

Land Development Regulations

Chapter 3-9. Zoning

Article III. Special Regulations

Sec. 3-9-84. Sexually Oriented Businesses

**Sec. 3-9-84. Sexually Oriented Businesses.**

(a) The purpose of this section is to provide reasonable regulations to alleviate the adverse secondary effects of certain detrimental uses of land which tend to create a skid-row atmosphere where concentrated and which tend to degrade residential areas and public facilities when located in close proximity thereto.

(b) All sexually oriented businesses shall comply with requirements set forth in Chapter I, Article V. Sexually Oriented Business.

(c) No sexually oriented business shall be located closer than ~~two thousand (2,000)~~ feet to another sexually oriented business, measured on a straight line connecting the closest points of the buildings.

(d) No sexually oriented business shall be located closer than ~~one thousand (1,000)~~ feet on a straight line from any residential or ~~mobile-manufactured~~ home district or use, any property zoned Commercial Tourist, any area within a planned development developed or intended to be developed for residential use.

(e) No sexually oriented business shall be located closer than ~~one thousand (1,000)~~ feet measured on a straight line from any school, park, church, public recreation facility, or child care facility.

(f) At the time of application for an occupational license to operate any establishment subject to this section, the applicant shall provide a street address and legal description of the property containing the existing or proposed sexually oriented business, accompanied by a survey signed and sealed by a professional surveyor registered in the State of Florida which depicts the locations and distances to any residentially zoned property, any property zoned Commercial Tourist, or any school, park, church, public recreation facility, or child care facility measured on a straight line connecting the closest point of the buildings. If the building within which a proposed sexually oriented business would operate does not yet exist, the applicant must provide a site plan of the proposed establishment prepared by a professional architect or engineer registered in the state of Florida which, in conjunction with the survey, shall verify that the distance requirements set forth in this section shall be maintained.

(g) All doors, windows and other building openings of a structure housing a sexually oriented business shall be so located, covered or screened as to effectively prevent visual access into the interior of the building from any public area.

(h) The premises at which a sexually oriented business is located shall be buffered in such a way that no part of the sexually oriented business, which in any way conveys a message as to the goods or services offered therein, is visible from any residentially zoned property, any property zoned Commercial Tourist, or any school, park, church, public recreation facility, or child care facility.

(i) The premises at which a sexually oriented business is located shall have exterior lighting such as to eliminate any darkened areas within, for example, parking areas, around dumpsters, and building recesses. Such lighting shall be directional, recessed, or otherwise controlled so as to not illuminate or become a nuisance to surrounding residential properties.

(j) Signage associated with any use subject to this section, whether on or off the site, shall not include any display or depiction, including silhouettes, of specified anatomical areas or involving specified sexual activities.

(k) Applicability of this section:

- (1) Any establishment which was considered a detrimental use under prior law because of a use which would be classified as a sexually oriented business under this chapter and which was granted a Special Exemption for such use before the effective date of this section and which meets the definition of a sexually oriented business in this chapter shall be considered a sexually oriented business and may continue to operate the existing business at that location,

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1 subject to the requirements of ~~section 1-10-125~~ Section. 1-10-125(c) of this Code, until the  
2 occurrence of any of the following:

- 3 a. The use is expanded, altered, modified, enlarged or intensified; or  
4 b. The use violates any of the terms and conditions of the Special Exception; or  
5 c. The Special Exception expires pursuant to subsection ~~3-9-7 3-9-6.2(h)~~ of this Code.

6 Provided, however, that upon the transfer of ownership of a business granted such a Special  
7 Exception, subsequent owners may continue to operate the existing business at that location,  
8 but shall be required to conform to all other requirements of ~~chapter 1-10~~ Chapter 1-10,  
9 Article V, of this Code.

- 10 (2) Any establishment which was considered a detrimental use under prior law because of a use  
11 which would be classified as a sexually oriented business under this chapter but which was not  
12 required to obtain a Special Exception and which meets the definition of a sexually oriented  
13 business in this chapter shall be considered a sexually oriented business and may continue to  
14 operate the existing business at that location, subject to the requirements of ~~section 1-10-125~~  
15 Section. 1-10-125(c) of this Code, until the occurrence of any of the following:

- 16 a. The use is expanded, altered, modified, enlarged or intensified; or  
17 b. The business fails to renew its occupational license by December 31 of any year; or  
18 c. The use ceases for a period of ~~ninety (90)~~ consecutive days or more for any reason; or  
19 d. The transfer of ownership of the business.

- 20 (3) Any establishment which was not considered a detrimental use under prior law but which meets  
21 the definition of a sexually oriented business in this chapter shall be considered a sexually  
22 oriented business and may continue to operate the existing business at that location, subject to  
23 the requirements of ~~section 1-10-125~~ Section. 1-10-125(c) of this Code, until the occurrence of  
24 any of the following:

- 25 a. The use is enlarged or intensified; or  
26 b. The business fails to renew its occupational license by December 31 of any year; or  
27 c. The use ceases for a period of ~~ninety (90)~~ consecutive days or more for any reason; or  
28 d. The transfer of ownership of the business.

- 29 (4) Upon the occurrence of any of the events set forth above in the absence of a valid sexually  
30 oriented business license for the premises, said sexually oriented business shall cease  
31 operation.

32 (~~Minutes of 12-8-81, § 8; Ord. No. 99-037, § 3, 7-20-99~~)