



Santa Rosa County Development Services



Beckie Cato, AICP
Planning and Zoning Director

Tony Gomillion
Public Service Director

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Building and Fire Official

Conditional Use Application

INSTRUCTIONS:

Please submit with the following attachments to the Community Planning, Zoning and Development Division. Failure to submit all of the requirements may delay your request.

- ____ 1. Please include the application fee of \$235.00 plus \$1.59 for each letter to be addressed to each property owner within a **150'** radius of the property lines. This fee includes a \$220.00 review fee and a \$15.00 sign fee. **(NOTE: Any structure greater than 35' in height, Borrow, C & D and LCD Pits requires notification to property owners within 500 feet of the involved property.)** This fee will be calculated at the time the application is submitted.
- ____ 2. A sealed Survey, by a certified surveyor, indicating square footage of property.
- ____ 3. A site plan of property, professionally done, showing property lines, dimensions, structures (existing and proposed), abutting streets, legal description and any other pertinent information must be attached to this application.
- ____ 4. The following information from the Property Appraiser's Office:
 - a. A printout with a parcel map, indicating all of the surrounding property owners within 150 feet of the applicant's property for the requested action. (NOTE: Any structure greater than 35' in height, Borrow, C & D, and LCD Pits requires notification to property owners within 500 feet of the involved property.)
 - b. Mailing labels (2 complete sets) with the surrounding property owners' names and addresses to be obtained from the Property Appraiser from the official tax records.
 - c. The Property Appraiser's parcel map of the proposed site identifying the selected property owners within 150' radius or 500' radius.
- ____ 5. A notarized letter of authorization from the property owner. If the applicant is other than the property owner, provide a notarized authorization from the property owner. If the property is under contract for sale and the applicant is the buyer of the property, a copy of the sales agreement will suffice. Our intention is to ensure that proper authorization has been granted for this request.
- ____ 6. A letter stating how your specific parcel meets the Conditional Use requirements as spelled out in the Santa Rosa County Land Development Code (Article 6.09.01 & 6.09.02). The applicant should follow the provision and criterion applicable to the request and be as detailed as possible with the explanation. The applicant must respond to all the provisions and criteria attached.

Santa Rosa County Public Service Complex
6051 Old Bagdad Highway, Suite 202 Milton, Florida 32583
www.santarosa.fl.gov
Office: (850) 981-7000

Inspections/Compliance Division Fax: (850) 623-1208 • Planning/Zoning Division Fax: (850) 983-9874

REQUIREMENTS:

- A. A sealed Survey, by a certified surveyor, indicating square footage of property.
- B. A site plan of property, professionally done, showing property lines, dimensions, structures (existing and proposed), abutting streets, legal description and any other pertinent information must be attached to this application.
- C. Application must be submitted to the Community Planning, Zoning and Development Division at least 30 business days prior to the next regularly scheduled meeting of the Board of Adjustments (BOA).
- D. Certified letters of public notice regarding the BOA meeting to decide this application for Conditional Use will be mailed by the Planning Department to all surrounding property owners as required by Article 2.04.03 of the Santa Rosa County Land Development Code. However, it is the applicant's responsibility to obtain the following information from the Property Appraisers Office, located in the Santa Rosa County Administrative Complex at 6495 Caroline Street Suite K in Milton (983-1880). **Please note that the Property Appraisers Office only provides this information; other questions about the application or the process must be directed to the Planning and Zoning Office.**
 - A printout with a parcel map, indicating all of the surrounding property owners within 150 feet of the applicant's property for the requested the action. (NOTE: Any structure greater than 35' in height, Borrow, C & D, and LCD Pits requires notification to property owners within 500 ft. of the involved property.)
 - Mailing labels (2 complete sets) with the surrounding property owners' names and addresses to be obtained by the Property Appraiser office from the official tax records.
 - The Property Appraiser's parcel map of the proposed site identifying the selected property owners within the 150' radius.
- E. The Planning Department will place a sign on the property prior to the said meeting.
- F. How does your site meet the Land Development Code (Article 6.09.01 & 6.09.02) Conditional Use requirements for the type of use you are applying for? Please see the attached excerpt of the Land Development Code regarding Conditional Uses and go to the paragraph for your specific request. Answer in a letter format and state how your specific parcel and request meet the "General Provisions" and "Criteria" as listed.
- G. If the applicant is other than the property owner, provide a notarized authorization from the property owner. If the property is under contract for sale and the applicant is the buyer of the property, a copy of the sales agreement will suffice. Our intention is to ensure that proper authorization has been granted for this request.

Any appeals of the decision made by the Board of Adjustments must be submitted in writing to the Community Planning, Zoning and Development Division within 15 calendar days after the Board of Adjustments Meeting.

** FOR OFFICIAL USE ONLY **	
Application No. _____-CU-_____	Date Received: _____
FEE: _____	Receipt: _____
FLUM Designation: _____	Zoning District: _____

1.	Applicant Information	
a.	Applicant/Representative Name: All representatives must provide notarized letter of authorization from the property owner	
b.	Applicant/Representative Business Name:	
c.	Applicant/Representative Mailing Address:	
d.	Applicant/Representative Phone Number:	
e.	Contact Person:	
f.	Property Owner Name: (If other than applicant)	
2.	General Property Information	
a.	Street Address of Property:	
b.	Parcel or Tax ID Number of Property:	
c.	Zoning District:	
d.	Size of Parcel:	
e.	What is the present use of the property?	
f.	Size of the parcel (in acres or square feet) that is being considered for a Conditional Use:	
3.	Conditional Use Information	
a.	Describe the requested conditional use with exact dimensions of plan (square footage of proposed building(s)). It is required to be site specific.	
b.	Is the conditional use request so designed, located, and proposed to be operated so that the public health, safety, and welfare are protected?	

c.	Will the conditional use unduly or adversely affect other property in the impacted area which it is located?	
d.	Does the conditional use conform to all applicable provisions of the district in which the use is to be located?	
e.	Does the conditional use satisfy the criteria stipulated for similar uses as described in the Article 6.09.02?	
4. Other Information You Should Be Aware Of:		
a.	Do you authorize the Community Planning, Zoning and Development Division staff and members of the Zoning Board of Adjustment reasonable access to this property?	Yes or No
b.	I understand that all decisions made by the Board of Adjustment is subject to appeal and that if approved, this request will not be fully released for final development processes until the appeal time has successfully passed.	Yes or No
c.	I understand that approval by the Board of Adjustment does not authorize the construction and/or land clearing to occur on this site and that any further site plan requirements and Building Permits may be required	Yes or No
d.	I understand that determinations by the Board of Adjustment shall be valid for a period not to exceed 36 months and must be used by the applicant within said 36 month period.	Yes or No

The burden of proof falls upon the applicant. Therefore, please read the attached conditional use information carefully. A letter will need to be written addressing the reason for request. The applicant should follow the provision and criterion applicable to the request and be as detailed as possible with the explanation. The applicant must respond to all the provisions and criteria attached.

A Conditional Use is a specified use that is allowed only if certain conditions or criteria are satisfied. A Conditional Use approval does not rezone the property; it only allows the approved use on the property. A Conditional Use requires the approval by the Board of Adjustment as the first phase of the planning process. The next step is the development review process, which a site plan review will be conducted. All approved Conditional Uses shall be developed and maintained as approved. Failure to do so shall constitute a violation of this ordinance.

IF YOU DO NOT UNDERSTAND THE ABOVE PARAGRAPH, PLEASE LET US ASSIST YOU.

Taken from the Santa Rosa County Land Development Code:

6.09.00 CONDITIONAL USES

6.09.01 General Provisions Regulating Conditional Uses: A conditional use shall be permitted by the Board of Adjustment (Zoning Review and Appeals Board) 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. Conforms to all applicable provisions of the district in which the use is to be located;
- D. Satisfies criteria stipulated for similar uses as described in the following section.

6.09.02 Criteria Regulating Conditional Uses: In addition to the general provisions cited above, a conditional use shall be permitted by the County Board of Adjustment (Zoning Review and Appeals Board) provided the Board finds that the proposed conditional use complies with the following requirements:

- A. Administrative Services (R-3, AG), Business and Professional Offices and Medical Services
 - 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, 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, AG-2, RR-1, R-1, R-1A, R-1M, 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 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 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

- d. landscaped areas, especially treatment of property lines in close proximity to abutting residential properties.
- E. Golf Courses (AG, 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, 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, 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, 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, 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 / racquetball 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, AG-2, ER, RR-1, R-1, R-1A, R-1M, R-2, R-2M, R-3, 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 (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, 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 (HCD, NC)

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. Gravel, Dirt or Earth Material Excavation, mining, borrow pits, construction and demolition debris (C&D) and land clearing debris (LCD) disposal facilities (AG, AG-2, and M-1):

1. Location: Sites shall be located no closer than five hundred (500) feet to the nearest recorded or approved residential subdivision. Sites shall be located no closer than five hundred (500) feet to the nearest residential structure unless the owner of said structure indicates in writing that he has no objections. This requirement shall not apply to legal non-conforming gravel, dirt, earth excavation, borrow pits, or disposal facilities which were in existence prior to adoption of Ordinance 2007-18. Conditional uses for disposal facilities shall not be permitted in any Military Airport Zone (MAZ) or Public Airport Zone (PAZ) with the exception of that portion of NOLF Choctaw MAZ located east of Highway 87S. See Article 7 for minimum setbacks from property lines, public rights-of-way, and potable water wells.
2. Size: The site must be a minimum of five (5) acres.
3. Access: The operation shall not utilize ingress and egress through any recorded subdivision. Routes shall be chosen as to have the least impact on residential areas. The Public Works Department shall review the ingress and egress routes 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.
4. Fences, Gates, Screening and Landscape Buffers: All disposal facilities shall be fully obstructed from the view of residentially zoned properties, using a combination of fences, gates, screening and/or landscape buffers. For purposes of this requirement, the agricultural zoning districts (AG, and AG2) are not considered residential zoning districts; however, the landscape buffers required by Article 7 shall be applied.
5. Setbacks and debris vertical height limits: See Article 7.

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, miniature golf courses, 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.
3. 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.
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. 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.
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.

W. Accessory Buildings:

1. 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:

- a. Be inconsistent with architectural style of surrounding properties.
- b. 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)

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)

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, AG-2, HCD, M-1 and M-2)

1. Towers and Telecommunications Facilities must meet the standards in Article 7.02.10

DD. Public Fairgrounds (AG, 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 apposed 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:
 1. 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.
 2. 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 11.03.05.

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