

AN ORDINANCE ESTABLISHING LAND USE REGULATIONS FOR HOLMES COUNTY, FLORIDA, PROVIDING A SHORT TITLE, CITING ENACTMENT, AUTHORITY AND JURISDICTION; PROVIDING FOR DEFINITIONS; PROVIDING FOR NONCONFORMING USES; PROVIDING REQUIREMENTS FOR ISSUANCE OF LAND USE CERTIFICATES; PROVIDING FOR CONFORMANCE TO REGULATIONS; PROVIDING FOR REGULATION OF SEPTIC TANKS; PROVIDING FOR REGULATION OF FENCES AND WALLS; PROVIDING FOR REGULATION OF SIGNS; PROVIDING FOR AREA EXCEPTIONS; PROVIDING FOR MARINE/ESTUARINE/RIVERINE SETBACKS; PROVIDING FOR A BOARD OF ADJUSTMENTS; PROVIDING FOR SPECIAL EXCEPTIONS, VARIANCES AND APPEALS; PROVIDING FOR ENFORCEMENT AND PENALTY; PROVIDING FOR MANDATORY REVIEW OF THE ORDINANCE; PROVIDING FOR AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS TO AMEND, SUPPLEMENT, CHANGE, MODIFY OR REPEAL, AND FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA:

ARTICLE I

SHORT TITLE

These regulations shall be known as County Ordinance No. 87-____ "1987 - Land Use Regulations, Holmes County, Florida".

ARTICLE II

ENACTMENT AND AUTHORITY

In accordance with Chapters 125 and 163, Florida Statutes, as amended, and the Holmes County Comprehensive Plan, as amended, for the purpose of promoting health, safety, and the general welfare of the community, the Board of County Commissioners shall have the power to regulate and restrict the use of land in the Unincorporated Areas of the County. The Board of County Commissioners is further authorized to regulate and restrict the height, number of stories and size of buildings and other structures on land and water, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the use of buildings, structures and land for trade, industry, residence of other specific use and other matters to be regulated to safeguard the safety health and welfare of the people.

ARTICLE III

JURISDICTION

The area subject to these Regulations shall be the unincorporated area of Holmes County under the jurisdiction of the Board of County Commissioners.

ARTICLE IV

PURPOSE AND INTENT

The purpose and intent of these Regulations is to implement the Holmes County Comprehensive Plan and enabling legislation in order to:

Protect and promote the stability of the unincorporated portion of Holmes County;

Encourage the most appropriate use of land and water throughout the unincorporated areas of Holmes County;

Secure safety from fire and other dangers;

Promote health and the general welfare;

Provide adequate light and air;

Prevent the overcrowding of land and water to avoid undue concentration of population;

Preserve and facilitate the development and display of the natural beauty and attractiveness of the area;

Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other requirements; and

Achieve the highest quality of life for residents of the unincorporated areas of Holmes County consistent with sound land development, economic, social, environmental and energy conditions.

ARTICLE V

DEFINITION OF TERMS

The following terms, phrases, words and their derivation shall have the meaning given herein when not inconsistent with the context. Words used in the present tense include future; words in the plural number include the singular number; and words in the singular number shall include the plural number. The word "shall" and "will" are mandatory and the word "may" is permissable.

- 1) **Abutting Property.** Any property that is immediately adjacent to or contiguous to property that may be subject to any hearing required to be held under these Regulations or that is located immediately across any public road or right-of-way from the property subject to any hearing under these Regulations.
- 2) **Accessory Structures and Uses.** A subordinate and incidental use to the principal use of a property.
- 3) **Adult Congregate Living Facility.** A facility as defined by Section 400.402(2), Florida Statutes.
- 4) **Alcoholic Beverage.** A liquid brewed or distilled for human consumption containing more than one percent alcohol by weight.
- 5) **Alley.** A private or public way which affords a secondary means of access to the property abutting thereon.
- 6) **Animal Hospital.** An establishment where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the hospital use.
- 7) **Animal Kennel.** Any structure or premises in which animals are kept, boarded, bred or trained for commercial gain.
- 8) **Apartment House.** See Dwelling, Multiple.
- 9) **Architect.** A person registered and currently licensed to practice architecture in the State of Florida.
- 10) **Automobile.** See Motor Vehicle.
- 11) **Automobile Court.** See Motel.
- 12) **Auto Rental Service.** Establishment primarily engaged in renting or leasing passenger automobiles.
- 13) **Automobile Service Stations.** Buildings and premises catering principally to automobiles, where gasoline, oils and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail.
- 14) **Auto Wrecking Yard.** Any lot upon which two or more inoperative motor vehicles are located, which motor vehicles are not actively under repair.
- 15) **Basement.** A portion of a building located partly or wholly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 16) **Board of Adjustment.** See Article VIII, Land Use Regulations Board of Adjustments (BOA).

- 17) Board of County Commissioners (BCC). The Holmes County Board of County Commissioners.
- 18) Boarding House. A dwelling used for the purpose of providing, or a fee, meals, lodging or both to persons other than members of the family occupying such a dwelling.
- 19) Building. Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, but not to include mobile homes as hereinafter defined.
- 20) Building Area. The total ground area, taken on a horizontal plane at the mean grade level, of each building and accessory building, but not including uncovered entrance platforms, terraces, and steps.
- 21) Building Clusters. A group of structures and sharing the same common areas and amenities such as swimming pools, parking lots, etc.
- 22) Building Height. The vertical distance measured from the established mean grade at the front building line to the highest point of the roof, including the chimney(s).
- 23) Building Inspector. Individual appointed by the Building Official to carry out inspections required by the Standard Building Code, as amended, and related Codes.
- 24) Building Line. The innermost edge of any required yard or setback.
- 25) Building Official. The individual responsible for conducting inspections and issuing permits under the Standard Building Code, as amended.
- 26) Building Permit. A permit to construct a structure on a lot issued by the Building Inspection Department according to the Standard Building Code, as amended.
- 27) Building Setback. A line parallel to the front lot line, tangent to the nearest part of the principal building, extending from side lot line to side lot line.
- 28) Campground. A place where buildings or sites for vehicles or tents are rented for use as temporary living quarters for recreational purposes.
- 29) Certificate of Occupancy. Official certification that a premise conforms to provisions of these regulation and the Standard Building Code, as amended, and may be used or occupied. Such Certificate is granted for new construction or for the substantial alteration or additions to existing structures. A structure may not be occupied unless such Certificate is issued by the Building

Official.

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- 30) Child Care Center. An establishment where, for a fee, children, other than members of the family occupying the premises, are cared for away from their own home by day or night. The term includes day nurseries, but does not include foster homes.
- 31) Church. A building designed and/or used for public religious worship.
- 32) Clinic. An establishment where patients who are not lodged overnight are admitted for treatment and examination by one or a group of persons practicing any form of healing or health related service which is lawful in the State of Florida.
- 33) Club. Buildings, facilities and property owned and operated by a corporation or association of persons for social or recreational purposes, including those organized chiefly to promote friendship and welfare among its members, but not operated primarily for profit or to render a service which is customarily carried on as a business.
- 34) Commercial Use. Activity carried out for monetary gain.
- 35) Confinement Feeding. Container or trough feeding of confined domestic animals or intense pastoral feeding degrading the pasture below maintenance levels.
- 36) County. Holmes County, Florida.
- 37) Dimension Variance. A departure from the terms of this Ordinance pertaining to height, width, depth and area of structures and size of yards and open spaces where such departure will not be contrary to the public interest and where conditions are peculiar to the property because of its size, shape or topography, and not the result of actions of the applicant.
- 38) Density. The number of dwelling units per acre of land (DU/Ac).
- 39) District. Any section of the certain described area of Holmes County to which these Regulations apply and within which the land use regulations are uniform.
- 40) Domestic Animals. A tame animal such as a cow, horse, sheep, pig, goat or chicken, but not necessarily limited to these animals. Dogs and cats are not included.
- 41) Dormitories. A room, apartment, or building containing sleeping accommodations operated for the use of students enrolled in an educational institution.
- 42) Drive-In Restaurants. An establishment where food is served to persons in vehicles for consumption on or off premises.

- 43) Dry Cleaners. An establishment where the process of removing stains from wearing apparel, textiles, fabrics, rugs, etc., is carried on. It may include the process of dyeing clothes or fabrics.
- 44) Dwelling. A building which is designed or used exclusively for residential purposes, but does not include hotels, motels, or any temporary lodging for transient residence.
- 45) Dwelling Unit (DU). One or more rooms, designed, occupied or intended of occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.
- 46) Dwelling - Single Family. A dwelling designed for and/or occupied by one family.
- 47) Dwelling - Two Family (Duplex). A dwelling which has two kitchens and is designed for and/or occupied by two families.
- 48) Dwelling - Multiple. A dwelling designed for and/or occupied by three or more families.
- 49) Easement. An interest in land owned by another which entitles the holder to a specific use or enjoyment.
- 50) Elevations. All Mean Sea Level (M.S.L.) elevations in these Land Use Regulations shall be measured from certified bench marks throughout the area.
- 51) Emission. The act of passing into the atmosphere an air contaminant or gas stream which contains or may contain an air contaminant, or the material so passed into the atmosphere.
- 52) Enforcing Officer. The administrative officer designated to administer these Regulations and issue Land Use Certificates.
- 53) Engineer. A person registered and currently licensed to practice Professional Engineering in the State of Florida.
- 54) Marine/Estuarine/Riverine Setback. The Mean Sea Level (M.S.L.) as established by the National Geodetic Vertical Datum of 1929 plus 2.5 feet or within 30 feet from the top of the generally recognized river or creek bank, which ever is greater.
- 55) Family. One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a lodging house or hotel, as herein defined.
- 56) Family, Immediate. Grandparents, parents, grandchildren, children, and/or siblings, related by blood or marriage to the owner of the principal building.
- 57) Filling Station. See Automobile Service Station.

- 58) Finding. A determination or conclusion based on the evidence presented and prepared in support of a decision by the Board of Adjustment (BOA).
- 59) Floor Area. Total floor area of all stories including halls, stairways, elevator shafts, and other related uses, measured to outside faces of exterior walls of a building exclusive of vent shafts, courts, carports, garages, breezeways and patio.
- 60) Footprint. The surface area enclosed or covered by the footing, foundation or outermost projection of any floor of a building, whichever area is greater.
- 61) Foster Care Facility. Home for maximum of five children (including the Foster Parent's own children) which is licensed by the State of Florida. Home must meet Fire/Safety Codes and pass Sanitation Inspections.
- 62) Fraternities. See Club.
- 63) Garage Apartments. An accessory building containing living facilities and space for at least one automobile.
- 64) Garage, Private Residential. An accessory building or portion of the principal residential building including carport used for the storage of automobiles of the occupants of the principal building.
- 65) Garage, Mechanical. Buildings where the services of an automobile service station may be rendered, i.e. maintenance, service and repair of automobiles, not to include body work, painting, storage for purpose of using parts, or any other activity which may be classified as a junk yard.
- 66) Garage, Storage. A building designed or used for the storage of automobiles. Services other than storage shall be limited to refueling, lubrication, washing, waxing and polishing.
- 67) Government Uses and Structures. Any land, building or use that is owned and operated by the city, county, state or federal government, and over which such government exercises direct and complete control.
- 68) Grade. The average elevation of the ground adjoining a building or structure on all sides.
- 69) Greenbelt Area. An open area which may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.
- 70) Guest Residences. Living quarters within a detached accessory building located on the same lot or parcel of land as the principal building and used exclusively for housing members of the

immediate family of the owner of the principal building. A mobile home may be used as a guest residence where permitted by these Regulations.

- 71) Guest (Tourist) Home. A dwelling in which transient sleeping accommodations for motor tourists or travelers are provided for compensation.
- 72) Habitable First Floor. The first floor usable for living, which includes working, sleeping, eating, cooking or recreation, or any combination thereof. A floor, basement or cellar used only for storage purposes is not a habitable floor.
- 73) Homeowners Association. A group of homeowners with elected officers and organizational bylaws in a geographical area banded together for a specific purpose.
- 74) Home Occupation. Any use conducted entirely within a dwelling or accessory building and carried on by an occupant thereof, for gain, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and which does not change the character of said dwelling.
- 75) Hospital. A building where medical and surgical diagnosis or treatment is available to persons under the care of qualified medical personnel.
- 76) Hotel/Motel Unit. One or more rooms designed to be used or rented for sleeping purposes by transient guests.
- 77) Hotel. A building containing guest rooms designed to be used or rented for sleeping purposes by transient guests.
- 78) Junk Yard. An area where waste, used or second-hand materials, equipment and/or machinery is bought, sold, exchanged, bagged, maintained, stored, baled, packed, disassembled, or handled, including but not limited to, wrecked or inoperable automobiles, scrap iron and other metals, paper, rags, rubber tires, bottles, and used building materials, plumbing fixtures, electrical fixtures, and lumber. Junk yards shall include specifically, but not by way of limitations, automobile wrecking yards, building materials wrecking, and/or storage yards and used appliance wrecking and/or storage yards.
- 79) Kennel, Animal. Any structure or premises in which animals are kept, boarded, bred or trained for commercial gain.
- 80) Kindergarten. A building or portion thereof used for the instruction of pre-school aged children. This term shall include day nurseries.
- 81) Land Area. The total square footage within the property lines of a lot.

- 82) Land Use Certificate. Certificate issued by Enforcing Officer indicating that a proposed use of land is in conformity with these Regulations, a prerequisite to issuance of a Building Permit.
- 83) Land Use Map. The map or maps, which are a part of these Regulations and delineate the boundaries of zoned districts.
- 84) Laundry, Self-Service. A business that provides coin-operated washing, drying, dry cleaning, and/or ironing machines for hire, used by customers on the premises.
- 85) Livestock. A tame animal such as a cow, horse, sheep, pig, goat or chicken, but not necessarily limited to these animals. Dogs and cats are not included.
- 86) Lodging House. See Boarding House.
- 87) Lot. The least fractional part of subdivided lands having limited fixed boundaries which has a letter or number by which it may be identified.
 - 87.1) Corner Lot. A lot abutting upon two or more streets at a street intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.
 - 87.2) Double Frontage Lot. A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.
 - 87.3) Interior Lot. Lot other than a corner lot.
 - 87.4) Nonconforming Lot. A lot which fails to meet requirements of the Land Use District in which it is located with regards to lot area, width or other characteristics.
- 88) Lot Coverage. The maximum combined area occupied by all principal and accessory buildings.
- 89) Lot Depth. The average horizontal distance between the front and rear property lines.
- 90) Lot Line. The boundary dividing a lot from a right-of-way or adjoining tracts of land.
- 91) Lot of Record. A lot which exists as shown or described on a plat or deed in the official records of Holmes County on or before the adoption of these Regulations by the Board of County Commissioners.
- 92) Lot Width. The horizontal distance measured along the building setback line, between the two side property lines.

- 93) Major Street Plan. The current BCC plan for existing or proposed traffic thoroughfares for Holmes County, Florida.
- 94) Marina. A premise or site used for the rental of covered or uncovered boat slips or dock space, marine fuel and lubricant sales, boat and motor sales and/or rental facilities, live bait sales, and boat dry storage. In addition, an auto parking lot, public restrooms, potable water and minor boat and engine repair facilities shall be available. Sanitary facilities (pump out) for boats with personnel living aboard are required by the Department of Environmental Regulation and these Regulations. Lounge, motel and restaurant facilities, ice, food and beverage sales, on and off-premises, ship chandler and fishing tackle sales, major boat and engine repair facilities are permitted uses in connection with a marina as the principal business offering facilities for boats, boat owners, crews and guests.
- 95) Mean High Water (MHW). The average height of the high water over 19 years.
- 96) Mean Low Water (MLW). The average height of the low water over 19 years.
- 97) Mean Sea Level (M.S.L.). The average height of the surface of the sea for all stages of the tide, usually determined from hourly readings, or the mean between high and low tides as established by the National Geodetic Vertical Datum of 1929.
- 98) Metes and Bounds. A system describing and identifying land by a series of lines around the perimeter of an area known as a metes and bounds description; "metes" means bearings and distances and "bounds" refers to monuments, both legal and physical.
- 99) Mini-Warehouses. A structure containing separate storage spaces leased or rented on an individual basis and used only for storage.
- 100) Mobile Camper. A vehicle constructed with wheels and designed for temporary lodging when traveling or for recreational use (Other than Mobile Home).
- 101) Mobile Home. A structure, transportable in one or more sections, which is 8 body feet or more in width, over 35 body feet in length, built on an integral chassis, designed to be used as private dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, electrical and sanitary systems contained therein.
- 102) Mobile Home Park. A use of land in which two or more lots or spaces are offered for rent or lease for the placement of mobile homes and in which the primary use of the park is residential.
- 103) Mobile Home Subdivision. A subdivision of mobile homes where two or more individual lots are owned by owners and where a portion of the subdivision or the amenities exclusively serving the

subdivision are retained by the subdivision developer/owner or home owner association.

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- 104) Motel. A building or group of buildings designed to provide sleeping accommodations for transient automobile travelers. Includes Auto Courts, Tourist Courts, Motor Lodges or Motor Inns.
- 105) Motor Vehicle. A self-propelled free moving vehicle, usually with four or more wheels, primarily for conveyance on a street or roadway.
- 106) Non-Conforming Use. Any use of a building or land lawfully existing at the time of passage of these Regulations or amendments thereto, which does not conform to the land use regulations of the district in which it is located.
- 107) Noxious Matter. Material which is capable of causing injury to living organisms.
- 108) Nursery School. See Child Care Center.
- 109) Nursing, Convalescent, or Rest Home. A home for two or more aged, convalescent, chronically ill or incurable persons, not of the same family, where food, shelter and care are provided. Not including hospitals, clinic or medical institutions
- 110) Out-Building. A structure erected for the purpose of sheltering domestic animals and/or for the storage of crops or equipment.
- 111) Outdoor Recreational District. An area used exclusively for outdoor recreational purposes. (See Section 12, S-1 Outdoor Recreational District.)
- 112) Owner. The holder of the fee simple title of record, a vendee under a contract by agreement for deed, or a lessee under a written lease whose term is more than ten years.
- 113) Package Store. An establishment selling liquor for off-premises consumption.
- 114) Parcel. A lot or contiguous group of lots, in single ownership or under single control considered a unit for purposes of development. See Plot or Site.
- 115) Park. A tract of land, designated and used by the public for active and passive recreation.
- 116) Parking Lot. A parcel used for the storage or parking of motor vehicles, either for compensation or to provide an accessory service to a commercial or residential use.
- 117) Parking Space. A space for the parking of a motor vehicle within a public or private parking area.

- 118) Pastoral Feeding. Pastured feeding of domestic animals, where the pasture provides the major portion of feed consumed and the pasture is maintained during the period of time that such pasture is occupied by domestic animals.
- 119) Permissible Use. Any use authorized in a particular zoning district, a permitted use or special exception use.
- 120) Person. Includes the words owner, agent of an owner, firm, association, trust, company or corporation, as well as an individual.
- 121) Planned Unit Development (PUD). An organized comprehensive program for flexible approval of improvements on a parcel of land in compliance with basic and specific development objectives and regulations, allowing individualized land use and site plans.
- 122) Plat. A map or drawing depicting the division of lands and lots, blocks, tracts, or sites being a complete exact representation of the boundary lines, streets, easements and other information in compliance with the Florida Plat Act and applicable County Ordinances.
- 123) Plot. An indefinite term referring to a piece of property. See Parcel or Site.
- 124) Plot Plan or Plat Plan. A plan, to scale, showing uses and structures proposed for a parcel of land as required by these Regulations including lot lines, streets, building sites, reserved open space, existing buildings, major landscapes features, topography and proposed utility lines and easements.
- 125) Premises. A parcel of land and all the structures thereon under one ownership.
- 126) Principal Building. The building in which the principal use of the lot on which it is situated is conducted.
- 127) Property Line. The recorded boundaries of a lot or tract of land under one ownership.
- 128) Public Health, Department of. Holmes County Health Department.
- 129) Public Notice or Due Public Notice. Publication of notice of the time, and purpose of a meeting or hearing in a newspaper of general circulation in the County.
- 130) Public Offices. A building or portion thereof which is rented, leased or similarly obtained by the city, county, state, or federal government, but not owned by such government, in which public officials and employees direct the administrative and executive functions and affairs of such government.

- 131) Public Utilities and Service Structures. Building or structures required for public utilities and services, including but not limited to potable water, stormwater, sewage, communication services, electricity, gas, fire and police protection, mass transportation, and streets and highways necessary for the operation and maintenance of public utilities or services.
- 132) Recreational Vehicle. A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping and travel use including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.
- 133) Residence. See Dwelling.
- 134) Residential Dock or Pier. A dock or pier constructed adjacent to a residential lot for gratis recreational purposes and/or mooring of private boats.
- 135) Restaurants. An establishment designed to serve foods and beverages which are consumed on or off the premises or within the confines of the principal building.
- 136) Restrictive Covenants. Private regulations recorded with the Final Plat, which limit or otherwise govern the use, intensity and development patterns of the land within a subdivision or other parcel of land for a specified time.
- 137) Right-of-Way. The areas of highway, road, street or way reserved for public use, whether established by prescription, dedication, gift, purchase, eminent domain or any other legal means.
- 138) Riverine Setback. See Marine/Estaurine/Riverine Setback.
- 139) Rooming House. See Boardinghouse.
- 140) Satellite Television Receiving Dishes (ground mounted). A device commonly parabolic in shape, mounted at a fixed point on the ground for the purpose of capturing television signals transmitted via satellite communication facilities and serving the same or similar function as the common television antenna. Said devices are here in defined as accessory structures.
- 141) School. An institution primarily for academic instruction, public, parochial or private, having a curriculum similar to that ordinarily given in a public school.
- 142) Service Station. See Automobile Service Station.
- 143) Setback Line (Street). A line measured perpendicular to and parallel with the center line of the right-of-way of the road.
- 144) Shopping Center. A group of commercial establishments planned,

constructed and managed as an entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, and designed to serve a community or neighborhood.

- 145) Sight Triangle. A triangular shaped portion of land established at street intersections in which nothing is to be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
- 146) Sign. Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, color, illumination or projected images. National or state flags, window displays, graffiti, athletic scoreboard, or the official announcements or signs of government are excluded.
- 147) Sign, Abandoned. (a) Any sign face which advertises a business no longer conducted or product no longer sold. In making the determination that a sign advertises a business no longer being conducted, the Enforcement Official shall consider the existence or absence of a current occupational license, utility service deposit or account, use of the premises and relocation of the business. (b) Any sign structure which has not been used for business purposes for over six (6) months, that is nonconforming as to existing codes regarding height, setback or maintenance. (c) Any previously permitted portable or temporary sign for which the permit has expired.
- 148) Sign, Animated or Moving. Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.
- 149) Sign Area. The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.
- 150) Sign, Awning, Canopy or Marquee. A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by ordinance. The sign shall not project above, below or beyond the awning, canopy or marquee. See Figure 1.
- 151) Sign, Banner. Any sign with characters, letter, illustrations or ornamentation applied to cloth, paper, flexible plastic or fabric of any kind that is not permanently attached to a solid backing of wood, plastic, metal, masonry, or similar rigid material.
- 152) Sign, Billboard (Off-Premises). A sign which directs attention to a business, commodity, service or entertainment conducted, sold or

offered at a location other than the premises on which the sign is located.

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- 153) Sign, Bulletin Board (Directory). A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.
- 154) Sign, Business. A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.
- 155) Sign, Construction. A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
- 156) Sign, Directional. Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way", "entrance", and "exit".
- 157) Sign, Facade. See "Sign Wall".
- 158) Sign Face. The area or display surface used for the message.
- 159) Sign, Flashing. Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.
- 160) Sign, Free Standing. Any nonmovable sign not affixed to a building.
- 161) Sign, Governmental. A sign erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance or other governmental regulation.
- 162) Sign, Ground. Any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure. See Figure 1.
- 163) Sign, Holiday Decoration. Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.
- 164) Sign, Home Occupation. A sign containing only the name and occupation of a permitted home occupation.
- 165) Sign, Identification. A sign giving the nature, logo, trademark

or other identifying symbol; address; or any combination of the name, symbol and address of a building, business development or establishment on the premises where it is located.

- 166) Sign, Illuminated. A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.
- 167) Sign, Memorial. A sign, tablet or plaque memorializing a person, event, structure or site.
- 168) Sign, Name Plate. A sign, located on the premises, giving the name or address or both, of the owner or occupant of a building or premises.
- 169) Sign, Off-Premise. See "Sign, Billboard".
- 170) Sign, On-Premise. A sign that identifies or advertises only goods, services, facilities, events or attractions available on the premises where the sign is located.
- 171) Sign, On-Site Informational. A sign commonly associated with and not limited to, information and directions necessary or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pick-up and delivery areas.
- 172) Sign, Pole. A sign that is mounted on a free standing pole or other support so that the bottom edge of the sign face is six feet or more above grade. See Figure 1.
- 173) Sign, Political. A temporary sign announcing or supporting political candidates or issues in connection with any national state or local election.
- 174) Sign, Portable. A sign that is not permanent, affixed to a building, structure or the ground.
- 175) Sign, Private Sale or Event. A temporary sign advertising private sales or personal property such as "house sales", "garage sales", "rummage sales", and the like, or private not-for-profit events such as picnics, carnivals, bazaars, game nights, art fairs, craft shows and Christmas tree sales.
- 176) Sign, Projecting. A sign that is wholly or partially dependent upon a building for support and which projects more than 12 inches from such building. See Figure 1.
- 177) Sign, Real Estate. A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
- 178) Sign, Roof. A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which

- projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof. See Figure 1.
- 179) Sign, Temporary. A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time.
- 180) Sign, Wall. A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure. See Figure 1.
- 181) Sign, Warning. Sign limited to messages of warning, danger or caution.
- 182) Sign, Window. A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window. See Figure 1.
- 183) Silviculture. The development and/or maintenance of forest resource management.
- 184) Site. A plot of land suitable for development, or on which a building or buildings are built.
- 185) Site Plan. A plan, to scale, showing uses and structures proposed for a parcel of land as required by these Regulations including lot lines, streets, building sites, reserved open space, existing buildings, major landscape features and topography and proposed utility lines and easements.
- 186) Sororities. See Clubs.
- 187) Special Exception. A use that would not be appropriate generally throughout a particular district, but which, if controlled as to number, area, location, or reflection to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience, and the general welfare.
- 188) Stable, Private. A structure where horses are kept by the owners or occupants of the premises and are not kept for hire or sale.
- 189) Stable, Riding. A structure where horses are kept for hire or sale.
- 190) Story. That portion of a building included between the surface of one floor and of the next floor above it or if there is no floor above it, then the space between such floor and the ceiling next above.
- 191) Story, Half. A story under a sloping roof which has the line of

intersection of the roof and wall face not more than three feet above the floor level.

- 192) Street. A right-of-way provided for vehicular and pedestrian traffic. Includes all of the improved or unimproved land lying between the right-of-way lines as delineated on a plat.
 - 192.1) Alley. A private or public right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose primary frontage is on a street.
 - 192.2) Collector Street. A street providing for traffic movement between local streets and major thoroughfares.
 - 192.3) Cul-de-sac. A street with a single common ingress and egress with a turnaround at the other end.
 - 192.4) Loop Street. A local street having two open ends, each end connecting with a common street having no other streets intersecting between the ends of the loop street.
 - 192.5) Marginal Access Street. The same as a Loop Street, but having other streets intersection between its ends.
 - 192.6) Private Street. A street that has not been dedicated to public use.
 - 192.7) Public Street. A right-of-way which has been accepted by the Board of County Commissioners for maintenance.
- 193) Structural Alteration. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, except for repair or replacement.
- 194) Structure. Permanent or temporary buildings, satellite television antennas, signs or billboards, erected independently or affixed to exterior walls. Utility signs and poles, sidewalks and paving are not considered structures under these Regulations.
- 195) Subdivision. The division or resubdivision of a parcel of land into two or more parcels as provided for in the Subdivision Regulations of Escambia County.
- 196) Swimming Pool. Any constructed pool used for swimming, bathing or wading, and including all buildings, fences, and appurtenances thereto.
- 197) Tourist Home. See Guest Home.

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- 198) Town House. A single-family dwelling not exceeding three stories in height which is constructed in a series or group of attached units with property lines separating such units. Each townhouse shall be considered a separate building and shall be separated from adjoining townhouses by the use of separate exterior walls meeting the requirements for zero clearance from property lines as required by the type of construction and fire protection requirements, or shall be separated by a party wall; or when not more than three stories in height, may be separated by a single wall meeting the requirement in F.S. 481.203, Section (7) (a), (7) (b) and (7) (c).
- 199) Trailer. See Mobile Home.
- 200) Trailer Park. See Mobile Home Park.
- 201) Truck Stop or Terminal. Buildings and premises designed so as to cater principally to trucks where the functions and services rendered by a mechanical garage may be rendered, but not to include the storage of vehicles for the purpose of using parts of said vehicles for sale or repair.
- 202) Use, Principal. The main use of land or buildings as distinguished from a subordinate or accessory use.
- 203) Used Car Lot. Any parcel of land used for the storage, display and sales of used automobiles in running condition.
- 204) Variance. A modification of the Land Use Regulations when such modification will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. A variance is authorized only for height, area, bulk, and size of structure or yard size, open spaces, and off street parking requirements. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or classification or in adjoining district or classifications.
- 205) Visibility Clearance at Intersections. See Sight Triangle.
- 206) Yard. The open space surrounding the principal building on any lot.
- 206.1) Front Yard. That portion of the yard extending the width of the lot measured between the front lot line and the front building line.
- 206.2) Rear Yard. That portion of the yard extending the width of the lot, measured between the rear lot line and the rear building line.

206.3) Side Yard. That portion of the yard extending from the front yard to the rear yard, measured between the side lot line and the building line.

207) Zero Lot Line. A developmental approach in which a dwelling unit is sited along one or more lot lines.

ARTICLE VI

District, Boundaries, Land Use Maps, Lots of Record

Section 1 - District Nomenclature

In order to regulate and limit the height and size of buildings, to regulate and limit the intensity of the use of lot areas, to regulate and determine the areas of open spaces within and surrounding buildings, to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified industrial, business, residential and other uses, the area is hereby divided into districts known as:

GRA General Residential and Agricultural District

RNC Residential Neighborhood Commercial District

C-1 Retail Commercial District

C-2 General Commercial District

ID-1 Industrial District

ID-2 General Industrial District

The boundaries of the districts are shown upon the map series as adopted by the Board of County Commissioners and made a part hereof and entitled "Land Use Map Series." The Land Use Map Series and all the notations, references, and other information shown thereon are a part of these Regulations as if such information set forth on the map series were all fully described and set out herein. This map properly attested is on file in the office of the Board of County Commissioners.

The boundaries of such districts as are shown upon the Land Use Map Series adopted as part of these Regulations or amendments thereto are hereby adopted and approved. Regulations governing the use of land and buildings, the height of buildings, building site areas, the sizes of yards about buildings and other matters are established and declared to be in effect upon all land included within the boundaries of each district shown upon the Land Use Map Series. Where uncertainty exists as the boundaries of any district shown on a map, the following rules shall apply:

Where district boundaries are indicated as approximately following street

center lines, alley lines or lot lines, such lines shall be construed to be district boundaries.

Where a district boundary divides a lot of record or single owner parcel, the location of such boundary shall be determined by use of the scale appearing on the map unless said boundary is located by dimensions. Where a district boundary line divides a lot of record into equal sections, the more restrictive zoning classification shall regulate. If a lot of record is divided into unequal sections, the regulations shall be those applicable to the largest section.

Where any street or alley is officially vacated, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added to each parcel by such vacation.

Where a lot or parcel of land has an area or a width less than the minimum required in the land use district and was a separate lot of record as of adoption of this ordinance, the Enforcing Officer may vary area and yard requirements up to 50 percent without referring the matter to the Land Use Board of Adjustments.

Sections 2-5 - RESERVED

Section 6 - GRA/General Residential and Agricultural District

Intent and Purpose of District:

This district is intended to provide for low intensity development specifically aimed at allowing rural residential and agricultural uses. This district shall be established in all areas not specifically identified for development as provided in the RNC, C-1, C-2, ID-1, and ID-2 districts.

A. Uses Permitted

- 1) Single family and multi family dwellings and their customary accessory structures and uses.
- 2) Guest residences of no more than one guest residence per dwelling unit per lot for each single family use.
- 3) Home occupations.
- 4) Mobile homes utilized as single family residences.
- 5) Boarding and lodging homes.
- 6) Dormitories, fraternities, and sorority houses.
- 7) Nursing homes, rest homes, convalescent homes, and adult congregate living facilities.
- 8) Schools and educational institutions, public, parochial and private, with their attendant buildings and facilities.

- 9) Churches with attendant buildings and facilities.
- 10) Public utility and service structures including but not limited to water, sewer, electric power, fire and police uses.
- 11) Parks and recreational areas.
- 12) Buildings used by federal, state, county or city governments for public purposes.
- 13) Kindergartens, child care centers and foster care facilities.
- 14) The growing of crops and plants.
- 15) The keeping of horses and stables.
- 16) Campground facilities.
- 17) Horticulture, floraculture, greenhouses, and aquaculture.
- 18) Areas for display and sale of fruit, vegetables, and similar agricultural products.
- 19) Silviculture.
- 20) Animal hospitals, clinics and kennels.

B. Uses Prohibited

- 1) Any commercial and industrial uses, except for those commercial uses which may be specifically permitted under Section 6. A. of this ordinance. Commercial and industrial uses are strictly limited to RNC, C-1, C-2, ID-1, and ID-2 districts.

C. Special Exceptions

- 1) Hunting preserve.
- 2) Golf courses, tennis centers and swimming pools, with customary attendant facilities and accessory buildings.
- 3) Country clubs and their customary accessory uses.

D. Off-Street Parking Regulations

See Article VII, Section 6.

E. Site and Building Requirements

1) Lot Area, Minimum.

The following structures are subject to the identified minimum lot areas:

Single family dwelling	0.5 acres
Multi family dwelling	1.0 acre
Campgrounds	5.0 acres
Churches and schools	1.0 acre
Public stables	10.0 acres
Kennels	2.0 acres

All other permitted structures are subject to a 0.5 acre minimum lot area.

- 2) Lot Coverage. The maximum combined area occupied by all principal and accessory buildings shall not exceed 40 percent of the total lot area.
- 3) Lot Width. Minimum lot width for a single family dwelling measured at the front building line shall be 60 feet and at the street right-of-way, 50 feet. The minimum lot width for a multi family dwelling shall be 80 feet at the front building line and 50 feet at the street right-of-way.
- 4) Front Yard Requirements. There shall be a front yard having a depth of not less than 20 feet provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed.
- 5) Rear Yard Requirements. The minimum rear yard shall not be less than 20 feet. On property abutting estuarine, riverine, or creek systems, the setback shall be in accordance with the Marine/Estuarine/Riverine Setback (MERS) Provision of these Regulations (Article VII, Section 10) or 20 feet, whichever is greater.
- 6) Side Yard Requirements. The side yard required on each side for buildings not exceeding three stories in height shall be 10 percent of the lot width, but each side yard need not exceed 10 feet. For buildings exceeding three stories, the side, front and rear yards shall be increased in accordance with the formula that for each additional foot, the building is set back from all property lines, three feet may be added to the height of the buildings. No side yards shall be required in attached townhouse projects except at the ends of such projects where a minimum of 10 feet shall be required.

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F. Signs

See Article VII, Section 7.

Section 7 - RNC/Residential Neighborhood Commercial District

Intent and Purpose of District:

This district is intended to provide for a mixed use area of residential, office and professional, and certain types of neighborhood convenience shopping - retail sales and services which permit a reasonable use of property while preventing the development of blight or slum conditions. This district shall be established in areas where the intermixing of such uses has been the custom, where the future uses are uncertain and some redevelopment is probable.

A. Uses Permitted

- 1) Any use permitted in the preceding district.
- 2) Professional offices such as those of architects, engineers, lawyers, tax consultants, accountants and medical and dental clinics.
- 3) Real estate offices.
- 4) Insurance offices.
- 5) Mobile Homes as single-family residences.
- 6) Private clubs and lodges except those operated primarily as commercial enterprises.
- 7) Retail sales and services (gross floor area of building not to exceed a 4,000 square feet footprint). Outside storage allowed in rear yard only with adequate screening being provided.
 - a. food and drugstore.
 - b. personal service shop.
 - c. clothing and dry goods store.
 - d. home furnishings and hardware appliance.
 - e. specialty shop.
 - f. banks and financial institutions.
 - g. bakeries, whose products are made and sold at retail on the premises.
 - h. florist shop.
 - i. health clubs, spa and exercise centers.
 - j. studio for the arts.
 - k. martial arts studios.
 - l. hardware.
 - m. indoor theatre.

- 8) Laundromats and dry cleaners (gross floor area not to exceed a 4,000 square feet footprint).
- 9) Restaurants (without drive thru services).
- 10) Gasoline stations (no outside storage, minor repair only).
- 11) Appliance repair shops (no outside storage or work permitted).

B. Special Exceptions

- 1) Any special exceptions allowed in the preceding districts.

C. Off-Street Parking Regulations

See Section VII, Article 6.

D. Site and Building Requirements

- 1) Lot Coverage, maximum:

Building Height	Maximum Lot Coverage
1 to 2 stories	40%
3 to 4 stories	35%
5 to 6 stories	30%
7 to 9 stories	25%
10 to 13 stories	20%
over 13 stories	17%

- 2) Lot Width. There shall be no minimum lot width.
- 3) Front Yard Requirements. There shall be a front yard having a depth of not less than 20 feet.
- 4) Rear Yard Requirements. There shall be a rear yard having a depth of not less than 20 feet. On property abutting estaurine, riverine or creek systems, the setback shall be in accordance with the Marine/Estaurine/Riverine Setback (MERS) Provision of these Regulations (Article VII, Section 10) or 20 feet, whichever is greater.
- 5) Side Yard Requirements. The side yard required on each side for buildings not exceeding three stories in height shall be 10 percent of the lot width, but each side yard need not exceed 10 feet. For buildings exceeding three stories, the side, front, and rear yards shall be increased in accordance with the formula that for each additional foot, the building is set back from all property lines, three feet may be

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added to the height of the buildings.

E. Signs

See Article VII, Section 7.

Section 8 - C-1 Retail Commercial District

Intent and Purpose of District

This district is composed of lands and structures used primarily to provide for the retailing of commodities and the furnishings of selected services. The district also provides for retail operations entailing limited fabricating/assembling where all such operations are within the confines of the building and do not produce undesirable effects on nearby property. The scale and intensity of commercial uses allowed within this district are intended to be of a nature compatible with adjacent residential development.

A. Uses Permitted

- 1) Any use permitted in the preceding districts.
- 2) Strip Shopping Centers
- 3) Taverns, cocktail bars and nightclubs.
- 4) Personal service establishments such as, but not limited to, banks, barber shops, beauty parlors, medical and dental clinics, restaurants including on-premise consumption of alcohol, financial institutions, professional and other offices, parking garages and lots, laundry and dry cleaning, pickup stations, self-service coin-operated laundry and dry cleaning establishments, shoe repair, tailoring, watch and clock repair, locksmiths and data processing.
- 5) Retail businesses such as: drug, package, hardware stores, book, stationery, china and luggage shops, newsstands, photographic supplies and studios, and wearing apparel shops.
- 6) Drive-In restaurants provided that the boundaries of the tract of land on which they are located are in excess of 200 feet from any residential use.
- 7) Automobile repair shops for ignition, fuel, brake and suspension systems.
- 8) Automobile service stations including minor auto repairs.

- 9) Automobile washing facility.
- 10) Hotels and Motels.
- 11) Off-premise signs, billboards and other sign structures erected, located and maintained as provided for in Article VII, Section 7.
- 12) Grocery, fruit, vegetable, meat market, convenience stores and supermarkets, including the sale of beer and wine for off-premises consumption and the incidental sale of gasoline.
- 13) Health and fitness clubs.
- 14) Hospitals.
- 15) Printing, bookkeeping, lithography and publishing companies.
- 16) Interior decorating, home furnishing, and furniture stores.
- 17) Music conservatory, dancing schools and art studios.
- 18) Music, radio and television shops.
- 19) Retail paint and wallpaper stores.
- 20) Mortuary and funeral homes.
- 21) Dry Cleaning establishments provided that equipment used emits no smoke or escaping steam and uses non-flammable synthetic cleaning agents (perchloroethylene, trichloroethylene, etc.)
- 22) Florist shops.
- 23) Enclosed Animal Hospitals and Clinics.
- 24) Campgrounds.
- 25) Warehousing (adjacent to and part of retail operation).
- 26) Mini warehouses.
- 27) Bowling alleys, skating rinks, and billboard parlors, providing such facilities are enclosed in a sound proof building.
- 28) Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this District. Determination on other

permitted uses shall be made by the Board of Adjustment with a recommendation to the Board of County Commissioners for Board action to allow or deny the use.

B. Special Exceptions

- 1) Any special exception allowed in the preceding residential districts.

C. Off-Street Parking and Loading Regulations

See Article VII, Section 6.

D. Traffic Requirements

- 1) No entrances or exits shall direct traffic into adjacent residential areas.

E. Site and Building Requirements

- 1) Residential site and building requirements shall be the same as for the RNC, Residential Neighborhood Commercial District. For other principal uses, the following shall apply:
- 2) Lot Area. There shall be no minimum lot area.
- 3) Lot Coverage. The maximum combined area occupied by all principal and accessory buildings shall not exceed the following:

Building Height	Maximum Lot Coverage
1 and 2 stories	50%
3 and 4 stories	40%
5 and 6 stories	30%
7 and 9 stories	25%
10 to 13 stories	20%
Over 13 stories	17%

- 4) Lot Width. There shall be no minimum lot width.
- 5) Yard Requirements. There shall be a front and rear yard of at least fifteen feet. There shall be a minimum side yard of ten feet on each side. On property abutting an estaurine, riverine or creek system, the setback shall be in accordance with the Marine/Estaurine/Riverine Setback (MERS) Provision of these Regulations (Article VII, Section 10) or 20 feet, whichever is greater.
- 6) The minimum lot size for recreational camping facilities shall be five acres.

F. Signs

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See Article VII, Section 7.

Section 9 -- C-2 General Commercial District

Intent and Purpose of District:

This district is composed of certain land and structures used to provide for the retailing of commodities and furnishing several major services, selected trade shops, and automotive repairs. Characteristically, this type of district occupies an area larger than that of the C-1 Retail Commercial District, is intended to serve a considerably greater population, and offers a wider range of services.

A. Uses Permitted

- 1) Any non-residential or agricultural use permitted in the preceding districts.
- 2) Mall shopping centers.
- 3) Amusement and recreational facilities such as, but not limited to, amusements parks, shooting galleries, miniature golf courses, golf driving ranges, baseball batting ranges and trampoline centers.
- 4) Carnival-type amusements when located more than 500 feet from any residential District.
- 5) Distribution warehousing.
- 6) New and used car, mobile home, motorcycle, bicycle and boat sales and mechanical service.
- 7) Mechanical garage with body work and painting services.
- 8) Radio broadcasting and telecasting stations, studios and offices.
- 9) Animal Kennels provided that 75% of the property owners within a radius of 300 feet of the property on which the kennel is located have given their written consent to the kennel.
- 10) Commercial Food Freezers and Commercial Bakeries.
- 11) Antique Shops, Pawn Shops and Second-Hand Stores.
- 12) Garden shops or nurseries displaying plants, shrubs, trees, etc., outdoors adjacent to the garden shop or nursery.

- 13) Other uses similar to those permitted herein. Determination on other permitted uses shall be made by the Board of Adjustment and shall be recommended to the Board of County Commissioners for Board action to allow or deny the use.

B. Special Exceptions

- 1) Any special exception allowed in the preceding district.

C. Off-Street Parking and Loading Regulation

See Article VII, Section 6.

D. Traffic Requirements

- 1) No traffic entrances or exits shall direct traffic into adjacent Residential areas.

E. Site and Building Requirements

- 1) Residential site and building requirements shall be the same for the RNC, Residential Neighborhood Commercial District. For other principal uses, the following shall apply:
- 2) Lot Area. There shall be no minimum lot area.
- 3) Lot Coverage. The maximum combined area occupied by all principal and accessory buildings shall not exceed the following:

Building Height	Maximum Lot Coverage
1 and 2 stories	50%
3 and 4 stories	40%
5 and 6 stories	30%
7 and 9 stories	25%
10 to 13 stories	20%
Over 13 stories	17%

- 4) Lot Width. There shall be no minimum lot width.
- 5) Yard Requirements. There shall be a front and rear yard of at least fifteen feet. There shall be a minimum side yard of ten feet on each side. On property abutting an estaurine, riverine or creek system, the setback shall be in accordance with the Marine/Estaurine/Riverine Setback (MERS) Provision of these Regulations (Article VII, Section 10) or 20 feet, whichever is greater.

6) Signs. See Article VII, Section 7.

E. Screening Adjacent to Residential Areas.

Where a lot line within a C-2 General Commercial District abuts a side or rear lot line in any residential lot, screening is required. Such screening may be in the form of walls, fences, or landscaping and shall be at least 50% opaque as viewed from any point along said residential lot line. When landscaping is used for screening, the opacity requirements shall be attained within 18 months of the issuance of the Certificate of Occupancy.

Section 10 -- ID-1 Light Industrial District (Cumulative)

Intent and Purpose:

This district is intended primarily for research-oriented activities, light manufacturing and processing not involving the use of materials, processes or machinery likely to cause undesirable effects upon nearby property.

A. Uses Permitted

- 1) Any use permitted in the preceding district (C-2 district).
- 2) Research and development operations, towers, light manufacturing, processing or fabricating uses, enclosed storage structures and accessory structures and activities provided that the Board of Adjustment finds that the following standards are met.
 - a) All operations must be conducted and all materials and products must be stored within the buildings of the plant. All waste material must be stored while on the lots in a screened enclosure.
 - b) Any process that creates smoke shall meet all standards as required by the Florida Department of Environmental Regulation and the Environmental Protection Agency.
 - c) No process shall emit an odor detectible beyond the lot. Where odors are produced and provisions for eradication within a building are provided, the burden of successful elimination of the odors shall rest on the occupant of the premises.
 - d) Operations creating excessive noise, vibration, dust, smoke or fumes which are a nuisance to persons off of the lot are not permitted.

- e) Operations creating glare shall so shielded that the glare cannot be seen from off the lot.
 - f) Disposal of industrial or other wastes, gaseous, liquid or solid, must be approved by the Holmes County Sanitation Department and the Florida Department of Environmental Regulation.
- 3) Junk Yards.
 - 4) Wholesale, Retail Businesses with outside storage other than garden shops or nurseries.

B. Site and Building Requirements

- 1) Building Height Limit. No building shall exceed 2 1/2 stories or 35 feet in height except as otherwise provided in Article VII, Section 9 herein.
- 2) Minimum Lot Size. There shall be no minimum lot size.
- 3) Lot Coverage. The maximum combined area occupied by all principal and accessory buildings shall not exceed 50 percent of the total area.
- 4) Lot Width. There shall be no minimum lot width.
- 5) Yard Requirements. There shall be a front yard having a depth of not less than 15 feet. There shall be a rear yard having a depth of not less than 20 feet. There shall be side yards of not less than 10 feet. On property abutting an estaurine, riverine or creek system, the setback shall be in accordance with the Marine/Estaurine/Riverine Setback (MERS) Provision of these Regulations (Article VII, Section 10) or 20 feet, whichever is greater.
- 6) Minimum total area and width of an ID-1 Light Industrial District. No area shall be designated as an ID-1 Light Industrial District that does not have a minimum area of five acres and a minimum width at the street right-of-way line of 300 feet.

Section 11 -- ID-2 General Industrial District

A. Uses Permitted

- 1) Any use not permitted in another district. No Land Use Certificate shall be issued until the use and the location shall have been approved by the Board of County Commissioners subject to the following procedure:

- a) A request shall be made with the Board of to permit a specific use.
- b) The Board of Adjustment shall review the request and make a recommendation to the Board of County Commissioners.
- c) Within 45 days the Board of County Commissioners shall hold a public hearing as provided for in Article VIII.
- d) The Board of County Commissioners shall approve or deny the request within 30 days after the public hearing.

B. Uses Prohibited

- 1) Single, two and multi-family dwelling units.
- 2) All uses defined under the Standard Building Codes as Group H, Hazardous Occupancies.

C. Site and Building Requirements

- 1) Building Height Requirement. No building shall exceed three stories or 40 feet in height except as otherwise provided in Article VII, Section 9.
- 2) Minimum Lot Size. There shall be no minimum lot size.
- 3) Lot Coverage. The maximum combined area occupied by all principal and accessory buildings shall not exceed 50 percent of the total lot area.
- 4) Lot Width. There shall be no minimum lot width.
- 5) Yard Requirement. There shall be a front yard having a depth of not less than 25 feet. There shall be a rear yard having a depth of not less than 25 feet. There shall be side yards of not less than 15 feet.
- 6) Minimum Area. Minimum total area and width of an ID-2 General Industrial District. No area shall be designated as an ID-2 General Industrial District that does not have a minimum area of 25 acres and a minimum width at the street right-of-way line of 500 feet.

ARTICLE VII

General Regulations

Section 1 -- Buildings to Conform

No building shall be erected, reconstructed or structurally altered or land be used which does not comply with the Regulations established for the District in which the building or land is located. Any building hereafter erected, reconstructed or substantially altered, shall not encroach upon the minimum yards and other open spaces, contained in the Regulations. Every principal building shall front on a street. No accessory structure shall be erected in any front yard, nor shall occupy more than 25% of the rear yard area. Accessory structures shall not exceed 15 feet in height, except in the circumstance in which said structures are used exclusively for agricultural purposes in a GRA district.

Section 2 -- Nonconforming Uses

The lawful use of a building or land existing as of the date of adoption of these Regulations shall not be affected by these Regulations although the existing use may not conform to these Regulations.

No structural alterations shall be made to a building of nonconforming use, except those required by law or ordinance, or ordered by an authorized official to secure the safety of the building of the occupants. If such nonconforming building use is removed or discontinued for a continuous period of 180 days, any future use of the building shall be in conformity with these Regulations. Any building not conforming to these Regulations which is rebuilt or substantially altered shall conform to all applicable County Codes, Ordinances and the requirements of these Regulations.

No nonconforming building shall be enlarged to cover a greater area of land than that occupied or be expanded to include more floor area than on the date of adoption of these Regulations.

Section 3 -- Land Use Certificates

Before a building shall be added to, erected, reconstructed, substantially altered, moved, removed or demolished, a Land Use Certificate shall be obtained from the Enforcing Officer. The Certificate shall be on a form provided by the Enforcing Officer and A Land Use Certificate fee may be charged if a fee schedule is adopted by the Board of County Commissioners. Said Land Use Certificate shall be obtained prior to issuance of any Building Permits.

A Land Use Certificate shall be issued or denied within five working days from the date of application. The applicant may appeal the denial of the Certificate to the Board of Adjustment, in writing within 20 calendar days after the rejection of the application. Each application for a Land Use Certificate shall be accompanied by a plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the size, shape, height and location of the building to be erected, dimensions and location of existing buildings, and width of front, side and rear yards.

When application is made to build upon a lot of nonconforming size, the application shall be accompanied by an affidavit that said lot was a Lot of

Record.

A Land Use Certificate shall be valid for issuance of a Building Permit and shall be subject to the same conditions as the Building Permit. For cause, one or more extensions of the Land Use Certificate for periods not exceeding 90 days may be issued by the Enforcing Officer. The Enforcing Officer may revoke a Land Use Certificate issued in a case where there has been a false statement or misrepresentation in the application or on the plot plan for which the certificate was issued. A Temporary Land Use Certificate is required for a mobile home or temporary structure used as an on-site real estate sales office, construction office during development of a protect or stowage for tools and materials during construction on the premises. A mobile home/temporary structure used as an on-site real estate sales office, construction office or stowage of tools and materials during construction may be located in any District in which a project has been approved. The on-site real estate sales office use shall be discontinued and the mobile home/temporary structure removed no later than final closing for purchase of the last unit in the development project. The on-premise construction office or stowage of tools and materials use shall be discontinued and the mobile home, temporary structure removed immediately after the final Certificate of Occupancy is issued.

Section 4 -- Septic Tanks

In areas where there are no sewerage facilities, septic tanks shall be installed in accordance with current regulations of the Florida Department of Environmental Regulation and the Holmes County Health Department.

Section 5 -- Fences

Maximum heights for fences constructed in residential districts shall be:

	Solid Fences	Open Wire Fences, Hedges
Front Yard	3'	4'
Side Yard	6'	6'
Rear Yard	6'	6'

Fences shall be permitted to the street right-of-way or Marine/Estaurine/Riverine Setback (MERS) Line. Solid fences on corner lots, or fences constructed so that they obstruct the view of traffic shall not exceed three feet in height above grade.

There shall be no maximum height for fences in commercial district except that barbed wire is permitted only on top of a solid or chain fence at least six feet in height.

Where a commercial district is adjacent to a residential district, a fence may be constructed to a maximum height of eight feet on the property line contiguous to the commercial district.

Section 6 -- Parking

Offstreet parking shall be required in all districts. Temporary parking may be permitted in street rights-of-way; however, such parking shall be in

addition to the minimum requirements of this section:

- 1) Residential Districts - One and two-family dwellings, one space for each dwelling unit; multiple family dwellings, one and one-half spaces for each dwelling unit.
- 2) Office Buildings - One space for each 300 square feet of gross floor area in the building.
- 3) Medical or Dental Clinics and Offices - Four spaces for each doctor engaged at the clinic or office, plus one space for each two employees.
- 4) Schools - Elementary and Middle Schools - One space for each two employees, plus one space for each classroom; high schools, one space for each ten students based on design capacity of the schools, plus one space for each two employees.
- 5) Private Clubs, Fraternities, Sororities and Lodges - One parking space for each 200 square feet of gross floor area.
- 6) Libraries, Community Centers and other buildings serving the general public - One space for each 500 square feet of gross floor area in the building, plus one space for each two employees.
- 7) Retail and Commercial - One space for each 300 square feet of gross floor area in the building, plus one space for each two employees.
- 8) Distribution Warehouse Facilities (not used for public display or merchandise). One and one-half spaces for each employee involved in warehousing operations.
- 9) Churches, Theatres and Restaurants - One space for each four seats plus one space for each three employees.
- 10) Handicapped Parking - One space for each 25 spaces, reserved and marked as handicapped parking.
- 11) Hospitals - One space for each three beds, plus one space for each staff doctor, plus one space for each three employees.
- 12) Adult Congregate Living Facilities (ACLF), Convalescent and Nursing Homes - One space for each five beds, plus one space for each two employees.
- 13) Marina - One space for each two boat slips.

- 14) Drive-in Restaurants - One space for every twenty-five square feet of gross floor area in the building, plus one space for each two employees.
- 15) Funeral Parlors - One space for each fifty square feet of floor area of building, plus one space for each two employees.
- 16) Motel - One space per unit, plus one space for each three employees.
- 17) Mini-warehouse Facilities - One space for each three employees plus one space for every five warehouse units.
- 18) Repair Garages, Automobile Washing Facilities and Filling Stations - One space for each two employees, plus one space for each service bay.
- 19) Launderettes - One space for each two washing machines.
- 20) Barbershops and Beauty Parlors - One space for each chair plus one space for each employee.
- 21) Veterinary Clinics and Hospitals - One space for each employee, plus one space for each 300 square feet of gross floor area in the building.

Any use not specified by the Regulations shall require one parking space for each 300 square feet of gross floor area in the building. Where the use is mixed, total requirements for the various uses computed separately.

Offstreet loading and unloading for establishments receiving and distributing goods by motor vehicle shall provide such facilities on the premises. No motor vehicle shall be allowed to extend onto a public street right-of-way, sidewalk, or alley while loading or unloading.

Section 7 - Signs

1. Permit Required.

It shall be unlawful for any person to erect, construct, alter or relocate within the unincorporated area of Holmes County, Florida, any sign without having first obtained a Land Use Certificate issued by the Enforcing Officer and a Building Permit issued by the Building Inspections Division, except as provided for in Article VI, Section 7, of this ordinance.

2. Definitions.

Refer to Article V.

3. General Provisions.

A. Exempt Signs.

The following signs are exempt from the permitting requirements of Section 7 of this ordinance. Such signs shall meet the standards of the Standard Building Code, as adopted by Holmes County, Florida, and obtain applicable Building Permits.

- 1) "No Trespassing" or "No Dumping" signs of two (2) square feet or less.
- 2) Identification signs of two (2) square feet or less.
- 3) Governmental signs for traffic control, street designation, direction to public facilities and any public sign deemed necessary by a public official in the performance of his public duty, and as approved by the Board of County Commissioners.
- 4) Governmental or religious flags or insignia and holiday decorations, incidental to the business and customarily associated with any national, religious or local holiday.
- 5) Credit card or membership signs of two (2) square feet or less, one of each different organization permitted for each street frontage.
- 6) A maximum of two (2) menu boards or price lists for drive-thru facilities of no more than twenty-four (24) square feet each. Such signs shall be located adjacent to and oriented toward the drive-thru area.
- 7) Graphics and trademarks on vending machines, gas pumps and other machinery customarily used for sales outside of a building.
- 8) Signs required or authorized by federal, state or county law.
- 9) Informational signs of two (2) square feet or less.
- 10) House address numbers and family name signs of two (2) square feet or less in residential districts, limited to front

yard location only.

- 11) Garage/Yard Sales signs four (4) feet or less, not more than three (3) feet above ground level. Sign must be removed after sale concludes.

B. Prohibited Signs.

It shall be unlawful to erect or maintain any sign described as follows:

- 1) Traffic or pedestrian hazards. Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, coloring or method of illumination. Any sign which obstructs the vision between pedestrians and vehicles using the public right-of-way including, but not restricted to, those not meeting visibility standards in the zoning ordinance. Specifically prohibited are signs using:
 - a) Flashing, revolving or stroboscopic lights except time and temperature displays and message centers;
 - b) Bare bulbs in excess of eleven (11) watts; and
 - c) Words and traffic control so as to interfere with, mislead or confuse traffic, such as "stop", "look", "caution", "danger" or "slow".
- 2) Privately constructed signs in public rights-of-way not specifically permitted in Section 7 of this ordinance.
- 3) Roof signs.
- 4) Abandoned signs.
- 5) Signs made of combustible materials that are attached to or in close proximity to fire escapes or firefighting equipment.
- 6) Commercial signs upon or adjacent to residential dwellings. No sign shall be located within fifty (50) feet of any residential dwelling, except signs advertising uses allowed outright or in an RNC, Residential Neighborhood Commercial District.
- 7) Signs attached to trees or utility poles.

- 8) Projecting signs that project into the public right-of-way or the sight triangle of motorists. Projecting sign must maintain a clear height of 9 1/2 feet above grade.
- 9) Off-premise signs (Outdoor Advertising Display Signs/Billboards) shall be no closer than 100 feet to any residential dwelling.
- 10) Any other signs that are not specifically permitted or exempted by Article VII, Section 7 of this ordinance.

C. Temporary Signs.

The following signs shall be permitted temporarily and shall require the issuance of a temporary Land Use Certificate.

- 1) Portable signs for the following on-site uses:
 - a) A new business or a business in a new location whose allowable freestanding sign has not yet been erected may utilize a conforming portable temporary sign for a period of not more than thirty (30) days or until installation of the allowable freestanding sign, whichever shall occur first.
 - b) A new business including those with permanent signage may utilize a portable temporary sign one (1) time for a maximum of fifteen (15) consecutive days in conjunction with a grand opening.
 - c) A business may utilize portable temporary signs for up to four (4) periods and a maximum total of thirty (30) days during a calendar year for promotional uses. The maximum size of the sign face (one side) shall be thirty-two (32) square feet, and the number of such signs shall be limited to one for each lot or parcel.

2) Real Estate and Construction Signs.

Real Estate and construction signs shall be permitted under the following conditions:

- a) One (1) non-illuminated sign of each type shall be allowed on each street frontage of the subject property only.
- b) County setbacks shall apply.

c) A maximum height of five (5) feet in residential zones and ten (10) feet in all other zoned districts shall be observed.

d) Maximum sign area shall be:

	Real Estate	
Construction		
Residential Districts	16 sq. ft.	64 sq. ft.
All Other Districts	32 sq. ft.	96 sq. ft.

e) Construction signs shall not be erected more than sixty (60) days prior to the beginning of construction and shall be removed within thirty (30) days after construction is completed. Such signs shall be removed immediately if construction has not begun after sixty (60) days, or if construction is halted thereafter for a period of more than thirty (30) days.

f) Real estate signs shall be removed within thirty (30) days following the sale of subject property.

3) Political Campaign Signs.

Temporary political campaign signs shall be permitted in all zoning districts subject to the following restrictions:

a) The maximum sign shall be:

No.	Maximum Size	Maximum
	per Sign	per parcel
Residential Zones	6 sq. ft.	12 sq. ft.
All Other Zones	16 sq. ft.	32 sq. ft.

b) Political campaign signs shall be removed no more than fifteen (15) days after the conclusion of the election.

4) Window Signs and Banners.

Such signs are permitted temporarily to advertise special sales or events. Window signs and banners

shall be removed within seven (7) days following the conclusion of the sale or event. Paper signs in a window shall not exceed 30% of the total glass area of the window in which the sign is displayed.

5) Special Event Signs.

Temporary signs for public or private non-profit special events, or special events not related to the primary use of the property shall be permitted by the Enforcing for a period covering the duration of the event and advance publicity not to exceed a total period of two (2) weeks. Such temporary signs shall not exceed thirty-two (32) square feet for each street frontage and shall not be illuminated.

D. Non-Conforming Signs.

Any nonconforming signs on the date of adoption of this ordinance, which is removed, damaged or destroyed to the extent that it requires substantial repair shall be terminated and replaced by a sign in conformance with this ordinance.

Any nonconforming sign not terminated by any other provision of this ordinance shall be terminated no later than five (5) years from the effective date of this provision. Portable signs that utilize removable lettering shall be terminated no later than twelve (12) months from the effective date of this provision.

4. Maintenance and Removal.

- 1) Every sign, including those specifically exempt from Article VII, Section 7 of this ordinance in respect to permits and permit fees, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant material.
- 2) The Enforcing Officer, or his duly authorized representative shall inspect and shall have the authority to order the painting, repair, alteration or removal of a sign which shall constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.
- 3) The Enforcing Officer shall not remove or order the removal of any sign erected and maintained on private property in violation of this section or any unauthorized signs on public property other than temporary signs on a public right-of-way, except in emergency cases, without written notice delivered personally or by registered or certified mail. The notice shall be addressed on the owner or any co-owner.

of the property on which said sign is located and to the owner or lessees of the sign. If the owner or lessee fails to comply with the notice within ten (10) days thereafter, the Enforcing Officer shall cause such sign to be brought into compliance or removed, and shall assess the cost of such compliance or removal to be charged as a lien against the land on which the sign existed.

- 5) County Setback Regulations shall apply to all signs.
- 6) Permanent On-Premise Signs.
- A. Residential/Agricultural Zones

The following permanent on-premise signs shall be permitted in residential/agricultural zones, including GRA and RNC.

- 1) One non-illuminated name plate per street frontage designating the owner or the occupant and/or the address of the property. The name plate shall be no larger than two (2) square feet to be located in front yard only. Freestanding name and/or address signs shall not be more than eighteen (18) inches above ground level. Such signs are exempted from the permitting process.
- 2) Churches, schools, libraries, community centers and civic organizations are permitted one sign to serve as identification and/or bulletin boards not to exceed thirty-two (32) square feet of advertising surface. Such signs shall not exceed six (6) feet in height.
- 3) One sign per residential subdivision entrance, identifying the subdivision with a maximum size of gross area of fifty (50) square feet. The maximum height shall be six (6) feet. Indirect lighting is permitted.

- B. Commercial and Industrial Zones - The following permanent on-premise signs shall be permitted in Commercial and Industrial zones including, C-1, C-2, ID-1, and ID-2.

- 1) One freestanding or projecting advertising display sign not to exceed fifty (50) square feet. The maximum height for freestanding signs is twenty-five (25) feet.
- 2) One attached wall sign ten (10) percent of the building street front. Elevation is not to extend above the eave line of a building to which it is attached.

- C. Office and Multi-Family Residential Zones - The following

permanent on-premise signs shall be permitted in Office and Multi-Family Residential zones including GRA, RNC, C-1, C-2 and ID-1 districts.

- 1) One freestanding sign structure or wall sign identifying a Multi-Family Residential complex no more than thirty-two (32) square feet in total sign area, with a maximum height of ten (10) feet.
- 2) One freestanding sign or wall sign identifying the office building not more than thirty-two (32) square feet, with a maximum height of twelve (12) feet. One wall or freestanding directory sign located adjacent to each building entrance with a maximum size of eight (8) square feet per sign. Wall signs identifying individual offices not to exceed two (2) square feet per sign.

D. Shopping Center/Malls - The following permanent on-premise signs shall be permitted for shopping centers/malls in C-1, C-2, and ID-1 districts.

- 1) One identification sign noting the name of the shopping center or mall. A freestanding sign shall be one square foot of sign area per one linear foot of street frontage, not to exceed 200 square feet per face of sign. Maximum height for such signs shall be twenty-five (25) feet.
- 2) One attached identification sign, ten (10) percent of the building street front elevation, not to exceed 200 square feet.
- 3) Four (4) major tenant signs of twelve (12) square feet or less, each.

Section 8 - Reserved

Section 9 - Height and Area Special Exceptions

The following requirements or regulations qualify or supplement the District requirements appearing elsewhere in these Regulations.

- 1) Commercial and industrial buildings where permitted in a district may be increased in height when the building is set back from the required yard lines one foot for each three feet such building exceeds the height limit otherwise provided in the district in which the building is built.
- 2) Chimneys, water tanks or towers, penthouses, scenery lofts, elevator bulkheads, stacks, ornamental towers or spires, wireless or broadcasting towers, antennas, monuments, cupolas, domes, steeples, false mansards,

parapet walls, similar structures, and necessary mechanical appurtenance may exceed required maximum heights in any district.

- 3) Public or semi-public buildings, hospitals, sanitariums, schools and churches or temples where permitted in a district may be increased in height when the front, rear and side yards are increased an additional foot for each foot such building exceeds the height limit otherwise provided in the district in which the building is built.
- 4) Every part of a required yard shall be open from its lowest point to the sky unobstructed except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves provided that none of the above projections shall project into a minimum side yard more than 24 inches.
- 5) Any projection into a minimum yard area acceptable under the Standard Building Code, including stairways and balconies and the ordinary projections of chimneys and flues, may be permitted where the same area so placed as not to obstruct light and ventilation. The same shall not be considered as increasing the floor area of the building.
- 6) On corner lots in residential districts, the side yard regulations shall apply on the street side as well as on the inside. If a building on a corner lot shall not face in the same direction as the building on the adjoining lot on either side, there shall be a side yard adjacent to the street on which the building does not face not less in width than 50% of the front yard required on that street, and no accessory building on such corner lot shall extend beyond the said 50%.

Section 10 - Marine/Estaurine/Riverine Setback

Holmes County recognizes the importance of wetlands and areas of water-land interface in maintaining a healthy environment. The integrity of these sensitive areas will be protected by requiring shorelines to be retained in their natural state along with the banks of all marine, estaurine, and riverine systems to the extent possible. Section 10 is established to attain the following objectives:

- 1) prevent and/or reduce erosion
- 2) trap the sediment in overland run-off
- 3) protect indigenous wetlands flora, fauna, and habitat
- 4) retain and enhance physical and visual aesthetics of riverine systems.

In areas containing marine, estuarine, or riverine systems there shall be no new construction except docks, walkways, piers, and boathouses between Mean Sea Level (M.S.L.) established by the National Geodetic Vertical Datum of 1929 and an elevation of plus (+) 2.5 feet or within a minimum of 30 feet from the top of the generally recognized river or creek bank, during periods of Ordinary Low Water conditions, whichever is greater. These restrictions apply to all the unincorporated areas of Holmes County under the jurisdiction of the Board of County Commissioners which front on or are contiguous to all rivers and waterways within the unincorporated areas of the County. All applicable federal and state permits shall be obtained prior to issuance of a Land Use Certificate for construction fronting on or contiguous to these waters.

- 1) The following exceptions to the Marine/Estuarine/Riverine Setback (MERS) line are provided.
 - a. If the possibility exists that significant wetlands extend landward of the MERS line, as determined from either a Department of the Interior Wetlands Inventory Map or a copy of the most current Federal Emergency Management Agency Floodway Flood Boundary and Floodway Map, the applicant will be required to provide the County with a letter from the Department of Environmental Regulation indicating that no significant environmental impact will occur if a Land Use Certificate is granted.
 - b. If the applicant requests siting of a structure or conducting an activity prohibited by this Ordinance waterward of the MERS line by no more than 15 feet and the possibility exists that no wetlands or highly eroding lands are present between the MERS line and the water's edge, as determined by a Department of the Interior Wetlands Inventory Map or a copy of the most current Federal Emergency Management Agency Floodway Flood Boundary and Floodway Map, the applicant will be required to provide the County with a letter from the Department of Environmental Regulation indicating that no significant environmental impact will occur if a Land Use Certificate is granted.
- 2) The use of natural means, i.e. vegetation and beach renourishment, shall be used to stabilize erosion prone areas and shall be designed and implemented in accordance with sound environmental and engineering practice. Natural erosion control methods create a

buffer zone providing for a greater change of natural recover, the normal progress of natural processes, and the entrapment of sediment laden waters.

- a. The vegetation used in erosion control methods shall be those indigenous to the region.
 - b. Site grading, excavating or other activities which significantly disturb the property shall not be allowed landward of the MERS line unless those activities are consistent with the intent of this ordinance and specifically authorized by a County permit.
 - c. Applicant are encouraged to place all structures, except those which are water dependent, as far landward of the MERS line as practical.
 - d. Enhancement or shore protection structures shall be placed as specified in subsection 3)b.2) below. If not specified, the location of the structure will be determined by a registered Professional Engineer knowledgeable in coastal processes or by guidelines established by the Army Corps of Engineers, "Shore Protection Manual" and shall be consistent with the provisions of this subsection.
- 3) The use of seawalls, bulkheads, groins, and similar structures (interchangeably referred to as rigid shore protection structures) shall not be permitted except where otherwise stated in this Ordinance. The use of rigid shore protection structures may cause significant environmental impacts. These impacts can result in increased overland runoff, loss of valuable topsoil, increased water turbidity, loss of wildlife habitat, and the loss of the natural amenity associated with shoreline areas. If available engineering data indicates that rip-rap, sloping revetments, short groins, sills, and other enhancement structure methods in combination with revegetation, are the only effective means to protect an area, and all state and federal permits are obtained, the proposed device will be evaluated on a case-by-case basis with a variance required from the Board of County Commissioners. Where applicable, the decision to grant a variance shall be based on guidelines established by the Army Corps of Engineers, "Shore Protection Manual" or data provided by a registered Professional Engineer knowledgeable in hydrological

processes, the choice of which is at the sole discretion of the County Commissioners.

Upon the granting of a variance the approved structure will be subject to a trial period of 360 days. The structures and measures shall comply with appropriate state and federal regulations and cause no significant adverse impact to the adjacent or downdrift property owners or to the environment. If state and federal permits are not required, the appropriate agencies shall be notified of the request.

- a. Where there exists a continuous and uniform line of rigid shore protection structures adjoining each side of the proposed rigid shore protection structure and clear deleterious effects are demonstrated as a result of the location of the adjacent existing structures, the proposed structure may be authorized along an alignment which closes the gap between the adjoining rigid protection structure to limit the physical impact to the property from those structures.
- b. Construction of rigid shore protection structures designed primarily to protect minor structures (as defined by Chapter 16B-33, F.A.C.) or nonhabitable major structures shall not be permitted. Excluded from this prohibition are structures which are designed to protect major public roads, highways, water or sewage treatment plants, or public power facilities.
 - 1) In these instances in which a rigid protection structure is the only feasible means of protecting an existing habitable major structure, major public road, highway, water or sewage treatment plant, or public power facility, the rigid coastal protection structure shall be located as far landward as possible, consistent with design and construction requirements.

- 2) Proposed rigid shore protection structures shall be designed to minimize erosive and scour effects. Sloping rock revetments, rubble mound structures, and toe-scour protection are required in front of vertical bulkheads and seawalls.
- c. A property with frontal coverage of a rigid shore protection structure, except those specified in 3)b.1) may have the length of the protection structure limited in order to minimize adverse impacts to adjacent property not protected by rigid coastal protection structures. The owner of a proposed rigid shore protection structure shall protect the ends of the structure according to sound hydrological engineering practice.
- d. The selection of material and design of revetments, rubble mounds or similar structures shall be based on guidelines established by the Army Corps of Engineers, "Shore Protection Manual".
- 4) The repair of an existing functional shore protection structure shall be exempted from the setback of this Ordinance. Repair is defined as the mending of a structure in which no more than fifty percent of the structure requires replacement. Prior to the repair of any shore protection structure, the property owner must notify the County of the intended work, the extent of the work contemplated, notify all appropriate state and federal agencies, and meet all state and federal regulations.
 - a. If more than fifty percent of a shore protection structure must be replaced, the provisions of this Ordinance shall apply.
 - b. An abandoned seawall or bulkheading shall be removed by the owner within a reasonable period of time as specified by the County Building Official.
- 5) Section 10 shall not be construed as to prevent the doing of any act necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency (as defined by Chapter 16B-33, F.A.C.) and the necessity of obtaining a permit is impractical and would cause undue hardship

in the protection of life and property.

- a. A report of any such emergency action shall be made to the County Building Official or County Engineer by the owner or person in control of the property upon which emergency action was taken as soon as practicable, but no more than ten calendar days following such action. Remedial action may be required by the County Building Official or County Engineer subject to appeal to a Board of County Commissioners in the event of a dispute.
- 6) The Board of Adjustment (BOA), as established by Holmes County, shall hear and make recommendations to the Board of County Commissioners who shall decide appeals and requests for variance from the requirements of this Section as provided for by Article VIII of this Ordinance.

ARTICLE VIII

Land Use Regulations Board of Adjustment

Section 1 - Establishment and Procedure

A Board to be known as the "Land Use Regulations Board of Adjustment (BOA)" is hereby established. The Board of Adjustment shall hear and make recommendations to the Board of County Commissioners that requests for Variances and Special Exceptions be granted or denied. Said BOA shall also hear and make recommendations to the Board of County Commissioners concerning appeals made by those persons aggrieved by interpretations of administration of these Regulations. The Board of Adjustment shall consist of five voting members, serving three year terms, appointed upon request of the Chairman of the Board of County Commissioners and upon confirmation of the Board of County Commissioners and one non-voting member (ex-officio) nominated by the Board of County Commissioners.

The BOA shall elect a Chairman and Vice Chairman from among its members. All meetings and hearing shall be held at the call of the Chairman and shall be open to the public. The BOA shall adopt its own rules of procedure not in conflict with these Regulations or with the applicable statutes of the State of Florida.

Any member of the BOA may be removed by the Board of County Commissioners for cause.

Section 2 - Powers and Duties

The BOA shall have the following jurisdiction and authority:

Special Exceptions

The BOA is authorized to hear and recommend to the Board of County Commissioners action to approve or disapprove only such Special Exceptions, as specifically authorized by these Regulations. The Board of County Commissioners may decide: (a) such questions as are involved in determining whether Special Exceptions should be granted; (b) to grant Special Exceptions with such conditions and safeguards as are appropriate under these Regulations; or (c) to deny Special Exceptions when not in harmony with the purpose and intent of these Regulations. A Special Exception shall not be recommended by the Board of Adjustment or granted by the Board of County Commissioners unless said Board finds:

- 1) A written application for a Special Exception is submitted indicating the section of this Ordinance under which the Special Exception is sought and stating the grounds on which it is requested.
- 2) A public hearing shall be held by the Board of County Commissioners. The owner of the property for which Special Exception is sought or agent for the owner, and the owners of the property within 500 feet of the affected property shall be notified by regular mail, at least 15 days prior to the public hearing. Notice of such hearing shall be posted in a conspicuous spot on the property for which Special Exception is sought, at the Holmes County Courthouse, and published in a newspaper in general circulation in Holmes County 15 days prior to the public hearing. If the Board of County Commissioners calls a public hearing, the applicant shall deposit with the Board of County Commissioners an amount to be determined by the Board of County Commissioners from time to time, to cover the cost of hearing, publication and distribution of notice.
- 3) The public hearing shall be held by the Board of County Commissioners. Any party may appear in person or be represented by agent or attorney.
- 4) Before any Special Exception shall be issued, the Board of County Commissioners shall make written findings certifying compliance with the specific rules governing individual special exceptions, and that satisfactory provision and arrangement have been made concerning that following where applicable:
 - (a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic

flow and control, and access in case of fire or catastrophe.

- (b) Off-street parking and loading areas, where required, with particular attention to the items in (a) above, and the economic, noise, glare, or odor effects of the Special Exception on adjoining properties and properties generally in the District.
 - (c) Refuse and service areas with particular reference to items (a) and (b) above.
 - (d) Utilities with reference to location, availability, and compatibility.
 - (e) Screening and buffering with reference to type, dimensions and character.
 - (f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the District.
 - (g) Required yards and other open space.
 - (h) General compatibility with adjacent properties and other property in the District.
- 5) The Board of County Commissioners may impose such conditions on the granting of the Special Exception as may be necessary to prevent injurious effects on other property in the District.
- 6) Notification: Within 15 days of the date of public hearing the Board of County Commissioners shall send to the person or entity requesting the Special Exception a notification of the action taken and the finding of fact upon which such action was taken.

Variances

The Board of County Commissioners may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to prevent injurious effects upon other property in the neighborhood and to better carry out the general intent of this Ordinance.

- 1) Conditions. No variance in the application in the provisions of this Ordinance shall be made or granted by the Board of County Commissioners unless said Board shall find:

- (a) That there are exceptional circumstances or conditions applicable to the property that do not apply generally to other property in the same vicinity and District.
 - (b) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and District, but which is denied to the property in the request.
 - (c) That the granting of such variance will not be injurious to the property or improvements in such vicinity and District in which the property in question is located or otherwise detrimental to the public welfare.
- 2) The Board of County Commissioners shall make findings that the requirements above have been met by the applicant for variance.
 - 3) The Board of County Commissioner shall further make a finding that the reasons set forth in the application justify the granting of a variance, and that the variance is the minimum variance that will make possible the use of land, building, or structure.
 - 4) Notification: The Board of County Commissioners shall, within 15 days of the date of decision, send to the person or entity requesting the variance notification of the actions and the finding of fact upon which action was taken.

Appeals

Appeals from decisions of the Enforcing Officer may be taken to the BOA by any person aggrieved by interpretation or administration of these Regulations. Such appeals shall be submitted within 30 days of the decision over which such appeals is made by filing an Application for Appeal (Notice of Appeal) specifying the grounds for appeal. The Enforcing Officer shall forward copies of all papers constituting the record upon which the original action was taken to the Board of Adjustment (BOA).

The BOA shall fix a time for hearing the appeal and give due notice to parties in interest. A recommendation to the Board of County Commissioners shall be made by the Board of Adjustment within 15 days from the date the appeal was filed. Any party may appear at the hearing in person or be represented by an agent or attorney.

Notification: The Board of Adjustment shall, within 15 days of the date of

hearing, file with the Board of County Commissioners notification of the recommendation on the matter and the finding of fact upon which the recommendation was based.

ARTICLE IX

ENFORCEMENT AND PENALTY

Section 1 - Enforcement

The County Clerk or his duly authorized representative is hereby designated the Enforcing Officer and is authorized to enforce these Regulations.

Section 2 - Misdemeanor

Any person who shall violate any of the provisions of these Regulations, or amendments thereto, or who shall fail, neglect or refuse to comply with any order or notice in pursuant and by authority of these Regulations, shall be guilty of a misdemeanor of the second degree and shall be subject the punishment as prescribed by law.

Section 3 - Injunctive Relief

Upon approval of the Board of County Commissioners, the Enforcing Officer, in the name of Holmes County, may institute a civil action in a Court of competent jurisdiction to seek injunctive relief to enforce compliance with these Regulations. The bringing of an action requesting injunctive relief shall not limit or prohibit the issuance of an injunction for any other violation of these Regulations. All of the judicial and administrative remedies that are provided within these Regulations shall be independent and cumulative.

Section 4 - Daily Penalties

For the purpose of these Regulations, a separate offense shall be deemed committed for each day a violation of these Regulations exists, said time commencing at the time of notifying the offender of the violation.

ARTICLE X

MANDATORY REVIEW

At least once every five years commencing from the date of adoption of these Regulations, the Board of Adjustment, assisted by the Enforcing Officer, shall have completed the review of these Regulations, determine such changes as necessary, if any, and recommend any required amendments to the Board of County Commissioners.

ARTICLE XI**AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS TO
AMMEND, SUPPLEMENT, CHANGE, MODIFY OR REPEAL**

The Board of County Commissioners may from time to time amend, supplement, change, modify or repeal the regulations, restrictions or District boundaries set out in these Regulations.

- 1) Any person requesting an amendment, supplement, change or repeal of any regulation, restrictions or District boundary in these Regulations shall make an application for such change with the Enforcing Officer and the Board of Adjustment on forms provided by the Enforcing Officer.
- 2) The Board of Adjustment shall review each application and make their recommendation to the Board of County Commissioners not later than 45 days after submission of the Application to the Board of Adjustment. On all requests, the Board of Adjustment shall either recommend to the Board of County Commissioners that a public hearing be held; and the request granted or denied at the conclusion of the hearing.
- 3) If the Board of County Commissioners calls a public hearing, the applicant shall deposit with the Board of County Commissioners an amount to be determined by the Board of County Commissioners from time to time, to cover cost of hearing, and publication and distribution of notice. At least 15 days prior to the rezoning hearing a copy of such notice shall be mailed to all owners of property lying within 500 feet (excluding roads and streets of the affected area or parcel). All owners of property under consideration for change will be notified by regular mail. At least fifteen days notice of the time and place of the public hearing shall be published in a newspaper of general circulation. Also the parcel of land affected by the proposed change will be posted with a notice advertising the public hearing at least 30 days before the hearing date. If the amendment, supplement, change, modification or repeal is other than a rezoning, public notice by publication in a newspaper of general circulation at least fifteen days prior to said action shall be proper notice.

ARTICLE XII**SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, phrase or portion of these Regulations is for any reason found void, invalid, unlawful, or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed to be a separate, distinct, independent, and severable provision and such holding shall not affect the validity of the remaining portions of these Regulations.

ARTICLE XIII

HIGHER STANDARDS

Where any section, subsection or phrase of these Regulations may be deemed to be in conflict with any section, subsection, sentence or phrase of any other regulation or ordinance of Holmes County, Florida, the regulation or ordinance requiring the higher standard shall prevail.

ARTICLE XIV

EFFECTIVE DATE

These Regulations shall take effect upon receipt of notice of filing from the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
OF HOLMES COUNTY, FLORIDA

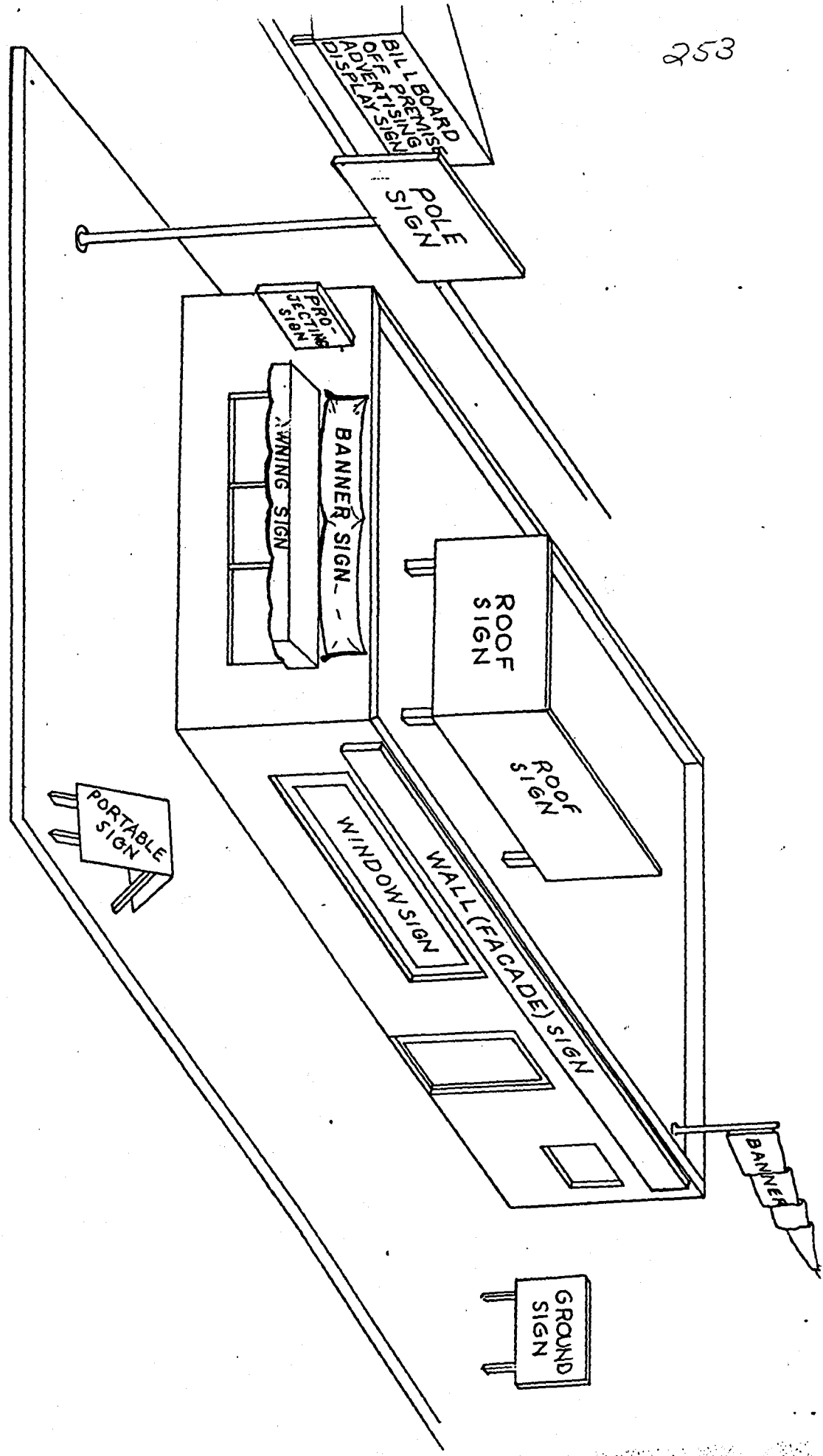
By: _____
Chairman

ATTEST:

By: _____

(SEAL)

ADOPTED: _____



SIGN TYPES
Figure 1