

**New Proposed Zoning District  
AG-1 (5 Acre)**

Prepared for the  
September 24, 2015 meeting of the Board of County Commissioners



## **RECOMMENDATION**

It is recommended that the Zoning Board approve the attached revisions to the Santa Rosa County Land Development Code, creating a new zoning district with a one unit per five acres maximum density applicable to the Agriculture Future Land Use Map category.

## **BACKGROUND:**

During the August 27, 2015 special rezoning meeting, the Board of County Commissioner's directed staff to create a new five acre maximum density zoning district that would be applicable to the Agriculture Future Land Use Map category. This new zoning district accomplishes that and will provide an alternative to the current one unit per acre or one unit per fifteen acre zoning districts that are available today. This new zoning district was also a recommendation of the 2007 Rural Development Plan.

## **STAFF ANALYSIS:**

The proposed new zoning district is essentially the same as the current one per fifteen acre zoning district with the exception of a revised maximum density. In the past, requests to rezone properties to the one unit per acre agriculture zoning district from the one unit per fifteen acre agriculture district have been conditioned at the County Commission or Zoning Board level to a one unit per five or four acre density. The creation of this new zoning district eliminates the need to have to "condition" rezoning requests and then subsequently enforce that "condition" should a case be presented that would benefit from this one unit per five acre density. The new zoning district also provides an option for those applicants seeking to rezone from the one per fifteen acre zoning district.

In addition, staff anticipates future changes to the Land Development Code that would amend the County's current subdivision requirements. Alternatives are currently being researched and staff anticipates bringing forward options by the beginning of next year unless otherwise directed.



**ARTICLE TWO**

**ADMINISTRATION**

**(AMENDED SECTION ONLY)**

**2.04.00 SPECIAL EXCEPTIONS, VARIANCES AND CONDITIONAL USES:** The ~~BOA~~  
**ZB** shall have the following duties and powers:

A. Variances - To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to public interest. Where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done. Such special conditions shall be limited to exceptional physical characteristics inherent in the specific piece of property such as exceptional narrowness, shallowness, shape, adverse topographic conditions as would result in peculiar and practical difficulties. Any variance shall not be contrary to the public interest and when owing to conditions peculiar to the property and not of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardships. A variance can be authorized for any provision within the Land Development Code which does not impair the intent of the zoning ordinance, zoning district map, and/or amend the Comprehensive Plan. Variances shall not be authorized for such provisions as minimum lot size, maximum density, permitted and/or conditional uses, distance of vendors selling liquor, beer or wine for on premise consumption from a church or school, road frontage (except where permitted by Special Exception or as specifically provided below), and other similar provisions.

Variances for road frontage may be authorized only under the following conditions:

1. The parcel was established by contract for deed prior to the date that road frontage requirements were effective for the subject property. Such contract for deed must be in writing and properly witnessed to be considered valid for the purposes of this provision.
2. The applicant agrees to and coordinates joint access with such adjoining parcel as specified by the Planning Department. Any access for the parcel shall be designed and constructed to allow for and facilitate joint access by the adjacent parcel.

B. No variances shall be authorized under this provision unless the Board finds that all of the following conditions exist:

1. The special circumstances or conditions applying to the building or land in question are peculiar to such property and do not apply generally to other land or buildings in the vicinity.
2. The variance is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.
3. The authorization of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of

fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of Santa Rosa County.

4. The variance will not impair the intent of the zoning ordinance or zoning district map.
5. To permit the reduction of parking or loading requirements whenever the character or use of a building is such as to render unnecessary the full provision of parking or loading facilities as specified herein or whenever the strict enforcement of such provision would impose an unreasonable hardship as contrasted with merely granting an advantage or convenience.

Additionally, variances from access management connection standards may be granted where the effect of the variance would be to enhance the safety or operation of the roadway.

C. Special Exceptions - To hear and decide special exceptions to the terms of this ordinance. The Board is hereby authorized to grant special exceptions in appropriate cases and with appropriate safeguards to authorize the use of a premises for a purpose not generally permitted within the district in which said premises is located or to interpret specific provisions of this ordinance expressed in this Section whenever it finds sufficient facts to demonstrate to its satisfaction that such exception if granted would be substantially in harmony with the general purpose and intent of this ordinance.

The authority to decide special exceptions is limited to the following cases:

1. To permit the extension of a district where the boundary line of a district divides a lot held in single ownership at the time of passage of this ordinance, except in the case of unplatted subdivisions.
2. To interpret the location of a district line where the street layout on the ground varies from the street layout as shown on the zoning district map or in the event of any other ambiguity, except in the case of unplatted subdivisions.
3. To permit the reconstruction of a non-conforming building which has been destroyed or partially destroyed by fire or Act of God, where the Board shall find that the continuance of such non-conforming use is in harmony with the general welfare of the public.
4. To permit the construction, extension, structural alteration or operation of the following uses, which are otherwise prohibited from certain districts, upon finding by the Board that proper safeguards and conditions have been provided to lessen congestion in the streets, to secure safety from fire, panic or other dangers, to promote health and general welfare, to provide adequate light and air and to prevent overcrowding of land. The Board may impose such additional reasonable conditions and safeguards as it shall deem appropriate to promote the general purposes of this Ordinance. The Board shall have the authority to authorize the following uses in the districts specified; whenever it finds that the safeguards and conditions stipulated have been met:

- a. Cemetery or mausoleum in any district, but provided that:
    - 1) No main or assembly building be located closer than fifty (50) feet to any lot line adjoining an "R" district.
    - 2) Direct access be provided to a collector or major thoroughfare street as differentiated from a local street which serves predominantly as access to residential property.
    - 3) No undertaking establishment or funeral home be operated as a part of such cemetery or mausoleum except in the district where such uses are permitted in this Ordinance.
  - b. Off-Street parking lot in R-2, R-2M, and R-3 "Multiple Family Districts" provided that at least one (1) boundary of such parking lot abuts a non-residential district and provided further that such parking lot is accessory to a permitted use located not more than (300) feet from the use served. In addition, site plan and landscaping requirements for all such off-street parking areas shall comply with Section 6(B)(11) regarding required landscaping, except that neither a public hearing shall be required by the ~~County Zoning Review and Appeals Board~~ **Zoning Board**, nor shall a review thereof be required by the County Commission.
5. To permit a limited range of commercial uses strictly in conjunction with residential uses in Agricultural districts only and located on the same lot and limited to the following provisions:
- a. Maximum number of employees other than family members limited to four (4).
  - b. The maximum sized structure allowed for commercial uses limited to 1,200 square feet of total gross floor area.
  - c. Commercial activities limited to: woodworking, welding, professional services such as day care, modeling, dancing, and photography studios, hair care and similar services, plumbing and electrical contractors and similar services, and limited retail sales.
  - d. Insure the health, safety and welfare of the surrounding community by imposing additional, reasonable safeguards as it shall deem appropriate.
6. To allow the dividing of a parcel in the Residential zoning districts, resulting in a parcel which does not possess the required road frontage, if the following provisions are met:
- a. The divided land shall only be given without valuable consideration to a member of the donor's immediate family. (Immediate family being defined as spouse, father, mother, brother, sister, son, daughter, stepchild, grandchild, or grandparent).
  - b. Property being divided shall not be located within a recorded, platted subdivision.

- c. The maximum allowable density of the parcel created shall not exceed the allowable density of the respective zone.
  - d. Except for frontage and that which is herein contained, all other requirements of this Ordinance shall be adhered to.
  - e. An easement maintenance agreement between property owners is required or; an access easement (minimum width 20 ft.) must be included in each newly created deed.
  - f. No new County maintained roads are created.
  - g. The parcels created are compatible with neighboring properties. The following criteria will be utilized in determining compatibility: social compatibility (to be accomplished through neighboring property owner notification per Section 2.04.03 and citizen review); disposition and orientation of any proposed buildings on the newly created lot(s); scale; and visual integrity.
7. To permit the dividing of a parcel in the Highway Commercial Development District resulting in a parcel which does not possess the required road frontage, provided that:
- a. Joint access is provided and established through a joint access agreement between property owners. The joint access agreement must specify responsibility for access improvements necessitated by the development of either lot;
  - b. Except for road frontage, all other requirements of this Ordinance shall be adhered to; and
  - c. No more than one (1) non-conforming lot is created and that parcel is deed restricted such that it cannot be further subdivided unless all of the platting requirements are met; and
  - d. The parent parcel must conform to the road frontage requirements of this Ordinance and must abut a state or county approved roadway; and
  - e. The division of the parent parcel does not result in the creation of a flag lot; and
  - f. An access management plan for the minor subdivision must be approved by the County Engineer as provided in Section 4.04.03 (D)(11).
8. To allow the temporary use of a mobile home as a guest residence within any residential zoning district due to medical hardship if the following conditions are met:
- a. The need for medical care must be certified in writing by a physician licensed in the State of Florida stating the medical hardship and specifying the extent of the need for in-house medical care and approximate length of time for the in-house medical need.

- b. A mobile home for temporary use shall not exceed 1,300 square feet in size.
- c. Both the primary residence and the mobile home must be located on a parcel with the same property identification number.
- d. Either the caregiver and their immediate family, or the person in need of medical care may occupy the mobile home.
- e. To avoid overcrowding on a parcel, the minimum lot size for the primary dwelling and mobile home shall be one-quarter acre in all zoning districts for those parcels utilizing public sewer, as long as lot coverage and setback requirements of the relevant zoning district are met. For those parcels utilizing septic tanks, the minimum lot size shall be one-half acre, as long as lot coverage and setback requirements of the relevant zoning district are met.
- f. The mobile home must have available adequate water, sewer (septic tank), solid waste removal, and electric service. The building inspections department shall inspect the utility connections and shall verify that the mobile home complies with hurricane safety requirements.
- g. A survey or site plan is required and must be drawn to scale and show the location of all existing structures, the proposed location of the mobile home, and all required setback distances.
- h. The mobile home must be located behind the principle dwelling, be separated from the principle dwelling by at least 10 feet, and shall observe all setback requirements for the main building.
- i. Once the mobile home is placed upon the property, the wheels and axles shall not be removed, and no building permit shall be approved for additions to the mobile home, except for handicapped access ramps.
- j. The ~~BOA~~ ZB shall determine that the temporary use is the minimum necessary to afford relief due to a medical hardship which is defined as a condition of health whereby a person requires temporary in-house medical care and assistance by another but where circumstances make it difficult or impossible for the caregiver to reside in the same dwelling as the person in need of such care.
- k. The ~~BOA~~ ZB shall make a compatibility finding that the temporary use will not have an adverse impact on the use of surrounding properties.
- l. The temporary use of a mobile home as a guest residence due to medical hardship may be initially granted for a period of up to two years. One additional extension of up to two years may be granted by the ~~BOA~~ ZB based on a physician's confirmation of the continuation of the hardship, and a finding of no changed circumstances, which would alter prior findings made by the BOA, filed prior to the two-year expiration date. The fee for notice, signage, and legal advertisement requirements shall apply to such extensions.

- m. When the medical hardship ends, or an extension is denied, or upon expiration of the initial approval, or upon expiration of the additional two-year extension, the mobile home must be removed from the site within 60 days. Thereafter, code enforcement procedures will be instituted against the property owner to remove the mobile home. Only the ~~BOA~~ ZB, based on competent and substantial evidence or just cause, may extend the 60-day period.
  - n. Prior to the placement of the mobile home on the property, the owner of the parcel shall execute a "hold harmless agreement" acknowledging the county's right to remove the mobile home at the owner's expense if the owner, or his or her heirs and assigns, fail to remove the mobile home within the specified 60-day time period or extended period.
9. To permit the dividing of a parent parcel in the RR-1, R-1, R-1M, and R-1A zoning districts, resulting in a parcel(s) which will not possess the required road frontage. A parent parcel is defined as those lots of record as of October 22, 1998. A parent parcel may be subdivided with the following provisions:
- a. A parent parcel may only be subdivided to create a maximum of three (3) new lots which do not meet minimum road frontage requirements. The three new lots will include the remainder of the parent parcel if road frontage requirements cannot be met;
  - b. No new County roads are created;
  - c. An easement maintenance agreement between property owners or an access easement (minimum width 20 feet) included in the deed is required;
  - d. Property being divided shall not be located within a recorded platted subdivision;
  - e. The maximum allowable density of the parcel created shall not exceed the allowable density of the respective zone;
  - f. Except for street frontage and that which is herein contained, all other requirements of this ordinance shall be adhered to; and
  - g. The new parcel size, use and configuration must be consistent with existing residential uses in the vicinity.
10. To allow the temporary (seasonal) use of recreational vehicles (RVs) located in the Rural Residential (AG-RR), Estate Residential Agriculture (AG-1), or Agriculture-2 (AG-2) districts on parcels less than five (5) acres in size, subject to the following requirements:
- a. The recreational vehicle must be owned by the property owner or an immediate family member.
  - b. The property owner shall provide for the lawful disposal of all waste.

- c. Commercial use of recreational vehicles in Agriculture or Agriculture-2 districts is prohibited. RVs or RV space may not be leased.
- d. The recreational vehicle must adhere to the setback requirements for accessory building and structures found in Section 2.10.05.
- e. The placement of the RV shall not have any adverse impact upon adjoining or nearby properties.
- f. The ~~Board of Adjustments~~ **Zoning Board** may impose additional criteria or restrictions, including but not limited to time limits and number of units, based on site-specific circumstances and characteristics to assure compatibility with adjacent uses.

D. Conditional Uses – To hear and make a recommendation to the Board of County Commissioners regarding land uses which are conditional within each zoning district. The Board shall be charged with considering the criteria, general and specific (as specified in Section 6.09.00), with respect to the proposed use and assessing the impact said use may have on the surrounding area.

2.04.01 Consideration By The ~~Zoning Board of Adjustment~~ **Zoning Board**: In considering all proposed variations to this ordinance, the Board shall, before making any finding in a specific case, first determine that the proposed variance or special exception will not constitute any change in the districts shown on the zoning map and will not impair an adequate supply of light and air to adjacent property, or materially increase the congestion in public streets, or increase public danger of fire safety, or materially diminish or impair established property values within the surrounding area, or in any respect impair the public health, safety, morals and general welfare of Santa Rosa County. All approved variances and special exceptions shall be developed and maintained as approved by the ~~Zoning Board of Adjustment~~ or Board of County Commissioners as applicable. Failure to do so shall constitute a violation of this ordinance.

2.04.02 Additional Considerations and Requirements in Review of Coastal Setback Variance Request (Protective Shoreline Structures):

A. Explanation of Need - Protective shoreline structures water-ward of the setback line shall not receive a variance unless the applicant demonstrates to the Board's satisfaction that the subject property is critically imperiled due to the imminent probability of the projected wave up-rush predicted in the study by the University of Florida Coastal and Oceanographic Engineering Department, endorsed by the Florida Department of Environmental Protection (DEP) pursuant to Florida Statutes 161.053, or as amended.

The applicant shall present a description of the exceptional physical conditions of the property and other special conditions which render compliance with the construction setback line a demonstratable hardship. The applicant shall submit scaled drawings showing the location of upland and adjacent structures, mean high water line, and the construction setback line referenced to DEP monuments if applicable.

B. Impact on Shoreline Preservation and Stability of Adjacent Property - Before applications for a Department of Environmental Protection (DEP) permit, the applicant shall prove to the Board's satisfaction that the location, alignment and general design of the structure shall not reasonably impair shoreline stability and shall minimize the erosive tendency of hardened shoreline structures.

The applicant shall provide a design concept prepared by an engineer registered in the State of Florida with experience in shoreline erosion problems and solutions. The said engineer shall certify that the location, alignment and design of the structure shall minimize adverse impacts to the shoreline system and adjacent properties; and that the location and alignment of the structure shall be as far landward as possible to provide maximum opportunity for natural dissipation of energy arising from wave uprush. An approved DEP permit or detailed engineering including design or revetment to dissipate energy; methods of anchoring and tie-in, and other structural features shall be examined by the County Zoning Board of Adjustments as part of site plan review if variance requests are being considered.

C. Sub-grade Revetments; Sand and Vegetative Cover; and Sand Replenishment - The Board shall require where reasonable and practical the use of sub-graded revetments, sand cover and vegetative cover over all shoreline structures together with a sand replenishment program to maximize natural dissipation of energy from wave up-rush, decrease scour and generally minimize erosive tendencies of hardened structures. All sub-graded structures shall be required.

D. Removal of Structures - Any shoreline protective structure approved by the Board for a variance and subsequently constructed shall be displaced and removed if either the subject structure or the primary protected upland structure is destroyed or damaged to an extent greater than fifty percent (50%) and variance for reconstruction of the same is not subsequently granted water-ward of the setback line by both the Board and the State of Florida Department of Environmental Protection.

2.04.03 Procedure For Filing Applications: All applications to the Board for granting of variances, conditional uses or special exceptions to this ordinance shall be filed with the Planning Department, no later than thirty (30) business days prior to the next regularly scheduled meeting and thereupon the Board shall consider such application. At the time of filing such applications, the applicant shall deposit with the Planning and Zoning Division a fee in an amount as prescribed by the Board of County Commissioners. For appeals, variances, conditional uses and special exceptions letters shall be sent via certificate of mailing explaining the nature of the appeal, variance, conditional use or special exception and the time, date, and location of the meeting to be held to consider such variance, conditional use or special exception. For appeals and variances, letters shall be sent to all property owners within one hundred and fifty (150) feet of the property where said appeal or variance, is proposed. However, if the variance is for a structure greater than 35' in height, the notice shall be sent to property owners within five hundred (500') feet, or for any type of borrow pit, C&D, or LCD disposal facility, the notice shall be sent to property owners within fifteen hundred (1,500) feet of the property where said request is made. If the variance is located in the Rural Protection Zone, as identified by the Rural Development Plan, notice shall be sent to property owners within five hundred (500') feet of the boundary of the subject property, or 1,500 feet for structures 35 feet in height. For conditional uses or special exceptions, letters shall be sent to all property owners within five

hundred (500') feet; however if the property is located within the Rural Protection Zone, the notification range shall be 1,500 feet.

Additionally, a sign no smaller than twenty (20) inches by thirty (30) inches shall be posted on said property clearly readable from the nearest road and stating the same information as the letters. The sign and letters must be completed fourteen (14) days prior to said meeting. Determinations made by the **Zoning** Board ~~of Adjustment~~ shall be valid for a period not to exceed 36 months and must, therefore, be used by the applicant within the said 36 month period.

## ARTICLE FOUR

### GENERAL PROVISIONS

#### (AMENDED SECTIONS ONLY)

**4.01.00**      **PURPOSE:** This article sets forth the requirements for application and review of development plans submitted for approval.

(SUBSECTIONS 4.01.01-4.01.12 OMITTED)

#### 4.03.13      Modifications and Exceptions

A.      Modifications - The general principles of design and minimum requirements set forth in Sections 4.03.03, 4.03.04 and 4.03.07 of this ordinance may be varied in the case of a subdivision large enough to constitute a self-contained neighborhood and developed in accordance with the development plan safeguarded by appropriate restrictions.

The modifications to standards shall be allowed only upon certification of the developer's registered professional engineer and recommendation of the County Engineer and approval by the Board of County Commissioners.

B.      Minor Subdivisions - Minor subdivisions, as herein defined, need not comply with the platting requirements and specifications of this Ordinance. Proposed minor subdivisions meeting any of the following criteria must be reviewed for consistency with applicable Land Development Code and Comprehensive Plan regulations prior to subdivision of the land:

1.      if the property being divided is located on an Access Management corridor;
2.      if the property being divided is located in a Military or Public Airport Zone as specified in Article 11;
3.      if the property being divided is located in the Garcon Point Protection Area identified in the Santa Rosa County Comprehensive Plan; or
4.      if the property being divided is located in an identified storm water problem area as shown on a map available from the County Engineer and the resultant lots or parcels are less than one (1) acre in size.

The application must include a site plan, drawn to scale, showing the configuration and acreage or square footage of the original parcel(s) and proposed division. The application for subdivisions meeting requirement four (4) above must also include drainage plans as required by Section 4.03.06(F).

Land conveyed in such developments may be described by metes and bounds, and shall be recorded by deed. This exemption will not apply to parcels located on deeded county right-of-ways where the actual roadway has not been constructed and has not been accepted for maintenance by the County and to parcels located on private roadways that were not approved by

the County through the platting process, except those private roadways that existed as of April 24, 1986 and are shown and named on the County's original zoning maps.

C. Inheritance - Any division of land resulting directly from inheritance, testate or intestate, shall be exempted from the platting provisions of this ordinance. However, subsequent re-subdivision shall not be exempted.

D. Deed or Gift - Any deed or gift of any parcel of land given without valuable consideration to any member of the donor's family, shall be exempted from the platting provisions of this Ordinance. The County will not maintain any street created on right-of-ways through such conveyance without the street qualifying under this Ordinance. Such deed or gift subdivisions must comply with Section 2.04.00(B)(6) and any subsequent resubdivision of the same property must comply with all requirements of this Ordinance.

E. Model Home/Sales Office - For each parcel subject to an approved subdivision construction plan, the construction of no more than two (2) principal residential structures for use as a model home and/or on-site sales office provided that such structures may not be sold, occupied for residential purposes or issued a Certificate of Occupancy until the Final Plat is approved and recorded.

F. Variances - In any particular case where the developer can show that by reason of exceptional topographic or other conditions, strict compliance to this ordinance would cause practical difficulty or exceptional and undue hardship, the requirements causing such practical difficulty or hardship may be relaxed through recommendation of the County Engineer and approval of the Board of County Commissioners provided that such relief can be granted without detriment to the public good and without impairing the intent and purpose of this Ordinance.

The Clerk of Circuit Court shall not accept for recording deeds or other legal instruments conveying divisions of property for conveyance to Santa Rosa County unless said instruments have been accepted by the Board of County Commissioners.

G. Paving Exemptions - The paving requirements of this Ordinance shall not be applicable to the paving of any dirt street that is a part of those dirt streets which are parts of the County road system and are being maintained by the County on the effective date of this Ordinance.

H. Boundary Line Exemptions - Conveyances which are executed solely to resolve boundary line disputes or to increase or decrease the size of adjoining parcels of property and which do not create developable parcels of property separate and apart from the existing parcels are exempted from the platting requirements of this Ordinance.

I. Large Parcel Exemptions - Subdivisions of land into parcels fifteen (15) acres or greater in size need not comply with the platting and road frontage requirements of this Ordinance so long as no new County roads are created or no new lot or parcel is created within Accident Potential Zone or Clear Zone. Prior to the adoption of Ordinance 91-24, the subdivision of land into parcels greater than four acres in size was exempt from platting requirements. Any residential development which sold lots pursuant to said four acre provision prior to August 22, 1991, may continue the subdivision and development of lots greater than four acres in size without complying with platting requirements. Such continued subdivision of parcels greater

than four acres in size shall be allowed only on roads which physically existed prior to August 22, 1991.

J. Large Parcel Subdivisions - The subdivision of land into individual parcels of four (4) acres or more, but less than fifteen (15) acres, may be accomplished pursuant to the following provisions:

1. No new County roads shall be created. All roads shall be private roads and shall have a sixty (60)-foot right-of-way with a thirty (30)-foot all-weather road.
2. The fact that the roads are “private roads” shall be indicated on the final plat and within the restrictive covenants of the deeds.
3. Subdivision and road names shall be approved by the County Civil Defense Department.
4. A preliminary plat shall be filed which meets the requirements established by this Code and any supplemental requirements as may be imposed by the Santa Rosa County Engineering Department.
5. The final plat shall meet all requirements of the Florida Plat Act and Section 4.03.10 of this Ordinance.
6. Drainage plans prepared by a Registered Engineer shall include a storm-water management plan, and such management plan shall be based upon a one hundred (100)-year critical duration storm event.
7. The final plat may not be approved until the County has been supplied proof of establishment of a homeowners association which has been legally formed and filed with the Secretary of State.
8. All private roads shall be owned by the homeowners association, with all landowners becoming a partner as a condition of ownership. The association shall have right of lien foreclosure against an owner’s property for non-payment of property assessment which has been assessed by the homeowners association’s elected board of directors when such assessments are for drainage and/or road maintenance.
9. Deed restrictions shall be included which prohibit the re-subdivision of the parcels or property into lots or parcels less than four (4) acres in size.

K. Reservations - Notwithstanding any other provision of this Ordinance, a developer may establish a reservation program for prospective purchasers with the following conditions:

1. The developer must establish an escrow or trust account as follows:
  - a. The sub-divider shall, within three (3) business days of receipt, pay all reservation deposits into an escrow account established with a trust company, or a bank having trust powers, located within this state. The sub-divider shall

give the prospective purchaser a receipt for any reservation deposit.

- b. Within seven (7) days of receipt of a reservation deposit, the escrow agent shall send to the prospective purchaser for whom the reservation deposit was received a notice that such deposit has been received. Such receipt shall include notice that the funds are being held and will be released only in accordance with this section.
- c. The funds may be placed in an interest-bearing or non-interest bearing account, provided, the funds shall at all reasonable times be available for withdrawal in full by the escrow agent.
- d. The sub-divider shall maintain, for each reservation program, separate records within his books and records in accordance with generally accepted accounting standards, as defined by rule of the Board of Accountancy.
- e. Upon the written request of a prospective purchaser, the escrow agent shall immediately and without qualification refund in full all moneys deposited by the prospective purchaser. Upon such refund, any applicable interest shall be paid to the prospective purchaser, unless otherwise provided in the reservation agreement.
- f. The escrow agent may release specific deposits from the reservation account to the sub-divider only upon adequate showing that the prospective purchaser has entered into a binding contract or agreement for purchase of the subject lot, parcel, or unit. Upon such release, any applicable interest shall be paid to the prospective purchaser, unless otherwise provided in the reservation agreement.
- g. The developer must comply with any other applicable state and federal regulations.

L. Family Homestead and Parent Parcel Subdivisions - A Family Homestead or a Parent Parcel subdivision as specified in Section 2.04.00(C), 6.05.02(G), ~~and~~ 6.05.03(G), and 6.05.11(G) need not comply with the platting requirements of this Ordinance. Applications must be submitted and approved prior to subdivision of the land in accordance with the requirements as listed in the Sections above. Applications for proposed Family Homestead or Parent Parcel subdivisions which are located in an identified storm water problem area as shown on a map available from the County Engineer and the resultant lots or parcels are less than one (1) acre in size must also include drainage plans as required by Section 4.03.06(F).

## ARTICLE SIX

### LAND USE, TYPE, DENSITY, INTENSITY ZONING AND REGULATORY CONTROLS

(AMENDED SECTIONS ONLY)

**6.00.00**        **GENERAL**: This Article implements the goals, objectives and policies set forth in the Comprehensive Plan relating to land use in Santa Rosa County. Provisions set forth as to type of land use; density and intensity permitted are correlated with the districts shown on the Future Land Use Map and the Zoning Maps.

(SECTIONS 6.00.01-6.04.20 OMITTED)

### **6.05.00**        **DISTRICT REGULATIONS**

(SECTIONS 6.05.01 OMITTED)

#### **6.05.02**        **AG- RR – Rural Residential Agriculture District** (~~Agriculture/Rural Residential~~)

A.     **Purpose**: This district is designed to provide suitable areas for low density residential development. This district will be characterized by a single family detached structure and such other structures as are accessory thereto. This district also may include, as specifically provided for in these regulations conditional uses for community facilities and utilities which service specifically the residents of this district, or which are benefited by and compatible with a rural residential and farming environment. Such facilities should be accessibly located and appropriately situated in order to satisfy special requirements of the respective community facilities.

It is the express purpose of this Section to exclude from this district all buildings or other structures and uses having commercial characteristics, whether operated for profit or otherwise, except those home occupations and conditional uses specifically provided for in this Ordinance and the commercial activities associated with the farming environment.

B.     **Permitted Principal Uses**: In this district as a permitted use a building or premises may be used only for the following purposes: Detached single family residential structures and mobile homes. Accessory structures and facilities and uses customarily found on farms and used expressly for activities conducted in connection with farming operations, commercial and non-commercial agriculture, poultry, horse and livestock raising, provided all buildings for such accessory uses meet setback requirements for primary buildings.

C.     **Conditional Uses**: In this district, as a conditional use, a building or premises may be used only for the following purposes, upon determination by the County **Zoning** Board of Adjustment (~~Zoning Review and Appeals Board~~) that the respective use complies with standards regulating conditional uses in Section 4.04.00 et. seq. and complies with site plan review

requirements listed in Section 4.04.00: educational institutions; golf courses; places of worship; private airstrips; recreation and park areas; recreational activities; public fairgrounds; commercial antennas; towers and telecommunications facilities; public and private utilities and public facilities; placement of an accessory building on a lot directly across the right-of-way from where the principle single family dwelling is located and is under the same ownership; business and professional offices; restricted sales and service; trade service and repair; veterinary medical services; guest houses; boarding houses and transient quarters; nursing homes; and child care services.

D. Site Plan Approval: Site plan approval as provided in Section 4.04.00 is required for all development proposals with the exception of residential and agricultural uses.

E. Subdivision Conformance: Except for those lots which may be dedicated (by deed, gift or otherwise) to members of the family of the property owner, any land or lot within a plat of record (or not) on the effective date of this ordinance shall not be re-divided into two (2) or more lots unless the provisions of the Subdivision Regulations of Santa Rosa County, Florida, have been met.

F. Density: For residential development, property may be developed at the option of the owner, to a maximum of one (1) dwelling unit per one (1) acre.

G. Lot Size: The minimum width of any lot used for single family dwelling units shall be seventy (70) feet when measured at the minimum front setback line (front yard). The minimum width shall be maintained through the rear of the residential structure. The minimum width at the street right of way shall not be less than fifty (50) feet. The total square footage shall not be less than 43,560. The minimum lot width may be reduced on dead end cul-de-sac lots. In no case shall a lot width be less than fifty (50) feet when measured at the top of the arc of the street right of way line. The lot width of a cul-de-sac lot shall not be less than seventy (70) feet when measured at the bottom (chord) of the arc of the minimum front setback line. The minimum width shall be maintained through the rear of the residential structure. The total square footage shall not be less than 43,560.

1. The dividing of a parcel in the Agriculture (AG) zoning district, resulting in a parcel which does not possess the required road frontage, may be approved by the Community Planning, Zoning & Development Division with the following provisions:
  - a. The divided land shall only be given without valuable consideration to a member of the donor's immediate family. (Immediate family being defined as a spouse, father, mother, brother, sister, son, daughter, stepchild, grandchild, or grandparent.)
    - g. Property being divided shall not be located within a recorded, platted subdivision.
    - h. The maximum allowable density of the parcel created shall not exceed the allowable density of one dwelling unit per acre.
    - i. Except for street frontage and that which is herein contained, all other requirements of this ordinance shall be adhered to.

- j. An easement maintenance agreement between property owners is required or; an access easement (minimum width 20 ft.) must be included in each newly created deed or legal description.
  - k. No new County maintained roads are created.
2. The dividing of a parent parcel in the Agriculture (AG) zoning district, resulting in a parcel(s) which will not possess the required road frontage, may be permitted by the Community Planning, Zoning & Development Division with the following provisions. A parent parcel is defined as those lots of record as of adoption of this ordinance. A parent parcel may be subdivided with the following provisions:
- a. A parent parcel may only be subdivided to create a maximum of three (3) new lots which do not meet minimum road frontage requirements. The three new lots will include the remainder of the parent parcel if road frontage requirements cannot be met;
    - l. No new County maintained roads are created;
    - m. An easement maintenance agreement between property owners is required; or an access easement (minimum width 20 ft.) must be included in each newly created deed or legal description;
    - n. Property being divided shall not be located within a recorded platted subdivision;
    - o. The maximum allowable density of the parcel created shall not exceed the allowable density of one dwelling unit per acre; and,
    - p. Except for street frontage and that which is herein contained, all other requirements of this ordinance shall be adhered to.

H. Building Height: No building or structure shall exceed thirty five (35) feet above the lowest habitable floor elevation, exclusive of chimneys, elevator shafts, air conditioning condensing units or cooling towers, except as provided in Section 2.10.01.

I. Minimum Required Setbacks:

- 1. Setbacks Along Collector or Arterial Roads: The minimum required building setback for a yard along a collector or arterial road as described in 4.04.03(D), shall be as follows:
  - a) For any yard along a collector road, the minimum required building setback shall be twenty-five (25) feet.
  - b) For any yard along an arterial road, the minimum required building setback shall be fifty (50) feet.

If any other setback requirement of this Code conflicts with the above requirements, the more restrictive requirement will apply.

2. Front Setback: Except as provided in Section 4.03.03(B)(2)(b) and Section 2.10.02, there shall be a front building setback on every lot of not less than twenty-five (25) feet.
  3. Side Setback: There shall be a side building setback on each side of every main building of not less than ten (10) percent of the lot width when measured at the minimum front setback line to a maximum of fifteen (15) feet. For irregularly shaped lots and lots fronting on cul-de-sacs and curves, the side building setback shall be ten (10) percent of the average of the street frontage width and the rear lot line length. Modifications to this requirement shall be in accordance with Section 2.10.04.
  4. Rear Setback: There shall be a rear building setback on every lot of not less than twenty-five (25) feet, except as provided in Section 2.10.03.
- J. Performance Standards: Refer to Article 7 of this Ordinance. Also see Section 6.09.02, Criteria Regulation Conditional Uses for supplementary regulations as applicable.
- K. Public Services: When septic tanks are used, each dwelling unit shall have its own such septic tank. Within one (1) year of central wastewater collection system availability, such septic tank use shall be discontinued and connection made to the central collection system. Each unit shall also have its own electric meter and potable water service.
- L. Skirting: Skirting is required around the base of all mobile homes between the ground and bottom of the structure.
- M. Structures associated with agriculture uses such as silos, windmills, fire towers, etc., may exceed the height limits of this zone.

6.05.03      AG-2 - Agriculture District - 2

A.     Purpose: This district is designed to provide suitable areas for agricultural and silviculture endeavors. This district will be characterized by relatively large parcels of land being devoted to the production of food or fiber. This district also may include single family detached structures and, as specifically provided for in these regulations conditional uses for community facilities and utilities which service specifically the residents of this district, or which are benefited by and compatible with the agricultural activities extant within the district and the farming environment. Such facilities should be accessibly located and appropriately situated in order to satisfy special requirements of the respective community facilities while protecting the agricultural productivity of the surrounding lands.

It is the express purpose of this section to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except those home occupations and conditional uses specifically provided for in this ordinance and the commercial activities associated with the farming environment.

B.     Permitted Principal Uses: In this district as a permitted use a building or premises may be used only for the following purposes: Detached single-family residential structures and mobile homes. Accessory structures and facilities and uses customarily found on farms and used expressly for activities conducted in connection with farming operations, commercial and non-commercial agriculture, poultry, horse and livestock raising, provided all buildings for such accessory uses meet setback requirements for primary buildings.

C.     Conditional Uses: In this district, as a conditional use, a building or premises may be used only for the following purposes, upon determination by the County Zoning Board of Adjustment (~~Zoning Review and Appeals Board~~) that the respective use complies with standards regulating conditional uses in Section 4.04.00 et. seq. and complies with site plan review requirements listed in Section 4.04.00 educational institutions; golf courses; places of worship; private airstrips; recreation and park areas; recreational activities; public and private utilities and public facilities; public fairgrounds; commercial antennas; towers and telecommunication facilities; placement of an accessory building on a lot directly across the right-of-way from where the principle single family dwelling is located and is under the same ownership.

D.     Site Plan Approval: Site plan approval as provided in Section 4.04.00 et. seq. is required for all development proposals with the exception of residential and agricultural uses.

E.     Subdivision Conformance: Except for those lots which may be dedicated (by deed, gift or otherwise) to members of the family of the property owner, any land or lot within a plat of record (or not) on the effective date of this ordinance shall not be re-divided into two (2) or more lots unless the provisions of the Subdivision Regulations of Santa Rosa County, Florida, have been met.

F.     Density

1. For residential development, property may be developed at the option of the owner, to a maximum of one (1) dwelling unit per fifteen (15) acres. Computation of density shall be

accomplished by including the acreage in the total parcel and subtracting from such acreage the number of dwelling units built or to be built with the resultant total not exceeding one (1) unit per fifteen (15) acres.

2. On any parcel in this district, property owners may deed one (1) acre parcels to members of the property owner's family so as to provide affordable housing for farm worker households and farm workers.
3. On parcels of twenty (20) acres or more, clustering of dwelling units shall be allowed and encouraged. Whenever practical, dwelling units built in this district shall be clustered so as to maximize the use of existing or planned infrastructure facilities and minimize the impact on the agricultural environment.

G. Lot Size: The minimum width of any lot used for single family dwelling units shall be seventy (70) feet when measured at the minimum front setback line (front yard). The minimum lot width shall be maintained through the rear of the residential structure. The minimum width at the street right of way shall not be less than fifty (50) feet. The minimum area for a lot shall be fifteen (15) acres.

The minimum lot width may be reduced on dead end cul-de-sac lots. In no case shall a lot width be less than fifty (50) feet when measured at the top of the arch of the street right of way line. The lot width of a cul-de-sac lot shall not be less than seventy (70) feet when measured at the top of the arc of the minimum front set-back line. The minimum lot width shall be maintained through the rear of the residential structure.

1. The dividing of a parcel in the Agriculture- 2 (AG-2) zoning district, resulting in a parcel which does not possess the required road frontage, may be approved by the Community Planning, Zoning & Development Division with the following provisions:
  - a. The divided land shall only be given without valuable consideration to a member of the donor's immediate family. (Immediate family being defined as a spouse, father, mother, brother, sister, son, daughter, stepchild, grandchild, or grandparent.)
    - q. Property being divided shall not be located within a recorded, platted subdivision.
    - r. The maximum allowable density of the parcel created shall not exceed the allowable density of one dwelling unit per 15 acres.
    - s. Except for street frontage and that which is herein contained, all other requirements of this ordinance shall be adhered to.
    - t. An easement maintenance agreement between property owners is required or; an access easement (minimum width 20 ft.) must be included in each newly created deed or legal description.
    - u. No new County maintained roads are created.
2. The dividing of a parent parcel in the Agriculture-2 (AG-2) zoning district, resulting in a

parcel(s) which will not possess the required road frontage, may be permitted by the Community Planning, Zoning & Development Division with the following provisions. A parent parcel is defined as those lots of record as of adoption of this ordinance. A parent parcel may be subdivided with the following provisions:

- a. A parent parcel may only be subdivided to create a maximum of three (3) new lots which do not meet minimum road frontage requirements. The three new lots will include the remainder of the parent parcel if road frontage requirements cannot be met;
  - v. No new County maintained roads are created;
  - w. An easement maintenance agreement between property owners is required; or an access easement (minimum width 20 ft.) must be included in each newly created deed or legal description;
  - x. Property being divided shall not be located within a recorded platted subdivision;
  - y. The maximum allowable density of the parcel created shall not exceed the allowable density of one dwelling unit per 15 acres; and,
  - z. Except for street frontage and that which is herein contained, all other requirements of this ordinance shall be adhered to.

H. **Building Height:** No building or structure shall exceed thirty-five (35) feet above the required minimum finished floor elevation, exclusive of chimneys, elevator shafts, air conditioning condensing units or cooling towers, except as provided in Section 2.10.01.

I. **Minimum Required Setbacks:**

1. **Setbacks Along Collector or Arterial Roads:** The minimum required building setback along a collector or arterial road, as described in Section 4.04.03(D), shall be as follows:
  - a) Along a collector road, the minimum required building setback shall be twenty five (25) feet.
  - b) Along an arterial road, the minimum required building setback shall be fifty (50) feet.

If any other setback requirement of this Code conflicts with the above requirements, the more restrictive requirement will apply.

2. **Front Setback:** Except as provided in Section 4.03.03(B)(2)(b) and Section 2.10.02, there shall be a front building setback on every lot of not less than twenty-five (25) feet.
3. **Side Setback:** There shall be a side yard setback on each side of every main building of not less than ten (10) percent of the lot width when measured at the

minimum front setback line to a maximum of fifteen (15) feet. For irregularly shaped lots and lots fronting on cul-de-sacs and curves, the side building setback shall be ten (10) percent of the average of the street frontage width and the rear lot line length. Modifications to this requirement shall be in accordance with Section 2.10.04.

4. Rear Setback: There shall be a rear building setback on every lot of not less than twenty-five (25) feet, except as provided in Section 2.10.03.
- J. Performance Standards: Refer to Article 7 of this Ordinance. Also see Section 6.09.02, Criteria Regulating Conditional Uses, for supplementary regulations as applicable.
- K. Public Services: When septic tanks are used, each dwelling unit shall have its own such septic tank. Within one (1) year of central wastewater collection system availability, such septic tank use shall be discontinued and connection made to the central collection system. Each unit shall also have its own electric meter and potable water service.
- L. Skirting: Skirting is required around the base of all mobile homes between the ground and bottom of the structure.
- M. Structures associated with agriculture uses such as silos, windmills, fire towers, etc., may exceed the height limits of this zone.

(6.05.04-6.05.10 OMITTED)

#### 6.05.11 — ER — Estate Residential District

A. — Purpose: This district is designed to provide suitable areas for large lot residential development. This district will be characterized by a single family detached structure and such other structures as are accessory thereto. This district also may include, as specifically provided for in these regulations, conditional uses for community facilities and utilities which service specifically the residents of this district, or which are benefited by and compatible with a rural residential environment. Such facilities should be accessibly located and appropriately situated in order to satisfy special requirements of the respective community facilities.

It is the express purpose of this Section to exclude from this district all buildings or other structures and uses having commercial characteristics, whether operated for profit or otherwise, except those home occupations and conditional uses specifically provided for in this Ordinance.

B. — Permitted Principal Uses: In this district as a permitted use a building or premises may be used only for the following purposes: Detached single family residential structures and accessory structures and facilities.

C. — Conditional Uses: In this district, as a conditional use, a building or premises may be used only for the following purposes, upon determination by the County Board of Adjustment (Zoning Review and Appeals Board) that the respective use complies with standards regulating conditional uses in Section 4.04.00 et. seq. and complies with site plan review requirements listed in Section 4.04.00: educational institutions; golf courses; places of worship; private

airstrips; recreation and park areas; recreational activities; public and private utilities and public facilities; and placement of an accessory building on a lot directly across the right-of-way from where the principle single family dwelling is located and is under the same ownership.

D. — Site Plan Approval: Site plan review is required for all subdivision proposals.

E. — Subdivision Conformance: Any land, recorded plot, or a lot within a plat of record as of the effective date of this ordinance shall not be re-divided into two (2) or more lots unless the provisions of the Subdivision Regulations of Santa Rosa County, Florida, have been met.

F. — Density: For residential development, property may be developed at the option of the owner, to a maximum of one (1) dwelling unit per one (1) acre.

G. — Lot Size: The minimum width of any lot used for single family dwelling units shall be seventy (70) feet when measured at the minimum front setback line (front yard). The minimum width shall be maintained through the rear of the residential structure. The minimum width at the street right of way shall not be less than fifty (50) feet. The total square footage shall not be less than 43,560. The minimum lot width may be reduced on dead end cul-de-sac lots. In no case shall a lot width be less than fifty (50) feet when measured at the top of the arc of the street right of way line. The lot width of a cul-de-sac lot shall not be less than seventy (70) feet when measured at the bottom (chord) of the arc of the minimum front setback line. The minimum width shall be maintained through the rear of the residential structure. The total square footage shall not be less than 43,560.

H. — Building Height: No building or structure shall exceed thirty five (35) feet above the required minimum finished floor elevation, exclusive of chimneys, elevator shafts, air conditioning condensing units or cooling towers, except as provided in Section 2.10.01.

I. — Minimum Required Setbacks:

1. — Setbacks Along Collector or Arterial Roads: The minimum required building setback along a collector or arterial road, as described in Section 4.04.03(D), shall be as follows:

a) — Along a collector road, the minimum required building setback shall be twenty five feet.

b) — Along an arterial road, the minimum required building setback shall be fifty (50) feet.

If any other setback requirement of this Code conflicts with the above requirements, the more restrictive requirement will apply.

2. — Front Setback: Except as provided in Section 4.03.03(B)(2)(b) and Section 2.10.02, there shall be a front building setback on every lot of not less than twenty five (25) feet.

3. Side Setback: There shall be a side building setback on each side of every main building of not less than ten (10) percent of the lot width when measured at the minimum front setback line to a maximum of fifteen (15) feet. For irregularly shaped lots and lots fronting on cul de sacs and curves, the side building setback shall be ten (10) percent of the average of the street frontage width and the rear lot line length. Modifications to this requirement shall be in accordance with Section 2.10.04.

4. Rear Setback: There shall be a rear building setback on every lot of not less than twenty five (25) feet, except as provided in Section 2.10.03.

J. Performance Standards: Refer to Article 7 of this Ordinance.

K. Public Services: when septic tanks are used, each dwelling unit shall have its own such septic tank. Within one (1) year of central wastewater collection system availability, such septic tank use shall be discontinued and connection made to the central collection system. Each unit shall also have its own electric meter and potable water service.

L. Livestock: The keeping of livestock or fowl shall not be permitted in the Estate Residential district.

#### 6.05.11 AG-1 –Estate Residential Agriculture District

A. Purpose: This district is designed to provide suitable areas for low density residential development. This district will be characterized by a single family detached structure and such other structures as are accessory thereto. This district also may include, as specifically provided for in these regulations conditional uses for community facilities and utilities which service specifically the residents of this district, or which are benefited by and compatible with a rural residential and farming environment. Such facilities should be accessibly located and appropriately situated in order to satisfy special requirements of the respective community facilities.

It is the express purpose of this Section to exclude from this district all buildings or other structures and uses having commercial characteristics, whether operated for profit or otherwise, except those home occupations and conditional uses specifically provided for in this Ordinance and the commercial activities associated with the farming environment.

B. Permitted Principal Uses: In this district as a permitted use a building or premises may be used only for the following purposes: Detached single family residential structures and mobile homes. Accessory structures and facilities and uses customarily found on farms and used expressly for activities conducted in connection with farming operations, commercial and non-commercial agriculture, poultry, horse and livestock raising, provided all buildings for such accessory uses meet setback requirements for primary buildings.

C. Conditional Uses: In this district, as a conditional use, a building or premises may be used only for the following purposes, upon determination by the County Zoning Board that the respective use complies with standards regulating conditional uses in Section 4.04.00 et. seq. and complies with site plan review requirements listed in Section 4.04.00: educational institutions;

golf courses; places of worship; private airstrips; recreation and park areas; recreational activities; public fairgrounds; commercial antennas; towers and telecommunications facilities; public and private utilities and public facilities; placement of an accessory building on a lot directly across the right-of-way from where the principle single family dwelling is located and is under the same ownership; business and professional offices; restricted sales and service; trade service and repair; veterinary medical services; guest houses; boarding houses and transient quarters; nursing homes; and child care services.

D. Site Plan Approval: Site plan approval as provided in Section 4.04.00 is required for all development proposals with the exception of residential and agricultural uses.

E. Subdivision Conformance: Except for those lots which may be dedicated (by deed, gift or otherwise) to members of the family of the property owner, any land or lot within a plat of record (or not) on the effective date of this ordinance shall not be re-divided into two (2) or more lots unless the provisions of the Subdivision Regulations of Santa Rosa County, Florida, have been met.

F. Density: For residential development, property may be developed at the option of the owner, to a maximum of one (1) dwelling unit per five (5) acres.

G. Lot Size: The minimum width of any lot used for single family dwelling units shall be seventy (70) feet when measured at the minimum front setback line (front yard). The minimum lot width shall be maintained through the rear of the residential structure. The minimum width at the street right of way shall not be less than fifty (50) feet. The minimum area for a lot shall be five (5) acres.

The minimum lot width may be reduced on dead end cul-de-sac lots. In no case shall a lot width be less than fifty (50) feet when measured at the top of the arch of the street right of way line. The lot width of a cul-de-sac lot shall not be less than seventy (70) feet when measured at the top of the arc of the minimum front set-back line. The minimum lot width shall be maintained through the rear of the residential structure.

3. The dividing of a parcel in the Agriculture –Estate Residential (AG -1) zoning district, resulting in a parcel which does not possess the required road frontage, may be approved by the Community Planning, Zoning & Development Division with the following provisions:
  - a) The divided land shall only be given without valuable consideration to a member of the donor's immediate family. (Immediate family being defined as a spouse, father, mother, brother, sister, son, daughter, stepchild, grandchild, or grandparent.)
  - b) Property being divided shall not be located within a recorded, platted subdivision.
  - c) The maximum allowable density of the parcel created shall not exceed the allowable density of one dwelling unit per five (5) acres.
  - d) Except for street frontage and that which is herein contained, all other requirements of this ordinance shall be adhered to.

- e) An easement maintenance agreement between property owners is required or; an access easement (minimum width 20 ft.) must be included in each newly created deed or legal description.
  - f) No new County maintained roads are created.
4. The dividing of a parent parcel in the Agriculture (AG) zoning district, resulting in a parcel(s) which will not possess the required road frontage, may be permitted by the Community Planning, Zoning & Development Division with the following provisions. A parent parcel is defined as those lots of record as of adoption of this ordinance. A parent parcel may be subdivided with the following provisions:
- a) A parent parcel may only be subdivided to create a maximum of three (3) new lots which do not meet minimum road frontage requirements. The three new lots will include the remainder of the parent parcel if road frontage requirements cannot be met;
  - b) No new County maintained roads are created;
  - c) An easement maintenance agreement between property owners is required; or an access easement (minimum width 20 ft.) must be included in each newly created deed or legal description;
  - d) Property being divided shall not be located within a recorded platted subdivision;
  - e) The maximum allowable density of the parcel created shall not exceed the allowable density of one dwelling unit per five (5) acres; and,
  - f) Except for street frontage and that which is herein contained, all other requirements of this ordinance shall be adhered to.

H. Building Height: No building or structure shall exceed thirty five (35) feet above the lowest habitable floor elevation, exclusive of chimneys, elevator shafts, air conditioning condensing units or cooling towers, except as provided in Section 2.10.01.

I. Minimum Required Setbacks:

1. Setbacks Along Collector or Arterial Roads: The minimum required building setback for a yard along a collector or arterial road as described in 4.04.03(D), shall be as follows:

a) For any yard along a collector road, the minimum required building setback shall be twenty-five (25) feet.

b) For any yard along an arterial road, the minimum required building setback shall be fifty (50) feet.

If any other setback requirement of this Code conflicts with the above requirements, the more restrictive requirement will apply.

2. Front Setback: Except as provided in Section 4.03.03(B)(2)(b) and Section 2.10.02, there shall be a front building setback on every lot of not less than twenty-five (25) feet.

3. Side Setback: There shall be a side building setback on each side of every main building of not less than ten (10) percent of the lot width when measured at the minimum front setback line to a maximum of fifteen (15) feet. For irregularly shaped lots and lots fronting on cul-de-sacs and curves, the side building setback shall be ten (10) percent of the average of the street frontage width and the rear lot line length. Modifications to this requirement shall be in accordance with Section 2.10.04.

4. Rear Setback: There shall be a rear building setback on every lot of not less than twenty-five (25) feet, except as provided in Section 2.10.03.

J. Performance Standards: Refer to Article 7 of this Ordinance. Also see Section 6.09.02, Criteria Regulation Conditional Uses for supplementary regulations as applicable.

K. Public Services: When septic tanks are used, each dwelling unit shall have its own such septic tank. Within one (1) year of central wastewater collection system availability, such septic tank use shall be discontinued and connection made to the central collection system. Each unit shall also have its own electric meter and potable water service.

L. Skirting: Skirting is required around the base of all mobile homes between the ground and bottom of the structure.

M. Structures associated with agriculture uses such as silos, windmills, fire towers, etc., may exceed the height limits of this zone.

(SECTIONS 6.05.12-6.08.13 OMITTED)

**6.09.00**      **CONDITIONAL USES**

6.09.01      General Provisions Regulating Conditional Uses: A conditional use shall be reviewed by the Zoning Board of Adjustment and a recommendation for approval made to the Board of County Commissioners provided the Board finds that the use:

- A. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected;
- B. Will not unduly adversely affect other property in the impacted area which it is located;
- C. Is consistent with the Goals, Objectives, and Policies of the Santa Rosa County Comprehensive Plan;
- D. Satisfies criteria stipulated for similar uses as described in the following section.

6.09.02      Criteria Regulating Conditional Uses: All approved conditional uses shall be developed and maintained as approved by the Board of County Commissioners as applicable. Failure to do so shall constitute a violation of this ordinance. In addition to the general provisions cited above, a conditional use shall be permitted by the Board of County Commissioners provided the Board finds that the proposed conditional use complies with the following requirements:

A. Administrative Services, Business and Professional Offices and Medical Services (R-3, AG-RR)

- 1. Sites shall be located within the more highly accessible portions of the respective residential district and near commercial district boundaries, thereby serving as a logical transitional use between residentially and commercially developed areas in the impacted area; and generally should be located on a major thoroughfare as opposed to a local residential street; and where not located on a major thoroughfare, the site should not be adjacent to a single family residential district.
- 2. The proposed use shall not unreasonably increase traffic on local residential streets in the impacted area.
- 3. Interior displays generally should not be visible from the exterior of the building, but where visible, they shall be in harmony with the residential character of the impacted area.
- 4. In an R-3 district, the use shall not include retail sales as a principal activity.
- 5. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion, or other potential nuisances or hazards to continuous residential properties.

6. In an R-3 district, medical office buildings may include as an accessory use an apothecary limited primarily to the preparation and sale of medicine and medical related goods, but, if the apothecary is developed as an accessory use to a medical office building, it shall not exceed five hundred (500) square feet or twenty-five percent (25%) of the gross floor area of any single story within the building.

B. Child Care Services (AG-RR, R-2, R-2M, and R-3)

1. Site shall be located within the more highly accessible portions of residential districts near major thoroughfares so as to discourage traffic along local residential streets in the impacted area.
2. No such facility shall be permitted on a zone lot unless it contains a minimum of seven thousand five hundred (7,500) square feet.
3. One accessory off-street parking space shall be provided for each five (5) children accommodated in the child care facility.
4. Special passenger loading and unloading facilities shall be provided on the same lot for vehicles to pick-up or deliver clientele. Such facilities shall include driveways that do not require any back-up movements by vehicles to enter or exit the premises.
5. All regulations of the State of Florida as amended hereafter that pertain to the use shall be satisfied.
6. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion, or other potential nuisances or hazards to contiguous residential properties.

C. Civic or Cultural Activities and Clubs (R-3)

1. Sites shall be located within the more highly accessible portions of respective residential districts and near commercial district boundaries, thereby serving as a local transitional use between residentially and commercially developed area in the impacted area; and generally should be located on a major thoroughfare as opposed to a local residential street; and where not located on a major thoroughfare, the site should not be adjacent to a single family residential district.
2. The proposed use shall not unreasonably increase traffic on local residential streets in the impacted area.
3. The scale, intensity, and operation of the use shall not generate unreasonable noise, traffic, congestion, or other potential nuisance or hazards to contiguous residential properties.
4. Off-street parking shall be provided based on one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each five (5) members, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is the greater.

D. Educational Institutions (AG-RR, AG-1, AG-2, RR-1, R-1, R-1A, R-1M, R-2M, R-3)

1. High school sites shall be located within the more highly accessible portions of residential districts near major thoroughfares so as to discourage traffic along local residential streets.
2. Depending on the type facility proposed, the minimal spatial requirements for the site shall be similar to standards utilized by the Santa Rosa County School Board and for the State of Florida.
3. No main or accessory building shall be located within twenty-five (25) feet of any side or rear lot line.
4. The applicant, if other than the Santa Rosa County School Board or other public education agency, shall demonstrate a program of systematic instruction and site development plan reasonably conforming with customary standards for respective forms of similar instruction.
5. The applicant shall submit a description of anticipated service areas and projected enrollment by stages if appropriate and relate the same to a development plan explaining:
  - a. area to be developed by construction phase;
  - b. adequacy of site to accommodate anticipated facilities, enrollment, recreation areas, off-street parking and pedestrian and vehicular circulation; c. safety features of development plan; and
  - c. landscaped areas, especially treatment of property lines in close proximity to abutting residential properties.

E. Golf Courses (AG-RR, AG-1, AG-2, RR-1, R-1, R-1A, R-1M, R-2, R-2M, R-3)

1. Sites shall be located within the more highly accessible portions of residential districts near major thoroughfares so as to discourage traffic along residential streets in the impacted area.
2. The proposed use shall not unreasonably increase traffic on local residential streets in the impacted area.
3. Development features, including the principal and accessory building and structures, shall be so located and related as to minimize the possibility of any adverse effects upon adjacent properties.
4. The minimum number of off-street parking spaces to be provided shall be four (4) spaces per hole, plus one (1) space per employee, plus spaces as required under Article 7 for other activities developed on the premises.

- F. Guest Houses, (or Boarding Houses) and Transient Quarters (AG-RR, NC, HCD)
1. Sites shall be located near major thoroughfares so as to discourage traffic along local residential streets. The minimum size lot required shall be fifteen thousand (15,000) square feet.
  2. Interior displays visible from the exterior of the building shall be harmonious with the character of the impacted area.
  3. The proposed facility shall comply with applicable regulations in the State Division of Hotels and Restaurants cited in the Florida Administrative Code.
  4. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion, or other potential nuisances or hazards to contiguous residential properties.
- G. Nursing Homes and Special Residential Facilities (AG-RR, R-2, R-2M, and R-3)
1. A description of the program of service shall be submitted with application and the applicant shall demonstrate that the method of operation and delivery of such health services and daily care shall be in compliance with all relevant state and federal standards for operation of nursing homes.
  2. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to contiguous residential properties.
  3. When located in the R-2, R-2M, or R-3 districts, sites shall be situated within the more highly accessible portions of the residential districts near major thoroughfares. When located in the R-2 districts, a nursing home site in addition to the above shall abut a less restrictive district. The intent is to minimize potential adverse impact on the established residential neighborhoods and assure that sites are accessible to major thoroughfares.
- H. Places of Worship (AG-RR, AG-1, AG-2, RR-1, R-1, R-1A, R-1M, R-2, R-2M, R-3)
1. Sites shall be located within more highly accessible portions of residential districts near major thoroughfares so as to discourage traffic along local residential streets of the impacted area.
  2. The minimum site for places of worship in residential districts shall be fifteen thousand (15,000) square feet, except within R-1, R-1A, and R-1M zones the minimum size lot shall be one-half acre.
  3. No main or accessory building shall be located within fifty (50) feet of any side or rear lot line.
  4. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to contiguous residential properties.

I. Recreation and Park Areas (AG-RR, AG-1, AG-2, RR-1,R-1, R-1M, R-1A, R-2, R-2M, R- 3 residential districts, as well as HCD, and C-1M, commercial districts);

1. Recreation and park areas limited to the following: baseball fields, basketball courts, bathing beaches, benches, bicycle paths, boat dock, boat launching ramp, botanical garden, cooking grills, fishing pier, football field, horseshoe pitching courts, handball / raquetball courts, lawn bowling, picnic tables, softball fields, shuffleboard courts, soccer fields, swimming pool, tennis courts, track and field facilities.
2. Any public recreation or park site proposed for public recreation shall comply with standards and policies contained in the County Comprehensive Land Use Plan.
3. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to contiguous residential properties.
4. Site plan approval is required by the Community Planning Zoning and Development Division pursuant to Section 4.04.00 et. Seq. Of this ordinance. Additionally, the site development plan for land use improvements shall provide for such an arrangement and location of uses **and** facilities on the land as to give the maximum possible separation from and protection to, contiguous and nearby residential property. Where the nature of the activities or facilities on the land present any potential hazard or detriment to contiguous residential properties arising from noise, glare, dust, odors, smoke, vibration, flying objects, or traffic or parking, protection to such contiguous residential properties shall be provided in the form of open spaces, fences, walls, hedges, plantings, enclosures and/or other such means as may be appropriate and effective to prevent or minimize such hazards.
5. Yards:
  - a. No parking shall be located within twenty-five (25) feet of any residentially zoned property.
  - b. No structure, (except benches, tables, sitting areas, fountains, fences, or walls) as hereinafter provided, shall be provided, shall be located within twenty-five (25) feet of any property line.
6. Open space and landscaping is permitted or required in accordance with the requirements set forth in Article Seven.
7. Parking shall be required in accordance with the requirements set forth in Article Seven.
8. Fences and Walls:
  - a. Fences and walls are permitted or required in accordance with the requirements set forth in Article Seven.
  - b. No fence or wall shall be erected within twenty-five (25) feet of any street line.

c. No fence or wall shall be situated within twenty-five (25) feet of any residentially zoned property line shall exceed six (6) feet in height.

9. Signage is permitted in accordance with the requirements set forth in Article Eight.

10. Facilities for refuse collections and removal of solid wastes shall be provided pursuant to Article Seven.

J. Public and Private Utilities and Public Facilities (AG-RR, AG-1, AG-2, ER, RR-1, R-1, R-1A, R-1M, R-2, R-2M, R-3, NC, HCD, PID and C-1M)

1. The location of such facility shall be situated on a site providing the most effective service to such area. The applicant shall demonstrate that such proposed sites are located effectively relative to the service area and that the site proposed is at least equal to the effectiveness of other alternative sites.

2. The location of such facility shall not unreasonably increase traffic on streets in the impacted area.

3. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to contiguous residential properties.

4. General office facilities of a utility shall be located in commercial districts.

5. County facilities shall be allowed in any district.

6. There shall be no time limit placed upon the approval of the Board of Adjustments for public and private utilities.

7. No height variance is required for a conditional use approval for a water tower.

K. Accessory parking lots (R-2, R-2M, and R-3) as regulated by Article 7 shall also meet the following criteria:

1. The off-street parking area must serve, as an accessory use, a commercially zoned parcel of land on which a permitted principal commercial use is located and may not be used to meet the minimum requirements specified for the principal use being served.

2. When the frontage of any parcel to be utilized for accessory parking is opposite a single-family residential zone, then that frontage shall not be utilized for ingress and egress.

3. Accessory parking shall be limited to the free parking of vehicles by employees or patrons of the principal commercial use being served. The parking area shall not be used as a loading or unloading area, or as a location for a dumpster, repair work, dead storage, dismantling, display, sales, service of any kind, or for any other use except parking of vehicles. No building or structure of any kind, except fences and small directional signs without advertisement, shall be permitted in the off-street parking.

4. The design of the off-street parking area shall preserve a minimum of fifteen (15) percentage of the site for landscaped open space and additional open space, if required, for the surface water drainage pursuant to this code. The off-street parking area shall not be a receiving ground for any water runoff from an abutting site of the principal commercial use being served by the parking area.
5. The applicant shall submit a site plan to the Planning and Zoning Department pursuant to Section 4.04.00 of this Ordinance.
6. Removal of trees, commencement of construction or other activity shall not be undertaken before site plan approval has been granted by the Planning and Zoning Department. Tree removal permits shall be required within any area approved as an accessory parking area. Where any boundary for such off- street parking directly abuts single family residentially zoned property or property zoned P-1 or P-2, a minimum twenty-five (25) foot landscape strip shall be provided along the common property line between the single family residential or park zoned parcel. All street frontages shall provide a minimum ten (10) foot landscape strip.

Plants shall be provided within this landscape strip to ensure that no parking or maneuvering area is visible from adjacent single family residential zones.

7. Canopy trees (approved by the Planning Director or his designee) shall be installed within the required landscape strip and shall be spaced no greater than forty (40) feet on center.
  8. A fence or wall shall be permitted provided the fence or wall is not within the required setback area.
  9. In addition to the above requirements, Performance Standards relative to landscaping shall govern the plant materials and quality requirements.
  10. All plant material shall be maintained at a minimum height of six (6) feet after a one (1) year growth period commencing from final approval by the County Planning and Zoning Division.
  11. Variance to any of these requirements is prohibited.
- L. Multiple Family Dwelling Structures (NC, HCD): As defined in Section 6.03.01.
1. The scale, intensity and operation of such use shall not generate unreasonable noise, congestion or other potential nuisances to contiguous residential properties.
  2. Land may be developed to a maximum density of ten (10) units per acre provided bulk regulations as outlined in this ordinance and the more restrictive open space is applied to the entire parcel. The minimum width of any parcel being developed for multiple family purposes shall be one hundred (100) feet.

3. Site plan criteria including but not limited to buffering, fences, etc. Should be designed as to maximize compatibility with adjacent land uses of lesser intensity and provide for a smooth transition where greater or varying intensity in Land Uses exists.
4. Sites should be located within more highly accessible portions of the district nearest major thoroughfares or minor collector streets as opposed to internal residential streets.
5. Appropriate public services and facilities including, but not limited to, sanitary sewers, water supply, roads, etc. must be available.

M. Private Air Strips (AG-RR, AG-1, AG-2)

1. No commercial hangars or commercial use of such hangars shall be permitted.
2. Hangars shall be accessory to the principal structure and permitted on the same lot as the principal structure without size limitations.
3. Sites must comply with all federal, state and local regulations, including licensing, and shall not interfere with governmental or public airport operations.
4. The Board may make additional recommendations for appropriate conditions and safeguards as agreed upon by the applicant. Violation of such agreements shall be deemed a violation of these zoning regulations.

N. Vehicular Paint and Body Shops (HCD)

1. All paint and body work activities must be performed in a fully-enclosed building, including paint booths approved by the appropriate governmental agencies.
2. Sites must be located within the more highly accessible portions of commercial districts, with limited proximity to residential districts.
3. Where abutting residential districts, an eight (8)-foot privacy fence must be provided for screening, and a twenty-five (25)-foot buffer must be maintained between any structure including accessory buildings and the property line.
4. One (1) parking space must be provided for each 400 square feet of gross floor area.
5. The scale, intensity and operation of the use shall not generate unreasonable noise or potential hazard to contiguous residential or commercial property and should be compatible to surrounding commercial uses.

O. Marinas (HC-1)

1. Marinas to be used primarily for the docking, servicing, storage, sales and rental of watercraft. Major repairs, construction or reconstruction of watercraft is prohibited.
2. Use of watercraft for residential purposes is prohibited.

3. The use shall comply with all other provisions outlined in Section 6.05.14 of these regulations.

P. Restaurants (Drive-Ins) (HC-1)

1. Shall be located in the more highly accessible areas of Bagdad near or on the major through streets.
2. The Architecture, design and character of such restaurants should be in harmony and compatible with surrounding architecture to the greatest extent practical.
3. Minimum parking requirements as described in Section 7.02.03 (B) must be provided on the same lot.

Q. Hotels, Motels (HC1)

1. Site shall be located within more highly accessible portions of the district nearest major thoroughfares so as to discourage traffic along local residential streets in the impacted area.
2. The minimum width of any parcel developed for hotel/motel shall be 100 feet when measured at the road right-of-way.
3. Site plan criteria including but not limited to buffering and fences should be designed so as to maximize compatibility with adjacent land uses of lesser intensity. In HC-1 districts the architectural design should be compatible with surrounding architecture to the greatest extent practical.

R. Commercial Parking Lots (HC-1)

1. The design of the off-street parking area shall preserve a minimum of fifteen (15) percent of the site for landscaped open space plus additional space as required for surface water drainage pursuant to this code.
2. Where any boundary of such parking lot abuts single-family zoned property, a minimum of twenty-five (25) foot landscape strips shall be provided along the common property line. All street frontages shall provide a minimum ten (10) foot landscape strip.
3. Site plan review as outlined in Section 4.04.00 will be required.

S. R-1 Single Family Development (NC, HCD)

1. Platting requirements as outlined in Article Four (4) of this ordinance are required for all subdivisions.
2. Provisions as outlined in Section 6.05.05 (R-1 District) must be adhered to.

3. Sites should be located so as to maximize compatibility with adjacent land uses and minimize an adverse impact by screening and buffering from adjoining existing incompatible uses.

T. Recreational Vehicles in Flood-Prone Areas (100-year Flood Plain)

1. The recreational vehicle (RV) shall be self-contained and there shall be no need for, or connection to, a septic tank.
2. The RV shall be placed so as to be easily and quickly removed from the site in advance of any approaching flood waters.
3. The owner of the RV shall be solely responsible for any liability or damage caused to persons or property (public or private) as a result of the RV being located in the flood plain. If the location of the RV impedes the flow of flood waters and causes damage upstream from the RV site, or if the RV is carried downstream by flood waters and causes damage to property, the responsibility for reparations to such property rests solely with the owner of the RV.
4. The placement of the RV shall not have any adverse impact upon adjoining or nearby properties.
5. The Board of Adjustment may impose additional criteria or restrictions based on site-specific circumstances and characteristics.

U. *Intentionally left blank*

V. Recreational Activities:

1. Recreational activities limited to the following: archery range, baseball and/or football fields, bicycle path, boat dock, botanical garden, cabanas, excursion or charter boat dock, handball or racquetball courts, outdoor rifle and pistol range, basketball courts, boat anchorage, boat launching ramp, bridle trails, lawn bowling, cemeteries, concession stands, fishing pier, horseshoe pitching courts, public park, indoor rifle and pistol range, softball field, stadium and bleachers, shuffleboard courts, soccer fields, tennis courts, track and field facilities. However, rifle and pistol ranges shall only be allowed as a conditional use in AG and AG-2 districts.

Recreational activities in HCD, M-1, M-2, C-1M, C-2M, AG and AG-2 may be private enterprise (private ownership for profit) or publicly held (state or county) activities.

The following recreational activities in all residential districts (RR-1, R-1, R-1A, R-1M, R-2, R-2M and R-3) must be public held (state or county) or non-profit activities and limited to: baseball and/or football fields, bicycle path, public boat dock, botanical garden, cabanas, handball or racquetball courts, basketball court, boat launching ramp, lawn bowling, fishing pier, horseshoe pitching court, public park, softball field, shuffleboard courts, soccer fields, tennis courts, track and field facilities.

2. Site plan approval is required by the Community Planning, Zoning and Development Division pursuant to Section 4.04.00 et seq. of this ordinance. Additionally, the site development plan for land use improvements shall provide for such an arrangement and location of uses and facilities on the land as to give the maximum possible separation from and protection to, contiguous and nearby residential property. Where the nature of the activities or facilities on the land present any potential hazard or detriment to contiguous residential properties arising from noise, glare, dust, odors, smoke, vibration, flying objects or traffic or parking, protection to such contiguous residential properties shall be provided in the form of open spaces, fences, walls, hedges, plantings, enclosures and/or by other such means as may be appropriate and effective to prevent or minimize such hazards.

2. Yards:

- a. No parking area shall be located within twenty-five (25) feet of any residentially zoned property.
- b. No structure, (except benches, tables, sitting areas, fountains, fences or walls) as hereinafter provided, shall be provided, shall be located within twenty-five (25) feet of any property line.

3. Open space and landscaping is permitted or required in accordance with the requirements set forth in Article Seven.

4. Parking shall be required in accordance with the requirements set forth in Article Seven.

5. Fences and Walls:

- a. Fences and walls are permitted or required in accordance with the requirements set forth in Article Seven.
- b. No fence or wall shall be erected within twenty-five (25) feet of any street line.
- c. No fence or wall shall be situated within twenty-five (25) feet of any residentially zoned property line shall exceed six (6) feet in height.

6. Signage is permitted in accordance with the requirements set forth in Article Eight.

7. Facilities for refuse collections and removal of solid wastes shall be provided pursuant to Article Seven.

W. Accessory Buildings:

Placement of an accessory building on a lot directly across right of way from lot where principle single family dwelling is located. The principle lot must have insufficient area for placement of the accessory building. Placement and design of the accessory building must be consistent with existing or pre-existing restrictive covenants.

Accessory building may not:

1. Be inconsistent with architectural style of surrounding properties.
2. Negatively impact property values of adjacent properties.

X. Kennels (HCD)

1. All activities shall be located within a fully enclosed soundproof building.
2. Exercise runs shall be completely screened by a eight (8) foot privacy fence or wall.
3. The animals are to be kept inside the soundproof building except for occasional brief exercise periods in the runs.
4. There shall be no odors, noise, or visual effects detectable from the adjoining properties.

Y. Limited Manufacturing and assembly (HCD)

1. All activities in manufacturing and assembly shall be limited to:
  - a. All activities shall be contained in a fully enclosed building.
  - b. If noise is associated with the operation, then the operation must be housed in a fully enclosed soundproof building.
  - c. Gross floor area of the manufacturing and assembly area shall not exceed five thousand (5,000) square feet. Storage area shall not exceed three thousand (3,000) square feet. Office and administrative areas shall not be restricted by square footage.
  - d. There shall be no adverse visual effects to adjoining properties.
  - e. It shall be buffered from adjoining properties at the discretion of the Community Planning, Zoning and Development Division, in order to eliminate any adverse impact to the area.
  - f. Loading and unloading docks shall be to the rear of the building.
  - g. No outside storage of any kind.
  - h. There shall be no more shipping and receiving activities than normally expected with a general retail sales and service business.
  - i. The activity shall be free from danger of fire, explosions, toxic and noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards from offensive noise, vibration, odorous matter, glare and other objectionable influences.
  - j. Truck or bus terminal facilities are prohibited.

- k. Building and facilities shall not be of design to be incompatible with other building designs.

Z. Wholesale plant nurseries and landscape services: (HCD)

1. The scale, intensity and operation of such use shall not generate unreasonable noise, congestion, or other potential nuisances to contiguous residential properties.
2. Site plan criteria including, but not limited to buffering, fences, etc. should be designed so as to maximize compatibility with adjacent land uses of lesser intensity and provide for a smooth transition where greater or varying intensity of land uses exist.
3. Sites should be located within more highly accessible portions of the district nearest major thoroughfares.
4. The Board may make additional recommendations for appropriate conditions and safeguards as agreed upon by the applicant. Violation of such agreements shall be deemed a violation of these zoning regulations.

AA. Trade Service and Repair (AG-RR)

1. All trade service and repair activities must be performed in a fully-enclosed building.
2. Sites must be located within the more highly accessible portions of agricultural districts, with limited proximity to residential districts.
3. Where abutting residential districts, an eight (8) foot privacy fence must be provided for screening, and a twenty-five (25) foot buffer must be maintained between any structure including accessory buildings and the property line.
4. One (1) parking space must be provided for each 400 square feet of gross floor area.
5. The scale, intensity and operation of the use shall not generate unreasonable noise or potential hazard to contiguous residential or commercial property and should be compatible to surrounding commercial uses.

BB. Veterinary Medical Services (AG-RR)

1. Site shall be located within the more highly accessible portions of the agricultural districts, and generally should be located on a major thoroughfare; and where not located on a major thoroughfare, the site should not be adjacent to a single-family residential district.
2. The proposed use shall not reasonably increase traffic on local residential streets in the impacted area.

3. Interior displays generally should not be visible from the exterior of the building, but where visible, they shall be in harmony with the residential character of the impacted area.
4. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion, or other potential nuisances or hazards to continuous residential properties.
5. All activities shall be located within a fully enclosed, soundproof building.

CC. Towers and Telecommunications Facilities (AG-RR, AG-1, AG-2, PBD, HCD, M-1 and M-2)

1. Towers and Telecommunications Facilities must meet the standards in Article 7.02.15

DD. Public Fairgrounds (AG-RR, AG-1, AG-2, M-1, M-2)

1. The scale, intensity, and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to surrounding residential properties.
2. Site plan approval is required by the Community Planning, Zoning and Community Development Division pursuant to Section 4.04.00 et. Seq. of this ordinance. Additionally, the site development plan for land use improvements shall provide for such an arrangement and location of uses and facilities on the land as to give the maximum possible separation from a protection to, contiguous and nearby residential property. Where the nature of the activities or facilities on the land present any potential hazard or detriment to contiguous residential properties arising from noise, glare, dust, odors, smoke, vibration, flying objects, or traffic or parking, protection to such contiguous residential properties shall be provided in the form of open spaces, fences, walls, hedges, planting, enclosures and/or other such means as may be appropriate and effective to prevent or minimize such hazards.
3. Yards:
  - a. No parking shall be located within twenty-five (25) feet of any residentially zoned property.
  - b. No structure, (except benches, tables, sitting areas, fountains, fences or walls) as hereinafter provided, shall be located within twenty-five (25) feet of any property line.
4. Open space and landscaping is permitted or required in accordance with the requirements set forth in Article Seven.
5. Parking shall be required in accordance with the requirements set forth in Article Seven.
6. Fences and Walls:

- a. Fences and walls are permitted or required in accordance with the requirements set forth in Article Seven.
  - b. No fence or wall shall be erected within twenty-five (25) feet of any street line.
  - c. Any fence or wall situated within twenty-five (25) feet of any residentially zoned property line shall not exceed six (6) feet in height.
7. Signage is permitted in accordance with the requirements set forth in Article Eight.
  8. Facilities for refuse collections and removal of solid wastes shall be provided pursuant to Article Seven.
  9. Roadways for ingress and egress shall be reviewed to determine if they are suitable for the vehicles and loads to be used and if there are any adverse impacts on County rights-of-way or roadways.
  10. The approval for Conditional Use shall be for the operation of a public fair. If the applicant proposes additional uses for the property, those uses may be considered as part of the original conditional use application. However, each use shall be evaluated with the appropriate conditional use criteria.
- EE. Commercial Outdoor Amusement Activities (HCD, M-1, M-2, C-1M, and C-2M)
1. Commercial outdoor amusement activities including but not limited to skateboard parks, for-profit carnivals or fairs, miniature golf facilities, and zoos.
  2. The scale, intensity, and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to surrounding residential or commercial properties.
  3. Sites should be located within more highly accessible portions of Commercial districts nearest major thoroughfares or minor collector streets as **opposed** to internal residential streets.
  4. Site plan submitted with the conditional use application shall demonstrate that the site will be designed to maximize compatibility with adjacent land uses of lesser intensity and provide for a smooth transition where greater or varying intensity in land uses exist. When the site abuts residential districts, an eight (8) foot privacy fence must be provided for screening, and a twenty-five (25) foot vegetative buffer, according to Section 7.02.02, must be maintained between the activity and the property line.
  5. If the site abuts or is within three hundred (300) feet of a residential zoning District, the following restrictions on lighting and noise shall apply:
    - a. The total cutoff light shall be at an angle of less than ninety (90) degrees and shall be located so that the bare light bulb, lamp, or light source is completely shielded from the district view of an observer five (5) feet above the ground where the cutoff angle

intersects the ground and so that no light can be viewed for said residential districts.

- b. Loudspeaker, announcement systems, music and other noises shall be located with respect to the zoning district boundaries that the level of sound, as measured in decibels, at the property line shall not exceed 40 db during the hours of 9 a.m. to 6 p.m. or 35 db during the time period from 6 a.m. to 10 p.m. when any commercial outdoor amusement activity so located shall close.
6. Setbacks for any commercial outdoor amusement activity, including uses and structures, shall be at least fifty (50) feet from all property lines. When such commercial amusement activity abuts residential zoning districts, the setback shall be at least two hundred (200) feet from those property lines.

FF. Development in Public Airport Environs Zones

Conditional Uses Located within Public Airport Environs Zones must meet the Conditional Use Criteria in Article 11.03.04.

GG. Development in Military Airport Environs Zones

Conditional Uses Located within Military Airport Environs Zones must meet the Conditional Use Criteria in Article 11.04.03.

HH. Development in Heart of Navarre Overlay District

Conditional Uses Located within the Heart of Navarre Overlay District must meet the Conditional Use Criteria in Article 6.05.24.H.