

## ARTICLE TWELVE

### COASTAL MANAGEMENT/CONSERVATION

**12.00.00 PURPOSE:** The purpose of this article is to provide regulations, standards and devices necessary to protect coastal resources, mitigate negative impacts upon natural resources, protect lives and property, enhance property values, and provide for the health, safety and welfare of the citizens of Santa Rosa County.

#### **12.01.00 COASTAL DEVELOPMENT/SHORELINE PROTECTION:**

A. The following areas along the Gulf of Mexico and Santa Rosa Sound shall be considered within Shoreline Protection Zone-1:

1. The water-ward line shall run east-west along the line of mean high water.
2. The landward line shall run east / west at a location coterminous with the crest of the primary dune system extending along the Gulf-fronting shoreline of the Navarre Beach Planning Area. However, in no case shall any prohibitions apply landward of the Coastal Construction Control Line nor to any structure or activity permitted under F.S. 161.053 (5).
3. For sound-side properties the shoreline protection zone shall be the mean high tide line of Santa Rosa Sound.

B. Zone-2 is the Shoreline Protection Zone on Escambia Bay, Blackwater Bay, East Bay and the basins and bayous and shall be measured from the mean high water line to a point five (5) feet landward of the mean high water line.

C. Prohibitions - The following activities, unless specifically excepted, shall be prohibited within the shoreline protection zone:

1. Construction of buildings and structures, except for permitted minor structures;
2. Planting of new vegetation except for native, salt-resistant species suitable for beach and dune or area stabilization.

D. Shoreline Enhancement - All persons constructing elevated boardwalks on property located in the shoreline protection zone shall include in their plans, provisions to enhance and re-vegetate the dune system on their property.

#### **12.01.02 Design Standards in Areas Adjacent to Shoreline Protection Zone**

A. All development shall be setback greater than or equal to fifty (50) feet from the landward boundary of the Shoreline Protection Zone in Zone-1 and forty-five (45) feet from the landward boundary of the Shoreline Protection Zone in Zone-2.

B. Total impervious surface, including but not limited to buildings, houses, parking lots, garages, accessory buildings, driveways, pools and walkways is limited to 75 percent of the land area of the entire site.

C. All development activities shall maintain erosion control measures so as to prevent sediment or erosion from leaving the development parcel and entering the adjacent waterbody.

D. Stormwater runoff must meet applicable local, state, and federal requirements for the type and extent of development proposed.

E. Siltation and erosion control measures shall be applied to stabilize sands and other un-vegetated areas during and after development. For lots or parcels that are cleared, erosion control barriers shall be placed between the development site and the water body to prevent erosion and siltation. Such measures must be in the form of two rows of silt fencing with hay bales between, two rows of hay bales with silt fencing between, or filter sock. Alternatively, the developer may proposed a method for controlling sediment that effectively prevents all sediment from entering the water body.

F. Any channels constructed shall be of a minimum depth and width capable of achieving the intended purposes. Sides of channels shall reflect an equilibrium shape to prevent slumping and erosion and to allow re-vegetation.

G. Any dredging shall be conducted at times of minimum biological activity to avoid fish migration and spawning, and other cycles and activities of wildlife.

H. Any spoil that results from dredging shall be disposed of at upland sites and stabilized within thirty (30) days, unless the spoil is causing turbidity or other problems, in which case the developer must stabilize the spoil immediately.

I. If dredging changes the littoral drift processes and causes adjacent shores to erode, the developer shall periodically replenish these shores with the appropriate quantity and quality of aggregate (sand).

J. Property owners are encouraged to utilize vegetation to control erosion and sedimentation whenever possible. Naturally-occurring vegetation, when it provides erosion and sedimentation control, is preferred. Native species that are appropriate for the particular location are encouraged for landscaped areas. Vegetation alone should be not relied upon to control erosion and sedimentation during construction and must be supplemented with protective barriers are necessary to accomplish the goal of retaining all soil on the development site.

K. Red clay and other discoloring materials are prohibited on Navarre Beach, consistent with section 12.05.00. The use of red clay is limited to foundations and driveways for parcels within and adjacent to Zone 2. Red clay used for driveway construction must be capped within seven (7) days. Red clay used for foundation construction must be capped within 45 days. White sand, oyster shell, limestone and white dolomite are among materials approved for fill or masonry mixes for new development or

redevelopment projects on Navarre Beach.

**12.02.00 SCOPE:** The scope of this section shall apply to the following types of development within the Shoreline Protection Zone, areas adjacent to the Shoreline Protection Zone, Navarre Beach, flood plain or flood prone areas as defined in Article 10, and any other shoreline or coastal areas of Santa Rosa County when topographic and/or elevation data require enhanced protection through regulation of development.

- A. New development of, and improvements to, major and minor structures.
1. Major structure includes, but is not limited to, residential buildings including mobile homes, commercial, institutional, industrial and other construction having the potential for substantial impact on coastal and shoreline zones.
  2. Minor structure includes, but is not limited to, pile-supported, elevated dune and beach walkover structures; seawalls/bulkheads; beach access ramps and walk ways; stairways; lifeguard support stands and sand fences. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, and wave and storm forces.
  3. Non-habitable major structure includes, but is not limited to, swimming pools; seawalls/bulkheads; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures and other water retention structures; water and sewage treatment plans; electrical power plants, transmission and distribution lines, transformer pads, vaults and substations; roads, bridges, streets and highways; underground storage tanks; communications buildings and towers; flagpoles and signs over fifteen (15) feet in height.
- B. Development which will change or alter the character of the shoreline (e.g., excavation, grading, paving). These regulations do not apply to minor work in the nature of normal beach cleaning or debris removal.
- C. For structures that are partially located in the Coastal Building Zone, Shoreline Protection Zone, or areas immediately adjacent to the Shoreline Protection Zone, the requirements of this article shall apply to the entire structure.

**12.02.01** Structures or development extending seaward of the mean high water line which are regulated by Florida Statutes Section 166.041 (i.e., groins, jetties, moles, breakwaters, seawalls, revetments, beach nourishment, inlet dredging, etc.), are exempt from the provisions of this article. In addition, this article does not apply to piers, pipelines or outfalls which are regulated pursuant to the provisions of Florida Statutes Section 161.053.

**12.02.02** The requirements of this article shall not apply to existing structures, structures under construction, or structures for which a valid building permit was issued prior to adoption of this ordinance.

**12.03.00**      **PUBLIC ACCESS:** Where the public has established an accessway through private lands to lands seaward of mean high tide or waterline by prescription, prescriptive easement, or any other legal means, development or construction shall not interfere with such right of access unless a comparable alternative accessway is provided. The developer or applicant shall have the right to improve, consolidate, or relocate such public accessways so long as they are:

- A.      Of substantially similar quality and convenient to the public.
- B.      Approved by the Board of County Commissioners.
- C.      Consistent with the Comprehensive Plan.

**12.04.00**      **(Left Intentionally Blank)**

**12.05.00**      **SAND AND WATER PROTECTION**

**12.05.01**      **Purpose:** The purpose of this section is to prohibit and/or regulate the use of clays, sand clay mixtures, discoloring soils or any other materials subject to wind and water transport that can be potentially discoloring to the natural white sands of Navarre Beach and to the waters within or adjacent to Navarre Beach. Although specific types of construction are referenced in this section, the provisions of this section apply to all types of construction or development.

**12.05.02**      **Approved Material:** White sand, oyster shell, lime stone which is as light as or lighter than the existing soil, and white dolomite which does not contain any clay or discoloring material must be used in the Navarre Beach Planning Area and may be used any place within the County.

**12.05.03**      **Protected Areas:** It shall be unlawful to use any material for fill that is not approved as described in Section 12.05.02 for any activities in the Navarre Beach planning (administrative) area on Santa Rosa Island.

**12.05.04**      **Approval Required:** All applicants shall obtain approval from the Navarre Beach Executive Director for any fill activity when the activity requires the use of any material not included in Section 12.05.02. NOTE: It is expressly understood that use of any discoloring material will be strictly regulated, and any applicant for use of special purpose materials must demonstrate to the satisfaction of the Administrative Board and the Executive Director that the containment safeguards for such material will assure 100% containment of the material. The burden of proof shall be on the applicant.

**12.05.05**      **Special Purpose Materials:** If approved pursuant to Section 12.05.04, masonry sand and other similar colored construction material shall be contained on all sides and covered in such a way as to prevent scattering by wind or other weather conditions that may discolor public or other private property. It shall be the responsibility of the permitted party to remove, clean and restore any discolored public or private

property to its original condition after the use of such construction material. All such unused material shall be removed from premises.

12.05.06      Reconstruction; Redevelopment; Use of Site Previously Developed: At such time as reconstruction, redevelopment or use of site where materials and/or soils previously were used but are prohibited pursuant to this Ordinance, the nonconforming (discoloring) materials/soils shall be immediately removed from the site using safeguards to prevent discoloring the natural sand at the site and adjacent properties.

**12.06.00      EXTRACTION OF NATURAL RESOURCES**

12.06.01      Permit Required: No commercial extraction of natural resources shall be allowed unless and until the applicant for such extraction has first obtained a permit from the Building Inspections Department. Prior to issuance of a permit, the Building Inspections Department shall receive authorization (a certificate for development) from the County Engineer.

12.06.02      Permit Requirements: Prior to issuing a development certificate for a proposed resource extraction activity, the County Engineer shall assure that the following conditions have been met:

- A. Any required federal or state permits have been obtained by the applicant.
- B. The resource extraction activity will not degrade or impact adjacent natural, cultural or historic resources including environmentally sensitive lands, wetlands, white sands as protected pursuant to Section 12.05.00 et. seq. of this article, and others.
- C. That the resource extraction activity is to be conducted more than two hundred (200) feet from any potable water well or well field. The applicant for resource extraction must present information satisfactory to the CE wherein the locations of potable water wells or well fields are identified.
- D. That the proposed resource extraction activity is compatible with adjacent land uses and, for such determination, consultation with the planning and zoning division shall be accomplished.

12.06.03      Regulated Extraction Activities: The following types of resource extraction activities are regulated by this section. The listing is an example of the types of activities only and is not to be construed as an all inclusive list:

- A. Mining activities.
- B. Petroleum extraction.
- C. Borrow pits.
- D. Removal of sand from beaches or other areas containing such sand.

E. Mineral extraction (not including water).

F. Quarries.

12.06.04 Activities Exempt: The following activities are exempt from the regulations of this section:

A. Routine agriculture.

B. Routine silviculture.

C. Incidental excavation conducted pursuant to valid permits issued by Santa Rosa County for construction or development activities.

D. Emergency activities necessary to protect lives and property.

**12.07.00 CONSERVATION OF CULTURAL/HISTORICAL RESOURCES:**

This section is intended to provide protection for cultural, historic or archeological resources which may exist within Santa Rosa County. The intent of this section is to require protection of such resources.

12.07.01 Protected Sites: All historic/archeological sites listed on the Florida Master Site File (in the Office of Secretary of State, Division of Historical Resources, State of Florida) are covered by the regulations herein. In addition, any historical or archeological artifacts discovered during any phase of construction shall be deemed covered by these regulations until such time as the artifact has been protected or proven insignificant.

12.07.02 Determination of Significance: The determination of the significance of any artifact or historical or archeological evidence found on any construction site or on any site listed on the Florida Master Site File shall be made by those persons, firms or corporations approved to make such determination by the Office of Secretary of State, Division of Historical Resources.

12.07.03 Cessation of Activities

A. Any time historical or archeological artifacts or resources are discovered during the process of construction or development activities, such activities impacting the artifact or resource shall be immediately ceased until such time as determination of significance has been rendered. If the location of the artifact or resource is such that the area can be protected while construction or development activities go on elsewhere on the site, such protection shall be allowed. However, if the location or nature of the artifact or resource is such that any site disturbing activities would impact the artifact or resource then activities on the entire site shall cease.

B. In the event that the cessation of development or construction activities goes beyond the time limits established by development orders, certificates of development, building permits or any other permits issued pursuant to this ordinance, then the time frame

for completion of such activities shall be administratively extended so as to allow the successful completion of the construction or development project.

**12.08.00**      **WATER SAVING DEVICES REQUIRED:** All structures constructed or permitted pursuant to this ordinance shall include within such structures water saving devices. The following regulations shall be followed when issuing plumbing permits and conducting final inspections for plumbing fixtures:

A.      No tank-type water closet shall be installed having a tank capacity in excess of three and one-half (3 ½) gallons of water.

B.      Any tank-type water closet with a tank capacity in excess of three and one half (3 ½) gallons shall only be permitted if such water closets are equipped with a device which reduces the average water consumption to no more than three and one-half (3 ½) gallons per flush.

C.      No shower head or faucet shall be installed which allows a flow of more than an average of three (3) gallons per minute at sixty (60) pounds of pressure per square inch.

**12.08.01**      **Exceptions:** The Building Inspector may grant an exception to the provisions of this section if:

A.      In his opinion, the configuration of an existing building drainage system requires a quantity of water greater than three and one half (3 1/2) gallons of water to adequately flush the system.

B.      The cost of an addition or renovation does not exceed twenty-five (25) percent of the value of the existing building and compliance with the requirements of this section will not require substantial modification of existing plumbing system. (References.553, F.S.)

**12.09.00**      **AREA OF WATER RESOURCES CONCERN:** Any time an area of water resources concern is declared by the Northwest Florida Water Management District, development must comply with the relevant portions of Section 40A-2.801, et. seq. of the Florida Administrative Code. Section 40A-2.801, et. seq. of the Florida Administrative Code is incorporated herein by reference.

**12.10.00**      **NATURAL RESOURCES PROTECTION:** Any time any application for development approval is submitted and construction pursuant to such application would impact functioning wetlands, habitats of endangered, threatened or rare species of animals or plants, outstanding Florida waters, aquatic preserves, air quality, fisheries, fishery habitats or significant ground water recharge areas such application must be accompanied by the appropriate permits issued by state or federal regulatory agencies with jurisdiction over such natural resources. In the event an application is submitted absent such state or federal permit, the application will not be processed until such time as the applicant has obtained the necessary state or federal permits.

**12.11.00**      **MITIGATION:** Any proposed development which would negatively impact the natural function of any shoreline, bayou or any beach or dune system or any natural resource listed in Section 12.10.00 above, shall be required to mitigate such impact, if project approval is obtained. Mitigation will be allowed only when property can not be otherwise developed. Mitigation will be accomplished at a ratio of 1.5 to 1.

12.11.01      Determining Acceptable Mitigation: The County Planning and Zoning Division in cooperation with appropriate state or federal regulatory agencies will determine acceptable mitigation provisions. Such determination will be made based on mitigation proposals submitted by development applicants. The Planning and Zoning Division may request engineering, scientific or other verification of information submitted by any applicant.

12.11.02      Dune Restoration: Any time proposed construction would alter Gulf beaches or dunes (dunes equal to or exceeding fourteen (14) feet NGVD) the application for said construction must include an implementable plan for restoration of the altered beaches or dunes. Said restoration must occur before the proposed construction is allowed to be used or occupied. In the event that restoration can not be reasonably accomplished prior to the issuance of a Certificate of Occupancy for the structure, then the applicant shall post bonds or other surety to assure dune or beach restoration. Such sureties shall be as prescribed in Section 4.03.08 of this ordinance.

**12.12.00**      **AIR QUALITY**

12.12.01      Purpose: The purpose of this section is to continually protect the quality of air in Santa Rosa County by regulating, or requiring compliance with the regulations, governing land uses and/or activities which have, or may have point source emissions (also, see Section 7.02.08).

12.12.02      Permits Required: Any development or land use activity including, but not limited to, industrial and manufacturing activities, incineration and other activities which create or discharge emissions into the air shall be required to obtain all requisite state and/or federal permits for such activity. No land development or activity permit shall be issued by Santa Rosa County to any applicant whose proposed or existing activity discharges point source emissions into the air shall be authorized until the applicant has obtained the permits herein required.

12.12.03      Continuing Obligation: All existing and future activities discharging emissions into the air have a continuing obligation to obtain and abide by all state and federal permits regarding treatment of emissions. In the event information comes available to any County Official, such official shall notify the County Inspections Department. The Inspections Department shall immediately notify the operator of the facility which is believed to be degrading air quality within the County and notify the appropriate regulatory agency of the alleged violation.

**12.13.00**      **ENVIRONMENTALLY SENSITIVE LANDS:** Certain properties within

Santa Rosa County contain features which are environmentally sensitive. It is the intent of this ordinance that degradation of environmentally sensitive lands or features be avoided to the maximum extent possible. For the purposes of this ordinance, environmentally sensitive lands or features are defined as follows:

- A. Functioning wetlands, including wetlands under the jurisdiction of the U.S. Army Corps of Engineers and/or the Florida Department of Environmental Regulation.
- B. The Navarre Beach Planning (Administrative) Area.
- C. Aquatic preserves including the Yellow River Marsh Aquatic Preserve and the Escambia River Management Area.
- D. Outstanding Florida waters.
- E. Habitats of threatened or endangered species as defined by the Florida Game and Freshwater Fish Commission or other state or federal agencies.
- F. Fishery and marine habitats.
- G. Flood plain areas.
- H. Potable water wells, cones of influence and potable water well fields.
- I. Area containing endangered, unique plants or vegetation.

12.13.01      Protection Required: Pursuant to Section 4.04.03 (G), the CE or Planning Director may require additional information regarding protection of any of the resources listed in Section 12.13.00 above. The CE or the Planning Director may require applicants to obtain certifications from appropriate regulatory agencies, recognized scientific experts, or other similar documentation prior to approving site plans impacting environmentally sensitive lands or features. Nothing in this section shall preclude the County from obtaining independent verification of documentation.

12.13.02      Potable Water Wells and Well Fields: Within the wellhead protection zones, the following activities are prohibited:

- A. Landfills, resource extraction activities and the like;
- B. Underground fuel storage facilities; however, replacement of an existing underground storage tank system regulated under Chapter 62-761, F.A.C., within the same excavation, is exempt from this provision, provided that the replacement underground storage tank system is installed with secondary containment as required in Chapter 62-761, F.A.C.
- C. Projects with impervious cover of 50% or more;

D. The bulk storage, handling or processing of materials listed as Hazardous and Extremely Hazardous on Table 302.4 of 40 CFR and Appendix A to 40 CFR part 355 respectively; however, the replacement of an underground or above ground storage tank system regulated under Chapters 62-761 and 62-762, F.A.C. is exempt from this provision provided that the replacement tank system is installed with secondary containment and other applicable provisions of Chapters 62-761 and 62-762, F.A.C.;

E. Projects that require the storage, use, handling, production or transportation of restricted substances such as toxic chemicals, petroleum products, hazardous / toxic wastes, industrial chemicals, medical wastes and the like; (this section is not intended to prohibit the transportation of hazardous materials through the wellhead protection zones);

F. Wastewater treatment plants, wastewater effluent percolation ponds and similar facilities;

G. Mines or mining activities; and

H. Excavation of waterways or drainage facilities, such as wet stormwater ponds, which intersect the water table.

Wellhead protection zones of 500' radius are established for public supply potable water wells for the Floridian Aquifer and Sand and Gravel Aquifer, measured from the center of the wellhead.

Additional aquifer protection in the form of a wellfield protection overlay district is found in Article 6.05.25 of this code.

Each plan for development approval shall be reviewed to determine that construction pursuant to the plan, if approved, will not degrade or impact any potable water well, well field or cone of influence (see section 12.13.01 above).

## **12.14.00 MARINE TURTLE PROTECTION LIGHTING ORDINANCE**

12.14.01 Purpose: The Santa Rosa County Board of County Commissioners finds that Navarre Beach serves as a nesting habitat for endangered and threatened sea turtles. Improper lighting along the shoreline can negatively impact sea turtle nesting activity and cause disorientation of turtle hatchlings. The purpose of the Marine Turtle Protection Lighting Ordinance is to protect the threatened and endangered sea turtles that nest along Navarre Beach by safeguarding nesting turtles and emerging hatchlings from sources of artificial light along the shoreline. This ordinance is intended to reduce and where possible eliminate the impact of nearshore lighting on nesting turtles from existing structures and facilities and future development along Navarre Beach during the turtle nesting season, which extends from May 1 to October 31 each year.

For purposes of this section, “shoreline zone” shall include all areas seaward of Gulf Drive extending from the Gulf Shores National Seashore boundary eastward to include Navarre Beach State Park. Lighting located within the shoreline shall comply with all provisions of this section.

In implementing this section, the county will adhere to state and federal guidelines for the protection of sea turtles.

12.14.02 General Requirement: All outdoor lighting shall be installed in such a manner and be shielded so that the light will not be visible from the any portion of the beach where sea turtles are likely to nest. In general, artificial light shall be installed or modified such that the light will fall, substantially, within the perimeter of the property through the use of shielding, limiting light intensity or wattage, or selection of lighting designs or locations that are not visible from the beach. Lighting shall be reduced to the greatest extent possible without unduly jeopardizing public safety or security of property or persons.

12.14.03 New Development: For new development within the shoreline zone, construction and building and electrical plans for construction of single-family or multifamily dwellings, commercial or other structures including electrical plans associated with parking lots, dune walkovers or other outdoor lighting for real property including any light sources or any reflective surfaces illuminated by such sources that will be visible from the beach, such lighting shall be in compliance with the following:

- a. Outdoor lighting shall be held to the minimum necessary for security and safety. Floodlights and landscape or accent lighting shall be prohibited.
- b. All lighting including wall-mounted fixtures, pole lighting, lights on balconies, and any other type of lighting not specifically referenced by this section, shall be of low intensity and shall be fitted with hoods or positioned so that the light sources or any reflective surfaces illuminated by such sources are not visible from the beach.
- c. Low profile luminaries shall be used in parking lots and such lighting shall be

fitted with hoods or positioned so that the light sources or any reflective surfaces illuminated by such sources are not visible from the beach.

- d. Dune crosswalks shall utilize low profile shielded luminaries directed and positioned so that light sources or any reflective surfaces illuminated by such sources are not visible from the beach. Dune crossover lighting shall be limited to the area landward of the primary dune. Compliance with this provision is assured if mushroom-type light fixtures, which direct the light downward are used and installed (a) at least twenty-five (25) feet apart and not more than one (1) foot above the surface of the walkover; and (b) limited to twenty-five-watt yellow bulb.
- e. If high intensity lighting is necessary, low pressure sodium vapor luminaries shall be used and fitted with a hood or positioned so that the light sources or any reflective surfaces illuminated by such sources shall not be visible from the beach.
- f. Plates of tinted glass are required for windows that are visible from the beach. The tinted glass shall be any window or glazing that has an industry-approved light transmittance value of 45 percent or less. Such transmittance shall be limited to the visible spectrum (400 to 700 nanometers) and shall be measured as the percentage of light that is transmitted through the glass, inside to outside.
- g. Temporary security lights at construction sites shall not be mounted more than 15 feet above the ground. Light sources or any reflective surfaces illuminated by such sources shall not be visible from the beach.

12.14.04 Existing Development: For existing development, within six months of the effective date of this section, existing structures with any light sources or reflective surfaces illuminated by such sources that are visible from the beach, shall be in compliance with the following:

- a. All lights shall be turned off after 9:00 p.m. between May 1 and October 31, of each year, or fitted with a hood or positioned so that the light sources or any reflective surfaces illuminated by such sources are not visible from the beach.
- b. Lights illuminating dune crosswalks shall be turned off after 9:00 p.m. between May 1 and October 31, of each year, and must be modified to conform to the requirements for new development in accordance with section 12.14.03(d). of this section.
- c. Existing security and emergency exit lighting shall meet the same requirements stated in this section, unless modification of the emergency lighting is demonstrated by the property owner to create an unreasonable risk to public safety, persons or property. If high intensity lighting is necessary, low pressure sodium vapor luminaries shall be used and fitted with a hood or positioned so that the light sources or any reflective surfaces illuminated by such sources are not visible from the beach.

- d. Where interior lights currently illuminate or are visible on the beach, at least one of the following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors or windows within line of sight of the beach,:
  1. In windows facing and/or visible from the beach, tinted window treatments are required so that indoor lights do not illuminate or are not visible from the beach. The tinted glass shall be any window or glazing that has an industry-approved light transmittance value of 45 percent or less. Such transmittance shall be limited to the visible spectrum (400 to 700 nanometers) and shall be measured as the percentage of light that is transmitted through the glass, inside to outside.
  2. Rearrange lamps and other movable fixtures away from windows.
  3. Use window treatments, including but not limited to blinds and curtains, to shield interior lights from the beach.
  4. Turn off unnecessary lights after 9:00 p.m. between May 1 and October 31.

12.14.05      Publicly-Owned Lighting: All publicly owned lighting that is visible from the beach or that illuminates reflective surfaces that are visible from the beach, shall be turned off after 9:00 p.m. between May 1 and October 31, of each year, or shall be fitted with a hood or positioned so that the light sources or any reflective surfaces illuminated by such sources are not visible from the beach. For public parking areas, low intensity lighting shall be used in parking areas within line-of-sight of the shoreline. Parking area lighting and any roadway lighting shall be shielded from the shoreline through the use of ground-level barriers or fitted with a hood or positioned so that the light sources or any reflective surfaces illuminated by such sources are not visible from the beach. Ground-level barriers shall not interfere with marine turtle nesting or hatchling emergence.

12.14.06      Penalties: Violation of the provisions of this section or failure to comply with any of its requirements shall constitute violation of the Santa Rosa County Land Development Code and is subject to fines and enforcement in accordance with Santa enforcement procedures contained therein.

12.14.07      Variance: After written notification to and consultation with appropriate state and federal agencies, the County may grant a variance from any of the provisions or requirements of this section if affirmative findings, supported by the record and reviewed and approved by the appropriate state and Federal agencies, can be made that:

1. The minimum lighting adequate for the intended purpose is used;
2. There are special circumstances relating to the property or use that specifically and directly prevent compliance with the provisions in this section and the property owner has demonstrated to the satisfaction of the County and the appropriate state and Federal agencies that there are no viable alternatives to the variance; and

3. Granting of the request would not negatively impact any adjoining property, or sea turtle nesting or hatchling success or any threatened or endangered species.