and petroleum contaminated soil shall be on parcels of such size, shape and location as to permit development of well organized facilities able to meet all requirements of this chapter, as follows:

a. Parcel size.

1. Parcels with a minimum usable land area of not less than the following are required:

a) Where only storage or transfer operations are conducted five (5) acres.

b) Where treatment or disposal is conducted ten (10) acres.

2. Parcels shall have a minimum width of three hundred and thirty (330) feet.

b. Location.

1. For facilities which store, or treat or dispose without incineration:

a) The aerial distance from any property line of the parcel upon which the proposed facility is to be located shall not be less than as specified from the following existing facilities or features:

1) To any public or private K--12 school, college, day care center or senior services meal site, where more than twenty (20) persons participate on a daily basis at least one hundred eighty (180) days per year--One-half (1/2) mile.

2) To any residential development of ten (10) or more home sites with a gross density of one dwelling unit per acre or greater one-half (1/2) mile.

3) To any lake, stream, spring or canal one-half (1/2) mile.

4) To any existing or proposed community water system well or proposed regional water supply well--Five-hundred (500) feet.

2. For facilities which treat or dispose by incineration:

a) The aerial distance from any property line of the parcel upon which the proposed facility is to be located shall not be less than as specified from the following existing facilities or features:

1) To any urban expansion area designated on the Sumter County Future Land Use Map--Three (3) miles.

2) To any public or private K-12 school, college, day care center or senior services meal site, where more than twenty (20) persons participate on a daily basis at least one hundred eighty (180) days per year--Three (3) miles.

3) To any residential development of ten (10) or more home sites with an average gross density of one (1) dwelling unit per acre or greater--Three (3) miles.

4) To any lake, stream, spring or canal--One (1) mile.

5) To any existing or proposed community water system well or regional water supply well--Five-hundred (500) feet.

3. The facility shall be located so as to provide for direct access to arterial or collector roads, as identified in the Sumter County Comprehensive Plan, without use of local roads or streets.

(2) *Mobile facilities.* Mobile treatment facilities and operations for hazardous waste or petroleum contaminated soil shall be located so the aerial distance from any property line of the parcel upon which the facility is to be located is not less than as specified from the following existing facilities or features:

a. For mobile hazardous waste treatment facilities and operations:

1. To any public or private K-12 school, college, day care center or senior services meal site, where more than twenty (20) persons participate on a daily basis at least one hundred eighty (180) days per year--One-half (1/2) mile.

2. To any residential development of ten (10) or more home sites with a gross density of one dwelling unit per acre or greater--One-half (1/2) mile.

b. For mobile petroleum contaminated soil thermal treatment facilities and operations, the distance to any public or private K-12 school, college, day care center or senior services meal site, where more than twenty (20) persons participate on a daily basis at least one hundred eighty (180) days per year--One thousand (1,000) feet.

c. For mobile petroleum contaminated soil biological treatment facilities and operations acceptability of proposed location will be determined by the commission during application review.

(c) *Site standards.*

(1) *Floor-area ratio.* All buildings and areas used for loading or unloading, storing, treating or disposing of materials shall not occupy more than thirty (30) percent of the parcel they are located upon unless it can be demonstrated that provisions for environmental protection, drainage, parking, storage, public safety and buffering are adequate.

(2) *Setbacks.* Setback requirements for all stationary facilities shall be as follows:

a. All buildings, other structures, and areas used for loading or unloading, storing, treating or disposing of biohazardous or hazardous waste materials shall be setback from the property lines not less than one hundred (100) feet.

b. All other buildings and structures shall be setback from the property line in accordance with section 13-611 of this chapter.

c. Notwithstanding subsections a. and b., all buildings, other structures, and

areas used for loading or unloading, storing, treating or disposing of biohazardous or hazardous waste materials shall be setback from any existing off-site residence or commercial establishment five hundred (500) feet.

(3) *Flood areas.* If in an area of special flood hazard, the floors of all buildings or other structures, and the ground areas used for loading or unloading, storing, treating or disposing of regulated materials must be at least one (1) foot above the 100-year flood elevation.

(4) *Screening.* Facilities shall meet the screening requirements for the industrial land use zone.

(d) Operation.

(1) *Financial responsibility.* The holder of an operating permit for a biohazardous or hazardous waste facilities or petroleum contaminated soil treatment facility is responsible for personal, property and environmental damage caused as a result of the operation. To provide some indication that the operator is in a position to assume this responsibility, he shall submit the following assurances to the commission prior to the issuance of an operating permit for his facility.

a. A general liability bond or insurance policy and a performance bond or letter of credit, in an amount not less than one million dollars ($1,000,000.00). The required amount may be greater, as determined by the Commission, based on the activities proposed for the property. Upon annual renewal of the operating permit, the Commission may adjust the amount of assurance required, based upon the operator's previous performance.

1. The bond or letter of credit shall be conditioned or drafted so that the County can call upon the bond or letter of credit to provide funds to clean up and correct environmental damage caused by any accident, incident or event arising out of the activities of the holder of an operating permit, whether such damage is limited to the confines of the operator's property or extends on to public or private property outside his boundaries.

2. The bond or letter of credit shall contain a thirty (30) day notice of cancellation provision to the Commission. Cancellation of any such bond or liability insurance shall cause immediate revocation of the operating permit and all operations (other than those essential to maintaining safety and stability of treatment or storage of materials on hand) shall cease until the bond, letter of credit or liability insurance is renewed.

3. The required bond or letter of credit shall be maintained in full force and effect during the term of any existing operating permit and thereafter until the property is certified free from contamination of all hazardous wastes.

4. To provide coverage for any claim of liability that may arise after the operations cease, the operator shall, to the extent commercially available, provide "tail" coverage prior to the issuance of the operating permit. In any event, upon termination of the operation, the operator shall provide said tail coverage. The tail coverage shall be for an amount equal to the bond or liability insurance determined by the commission.

(2) *Operating standards.* A biohazardous or hazardous waste facility, or a petroleum contaminated soil treatment facility shall be operated to conform to the following standards:

a. All operational employees shall complete training as required by the Occupational Safety and Health Act, the Resource Conservation and Recovery Act and state law. Additional training in personal and public safety, emergency measures, properties of the waste and such other subjects as the commission deems necessary for the facility may be required, as specified in the operating permit.

b. A hazardous waste facility shall recycle hazardous wastes to the greatest extent economically practical, taking into account human safety and environmental protection.

c. Transportation routes for biohazardous or hazardous waste, or for petroleum contaminated soil coming to or from the facility shall be as designated in the conditional use approval and operating permit.

d. The commission has the authority, at the owner's and operator's expense, to remove or dispose of any hazardous or contaminated substance which has become an imminent hazard, or take any other emergency action, when the owner or operator of a facility does not take appropriate action to abate or neutralize a hazard.

e. Operating permits for mobile facilities and operations shall be issued for not more than thirty (30) calendar days. Upon application to the commission, and for good cause, the commission may grant a maximum of two (2) thirty day extensions of the permit; except for biological treatment of contaminated soil which may be allowed extensions as permitted by the commission.

f. Hours of operation for mobile facilities which do not meet the location requirements of stationary facilities shall be limited to the period from one-half (1/2) hour after sunrise to one-half (1/2) hour before sunset. Operation shall include the firing, running or movement of any treatment facilities, vehicles or machinery, except for dewatering pumps when absolutely necessary.

g. Annual progress report.

1. The annual progress report of each holder of an operating permit for a biohazardous or hazardous waste facility, or petroleum contaminated soil treatment

facility shall include the following:

a) A review of the facility's storage, treatment and disposal activities for the year preceding the anniversary date, with particular emphasis on permit compliance problems.

b) A statement of any anticipated change in storage, treatment or disposal operations that would require an amendment to the existing operating permit or conditional use approval.
(Ord. No. 96-23, § 9, 12-16-96)

Secs. 13-753--13-760. Reserved.

DIVISION 5.

PUBLIC, SEMI-PUBLIC AND INSTITUTIONAL USES

Sec. 13-761. Reserved for airports.

Sec. 13-762. Cemetery, crematory and mausoleum.

(a) *Purpose and intent.* Cemeteries, crematories and mausoleums are permissible as special land uses where indicated by Use 5.560 on Table 13-362A. In addition to the other provisions of this chapter, it is the intent of this section to provide for and protect such uses in a manner which will have the least possible adverse impact to the community.

(b) *Development standards.*

(1) *Ingress/egress and parking.*

a. Ingress/egress. Adequate means of ingress/egress shall be provided for vehicles so as not to unduly impede or cause congestion of traffic on adjacent public streets when funeral processions are entering or leaving the property.

b. (reserved for parking)

(2) *Setbacks for grave lots.*

a. From public roads. Setbacks for grave lots from any public road right-of-way shall be the same as those specified for buildings in Table 13-611A.

b. From adjacent property. Setbacks for grave lots from property lines of adjoining property shall be twenty-five (25) feet.
(Ord. No. 96-23, § 9, 12-16-96)

Sec. 13-763. Construction and demolition debris landfill (CDDL).

(a) *Purpose and intent.* Construction and demolition debris landfills are permissible as conditional uses where indicated by Use 5.750 on Table 13-362A. This use applies to privately owned or leased solid waste disposal facility for construction and demolition debris as defined, established and operated in accordance with chapter 17-701, F.A.C. and other provisions of this chapter. In addition to the other provisions of this chapter, it is the intent of this section to provide for such use in a manner which will have the least possible adverse impact to the community.

(b) *State standards.* As a minimum, these landfills shall be established and operated in conformance with the requirements and definitions of Chapter 17-701, F.A.C., unless otherwise specified in this chapter.

(c) *Location standards.*

(1) Flood zone/water table. CDDL sites shall not be located within:

a. Areas of special flood hazard as shown on FEMA maps.

b. Areas subject to frequent and periodic flooding.

c. Areas where the seasonal high water table is less than ten (10) feet below existing ground surface.

(2) *Water bodies.* CDDL sites shall not be located within:

a. One-half (1/2) mile from Class I water bodies, as defined by the FDEP.

b. Three-hundred (300) feet from any other body of water, except bodies of water that are contained within the facility site which do not discharge from the site or are temporary or intermittent.

(3) *Geologic features.* CDDL sites shall not be located within:

a. A limestone pit or any other excavation which has penetrated the Floridan aquifer.

b. Three hundred (300) feet of a sink hole or in an area where geologic formations or subterranean features would not support the facility.

c. Any area containing hydric soils, as specified in the Soil Survey of Sumter County, where such soils may affect the environmentally safe use by the facility.

(4) *Potable water supply wells.* CDDL sites shall not be located within:

a. Five hundred (500) feet from any existing or proposed public water supply well.

b. Three hundred (300) feet from any private potable water well not on the CDDL parcel.

(5) *Adjacent properties.*

a. Existing excavations. Any part of a CDDL utilizing an excavation existing on the effective date of this chapter shall be a minimum of fifty (50) feet from any adjacent property line.

b. New excavations. Any part of a CDDL utilizing a new excavation shall be a minimum of one hundred (100) feet from any adjacent property line.

c. Notwithstanding subsection a. and b., all deposits of construction and demolition debris shall be a minimum of two-hundred (200) feet from any residence.

d. *Deposit areas.* Any area used for the temporary storage of solid waste shall be a minimum of three-hundred (300) feet from any adjacent property line.

e. Accessibility. CDDL sites shall be located so as to provide access by roads suitable for the traffic anticipated by the facility. Speed and weight of traffic to the CDDL may be regulated to achieve suitability.

(d) *Site development.*

(1) *Excavation.* All deposits of construction and demolition debris shall be below natural ground in excavated areas or cells, or naturally depressed areas which can be restored pursuant to this Section. The bottom of any excavated or naturally depressed area to be used for such landfill shall not be lower than the seasonal high water elevation for that location. Permitted boundaries of the disposal site shall be clearly delineated. Construction and demolition debris shall not be disposed of outside the permitted area.

(2) *Security.* All disposal sites shall be fenced or otherwise secured and gated to prevent unauthorized or uncontrolled access. Only one (1) entrance to the site shall be allowed unless otherwise approved and attended. Hours of operation shall be limited to daylight hours only, unless otherwise approved.

(3) *Screening.* Any part of the CDDL operation open to view from public or private roads, or from an off-site residence or residentially designated property within six hundred (600) feet shall be screened with a Type B screen. See section 13-612.

(e) *Operation.*

(1) *Dust control.* Those portions of interior access roads that lie within two hundred

(200) feet of an off-site residence or other habitable structure shall be maintained to minimize dust.

(2) *Disposal of materials.*

a. The operator shall be available onsite at the location of current operations delivery inspection area whenever debris is received at the facility.

b. Prior to disposal of any construction and demolition debris at the disposal site, the operator shall:

1. Inspect all waste brought to the site.

2. Only allow disposal of construction and demolition debris.

3. Reject any other type of solid waste brought to the disposal site, including construction and demolition debris contaminated with other types of solid waste.

c. After disposal in the cell:

1. Inspect all deposited material daily.

2. Remove all unauthorized solid waste which may have been disposed of in the cell.

d. Unauthorized solid waste shall be stored in a water-tight, nonabsorbent bulk container maintained on the disposal site and deposited at a permitted solid waste disposal site weekly unless approved otherwise by the authority.

e. Burning shall be prohibited unless permission is obtained from the FDEP and other applicable agencies.

(3) *Prohibited disposal.* The following shall be violations of this chapter:

a. Disposal of construction and demolition debris and/or other solid waste at an unpermitted disposal site.

b. The intentional acceptance of prohibited waste by owners/operators of a construction and demolition debris disposal site.

c. The intentional disposing of prohibited waste at a construction and demolition debris disposal site.

(4) *Annual report.* The owner/operator shall file an annual report for each year within thirty (30) days of the operating permit anniversary. This report shall contain an estimate

of the total quantity of construction and demolition debris deposited for the past year, an estimate of existing unused capacity and an estimate of construction and demolition debris expected to be deposited during the next year.

(5) *Inspection.* Department inspections shall be made as provided in section 13-276. Detection of disposed material other than construction and demolition debris may, upon determination by the commission, constitute sufficient grounds for risk assessment action by the owner and/or operator. This action may include, but is not necessarily limited to: trenching, borings, and/or ground water monitoring as determined by the nature and severity of the contaminant materials. Such action will be based on acceptable risk assessment procedures, coordinated with the appropriate state agency and specified in writing.

(f) *Closure.*

(1) *Performance assurance.* Prior to issuance of an operating permit for a construction and demolition debris landfill, the operator shall submit to the commission proof of financial responsibility sufficient to cover one hundred twenty-five (125) percent of an engineer's certified cost estimate for the costs of closure of the disposal facility, or phase thereof, based on standard engineering practices. This performance assurance document and the cost estimate must be acceptable to the county attorney and engineer, respectively. Evidence of financial responsibility shall be kept in force at all times during the period of the operating permit, including any closure period.

(2) *Cover material.*

a. Final cover material must be placed on each cell within sixty (60) days after final receipt of debris. Final cover shall consist of not less than a twenty-four (24) inch thick soil layer, the upper six (6) inches of which must be capable of supporting vegetative growth. The cover shall be graded to eliminate ponding, promote drainage, and to minimize erosion.

b. Initial grading shall be done so that good drainage will be maintained after final settlement, however initial or final grading shall not exceed a 3:1 slope and the final elevation shall not be greater than three (3) feet above the natural ground adjacent to the disposal site.

(3) *Vegetation.* Within six (6) months of receiving final cover, a cell, or portion thereof, for which no future vehicular traffic is anticipated, shall be planted with grass or other acceptable cover vegetation to minimize infiltration, erosion and dust.

(4) *Notification/inspection.*

a. Written notification of construction and demolition debris disposal site closure shall be submitted to the department at least ninety (90) days prior to the expected closure date.

b. Inspection of a completed construction and demolition debris disposal site shall be made by the department before the earth moving equipment is removed from the site. Any corrective work shall be performed before the facility or phase thereof is accepted by the commission as a closed unit.
(Ord. No. 96-23, § 9, 12-16-96)

Sec. 13-764. Communication towers and antennas.

(a) *Purpose and intent.*

(1) Purpose. Communication towers and antennas are permissible as permitted or special land uses where indicated by use 5.800 on Table 13-362A. In addition to the other provisions of this chapter, it is the purpose of this section to direct the location, design and construction of communication antenna and towers in Sumter County so as to protect neighboring land uses from potential adverse impacts, such as, but not necessarily limited to, visual and aesthetic impacts, and tower failure. All new communication antenna and towers shall be subject to this section and other provisions of this Code. In the event of any conflict between other land development regulations and this section, the provisions of this section shall prevail, unless otherwise specified.

(2) Intent. It is the intent of this section to provide standards necessary to accomplish the purposes specified herein in a manner which will assure the least possible adverse impact to the community, while maintaining the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

(b) *Communication towers.*

(1) New towers.

a. Co-location. The necessity for a new tower site must be documented by the applicant prior to approval.

1. The following shall be demonstrated by an engineer, with appropriate technical material:

a) No existing or approved tower/structure is in the geographic location area that meets applicant's engineering requirements, or

b) Existing or approved towers/structures do not meet structural requirements, including height, and cannot be reinforced or heightened to accommodate planned equipment at reasonable cost, or

c) Proposed antenna equipment would cause electromagnetic interference with other existing or planned equipment for that tower/structure, and the

interference cannot be prevented at a reasonable cost, or

d) There exists other technical reasons that make the costs of co-location or adaptation unreasonable.

2. If it cannot be demonstrated by the applicant that an existing tower/structure site in the required geographic area is technically inadequate, the applicant shall inquire of the owners of such existing or approved tower/structure sites as to i) the ability of said tower/structure to accommodate the applicants proposed equipment, and ii) when a tower/structure has the ability, the owner's willingness to allow such use. Such responses shall be provided by the tower/structure owners, on their letterhead, and submitted by the applicant. The responses shall address the following:

a) Proposed equipment would or would not exceed the structural capacity of an existing or approved tower/structure, considering existing and planned use, and existing or approved towers can or cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.

b) Proposed equipment will or will not cause RF interference with other existing or planned equipment for that tower/structure, and the interference can or cannot be prevented at reasonable cost.

c) Existing or approved towers/structures do or do not have space on which proposed equipment can be placed so it can function effectively and at least in parity with other similar equipment in place.

d) Other reasons that would make it impracticable to place the proposed equipment on existing or approved towers/structures.

e) In conclusion, the responses shall indicate approval or disapproval by the tower/structure owner.

3. Decisions requiring co-location shall only be made if it is determined that such action is feasible, practical and economical.

b. Tower separation. No single-user tower more than two hundred (200) feet in height shall be located within one-half (1/2) mile of another existing or approved single-user tower over two hundred (200) feet in height.

c. Tower siting.

1. The tower owner shall own or control, at time of permitting and thereafter, the parcel of land upon which the tower is located. The parcel required shall be of sufficient size and dimensions to contain all tower related structures and provide the required setbacks to the boundaries of the parcel owned or controlled by the operator.

2. Setbacks for towers and related structures shall be as follows:

a) The center of the tower's base shall be located a minimum distance equal to one-half (1/2) of the tower's height from the parcel boundaries.

b) In addition to the above, all tower related structures shall meet the setback requirements for the applicable land use zone.

c) Notwithstanding the above, ham radio mast/antenna, not exceeding seventy-five (75) feet in height, shall only be required to meet the setback requirements for a principal structure in the applicable land use zone.

d. Structural design. All towers and related facilities shall meet the design criteria, as applicable, specified below. Plans and specifications for each tower shall be signed and sealed by an engineer, certifying that the design is in accordance with the same.

1. Each tower shall be designed so that, in the event of collapse, it will fall entirely within the parcel upon which it is located.

2. Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) standards.

3. Current edition of the EIZ/TIA 222-E Standards "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures", published by the Electronic Industries Association.

4. Sumter County construction/building codes, as amended.

e. Construction.

1. Engineer seal. Upon completion of construction and prior to issuance of a certificate of occupancy, the applicant shall provide the county with an engineer's certification that the tower was properly inspected and constructed in substantial compliance with the approved design and specifications.

2. Color. Towers not requiring FAA painting/marking shall have either a galvanized finish or painted a noncontrasting dull blue, gray, or black finish.

3. Lighting. Communication towers shall not be lighted except when required by the FAA. When required, lighting shall be with the least obtrusive lighting scheme then available and approved by FAA and FCC. When residential property is located within a distance of one-half (1/2) mile of the tower, dual mode lighting, or medium intensity strobe lighting with nighttime option, shall be used when approved by FAA.

4. Signage. Towers shall not be used for the purpose of displaying signs, other than that required for human safety or required by law.

5. Fencing. A chain link fence, or wall, not less than six (6) feet in height shall be provided around the base of each tower whose height exceeds seventy-five (75) feet. Barbed wire shall be installed along the top of the fence or wall and access to the tower shall only be through a locked gate. At its discretion, the authority may approve other means of restricting access to the tower.

6. Landscaping. When within one-thousand (1,000) feet of nonagricultural property or public road right-of-way, Type B screening shall be provided, either around each tower base or at other locations on the parcel which achieve equivalent screening for nonagricultural property or public road right-of-way.

7. All tower related structures should be of a neutral color compatible with the surrounding area.

(2) Existing towers.

a. Tower modification/reconstruction. An existing communication tower may be modified or reconstructed to accommodate the co-location of additional communication antenna as a permitted use provided it has not been modified/reconstructed previously and the following is observed:

1. Modification.

a) The tower type shall remain the same.

b) The tower height is not increased more than twenty-five (25) feet.

c) The tower's premodification height shall continue to be used for purposes of tower separation and setbacks.

2. Reconstruction:

a) The tower may be moved onsite provided such movement does not increase any nonconforming setback by more than fifty (50) feet.

b) The reconstructed tower height may be increased up to twenty-five (25) feet.

c) After a tower is reconstructed, it shall be the only tower to remain onsite unless approved otherwise.

d) The tower's pre-reconstruction location and height shall

continue to be used for purposes of tower separation and setbacks.

3. Modification/reconstruction exceeding the above limits shall be approved as a new tower, except that the co-location evaluation need not be addressed.

(3) Tower removal. In the event the use of any communication 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 director who shall have the right to request documentation and/or affidavits from the tower owner/operator regarding the issue of tower usage. Upon notice of such abandonment by the director, the owner/operator of the tower shall have an additional one (1) year to i) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or ii) dismantle and remove the tower. At the earlier of one (1) year from the date of notice of abandonment without reactivation or upon completion of dismantling and removal, whichever occurs first, any permitted or special use approval shall automatically expire.

(c) *Communication antennas.*

(1) Antenna shall comply with all applicable FCC regulations.

(2) Communication antenna may be attached to any structure that is designed and constructed, in accordance with applicable building codes, to accommodate said antenna. Communication towers, commercial/industrial/multi-family buildings, water towers and power line poles/towers are some examples of antenna locations.

(3) Co-location. Co-location of communication antennas by more than one (1) carrier on existing or proposed communication towers or other structures shall take precedent over the construction of new single-use towers, as provided in subsection (b)(2)a. Such co-location will be allowed as an exempt or minor permitted use.

(d) *Nonconforming situations.*

All communication antenna and towers existing or approved on January 1, 1997, shall be allowed to continue to be used as they presently exist or to be constructed as presently approved. Routine maintenance or minor modifications to accommodate the co-location of additional antenna shall be permitted in accordance with other provisions of this section.
(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 97-9, § 9, 4-22-97)

Secs. 13-765--13-770. Reserved.

DIVISION 6.

EXCAVATION AND MINING USES

Sec. 13-771. Excavation.

(a) *Purpose and intent.* Excavation is permissible as a permitted or special use where indicated by use 6.100 on Table 13-362A. In addition to the other provisions of this chapter, it is the intent of this section to provide for such use in a manner which will have the least possible adverse impact to the community.

(b) *Permittee.* Special use excavation permits are issued jointly to the property owner and excavator designated therein. A change in owner or excavator shall be reported to the commission, in writing, by certified mail, within thirty (30) days of such change by the new owner or excavator.

(c) *Development standards.*

(1) *Buffers.*

a. Separations. Unless specified otherwise in the use permit, no excavation shall occur within fifty (50) feet of adjoining property owned by others or the right-of-way of any public road or street, except no setback is required where a hill or elevation is removed to bring the level of the property into conformity with the natural elevations of the surrounding area.

b. Screening. As specified in the use approval, the authority may impose appropriate screening requirements.

(2) *Side slopes.* The area being lowered shall be sloped at a rate of not more than one (1) foot vertically to three (3) feet horizontally.

(3) *Reclamation.* Upon completion, each excavation shall be reclaimed so as to permit use of the land in conformity with the existing land use zone and usage of the surrounding area.

a. At a minimum, excavation activities, including location of pits, depths, cubic yards excavated and time constraints shall conform with any applicable FDEP Reclamation Plan.

b. Additional reclamation requirements may be specified by the authority in the use approval.

(d) *Notification of change.* The commission is to be promptly notified of any significant change in any excavation operation which has received special use approval.

(e) *Improper activity.*

(1) *Circumvention.* Subdivision of property for the purpose of circumventing the intent of the excavation limit requirements of this chapter is specifically prohibited.

(2) *Dumping.* Dumping of debris, trash, garbage, hazardous or contaminated materials is prohibited in any excavation not permitted for such under local and state laws, and said dumping shall be cause for suspension or revocation of a permit pursuant to sections 13-144(e) and 13-174(d)(7).

(3) *Blasting.* Blasting is considered a mining activity and is expressly prohibited as an excavation activity.

(4) *Pumping.* Lowering the groundwater levels by pumping is considered a mining activity and is expressly prohibited as an excavation activity.
(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2000-19, § 3, 7-25-00)

Sec. 13-772. Mining.

(a) *Purpose and intent.* Mining is permissible as a special or conditional use where indicated by Use 6.200 on Table 13-362A. In addition to the other provisions of this chapter, it is the intent of this section to provide for such use in a manner which will have the least possible adverse impact to the community.

(b) *Permittee.* Special and conditional use mining permits are issued jointly to the property owner and mine operator designated therein. A change in owner or mine operator shall be reported to Sumter County, in writing, by certified mail, within 30 days of such change by the new owner or mine operator. A change in owner or operator of a mining permit may require a new operating permit, as determined by the commission.

(c) *Development standards.*

(1) *Buffers.*

a. Separations. Unless specified otherwise in the approval, the following shall apply:

1. Except for monitoring wells and wildlife relocation activities, all mining activities shall maintain an activity separation as follows:

a) For limerock mining one-hundred (100) feet from any public right-of-way or public or private easement for drainage, utility or road purposes; two-hundred (200) feet from churches, schools, parks, hospitals, and/or similar public uses; and one-hundred (100) feet from all other property lines.

b) For other materials one-hundred (100) feet from any public right-of-way, or public or private easement for drainage, utility or road purposes, two-hundred (200) feet from churches, schools, parks, hospitals, and/or similar public uses; and fifty (50) feet from all other property lines.

2. Separations established by the approved development plan shall be marked in a manner acceptable to the county prior to initiation of any active phase of mining. Such markers shall remain until mining activities are concluded.

3. Where two (2) or more mines are contiguous, separation requirements may be waived provided that a reciprocal agreement between the affected property owners is executed, and the waiver of activity separation requirements are not contrary to the public health, safety and welfare. The agreement shall be reviewed and approved by the county attorney and recorded in the official records of Sumter County.

b. Screening.

1. Mining activities conducted within one-thousand (1,000) feet of a public road shall be screened from view from that road by an earth berm or other suitable device, installed by the mine operator, sufficient to provide one hundred (100) percent opacity to a minimum height of ten (10) feet.

2. When earth berms are used, the toe of slope nearest the public road shall be at least twenty-five (25) feet from said road right-of-way, or fifty (50) feet from the road C/L, whichever is greater.

3. Earth berms within three-hundred (300) feet of a public road shall be constructed with slopes gentle enough to permanently support ground cover without any noticeable erosion. Promptly after construction, berms shall be permanently vegetated to present an attractive appearance and prevent soil erosion. Berms will be maintained in such condition for the duration of the mining activity.

(2) *Aquifer drawdown.* When dewatering is proposed, unless specified otherwise in the approval, the following aquifer protective measures shall be required for mining operations.

a. Drawdown in the Upper Floridan Aquifer at property lines common with non-mine property shall be limited to not more than ten (10) feet below the normal (baseline) seasonal water levels.

1. During the review process and prior to issuance of the special use or operating permit, the applicant will be required to demonstrate that sufficient quantities of water will be reintroduced into the aquifer to accomplish this.

2. To monitor the drawdown, the following is required:

a) Monitoring wells and reports to adequately determine pre-mining and current mining ground water levels for the life of the mine.

1) These wells shall be installed into the Upper Floridan Aquifer and monitored at least six (6) months prior to any dewatering to obtain

the baseline seasonal water levels. Generally, they shall be located between the active pit and the closest property boundaries and at other locations as directed by the county hydrogeologist. They shall be completed to depths capable of intercepting the affected aquifer for the purpose of monitoring drawdown at the mine's boundary.

2) Simultaneous with the submission of a water use permit application for dewatering to SWFWMD, the number, location, size, depth (not less than the lowest drawdown levels), construction details and reporting requirements of proposed monitoring wells in the application shall be submitted to the county hydrogeologist for approval.

3) The top of casing and/or measuring point of each well will be surveyed to the nearest 0.01 foot elevation, referenced to National Geodetic Vertical Datum (NGVD).

4) After installation and prior to dewatering, water levels in the monitor wells shall be recorded at least monthly.. After dewatering commences, water levels shall be recorded no less than twice per month, unless specified otherwise in the approval. Automated recorders will be acceptable. All monitor well readings shall be reported to the nearest 0.1 foot on NGVD.

b) A staff gauge shall be installed in each active pit, referenced to NGVD, and read weekly to nearest 0.1 foot.

c) A totalizing, non-resettable flow meter shall be installed at each dewatering discharge point and read on the last working day of each month.

d) Water levels in monitoring wells and active pits, and flow meter readings, shall be reported to the commission on a monthly basis, within ten (10) days of the end of each month.

b. Off-site wells shall be protected as follows:

1. Prior to commencing dewatering in any pit, all existing wells within 1/2 mile of the proposed perimeter of such pit shall be inventoried and cataloged, utilizing SWFWMD records and other means. Inventory shall be in accordance with SWFWMD regulations and furnished to the commission prior to dewatering An inspection report shall also be furnished, by certified mail, to the respective property owner with instructions to report any disagreement with the report to the county.

2. All complaints regarding mining impacts to off-site wells within one-half (1/2) mile of the property shall be investigated by the operator within five (5) days of notice and the results reported to the commission within five (5) days of investigation.

3. In the event that the drawdown exceeds ten feet at the property

boundaries, and upon the commission's determination of mining impact to an off-site well attributed to the increased drawdown, the operator shall immediately take corrective action to eliminate the cause of the mining impact and also shall restore the affected well to the pre-mining impact condition or better, at his expense. Such restoration shall be within twenty (20) days of the commission's determination.

(3) *Surface water management.* Unless specified otherwise in the special use or operating permit, the following requirements shall apply:

a. All dewatering operations shall be conducted to maximize recharge to the aquifer via on-site methods, and in compliance with SWFWMD regulations. For this purpose, on-site means property described in the operating permit, or other contiguous property owned or controlled by the operator, where such discharge is permissible.

b. A minimum fifty (50) foot undisturbed buffer shall be maintained around all jurisdictional wetlands requiring protection or mitigation, in which no mining activities may occur, except where said wetlands are mitigated in compliance with all permitting agencies' requirements.

c. Mining operations shall not result in any significant off-site increase/decrease in surface water levels. Impacts to off site wetlands will be limited to that approved by permitting agencies.

(4) *Blasting.* Unless specified otherwise in the special use or operating permit, the following requirements shall apply:

a. Vibration. All mining activities shall be subject to the vibration standards established in section 13-661.

b. Recording. All blasting will be recorded by an operator supplied seismometer generally located at the nearest off-site residence (when allowed by property owner), and/or at other locations determined by the commission.

c. *Reports.* All persons discharging or detonating any explosive device in connection with any mining operation in the county shall file a written report with the commission for each calendar month in which such activity occurs. Such report shall be on a form supplied by the commission and must be filed not later than 5:00 p.m. on the fifteenth day of the following calendar month. The report shall show the results of all blasts conducted during the previous month, including but not necessarily limited to:

1. Date of blast.

2. Time of blast.

3. Location of blast.

4. Number of holes.

5. Charge per hole.

6. Peak particle velocity in inches per second.

7. Frequency in cps, if available.

8. Level of effect.

9. Name and address of licensed blaster.

The report shall include an ampligraph for each blast which shall show the results in peak particle velocity in inches per second. These reports shall be certified and bear the seal of an engineer in the mining discipline or of a seismologist.

(5) *Traffic Circulation.* Unless specified otherwise in the special use or operating permit, the following requirements shall apply:

a. Adequate ingress and egress areas shall be provided on-site so that loading operations, etc. do not require standing or stopping on public road right-of-ways.

b. Any haul road connection to any public road is to be constructed and maintained to the satisfaction of the applicable governing agency.

c. Interior devices or procedures shall be used to reduce the accumulation of limerock material and water on public roads, to the satisfaction of the applicable governing agency. Whenever, upon notice from the applicable governing agency, an accumulation of material or water from the mining operation renders the condition of a public road unacceptable, the operator shall promptly correct such condition, at his expense, in a manner acceptable to the applicable governing agency.

d. In addition to sub-section c., whenever, upon notice from the county's public works director (director), an accumulation of material, water, equipment, debris and other matter associated with the mining operation renders the condition of any portion of a county road within one-quarter (1/4) mile of a mine's access point unacceptable because of safety or nuisance concerns, the mine operator shall, within forty-eight (48) hours, or within the time limit set by the director, correct such condition at the operator's expense. In the event conditions are classified as an emergency situation by the director, then such corrections shall take place immediately, or within the time limits set by the director. Corrective actions shall be to the satisfaction of the director. Requirements of the director may be appealed to the commission.

(6) *Air pollution.* Mining equipment shall be properly maintained and operated, and mining operations shall be conducted, to minimize air pollution.

(7) *Days/hours of operation.* The approving authority may restrict the days and/or hours of mining activity as necessary to achieve compatibility with surrounding land uses.

(8) *Mine safety and security.* Unless specified otherwise in the special use or operating permit, excavated areas shall be secured from the public on all sides by adequate fencing or other means.

(9) *Reclamation.* Mined and other disturbed areas shall be reclaimed pursuant to the plan and schedule specified in the use and operating permits.

a. At a minimum, mining activities, including location of pits, depths, cubic yards excavated and time constraints shall conform with any applicable FDEP reclamation plan.

b. Additional reclamation requirements may be specified by the commission in the conditional use and operating permit approvals.

c. Reclamation shall be deemed completed after the commission's determination that the disturbed areas have been reclaimed in accordance with its approvals.

(d) *Limerock mining location and allocation.*

(1) *Location.* All lands approved for limerock mining activity after February 3, 1992 shall be adjacent to existing, legally permitted mine sites with no intervening non-compatible uses. For purposes of this section, "existing, legally permitted mine sites" shall mean those properties on which all required use and operating approvals and permits are in full force and effect. For purposes of this section, adjacent shall mean:

a. Parcels sharing a common boundary point or line, or

b. Parcels separated only by the width of an existing or former public or private transportation or utility rights-of-way or corridors. Said rights-of-way or corridors, or other such strips of land, shall not otherwise be used to qualify parcels as adjacent.

(2) *Allocation.* Land for limerock mining activities not included in valid operating permits on February 3, 1992, or otherwise vested, shall be allocated as follows:

a. Comprehensive plan allocation. Between February 3, 1992 and February 2, 2002, not more than one thousand (1,000) acres of land shall be granted operating permits for new limerock mining activity. The one thousand (1,000) acres shall include actual mined areas plus ancillary uses such as processing plants, overburden piles, roads, offices and other buildings and structures necessary for the mining operation. Areas allocated for wetlands, buffers and other lands required to insure compatibility

with adjacent land uses or protection of resources shall not be included in the one thousand-acre limit.

b. Conditional use approval. For each mining company or entity, the acreage conditionally approved for new mining activity shall not exceed the operating permit acreage that company or entity is eligible to receive during the current comprehensive plan planning period. The use of subsidiaries or other means to obtain conditional use approval on more than the intended acreage is prohibited.

c. Operating permit allocation. To ensure that an equitable balance among applicants is maintained in allocation of mining land, the following criteria shall apply:

1. No mining operation shall be allowed to mine more than ten (10) percent of the total ten year allocation permitted by the comprehensive plan in any one-year period.

2. Within any five year period, no individual mining operation shall receive an operating permit for more than twenty-five (25) of the total ten year allocation permitted by the comprehensive plan.

(e) *Improper activity.*

(1) *Circumvention.* Subdivision of property for the purpose of circumventing the intent of the mining thresholds of this chapter is specifically prohibited.

(2) *Dumping.* Dumping of debris, trash, garbage, hazardous or contaminated materials is prohibited in any excavation or mine not permitted for such under local and state laws, and said dumping shall be cause for suspension or revocation of a permit pursuant to sections 13-144 or 13-174.
(Ord. No. 96-23, § 9, 12-16-96)

Secs. 13-773--13-780. Reserved.

DIVISION 7.

RESERVED

Secs. 13-781--13-800. Reserved.