

CHAPTER VIII

ACCESSORY AND TEMPORARY STRUCTURES AND USES

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CHAPTER VIII ACCESSORY AND TEMPORARY STRUCTURES AND USES

8.00.00 ACCESSORY USES AND STRUCTURES

8.00.01 AUTHORIZATION

Accessory structures and uses are permitted in any zoning district in connection with any principal lawfully existing permitted use within such district, or in connection with any existing conditional use within such district, subject to the requirements of Section 11.07.00, provided that all accessory structures or uses shall meet the requirements for the zoning district in which the structure or use is located, as provided in Section 3.01.03, and all other requirements of this section.

8.00.02 DIMENSION AND LOCATION REGULATIONS

- A. No accessory use or structure except for fences, walls, and hedges as described in Section 8.00.04 shall be located in any required front yard in any residential zoning district.
- B. No accessory structure or use in any residential zoning district shall occupy more than thirty-five (35%) percent of the maximum permitted building area of the entire lot.

8.00.03 PARTICULAR PERMITTED ACCESSORY STRUCTURES AND USES IN RESIDENTIAL, AGRICULTURAL, AND PLANNED UNIT DEVELOPMENT DISTRICTS

Permitted accessory structures and uses include:

- A. Non-commercial garages, parking lots, and parking areas, together with related circulation elements.
- B. Enclosed storage structures and greenhouses.
- C. A child's playhouse or gazebo.
- D. Non-commercial parks, playgrounds and athletic areas.
- E. Private swimming pools and bathhouses, provided that the swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access to such swimming pool from the street or from adjacent properties.
- F. Outdoor storage of recreational equipment subject to the following restrictions:
 - 1. Recreational equipment shall not be stored in the front yard or any side yard located between the main building and any projections thereof and the front property line, except that one (1) piece of recreational equipment less than thirteen (13) feet in height may be located on a paved surface in the front yard and shall be setback a minimum of five (5) feet from the edge of the adjacent paved surface or travelway, provided that the recreational equipment shall not obstruct or interfere

with the maintenance, visibility or use of any public right-of-way or sidewalk. Where stored on a paved surface in the front yard, such recreational equipment shall be parked as nearly perpendicular as possible, to the street upon which the property is accessed, except when the recreational equipment is parked at least one hundred (100) feet from any street frontage on lots or parcels of land one (1) acre or more in total area. In those instances of a corner lot, or a parcel having more than one frontage on more than one street, and there is paved or improved access to the property from those streets, the same setback and numeric criteria outlined above shall apply.

Nothing in this paragraph shall be interpreted to permit any violation of the minimum Off-Street Parking requirements and standards set forth in Section 7.06.00 and Driveway Regulations set forth in Section 7.05.06 of this Code.

2. A maximum of two (2) pieces of recreational equipment, including the one (1) piece of recreational equipment allowed in the front yard, may be stored on a parcel except that there shall be no limitation on the number or pieces of recreational equipment allowed in unenclosed structures on a lot or parcel of more than one (1) acre provided that the recreational equipment must be parked at least one hundred (100) feet from any public street or right-of-way and providing that the storing of this recreational equipment does not violate any other provision of this Code or the St. Lucie County Code of Ordinances. This limitation shall not apply to recreational equipment stored in enclosed structures.
3. Recreational equipment shall not be used for living, sleeping or housekeeping purposes.
4. Recreational equipment must be owned or used by the owner or occupant or guest of the owner or occupant of the property upon which the recreational equipment is parked, located or stored, and must be for the personal off-site use of the owner or occupant or guest, rather than for rent or hire.
5. Recreational equipment must have a valid motor vehicle license or registrations at all times as required by law.
6. Recreational equipment shall not be stored on drums, barrels, concrete blocks, lumber or similar devices which cause the storage of the recreational equipment to be deemed unsafe.
7. No inoperative recreational equipment may be stored or parked on the paved surface. For the purpose of this Code, recreational equipment shall be deemed inoperative if it has removed or flat tires; partial or complete dismantling or removal of parts; broken glass; missing major parts such as lights, doors, hoods, or motor parts essential for the lawful and safe operation of the recreational equipment. The positioning of the recreational equipment in other than an upright or operable manner or lack of a current license plate or current registration decal shall raise a rebuttable presumption that the recreational equipment is inoperable.
8. For the purpose of implementing this paragraph, the restrictions and prohibitions described in Section 8.00.02(A) of this Code shall not apply, and shall be superceded by the restrictions and limitations contained herein.

In those subdivisions, condominium, home owners or property owners association areas that have duly recorded property or deed restrictions that impose stricter standards than outlined above, the stricter standards of the subdivision, condominium, home owners or property owners association shall apply, and enforcement of those standards shall be the responsibility of the duly recognized and empowered condominium, home owners or property owners association. Nothing in this section shall be implied to restrict the general public health safety and police powers of the Board of County Commissioners in directing that any unsafe or hazardous situation be removed should such a situation be brought to the County's attention.

- G. Private water and sewage utility services provided that they are for the sole use of the particular private development, are not intended to be a sub-regional system, and do not involve industrial wastewater as defined.
- H. Swimming beaches.
- I. Non-commercial docks and boat houses.
- J. Home occupations subject to the requirements of Section 8.01.00.
- K. Historic and monument sites.

8.00.04 FENCES, WALLS, AND HEDGES

Fences, walls, and hedges are permitted, as follows:

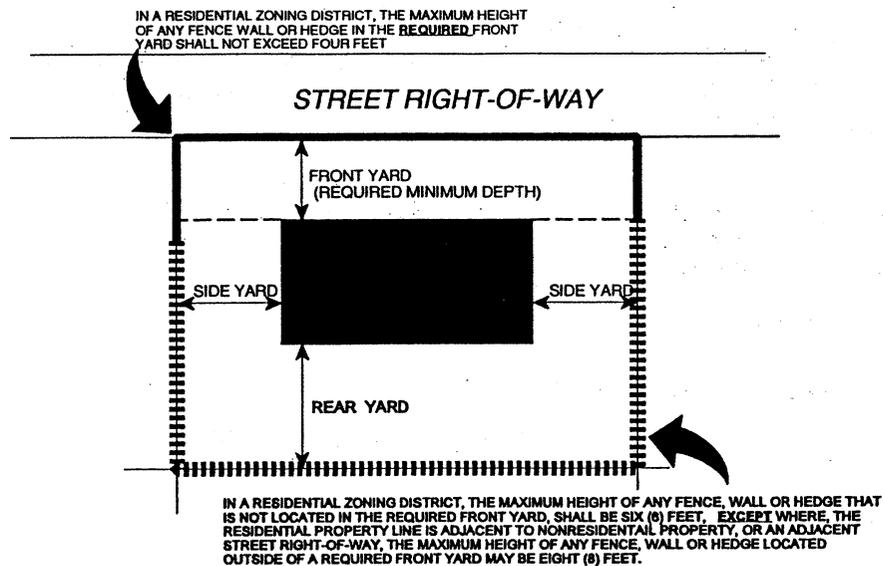
- A. In any residential zoning district, a fence, wall or landscape berm may be located in any *required* front yard provided that the fence, wall or landscape berm does not exceed a maximum height of four (4) feet above the elevation of the centerline of the roadway adjacent to the property on which the fence, wall or landscape berm is located.

A fence, wall or landscape berm a maximum of six (6) feet in height above the elevation of the centerline of the roadway adjacent to the property, may be located in any other required yard. Except that:

1. If a residential lot adjoins a non-residentially zoned lot, fence height may be increased to a maximum of eight (8) feet along the adjoining lot lines.
2. If a residential lot's rear or side lot line(s) adjoin a street right-of-way, the fence, wall or landscape berm height may be increased to a maximum of eight (8) feet along the street right-of-way, as depicted in Figure 8-1 below, provided that no other provision of this code is violated.

- B. In non-residential zoning districts, a fence, a maximum of eight (8) feet in height, may be located anywhere on the lot.
- C. Hedges of any height may be located within any required front, rear or side yard provided that any hedge located at the intersection of two streets shall comply with the provisions of Section 7.09.04(D) of this Code.

FIGURE 8-1



8.00.05 SWIMMING POOLS

A. FENCING REQUIRED

All swimming pools in the unincorporated areas of the County, unless entirely screened in, shall be completely enclosed with a fence or wall at least four (4) feet high and so constructed as to be not readily climbable by small children. All gates or doors providing access to the pool area shall be securely locked when the pool area is not in actual use or shall be equipped with a self-closing and self-latching device installed on the pool side for keeping the gates or doors securely closed at all times when the pool area is not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so locked or equipped. During construction of a swimming pool, the swimming pool contractor shall be required to take reasonable steps to secure the construction site so that the swimming pool under construction is not readily accessible to small children.

B. PROCEDURES FOR WAIVER FROM FENCING REQUIREMENT

In the event the owner of an existing or proposed swimming pool feels that such pool is not or would not be a hazard to small children, he may petition the Board of County Commissioners for a waiver of the requirement of Section 8.00.05.A for fencing. If the Board of County Commissioners determines that such a swimming pool is not or would not be a hazard to small children by reason of its location, construction, surrounding vegetation or other natural or man-made barriers, the Board may, after a public hearing of which all property owners within five hundred (500') feet are given at least ten (10) days notice by certified mail, waive the requirement that such pool be fenced. In lieu of a total waiver of the fence requirement, the Board may attach reasonable conditions including a partial reduction in the height requirement.

8.00.06

SATELLITE DISH ANTENNA

(RESERVED)

8.01.00 HOME OCCUPATIONS

8.01.01 PURPOSE

The purpose of this section is to protect and maintain the character of residential neighborhoods while recognizing that particular professional and limited business activities are traditionally and inoffensively carried on in the home.

8.01.02 AUTHORIZATION

The following home occupations shall be permitted in any residential dwelling unit, including mobile homes, provided that the home occupation complies with the lot size, bulk, and parking requirements of the zoning district in which the home occupation is located:

- A. Homebound employment of a physically, mentally, or emotionally handicapped person who is unable to work away from home by reason of his disability;
- B. Office facilities provided that no retail or wholesale sales are made or transacted on the premises; and,
- C. Studios or laboratories.

8.01.03 USE LIMITATIONS FOR HOME OCCUPATIONS

In addition to meeting the requirements of the zoning district in which it is located, every home occupation shall comply with the following restrictions:

- A. No person other than members of the family residing on the premises shall be engaged in the conduct or support of such occupation.
- B. No stock in trade shall be displayed or sold on the premises.
- C. Only sales incidental to the home occupation shall be permitted.
- D. The home occupation shall be conducted entirely within the principal dwelling unit, and in no event shall such use be visible from any other residential structure or a public way.
- E. The use of the dwelling unit for the home occupation shall be incidental and subordinate to its use for residential purposes, and no more than twenty-five (25%) percent of the building floor area shall be used in the conduct of the home occupation.
- F. There shall be no outdoor storage of equipment or materials used in the home occupation.
- G. No more than one (1) vehicle shall be used in the conduct of the home occupation.
- H. No mechanical, electrical, or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisance outside the residential structure shall be used.
- I. No home occupation shall be permitted that is noxious, offensive or hazardous by reason of vehicular traffic generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation, or other objectionable emissions.

- J. No traffic shall be generated by such home occupation in greater volume 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 required front yard.**

8.02.00 TEMPORARY USES AND STRUCTURES

8.02.01 AUTHORIZATION

Temporary uses are permitted in any zoning district subject to the standards hereinafter established, provided that all temporary uses shall meet the dimensional and parking requirements for the zoning district in which the use is located.

8.02.02 PARTICULAR TEMPORARY USES PERMITTED

Permitted temporary uses include:

- A. Garage sales, provided that no more than two (2) sales of three (3) days each are conducted at any site during any one (1) calendar year.
- B. Indoor and outdoor art and craft shows, bazaars, carnivals, revivals, circuses, sports events, and exhibits in the Residential, Mobile Home-5 (RMH-5); Residential, Multiple-Family-5 (RM-5); Residential, Multiple-Family-7 (RM-7); Residential, Multiple-Family-9 (RM-9) Residential, Multiple-Family-11 (RM-11); Residential, Multiple-Family-15 (RM-15); Commercial, Neighborhood (CN); Commercial, General (CG); Industrial Light (IL); Agricultural-1 (AG-1); Agricultural-2.5 (AG-2.5); Agricultural-5 (AG-5); Institutional (I); and Recreational Vehicle Park (RVP) Districts, provided that no more than two (2) events of seven (7) days each are conducted on the same property during any calendar year.
- C. Tents for temporary uses and functions that are accessory to the principal use and are used as temporary cover during special events or sales for uses directly related to those events or sales provided that:
 1. No more than two (2) events of seven (7) days each are conducted on the same property during any calendar year; and
 2. The applicant secures a written statement from the St. Lucie County Fire District that the tents under which the operation are to be held are of fireproof material and will not constitute a fire hazard. (NFPA Code 102).
- D. Christmas tree sales in the Commercial, Neighborhood (CN); Commercial, Office (CO); Commercial, General (CG); Industrial Light (IL); Agricultural-1 (AG-1); Agricultural-2.5 (AG-2.5); Agricultural-5 (AG-5); and Institutional (I) Districts, provided that such use shall not exceed sixty (60) days.
- E. Construction offices, which may be used for security purposes, and equipment sheds in any zoning district in which erection, addition, relocation or structural relocation is taking place provided that such use shall be limited to the period of actual construction and no more than one (1) security employee lives in the construction or sales office for a period not to exceed the period of actual construction.
- F. Mobile Homes
 1. Mobile homes may be used as construction or sales offices in any district in which erection, addition, relocation, or structural relocation is taking place provided:
 - a. Such use shall be limited to the period of actual construction;

- b. Tie down permits shall be obtained;
 - c. All such mobile homes comply with any applicable regulations; and,
 - d. The mobile home in which the security employee(s) live shall not remain after the period of actual construction.
2. Mobile homes as temporary shelter incidental to construction of a residence in all residential zoning districts, AR-1, AG-1, AG-2.5 and AG-5. Prior to occupancy of such mobile home, permits for the principal residence shall be required. Occupancy of the mobile home shall be restricted to that period of time during which construction is taking place in accordance with a valid building permit. In no case shall occupancy exceed one (1) year, regardless of state of construction, with one (1) six (6) month extension. The extension shall be subject to the approval of the Board of County Commissioners.

G. Use of Recreational Vehicles as Temporary Shelter

When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence may be permitted subject to the following regulations:

- 1. Required water and sanitary facilities must be provided.
- 2. The maximum length of the use shall be six (6) months, but the director may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for an extension shall be made at least fifteen (15) days prior to expiration of the original permit.

H. Religious facilities in existing structures in CG (Commercial, General) zoning districts. Such use shall be limited to the worship activities of the named applicant for the temporary use permit including educational programs conducted in conjunction with the worship service, but shall not include child care programs conducted independently from the worship service or the establishment of schools. The temporary use shall be valid for a period of five (5) years. Extensions to the five (5) year period shall be granted only if the Board determines that the religious facility has made a good faith effort to relocate to a permanent facility.

I. Temporary on-site real estate sales centers:

- 1. Included as a part of site plan approval, specific authorizations may be granted permitting the installation or construction of a temporary on-site sales center prior to the issuance of any building permits for the primary portions of the development project. As a prerequisite to the granting of this authorization the developer(s) of the approved site plan project shall be required to provide St. Lucie County with sufficient security, to be determined by the County, for the removal of this temporary facility should the development fail to proceed and the site plan approvals expire.
- 2. All temporary on-site sales facilities shall be constructed in accordance with applicable St. Lucie County regulations and shall be required to obtain all necessary permit approvals, including but not limited to Stormwater Management Permits, Driveway Connection Permits, and all required building and public health permits. All temporary on-site sales facilities shall be removed from the development site upon the completion of the last phase or unit

of the approved site plan or upon expiration of the site plan approval.

Sales and real estate transactions conducted under this authorization shall be for the property on which the site plan approval has been granted pursuant to Section 11.02.00 of this Code. No sales or other commercial trade activities will be authorized from these locations.

J. Special vehicle and boat sales events on-sites not approved for the permanent display vehicle and boat sales may be approved by the Public Works Director if the following requirements and standards are met:

1. Said events shall be conducted on property having a CG, IL or IH zoning designation, or on property approved by the Public Works Director for special public events, such as the fairgrounds site;
2. Said events shall be conducted on property having existing, permanent, and permitted driveways and access points. No new driveways (road cuts) are permitted in conjunction with sales events;
3. The event shall have a duration of four (4) or fewer consecutive days and shall be conducted by one or more dealers having a valid St. Lucie County occupational license;
4. Said events shall be conducted on property having adequate area for vehicle display, employee and customer parking. Vehicle display areas may be unpaved, However all employee and customer parking areas must be paved. Vehicles offered for sale must be displayed only in areas identified as display areas on the scaled drawing submitted as part of the temporary use permit application. Employee and customer parking must be provided at a rate of one space per one thousand (1,000) square feet of vehicle display area;
5. Said events may be conducted on-sites approved for other uses (such as banks, shopping centers) provided that the following conditions are met:
 - (a) No parking spaces designated as being required on the approved site plan for the host site may be used as display area or customer/employee parking for the special vehicle sales event unless the following criteria are satisfied:
 1. The applicant for the Temporary Use Permit provides a written, certified statement from the owner or agent for the host site/use that sufficient square footage of approved floor area is unoccupied to provide parking or display area for the special vehicle sales event; or
 2. The applicant for the Temporary Use Permit provides a written, certified statement from the owner or agent for the host site/use stating that the host use will be closed for the entire duration of the special vehicle sales event, including vehicle display times. However; where host uses such as banks participate in the sales event, that activity will not constitute operation by the host use, provided that the host use is not open to the general public for business unrelated to the special sales event.
6. No extension of a temporary use permit for special vehicle sales events may be granted.
7. All signs to be used in conjunction with the event must conform to the requirements of

Section 9.01.02(c) of the St. Lucie County Land Development Code. A sign permit(s), if required, must be obtained prior to issuance of any temporary use permit for a sales event.

8. Sanitary facilities shall be provided in accordance with applicable environmental health regulations. Prior to issuance of any temporary use permit for a sales event, the applicant must obtain written approval from the St. Lucie County Public Health Unit for all proposed sanitary facilities.
9. Prior to the issuance of any temporary use permit for a sales event, the applicant must obtain written approval from the Public Works Director for use of any temporary facilities (such as a tent). Use of any facilities required to be inspected by St. Lucie County or the St. Lucie County Fire Department shall be inspected by the appropriate department prior to operation of the facility.
10. Concessions may only be permitted as an accessory use to the sales event. If concessions are proposed, the applicant for the sales event must obtain written approval from the St. Lucie County Public Health Unit for the proposed concession facilities, prior to the issuance of any temporary use permit for the sales event.
11. Special Vehicle Sales Event applications must meet all submittal requirements for a temporary use permit application. In addition, special vehicle sales event applications must include the following:
 - (a) A scaled drawing showing:
 1. The dimensions of the property parcel upon which the event is to be held;
 2. The dimensions of the sales event area;
 3. Location and dimension of all display areas, parking areas, and driving aisles to be utilized;
 4. All adjacent roadways and driveways of the property parcel site;
 5. All signs to be used in conjunction with the sales event and the size and type of sign(s) used;
 6. Existing zoning of the subject property and applicable setbacks.
 - (b) Information identifying:
 1. Beginning and ending dates of the event;
 2. Hours of operation of the event;
 3. Approximate number of vehicles displayed at any one time on the event site.
 4. Any temporary facilities, including sanitary; display (such as tents), and concessions;
 5. How parking and traffic flow will be properly directed onto and within the event site;
 6. If existing parking spaces of a permanent use (such as shopping plaza) are to be utilized by patrons and employees of the sales event, calculations shall be submitted demonstrating that the sales event will not utilize any parking spaces necessary, in accordance with the parking standards specified in this code, to service the existing uses.

