PROPOSED AMENDMENTS TO

LAND DEVELOPMENT CODE RELATED TO SIGNAGE, ACCESSORY STRUCTURES, OUTDOOR STORAGE in INDUSTRIAL ZONING DISTRICTS, and FUEL STORAGE

Prepared for the
January 14, 2016 meeting of the Zoning Board

RECOMMENDATION:

That the Zoning Board consider the proposed amendments to the Land Development Code and make a recommendation to the Board of County Commissioners to either approve, approve with modifications or deny the proposed amendments.

BACKGROUND:

In March of 2014, the Board of County Commissioners authorized staff to proceed with several amendments to the County's Land Development Code. These amendments were proposed originally based upon observations by Zoning Board members/staff and are primarily aimed at reducing variance requests.

STAFF ANALYSIS:

The following provides explanations of the proposed amendments in a summary format:

Location of Wall Signage

The code currently allows for commercial wall signage to be located only on one side of a building, the side facing the street. Corner lots are permitted signage on both street fronts. Variance requests to allow signage on non-street front side walls are not uncommon, for instance, out-parcel or commercial center situations where there may be a smaller commercial use surrounded by parking and/or internal development specific roadways.

Size and Timing of Accessory Building on Large Lots

The code currently requires accessory buildings to be subordinate in size to the main building on the property. In the past, variance requests to exceed this standard are common. The proposed change allows accessory buildings or structures prior to the commencement of construction of a main building, on lots two (2) acres or greater in size located within an Agriculture zoning district. The change also allows these accessory structures on larger lots (2 acres or more in all zoning districts) to be larger in floor area than the main dwelling unit but still subject to the respective zoning district's height limitation.

Outdoor Storage in the M-1 Industrial Zoning District

The code currently prohibits outdoor storage in the M-1 Industrial Zoning District unless approved by the Zoning Board. In practice, staff has observed this restriction to be unnecessarily limiting. The proposed change would continue to require all principle activities to be located within a fully enclosed building but allow outside storage within the M-1 and M-2 districts (light and heavy industrial) to be as long as it is effectively screened by a solid wall, fence or planting so that the materials are not visible from a residential district.

Fuel Storage for Cell Towers

The Code currently prohibits the storage of hazardous materials within 500' of a residential zone. This requirement typically requires cell tower operators to seek a variance for locating on-site fuel storage for their emergency generators. The proposed change would allow hazardous or potentially hazardous materials used in conjunction with communications towers and public or private utilities to be stored a minimum distance of hundred (200) feet from any residential structure.

Timing of Waterfront Construction for Canals

The Code currently does not allow construction of accessory structures "until the construction of a main building has been commenced." For canal construction (docks, piers), the timing standard is more stringent, requiring that the foundation of the residence be completed and inspected prior to construction. The proposed change would allow waterfront construction at a point in time when construction of the main building has commenced

ARTICLE EIGHT

SIGNAGE

8.00.00 **SIGN REGULATIONS**: The sign regulations set forth in this article shall apply to all signs erected within the Santa Rosa County or Navarre Beach Planning Areas. The purpose of this Article is to provide the minimum control of signs necessary to promote the health, safety, and general welfare by lessening hazards to pedestrians and vehicular traffic, by preserving property values, by preventing unsightly and detrimental development that would detract from the community and lead to economic decline and blight, by preventing signs from reaching such excessive size or numbers that they obscure one another to the detriment of all concerned, by securing certain fundamentals of design that would strengthen the community's economic base, and by preserving the right of free speech.

8.01.00 **PERMITS:** No sign shall be erected without a permit and each sign shall display the permit, unless otherwise stated (see section 8.10.00 et. seq.).

8.02.00 SIGN PLACEMENT AND REMOVAL

A. No signs other than those authorized by the Board of County Commissioners are allowed on or over public right-of-way; except as provided herein.

B. No signs shall project over public property except those signs authorized by the appropriate public agency.

C. No sign shall be located so as to restrict the view of drivers at an intersection, or while entering and leaving a public right-of-way.

8.03.00 ILLUMINATIONS

A. Illuminated signs, other than those identifying churches, schools, and the subdivision entrances are not permitted in residential districts or the Neighborhood Commercial District.

B. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into public right-of-way or residential premises.

Modified: Ord. No. 2000-17, 8-24-00

8.04.00 **INSTALLATION REQUIREMENTS**: All freestanding permanent signs shall be supported by uprights or braces in or upon the ground furnished by the installer of said sign. In no case will signs be supported by utility company poles, trees, or any other structure not furnished specifically for the particular sign.

8.05.00 SIGN AREA CALCULATIONS

A. The sign face is the area of any regular continuous geometric shape which contains the entire surface area of a sign upon which copy may be placed. In the case of the freestanding or awning signs, the sign face consists of the entire surface area of the sign on which copy could be placed and does not include the supporting or bracing structure of the sign unless such structure or bracing is made a part of the sign message. Where a sign has two display faces back to back, the area of the largest face shall be calculated as the sign face area. Where a sign has more than one display face, all areas which can be viewed simultaneously shall be considered in the calculation of the sign face area.

B. For signs other than freestanding or awning signs whose message is applied to a background which provides no border or frame, the sign face area shall be the smallest regular geometric shape which can encompass all words, letters, figures, emblems, and other elements of the sign message.

8.06.00 PERMANENT ON PREMISES SIGNS

8.06.01 On Premises Signs: Permanent on premises signs placed in commercial, industrial and agriculture districts shall conform to the following standards:

A. Advertising Display Area

1. One freestanding or projecting sign not to exceed one hundred (100) square feet per street front. Lots abutting more than one public street may have one sign on each street front. Such signs must be separated by a minimum distance of 100 feet between signs. Signs located within the Neighborhood Commercial District shall not exceed thirty-two (32) square feet.

2. ~~One attached wall sign ten percent (10%) of the building street front elevation, not to exceed 300 square feet~~. Each single occupancy premises shall be entitled to wall sign(s) the sign face area of which, in the aggregate, shall not exceed 10 percent of the building's main street front elevation or 300 square feet whichever is less.

B. Sign Height - The maximum height for freestanding signs shall be thirty (30) feet. No attached sign shall extend above the eave line of a building to which it is attached. Roof surfaces constructed at an angle of 75 degrees or more from horizontal shall be regarded as wall space. The maximum height for freestanding ground mounted signs located within the Neighborhood Commercial District shall be six (6) feet.

C. Set Back - Five (5) feet from any property line measured from the leading edge of the sign or supporting upright which ever protrudes farthest out towards the property line.

8.06.02 Shopping Center/Malls: Permanent on premises signs advertising a group of commercial establishments comprised of seven (7) or more stores which are planned, developed, owned or managed as a unit shall conform to the following requirements.

A. Advertising Display Area

1. One freestanding sign noting the name of the mall or center and/or its tenants as determined by the owner shall be one square foot of sign area per one linear foot of street frontage not to exceed three hundred (300) square feet per face of sign. Lots abutting more than one public street may have one sign on each street front. Such signs must be separated by a minimum distance of 100 feet between signs.

2. ~~One attached wall sign per business - ten (10) percent of the individual business building street front elevation not to exceed three hundred (300) square feet.~~ Each building shall be entitled to wall sign(s) the sign face area of which, in the aggregate, shall not exceed 10 percent of the building's main street front elevation or 300 square feet whichever is less.

B. Sign Height - The maximum height for freestanding signs shall be thirty (30) feet. No attached sign shall extend above the eave line of a building to which it is attached. However, roof surfaces constructed at an angle of 75 degrees or more from horizontal shall be regarded as wall space.

C. Set Back - Ten (10) feet from any property line measured from the leading edge of the sign or supporting upright which ever protrudes farthest out toward the property line.

8.06.03 Strip Center/Project Parcel - Permanent on premises signs advertising a group of commercial establishments comprised of between two (2) and up to six (6) stores or businesses which are planned, developed, owned or managed as a unit shall conform to the following requirements.

A. Advertising Display Area - One freestanding sign noting the name of the center and/or its tenants as determined by owner shall be one square foot of sign area per on linear foot of primary street frontage not to exceed two hundred (200) square feet. Freestanding signs located within the Neighborhood Commercial District shall not exceed forty-six (46) square feet. Lots abutting more than one public street may have one sign on each street front. Such signs must be separated by a minimum distance of one hundred (100) feet between signs.

B. ~~One attached wall sign per establishment - 10% of the street front square foot elevation of that establishment not to exceed three hundred (300) square feet.~~ Each building shall be entitled to wall sign(s) the sign face area of which, in the aggregate, shall not exceed 10 percent of the building's main street front elevation or 300 square feet whichever is less.

C. Sign Height - For freestanding signs not to exceed thirty (30) feet. Freestanding signs located within the Neighborhood Commercial District shall not exceed twelve (12) feet.

D. Setback - Five (5) feet from any property line measured from the leading edge of the sign or supporting up right which ever protrudes farthest out toward the property line.

ARTICLE TWO

ADMINISTRATION

Sections 2.01.00-2.10.04 omitted

2.10.05 Accessory Buildings and Structures

A. Timing of Construction and Use –

1. No accessory building or structure shall be constructed upon a lot until the construction of a main building has been commenced, or; ~~or in the case of a lot~~

2. On lots two (2) acres or greater in size located within an Agriculture zoning district accessory buildings or structures shall be permitted prior to the commencement of construction of a main building~~, until the construction permit for a main building has been issued~~.

3. Buildings used solely for agriculture purposes (such as for livestock or for storage of farm equipment) on those parcels located in Agriculture zoning districts, regardless of parcel size, shall be allowed to be constructed before the construction of the main dwelling.

B. Encroachment of Yards in lots located in Recorded Subdivisions or lots less than one (1) acre in size - Accessory buildings or structures on lots in recorded subdivisions in residentially zoned districts or less than one (1) acre in size may be located within all yards and must observe the following conditions:

1. Any accessory structure closer than ten (10) feet to the main building shall be construed as part of the main building and shall observe all setbacks required for the main building (refer to Sections 2.10.00, 6.05.00, 6.08.00 and 12.01.02).

2. Any accessory structure located over ten (10) feet from a main dwelling may be constructed no closer than five (5) feet of any interior side or rear lot line; provided, however, that such accessory buildings may not be located within the front setback. In addition, where the parcel is located on Navarre Beach or is located within the Shoreline Protection Zone, Sections 6.08.00 and 12.01.02 shall prevail. An accessory building used for living quarters (guest house or guest cottage) shall have a front setback of 60 feet from the front property line and shall maintain the same side and rear setbacks for the principle dwelling (refer to Sections 2.10.00, 6.05.00, 6.08.00 and 12.01.02)

3. Whenever a lot line is also a street line, the required yard for accessory buildings shall be the same for main buildings (refer to Sections 2.10.00, 6.05.00, 6.08.00 and 12.01.02.A)

4. All pool enclosures (enclosure constructed of metal, wood, or similar type material for framing and consisting of screen mesh or any similar material between framing members making up the roof and walls, and which specifically covers a swimming pool or spa), shall have the same front setback as the principle dwelling and may be erected no closer than five (5) feet from the rear or side property line except if it is a corner side property line then

the main building corner side setback shall apply; however, if the main dwelling side setbacks are less than 5 feet, the pool enclosure may take the same side setbacks as the main dwelling. Where the parcel is located on Navarre Beach or is located within the Shoreline Protection Zone, Sections 6.08.00 and 12.01.02 shall prevail. No enclosure shall be allowed on any easement. All detached pool houses, buildings, and other similar structures must abide by the same setbacks as accessory buildings. Additional performance standards for fences, walls, gates or use of other structures for pool enclosures are set forth in Article Seven, "Fences and Walls."

5. All swimming pools shall have the same front setback as the principle dwelling when measured from the pool's water edge to the property line and may be erected no closer than nine (9) feet from the rear or side property line except if it is a corner side property line then the pool corner side setback shall be 4 feet MORE than the established corner side setback for the dwelling; or in the case where the main dwelling's side setback is less than 5 feet, the pool setback may be reduced to 4 feet MORE than the main dwelling's side setback. The distance between the swimming pool and any structure shall be determined according to the current Building Code requirements. In addition, where the parcel is located on Navarre Beach or is located within the Shoreline Protection Zone, Sections 6.08.00 and 12.01.02 shall prevail.

6. Gazebos may be permitted in the front yard provided they meet the setback requirements for main structures (refer to Sections 2.10.00, 6.05.00, 6.08.00 and 12.01.02.A).

7. All above ground storage tanks may not be located in any front yard, and must meet the same rear and side setbacks as the principle building, except in Agriculture districts.

C. Accessory buildings or structures on lots one (1) acre or greater in size and not located in a recorded subdivision in a residentially zoned district, may be located in any yard subject to the following conditions:

1. Accessory buildings or structures must observe the front yard requirements for the main building (refer to Sections 2.10.00, 6.05.00, 6.08.00 and 12.01.02).

2. Accessory buildings or structures may be located no closer than five (5) feet of any interior side or rear lot line. Where the parcel is a corner lot, is located on Navarre Beach or is within the Shoreline Protection zone, Sections 2.10.00, 6.08.00 and 12.01.02 shall prevail.

D. Placement of an accessory structure on a lot contiguous to a lot with a principal dwelling unit shall be allowed as long as the lots are under the same ownership and shall use the same principle dwelling front, side and rear building setbacks on the contiguous lot (refer to Sections 2.10.00, 6.05.00, 6.08.00 and 12.01.02).

E. Accessory structures located on lots less than two (2) acres in size shall be smaller in total floor area than the main dwelling unit.

F. Accessory structures are subject to the height limit of the zoning district in which they are located.

ARTICLE THREE

DEFINITIONS

Definitions omitted

ACCESSORY STRUCTURE, USE or FACILITY: A structure or use or facility that is customarily associated with and is appropriately incidental and subordinate to a principal use or structure and located on the same lot, unless otherwise allowed within this Code. ~~The accessory structure, use, or facility shall always be subordinate in area, extent or purpose to the principal use served.~~

ARTICLE SIX

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

6.00.00 through 6.03.04 omitted

6.03.05 Accessory Activities: In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with and appropriately incidental and subordinate to the principal activity when located on the same zone lot as such principal activity and meet the additional conditions set forth below. Such accessory activities shall be controlled in the same manner as the principal activities within such zone except as otherwise provided in Section 2.10.06. Accessory activities include, but are not limited to, the activities indicated below:

6.03.03.05 A. through 6.03.05 E. omitted

F. Docks, Piers and Mooring Devices: Structures such as piers, docks, wharves, mooring devices, lifting and launching devices, the decking of which is no higher than three (3) feet above mean high water, are permitted as accessory structures.

Such structures shall not extend seaward from the property line for more than three hundred (300) feet or fifteen (15) percent of the open water span at the point of installation whichever is less, except as provided in Section 6.03.05(F)(5.b).

When structures are constructed on waterfront property and are to cross on or over areas of public access, this access may not be impeded or blocked by such structures. The owner of said structure must construct or provide public access. This provision shall apply only to water front property located on Escambia Bay south of Highway 90, Blackwater Bay south of Interstate 10, East Bay and Santa Rosa Sound.

On all construction of docks, boathouses, piers, retaining walls, seawalls, and dolphin poles a zoning review and site plan must be filed and approved by the Community Planning, Zoning and Development Division before building permits can be obtained or construction begun.

The site plan must include:

1. A survey of the property showing all boundaries.

2. Permits or exemption letters from FDEP and Army Corps of Engineers.

3. A drawing of the proposed structure with exact dimensions and their placement on the property. The location, relative to the body of water including protrusion into or over the body of water, must be shown.

4. A plat, survey or other documentation to confirm the width or distance across the body of water.

5. All canal front construction must meet the following dimensions and setbacks.

a. Side and corner setbacks will be fifteen (15) feet or fifteen (15) percent of the water frontage width whichever is less. Side setbacks are measured from side lot lines that separate two lots. Corner setbacks are measured from the corners created by the intersection of two canals. The intent of corner and side setbacks is to enable access to the docks, piers, and boathouses for each lot and to accommodate turning movements at the intersection of canals.

b. All construction including dolphin poles and/or moored watercraft can extend into the water a distance equal to twenty-five percent (25%) of the canal width except for Polynesian Isles Subdivision canal system and the terminal ends of any canals. The depth of such construction will be determined based upon the width of the canal as shown on the plat recorded as of (12-12-2013). The beginning point of such construction shall be the canal wall or the platted lot line whichever is further landward. The requirements for the Polynesian Isles Subdivision canal system and the terminal ends of any canals are as follows:

The terminal ends of the canals are considered special circumstances. In such cases the Planning and Zoning Department shall have discretion in determining the setbacks, configurations and distances into the canal for docks/piers and boatlifts. The goal will be to allow a property owner the ability to moor a boat in such a manner that does not deny nearby property owners similar mooring ability. Adjacent or affected property owners as determined by the Planning and Zoning Department will be consulted to determine the impact to them. If any such affected property owner has objections and a compromise can not be obtained, the applicant must apply for a variance from the Santa Rosa County Board of Adjustments. The SRCBOA decision shall be based upon the goal of allowing a property owner the ability to moor a boat in such a manner that does not deny nearby property owners similar mooring ability.

The Polynesian Isles Subdivision canal system shall consist of the following subdivisions: Polynesian Islands, Polynesian Islands First Addition, Bay Ridge Park Second Addition, Whisper Bay Seventh Addition, and Ebbtide Townhomes. A dock or pier may not extend more than five (5) feet into the canal past the platted or surveyed property line. The only thing that may be allowed

to extend into the canal in addition to a dock/pier is a boat lift. A boat lift may extend an additional ten (10) feet past the platted or surveyed property line into the canal. The boat lift may be covered with a roof. There can be no walls extending down from the roof line enclosing any portion of the boat lift. No elements, members, catwalks, dock, roof overhangs or moored/docked watercraft can extend into the canal more than a combined total of fifteen feet past the platted or surveyed property line. All moored or docked watercraft must be inside the limits of the boatlift or along side and resting against the allowed dock.

c. Decking shall be no more than three (3) feet above mean high water.

d. Seawalls must be located on or behind the surveyed property line bordering the canal.

e. No waterfront construction, except for seawalls may begin until ~~the foundation for the residence has been completed and inspected~~ construction of the main building has commenced.

f. Building permits must be posted in accordance with the building code.

g. Boat shelters or storage structures shall be unwalled and shall not have roofs exceeding twenty-five (25) feet above mean high water.

ARTICLE SIX

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

Sections 6.00.00 – 6.05.18 Omitted

6.05.19 M-1 – Restricted Industrial District

Sections 6.05.19 A- H Omitted

I. Performance Standards

1. Open Area/Landscaping: Every lot in this district shall have a minimum of fifteen percent (15%) of the total parcel area set aside of open landscaped area. All landscaped areas shall be planted and maintained in lawn, sod or natural foliage. And, provisions set forth in Article 7 shall be required. No part of any open area shall be used for driveways or parking area. Refer to Article 7 of this Ordinance for further requirements.

2. Gravel, dirt or earth material excavation, mining, borrow pits, construction and demolition debris (C&D) and land clearing debris (LCD) disposal facilities; Refer to Article 6, Section 6.09.00, Conditional Uses, and to Article 7 of this Ordinance for applicable performance standards.

3. ~~All outdoor storage shall be effectively screened by a solid wall; fence or planting so that such stored materials will not be visible from a public way or residential area. This requirement shall not apply to the outside storage of aircraft.~~

4. 3. ~~All activity within two hundred (200) feet of a residential district boundary shall be conducted within completely enclosed buildings.~~ All principle activity within two hundred (200) feet of a residential district boundary shall be conducted within completely enclosed buildings. All storage within two hundred (200) feet of a residential district boundary may be outdoors but shall be effectively screened by a solid wall, fence or planting so that the materials shall not be visible from the residential district. This requirement shall not apply to the outside storage of aircraft.

5. 4. Landscaped buffers shall be required consistent with Section 7.01.05.

Sections 6.05.20 -6.08.13 Omitted

ARTICLE SEVEN

PERFORMANCE STANDARDS

Sections 7.00.00-7.01.11 Omitted

7.01.12 Processing and Storage:

A. Within all Districts (except the M1 and M 2 Districts) all businesses, services, or manufacturing or processing of materials, goods or products shall be conducted within completely enclosed buildings ~~in the "M 1" district and more restrictive districts~~. Storage may be permitted outdoors upon demonstration of need and subsequent approval by the County ~~Board or Adjustment (Zoning Review and Appeals Board)~~ Zoning Board, but shall be effectively screened by a wall, fence or planting so that such materials will not be visible from a public way, except in those cases where the County ~~Board or Adjustment (Zoning Review and Appeals Board)~~ Zoning Board determines such screening is unreasonable. However, in all instances such outside storage areas shall be screened from adjacent residential areas.

B. Processing and Storage Within the “M 1” and the "M 2" District: In either ~~"M 2"~~ district any use is permitted either indoors or outdoors, but in conformance with the applicable performance standards. ~~In the "M 2" district,~~ Within these districts, all business, servicing, manufacturing or processing within two hundred (200) feet of a residential district boundary shall be conducted within completely enclosed buildings. All storage in an "M 2" district within two hundred (200) feet of a residential district boundary may be outdoors but shall be effectively screened by a solid wall, fence or planting so that the materials shall not be visible from the residential district. The requirement shall not apply for the outside storage of aircraft.

7.01.14 Standards Regulating Nuisances:

A. Noise - Every use shall be so operated as to comply with the Santa Rosa County Code of Ordinances, Section 14; “Nuisance Noise”.

B. Vibration - Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments at any point on the property line of the property on which the use is located.

C. Air Pollutants - Including smoke, particulate matter, odor, and toxic matter.

1. Smoke: Every use shall be so operated as to prevent the emission of smoke as specified by the Department of Environmental Protection in Chapter 62, Florida Administrative Code.

2. Particulate Matter Including Dust: Every use shall be so operated as to prevent the emission into the air of dust or other solid matter as specified by the Department of Environmental Protection in Chapter 62, Florida Administrative Code.

3. Odor: Every use shall be so operated as to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located as specified by the Department of Environmental Protection in Chapter 62, Florida Administrative Code.

D. Fire and Explosive Hazards - All operations, activities and uses shall be con-ducted so as to comply with the performance standards governing fire and explosion hazards prescribed below. Such uses shall comply with the rules and regulations of the National Fire Code published by the National Fire Protection Association as well as Chapter 69A, "Rules of the Marshal," and Chapter 62, “Open Burning”, Florida Administrative Code.

1. Detonatable Materials shall include, but not be limited to, all primary explosives, such as lead, azine, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMS, PETN, and picric acid; propellants and components therefore, such as dry nitrocellulose, black powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerin; unstable organic compounds, such as acidtylides, tetraoles, and ozonides, unstable oxidizing agents, such as perchloric acid, perchlorates and hydrogen peroxide in concentration greater than 35% and nuclear fuels, fissionable materials and products and reactor elements, such as Uranium 235 and Plutonium 239.

2. Fire Hazard Solids:

   a. Light Industrial District "M-1" (or more restrictive district). The storage or utilization of solid materials which are active to intense burning shall be within spaces having fire resistive construction of no less than two hours and protected with an automatic fire extinguishing system. However, such storage or utilization is not permitted unless approved by the Building Director after consultation and approval of the Fire Department, based on standards incorporated herein specifically or by reference.

b. General Industrial District "M-2": In the "M-2" district the storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within the walls having a fire resistance no less than two hours or protected by an automatic fire extinguishing system or the building wall shall be no less than 25 feet from all lot lines. The outdoor storage of such materials shall be permitted no closer than 40 feet from all lot lines. However, such activity is not permitted unless approved by the Building Director after consultation and approval of the Fire Department based on standards incorporated herein in specifically or by reference.

c. No open burning shall be conducted at debris disposal facilities without prior approval from the state enforcement agencies (Department of Environmental Protection and/or Division of Forestry) and the County.

d. Construction and demolition (C&D) debris at disposal facilities shall be periodically covered with soil and maintained for on-site fire suppression per the terms of the applicable County permit to prevent unintended fires.

3. Fire Hazard Liquids and Gases:

a. The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this Section exclusive of the storage of finished products in original sealed containers (60 gallons or less) which shall be unrestricted.

b. The total storage capacity of flammable liquids and gases shall be restricted to capacity expressly permitted by the Building Director after consultation with the Fire Department based on standards incorporated herein specifically or by reference.

c. In no case shall hazardous or potentially hazardous materials be stored or located in residential zones or within five hundred (500) feet of any residential zone, except for those materials used as fuel by emergency generators for communications towers as provided for in Section 7.01.15 or for public and private utilities. In which case, no hazardous or potentially hazardous materials may be stored within two hundred (200) feet of any residential structure.

E. Glare - No operation or activity shall be conducted so as to cause or create glare in excess of the amounts permitted below:

1. All Commercial and Manufacturing Districts: Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in a residential district.

7.01.15 Standards Regulating Towers:

A. Findings

2. The Federal Communications Act of 1934 as amended by the Telecommunications Act of 1995, (collectively the "Act") grants the Federal Communication Commission (FCC)

exclusive jurisdiction over:

d. The regulation of the environmental effects of radio frequency emissions from communication towers and/or communication antennas facilities.

e. The regulation of radio signal interference among users of the radio frequency spectrum.

3. The County's regulation of communication towers and/or communication antennas cannot have the effect of prohibiting any person from providing wireless telecommunications services.

B. Purpose - The general purpose of this Article is to regulate the placement, construction and modification of communication towers and/or communication & antennas in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications market place in Santa Rosa County, Florida. The specific purposes of this Article are:

4. To regulate the location of communication towers and/or communication antennas in the County:

5. To protect residential areas and land uses from potential adverse impacts of communication towers and/or communication antennas;

6. To minimize adverse visual impacts of communication towers and/or communication antennas through careful design, placement, landscaping, and camouflaging techniques;

7. To promote and encourage shared use and collocation of communication towers and/or communication antennas as opposed to the construction of additional single use towers;

8. To avoid potential damage to property caused by communication towers and/or communication antennas by insuring that such structures are sound and carefully designed, constructed, modified, maintained, and removed when no longer used or determined to be structurally unsound;

9. To ensure that communication towers and communication antennas are compatible with surrounding land uses;

10. To facilitate the provisions of wireless communication services to the residents and businesses of the County in an orderly fashion.

C. Definitions

11. Antenna Support Structure: Any building or other structure, other than a tower, which can be used for the location of Telecommunication Facilities.

12. Applicant: Any person that applies for a communication tower and/or communication antenna development permit.

13. Application: The process by which an applicant submits a request to develop, construct, build, modify or erect a telecommunication tower and/or communication antenna. An application includes all written documentation, verbal statements and representations, in whatever form or forum made by an applicant to the County concerning a request.

14. CMRS: Commercial Mobile Radio Services, as defined in section 704 of the Telecommunications Act of 1996, which includes cellular, personal communications, specialized mobile radio, enhanced specialized mobile radio and similar services that currently exist or that may in the future be developed.

15. Collocation or Collocate: The use of a communication tower by two or more CMRS license holders or by one license holder for more than one type of communication technology.

16. Communication Antenna: Any system of electrical conductors designed to transmit and/or receive electromagnetic waves.

17. Communication Tower: A structure which does not exceed two hundred-fifty feet (250) feet in height (including antenna) measured from grade on which transmitting and/or receiving antennas are located. This term "communication tower" shall not include towers utilized by amateur radio operators licensed by the Federal Communication Commission (FCC). Communications towers are generally described as either monopole, lattice, or guyed.

18. County: Santa Rosa County

19. Engineer: Any engineer licensed by the State of Florida. Radio frequency engineers do not have to be licensed by the State, however their qualifications must include specific experience with the field and employment or retention by the telecommunications provider in a professional, technical capacity.

20. Essential Service: The provision, by public utility, of communication services to the public related to fire safety, law enforcement, weather, provisions of electric, natural gas, water, or sanitary sewer service, or other circumstances affecting the health, safety, or welfare of the public.

21. Owner: Any person with title or with written permission from a person with fee title, to any plot of land within the County who desires to develop, construct, build, operate, modify or erect a communication tower and/or communication antenna upon such land.

22. Person: Name, person, firm, partnership, association, corporation, company or other legal entity, private or public, for profit or not for-profit.

23. Public Utility: A utility owned or operated by the United States, the State of Florida, or Santa Rosa County.

24. Telecommunications Facilities: Any cable, wires, lines wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a Tower or

Antenna Support Structure. However, the term "Telecommunications Facilities" shall not include:

f. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned for industrial or commercial use.

g. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.

25. Tower: A self-supporting lattice, guyed, or monopole structure constructed from grade which supports Telecommunications Facilities.

26. Tower Site: Section of a lot completely contained within a lot meeting the requirements of the zoning district for the purposes of locating a communications tower.

D. Applicability

27. Towers and Telecommunications Facilities for which a permit has been issued prior to the effective date of this Article shall not be required to meet the requirements of this Ordinance except as provided herein.

28. This Article shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.

29. The provisions of this Article shall supersede all conflicting requirements of other ordinances of Santa Rosa County regarding the location and permitting of wireless communications facilities.

30. Towers and Telecommunications Facilities can be located only in Agricultural (AG-RR, AG-1, and AG-2), Highway Commercial Districts (HCD), Planned Business Districts (PBD) or Industrial Districts (M-1 and M-2).