

## ARTICLE TWO

### ADMINISTRATION

**2.01.00 PURPOSE:** This article sets forth application and review procedures required for obtaining development orders and permits from Santa Rosa County. Procedures for appealing decisions also are provided. In addition, application and review procedures for development on Navarre Beach are provided.

**2.02.00** This ordinance shall be administered by the Santa Rosa County Community Planning, Zoning and Development Division and as otherwise provided herein.

A. **Director** - The Board of County Commissioners shall appoint a director (chief planner) who shall act in an administrative capacity. He shall set and execute the rules and regulations for administration for the Department of Community Planning, Zoning and Development, subject to the approval and under the direction of the Board of County Commissioners. He shall be a classified employee of the County and shall have the powers to perform the duties provided for by this ordinance or as may be assigned by amendments hereto. He shall see that all laws and ordinances, and rules and regulations are duly enforced and perform such other duties as may be required by him, not inconsistent with this ordinance.

B. **Navarre Beach Director** - Applications for development or construction in the Navarre Beach administrative area shall be administered by the Navarre Beach Director who shall have the same powers and duties of administration and enforcement as described in subparagraph A above.

**2.03.00 Zoning Board:** The Zoning Board shall consist of ten (10) members Each member of the Board of County Commissioners of Santa Rosa County, Florida shall nominate two (2) members to this Board, both of whom shall be residents of Santa Rosa County and at least one of whom must reside in the district of the appointing County Commissioner. Each nominee shall be confirmed by the Board of County Commissioners. The members of this Board shall be appointed for staggered terms of two (2) years, and may be reappointed for consecutive terms. The nominating member of the Board of County Commissioners of Santa Rosa County, Florida, is authorized to remove any member from the Zoning Board for any reason, which removal shall be confirmed by the Board of County Commissioners. Any vacancies occurring during the unexpired term of office of any member shall be filled for the period of the unexpired term within thirty (30) days after the vacancy occurs. The organization and procedure of the Board, its meetings and method of handling appeals and other related matters shall be in the manner hereinafter provided and as provided in County Ordinance 81-07.

All references to "Planning Board" and to "Zoning Board of Adjustment and Appeals" shall be interpreted to mean "Zoning Board."

2.03.01 Procedures: Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, appeals to the Board may be taken by any person aggrieved. However, the Board shall not grant exceptions to the provisions of this ordinance for the personal convenience of any individual or in the case of new construction for the purpose of granting any substantial variance of the restrictions on the various zones as herein contained.

A. Proceedings - The Zoning Board shall adopt procedural rules in accordance with the provisions of this ordinance. Meetings of the Board shall be held at the call of the chairman and at such times as the Board may determine. The Chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the County Clerk and shall be a public record.

B. Appeals - Appeals to the Zoning Board concerning any and all matters may be taken by any person aggrieved or by any officer of a department of Santa Rosa County affected by any decision of another administrative officer. Such appeal shall be exercised within a reasonable time (fifteen (15) days from the date of the administrative decision or as provided by the rules of the board), by filing with the officer to whom the appeal is directed and with the Zoning Board. A notice of appeal specifying the grounds thereof shall be included. The officer to whom the appeal is directed shall forthwith transmit to the Board all the papers constituting the records upon which the action appealed is based.

C. Hearing of Appeal; Notice Required - The Zoning Board shall affix a reasonable time for the hearing of the appeal, give due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by an agency or by attorney.

D. Decision of the Zoning Board - In interpreting and applying the provisions of this ordinance, said provisions shall be held to be minimum provisions. The Zoning Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer to whom the appeal is directed. The concurring vote of a quorum majority of the members of the Zoning Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to vote.

E. Appealing Decision of the Zoning Board - Any person, persons, or county department jointly or severally, of Santa Rosa County aggrieved by any decision of the Zoning Board, may appeal a decision of the Zoning Board by filing an appeal with the Board of County Commissioners. Such appeal shall be filed with the Department of Community Planning, Zoning and Development in a form prescribed by the County Commission within fifteen (15) calendar days of the decision or action appealed. The review by the Board of County Commissioners shall be de novo.

For purposes of appealing the decision of the Board of County Commissioners, the record shall consist of all documents and exhibits presented at the hearing, all testimony presented at the hearing, the package transmitted to the Board by the Planning Department for the hearing, and the relevant minutes of the Zoning Board.

**2.04.00 SPECIAL EXCEPTIONS, VARIANCES AND CONDITIONAL USES:** The 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 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 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 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 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 ZB, 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 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 Agriculture 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 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: 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 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 demonstrable 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 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 first class mail 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 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.

**2.05.00 SPECIAL EXCEPTIONS AND VARIANCES - NAVARRE BEACH:** The Board of Adjustments shall hear and decide variances and special exceptions.

2.05.01 Special Exceptions - Navarre Beach: The Board of Adjustments shall hear and decide such Special Exceptions, as specifically authorized by this ordinance. The Board of Adjustments may decide:

A. Such questions as are involved in determining whether Special Exceptions should be granted;

B. To grant Special Exceptions with such conditions and safeguards as are appropriate under this ordinance;

C. To deny Special Exceptions when not in harmony with the purpose and intent of this ordinance. A Special Exception shall not be granted by the Board of Adjustments unless and until:

1. A written application for a Special Exception is submitted indicating the section of this ordinance under which the Special Exception is sought and stating the grounds on which it is requested.
2. A public hearing shall be held by the Board of Adjustments. The owner of the property for which Special Exception is sought or his agent and the owners of property within 250 feet of the affected property shall be notified by mail, at least fourteen (14) days prior to the public hearing.

Notice of such hearing shall be posted in a conspicuous spot on the property for which Special Exception is sought.

3. The public hearing shall be held by the Board of Adjustments. Any party may appear in person or by agent or attorney.
4. Before a Special Exception shall be issued, the Board shall make written finding certifying compliance with the specific rules governing individual Special Exceptions and that satisfactory provision and arrangement have been made concerning the following where applicable:
  - a. Ingress and egress to property and proposed structures thereon with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
  - b. Off street parking and loading areas where required with particular attention to the

items in (a) above, and the economic, noise, glare, or odor effects of the Special Exception from adjoining properties and properties generally in the District.

- c. Refuse and service areas with particular reference to items (a) and (b) above.
  - d. Utilities with reference to location, availability and compatibility including maintenance of level of service standards where appropriate.
  - e. Screening and buffering with reference to type, dimension and character.
  - f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the District.
  - g. Required yards and other open space.
  - h. General compatibility with adjacent properties and other property in the District.
5. The Board of Adjustments may impose such conditions on the granting of the Special Exceptions as may be necessary to prevent injurious effect on other property in the district.
6. Notification: Within fifteen (15) days of the date of public hearing, the Board of Adjustments shall send to the person or entity requesting the Special Exception a notification of the action taken.

**2.06.00 ENFORCEMENT, VIOLATIONS AND PENALTIES:** The Santa Rosa County Administration is hereby directed to enforce this ordinance. Enforcement may be compelled by the County Administrator, the County Planner (Director, Department of Community Planning, Zoning and Development), CE, Building Official or any other official of Santa Rosa County designated by the County Administrator or the Board of County Commissioners. In addition, enforcement of this ordinance in the Navarre Beach Administrative Area shall be accomplished by the Navarre Beach Executive Director through designation of the County Administrator.

**2.06.01 Penalties:** Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resist the enforcement of any of the provisions of this ordinance shall be punishable as a misdemeanor and fined accordingly (upon conviction, be fined up to \$500.00 or imprisoned for not more than sixty (60) days, or both, and in addition shall pay all costs and expenses involved in the case). Each day a violation exists shall constitute a separate offense. Nothing herein contained shall prevent Santa Rosa County from taking such other lawful action as is necessary to prevent or remedy any violation, including, but not limited to, civil action for injunctive relief.

**2.07.00 INTERPRETATION, PURPOSE AND CONFLICT:** In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the community. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this ordinance imposes a

greater restriction upon the use of buildings or premises, or upon the height of buildings, or required larger open spaces than are imposed or required by other ordinances, rules, regulation or by easements, covenants or agreements, the provisions of this ordinance shall control. If, because of error or omission in the zoning map, any property in the Santa Rosa County, Florida, Planning area is not shown as being in a zoning district, the classification of such property shall be "R-1" Single Family, unless changed by amendment to the zoning ordinance.

**2.08.00 COMPREHENSIVE PLAN AMENDMENTS, REZONINGS, CHANGES AND AMENDMENTS:** The Board of County Commissioners may from time to time, on its own motion or on petition, or on recommendation of the Local Planning Board, amend, supplement, change, modify or repeal by ordinance the boundaries or districts or regulations or restrictions herein established after public hearing, in accordance with Florida Law, provided however, that such amendments, supplement, change or modification is consistent with the adopted Comprehensive Plan. In the event that such requested change is not consistent with the adopted Comprehensive Plan the Board of County Commissioners must amend the Comprehensive Plan following the procedures delineated in Chapter 163, F.S. (see Section 2.09.00 of this ordinance).

A. Every proposed rezoning to this ordinance shall be submitted in writing at least thirty (30) days prior to the next regularly scheduled Local Planning Board meeting. The written application must be accompanied by a declaration of consistency with the adopted Comprehensive Plan.

1. When said application or petition is initiated by interested property owners or authorized agents of such owners, the application shall describe by legal description and by street address, where possible, the property to be affected by the proposed change, setting forth the present zoning applicable thereto and specifying the district, zone or use requested by the applicant. Such application shall be in a form substantially in accordance with the form prescribed by the County Planning and Zoning Division.
2. All such applications by owners or agents shall include a verified statement showing each and every individual person having a legal and/or equitable ownership interest in the property upon which the application for rezoning is sought, except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the name and address of the corporation will be sufficient.
3. There shall, at said time, be paid to the County Department of Community Planning, Zoning and Development a sum for each requested change; provided, however, that as many contiguous lots or parcels of property as the applicant owns may be included in any single petition. The sum to be paid for said rezoning shall be prescribed by the Board of County Commissioners.

B. The County Department of Community Planning, Zoning and Development shall transmit the application to the Local Planning Board for consideration at its next meeting. The Local Planning Board may make a final recommendation at its next regularly scheduled meeting or take action during the following meeting. In any case, it shall hear and evaluate comments from the County Planning and Zoning Division and such other departments as may be pertinent.

C. No less than fourteen (14) days before the regularly scheduled Local Planning Board meeting, the Planning and Zoning Department shall: 1) Place a sign no smaller than 20" X 30" on or in front of the subject property, clearly visible and readable from the nearest abutting right of way; and 2) Send a letter via first class mail to all property owners within 500 feet of the boundary of the subject property (as determined by the Office of the Property Appraiser); however, if the rezoning or land use amendment is located in the Rural Protection Zone, as identified by the Rural Development Plan, notice shall be sent to property owners within fifteen hundred feet (1,500) feet of the boundary of the subject property. For any type of borrow pit or disposal facility (LCD or C&D), the notice shall be sent to property owners within fifteen hundred (1,500) feet of the property where said rezoning is proposed. Within fourteen (14) days, the Planning and Zoning Department shall place an advertisement in a newspaper qualified for legal advertisements circulated in the County.

The sign, letter sent via first class mail, and advertisement shall set forth in simple terms the time, location, date of such public meeting, the existing zoning and proposed zoning. After such consideration, the Local Planning Board shall report its recommendation to the County Commission for final action.

D. Upon receipt of the report from the Local Planning Board, the County Commission shall set a date for a public hearing for consideration of the rezoning request.

E. When a public hearing is to be held on an application for rezoning before the County Commission, the Planning and Zoning Department shall: 1) Place a sign no smaller than 20" X 30" on or in front of the subject property, clearly readable from the nearest abutting right of way; 2) Send a letter via first class mail to all property owners (as determined by the Office of the Property Appraiser) within 500 feet of the boundary of the subject property; however, if the rezoning or land use amendment is located in the Rural Protection Zone, as identified by the Rural Development Plan, notice shall be sent to property owners within fifteen hundred (1,500) feet of the boundary of the subject property.

The sign and letter sent via first class mail shall set forth in simple terms the time, location, date of such public hearing, the existing zoning and proposed zoning. The sign shall be posted and the letters sent via first class mail fourteen (14) calendar days prior to the scheduled public hearing.

Failure to comply with the requirements set forth above will result in the postponement of the requested public hearing. The Planning and Zoning Department shall be responsible for publishing of a legal notice for said hearing as required by Florida Law.

With the consent of the applicant, a rezoning may be approved subject to specific conditions, including but not limited to use restrictions, density restrictions, buffering provisions or access limitations. Any such conditions shall be specified in the ordinance approving the rezoning.

2.08.01 Time for Reapplying after Denial: No new application for amendment, change or modification of the boundaries or districts, regulations or restrictions contained in this ordinance shall be permitted to be filed until after the expiration of twelve (12) months from the filing of a

previous application with the Planning Director as provided in this Section (above), covering substantially the same provisions.

**2.09.00 COMPREHENSIVE PLAN AMENDMENTS:** Pursuant to Florida Law, the Santa Rosa County Comprehensive Plan may be amended only two (2) times per calendar year except for amendments meeting the criteria set forth in 163.3187, Florida Statutes. However, several amendments may be effected during each of the twice yearly opportunities.

2.09.01        Timing of Amendments: The Board of County Commissioners will, from time to time, establish dates for consideration of proposed plan amendments and such dates shall be determined based upon the needs of Santa Rosa County, applicants for development approval and requirements of law.

2.09.02        Procedures: Applications for Comprehensive Plan amendments shall be made on forms provided by the County Community Planning, Zoning and Development Department. Applications must be submitted at least thirty (30) days in advance of the first scheduled public hearing to consider Comprehensive Plan amendments.

A.        Local Planning Agency Consideration - The Santa Rosa County Planning Board serves as the local planning agency. Prior to any plan amendment being proposed or adopted by the Board of County Commissioners, the Local Planning Agency (LPA) shall conduct a public hearing and promulgate recommendations on each plan amendment so considered.

B.        Board of County Commissioners Action - Upon receipt of the LPA recommendation, the Board of County Commissioners may propose Comprehensive Plan amendments and develop such amendments with the requisite data and analysis pursuant to Section 163.3184, F.S. and pursuant to relevant Florida Administrative Code provisions (i.e., Rule 9J-11, F.A.C).

C.        Department of Community Affairs Review - Pursuant to Florida Statutes, the Board of County Commissioners will transmit proposed large scale plan amendments and adopted small-scale amendments to the Florida Department of Community Affairs (DCA). Upon receipt of DCA comments on proposed large scale amendments, the Board of County Commissioners may proceed with the adoption process as defined in Section 163.3184, F.S.

D.        Effective Date of Amendments - Comprehensive Plan amendments will be effective upon adoption unless otherwise specified by the ordinance adopting the amendment.

2.09.03        Public Participation: The public participation procedures defined and described in Chapter Four of the adopted Santa Rosa County Comprehensive Plan (Ordinance No. 90-52) shall be followed.

**2.10.00 MODIFICATIONS AND ADJUSTMENTS OF DISTRICT REGULATIONS:** The regulations set forth in this Section modify, adjust or supplement the district regulations appearing in Article 6 of this ordinance.

2.10.01      General Modifications

A.      Yard or Court Encroachment Including Roof Overhang - Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, awnings, eaves and similar features approved by the County Board of Adjustment (Zoning Review and Appeals Board). None of the above projections shall project into a court more than six (6) inches nor into any yard more than twenty-four (24) inches, except roof overhangs and awnings which may extend forty-eight (48) inches into any yard provided the respective yard is at least ten (10) feet in depth. In no case shall a structure project into a public right-of-way without prior approval by the County Commission.

B.      Projecting Fire Escapes, Stairways, Balconies, Chimneys, or Flues - Open or enclosed fire escapes, outside stairways and balconies projecting into a minimum yard or court not more than three and one-half (3-1/2) feet and the ordinary projections of chimneys and flues may be permitted by the Building Official where the same do not obstruct light and ventilation.

C.      Distance Between Buildings on Same Lot - More than one multiple dwelling may be located upon a lot provided that the horizontal open space between such buildings measured at the closest point shall not be less than twice the side yard required in the district in which such uses are located.

D.      Use of Lots Less Than Required Size - Any lot of record on the effective date of this Ordinance, which contains less land area depth or width than is required in the district in which such lot is located, may be used for the uses permitted in such district.

E.      Sanitary Waste Disposal - Whenever a lot is not served by an approved sewer, there must be provided such open space as required by Chapter 10(D)(6) (Septic Tank Regulations) of the Florida Administrative Code and as administered by the Santa Rosa County Health Unit for septic tanks with flows of up to 5,000 gallons per day and drainage field to serve the uses erected on such lot. Such sanitary installation may be located in a front, side or rear yard but not closer than five (5) feet to any lot line.

2.10.02      Front Yard Modifications

A.      Lots With Double Frontage - The front yard regulations shall apply to both streets on through lots or double frontage lots.

B.      Corner Lots – A corner lot shall have a front setback equal to the minimum front setback requirement of the zoning district of the lot and a side street setback as determined in Section 2.10.04; provided however, that the buildable width of corner lot shall not be reduced to less than thirty (30) feet; provided further, that no accessory building on a corner lot shall project beyond

the setback line on any street. The front yard shall be determined by the tier of the lots in any block. If undeterminable then the lot owner shall decide the front yard.

C. Encroachment of Porch or Terrace - An open, unenclosed and uncovered paved terrace or a covered porch may project into the front yard and rear yard for a distance of not more than ten (10) feet.

D. Encroachment By Gas Pumps and Pump Islands - Filling station pumps and pump islands may be located within a front yard provided they are not less than twenty (20) feet from any street line.

E. Encroachment By Commercial Canopies - Canopies such as gas canopies, may be located within a front yard provided they are not less than twenty (20) feet from any property line.

F. Encroachment by New Mobile Home Placement – A new individual mobile home placed on an individually owned lot of record that is less than the minimum size for that district may encroach up to five (5) feet into a required front yard, provided mobile homes are permitted, the mobile home is sited as far into the parcel as possible without encroaching into the required rear yard and the lot does not abut a major arterial.

#### 2.10.03 Rear Yard Modifications

A. Lots Abutting an Alley - When a lot abuts upon an alley, one half (1/2) of the alley may be considered as part of the required rear yard.

B. Corner Lots - For the purpose of applying rear yard modifications as set forth in this section, the rear yard shall be determined by the line that separates two tiers of lots in any block.

C. Non-residential Lots Abutting Residential Property - In any non-residential district, if the rear property line of a lot abuts a residential district, a rear yard shall be provided equal to the yard required in the residential district it abuts.

#### 2.10.04 Side Yard Modifications

A. Lots Less Than Required Width - Whenever a lot in single ownership exists which contains less width than required in the district in which it is located, as outlined in Section 2.10.01 D above, no side yard shall be reduced to less than five (5) feet, providing further that the buildable width shall not be reduced to less than twenty (20) feet.

B. Buildings With Mixed Use - Whenever a portion of a building is used for residential purposes, including hotel, motel or transient quarters as well as non-residential purposes, in such cases the provisions governing residential side yard setbacks shall be applicable.

C. Corner Lots – A corner lot shall have a side street setback equal to fifteen (15) feet or as specified by the zoning district requirement. However, if the side street is a collector road or an arterial road, as described in Section 4.04.03(D), then the side street setback shall be either twenty-five (25) feet for a collector road or fifty (50) feet for an arterial road. The side street shall be determined by the location of the front yard.

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
2.      One metes and bounds lots two (2) acres or greater in size located within an Agriculture zoning district accessory 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 height limit of the zoning district in which they are located.

**2.11.00 NAVARRE AREA ARCHITECTURAL REVIEW BOARD:** A Navarre Area Architectural Review Board shall be established by the Board of County Commissioners. Any new development or redevelopment requiring site plan or plat approval within the Heart of Navarre Overlay District, including the Navarre Town Center Zoning Districts, shall be presented to this Board for review and approval prior to the issuance of any County Development Orders or Building Permits.

A. Membership: The Architectural Review Board shall be composed of the following members:

1. Five voting members appointed by the Board of County Commissioners,
  - a) one of which owns property in the Town Center District,
  - b) one of which owns property in the Heart of Navarre District,
  - c) one of which resides in the Navarre Area as defined in the Navarre Town Center Plan (October 2004), and
  - d) two of which have architectural design or construction experience,

All members shall be residents of Santa Rosa County.

2. Adviser: The County Planning and Zoning Director or the Director's designee shall be the adviser and staff to the board.

B. Term of Office, Vacancies; Removal from Office: Members shall be appointed for a term of four (4) years except in the case of a re-appointment to fill a vacancy for the remainder of the four (4) year period in which event the appointment shall be for the unexpired term only. The initial term for two (2) members shall be three (3) years and the initial term for three (3) members shall be four (4) years. At the discretion of the Board of County Commissioners, any member may be reappointed for consecutive terms. Any member of the board may be removed from office without cause by the Board of County Commissioners.

C. Officers: The board shall elect from among its members a chairman and vice chairman. The terms of officers shall be one year, with eligibility for re-election, and officers shall serve until their successors are selected and qualified.

D. Duties: The purpose of the board shall be to ensure that all development and redevelopment of existing sites adheres to the architectural standards outlined in this code for the Heart of Navarre Overlay district and Navarre Town Center zoning districts. It shall review based on the standards herein and the intent of the Navarre Town Center Plan. Its mission is to preserve and enhance the aesthetic integrity of the Navarre Community, thereby improving the quality of life for its residents.

E. Procedure for submission of plans: All new development and all modifications to existing development to a building located or to be located in the Town Center Districts or Heart of Navarre Overlay District shall be accompanied by plans for the proposed work. Such plans shall be submitted by the applicant to the Planning and Zoning Department at least ten (10) working days prior to the scheduled meeting for which the applicant would like the project presented.

The applicant shall be notified of the time, date and place of the meeting. The applicant or their authorized agent shall appear at the meeting in order for the request to be considered by the board.

F. Review and Decision: The board shall promptly review such plans and shall render its decision. If the board approves the plans, the applicant may then submit plans to the County for development review. If the board disapproves the plans they shall be resubmitted to the Planning and Zoning Department with the necessary changes for consideration by the board at a subsequent meeting.

G. Voting: All decisions may be rendered by a simple majority of the board members present and voting.

H. Appeals: Any person aggrieved by a decision of the board may within fifteen (15) days thereafter, appeal the decision to the Board of County Commissioners. Appeals must be in writing and submitted to the Planning and Zoning Department.

## **2.12.00 BAGDAD ARCHITECTURAL ADVISORY BOARD (BAAB)**

A. Purpose: The Bagdad Architectural Advisory Board (BAAB) shall be established by the Board of County Commissioners. Any new restoration or new construction projects will be presented to this board for its approval upon review by the Planning Department and prior to the issuance of any county building permits. The Architectural Advisory Board will insure that proposed development activity is consistent with the Land Development Code and associated Design Manual.

B. Appointment: BAAB members shall be appointed by the Board of County Commissioners.

C. Membership Composition: The BAAB shall consist of five (5) voting members and one (1) ex officio member, as follows:

1. Voting Members: The voting members shall consist of the following:
  - a. A minimum of two (2) members residing within the Bagdad Historic or Conservation Overlay Districts
  - b. One (1) member nominated by the Bagdad Village Preservation Association.
  - c. A minimum of one (1) member having demonstrated expertise in architectural design who may or may not live within Santa Rosa County.
  - d. It is acceptable for one (1) or more members to satisfy more than one of the requirements above. To the extent they are available in the community, other voting members should include historians, architects, landscape architects, urban planners, engineers, real estate professionals, and representatives of similar disciplines.
  - e. Ex Officio Member: One (1) non-voting ex officio member shall be appointed by the Board of County Commissioners from the archeology or anthropology department of a local educational institution.

D. Terms of Office: BAAB members shall be appointed to serve two (2) year terms except for appointments to fill a vacancy, in which case the appointment shall be limited to the unexpired term. Any member of the BAAB may be removed from office by the Board of County Commissioners without cause.

E. Officers: The BAAB shall elect from among its members two officers: a Chairman and a Vice Chairman. Officers' terms shall be one (1) year with eligibility for reelection, and officers shall serve until their successors are formally appointed.

F. Advisor: One (1) representative of the County's Planning Department shall serve as the technical Advisor to the BAAB.

G. Duties: The BAAB shall be responsible for performing design review and rendering decisions as part of the approval process for all new development, demolitions, building relocations, building alterations, and similar activities for properties within Bagdad's designated Historic and Conservation Overlay Districts.

H. Authority: All design review decisions of the BAAB shall be legally binding upon the applicants seeking approval for development, demolition and similar activities. BAAB decisions can only be reversed by the Board of County Commissioners.

I. Meetings and Decisions

1. Meetings: Unless there are no design review applications before the Board, the BAAB shall meet at least once per month. A quorum, consisting of a majority of the voting members (three or more), must exist in order for the BAAB to conduct its business. The applicant shall be notified by the BAAB in writing at least two (2) weeks prior to the scheduled meeting of the BAAB at which their application will be considered. Such notification shall include the date, time and location of the meeting.
2. Decisions: Board decisions shall be by majority vote. Decisions by the BAAB shall include one (1) of the following types of decisions for each Certificate of Appropriateness (COA) application:
  - a. Approved as submitted
  - b. Approved with conditions or changes
  - c. Denied
  - d. Tabled

The reasoning behind each BAAB decision shall be stated in the official minutes of the meeting, which shall be formally approved by the BAAB in a subsequent meeting. The issuance of a Certificate of Appropriateness (COA) shall not relieve the applicant from obtaining other permits and approvals required by the County. A building permit or other permits shall be invalid if it is obtained without a COA, if required.

J. Appeals to Decisions: Any applicant aggrieved by a decision of the BAAB shall have up to fifteen (15) days to formally appeal the decision to the Board of County Commissioners. The

appeal shall be in writing, and a copy shall be submitted to the BAAB. The BAAB Advisor shall then provide the Commission with a copy of all records related to the application. The Commission shall decide upon the appeal either by confirming it, overturning it, or amending it with conditions.

K. Administrative Reviews: For a limited range of proposed actions within the Conservation Overlay District that are considered to be low in magnitude and for which clear and objective standards exist requiring no discretionary decision making, administrative reviews can be made and a COA issued by the BAAB's Advisor. Such reviews are limited to the following types of applications:

1. Signs;
2. Site alterations that are visible from a public street as defined below:
  - a. Development of new driveways/parking pads or expansion of existing driveways/parking pads;
  - b. Installation of any new fencing;
  - c. Removal of any tree exceeding 4 inch caliper measured at 3 feet above grade.

Administrative reviews shall require the completion of a COA application form, and a report on the administrative review and decision shall be provided to the BAAB prior to their next formal meeting. The purpose of administrative reviews is to expedite improvements to properties and reduce the associated costs for minor actions that do not necessitate formal review by the full Bagdad Architectural Advisory Board. Applicants dissatisfied with decisions rendered through administrative reviews have the option of going before the full BAAB.

#### 2.12.01 Bagdad Architectural Advisory Board (BAAB) Design Review And Approval Process

A. Actions Requiring a Certificate of Appropriateness (COA): Actions that shall require a COA issued by the BAAB are contingent upon the type of district, as follows:

1. Historic Overlay District  
The following actions shall require a COA from the BAAB:
  - a. Building alterations visible from a public street
  - b. Building demolitions, including the demolition of any component of a building.
  - c. Building relocations.
  - d. Construction of new buildings.
  - e. Significant site alterations that are visible from a public street as defined below:
    - 1) Development of new driveways/parking pads or expansion of existing driveways/parking pads
    - 2) Installation of any new fencing.
    - 3) Removal of any tree exceeding a 4 inch caliper measured at 3 feet above grade.
  - f. Signs

2. Conservation Overlay District

The following actions shall require a COA from the BAAB:

- a. Building alterations visible from a public street that result in the addition of new habitable building space. Habitable building space, for the purposes of this ordinance, is enclosed by solid walls on all sides and has a ceiling height at least seven (7) feet above the floor level. An example of increasing habitable building space is the addition of a dormer window, while the addition of an unenclosed porch is not.
- b. Building demolitions, including the demolition of any component of a building (components shall not include architectural elements such as doors, windows, and other relatively small-scaled features).
- c. Building relocations.
- d. Construction of new structures.

B. Actions Not Requiring a Certificate of Appropriateness (COA): Within both the Historic and Conservation Overlay Districts, ordinary maintenance and repairs may be undertaken without a COA provided that all of the following apply:

1. The work involves repairs to existing features of a structure or site or the replacement of elements of a structure with pieces identical in appearance;
2. The work does not change the exterior appearance of the structure or site;
3. The work does not require the issuance of a building permit.

When a structure has been fully or partially destroyed by a natural disaster as described in Article 9.06.01, a Certificate of Appropriateness is not required.

C. Pre-Application Meeting: Although not mandatory, it is recommended that applicants to the BAAB meet informally with the County Planning Department's Advisor to the BAAB prior to submitting an application. The purpose of the meeting shall be to:

1. Allow the BAAB Advisor to explain the application and design review process.
2. Allow the applicant to describe their project.
3. Allow the BAAB Advisor to determine the specific information required as part of the application submission.

D. Certificate of Appropriateness (COA) Application: Any of the reviewable actions within Bagdad's Historic and Conservation Overlay Districts shall require a Certificate of Appropriateness (COA) prior to such action commencing, including prior to the issuance of a building permit by the County for such actions requiring a building permit. The applicant to the BAAB shall obtain from the County a COA Application Form and complete it with the required information regarding the proposed action. The information required shall be determined by the BAAB Advisor from the County's Planning Department. Such information shall be specific to the proposed action and characteristics of the property, and can best be determined through a pre-application meeting. A COA application shall not be deemed complete by the BAAB Advisor until all required information has been provided by the applicant.

E. Design Review by Staff & BAAB: At least one (1) week prior to the BAAB meeting during which the COA application will be considered, the BAAB Advisor from the County's Planning Department staff shall prepare and distribute a concise report on the application. Such report shall include the COA application, supplemental materials (including graphics), and a staff analysis from the Advisor regarding the consistency between the application's proposal and the district's adopted codes and design standards. The report shall be distributed to all BAAB members, the applicant, and any other parties as determined necessary. As part of this design review process, the BAAB Advisor shall visit the subject property prior to issuing the report, and BAAB members should visit the property prior to the meeting.

F. Effect of Design Standards: The design standards that serve as distinct and supplemental policies to this code, referenced in Article 6.05.22.E, shall have the same legal authority as this code. The standards are based, in part, upon the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The design standards are contained in a separate document for the purpose of having a graphic format that more readily conveys the design issues addressed through the use of illustrations.

G. Non-Contributing Buildings: The design standards shall not be applied as stringently to those buildings identified in the existing historic sites survey, or as otherwise determined by the BAAB, as being "non-contributing" relative to "contributing" buildings. Within this context, "contributing" refers to a building's level of contribution to the overall architectural and/or historic character and significance. While non-contributing buildings will not be held to the same level of standards as contributing buildings, no actions shall be approved that cause a non-contributing building to become even less compatible with its surrounding historic context. Expanding the size of a non-contributing building does not necessarily, in and of itself, make the building less compatible. However, applying architectural detailing, materials, stylistic elements and similar features that are incompatible with the surrounding historic context shall be avoided.

H. Building Relocations: The relocation of a building shall be considered an option of last resort, as the building's historic significance is derived, in part, by its surrounding context. Building relocations should only be considered as an alternative to demolition. When relocated, relocation sites within the subject district should be encouraged over sites elsewhere.

I. Building Demolitions : In general, the demolition of a "significant" or "contributing" building, as defined by the most recent official historic structures inventory, is prohibited in both Historic and Conservation Overlay Districts. Demolitions shall only be permitted when a substantial economic hardship can be clearly demonstrated or an imminent threat to public safety exists. Plans for the property shall be provided to the BAAB before demolition is approved.

1. Economic Hardship: Should an applicant seek approval by the BAAB for demolition based upon economic grounds, they must prove the following:
  - a. The subject structure is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
  - b. The subject structure cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

- c. Diligent efforts to find a purchaser interested in acquiring the subject property and preserving it have failed;
2. In considering whether a substantial economic hardship exists to justify the BAAB's approval for demolition, the BAAB may request from the applicant any of the following information:
  - a. Amount paid for the property;
  - b. Amount of money spent on physical improvements since its acquisition;
  - c. Appraised value from a qualified real estate appraiser;
  - d. Report on the building's physical condition by a qualified professional having expertise in historic buildings;
  - e. Monthly and/or annual expenses of the property (taxes, insurance, maintenance, etc.) over the past two (2) years;
  - f. Recent history of success in marketing the property for lease or sale;
  - g. Other relevant information pertaining to the property, its condition and economic status.
3. Public Safety Threats: An approval for demolition shall be granted by the BAAB if a structure is determined by County building officials to pose an imminent threat to public safety and there are no options for physically securing the property or otherwise saving it.

J. Minimum Maintenance Standards: All owners of property within the Historic or Conservation Overlay District deemed "significant" or "contributing" by the most current historic structures inventory are responsible for physically maintaining their structures in a manner that avoids demolition by neglect. The owner of the subject property shall, upon written notice from the County, repair the exterior features or structural elements in question, including, but not limited to, any of the following conditions, processes or defects:

1. Damage to or decay of foundations, flooring, or floor supports that cause leaning, sagging, splitting, listing or buckling;
2. Damage to or decay of walls or other vertical supports that causes leaning, sagging, splitting, listing or buckling;
3. Damage to or decay of ceilings, roofs, and their support systems, or other horizontal members, that causes leaning, sagging, splitting, listing or buckling;
4. Damage to or decay of fireplaces or chimneys that causes leaning, sagging, splitting, listing or buckling;
5. Damage to, decay or crumbling of exterior stucco, wood, brick, mortar or any other exterior element that causes loss of unique architectural features or structural integrity;
6. Decay, damage or removal of windows, window frames and doors;
7. Rotting, holes and other forms of decay of any exterior elements;
8. Any fault, defect, or condition of the subject structure rendering it structurally unsafe or not properly watertight, including, but not limited to: lack of roofing, lack of roof covering, lack of weather protection, or separation or removal of building components that allows moisture to penetrate the structure;
9. Damage or decay that has a detrimental effect upon the special character of the subject historic or conservation district as a whole or the unique attributes and character of the subject structure;

10. Damage to or decay of any feature so as to create a fire hazard or other condition hazardous to public safety; and
11. Removal or demolition of significant architectural features.