

10. Decision-Making and Administrative Bodies

Chapter 10. Decision-Making and Administrative Bodies

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10.01.00 GENERALLY

The Board of County Commissioners has established the decision-making and administrative bodies identified in this chapter for the purpose of implementing the provisions of the LDC.

10.02.00 ALL BOARDS

10.02.01 Attendance

Each Board member shall attend all meetings. The Board shall consider asking for the resignation of any member who has been absent from three (3) regular meetings during the period of twelve (12) consecutive months.

10.02.02 By-laws

- A.** Each board shall elect a chairman and a vice chairman at the last board meeting of the calendar year. The chairman and vice chairman will serve for a period of one (1) year. In the event of the chairman’s absence, the vice chairman will serve as chairman.
- B.** The board will keep minutes of the proceedings.
- C.** The scheduling of regular and special meetings will be advertised in accordance with Florida Sunshine Law.

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10.02.03 Quorum

For the purpose of transacting business at any meeting, a majority of the Board members shall constitute a quorum. Any action of the Board shall require the majority of the quorum.

10.03.00 Zoning Board

10.03.01 Membership and Terms

A. 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.

B. In addition to the foregoing members, a representative of the Santa Rosa County School Board, and a representative of Naval Air Station Whiting Field shall serve as ex officio members of the Zoning Board. They shall not be entitled to vote and shall not be included in the determination of a quorum.

C. 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. 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.

10.03.02 Roles and Responsibilities

The Zoning Board shall have the following roles and responsibilities:

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- A.** To hear, consider and make recommendations to the Board of County Commissioners regarding proposals for amendments to the Comprehensive Plan.
- B.** To hear, consider and make recommendations to the Board of County Commissioners regarding proposals for amendments to the LDC.
- C.** To hear, consider and make recommendations to the Board of County Commissioners regarding proposals for amendments to the Official Zoning Map and Official Future Land Use Map.
- D.** To hear, consider and make recommendations to the Board of County Commissioners for conditional uses.
- E.** To hear, consider and make recommendations to the Board of County Commissioners for Master Plans of Planned Unit Developments, Planned Business Districts and/or Planned Industrial Districts or modifications thereof.
- F.** To hear, consider and approve or deny applications for special exceptions.
- G.** To hear, consider and approve or deny applications for variances.
- H.** To conduct public hearings and render decisions in compliance with the requirements of the LDC.
- I.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination or interpretation made by the Planning Director, or their designee which is related to the LDC.
 - 1.** 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 (thirty (30) 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.
- J.** 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.
- K.** In interpreting and applying the provisions of this ordinance, said provisions shall be held to be minimum provisions. The Zoning Board may

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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.

10.03.03 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 Planning and Zoning Department 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 and Zoning Department for the hearing, and the relevant minutes of the Zoning Board.

10.04.00 BAGDAD ARCHITECTURAL ADVISORY BOARD

10.04.01 Membership and Terms

A. 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 and Zoning 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. BAAB members shall be appointed by the Board of County Commissioners.

C. 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

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- 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. 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. One (1) representative of the County’s Planning and Zoning Department shall serve as the technical Advisor to the BAAB.

10.04.02 Roles and Responsibilities

A. 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.

B. 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.

C. 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.

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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.

D. 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.

E. 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, with the exception of Southern Live Oak (*quercus virginiana*) or Sand Live Oak (*quercus geminata*).

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

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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.

10.04.03 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:
 - i.** Development of new driveways/parking pads or expansion of existing driveways/parking pads
 - ii.** Installation of any new fencing.
 - iii.** Removal of any tree exceeding a 4 inch ~~caliper~~ in diameter measured at 3 feet above grade.
- f.** Signs
- g.** Removal of any Southern Live Oak (*quercus virginiana*) or Sand Live Oak (*quercus geminata*) exceeding 4 inches in diameter when measured at 3 feet above grade.

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

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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.
- e.** Removal of any Southern Live Oak (*quercus virginiana*) or Sand Live Oak (*quercus geminata*) exceeding 4 inches in diameter when measured at 3 feet above grade.

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 Section 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 and Zoning 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

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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 and Zoning 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 and Zoning 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 Section 7.03.00 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

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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

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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.

K. Protected Tree Mitigation – When a protected tree is removed, Southern Live Oaks shall replace them. The total diameter of such replacement trees shall be determined based on the following Mitigation and Credit Schedules:

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<i>Diameter of removed tree at 3 feet above grade</i>	<i>Mitigation Requirements Measured at 3 feet above grade</i>
4" – 12"	3" diameter
12.1" – 18"	4" diameter
18.1" – 24"	5" diameter
24.1" – 30"	6" diameter
30.1" – 36"	7" diameter

One additional inch of mitigation will be required for each additional 6" of diameter beyond 36".