

9. Variation from Code Requirements

Chapter 9. Variation from Code Requirements

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9.01.00 GENERALLY

The purpose of this chapter is to provide mechanisms for obtaining relief from the provisions of this LDC where hardship would otherwise occur. Three forms of hardship are addressed: (1) section 9.02.00 addresses hardship that would be caused if Non-Conforming Development were required to immediately come into compliance with this LDC, (2) section 9.03.00 addresses modifications that are not addressed elsewhere, and (3) section 9.04.00 addresses the hardship that may be caused in particular cases by the imposition of the development design standards of this LDC.

9.02.00 EXISTING NON-CONFORMING DEVELOPMENT

9.02.01 Non-Conforming Uses and Non-Complying Structures

This section provides certain limitations which restrict non-conforming uses and/or non-complying buildings and structures in order to realize the legislative intent and purpose of this ordinance and the adopted Comprehensive Plan of Santa Rosa County. This chapter is intended to assist in preserving the character of established districts in light of their suitability for particular uses, and thus to promote and protect public health, safety and general welfare.

- A.** Non-Conforming Uses – The provisions governing non-conforming uses set forth in this chapter are established to provide a gradual remedy for existing undesirable conditions resulting from such non-conforming uses. While non-conforming uses lawfully existing at the time of enactment of this ordinance are generally permitted to continue, this chapter is designed to restrict action regarding such uses which would make them more permanent establishments.

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B. Non-Complying Buildings and Structures – The provisions governing non-complying buildings and structures are established to prevent the creation of additional non-complying buildings and structures lawfully existing at the time of enactment of this ordinance, it also provides, wherever reasonable and practical, for a gradual remedy from non-compliance.

9.02.02 Continuance of a Non-Conforming Use or Non-Complying Building or Structure

A. A non-conforming use lawfully existing at the time of the enactment of this ordinance may be continued subject to the provisions of this ordinance and any other applicable County land development regulations.

B. The lawful use of a non-complying building or structure may be continued subject to provisions of this ordinance and any other County land development regulations.

C. Nothing in this ordinance shall be interpreted as authorization for, or approval of, continuation of any illegal use of a building, structure, premises or land, in violation of any ordinance in effect at the time of the passage of this ordinance.

The casual, intermittent, temporary, or illegal use of land, building or structure for any length of time shall not be sufficient to establish the existence of a non-conforming use.

D. Any planned building or structure for which a lawful building permit or development order was issued prior to the enactment of this ordinance, and construction of which is or will be in conformity with approved site plans or subdivision construction plans, if applicable, said building plans shall not be affected by this ordinance if the planned building or structure is built in full compliance with County land development regulations as they existed at the time of the issuance of the building permit or development order. However, if such building or structure does not conform to the provisions of this Ordinance which cause such planned building, structure or use to be non-conforming or non-complying, then it shall be non-conforming or non-complying, or both, as the case may be, by applying this ordinance to the building, structure or use. Preliminary plats and subdivision construction plans that had approvals issued from January 2008 will be grandfathered in.

9.02.03 Increase of Non-Conforming Use Prohibited

A non-conforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities apply to both complying and non-complying buildings or structures and shall include without being limited to:

A. Extension of non-conforming use to any other building or other structure.
Extension of a non-conforming use to any land area other than the specific land

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area that was actually and directly occupied by such use on the effective date of this ordinance (or on the effective date of subsequent amendment thereto that causes such use to become non-conforming).

B. Extension of non-conforming use within a building or other structure to any portion of floor area on the same or another floor that was not actually and directly occupied by such use on the effective date of this ordinance (or on the effective date of a subsequent amendment thereto that causes such use to become non-conforming); provided, however, that a non-conforming use may be extended throughout any part of such building or other structure if same is extended without structural alteration to the building or structure, such extension does not require additional parking spaces, such extension does not add any additional dwelling units, and the existing non-conforming use and the proposed extension complies with bulk regulations, landscape requirements and other provisions of this ordinance.

C. Operation of a non-conforming use in such manner as to conflict with or to further conflict (if already conflicting on the effective date of this ordinance or, on the effective date of a subsequent amendment thereto that results in such use becoming non-conforming), with any performance standards established for the district in which the use is located.

D. Nothing contained in this Section shall in any way prohibit a non-conforming use from acquiring additional off-street parking area, subject to applicable landscape requirements.

E. No additions which increase the area of non-conforming use or a conforming use shall be made to any building or structure occupied, in whole or in part, by a non-conforming use.

F. No alterations shall be made to any building or structure occupied by a non-conforming use except as permitted by this Ordinance.

G. Nothing in this section shall prohibit the expansion to a single family residence, subject to applicable setback requirements.

9.02.04 Change of Non-Conforming Use

If no structural alterations are made, a non-conforming use of a building or structure may be changed to another non-conforming use of similar classification under the following conditions:

A. The uses to which the building is to be put is at the time of the proposed change, classified as a similar use in the zoning district where the existing non-conforming use is permitted. If the existing non-conforming use is an unconditionally permitted use (not a conditional use) in more than one zoning district, the most restrictive zoning district where the use is unconditionally permitted shall be the zoning district referenced to determine whether the

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proposed new non-conforming use is classified as a use similar to the existing non-conforming use.

B. The change in use shall not intensify or enlarge the basic use of the building or premises by increasing the need for more parking facilities; by increasing vehicular or pedestrian traffic; by creating more noise, vibration, fire hazard, dust or fume, by increasing ground coverage or adversely impacting drainage; or otherwise result in a more intensive use of the building or premises unless the change is to make the building and premises more nearly conform to the requirements of the zoning of the district in which the building or structure is located.

C. When a non-conforming use of all or any part of a building, structure or premises is changed to another non-conforming use of a more restricted character, the new use may not thereafter be changed to any less restricted use.

D. When a non-conforming use of all or any building, structure or premises has been changed to a conforming use, the conforming use shall not thereafter be changed to any non-conforming use.

E. No alterations shall be made to any building or structure occupied by a non-conforming use except as permitted in this ordinance.

F. A change from one non-conforming use to another non-conforming use shall not be permitted if the change results in an extension of a non-conforming use, except as would be permitted pursuant to Section 9.02.03.B above.

9.02.05 Alterations to Non-Conforming Uses or Non-Complying Buildings or Structures

A. Incidental Alterations to Non-Conforming or Non-Complying Buildings or Structures: Repairs and alterations shall be limited to incidental alterations as defined below:

1. Minor interior structural improvements which do not extend the non-conforming use or increase the non-compliance and which are consistent with all applicable provisions of this chapter.
2. Replacement of, or minor changes in capacity of utility pipes, ducts, conduits, or other utility system components.
3. Improvements to exterior facade, including windows or doors.
4. No incidental alteration shall include an extension or addition which permits the non-conforming use to occupy any additional land or which increases any non-compliance.
5. Any single family residential structure, including mobile homes, used for residential occupancy only, located in any district may make unwallled additions limited to the following: porches, patios, decks, and

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carports provided the more restrictive setbacks, open space, and other bulk regulations governing single family dwelling units are applied to the entire parcel. Accessory buildings are permitted in accordance with Section 5.02.00

B. Non-Incidental Change of or Increase in Conforming Use in Non-Complying Building or Structure

1. Change of Use or Increase in Floor Area With No Exterior Addition - Provided non-compliance is not intensified, extended or increased, a change from one conforming use to another conforming use, or an increase in the area of a conforming use, within a non-complying building or structure, with or without structural alterations, is permitted only under the following conditions:

a. All uses to which said building or structure is put conform to the applicable use provisions of the zoning district in which the building or structure is located.

b. If only parking is deficient at the time of the proposed change under the provisions of this ordinance and the change does not require any additional parking space which would increase the existing parking deficiency and its attendant landscaping are corrected to the extent sufficient land is available on the site to accommodate some or all of the deficient parking spaces. Increases in floor area which result in additional required parking may be permitted up to the square footage that would still allow for the accommodation of the additional required parking.

c. If only landscaping is deficient at the time of the proposed change under the provisions of this ordinance, and the change does not require additional parking spaces, the change is permitted providing the existing landscaping deficiency is corrected to the extent sufficient land is available on the site to accommodate some or all of the deficient landscaping.

d. If the parking area is deficient at the time of the proposed change under the provisions of this ordinance and the proposed change requires additional parking spaces over the existing parking deficiency, the change is prohibited unless the net additional parking area and its attendant landscaping are provided and any deficiencies are corrected under the same criteria in this chapter.

e. If both existing parking and landscaping are deficient at the time of the proposed change under the provisions of this ordinance and the change does not require any additional parking, or any additional landscaping or which would increase the requirement for

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parking or landscaping over the existing deficiencies, the change is permitted provided the deficiencies are corrected to accommodate some or all of the deficient parking or landscaping. If sufficient land is not available on the site to allow correction of all of the parking and landscaping deficiencies (at the time of the proposed change), priority of correction to the landscaping and parking deficiencies shall be determined on a case by-case basis by the Planning Director and, the Building Director. The Planning Director shall determine if the proposed change is a minor change in site plan pursuant to Section 4.02.07.J et. seq., or if the change requires full site plan review.

f. If parking and landscaping are in compliance at the time of the proposed change under the provisions of this code and the proposed changes do not render either the parking or landscaping deficient, the change is permitted. If the proposed change would render either the parking or landscaping, or both, to become deficient, and therefore non-complying, the change is prohibited unless the required additional parking and landscaping are provided.

2. Addition to a Non Complying Building or Structure or Addition to Another Building or Structure - Provided non-compliance is not intensified, extended or increased, an increase in the area of a conforming use by the addition to a non-complying building or structure, or by the addition of another building or structure on the site, is permitted only under the following conditions:

- a.** All uses to which all buildings or structures are put conform to the applicable use provisions of the zoning district in which the building or structure is located.
- b.** In every case the additional parking required by the addition shall be provided.
- c.** In every case the additional landscaping required by the addition shall be provided.

In addition to the requirements of paragraphs (1), (2) and (3) above:

d. If only parking space is deficient at the time of the proposed addition under the provisions of this code, the deficiency shall be corrected by applying the following formula: Divide the gross floor area of the existing building(s) or structure(s) into the gross floor area of the proposed addition to establish a percentage; then multiply the percentage times the existing building prior to the proposed addition. The result rounded at the next highest whole

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number shall be the minimum number of parking spaces required (with attendant landscaping) to correct the deficiency.

If insufficient land remains to fully accommodate both the remaining parking deficiency and the landscaping required by the parking spaces to accommodate the remaining parking deficiency, the priority of parking spaces vis a vis landscaping shall be determined on a case by case basis as provided in this Section above.

e. If only landscaping is deficient under the provisions of this code at the time of the proposed addition, and the addition does not require additional parking, the landscaping deficiency shall be corrected to the extent sufficient land was available on the effective date of this ordinance on the site to accommodate the landscaping.

f. If both parking and landscaping are deficient at the time of the proposed addition, and the minimum requirements of paragraphs (1), (2), (3), and (4) above are complied with and additional land area was available on the site on the effective date of this ordinance or at the time of the proposed addition, whichever land area is greater, to accommodate both the parking and landscaping deficiencies shall be complied with.

If, under the above situation sufficient land was not available on the effective date of this ordinance on the site to accommodate full correction of both deficiencies, and sufficient land is not available on the site at the time of the proposed change, whichever land area is greater, the priority of corrections shall be determined as provided in Section 9.02.05.B.2 above.

C. Provisions for Determining the Required Corrections to Deficiencies

1. It is the intent of this ordinance to require the corrections of deficiencies to the extent sufficient land was available on site to accommodate maximum corrections to deficiencies to the effective date of this ordinance.

2. If any land area was available on the site on the effective date of the deficiencies by applying this ordinance, but the land area has been voluntarily changed on the effective date of this ordinance or thereafter, whereby the net land area available (at the time of the proposed change) to accommodate the corrections that could have been accommodated on the effective date of this ordinance, has been reduced, the proposed change or addition or both shall be prohibited. This condition is intended to prohibit voluntary sales, leases, and other changes to the land area that should cause a situation whereby all of the possible maximum corrections (to deficiencies) as they existed on the effective date of this ordinance

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would need not be complied with because the landowner(s) or their successors in interest, at any time after the effective date of this ordinance, made changes to the land which resulted in a reduction to the number of possible corrections of deficiencies.

3. Involuntary transfers of, or restrictions on, the land which occurred after the effective date of this ordinance, shall not be held against the proposed addition as to the existing deficiencies only and, in such event, the provisions relating to existing deficiency shall be complied with to the extent possible at the time, subject to full compliance with the provisions of this Section relating to changes of additions which require additional parking or landscaping, or both over and above any existing deficiency.

4. The landowner or their representative shall be required to prove the size and shape of the site on the effective date of this ordinance, plus the size and location of all buildings and structures, including parking lots, on the effective date of this ordinance, plus the net addition to or subtraction from the land area or buildings or structures, or both, at the time of the proposed addition, to enable the County to properly determine the legality and propriety of the proposed change or addition; and the corresponding required corrections of the existing deficiencies, if any, in parking and landscaping.

5. Repairs or resurfacing of existing parking lots without landscaping is prohibited unless the landscaping deficiency is corrected to the extent land is available on the site to accommodate the landscaping without reducing the existing parking area to less than the applicable parking requirements.

9.02.06 Abandonment or Discontinuance of a Non-Conforming Use

A. If a non-conforming use is removed or abandoned for a continuous period of not less than ninety (90) days, every future use of the premises shall be in conformity with the use provisions of this ordinance. All material and equipment associated with the abandoned non-conforming use shall be completely removed from the premises by its owner within one (1) year after the expiration of the ninety (90) day period.

B. Where the cessation of the use is involuntary or the result of acts of God, the non-conforming use shall not be declared abandoned until after a three year (3) period. However, if the use is discontinued voluntarily or involuntarily for a period of six (6) months or more, every future use of the premises shall be in conformity with the use provisions of this Ordinance and all material and equipment associated with the discontinued non-conforming use shall be completely removed from the premises by the owner. Extensions to the six (6) month time period may be granted by the Zoning Board if the landowner proves a

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cessation of use for a period of more than six (6) months was due to circumstances beyond their control and that they exerted a continuing good faith effort to put the building or structure to use during the six (6) month period.

9.02.07 Destruction of Non-Conforming Uses and Non-Complying Buildings and Structures

Nothing in this Ordinance shall prevent either:

- A. The restoration of a building destroyed to the extent of not more than forty nine percent (49%) of total replacement value by fire, explosion or other casualty, or act of God, or public enemy, or
- B. The continued occupancy or use of such building or part thereof which existed at the time of such partial destruction.

If damage exceeds forty nine percent (49%) of the replacement value, the owner may appeal to the Zoning Board for a special exception pursuant to Section 5.06.00 of this ordinance.

Destruction or damage of non-complying residential buildings:

Notwithstanding any other provision of this ordinance, any residential building located on Navarre Beach which was damaged or destroyed by Hurricane Ivan which was non-complying only by reason of side, rear or front yard setbacks may be rebuilt in its original footprint. Additionally, said building or structure may be rebuilt in a modified footprint, so long as such modified footprint is closer to compliance with the applicable rear, front or side setback requirement than the original footprint.

All such reconstruction shall not require a variance, but must comply with all other applicable state and federal laws or regulations.

- C. Rebuilding within the Historic and/or Conservation Overlay District Following a Disaster: Within the Historic and Conservation Overlay Districts, should a structure be fully or partially destroyed by a disaster such as a hurricane, flood or fire, the owner may rebuild the structure to its pre-disaster condition regardless of its consistency with the overlay design standards, provided that all other provisions of this code are met. This provision does not apply to acts purposefully caused or allowed by the owner, such as arson.

9.02.08 Non-Conforming Gravel, Dirt or Earth Material Excavation Operations

All lawfully existing non-conforming gravel, dirt, or earth material excavation, mining, borrow pits, and construction and demolition debris (C&D) and land clearing (LCD) disposal facilities shall be subject to the following:

- A. Those facilities which have an approved and unexpired site plan on file with the County may develop the approved operation(s) to the extent approved on said site plan.

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B. For legally existing non-conforming facilities or facilities that have been granted previous land use approval, site plan approval for certain development activities that are not described by a previously approved and valid site plan may be requested without a zoning change to the PIT 1 or PIT 2 district.

1. This allowance applies in either of the following situations:
 - a. Proposed development of a facility, operation or use that is consistent with a valid and unexpired conditional use approval which was granted prior to the adoption of Ordinance 2011-19 (July 28, 2011);
 - b. Proposed expansion of a legally existing use at a legally existing non-conforming or previously approved facility in operation prior to adoption of Ordinance 2011-19 (July 28, 2011).
2. Development activities allowed under subpart 1 above shall be subject to site plan review and the following standards;
 - a. Development is allowed to the extent as specified by the conditional use or rezoning approval(s) and any conditions specified in said approval, if any;
 - b. Development will be subject the standards of Section 4.02.08

C. All other development activities, expansions or pit conversions not allowed under parts A and B above are not permitted without a zoning change to the PIT 1 or PIT 2 district and subsequent site plan approval.

D. For the purposes of this section, excavation or borrow operations, LCD disposal operations and C&D disposal operations are considered separate and distinct uses.

9.02.09 Non-Conforming Uses on Navarre Beach

The lawful use of a building or land existing for which an existing lease entered into with Santa Rosa County provides for or for which a building permit has been granted as of the date of adoption of this ordinance shall not be affected by this ordinance, although such does not conform to the provisions of this ordinance.

Setbacks as established by the restrictive covenants of any subdivision recorded prior to the effective date of this ordinance shall take priority over the setbacks as established by this ordinance.

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9.03.00 MODIFICATIONS AND ADJUSTMENTS OF DISTRICT REGULATIONS

The regulations set forth in this Section modify, adjust or supplement the district regulations appearing in Chapter 2 of this ordinance.

9.03.01 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 Zoning 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.

The minimum yards and other open space provisions contained in this ordinance for each and every building herein after erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements for any other building.

B. Purpose, Use and Maintenance of Yards: The purpose of yards required in this Ordinance is to provide open space around and between structures for health, safety and aesthetic purposes.

All required yards and landscaped areas where not used for parking, driveways, sidewalks or other approved structures shall be planted and maintained in lawn, sod or landscaping including flower beds, shrubs, hedges, statuary or ornamental objects. Trees shall be planted where they do not obscure the vision of the driver of a vehicle. Performance Standards shall also govern where and when applicable.

Maintenance of yards does not apply to single family and duplex development.

C. Abandoned, Derelict and Unlicensed Vehicles: Vehicles (automobiles, semi-trucks, trailers, RV's, motorcycles) requiring licensure in the State of Florida must meet two of the three following criteria or be stored in a completely enclosed garage or hidden completely from public view (view from adjacent property or right of way) in residential zoning districts with a maximum number two screened from public view outside an enclosed garage per parcel:

1. The vehicle has a valid title and current license plate.
2. The vehicle will run and move forward and backward within a week of the initial investigation by the Code Enforcement Department.

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3. The vehicle is completely intact with all body work and mechanical parts present at time of investigation.

In the event no backyard is available, a complete, intact car cover (not a tarp) will be acceptable for screening. Licensed car sales lots, junk yards, salvage yards, or automotive repair shops for vehicles under repair are exempted from this subsection provided they meet appropriate zoning criteria.

D. 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.

E. 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.

F. Continuance of Mobile Homes and Mobile Home Parks - Those house trailers, mobile homes, and licensed mobile home parks existing at the time of adoption of this ordinance located in the Santa Rosa County Planning area are hereby allowed to continue pursuant to Chapter 9 herein, provided that they meet all applicable building, plumbing, and electrical codes as amended from time to time.

The number of mobile homes shall be limited to that number authorized by the mobile home license in effect as of July 26, 2009.

G. Subdivision Sales Office - Nothing contained in this ordinance shall be construed to prevent the owner or sales agent of a subdivision from using or occupying any house that may be constructed in said subdivision in accordance with the building code and zoning regulations as an office for the sale and promotion of lots and houses within such subdivisions only. Such operations must cease when sales in said subdivision have been completed.

H. Lands Abutting Military and Public Airports: In situations where zoning districts abut or are adjacent to military or public airports (as identified on the Official Zoning Map), the Airport Zoning Ordinance (Chapter 8) shall have precedence over this ordinance. Uses permitted in this overlay district (as shown on the "Airport Ordinance Overlay District Map") shall be in substantial conformity with those provisions as set forth in the Airport Zoning Ordinance for the protection of public health, safety, welfare.

I. Self Service Storage Facilities: Self-service storage facilities may include limited outside storage. Outside storage shall be limited to items such as: recreational vehicles, utility trailers, boats, cars, and small tractors. All outside storage shall be screened by an eight (8) foot privacy fence.

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J. Storage of Goods or Products on Rights-of-Way Prohibited: The storage of goods, products or other items for sale on or within a public right-of-way is prohibited.

K. Navarre Beach Buildings to Conform – No building shall be erected, constructed or structurally altered or land be used which does not comply with the regulations established for the district in which the building or land is located. Any building hereafter erected, reconstructed or structurally altered, shall not encroach upon the minimum yards and other open spaces, including the intensity of use provisions, contained in this ordinance.

Every principal building shall front on a street.

9.04.00 VARIANCES

9.04.01 Generally

The Zoning Board may authorize a Variance from the site and building design or development standards set forth in the LDC (except where expressly prohibited) where the Board has determined that the requirements of this subsection have been met.

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.

9.04.02 Procedure

A. Applications

1. An application for a Variance shall include the submittals required in Chapter 11.

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2. The application for a Variance shall include a statement explaining how the Variance request conforms to the requirements listed in section 9.04.03.

B. Review of Applications

An application for a Variance shall be reviewed pursuant to the applicable procedures set forth in Chapter 10.

9.04.03 Required Findings

A. In order for an application for a Variance to be approved or approved with conditions, the Zoning Board may make a positive finding, based on the evidence submitted, with regard to each of the following provisions:

1. The need for the proposed Variance is due to the physical shape, configuration or topographical conditions of the lot in such a manner as to distinguish it from other adjacent or nearby lots.

2. The proposed Variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby lots.

3. The proposed Variance will not substantially increase congestion on surrounding streets, will not increase the danger of fire or other hazard and will not otherwise be detrimental to the health, safety or welfare of the public.

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.

6. There is a specific hardship affecting the development of the lot resulting from the strict application of the provisions of the LDC.

7. The hardship is not a result of actions of the owner and is not based solely on the desire to reduce development costs.

8. The proposed Variance will be compatible with adjacent and nearby development and will not alter the essential character of the area.

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9. The effect of the proposed Variance is consistent with the Comprehensive Plan.

10. The variance will provide an economic benefit to Santa Rosa County as demonstrated by the stakeholder.

B. The applicant for a variance has the burden of proof of demonstrating that the application for a Variance complies with each of the requirements of section 9.04.03.A.

9.04.04 Limitation on Time of Use Variance

Any Variance authorized by the Zoning Board and not used and acted upon in a real and substantial way by the applicant or the applicant's successor in interest within thirty six (36) months from the date on which the decision of the Zoning Board shall be deemed abandoned and be void.

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