

## ARTICLE SEVEN

### PERFORMANCE STANDARDS

**7.00.00**      **PURPOSE:** The purpose of performance standards is to control multi-family residential, commercial and industrial uses; to prevent potential nuisances; to be measured factually and objectively; to ensure that all uses provide methods to protect the community from hazards and nuisances which can be prevented through processes of control and nuisance elimination; and to protect industries from arbitrary exclusion or persecution based solely on the nuisance production by any particular type of similar use in the past.

**7.00.01**      **Application of Standards:** As of the effective date of this Ordinance:

A. Any use established or changed to, and any buildings, structures or tracts of land developed, constructed or used for any permitted or permissible principal or accessory use shall comply with all the performance standards herein set forth for the district involved.

B. If any existing use or building or other structure is extended, enlarged, moved, structurally altered or reconstructed; or any existing use of land is enlarged or moved, the performance standards for the district involved shall apply with respect to such extended, enlarged, moved, structurally altered or reconstructed building or other structure or portion thereof.

C. After the effective date of this regulation, all new uses, buildings or other structures shall comply with the performance standards herein set forth for the district involved.

### **7.01.00**      **PERFORMANCE STANDARDS SPECIFIED**

**7.01.01**      **General Provisions:** Except as otherwise provided herein, all uses in all zoning districts shall conform to the standards of performance described within this article and shall be so constructed, maintained and operated so as not to be injurious or offensive to the occupations or residents of adjacent premises.

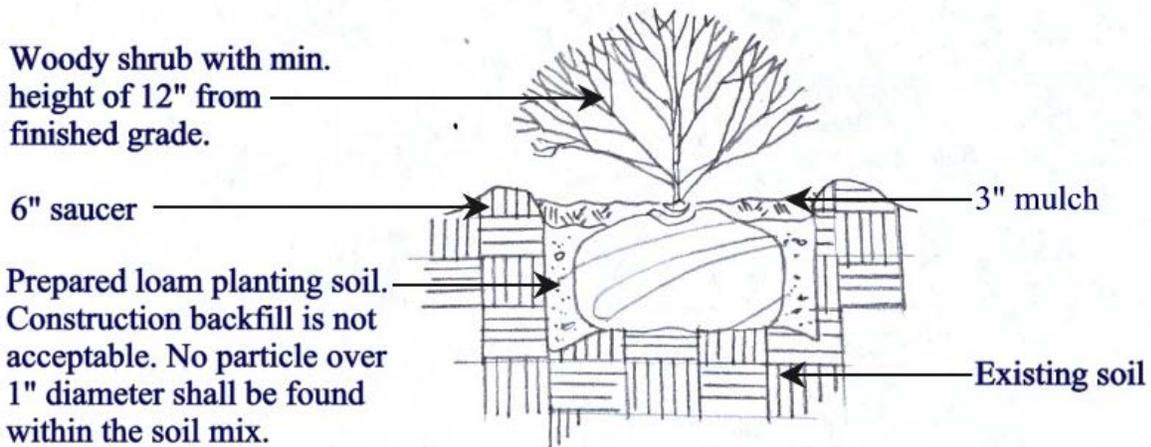
**7.01.02**      **Landscaping General:**

A. **Purpose** - The purpose of this Section is to protect the quality of water resources from future degradation by maintaining vegetative cover and controlling disturbances to vegetation, to encourage the selection of native plant species for vegetation, to reduce the impact of urban and suburban development on remaining stands of vegetation, to provide shade thereby reducing energy costs by reducing heat, to reduce glare and to abate noise pollution, to provide habitat for living things, and to buffer incompatible land uses. This purpose is accomplished with perimeter landscaping adjacent to public rights-of-way, parking area interior landscaping, landscaped buffers, and tree protection as detailed in sections 7.01.03 through 7.01.06.

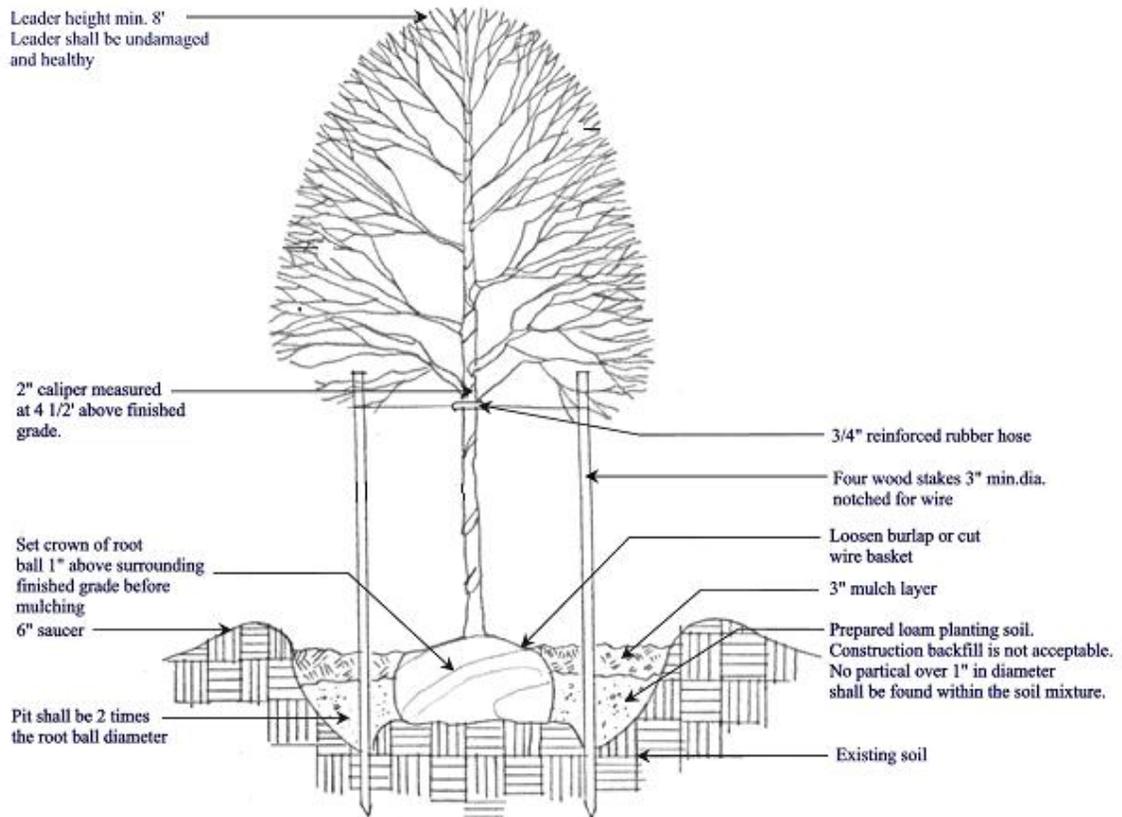
B. Exemptions - Lots or parcels of land on which single family residential homes are constructed and used as residences shall be exempt from the provisions of these landscaping regulations. This exemption shall not be construed to apply to residential subdivisions or other residential developments that require site plan approval.

C. Landscape Plan Required - The landscaping plan shall be included as part of the project site plan or subdivision plat submittal and shall include the following for living plant materials:

1. Locations of required planting areas containing grass, shrubs, and/or trees;
2. Species of all plant material;
3. Height, spread, spacing, and diameter of shrubs and trees proposed to be planted.
4. Planting details including all necessary soil amendments, mulching and staking. The following planting details shall be included in all landscape plans;
  - a. Shrub Detail



b. Tree Detail



5. Protected and preserved tree inventory: all protected, preserved, heritage and champion trees shall be identified on the site plan or other development plan submitted as part of the application for development approval. The plan shall include all such trees that are to remain on site and all such trees that are proposed to be removed. At a minimum, the plan shall identify the following:
  - a. Location
  - b. Species, and
  - c. Diameter (caliper) at 4.5 feet above grade.
6. Protection plans for existing tree preservation during and after construction including but not limited to fencing, root pruning and irrigation system installation in planting islands where existing trees are to be preserved and are surrounded by impervious surfaces.
7. Location of irrigation system or other means of watering plans.

D. Landscape Materials - Diversity of plantings should be strived for in all required landscape plantings, and in no case should one species constitute more than fifty percent (50%) of total planting on site. Landscaping shall largely utilize native or non-competing exotic plant species. Landscaping shall not utilize any exotic vegetation which is likely to out-compete or otherwise displace native vegetation.

1. Installation: All landscaping shall be installed in a sound workmanship manner and according to accepted good planting procedures consistent with the details of the approved site plan or plat. Adequate wind and water erosion control measure shall be put into effect prior to commencing site alteration on each increment of a project.
2. Plants whose physical characteristics may be injurious to the public shall not be specified in areas such as parking lots, along walkways, etc.
3. Canopy tree species shall be a minimum of eight feet overall height immediately after planting with at least a two inch diameter (caliper) measured at 4.5 feet above grade. To determine the caliper of multi-trunk trees, the caliper measurements for each trunk will be added together. Trees having average, eventual mature crown spread of less than fifteen feet may be substituted by grouping the same so as to create the equivalent of a fifteen foot crown spread. A grouping of three large growing palms will be the equivalent to one required canopy tree. All trees shall be located no closer than three feet from the edge of any designated planting area.
4. Understory tree species shall be a minimum of four feet overall height immediately after planting with at least a one inch diameter (caliper) measured at 4.5 feet above grade. To determine the caliper of multi-trunk trees, the caliper measurements for each trunk will be added together.
5. Shrubs shall be a minimum of twelve (12) inches in height when measured immediately after planting.
6. Grass areas shall be planted in species normally grown as permanent lawns in Santa Rosa County, Florida. Grass may be sodded, sprigged, plugged or seeded except that solid sod shall be used in swales or other areas subject to erosion. When grass areas are to be seeded, sprigged or plugged, specifications must be submitted. One hundred percent coverage must be achieved within one hundred and eighty (180) days. Nurse grass shall be sown for immediate effects and protection until coverage is otherwise achieved.
7. See Section 6.05.24.C for Heart of Navarre landscaping requirements.

E. Prohibited Plants - The following plants shall not be installed as a landscape material:

1. Kudzu
2. Popcorn or Chinese Tallow Trees (*Sapium Sebiferum*)

F. Irrigation - All required planting areas shall be provided with an irrigation system or other means of watering plants. A system known as a drip system to conserve water is strongly

encouraged where deemed practical. Irrigation is not required for xeriscape landscape plans designed by a landscape architect.

G. Maintenance - The owner, lessor, or party responsible for a building or grounds maintenance or the respective agent of each, if any, shall be jointly and severally responsible for the maintenance of all landscape plant materials and all irrigation equipment. Landscaping shall be maintained in a healthy, orderly appearance at least equal to the original installation and shall be kept free of refuse and debris. Any dead vegetation and landscape material shall be promptly replaced with healthy living material consistent with the Land Development Code.

H. Vehicular Encroachment - Planted areas on private property shall require protection from vehicular encroachment. No type of parked or moving vehicle, boat, mobile home, travel trailer, or heavy equipment shall encroach on any planted or landscaped area. Encroachment shall be prevented through the use of curbs, wheel stops, or other acceptable means located so as to prevent damage to any trees, fences, shrubs, or other landscaping.

I. Corner-Visibility Required - When an access way intersects a public right-of-way or when subject property abuts the intersection of two or more public rights-of-way, all landscaping within the triangular areas described below shall provide unobstructed corner-visibility at a level between three feet and six feet; however, trees, palms, and shrubs trimmed in such a manner that no limbs or foliage extended into the corner-visibility areas described below shall be allowed, provided they are located so as not to create a traffic hazard. The triangular areas referred to are:

1. The areas of property on both sides of an access way formed by the intersection of each side of the access way with the public right-of-way with two sides of each triangle being ten (10) feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides.
2. The area of property located at a corner formed by the intersection of two or more public rights-of-way with two sides of the triangular area being twenty-five feet in length along the abutting public rights-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two lines.

J. Landscaping Of Existing Developed Or Redeveloped Properties - Whenever an existing structure is altered in any way that exceeds minor change approval as described in Section 4.04.07, landscaping, if not in accordance with present criteria requirements, shall be upgraded to meet those requirements, unless in the opinion of the Planning Director such upgrading is impractical or would have an adverse impact on the applicant's or adjacent property. When no structural change is involved, a voluntary change in landscaping that result in an improvement of the appearance of the property is allowed without approval.

K. Final Inspection Required - The Planning Director or his designee shall inspect all required landscaping; and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein set forth or unless the owner, developer, landscaper, or their designated agent submits a letter of intent to complete the required landscaping. Such letter must include estimated completion date.

L. Landscaping Definitions -

1. Canopy Trees: A canopy tree is defined as a plant species having an average mature crown spread of fifteen feet or greater, a mature height of over 15 feet when growing in Santa Rosa County and having a trunk(s) that eventually can be maintained in a clean condition, clear of lateral woody growth of five feet or greater.
2. Understory Trees: Understory trees are generally small, shade tolerant trees that typically grow beneath canopy trees and have a mature height of 10 – 25 feet.
3. Shrubs: For the purposes of this Section a shrub shall be defined as any self supporting, woody evergreen or flowering species generally growing or maintained at a height of five feet or less.
4. Ground Cover: For the purposes of this section ground cover is defined as low growing plants planted in such a manner as to form a continuous cover over the ground and usually growing no higher than two feet.
5. Grass: Narrow-leaved green herbage typically grown as lawns.
6. Heritage Tree: A living tree of special protected status, 60 inches in diameter or greater at four and one half (4 1/2') feet above grade.
7. Champion Tree: A living tree measured to be the largest specimen of its species in the state as recorded in the champion tree registry of the University of Florida and the Division of Forestry, Florida Department of Agriculture and Consumer Services.

M. Alterations - Any existing development may make changes to their existing landscaping provided that it complies with the current Land Development code without the requirement to apply for a permit or submit a new or revised site plan.

N. Incentives - Development Order review fees can be reduced by 20% if a licensed landscape architect is part of the project design team as demonstrated on the site plan by a signature and seal.

7.01.03 Required Perimeter Landscaping Adjacent To Public Rights-Of-Way: On the site of a building or open lot use along any abutting right-of-way there shall be provided landscaping between such area and such right-of-way as follows:

A. A strip of land at least ten feet in depth located adjacent to the abutting right-of-way shall be landscaped with grass, ground cover, or other landscape treatment.

B. Trees are required on the development site based upon the amount of right-of-way frontage. The required number of trees planted shall be equal to one tree every 40 linear feet of right of way frontage, or fraction thereof and must consist of species from the Planning Division's recommended list of native and non-invasive plant material. These trees may be planted anywhere on the property; this section is not intended to require trees to be equally spaced along the right-of-way, but rather creative design and spacing is encouraged.

C. All necessary access ways from the public right-of-way through all such landscaping shall be permitted to service the parking for other vehicular use areas. Such access ways will be subtracted from the linear dimension used to determine the number of trees required.

D. Trees should not be planted within 20' of overhead utility lines. When alternative planting locations are not feasible, shrubs may be substituted for trees at a ratio of four (4) to one (1).

E. When required perimeter landscaping would limit the visibility of a business, and alternative planting locations are not feasible, shrubs may be substituted for trees at a ratio of four (4) to one (1).

F. See Section 6.05.24.C for Heart of Navarre landscaping requirements.

G. Development within the Rural Protection Zone is exempt from this section.

7.01.04 Required Parking Area Interior Landscaping: Interior areas of paved parking lots shall be landscaped with trees, shrubs, grass, groundcover or other landscaped treatment located so as to best relieve the expanse of paving.

A. The minimum number of canopy trees required to be planted within or adjacent to paved parking areas shall be one (1) tree for every twelve (12) parking spaces. One (1) tree shall be required for those parking areas having fewer than twelve (12) spaces. These trees may be planted anywhere within or adjacent to paved parking areas; creative design and spacing is encouraged to accomplish the intent to relieve the expanse of paving.

B. When standard parking lot islands are used, the minimum size of a planter island must be eight feet wide by the length of the parking space. When planting strips are used within or adjacent to paved parking areas, the planting area shall be no less than eight (8) feet wide. All planter islands and other interior landscape areas must be curbed to prevent vehicular encroachment.

C. Trees in the planter islands do not count as credit towards the required perimeter or

buffer trees.

D. In an industrial project, the overall number of interior landscape areas may be reduced when necessary to avoid conflicts with truck traffic. This reduction would apply only to the interior requirements. Landscaped buffer minimums are not subject to modifications or reductions.

E. When required parking area trees would limit the visibility of a business, and alternative locations are not feasible, shrubs may be substituted for trees at a ratio of four (4) to one (1).

F. See Section 6.05.24.C for Heart of Navarre parking area landscaping requirements.

#### 7.01.05 Landscape Buffers:

A. Purpose and Intent - This section requires landscaped buffers to be provided and maintained when certain land uses are adjacent to each other in order to protect uses from the traffic, noise, glare, trash, vibration and odor likely to be associated with a more intensive land use. For purposes of this section, adjacent uses include uses directly across a local road right-of-way of 60 feet or less. Landscape buffers are also required to conserve the values of land and buildings and to provide adequate light and air. The width of the buffer and the required plantings within the buffer vary depending upon the relative intensities of the abutting or adjacent uses. The buffer requirements are intended to be flexible; the developer may choose among a number of combinations of buffer widths and buffer plantings to satisfy the requirement.

B. How to Determine Landscape Buffer Requirements - Landscape buffers shall be located at the perimeter of the building site for any given use, and shall not be located in any portion of a public right-of-way unless so desired by the state of Florida or the County. The following procedure shall be followed to determine the type of landscape buffer required:

1. Identify the proposed use and identify the adjacent land uses by on site survey or the adjacent zoning districts if the adjacent property is vacant.
2. Identify whether the proposed and adjacent land uses or zoning districts for adjacent undeveloped property are high impact, medium impact, or low impact, Residential Class I or Residential Class II uses by referring to Section 7.01.05 E.
3. Determine the landscape buffer required on each building site boundary (or portion thereof) by referring to Section 7.01.05.F.
4. Select the desired landscape buffer option from those set forth in Section 7.01.05 G. Any of the listed options shall satisfy the requirement of buffering between adjacent land uses.

#### C. Landscape Buffer Design and Materials

1. Existing Native Plant Materials: The use of existing native species of plant material is required in landscape buffers when possible. Such existing natural vegetation must be of sufficient height and thickness or must be augmented so as to reach the required number

of plantings in order to reach a sufficient height and opacity to provide an effective visual and acoustical buffer giving consideration to the existing and proposed uses. If native plant materials are unavailable or not feasible, then non-invasive non-native varieties must be utilized. Existing natural ground cover should be retained where possible by avoiding scraping, grading and sodding within the landscape buffer. Where the planting requirements of Section 7.01.05.G require additional trees or shrubs to be installed in an existing natural area utilized as a buffer, it should be done in a manner which minimizes disturbances to native species.

2. Where the planting requirements of Section 7.01.05.G require additional trees to be installed in the landscaped buffer, at the option of the developer required canopy trees may be selected from the large trees on the protected tree list and on the recommended list of native and non-invasive plant material. Understory trees may be selected from the small trees on the protected tree list and recommended list of native and non-invasive plant material at the option of the developer. Required shrubs may be selected from the list of recommended native and non-invasive plant material at the option of the developer.
3. Mixed Use Development: Where a building site is used for a single mixed use development, landscaped buffers shall not be required between the various constituent uses. Landscaped buffers required at the perimeter of the development shall be based upon the individual uses on each portion of the property.
4. Parking Lot Landscaping: Perimeter plantings required for parking lot landscaping which is adjacent to an incompatible use may be counted toward satisfying buffer requirements. However, interior isle plantings may not be counted towards buffer requirements.

D. Use of Landscaped Buffers

1. Open Space - Landscaped buffers may be counted towards satisfying open space or impervious surface requirements, and may be used for passive recreation. They may contain pedestrian or bike trails, provided that the total width of the buffer yard is maintained. In no event, however, shall the following uses be permitted in landscaped buffers: playfields, stables, swimming pools, tennis courts, parking lots and vehicular use areas, dumpsters, equipment storage and other open storage, buildings or overhangs.
2. Stormwater Retention/Detention Facilities - Storm water retention/detention facilities may encroach into landscaped buffers a maximum of 40% of buffer width, when all planting requirements of this section are met and the visual screen provided by the landscaped buffer will be fully achieved.

E. Classification of Uses for Determining Buffer Requirements

1. Nonresidential Uses: For the purposes of determining landscaped buffer requirements, non-residential land uses are classified as either high, medium, or low impact uses as follows:

- a. High Impact Uses - High impact uses are particular uses of land that, because of their operational and physical characteristics are expected to have a strong effect on adjacent uses. High impact uses include but are not limited to the following examples:
- 1) Industrial uses as defined in Sections 6.05.18, 6.05.19, 6.05.20 and 6.05.21
  - 2) Excavation/mining activities, borrow pits, and disposal facilities as described in Section 6.05.26
  - 3) Water and wastewater treatment plants; and,
  - 4) Commercial outdoor amusements as described in Section 6.09.02.EE; and,
  - 5) All accessory uses associated with the above uses.
- b. Medium Impact Uses - Medium impact uses are particular uses of land that, because of their operational and physical characteristics are expected to have a moderate effect on adjoining or adjacent uses. Medium impact uses include but are not limited to the following examples:
- 1) General commercial uses, as defined in Section 6.05.15 except for professional office uses and neighborhood commercial uses such as those found in the Neighborhood Commercial (NC) district;
  - 2) Public and private utility and facility uses, except for water and wastewater treatment plants;
  - 3) Feedlots; and,
  - 4) All accessory uses associated with the above uses.
- c. Low Impact Uses - Low impact uses are particular uses of land that, because of their operational and physical characteristics are expected to have a limited effect on abutting or adjacent uses. Low impact uses include but are not limited to the following examples:
- 1) Institutional uses;
  - 2) Outdoor recreation uses as defined in Section 6.05.01, excluding commercial outdoor amusements as described in Section 6.09.02.EE;
  - 3) Professional service and office uses, as defined in 6.05.14 and 6.05.15;
  - 4) Neighborhood commercial uses as defined in section 6.05.14;
  - 5) Public and private utility and facility uses, except for public utility rights-of-way;
  - 6) Low intensity agricultural uses as defined in 6.05.02 and 6.05.03;

- 7) Silvicultural uses, and
  - 8) All accessory uses associated with the above uses.
2. **Residential Uses:** For the purposes of determining landscaped buffer requirements residential uses are classified as follows:
- a. Residential Class I
    - 1) Residential uses, as described in Sections 6.05.02, 6.05.03, 6.05.04 6.05.05, 6.05.07 and 6.05.11, with a density of less than six units per acre. However, single family homes that are not part of a larger development requiring site plan or subdivision approval are exempt from all landscaped buffer yard requirements, in accordance with Section 7.01.02B; and
    - 2) All accessory uses associated with the above uses.
  - b. Residential Class II
    - 1) Residential uses, as defined in Sections 6.05.06, 6.05.08, 6.05.09, and 6.05.10, with a density of greater than or equal to six (6) units per acre; and,
    - 2) All accessory uses associated with the above uses.

F. Table of Landscaped Buffer Requirements

<b>Abutting or Adjacent Use</b>					
<u>Proposed Use</u>	<u>High Impact</u>	<u>Medium Impact</u>	<u>Low Impact</u>	<u>Residential Class I</u>	<u>Residential Class II</u>
High Impact	None	None	B	D or E	D or E
Medium Impact	None	None	None	C or E	C or E
Low Impact	B	None	None	C or E	B or E
Residential Class I	D or E	C or E	C or E	None	A or E
Residential Class II	D or E	C or E	B or E	A or E	None

G. Landscaped Buffer Options

1. Use these specifications to select the desired landscaped buffer option for the building site. These buffer requirements are stated in terms of the width of the buffer yard in linear feet. To determine the total number of plants required, the length of each side of property requiring a buffer shall be divided by one hundred (100) and multiplied by the number of plants described below and the following illustration.

a. Landscaped Buffer Options Standard A Planting Requirements per 100'

	Width 20'	Width 15'	Width 10'
Canopy	1.2	1.8	2.4
Understory	.4	.6	.8
Shrubs	4	6	8

b. Landscaped Buffer Options Standard B Planting Requirements per 100'

	Width 25'	Width 20'	Width 15'	Width 10'
Canopy	3.5	4	4.5	5
Understory	1.4	1.6	1.8	2
Shrubs	14	16	18	20

c. Landscaped Buffer Options Standard C Planting Requirements per 100'

	Width 35'	Width 30'	Width 25'	Width 20'
Canopy	4.8	5.4	6	6.6
Understory	2.4	2.7	3	3.3
Shrubs	19	22	24	28

d. Landscaped Buffer Options Standard D Planting Requirements per 100'

	Width 60'	Width 50'	Width 40'	Width 30'
Canopy	6	9	10	12
Understory	4	4.5	5	6
Shrubs	24	27	30	36

e. Landscaped Buffer Options Standard E Planting Requirements per 100'

On the site of a building a buffer may be installed in the form of screening consisting of a wall six feet in height and constructed of concrete block, brick, stone, cement or another similar material and specifically excluding chain link, metal, or wood; or, a soil berm four feet in height accompanied by landscaping (including shrubbery) which will reach a combined height of six feet. The soil berm option may only be utilized in cases where the installation of such berm would not be in conflict with the storm water management requirements found elsewhere in this Code.

	Width 10' With Wall	Planted Berm
Canopy	1.8	4
Understory	.6	1.6
Shrubs	6	16

2. The buffer is normally calculated as parallel to the property line. However, design variations, especially when used to incorporate native vegetation into the buffer area, are allowed. The edges of the landscaped buffer may meander provided that:
  - a. The total area of the buffer is equal to or greater than the total area of the required landscaped buffer; and
  - b. The landscaped buffer measures at least five feet in width at all points along the perimeter of the property line of the site requiring buffer.
3. When the requirements of this section result in a fractional number of plantings, the fraction shall be counted as one plant unit.
4. These diagrams shall serve as a legend for the following diagrams of landscaped buffer options.



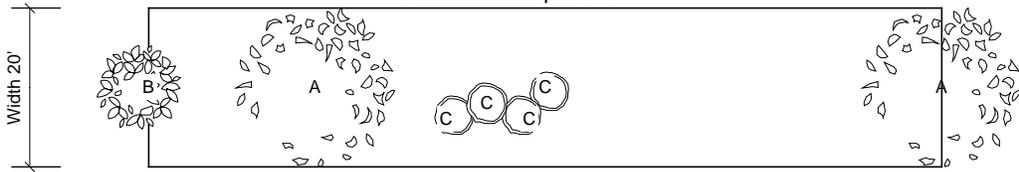
5. A 6-foot privacy fence or masonry wall may be substituted for shrubs within all landscape buffer options.

H. Maintenance of Landscaped Buffers - The maintenance of all landscaped buffers and the provision of healthy effective plantings shall be the responsibility of the property owner. Failure to maintain and keep thriving such landscaped buffers in an attractive and healthy state shall be considered a violation of this Article subject to enforcement.

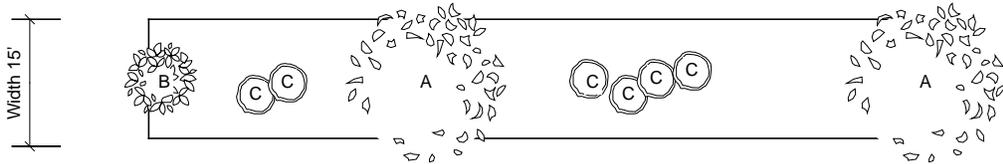
**LANDSCAPED BUFFER OPTIONS STANDARD A**

Plant Material per 100'

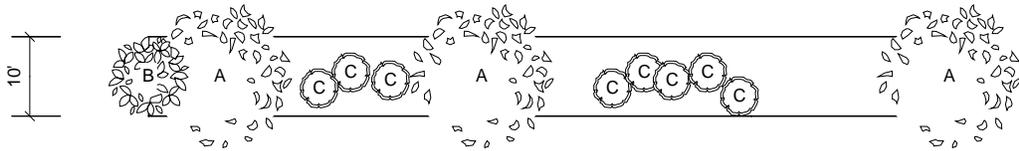
**1.2 Canopy  
.4 Understory  
4 Shrubs**



**1.8 Canopy  
.6 Understory  
6 Shrubs**



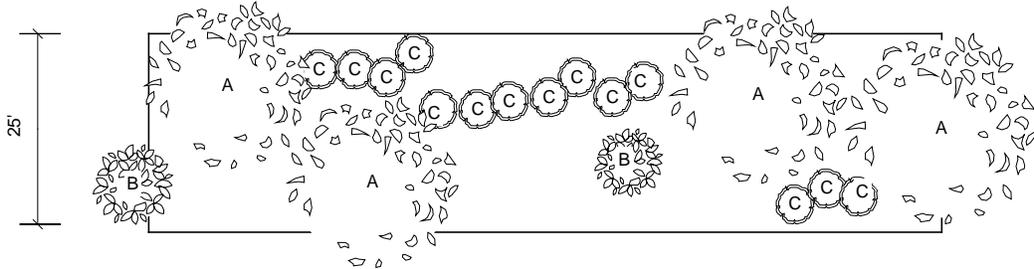
**2.4 Canopy  
.8 Understory  
8 Shrubs**



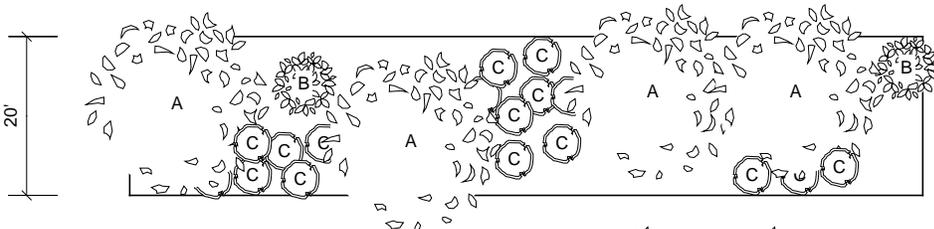
**LANDSCAPED BUFFER OPTIONS STANDARD B**

Plant Material per 100'

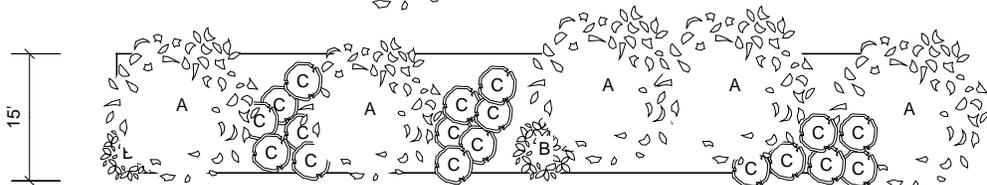
**3.5 Canopy  
1.4 Understory  
14 Shrubs**



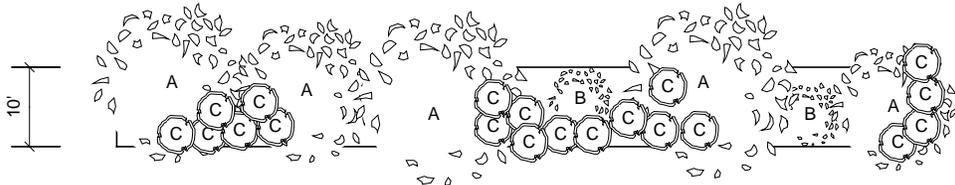
**4 Canopy  
1.6 Understory  
16 Shrubs**



**4.5 Canopy  
1.8 Understory  
18 Shrubs**



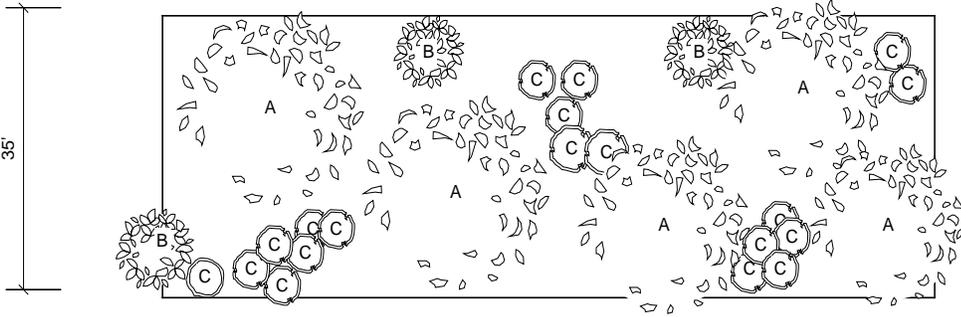
**5 Canopy  
2 Understory  
20 Shrubs**



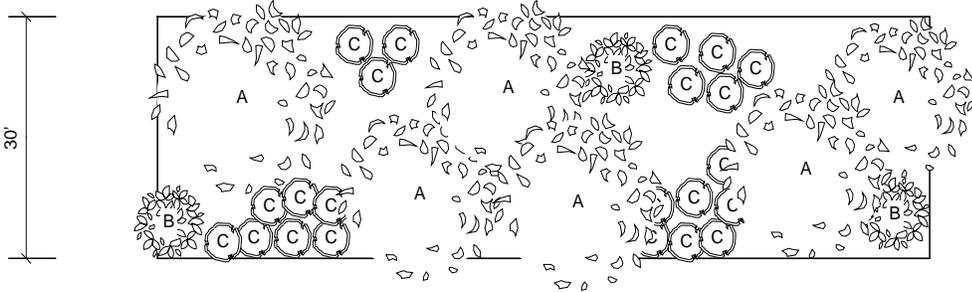
**LANDSCAPED BUFFER OPTIONS STANDARD C**

Plant Material per 100'

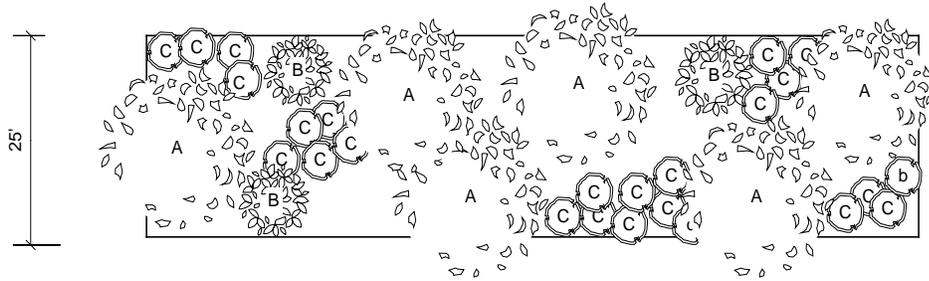
**4.8 Canopy  
2.4 Understory  
19 Shrubs**



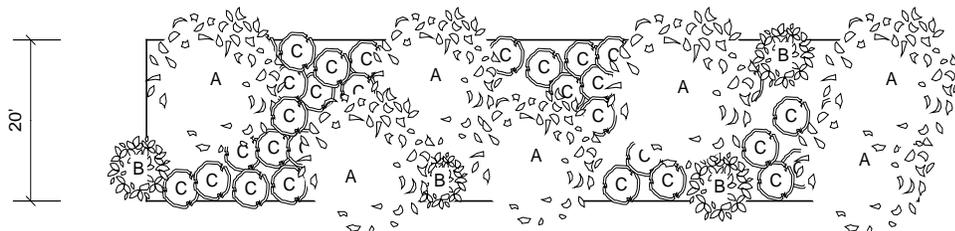
**5.4 Canopy  
2.7 Understory  
22 Shrubs**



**6 Canopy  
3 Understory  
24 Shrubs**



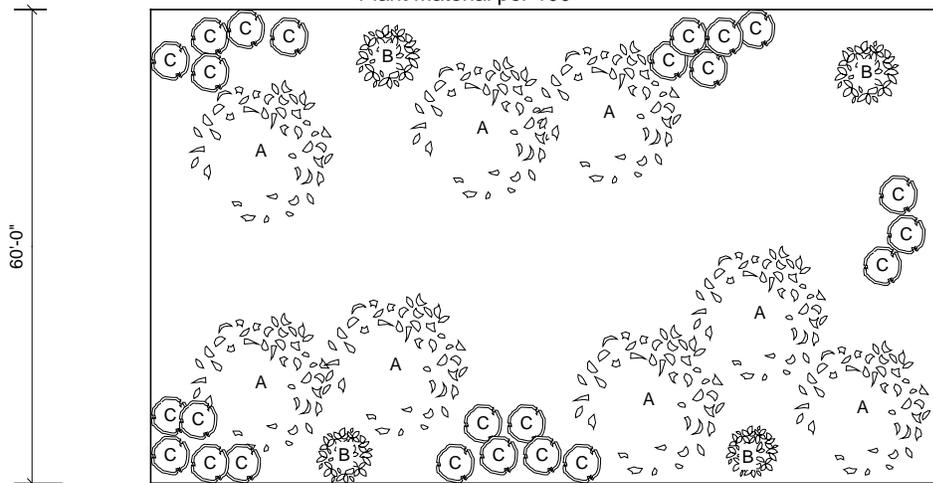
**6.6 Canopy  
3.3 Understory  
28 Shrubs**



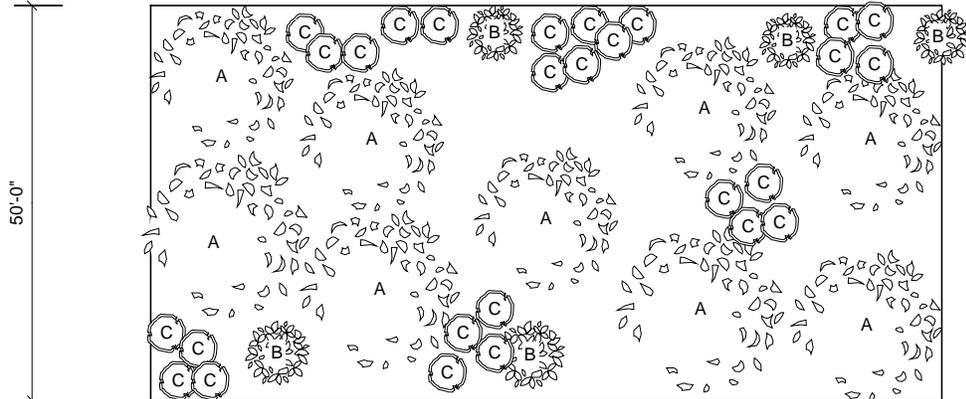
**LANDSCAPED BUFFER OPTIONS STANDARD D**

Plant Material per 100'

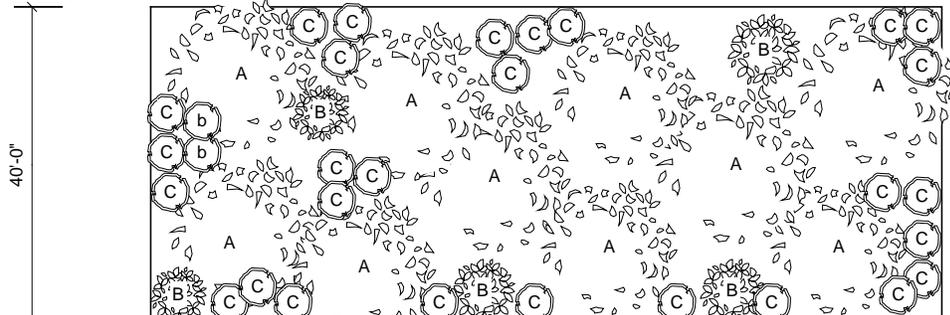
**8 Canopy  
4 Understory  
24 Shrubs**



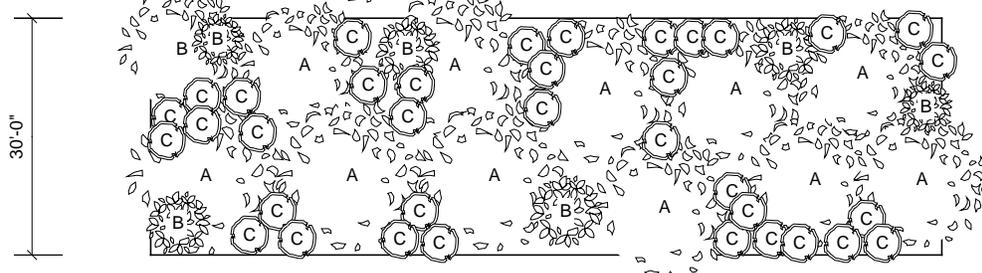
**9 Canopy  
4.5 Understory  
27 Shrubs**



**10 Canopy  
5 Understory  
30 Shrubs**



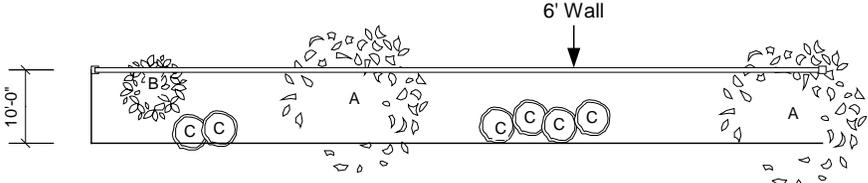
**12 Canopy  
6 Understory  
36 Shrubs**



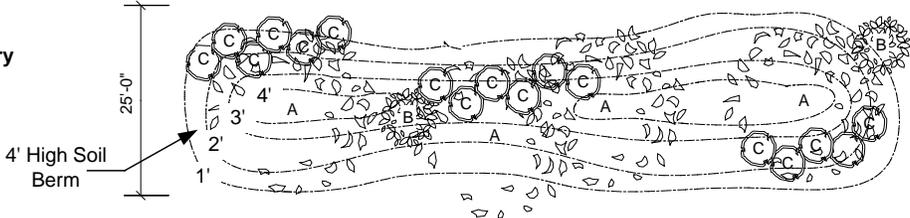
**LANDSCAPED BUFFER OPTIONS STANDARD E**

Plant Material per 100'

**1.8 Canopy  
.6 Understory  
6 Shrubs**



**4 Canopy  
1.6 Understory  
16 Shrubs**



7.01.06      Tree Protection: No protected tree shall be removed without first obtaining a tree removal permit, except as provided below.

1. For residential subdivision development, tree protection requirements are limited to Heritage Trees and Champion Trees.
2. This section shall not apply to lots or parcels of land on which a single family residential home exists or for which a permit for the construction of a single family residential home has been obtained.
3. This section shall not apply to agriculture or silviculture activity in an agriculture zoning district.

A.      Permit Required - Protected or preserved trees shall not be removed or damaged without first obtaining a tree removal permit from the County. The Planning Director, or his designee, shall review all plans for conformance with the tree protection and landscape requirements of this Ordinance. Underbrush and non-protected trees may be removed upon approval of a minor land clearing permit per Section 7.01.07. Within the Bagdad Historic Overlay District, any tree with a caliper of four (4) inches or more (measured 3 feet above grade) shall also require a Certificate of Appropriateness from the Bagdad Architectural Advisory Board.

In considering applications for the removal of protected trees, the Planning Director, or his designee, may approve such requests based upon the following standards:

1. The applicant demonstrates that reconfiguration of the proposed development is impractical or infeasible based upon characteristics of the site, including site dimensions and topography; or
2. The location of the tree will constitute a hazard upon completion of development (i.e. traffic hazard, impair visibility at intersections or driveways, etc.); and the applicant demonstrates that such hazards cannot be avoided and such development is consistent with good engineering practices; or
3. The tree, if left on the site, will constitute a potential hazard to principal or accessory structures or adjoining structures or property as verified by a qualified specialist; or
4. The tree or its root system will interfere with or damage required infrastructure, including water and sewer lines and laterals and the applicant demonstrates that such impacts cannot be avoided and such development is consistent with good engineering practices; or
5. The tree is located in the area of the principal structure or would result in the loss of a buildable lot and the applicant demonstrates that such impact cannot be avoided and such development is consistent with good engineering practices.
6. The removal of protected trees without first obtaining a permit from the County shall be a separate violation for each 1/4 acre of land cleared. A violation of this section shall be

punishable as provide in Ordinance 98-19 Section 4 (b).

B. Tree Protection Required - Trees shall be protected as follows:

1. During development activity, protected trees shall be safeguarded from activities which may injure or kill them. Tree protection fencing shall be installed prior to any land disturbing activities within 50% of the drip zone of the protected tree, unless otherwise approved by the Community Planning, Zoning and Development Division. At no time shall materials, equipment, or construction offices be stored within this area.
2. Exclusive of the principal structure area, when a protected tree must be removed or relocated, indigenous canopy trees shall replace it according to the mitigation table in this section. Trees shall be a minimum of eight feet overall height immediately after planting and be two (2) inches in caliper measured at four and one half (4 ½) feet above grade. Replacement trees must be selected from the Santa Rosa County List of Recommended Native and Non-Invasive Plants, or approved alternate.
3. Unless otherwise approved by the Community Planning, Zoning and Development Division, fifty percent (50%) of the area within the drip line of protected trees shall be maintained in either vegetative landscape material or pervious surface cover. Grading, filling, and ditching cannot take place within 50% of the drip line of the tree.

C. Protected Trees – The following trees are protected and require a permit for removal.

1. Small Trees at a diameter of four (4) inches and greater at four and a half (4 ½) feet above grade:

<u>Common Name</u>	<u>Genus/Species</u>
1. Flowering Dogwood	Cornus Florida
2. Loblolly Bay	Gordonia Iasianthus
3. Atlantic White Cedar	Chamaecyparis thyoides

2. Large Trees at a diameter of eight (8) inches and greater at four and a half (4½) feet above grade:

<u>Common Name</u>	<u>Genus/Species</u>
1. Hickory.	Carya sp
2. American Beech	Fagus grandiflora
3. Holly	Ilex sp
4. Southern Magnolia	Magnolia grandiflora
5. Black Tupelo Gum	Nyssa sylvatica

6. Tupelo Gum (water gum)	Nyssa aquatica
7. White Oak	Quercus alba
8. Swamp Chestnut Oak	Quercus michauxii
9. Live Oak	Quercus virginiana
10. Bald Cypress	Taxodium distichum
11. Pond Cypress	Taxodium ascendens
12. Sweet Gum	Liquidambar styraciflua
13. Sand Live Oak	Quercus geminata
14. Eastern Red Cedar	Juniperous virginiana
15. Southern Red Cedar	Juniperous solidicola

3. Heritage Tree: A living tree of special protected status, 60 inches in diameter or greater at four and one half (4 1/2') feet above grade.
4. Champion Tree: A living tree measured to be the largest specimen of its species in the state as recorded in the champion tree registry of the University of Florida and the Division of Forestry, Florida Department of Agriculture and Consumer Services.
5. Within the Bagdad Historic Overlay District all native, non invasive trees with a caliper of four (4) inches or more (measured at 3 feet above grade) shall require a Certificate of Appropriateness from the Bagdad Architectural Advisory Board

D. Protected Tree Mitigation - As noted in Section 7.01.05.B.2, when a protected tree is removed, indigenous canopy trees shall replace it. The total diameter of such replacement trees shall be determined based on the following Mitigation and Credit Schedules:

#### Tree Mitigation Schedule

<u>Diameter of removed tree at 4 1/2 feet above grade</u>	<u>Mitigation Requirements measured at 4 1/2' above grade</u>
4" – 12"	3" caliper
12.1" – 18"	4" caliper
18.1" – 24"	5" caliper
24.1" – 30"	6" caliper

30.1” – 36”                      7” caliper

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

All healthy trees which are preserved shall receive credit for the tree planting requirements according to the following schedule:

Tree Credit Schedule

<u>Diameter of preserved tree at 4 ½ feet above grade</u>	<u>Credit</u>
4” – 12”	2” caliper
12.1” – 18”	3” caliper
18.1” – 24”	4” caliper
24.1” – 30”	5” caliper
30.1” – 36”	6” caliper

One additional credit can be obtained for each additional 6" of diameter beyond 36". Credits for the protection and preservation of native shrubs, hedges and ground cover can be established by the Planning Department.

To determine the total amount of tree caliper to be planted for mitigation of protected tree removal, first determine the required mitigation caliper using the Tree Mitigation Schedule. Next, determine the number of caliper credits using the Tree Credit Schedule. Subtract the caliper credits from the required mitigation caliper to determine the total caliper of trees to be planted.

Mitigation can be achieved by planting multiple trees of varying diameter until the mitigation requirements are met. Mitigation trees must meet the minimum size requirements found in Section 7.01.02.D.

E. Payment in lieu of Mitigation – When adequate space is not available on a development site to plant mitigation trees without blocking visibility of the business or sign, or without interference with overhead utilities, the property owner may pay a Tree Mitigation Fee in lieu of planting mitigation trees. The Tree Mitigation Fee shall be \$130.00 per inch of mitigation required.

Tree mitigation fees will be deposited into the County Tree Fund and may be used for the purposes of purchasing, planting and maintaining trees on public property. Funds may also be used for the creation of landscape plans involving the planting of trees on public property, and for any other tree conservation or planting activity approved by the Board of County

Commissioners.

F. Incentives - The Community Planning, Zoning and Development Division may grant limited administrative variances to the requirements of this Ordinance to accommodate the protection of existing trees. Examples of requirements that may be varied administratively include: number of required parking spaces, landscape requirements, and perimeter buffer width.

For single family residential subdivisions, the developer will have the option of tree planting in lieu of meeting the tree protection requirements. The minimum tree planting requirements for this option will be two trees per residential lot and meet the standards specified in 7.01.02.D above. The tree planting requirements must be made part of the restrictive covenants for the subdivision, or otherwise guaranteed by the developer.

7.01.07 Minor Land Clearing: The Planning Director or his/her designee shall issue a minor land clearing permit, prior to the approval of a site plan or subdivision plat, for the purpose of minor land clearing under the following conditions:

- A. The applicant shall submit a non-engineered site plan or sketch showing the following:
  - 1. Area to be cleared;
  - 2. No protected trees will be removed as demonstrated by a tree survey submitted by the applicant or a statement signed by the property owner verifying that no protected trees will be removed;
  - 3. All vegetation including non-protected trees will remain if located within five (5) feet of a common boundary of an incompatible land use; and
  - 4. Adequate storm water and erosion control is provided.
- B. A minor land clearing permit is not required for the following:
  - 1. Agriculture or silviculture activity in an agriculture zoning district;
  - 2. Lots or parcels of land for the construction of one single family or duplex structure;
  - 3. Property maintenance activity such as bush hogging, mowing or tree trimming.
- C. A minor land clearing permit does not authorize major land clearing, or soil disturbing as defined herein.

7.01.08 Off-Street Parking and Loading Requirements:

A. Minimum Criteria For Parking Lots and Other Vehicular Use Areas - Trees are not to be minimized in either height or quantity. Signs designating entrances and exits, are to be of tasteful design and subject to review by the Community Planning, Zoning and Development Division. Trash and refuse containers and unaesthetic mechanical equipment shall be screened

from view, including satellite and microwave dishes.

1. All areas used for the display or parking of any and all types of vehicles, boats or heavy construction equipment, whether such vehicles, boats or equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use, herein described as "other vehicular uses", including but not limited to activities of a drive-in nature such as filling stations, grocery and dairy stores, banks, restaurants, and the like, shall conform to the minimum landscaping requirements herein provided. Planter areas within parking areas are to be devoted to living landscaping, which includes grass, ground cover, plants, shrubs and trees.
2. Labor-Intensive Transportation - Sidewalks, Bikeways, etc.: In zoning districts R-1, R-1A, R-1M, R-2, R-2M, R-3, HC-1, and for those projects submitted pursuant to the PUD and PBD criteria when such projects are placed within urban service areas or adjacent to such urban service areas, the development plan shall include the provision of labor-intensive transportation facilities. The facilities may include sidewalks (constructed pursuant to section 4.03.06(e), four-foot wide shoulders along rights-of-way properly marked for bicycle traffic, signage denoting bike paths and bikeways, bicycle storage facilities in commercial projects, wheelchair ramps at transition nodes of sidewalks and the like. Nothing herein shall preclude applicants from designing separated bike paths or walking paths consistent with sound engineering and design principles.

B. Off street parking and loading requirements - When the parking standards in this Article are not sufficient in determining the required spaces for a specific land use, the most recent publication of the American Planning Association's "Off-Street Parking Requirements" may be used.

1. Intent: Parking shall be provided in all districts at the time any building or structure is erected or enlarged or increased in capacity by a change of use or the addition of dwelling units, floor area, seats, employees or other factors determinative of parking demand as stated in this Section.

All paved ground surface areas, other than public rights-of-way, designed to be used for parking and movement of vehicular traffic shall be kept to a minimum.

2. Parking Space Required by Use

- a. Single Family Home: One parking space per dwelling unit.
- b. One Bedroom Duplex or Apartment Including Efficiencies: One and a half (1-1/2) parking spaces per unit.
- c. Two or More Bedroom Duplex or Apartment: Two parking spaces per unit.
- d. Private Club: One parking space per one hundred (100) square feet of gross floor area or one parking space for every ten (10) members, whichever is greater.
- e. Church or Place of Worship: One (1) parking space for every five (5) persons in the

- main auditorium or assembly room or one (1) space for each classroom, whichever is greater.
- f. Dormitory, Fraternity or Sorority: One (1) parking space for each three hundred (300) square feet of sleeping rooms or one (1) space for every ten (10) members, whichever is greater.
  - g. Elementary School: One (1) parking space for each ten (10) seats in the main auditorium or assembly room or one (1) space for each classroom, whichever is greater.
  - h. High School or College: One (1) parking space for each eight (8) seats in the main auditorium or three (3) spaces for each classroom, whichever is greater.
  - i. Golf Club or Country Club: One (1) parking space for each five (5) members.
  - j. Community Center, Library or Museum: Ten parking spaces plus one (1) additional space for each one hundred (100) square feet of gross floor area in excess of two thousand (2000) square feet.
  - k. Hospital, Rehabilitation Center, Convalescent Home: One (1) parking space for each one and one-half (1-1/2) beds.
  - l. Theater, Auditorium (except school), Stadium or Gymnasium: One (1) parking space for each five (5) seating spaces.
  - m. Hotel, Motel, Guest House or Transient Quarters: One (1) parking space for each sleeping room or suite.
  - n. Exhibition or Assembly Hall Without Fixed Seats: One (1) parking space for each one hundred (100) square feet of gross floor area.
  - o. Banking and Savings and Loan Institutions: One (1) parking space for each two hundred and fifty (250) square feet of gross floor area to a maximum of fifteen thousand (15,000) square feet; in addition, one (1) parking space shall be provided for each four hundred (400) square feet or fraction thereof in excess of fifteen thousand (15,000) square feet.
  - p. Business and Professional Office: One (1) parking space for each three hundred (300) square feet of gross floor space.
  - q. Medical Office or Clinic: One (1) parking space for each two hundred (200) feet of gross floor area.
  - r. Restaurant or Cafeteria: One (1) parking space for each one hundred (100) feet of gross floor area.
  - s. Retail Store and Personal Service Establishment: One (1) parking space for each two

hundred and fifty (250) square feet of gross floor area.

- t. Furniture or Appliance Store, Hardware Store, Wholesale Establishment, Machinery and Equipment Sales and Service, Clothing or Shoe Repairing or Similar Businesses, Trades or Services: One (1) parking space for each four hundred (400) square feet of gross floor area; or one (1) parking space for each employee, plus one (1) space for each vehicle owned or used by the establishment, whichever is greater.
- u. Marina: One (1) parking space for each three (3) dry-dock stalls, or wet slips, or moorings, plus one (1) parking space for each employee, plus one (1) additional space for each vehicle owned or used by the establishment.
- v. Bowling Alley: Four (4) parking spaces for each alley.
- w. Mortuary or Funeral Home: One parking space for each fifty (50) square feet of gross assembly area including foyer, plus one (1) space per employee, plus one (1) space for each vehicle owned or used by the establishment.
- x. Manufacturing or Industrial Establishment Research and Testing Laboratory, Creamery, Bottling Plant, Warehouse or Similar Establishment, Excluding Direct Sales to the Public: One (1) parking space for each two (2) persons employed on a maximum working shift plus one (1) additional space for every vehicle owned or used by the establishment; or one (1) space per every six hundred (600) square feet of gross area, whichever is greater.
- y. Drive-up Windows: In addition to other parking requirements for principal use, waiting spaces shall be provided for drive-up windows in compliance with the following minimum specifications:
  - 1) Number of Spaces Required Including Receiving or Service Window Space: Six (6) waiting spaces per drive-up window. Where this requirement is demonstrated by the applicant to be inconsistent with the traffic generating characteristics of a specific use, the applicant may request that the standard be modified by the County Planning Director. The County Planning Director may approve a reduction in the required waiting spaces for such use provided the applicant demonstrates that the intended use generates a low volume of drive-up traffic and does not require the standard six (6) waiting spaces. The County Planning Director shall consider the nature of the use, its intensity, size, other parking facilities provided and other traffic generating characteristics.
  - 2) Length of Spaces: Each space shall be a minimum of eighteen (18) feet in length.
  - 3) Width of Spaces: On curves with a radius of more than twenty five (25) feet a minimum pavement width of ten (10) feet shall be provided.
  - 4) Surface Requirements shall be the same as those specified for parking areas.

z. Private Airport Uses

- 1) Conventional Hangars (restricted solely to storage of aircraft, and expressly excluding any employment generating activity such as offices; maintenance and repair; sales, charter, or rental activity; or any other commercial use whatsoever): One (1) space per thousand (1,000) square feet or fraction thereof for the first ten thousand (10,000) square feet and thereafter one (1) space per two thousand (2,000) square feet or fraction thereof. The Airport Advisory Board and the County Board of Adjustment (Zoning Review and Appeals Board) may reduce this requirement in cases where the applicant demonstrates that a specific use shall not generate sufficient parking demand to warrant the required parking. The demonstration shall include consideration of the number, size, and seating capacity of aircraft stored on site, the point of loading and unloading, magnitude of additional parking located on site, or other factors which shall present a clear and substantial justification for such modification.
- 2) T-Hangars (restricted solely to storage of aircraft and expressly excluding any employment generating activity such as offices; maintenance and repair; sales, charter, or rental activity; or any other commercial use whatsoever): One (1) space per five (5) aircraft bays.
- 3) Tie Downs for Aircraft: One (1) space per five (5) aircraft tie downs or fraction thereof; however, no parking shall be required for tie downs of aircraft which do not generate parking needs, nor shall parking be required for tie downs of aircraft used exclusively for pilot training where parking has already been duly provided pursuant to this Section. An applicant providing no parking for tie downs shall be required to demonstrate to the satisfaction of the County Board of Adjustment (Zoning Review and Appeals Board) that the tie downs proposed shall not generate parking needs.
- 4) Employment Generating Activity: Any employment generating activity such as offices; maintenance and repair; sales, charter, or rental; or any other employment generating activity shall be computed separately pursuant to this Section.
- 5) Change of Use: Notwithstanding the requirements of paragraphs (a) through (d) above, the applicant or his successors shall be required to comply with parking requirements of this Section should any change in the nature of the stated use of record occur in the future.

aa. Plant Nurseries and Landscape Services: One space for each four hundred (400) square feet of gross floor area or one parking space for each employee, plus one space for each vehicle owned or used by the establishment, whichever is greater.

C. Computation of Parking Spaces - In computing the number of required parking spaces, the following rules shall govern:

1. Floor area means the gross floor area of a particular use.
2. Where fractional spaces result, the number of spaces required shall be construed to be the next whole number.
3. The parking requirements for any use not specified shall be the same as that required for a use of a similar nature as recognized herein or where not recognized herein, shall be based on criteria published by the American Society of Planning Officials and approved by the County Planning Director.
4. In the case of mixed uses, the parking shall be equal to the sum of the several uses computed separately.
5. Whenever a building or use is enlarged in floor area, number of employees, number of dwelling units, seating capacity or in any other manner so as to create a need for a greater number of parking spaces than that existing, such spaces shall be provided in accordance with this Section. Any parking deficiency shall be brought into conformity concurrently with the enlargement or change of use.
6. All parking spaces required herein shall be located on the same lot with the building or use served, or not to exceed three hundred (300) feet from a building served, measured along lines of public access. However, a parking area designated for "employee parking only" may be located not more than one thousand (1,000) feet from any building served, measured along lines of public access. Such parking area situated more than three hundred feet (300) from a building must be approved by the County Board of Adjustment (Zoning Review and Appeals Board).
7. Shared parking areas shall be permitted in multi-use projects. A reduction in required parking spaces may be allowed if peak demand periods for proposed land uses do not occur at the same time periods. An established Shared Parking model may be proposed to the Planning Director; and if approved, will form the basis for parking requirements for a specific project. The Planning Director may require an Overflow Parking Agreement to be recorded prior to issuing a Development Order for a project requesting a Shared Parking reduction.

D. Parking in Yard and Landscaping - Unenclosed parking spaces may be located within a required yard, except as provided in this Section under open space/landscaping. All parking areas other than for single family homes and duplexes shall conform to the landscape requirements of the respective zoning district.

E. Design and Specifications for Parking and Loading Areas

1. Stalls, Aisles and Driveways: Parking stalls shall be nine (9) feet wide by eighteen (18) feet long for angle parking; and shall be nine (9) feet wide by twenty-three (23) feet long for parallel parking stalls. Aisle dimensions shall be in accordance with standard specifications on file in the Planning and Zoning Division and the County Engineer's office. Angle shall be restricted to angles of ninety (90) degrees, sixty (60) degrees, or forty-five (45) degrees. Handicap parking stalls/spaces shall conform to the current

design standards of the Americans with Disabilities Act. The following criteria applicable to all parking spaces, except single family homes and duplexes:

- a. Each parking stall shall be accessible from an aisle or driveway and designed so that no automobile shall back into a public street in order to exit a parking stall. The internal design of the parking lot shall be designed to facilitate vehicular circulation and avoid conflict between pedestrian and vehicular movements.
  - b. No door or pedestrian entrance at ground level shall open directly upon any driveway or access aisle unless the doorway or pedestrian entrance is at least three (3) feet from said driveway or access aisle.
  - c. All parking spaces shall have lines between spaces to indicate individual stalls. Wheel stops for stalls adjacent to landscaped strips shall be located two and one half (2-1/2) feet from the front end of the stall and prevent encroachment into required landscaped areas. The front two (2) feet of the stall may be kept as a maintained vegetative ground cover area although no credit will be extended toward the open space or landscape requirements of the respective district.
  - d. Parking lots with twenty (20) or more spaces may be comprised of a maximum of fifteen percent (15%) compact car parking stalls but only if approved by the County Planning director. Such compact car stalls shall be seven and a half (7-1/2) feet wide by fifteen (15) feet long and marked for use by small vehicles. All marking shall be on the pavement surface where possible. These spaces shall be evenly distributed throughout the parking area and not grouped together.
2. Loading Spaces: Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, hotel, funeral home or other uses similarly involving the receipt or distribution of materials or merchandise by vehicles, shall provide and maintain loading spaces in accordance with the following formula:
- a. One loading space for each ten thousand (10,000) square feet or fraction thereof floor area.
  - b. Each loading space shall not be less than twelve (12) feet in width, thirty-five (35) feet in depth and fourteen (14) feet in height.
3. Modifications: The County Board of Adjustment (Zoning Review and Appeals Board) may approve modifications to the design specifications upon demonstrated need by the applicant. In considering modifications to the design specifications required by this Section, the County Board or Adjustment (Zoning Review and Appeals Board) shall be guided by Architectural Graphic Standards, Sixth Edition, by Ramsey and Sleeper as exists now or as hereafter updated.

7.01.09 Exterior Lighting: Exterior lighting in and around buildings and in parking lots is permitted in all districts. Lighting is to be located for safety and visual effect. It shall be installed so as not to shine directly on adjacent property, or on to rights-of-way. Lighting shall avoid annoyance from brightness and glare.

A. Exterior lighting in and around buildings and in parking lots is permitted in all districts. Lighting is to be located for safety and visual effect. In addition to the requirements contained in Section 7.01.14(E), lighting shall be installed so as not to shine directly onto adjacent residentially zoned property, residences located in agricultural districts, or onto rights-of-way.

B. Where it is determined by the Planning Department that it is not technically feasible by redesign, shielding, or other method to completely prevent necessary lighting from shining directly onto adjacent residential property or rights-of-way, provisions shall be made to minimize said light to the extent technically feasible.

7.01.10 Fences and Walls: The construction, erection and maintenance of walls and fences within Santa Rosa County shall be permitted only as follows:

A. Walls and fences on rear and side property lines in residential zones shall be permitted to a maximum height of six (6) feet; in commercial zones walls and fences on rear and side property lines shall be permitted to a maximum height of eight (8) feet. In all industrial areas (M-1 and M-2 districts) walls and fences shall be permitted to a height not to exceed ten (10) feet. Agriculture districts are exempt from this provision.

B. In all districts there shall be no fences, walls, plantings or other structures or obstructions erected or maintained within twenty (20) feet of any street intersection which may obstruct the view of the motorist or otherwise cause an obstruction to traffic flow.

C. In all residential subdivisions the use of any form of barbed wire in fences is prohibited. Agriculture districts are exempt from this provision.

D. Where a wall or fence is erected within the front setback of any lot, such wall or fence shall not be permitted in excess of four (4') feet in height, except chain link type fences, (minimum fourteen (14) gauge galvanized welded wire), which shall not be permitted in excess of five (5) feet in height. Agriculture districts are exempt from this provision.

Where a wall or fence is erected within the front setback of a lot in an HCD zone such wall or fence shall not be permitted in excess of four (4) feet in height, except chain link type fences, (minimum fourteen (14) gauge galvanized welded wire), which shall not be permitted in excess of eight (8) feet in height. Where a wall or fence is erected within the front setback of a lot in M1 or M2 zones, such wall shall not exceed four (4) feet in height except chain link type fences, (minimum fourteen (14) gauge galvanized welded wire), which shall not be permitted in excess of ten (10) feet in height.

E. Walls and fences must have finished side facing out for all projects requiring site plan review.

F. Fences and Walls erected to serve as a buffer between incompatible land uses shall provide continuous screening.

G. Walls, fences, gates or use of other structures for swimming pool enclosures:

1. Private swimming pools shall be enclosed with a fence at least four feet in height

except pools provided with other structures prohibiting unrestrained admittance to the enclosed area. Fences, walls or other structures used for swimming pool enclosures shall meet applicable zoning setbacks as required. A single family dwelling may be enclosed within the fenced area. Any dwelling structure may be used as part of the enclosure.

2. All gates or doors opening through a pool enclosure shall be equipped with self-closing and self-latching devices for keeping the gates or doors securely closed at all times when not in actual use, except that the door of any dwelling house which forms a part of the enclosure need not be so equipped. The latching device shall be located on the pool side of the door or gate, except where access to the pool opens into a dwelling or pool house.
3. No person in control or possession of land within the county, either as owner, purchaser, lessee, tenant, or as a licensee, upon which a private swimming pool is situated, shall fail to provide and maintain such fence or other enclosure as specified by this article.

H. Fences and walls within the Bagdad Historic Overlay Districts must be consistent with the standards detailed in “Bagdad Historic and Conservation District Design Standards: (June 16, 2008) adopted herein by reference.

#### 7.01.011 Refuse Collection

A. Apartment complexes and commercial buildings required to have containerized solid waste collection facilities, shall have container(s) size approved by the Director of Public Works for each application and shall be located on a four (4) inch reinforced concrete pad. Further, all containers shall be screened from adjacent properties and public ways by appropriate fences, walls and/or hedges to the greatest extent practical. Containerized service areas shall provide access for a front end loading refuse collection truck, which requires a thirty-five (35) foot high unobstructed access.

B. A residential complex required to have a containerized service, pursuant to the Director of Public Works, shall have containers with a capacity of at least two sevenths (2/7) of a cubic yard for each dwelling unit and shall be screened from adjacent properties and public ways to the greatest extent practical.

C. Each residential complex without containerized service shall provide for each unit either two (2) thirty-two (32) gallon garbage cans or water proof bags and shall be screened from adjacent properties and public ways to the greatest extent practical.

#### 7.01.12 Processing And Storage:

A. Within all Districts (except the M-1 and M-2 District) all businesses, services, or manufacturing or processing of materials, goods or products shall be conducted within completely enclosed buildings. Storage may be permitted outdoors upon demonstration of need subsequent approval by the County Zoning Board, but shall be effectively screened by a wall, fence or planting so that such materials will not be visible from a public way, except in those

cases where the County Zoning Board determines such screening is unreasonable. However, in all instances such outside storage areas shall be screened from adjacent residential areas.

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

7.01.13 Standards Regulating Vendors Selling Liquor, Beer or Wine for On-Premises Consumption:

A. Permit Required - No vendor shall sell liquor, beer or wine for on-premises consumption in the unincorporated areas of the County without first obtaining a Certificate of Zoning Compliance from the Public Services Department.

1. No Certificate of Zoning Compliance shall be granted to a vendor for the sale of liquor, beer or wine for on-premises consumption in any area of Santa Rosa County, lying without the limits of incorporated cities or towns, when said place of business is within 2,500 feet of an established church or school. However, this section shall not apply to licenses defined in s. 563.02(1)(a) and s. 564.02(1)(a), F.S., or any restaurant equipped to serve at least thirty-five (35) persons full-course meals at tables at one time, and deriving at least 51% of its gross revenues from food and non-alcoholic beverages.
2. A Certificate of Zoning Compliance shall not be denied to the transferee of the license holder if the transferee operates the business at the same location and applies for the Certificate of Zoning Compliance within sixty (60) days of the last day of business of the transferor at said location.

B. Distance Measurements - The distance as set forth in subpart A above shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of said place of business to the main entrance of the church or, in the case of a school, to the nearest point of the school grounds in use as part of the school facilities.

C. Establishment of New Churches or Schools - Whenever a licensee has procured a license permitting the sale of liquor, beer or wine and thereafter a church or school is established within a distance otherwise prohibited by this Ordinance, of the place of business of the licensee, the establishment of such church or school shall not be cause for the revocation of such licensee and shall not prevent the subsequent renewal of such license. However, no existing license may be transferred to within the distance from churches or schools prohibited by this Ordinance. An existing licensee that is within 2500 feet of a church or school may relocate its certificate of zoning to a location within said 2500 feet if the distance from the relevant church or school is increased and said relocation does not bring the business within 2500 feet of another church or school.

D. Application Fee - Any application for a Certificate of Zoning Compliance under this section shall be accompanied by a fee of \$25.00 to be credited toward the County General Fund, which fee is intended to offset the cost of ascertaining whether the provisions of this section are applicable. If the applicant seeks a waiver of the provisions of the distance requirements set forth hereinabove, an additional fee of \$25.00 shall be required of the applicant, which fee shall be for the purpose of offsetting the cost of confirming whether any affected churches or schools have consented to the waiver of the provisions of subpart A above.

7.01.14 Standards Regulating Nuisances:

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

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

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

1. Smoke: Every use shall be so operated as to prevent the emission of smoke as specified by the Department of Environmental Protection in Chapter 62, Florida Administrative Code.
2. Particulate Matter Including Dust: Every use shall be so operated as to prevent the emission into the air of dust or other solid matter as specified by the Department of Environmental Protection in Chapter 62, Florida Administrative Code.
3. Odor: Every use shall be so operated as to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located as specified by the Department of Environmental Protection in Chapter 62, Florida Administrative Code.

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

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

2. Fire Hazard Solids:

- a. Light Industrial District "M-1" (or more restrictive district). The storage or utilization of solid materials which are active to intense burning shall be within spaces having fire resistive construction of no less than two hours and protected with an automatic fire extinguishing system. However, such storage or utilization is not permitted unless approved by the Building Director after consultation and approval of the Fire Department, based on standards incorporated herein specifically or by reference.
- b. General Industrial District "M-2": In the "M-2" district the storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within the walls having a fire resistance no less than two hours or protected by an automatic fire extinguishing system or the building wall shall be no less than 25 feet from all lot lines. The outdoor storage of such materials shall be permitted no closer than 40 feet from all lot lines. However, such activity is not permitted unless approved by the Building Director after consultation and approval of the Fire Department based on standards incorporated herein in specifically or by reference.
- c. No open burning shall be conducted at debris disposal facilities without prior approval from the state enforcement agencies (Department of Environmental Protection and/or Division of Forestry) and the County.
- d. Construction and demolition (C&D) debris at disposal facilities shall be periodically covered with soil and maintained for on-site fire suppression per the terms of the applicable County permit to prevent unintended fires.

3. Fire Hazard Liquids and Gases:

- a. The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this Section exclusive of the storage of finished products in original sealed containers (60 gallons or less) which shall be unrestricted.
- b. The total storage capacity of flammable liquids and gases shall be restricted to capacity expressly permitted by the Building Director after consultation with the Fire Department based on standards incorporated herein specifically or by reference.
- c. In no case shall hazardous or potentially hazardous materials be stored or located in residential zones or within five hundred (500) feet of any residential zone, except for those materials used as fuel by emergency generators for communications towers as provided for in Section 7.01.15 or for public and private utilities. In which case, no hazardous or potentially hazardous materials may be stored within two hundred (200) feet of any residential structure.

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

- 1. All Commercial and Manufacturing Districts: Any operation or activity producing glare

shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in a residential district.

7.01.15 Standards Regulating Towers:

A. Findings

1. The Federal Communications Act of 1934 as amended by the Telecommunications Act of 1995, (collectively the “Act”) grants the Federal Communication Commission (FCC) exclusive jurisdiction over:
  - a. The regulation of the environmental effects of radio frequency emissions from communication towers and/or communication antennas facilities.
  - b. The regulation of radio signal interference among users of the radio frequency spectrum.
2. The County’s regulation of communication towers and/or communication antennas cannot have the effect of prohibiting any person from providing wireless telecommunications services.

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

1. To regulate the location of communication towers and/or communication antennas in the County;
2. To protect residential areas and land uses from potential adverse impacts of communication towers and/or communication antennas;
3. To minimize adverse visual impacts of communication towers and/or communication antennas through careful design, placement, landscaping, and camouflaging techniques;
4. To promote and encourage shared use and collocation of communication towers and/or communication antennas as opposed to the construction of additional single use towers;
5. To avoid potential damage to property caused by communication towers and/or communication antennas by insuring that such structures are sound and carefully designed, constructed, modified, maintained, and removed when no longer used or determined to be structurally unsound;
6. To ensure that communication towers and communication antennas are compatible with surrounding land uses;
7. To facilitate the provisions of wireless communication services to the residents and

businesses of the County in an orderly fashion.

C. Definitions

1. Antenna Support Structure: Any building or other structure, other than a tower, which can be used for the location of Telecommunication Facilities.
2. Applicant: Any person that applies for a communication tower and/or communication antenna development permit.
3. Application: The process by which an applicant submits a request to develop, construct, build, modify or erect a telecommunication tower and/or communication antenna. An application includes all written documentation, verbal statements and representations, in whatever form or forum made by an applicant to the County concerning a request.
4. CMRS: Commercial Mobile Radio Services, as defined in section 704 of the Telecommunications Act of 1996, which includes cellular, personal communications, specialized mobile radio, enhanced specialized mobile radio and similar services that currently exist or that may in the future be developed.
5. Collocation or Collocate: The use of a communication tower by two or more CMRS license holders or by one license holder for more than one type of communication technology.
6. Communication Antenna: Any system of electrical conductors designed to transmit and/or receive electromagnetic waves.
7. Communication Tower: A structure which does not exceed two hundred-fifty feet (250) feet in height (including antenna) measured from grade on which transmitting and/or receiving antennas are located. This term “communication tower” shall not include towers utilized by amateur radio operators licensed by the Federal Communication Commission (FCC). Communications towers are generally described as either monopole, lattice, or guyed.
8. County: Santa Rosa County
9. Engineer: Any engineer licensed by the State of Florida. Radio frequency engineers do not have to be licensed by the State, however their qualifications must include specific experience with the field and employment or retention by the telecommunications provider in a professional, technical capacity.
10. Essential Service: The provision, by public utility, of communication services to the public related to fire safety, law enforcement, weather, provisions of electric, natural gas, water, or sanitary sewer service, or other circumstances affecting the health, safety, or welfare of the public.
11. Owner: Any person with title or with written permission from a person with fee title, to any plot of land within the County who desires to develop, construct, build, operate,

modify or erect a communication tower and/or communication antenna upon such land.

12. Person: Name, person, firm, partnership, association, corporation, company or other legal entity, private or public, for profit or not for-profit.
13. Public Utility: A utility owned or operated by the United States, the State of Florida, or Santa Rosa County.
14. Telecommunications Facilities: Any cable, wires, lines wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a Tower or Antenna Support Structure. However, the term "Telecommunications Facilities" shall not include:
  - a. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned for industrial or commercial use.
  - b. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.
15. Tower: A self-supporting lattice, guyed, or monopole structure constructed from grade which supports Telecommunications Facilities.
16. Tower Site: Section of a lot completely contained within a lot meeting the requirements of the zoning district for the purposes of locating a communications tower.

D. Applicability

1. Towers and Telecommunications Facilities for which a permit has been issued prior to the effective date of this Article shall not be required to meet the requirements of this Ordinance except as provided herein.
2. This Article shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
3. The provisions of this Article shall supersede all conflicting requirements of other ordinances of Santa Rosa County regarding the location and permitting of wireless communications facilities.
4. Towers and Telecommunications Facilities can be located only in Agricultural (AG-RR, AG-1, and AG-2), Highway Commercial Districts (HCD), Planned Business Districts (PBD) or Industrial Districts (M-1 and M-2).

E. Applications - As a condition to constructing or erecting a Tower, or placing or locating a Telecommunications Facility thereupon, an Owner must obtain a Conditional Use Approval from the Board of Adjustments (BOA) and submit a site plan to the Planning Department. The Conditional Use Application is required to contain the following:

1. The name, address, and telephone number of the Owner and lessee of the parcel of land upon which the Tower is proposed to be situated. If the applicant is not the actual owner of the parcel of land upon which the tower is proposed to be situated. If the applicant is not the actual owner of the parcel of land upon which the tower is proposed to be situated, the written consent of the actual owner shall be evidence in the application.
2. The legal description, parcel identification number and address of the parcel of land upon which the Tower is proposed to be situated.
3. The names, addresses, and telephone numbers of all Owners of other usable Towers and Antenna Support Structures within a one half mile radius of the proposed Tower site.
4. Written documentation that the Applicant: (a) made diligent, but unsuccessful, efforts for a minimum of sixty (60) days prior to submission of the Application to install or collocated the Applicant's Telecommunications Facilities on Towers or usable Antenna Support Structures located within a one half mile radius of the proposed Tower site; or (b) written, technical evidence from an Engineer that the proposed Tower or Telecommunications Facilities cannot be installed or collocated on another Tower or usable Antenna Support Structure located within a one-half mile radius of the proposed Tower site, and must be located at the proposed site in order to meet the coverage requirements of the Applicant's wireless communications system.
5. A scaled site plan clearly indicating the tower site, height of proposed tower, location of any accessory buildings, on site land use and zoning, adjacent land uses and zoning, adjacent road ways, proposed means of access, distances from property lines, and elevation drawing of proposed tower.
6. A current blue-line aerial as maintained by the Santa Rosa County Property Appraiser's Office, showing the location of the proposed tower and surrounding properties.
7. Distances of the proposed tower from nearest residential lot lines, platted residential properties, or unplatted residential properties shown on a current blue-line aerial.
8. A landscape plan showing specific landscape materials and their locations.
9. The method of fencing, including finish and color.
10. A statement shall be submitted, prepared by a professional registered engineer licensed to practice in the State of Florida, which through rational engineering analysis certifies the tower's compliance with applicable standards set forth in the EIA/TIA 222-F Standard, as published by the Electronic Industries Association, which may be amended from time to time, and all applicable County building codes. For all communication towers and/or communication antennas attached to an existing structure, the statement shall include certification that the structure can support the load superimposed from the tower and/or antenna.
11. Written, technical evidence from an Engineer that the proposed structure meets the standards set forth in this Article.

12. Written, technical evidence from an Engineer that the proposed site of the Tower and Telecommunications Facility does not pose a risk of explosion, fire or other danger due to its proximity to volatile, flammable, explosive or hazardous materials.
13. Written evidence that the Tower and Telecommunication Facilities are in compliance with Federal Aviation Administration regulations and meets the approval of the U.S. Air Force and U.S. Navy. Where an Antenna Array will not exceed the highest point of an existing structure upon which the array is to be mounted, such evidence shall not be required.
14. Written, technical evidence from an Engineer that construction and placement of the Tower and Telecommunications Facility will not interfere with public safety communications and the usual and customary transmission or reception of radio and television service enjoyed by adjacent residential and non-residential properties.

F. Certification of Compliance - Prior to receiving a certificate of occupancy issued by Santa Rosa County, the Owner of a communication tower and/or communication antenna shall submit in writing to the Planning Department that the communication tower and/or communication antenna complies with all current FCC regulations.

G. Standards

1. Single use communication towers shall not exceed one hundred fifty (150) feet in height as measured from grade.
2. Communication towers that have two (2) or more collocation abilities shall not exceed one hundred eighty (180) feet in height as measured from grade.
3. Public Safety and Emergency Communication Towers shall not exceed two hundred-fifty feet (250) in height as measured from grade.
4. A communication tower shall be deemed to have collocation ability if its design is certified by the engineer as being appropriate for collocation and the applicant certifies that it is prepared to offer adequate space on the tower to others at commercially fair and, reasonable terms.
5. All communication towers shall be separated from all residentially zoned lands by a minimum, of two hundred (200) feet. Tower separation distances for the purpose of compliance with this article shall be measured from the center of the base of the communication tower to the lot line. Residentially zoned lands means land zoned RR-1, R-1, R-1M, R-1A, R-2, R-2M, R-3, PUD, PBD with residential use, HR-1, HR-2, or C-2M.
6. Towers shall be setback at least 1.5 miles from the approach end of the runway including proposed approach ends and setback 1 mile from the downwind legs (sides) including proposed downwind legs (sides).
7. The communication tower shall have a setback from all property lines at least equal to the

height of the tower.

8. Communication antennas attached to communication towers are exempt from the setback standards of this Section and from setbacks for the zone in which they are located. However, such communication antennas shall not extend more than ten (10) feet horizontally beyond the center of the communication tower.
9. Towers shall be lighted as required by the Federal Aviation Administration (FAA). Further, unless prohibited by the FAA, communication towers for which illumination is not otherwise required by the FAA shall have a beacon light placed on top of the tower. To the extent allowed by the FAA, all lighting and beacons upon a tower which, at the time of commencement of construction, are located within a distance of three-hundred percent (300%) of the height of the tower from a residential use or residential zoning district shall be erected with shields mounted underneath the lights or beacons in such a manner so as to obstruct the view of said lights or beacons from the ground for a distance from the communication tower of three hundred percent (300%) of the height of the tower
10. Communication towers not requiring FAA paintings/markings shall have either a galvanized finish or a painted non-contrasting blue, gray, or black finish as to minimize visual impact.
11. Prior to the approval of a communication tower, the applicant shall provide evidence that the communication tower is in compliance with all FAA regulations. Where a communication tower will not exceed the highest point of an existing structure upon which it is to be mounted, such evidence is not required.
12. Communication towers shall be designed and constructed to ensure the structural failure or collapse will not create a safety hazard to adjoining properties. All communication towers shall be constructed to the EIA/TIA 222-F Standards, as published by the Electronic Industries Association, which may be amended from time to time and all applicable County building codes. Further, any improvements and/or additions to any communication towers which exceed the design of the structure or which is not routine maintenance under this section shall require submission of plans in accordance with the provisions of this Article which demonstrate compliance with the EIA/TIA 222-F Standards in effect at the time of said improvements.
13. All proposed communication towers shall comply with current radio frequency emissions standards as established by the Federal Communications Commission (FCC).
14. The use of any portion of a communication tower and its accessory structures for signs or advertising purposes, including company name, shall be prohibited.
15. All accessory buildings or structures shall meet all applicable County building codes.
16. Mobile or immobile equipment to be used in direct support of a communication facility shall not be openly stored or parked on the site of the communication tower unless repairs to the facility are being made. Equipment is required to be stored in a permanent

accessory building.

17. A minimum six foot (6') fence as measured from the finished grade shall be provided around each tower site. In no case shall the fence exceed eight (8) feet in height. Access to the tower site shall be through a locked gate.
18. The visual impact of a communication tower shall be mitigated for nearby viewers through landscaping or other screening materials at the base of the tower and secondary structures. The following landscaping and buffering of communication towers shall be required around the perimeter of all tower sites. Landscaping shall be installed on the outside of fences. In instances where healthy plant material exists, existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute towards meeting landscaping requirements. All plant materials whether existing or planted must meet the requirements set forth in Article 7.01.02 Land Development Code, Ordinance 91-24 Santa Rosa County. The following requirements must be submitted on the site plan:
  - a. A ten (10) foot landscape buffer shall be required around the perimeter of a tower site.
  - b. A row of shade trees a minimum of eight (8) feet tall and two (2) inches in diameter measured four and a half (4 1/2) feet above grade shall be planted every forty (40) feet around the perimeter of a tower site.
  - c. All landscaping shall be properly maintained to ensure good health and viability.
19. The communication tower shall be located on a parcel of land large enough in size so that any collapse of the structure will be contained entirely on the subject property.

#### H. Deviation From Standards

1. The Board of Adjustments, as established by the County shall hear and decide requests for variances from the requirements of this article.
2. With respect to action upon applications for variances, the Board of Adjustments shall grant a variance only if it finds from a preponderance of evidence that the deviation meets the following standards and criteria under Article 2.04.00.

#### I. Communication Antennas Not Located On Communication Tower

1. Communication antennas shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration (FAA).
2. Communication antennas not requiring FAA paintings/markings shall have either a galvanized finish or painted a non-contrasting blue, gray, or black finish to minimize its visual impact.
3. Prior to the approval of a communication antenna, the applicant shall provide evidence

that the communication antenna is in compliance with all FAA regulations. Where a communication antenna will not exceed the highest point of an existing structure upon which it is to be mounted, such evidence is not required.

4. Communication antennas shall be designed and constructed to ensure that the failure or collapse of the antenna will not create a safety hazard to adjoining properties. All communication antennas shall be constructed to the EIA/TIA 222-F Standards, as published by the Electronic Industries Association, which may be amended from time to time and all applicable County building codes. Further, any improvements and/or additions to any communication antenna which exceeds the design of the structure or which is not routine maintenance under this section shall require submission of plans in accordance with the provisions of this Article which demonstrate compliance with the EIA/TIA 222-F Standards in effect at the time of said improvements or additions.
5. All proposed communication antennas shall comply with current radio frequency emissions standards established by the Federal Communications Commission (FCC).
6. The use of any portion of a communication antenna and its accessory structures for signs or advertising purposes, including company name, shall be prohibited.
7. Communication antennas may not extend more than twenty (20) feet above the highest point of the existing structure. Communication antennas may exceed twenty (20) feet above the highest point of an existing structure if public safety needs warrant additional height.

J. Maintenance

1. Owners shall at all times employ ordinary and reasonable care and shall install, maintain and use nothing less than commonly accepted industry methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
2. Owners shall install and maintain communication towers and/or communication antennas in substantial compliance with the requirement of National Electric Safety Code and all FCC, FAA, and state and local regulations.
3. All communication towers and/or communication antennas shall at all times be kept and maintained in good condition, order and repair so that the same shall not menace or endanger the life or property of any person.
4. In the event the use of a communication tower and/or communication antenna is discontinued by the owner, or if the owner ceases to operate the tower and/or antenna, the owner shall provide written notice to the County of its intent to discontinue use or cease operations, and the date when the use shall be discontinued.

K. Abandonment - In the event the use of any communication tower and/or communication antenna has been discontinued for a period of one-hundred eighty (180) consecutive days, the tower and/or communication antenna shall be deemed to be abandoned. Determination of the

date of abandonment shall be made by the Planning Department, based upon documentation and/or affidavits from the communication tower and/or communication antenna owner/operator regarding the issue of tower usage. Upon such abandonment the owner/operator of the communication tower and/or communication antenna shall have an additional ninety (90) days within which to:

1. Reactivate the use of the communication tower and/or communication antenna or transfer the tower to another owner/operator who makes actual use of the tower.
2. Dismantle and remove the tower.

If such Tower or Telecommunication Facility is not removed within said ninety (90) days, the County may remove such tower or Telecommunication Facility at the Owners' expense. If there are two or more users of a single Telecommunications Facility, then this provision shall not become effective until all users cease using the Tower or Telecommunications Facility.

L. Inspections

1. The County and its agents shall have the authority to enter onto the property upon which a communication tower and/or communication antenna is located, between the inspections and certificates required above, to inspect the tower and/or antenna for purpose of determining whether it complies with all applicable laws and regulations.
2. The County reserves the right to conduct such inspections at any time, upon reasonable notice to the owner. All expenses relating to such inspections by the County shall be borne by the owner.

7.01.16 *Section intentionally left blank*

7.01.17 Standards regulating Small Wind Energy Systems

A. Findings

1. Section 163.04(1), F.S. limits local governments by prohibiting the adoption of an ordinance which "prohibits or that have the effect of prohibiting the installation of solar collectors, clotheslines, or other energy devices based on renewable resources."
2. The American Wind Energy Association Describes Small Wind Energy Systems as electric generators that utilize wind energy to produce clean, emissions-free power for individual homes, farms, and small businesses.
3. Section 163.04(2), F.S. states that a local government may determine the specific location where a system may be installed and the orientation of a system if such determination does not impair the effective operation of the system.

B. Purpose – The general purpose of this Article is to accommodate small wind energy

systems in appropriate locations while protecting the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of alternative energy systems in Santa Rosa County, Florida.

The specific purposes of this Article are:

1. To regulate the location of small wind energy system on lots in the County;
2. To avoid potential damage to property by insuring that small wind energy system structures are sound and carefully designed, constructed, modified, maintained, and removed when no longer used or determined to be structurally unsound;
3. To ensure that small wind energy systems are compatible with surrounding land uses,
4. To facilitate the provisions of small wind energy system electricity services to the residents and businesses of the County in an orderly fashion.

C. Definitions

1. Structured mounted wind system. A wind energy system mounted on a structure roof, walls, or other elevated surface that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.
2. System height. The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reach by any part of the wind energy system.
3. Tower. The monopole, guyed monopole or lattice structure that supports a wind generator.

D. Applicability

1. Small wind energy systems for which a permit has been issued prior to the effective date of this Article shall not be required to meet the requirements of this Ordinance except maintenance and interconnectivity with the utility provider.
2. The provisions of the Article shall supercede all conflicting requirements of other ordinances of Santa Rosa County regarding the location and permitting of small wind energy systems.

E. Applications – Applications for construction of a small wind energy system shall be submitted to the County Building Department and shall contain a site plan with the following information:

1. The name, address, and telephone number of the applicant. If the applicant is not the owner of the parcel of land upon which the structure is proposed to be situated, the written consent of the owner shall be evidence in the application.
2. Parcel identification number or address of the parcel of land upon which the Small Wind Energy System is proposed to be situated.
3. If the project is located within the city limits of Milton, Gulf Breeze, or Jay, prior to approval by the municipality is required to be submitted by the customer when applying for a Building Permit.
4. If the project is located in a Military Airport Zone (including the MAZ's identified in the Eglin JLUS) a "Letter of No Objection" from the military is required when applying for a Building Permit. A "Letter of No Objection" is also required for any system located:
  - a) within 2 mile of Whiting Field's DASR system located on County Highway 4 or
  - b) in the area bounded on the north by the East River and East Bay, on the east by the Santa Rosa/Okaloosa County line, on the south by the Gulf of Mexico, and on the west by the western boundary of sections 9, 16, 21 and 28 in township 2 south range 27 west and section 28 in township 2 south range 26 west for the protection of Eglin AFB's test sites (A-20) and (A-21) located north of Highway 98.
5. A scaled site plan or drawing clearly indicating the small wind energy system location, height of proposed system, location of any accessory buildings, on site land use and zoning, distances from property lines, and elevation drawing of proposed system tower.
6. The method of fencing, if provided to comply with section F.4.C.

#### F. Standards

1. **Setbacks.** The small wind energy systems shall be located on a parcel of land large enough in size so that any collapse of the structure will be contained entirely on the subject property. Small Wind Energy Systems tower shall be set back a distance equal to the 100 percent of the system height as defined in section C from all property boundaries.
2. **System height.** Tower mounted Small Wind Energy Systems shall not exceed height limit of the zoning district in which they are located unless they are:
  - a) located in a public or military airport zone (including the MAZ's identified in the Eglin JLUS) in which case they are limited to the height limit identified in Table 11-1 or 11-3; or

b) they are otherwise limited by the required setbacks.

A structure mounted wind energy shall project no more than twenty (20) feet above the highest point of the roof excluding chimneys, antennae, and other similar protuberances and shall not exceed the height limit of the zoning district in which they are located.

3. Utility connection. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owner generator. Off-grid systems shall be exempt from this requirement.
4. Access. The tower shall have either:
  - a) Tower climbing apparatus located no closer than 12 feet to the ground level at the base of the structure;
  - b) A locked anti-climb device installed on the tower; or
  - c) A minimum six foot (6') fence as measured from the finished grade around the small wind energy system site.
5. Ground clearance. The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than fifteen (15) feet, as measured at the lowest point of the arc of the blades.
6. Lighting. Small Wind Energy Systems shall be lighted only if required by the Federal Aviation Administration.
7. Signs. The use of any portion of a small wind energy system and its accessory structures for signs or advertising purposes shall be prohibited.

G. Maintenance

1. Owners shall at all times employ ordinary and reasonable care and shall install, maintain and use nothing less than commonly accepted industry methods and devices for preventing failures and accidents which may cause damage, injuries, or nuisances to the public.
2. All small wind energy systems shall be at all times be kept and maintained in good condition, order and repair so that the same shall not menace or endanger the life or property of any person.

H. Abandonment – In the event the use of any small wind energy system has been discontinued for a period of one-hundred eighty (180) consecutive days, the small wind energy system shall be deemed to be abandoned. Upon such abandonment the owner/operator of the small wind energy system shall have an additional ninety (90) days within which to:

1. Reactivate the use of the small wind energy system, or
2. Request an extension of up to one hundred eighty (180) days for the reactivation of the small wind energy system, or
3. Dismantle and remove the tower and wind generator.