

## **ARTICLE 7. ON-SITE DEVELOPMENT STANDARDS**

### **7.1 GENERAL REQUIREMENTS**

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### **7.3 ACCESSORY STRUCTURES AND USES**

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#### **7.1 GENERAL REQUIREMENTS**

##### **A. Number of Structures on a Lot**

In the R-1AA, R-1A, and R-1, Districts there shall be no more than one principal building per lot. This does not include permitted accessory structures, permitted accessory dwelling units, or agricultural structures. This also does not apply to educational facilities. In all other districts, more than one principal building is permitted on a lot, provided that it complies with all dimensional standards of the district.

##### **B. All Activities within an Enclosed Structure**

Within all districts, all activities must be conducted entirely within an enclosed structure, with the exception of the following uses and activities:

1. Parking lots, principal and ancillary.
2. Park/playground, conservation areas, and similar open space uses.
3. Establishments with a permitted outdoor component, including, but not limited to, agriculture, outdoor amusement facilities, outdoor storage yards, heavy retail, rental, and service, outdoor storage yards, salvage yards, outdoor dining, car washes, animal care facilities, kennels, and similar businesses. However, these businesses may be limited or the outdoor components prohibited as a condition of a special use, when special use approval is applicable.
4. Permitted outdoor storage, and outdoor sales and display areas.
5. Permitted outdoor temporary uses.

##### **C. Applicability of Required Setbacks**

No lot may be reduced in area so that the setbacks are less than required by this Code. The required setbacks for a lot cannot be considered a setback for any other lot. No principal building or accessory structure may be located in a required setback unless specifically permitted by this Code or a variance is approved.

##### **D. Applicability of Bulk Requirements**

All structures must meet the dimensional requirements of the zoning district in which the structure is located. No existing structure may be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the district in which the structure is located unless a variance is approved.

## **E. Sight Triangle**

All structures, including a closed fence or wall, and all plantings are limited to a maximum height of three feet within the sight triangle. A semi-open fence that complies with all fence requirements that does not impair the sight triangle is permitted.

## **7.2 EXTERIOR LIGHTING**

### **A. Lighting Plan Required**

1. A lighting plan is required for all for all subdivisions, non-residential uses and multi-family and townhouse dwellings. Single-family – detached and attached and two-family dwellings are exempt from a required lighting plan but are subject to applicable lighting requirements.
2. A lighting plan must include the following:
  - a. A plan showing all light pole locations, building-mounted lights, bollard lights, and all other lighting, with schematic wiring layout and power source connection indicated.
  - b. Specifications for luminaires and lamp types, poles, wiring, conduit, and appurtenant construction, including photographs or drawings of proposed light fixtures.
  - c. Pole, luminaire, and foundation details including pole height, height of building-mounted lights, mounting height, and height of the luminaire.
  - d. Elevations of the site including all structures and luminaires sufficient to determine the total cut off angle of all luminaires and their relationship to abutting parcels.
  - e. Photometric plans that show the footcandle measurement at all lot lines.
  - f. Other information and data reasonably necessary to evaluate the required lighting plan.

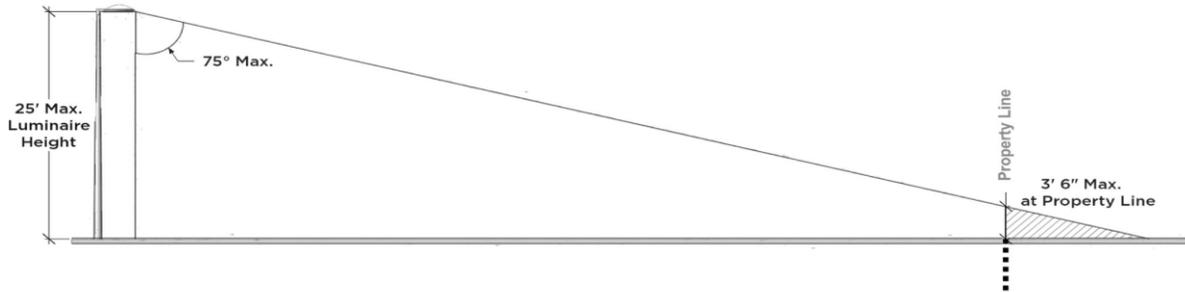
### **B. Maximum Lighting Regulations**

1. The maximum allowable footcandle at any lot line is one footcandle.
2. When additional security lighting is required for security reasons in excess of the footcandle limit imposed by item 1 above, additional lighting may be allowed based on evidence for the need for additional security through site plan review.
3. No glare onto adjacent properties is permitted.

### **C. Luminaire with Cut Off Standards**

1. To be considered a cut off luminaire, the cut off angle must be 75 degrees or less.
2. The maximum total height of a cut off luminaire, either freestanding or attached to a structure, is 25 feet. Any luminaire greater than 25 feet in total height requires special use approval.
3. A cut off luminaire must be designed to completely shield the light source from an observer three and one-half feet above the ground at any point along an abutting lot line.

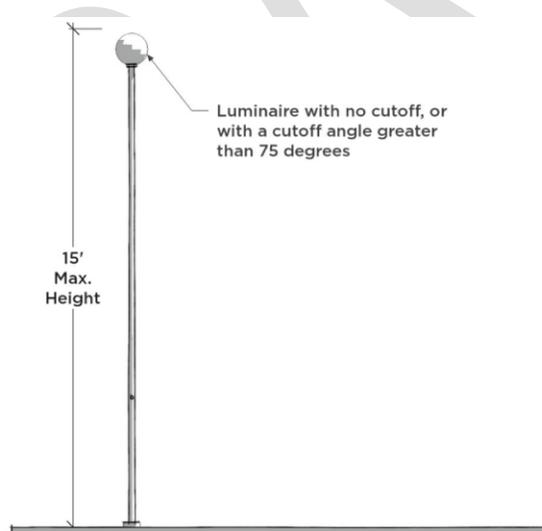
**FIGURE 7-1: CUT OFF LUMINAIRE**



**D. Luminaire with No Cut Off Standards**

1. A luminaire is considered to have no cut off if it is unshielded or has a cut off angle greater than 75 degrees.
2. The maximum permitted total height of a luminaire with no cut off is 15 feet. Any luminaire greater than 15 feet in total height requires special use approval.

**FIGURE 7-2: NO CUT OFF LUMINAIRE**



**E. Streetlight requirements.**

1. All streetlights in residential districts shall be high-pressure sodium vapor type, Light Emitting Diode (LED), or equivalent in output as measured in footcandle and lumens. Such alternative lighting shall be proven to be equivalent and approved by the city council.
2. All streetlights shall be located on wood, metal, aluminum, fiberglass or pre-stressed concrete poles as approved and accepted for maintenance by the local electrical utility company.

3. Fixture types shall be read 100 watts or 250 watts and be of the “Cobrahead” type.
4. Alternative decorative lighting fixtures and poles may be approved by the city and local electrical utility company.
5. Maximum distances between fixtures shall be 125 feet for 100-watt fixtures and 250 feet for 250-watt fixtures. Adjustments may be approved by the city when it is determined that the local electrical utility company transformers or wiring require minimal adjustments. Lighting as a general rule will be located on transformer poles or on the nearest pole to a pad mounted transformer.

#### **F. Exceptions to Lighting Standards**

1. Luminaires used for public roadway illumination are exempt from the requirements of this section, except for those found in subsection E above.
2. All temporary emergency lighting required by public safety agencies, other emergency services, or construction are exempt from the requirements of this section.
3. Because of their unique requirements for nighttime visibility and limited hours of operation, outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, golf driving ranges, show areas, and other similar uses are exempt from the requirements of this section. Recreational facilities are permitted a total luminaire height of 60 feet in any district. Luminaires greater than 60 feet in total height require special use approval.
4. Certain temporary uses may be unable to meet the requirements of this section. When such temporary uses are allowed, approval of all lighting is required as part of the temporary use permit.

#### **F. Prohibited Lighting**

1. Flickering or flashing lights are prohibited.
2. Searchlights, laser source lights, or any similar high intensity lights are prohibited.

### **7.3 ACCESSORY STRUCTURES AND USES**

All accessory structures and uses are subject to the requirements of this section.

#### **A. General Regulations for Accessory Structures**

All accessory structures are subject to the following regulations, in addition to any other specific regulations within this section.

1. No accessory structure may be constructed prior to construction of the principal building to which it is accessory.
2. Accessory buildings shall not require city development approval, but must meet city regulations and development standards. Accessory buildings require a county permit according to the state building code.

3. Certain accessory structures may be prohibited in certain yards. The use of the term “yard” refers to the area between the applicable building line and lot line. The distinction is made because certain principal buildings may not be built at required district setback lines, thereby creating a yard larger than the minimum setback dimension. If a structure is permitted within a yard, **it is permitted within the required setback subject to any additional limitations.** Where there is no structure to determine yard location, yards are the same as the minimum district setback dimensions and the accessory structure is permitted in the buildable area.

4. The maximum height of any detached accessory structure shall not exceed the height of the primary structure, unless otherwise permitted or restricted by this Code. Where there is no primary structure, the height of the accessory structure **shall not exceed 18 feet.**

5. Accessory structures are included and must comply with all maximum impervious surface and building coverage requirements.

6. Accessory structures are limited to 25% coverage of any yard.

7. The footprint of a detached accessory structure cannot exceed the footprint of the principal building.

8. Any accessory structure located closer than ten (10) feet to the primary structure shall be construed as part of the primary structure and shall observe all setback requirements for said primary structure.

9. Accessory structures must be at least five (5) feet from any lot line, unless otherwise permitted or restricted by this Code.

10. No accessory building shall be erected in any required front or side yard. Accessory buildings may be constructed in the rear yard provided such building meets the above and any other applicable standards.

### **B. Amateur (HAM) Radio Equipment**

1. Towers that solely support amateur (HAM) radio equipment and conform to all applicable performance criteria as set forth in Section 7.5 are permitted only in the rear yard, and must be located 10 feet from any lot line and any principal building. Towers are limited to the maximum building height of the applicable district plus an **additional 10 feet,** unless a taller tower is technically necessary to engage successfully in amateur radio communications and a special use approval is obtained.

2. Antennas may also be building-mounted and are limited to a maximum height of 10 feet above the structure, unless a taller antenna is technically necessary to engage successfully in amateur radio communications and special use approval is obtained.

3. Every effort must be made to install towers or antennas in locations that are not readily visible from adjacent residential lots or from the public right-of-way, excluding alleys.

4. An antenna or tower that is proposed to exceed the height limitations is a special use. The operator must provide evidence that a taller tower and/or antenna is technically necessary to engage successfully in amateur radio communications. In addition, the applicant must provide evidence that the tower and/or antenna will not prove a hazard and that it conforms to all applicable performance criteria of Section 7.5. As part of the application, the applicant must submit a site plan showing the proposed

location of the tower or antenna, as well as its relation to the principal building and accessory structures.

5. Any such antennas and/or towers owned and operated by the City or County are exempt from these requirements.

### **C. Apiary**

Apiaries as an accessory use do not apply to lots that are in use for agriculture as a principal use. Apiaries shall be permitted in R-1AA and R-1A zoning districts only.

1. Apiaries are permitted only in the rear yard and must be located 10 feet from any lot line and the principal building.
2. All bee colonies must be kept in a removable frame hive, which must be kept in sound and usable condition.
3. Where any colony is located within 25 feet of a lot line, as measured from the nearest point on the hive to the lot line, the beekeeper must establish and maintain a flyway barrier at least six feet in height consisting of a hedge, fence, solid wall, or combination that is parallel to the lot line and extends 10 feet beyond the colony in each direction so that bees are forced to fly at an elevation of at least six feet above ground level over adjacent lots in the vicinity of the apiary.
4. Each beekeeper must provide a convenient source of water available to the bees at all times.
5. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, the beekeeper must promptly re-queen the colony.
6. Apiaries do not require a building permit.

### **D. Aquaculture/Aquaponics**

Aquaculture/aquaponics facilities as an accessory use do not apply to lots that are in use for agriculture as a principal use.

1. Aquaculture/aquaponics facilities do not require a building permit.
2. Aquaculture/aquaponics facilities are permitted only in the rear yard and must be located 10 feet from any lot line.
3. All aquaculture/aquaponics operations must be located within fully or partially enclosed structures designed for holding and rearing fish, and contain adequate space and shade.

### **E. Boathouse**

1. No boathouse shall be built until development authorization has been granted by the planning and development department which shall take into consideration the effect upon navigation and the neighborhood in obstructing the view, use and enjoyment of such body of water by the neighborhood and general public.

**2.** No boathouses shall be built along the shores or in or upon the water, except in compliance with the following regulations:

**a.** A boathouse may be erected on a lot fronting the shoreline and may extend across the shoreline, but the inshore side of such boathouse shall not be erected or be situated any further out from the shoreline than the mean depth of three feet as mean low tide; provided further that in no event shall the boathouse extend a distance of more than 50 feet from the shoreline of the body of water. Furthermore, where the channel of the body of water is so narrow that a distance of 50 feet from the shoreline would prevent passage in such channel, said boathouse shall be placed at a distance from the shoreline, which in the opinion of the technical review committee (TRC), shall permit passage of boats in such channel;

**b.** No boathouse, dock or approach to the boathouse shall be closer to the lot lines of the designed lots than a minimum footage of ten feet, nor shall any boathouse extend to a height or more than 20 feet from above the elevation 0.0 based upon the United States Coastal and Geodetic Datum Plan, rather than mean low tide;

**c.** The square foot area of any boathouse shall not exceed 40 percent of the area of the main dwelling or structure on the lot, exclusive of garages, porches, and exterior buildings;

**d.** Each boathouse constructed upon any building lot shall conform as nearly as possible to the main dwelling or structure in general architecture and construction, except for masonry construction, but in all events the construction shall be approved to carry out the intent of these provisions. In no event shall sheet metal or ironclad sliding or roof be permitted, except such siding having a coating of baked-on enamel or other similar material as otherwise approved;

**e.** No boathouse shall be used for living quarters, and the use of boathouses shall be confined structurally to the housing of boating and water equipment. No boat, whether housed inside a boathouse or otherwise, shall be used for living quarters for a period exceeding five days, unless a permit is first obtained from the planning and development department. No more than four permits shall be issued within a one-year period, and no permit shall exceed 30 days;

**f.** No boathouse shall be constructed or altered hereafter without first obtaining the permits from applicable governmental agencies prior to obtaining authorization from the city; and

**g.** Piers may be erected in accordance with this section regulating length, lot lines and area. A building permit shall be required.

#### **F. Book Exchange Box**

A book exchange box is an accessory structure maintained by a resident on private property where books and recorded performing arts are kept for public use and/or exchanges with no fees or sales, and are publicly accessible. Book exchange boxes are allowed in the R-1, R-2, R-3, and R-C1 Districts and are subject to the following requirements:

**1.** Book exchange boxes are allowed only on minor streets in the permitted residential districts, as defined in Article \_\_\_, or on residential private streets as defined in Chapter \_\_\_ of the City of Milton Code of Ordinances.

2. Boxes are limited to a maximum height of six feet measured to the highest point on the structure, and a maximum width and depth of three feet.
3. Boxes are permitted only in the front or side setback and must be located a minimum of five feet from any lot line.
4. Boxes are prohibited in the public right-of-way.
5. Boxes cannot be constructed or installed in a manner that obstructs visibility of intersections or within the site triangle.
6. Permanent foundations for the boxes are prohibited. Temporary foundations comprised of concrete, masonry pavers, or other similar movable materials are allowed.
7. Each box must be designed and constructed in such a manner that books are protected from the elements. All books must be fully contained within a weatherproof enclosure that is integral with the structure that comprises the book exchange box.

#### **G. Carport**

1. Carports must be located over a driveway.
2. A carport is permitted only in the interior side yard, corner side yard, or rear yard.
3. The total length of a carport is limited to 20 feet. The height of a carport is limited to 10 feet.
4. A carport must be entirely open on at least two sides except for the necessary supporting columns and customary architectural features.
5. A carport must be constructed as a permanent structure. Temporary tent structures are not considered carports.

#### **H. Chicken Coops**

Chicken coops as an accessory use do not apply to lots that are in use for agriculture as a principal use.

1. Chicken coops are permitted in the rear yard only.
2. No chickens may be kept or raised within the city for the purposes of sale or breeding.
3. Up to a maximum of eight hens on any lot. The owner of the hens must be a resident of the dwelling on the lot.
4. Roosters are prohibited.
5. With the exception of the R-1AA District, all hens must be provided with both a chicken coop and a fenced outdoor enclosure, subject to the following provisions. In the R-1AA District, hens are allowed to free roam on the property.
  - a. The chicken coop must provide a minimum of five square feet per hen.
  - b. The chicken coop and fenced enclosure must be kept in good repair, maintained in a clean and sanitary condition, and free of vermin, obnoxious smells, and substances. The facility must be

adequately lit and ventilated and be equipped with a water trough and feed box attached in such a manner as to prevent contamination.

c. The chicken coop must be designed to ensure the health and wellbeing of the hens, including protection from predators, the elements, and inclement weather.

d. **The chicken coop must** be located upon an impermeable surface that prevents waste run-off.

6. All manure must be composted in enclosed bins.

7. Slaughtering of chickens on-site is prohibited.

#### **I. Coldframe Structures**

1. Coldframe structures do not require a building permit.

2. Coldframe structures up to three feet in height are permitted only in the interior side, corner side, and rear yards.

3. Coldframe structures over three feet in height are permitted only in the rear yard.

4. Coldframe structures are limited to a maximum square footage of 60 square feet and a maximum height of six feet. In the R-A District, coldframe structures are permitted a maximum square footage of 120 square feet.

#### **J. Collective Alternative Energy System**

1. A collective alternative energy system, such as solar, wind, or geothermal, is permitted to be shared by property owners or a neighborhood organization, homeowners association, or institutional use.

2. Properties may share an alternative energy system, including permission to install equipment along all properties. All owners must agree to such arrangement, and an agreement is recorded as a "collective alternative energy servitude" on each plat of survey and access is granted to all participants to maintain equipment. A management plan must be submitted and servitude recorded.

3. Collective alternative energy systems must be built in accordance with accessory use standards for the particular type of energy system used, as described in this section, and any other applicable Federal, State, and local regulations.

#### **K. Electric Vehicle Charging Station**

1. Commercial electric vehicle charging stations are permitted as an accessory use within any parking lot, parking structure, or gas station in all districts.

2. Private charging stations are permitted as an accessory use to all residential uses to serve the occupants of the dwellings located on that property.

3. Electric charging station equipment may not block the public right-of-way.

4. Each public charging station space must be posted with a sign indicating the space is only for electric vehicle charging purposes. Days and hour of operations must be included if time limits of tow away

provisions are to be enforced by the owner. Information identifying voltage and amperage levels or safety information must be posted.

5. Charging station equipment must be maintained in good condition and all equipment must be functional. Charging stations no longer in use must be immediately removed.

#### **L. Fallout Shelters**

1. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*a. Aboveground* means constructed entirely above the natural grade of the property, exception the foundation.

*b. Underground* means constructed entirely below the natural grade of the property, except vents (not to exceed 36 inches in height) and entrance ways (not to exceed 36 inches in height when in open position).

2. *Permitted locations.* Fallout shelters shall be permitted as follows:

*a.* One-family and two-family shelters shall be permitted in any residential district;

*b.* Community shelters (providing more than one-family or two-family use) shall be permitted in any zoning district provided it can be demonstrated on the application for development approval or during the development review process that any incompatibilities between existing adjacent uses or districts will be property mitigated; and

*c.* Display shelters for commercial purposes (not to be occupied) shall be permitted in commercial districts only, not including R-C1.

3. *Specifications.* All structures constructed as fallout shelters shall be those types approved by or in accordance with the plans issued by the Office of Civil Defense Mobilization (OCDM); provided, however, any plans or structures to be used as fallout shelters not previously approved by OCDM shall bear the signature and seal of a state registered architect or professional engineer.

4. *Setback requirements.*

*a.* Aboveground fallout shelters shall be considered as an accessory structure and must meet the setback requirements for an accessory building.

*b.* A fallout shelter may be attached to a principal structure provided it meets the same setback requirements as the principal structure.

*c.* Underground fallout shelters may be located anywhere on the property in question; provided the entrance to the shelter and the vent pipes are the only portions thereof which are aboveground or above the normal grade level.

5. *Uses permitted.* All shelters constructed under these special regulations for use as a fallout shelter shall be for emergency use only and shall not be used as a habitable dwelling facility.

**6. Permits required.** A building permit is required to be issued for all fallout shelters, whether aboveground or underground, prior to the initiation of construction activity.

## **M. Fences and Walls**

### **1. General Requirements**

a. The erection of all **new fences and walls and repair of 50 percent** or greater of an existing fence or wall, shall require a city development permit.

b. In any district, no fence, wall or other obstruction shall be erected or maintained at a corner within 15 feet from the intersection of the right-of-way lines. Special exceptions to this provision may be allowed by written approval from the city chief of police and the zoning coordinator, who shall determine whether or not the exception would create a traffic hazard.

c. All fences and walls must be maintained in good repair and safe condition at all times. Damaged or missing elements shall be repaired, removed, or replaced.

d. Repairs to existing fences shall be made of the same or similar material and consist of the same design elements including color, material, and height as the remainder of the existing fence or wall.

e. Height is measured from the adjacent ground to the highest point, except that decorative posts of a fence or wall may exceed the maximum height by six inches.

f. Walls and fences shall be constructed with approved materials and workmanship as determined by the planning and development department. Horizontal and vertical support posts shall be placed facing the inside of the fenced area when the fence abuts a street, except where the fence is designed such that both sides are finished with alternating vertical fence supports and those vertical supports are covered by the alternating pattern.

g. When fence requirements are a condition of a use or site element, such requirements control.

h. When additional fence and wall requirements are found in the use standards of Article 6 or the landscape standards of Article 8, such requirements control.

### **2. Additional Fence and wall requirements in Special Districts.**

a. Purpose and Intent.

i. To protect and enhance the character of the Historic District

ii. To promote a visual aesthetic in keeping with the special historic, architectural, and cultural values of the Historic District.

b. Generally.

All fences and walls located within the designated Historic District should follow the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the City of Milton's Pattern Book. Any newly constructed or replacement fence located on a non-contributing property within the Historic District shall not require a certificate of appropriateness. No new fence or wall shall be erected on non-contributing properties located within the City's Historical District without

approval by the planning and development department. No significant repair or replacement of a deteriorated existing fence or wall located on a non-contributing property within the City's Historical District shall occur without approval by the planning and development department.

**c. Materials.**

- i. New fences should complement the style, design, color, and material of the building(s), the building site, and the surrounding neighborhood.
- ii. A single lot shall contain no more than two types of fencing material.
- iii. Decorative fences made of cast iron, wrought iron, simulated wrought iron, wood pickets or other historic materials are appropriate materials for front yards and along street fronts.
- iv. Privacy wood fences are appropriate for rear and side yards.
- v. Fencing materials may be approved on a case-by-case basis. The planning and development department may consider alternative materials.
- vi. Deteriorated sections of fencing should be replaced with materials of matching design, texture and color whenever possible.

**d. Heights.**

Shall be compatible with the fence requirements of the underlying zoning district in which the property is located.

**e. Placement.**

New fences should be compatible with the site façade setback, size, and scale to protect the historic integrity of the district. Privacy fencing for the rear and side yards shall be placed behind the front façade of the building.

**3. Temporary fence requirements.**

**a.** A temporary fence is a brief alternative to a permanent fence and is used only on an interim basis for public safety or security, crowd control, storage, theft deterrence and for other situations which necessitate the demarcation or access control of the general public.

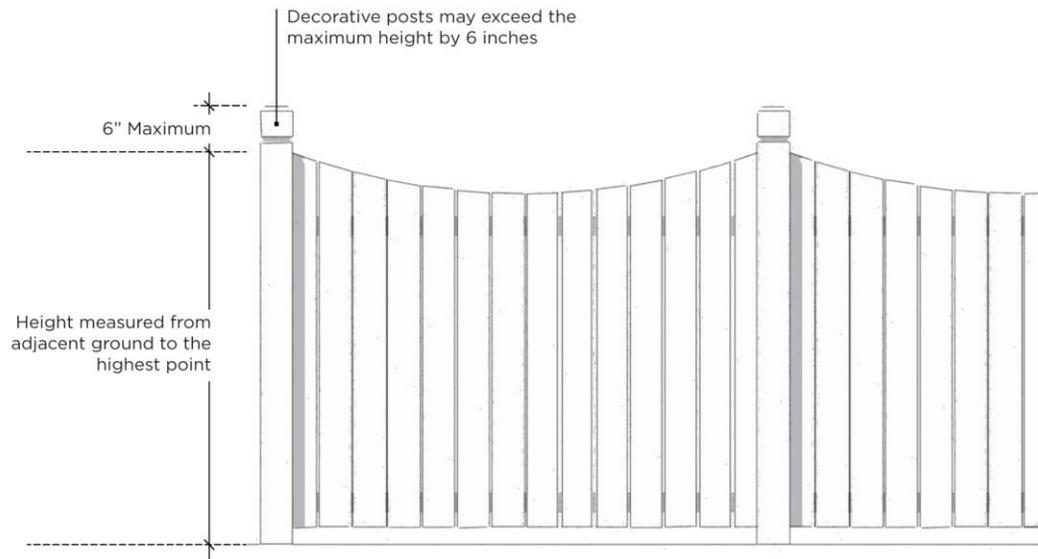
**b.** Temporary fence design shall conform to the needs of the situation and the length of time to be used. Temporary fence materials will be approved on a case-by-case basis. Site placement of a temporary fence shall conform to Article 6 (M)(1) of the City of Milton Code of Ordinances. In no instance or in any district shall barbed wire, razor wire, electrified fence, and/or chicken wire or any other form of metal farm fence, be used as a temporary fence material.

- i. *Farm fence* includes any variety of woven wire, cable, and mesh wire generally found in a rectangular pattern. This does not include cyclone or chain link fence material.

**c.** The construction of a temporary fence in any district which will be in place for a period of time to exceed 7 days shall require a temporary fence permit.

d. The use of police tape, caution tape, pylons, cones, mobile bollards, A-frame type signs, and other materials of an impermanent nature shall be used for a period of time not to exceed 7 days.

**FIGURE 7-3: FENCE DESIGN**

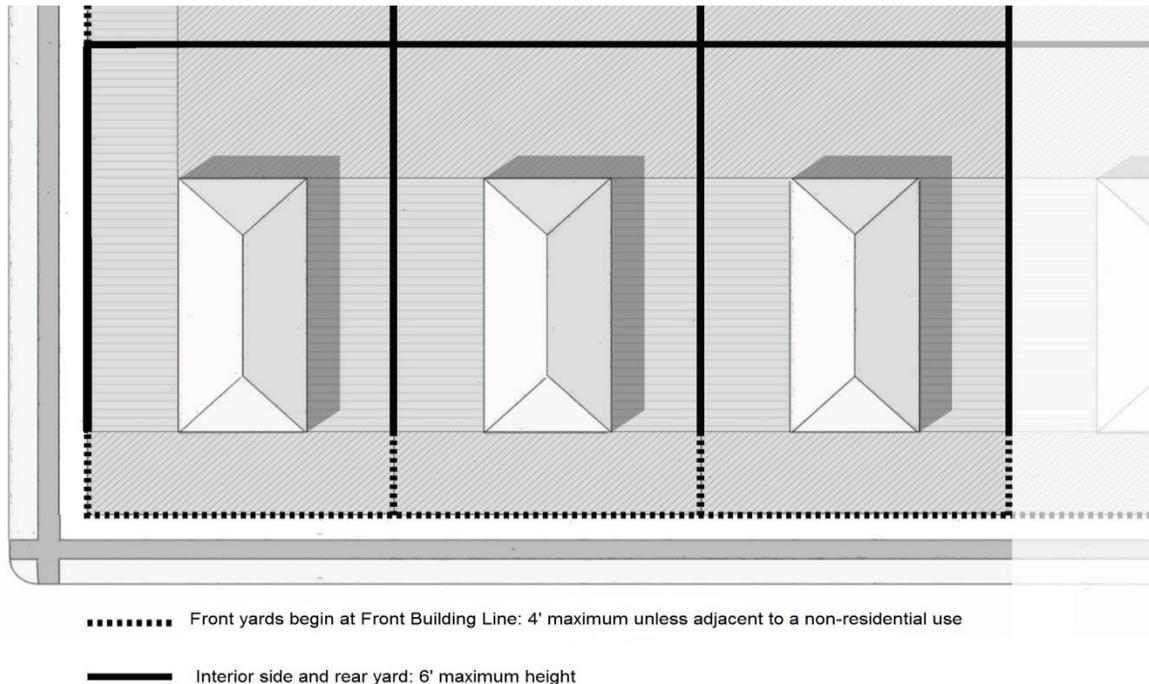


#### **4. Heights of Fences, Walls, and Hedges**

##### **a. Fence Height in Residential Districts**

- i. Fences, walls, and other obstructions erected along the side lot line beyond the front building line of the present structure in residential districts shall be limited to a maximum height of four feet, except where a residential structure is located adjacent to a nonresidential use. In such a case, where a residential structure is located adjacent to a nonresidential use or structure, a six-foot fence shall be permitted by the planning and development department along the common lot line; provided such fence does not create a traffic hazard.
- ii. In the interior side and rear yards, a fence, wall, or hedge is permitted up to a maximum height of six feet.

**FIGURE 7-4: FENCE HEIGHT**



**b. Fence Height in Non-Residential Districts**

- i. Fences, walls, and hedges are prohibited in the front or side yards unless otherwise required by the landscape and screening regulations of Article 10.
- ii. In the interior side and rear yards, a fence, either open or closed, wall, or hedge is permitted up to a maximum height of eight feet.

**c. Fence Height for Public Recreation Areas**

Public recreation areas may be enclosed along their boundaries (i.e., all yards) with an open fence to a height not to exceed eight feet. Tennis courts and other similar uses may be fenced in accordance with national standards for such uses.

**5. Barbed Wire and Razor Wire Fences**

- a. Barbed wire, razor wire, or fences of similar material are permitted only on a lot used for a utility in any district and as security in the C-2 and C-3 districts.
- b. Barbed wire, razor wire, and similar material must be located a minimum of six feet above the adjacent ground.
- c. The use of barbed wire, razor wire, and similar materials is limited to three strands.

## 6. Fence and Wall Construction and Design Requirements

- a. In the case of a corner lot, any abutting dwelling to the side or rear of the corner lot shall not have fences from the corner lot extending beyond the abutting dwellings front building line.
- b. A fence or wall, including all posts, bases, and other structural parts must be located completely within the boundaries of the lot on which it is located.
- c. No fence may be electrified.

## N. Flat Roof Features

Accessory rooftop features of a flat roof, such as green roofs, rooftop decks, rooftop gardens, and stormwater detention systems are permitted below the parapet of any flat roof building, and are excluded from the calculation of maximum building height. Flat roof features must meet the following standards:

1. For green roofs, rooftop gardens, and similar features, documentation must be submitted demonstrating that the roof can support the additional load of plants, soil, and retained water. For green roofs, this must also indicate an adequate soil depth will be provided for plants to survive.
2. Rooftop decks or patios must be set back six feet from all building edges.
3. Rooftop decks or patios must have a guardrail that is a minimum of 30% open and a maximum of four feet in height as measured from the surface of the roof deck or patio.
4. The roof must contain sufficient space for future installations, such as mechanical equipment.

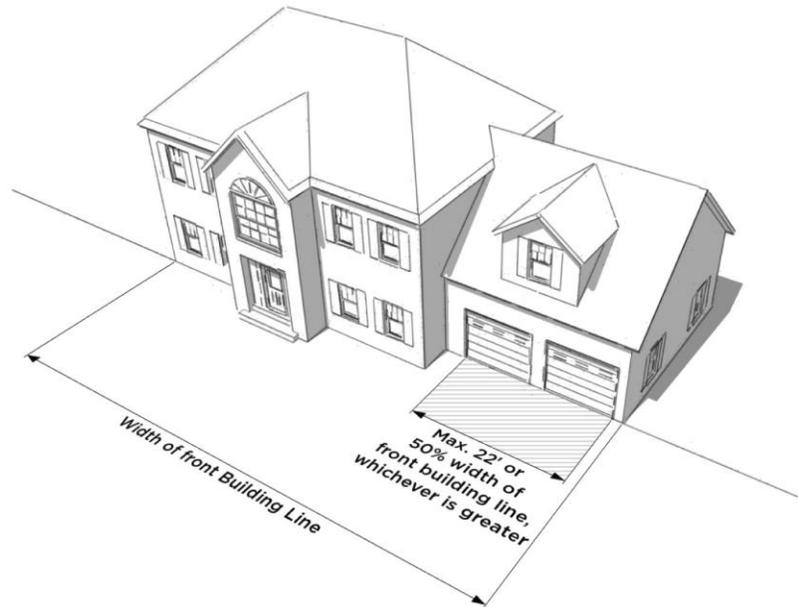
## O. Garage

The following standards apply to all residential garages, with the exception of multi-family dwellings. Attached garages are not considered an accessory structure but are subject to the following regulations of this section for attached garages.

### 1. Attached Garages

- a. Front-loaded attached garages are limited to 50% of the width of the front building line or a maximum of 26 feet, whichever is greater. Garage width is measure between garage doors; in the case of garages designed with multiple garage doors the distance is measure between the edges of the outmost doors.

**FIGURE 7-5: ATTACHED GARAGE**



## **2. Detached Garages**

- a. One detached garage is permitted per lot.
- b. The area above the vehicle parking spaces in a detached garage may not contain a kitchen or sleeping area but may contain an office or recreation room.
- c. Detached garages are permitted only in the rear and side yards. Detached garages must be set back a minimum of five feet from the front building line if located in the side yard. Detached garages within ten feet of the primary structure shall, for all intents and purposes, be considered a portion of the primary structure and shall observe the setback requirements for the primary structure.
- d. If a lot abuts a public alley that provides adequate access to a street, a detached garage must be constructed so that access is from the public alley.

## **P. Home-Based Business**

1. A home-based business certificate of occupancy is required.
2. The home-based business must be conducted by an individual permanently residing within the dwelling. Only residents of the dwelling may be employed in the home-based business.
3. Signs, displays, or activities that indicate from the exterior that the structure is being used, in part, for any purpose other than that of a residence are prohibited. However, one identification sign not exceeding two square feet in area is permitted.

**4.** The home occupation and all related activity, including storage, must be conducted completely within the principal building or a permitted accessory structure.

**5.** No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials may be used or stored on the site.

**6.** No commodities can be sold or services rendered that require receipt or delivery of merchandise, goods, or equipment other than by a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.

**7.** The home-based business cannot create greater vehicular or pedestrian traffic than normal for a residential area. The home-based business and any related activity must not create any traffic hazards or nuisances in public rights-of-way.

**8.** Alterations to the residence or permitted accessory structures that would alter the residential character of the dwelling are prohibited.

**9.** No more than four clients, patients, pupils, or customers are permitted at any given time. Such visits must occur between 7:00 a.m. and 7:00 p.m. and must be by appointment only.

**10.** Barber or beauty shops are limited to one operator with one assistant, one styling chair, and one shampoo bowl. Scheduling for barber and beauty shops is limited to one appointment at a time only.

**11.** There must be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home occupation is located in excess of that normally associated with residential use.

**12.** Repair and service of any vehicles or any heavy machinery is prohibited as a home occupation. Day care homes are not considered a home occupation and are regulated separately by this Code.

**13.** Use or storage of tractor trailers, semi-trucks, or heavy equipment, such as construction equipment used in a commercial business, is prohibited.

#### **Q. Livestock**

Keeping of livestock does not apply to lots that are in use for agriculture as a principal use. Chicken coops, apiaries, and aquaponic/aquaculture facilities are regulated separately. These standards do not apply to livestock kept as part of a public safety facility.

**1.** It is prohibited to keep any domestic animals, including hooved and cloven hooved animals such as horses, swine, cattle, goats, sheep, and similar species; and any geese, ducks, guinea fowl, peacocks, and similar species, and any exotic animal such as ostriches and llamas, within any area of the city other than that area zoned rural-urban (RU).

**a.** Private stables shall be permitted in the R-1AA district provided that the stable shall be no closer than 200 feet to a property line; provided that more than 75 percent of the owners of residences within a radius of 300 feet of the stable have given their written consent to the stable and; provided further that there shall not be kept more than one horse per each two acres of property

2. It is the intention of these regulations to prohibit all domestic and barnyard animals from being kept in non-rural-urban areas of the city, including any such animals not specifically set forth in subsection (a) of this section.

3. It is not the intention of these regulations to prohibit the keeping of dogs, cats, parrots, parakeets, canaries and other such household pets or chicken in compliance with subsection (d), (e), and (f) or not prohibited by subsection III-5.24(a), in accordance with applicable ordinances; and in such fashion as to not constitute a nuisance.

2. All horses must be registered with Santa Rosa County Animal and Mosquito Control. Any horses that have been maintained prior to the effective date of this Code in any district must be registered within 60 days of the effective date. When the maintenance of such existing horses is not in conformance with the provisions of this Code, such horses and their enclosures will be deemed nonconforming and may be maintained. Once the horses are no longer kept on the property or the livestock enclosure is demolished, no horses may be maintained unless in conformance with this section.

3. A minimum lot size of one acre is required to keep livestock.

4. All livestock enclosures, including repair of existing enclosures, shall require city development approval.

5. Livestock enclosures are prohibited in the front or side yard.

6. Livestock enclosures must be located 200 feet from any lot line.

7. The maximum number of livestock permitted on a lot is calculated according to the following standards. These standards will be used as the basis by the Zoning Administrator for establishing a standard for any animal not included in the table. Lots of 20 or more acres are not subject to a minimum lot area per animal. The standards are cumulative requirements; for example, in order to keep one horse and one cow, a minimum of two acres of lot area is required. However, in any case, a minimum lot area of one acre is required to keep any livestock.

a. Horse: 1 acre per horse

b. Cattle: 1 acre for first bull/cow + 20,000 square feet for each additional bull/cow

c. Goat or sheep: 10,000 square feet per goat or sheep

d. Pigs: 5,000 square feet per pig

e. Rabbit: 100 square feet per rabbit

f. Duck or other fowl (excluding chickens): 100 square feet per duck/fowl

8. In addition, in order to maintain livestock, a certain square footage of the lot must be maintained as open space and dedicated to the livestock, in accordance with the following standards. These standards will be used as the basis by the Zoning Administrator for establishing a standard for any animal not included in the table. Lots of 20 or more acres are not subject to this standard. The standards are cumulative; for example, in order to keep one horse and one cow, 50,000 square feet of open space dedicated to the livestock is needed. These standards are not used to determine lot area but rather to determine how much area on a lot must be maintained as open space for the livestock's use.

- a. Horse: 25,000 square feet for first horse + 12,250 square feet for each additional horse
  - b. Cattle: 25,000 square feet for first horse + 12,250 square feet for each additional bull/cow
  - c. Goat or sheep: 5,000 square feet per goat or sheep
  - d. Pigs: 2,500 square feet per pig
  - e. Rabbit: Not applicable
  - f. Duck or other fowl (excluding chickens): Not applicable
9. All enclosures must be designed to ensure the health and wellbeing of the animals, including protection from predators, the elements, and inclement weather.
10. All livestock must be kept to prevent any adverse impact, including but not limited to odor, noise, drainage, or pest infestation, on any other property.
11. The following activities are permitted as part of the operation of a horse stable provided any and all other sections of this code are satisfied:
- a. Riding lessons
  - b. Boarding horses
  - c. Renting horses for recreational riding
  - d. Therapeutic riding

## **R. Mechanical Equipment**

Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, electrical generators, and similar equipment. Equipment that serves Manufactured Homes, including electric, heating, ventilation, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

### **1. Ground-Mounted Equipment**

- a. Mechanical equipment is prohibited in the front yard. If mechanical equipment is located in the front yard as of the effective date of this Code, the equipment may remain and may be repaired and maintained unless it is replaced in its entirety or the principal structure is demolished.
- b. Mechanical equipment is permitted only in the interior side, or rear yard.

### **2. Roof-Mounted Equipment**

- a. For structures four or more stories in height, all roof equipment must be set back from the edge of the roof a minimum distance of one foot for every two feet by which the equipment extends above the roof.
- b. For structures less than four stories in height and for any building where roof equipment cannot meet the setback requirement of item a. above, there must be either a parapet wall to screen the equipment

or the equipment must be housed in solid building material that is architecturally integrated with the structure.

#### **S. Outdoor Sales and Display (Ancillary)**

1. Retail goods establishments and vehicle dealerships are permitted to have accessory outdoor sales and display of merchandise.
2. Outdoor sales and display of goods not offered for sale by the establishment is prohibited.
3. Any outdoor display must be located on the same lot as the principal use. No outdoor display is permitted in the public right-of-way.
4. All outdoor sales and display of vehicles for vehicle dealerships must comply with the parking lot perimeter landscape requirements of **Article 10**.
5. No required parking area may be used as outdoor display.
6. Outdoor sales and display of retail items shall occur only during normal operating business hours and only where permitted.

#### **T. Outdoor Storage (Ancillary)**

The following uses are permitted outdoor storage: greenhouse/nursery – retail, including the growing of plants in the open, heavy retail, rental, and service, vehicle dealerships, vehicle rentals, vehicle operations facility, vehicle repair/service, minor or major. The **Planning Administrator** can also render an interpretation that a use not listed in this section would typically have outdoor storage and permit such use to include outdoor storage on the site. These uses are permitted ancillary outdoor storage in accordance with the following provisions:

1. No outdoor storage is permitted in any public right-of-way or located so that it obstructs pedestrian or vehicular traffic. Outdoor storage is prohibited in a required setback.
2. All manufacturing, assembly, repair, or work activity must take place inside an enclosed building.
3. No required parking area may be used as an outdoor storage.
4. All outdoor storage must comply with all regulations regarding stormwater management and, if required, must be permitted through the LADEQ.
5. Outdoor storage of retail items shall occur only during normal operating business hours and only where permitted.

#### **U. Refuse and Recycling Containers**

Refuse and recycling container regulations apply only to multi-family dwellings and non-residential uses.

1. Refuse and recycling containers are prohibited in the front yard. No dumpsters may be located on any public right-of-way, including alleys.
2. All refuse and recycling containers must be fully enclosed on three sides by a solid fence, wall, or wall extension of the principal building a minimum of six feet and a maximum of eight feet in height. The

enclosure must be gated. Such gate must be solid. Such construction requires a building permit. This requirement does not apply to refuse containers located in an alley.

**3.** Dumpsters must not be located so that the disposal area drains toward a storm drain or off-site. Dumpsters must be covered and are not allowed to drain freely.

## **V. Satellite Dish Antennas**

### **1. General Requirements**

- a.** **Small satellite dish antennas** do not require development approval but shall meet the following standards. Large satellite dish antennas shall require development approval.
- b.** No satellite receiving dish, disk, etc., shall be placed in the front or side yard of any residence or business. A variance may be sought from the board of adjustments for the placement of a dish, disk, etc., in a residential or business side yard.
- c.** Satellite dish antennas must be permanently installed on a building, in the ground, or on a foundation, and cannot be mounted on a portable or movable structure.
- d.** Subject to operational requirements, the dish color must be of a neutral color, such as white or grey. No additional signs or advertising is permitted on the satellite dish itself, aside from the logos of the satellite dish service provider and/or dish manufacturer.
- e.** Cables and lines serving ground-mounted satellite dish antennas must be located underground.
- f.** Compliance with all federal, state, and local regulations is required in the construction, installation, and operation of satellite dish antennas.
- g.** All exposed surfaces of the antenna must be kept clean and all supports must be painted to maintain a well-kept appearance.
- h.** Antennas no longer in use must be immediately removed.
- i.** Every effort must be made to install satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way.

### **2. Small Satellite Dish Antennas**

Small satellite dish antennas, disks, etc. which are three feet (36 inches) or less in diameter, are subject to the general requirements above.

### **3. Large Satellite Dish Antennas**

Large satellite dish antennas, which are greater than three feet (36 inches) in diameter, are subject to the general requirements above as well as the following requirements:

#### **a. Residential Districts**

- i.** Large satellite dish antennas are permitted only in the rear yard, and must be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.

ii. The overall height of a large satellite dish antenna cannot exceed 12 feet.

iii. A large satellite dish antenna must be located and screened so that it cannot be readily seen from public rights-of-way or adjacent properties. Screening includes solid fences, plant materials, and/or earth berms located to conceal the antenna and its support structure. Plants must be, a minimum of five feet tall at the time of installation.

#### **b. Non-Residential Districts**

i. Satellite dishes, disks, etc. shall be located and painted to blend with the background as much as practical

ii. Large satellite dish antenna are permitted only in the rear or interior side yard, and must be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.

iii. Roof-mounting is permitted only if the satellite dish antenna is screened by an architectural feature.

iv. A large satellite dish antenna must be located and screened so that it cannot be readily seen from public rights-of-way or adjacent properties. Screening includes solid fences, plant materials, and/or earth berms located to conceal the antenna and its support structure. Plants must be a minimum of five feet tall at the time of installation.

#### **W. Solar Panels**

##### **1. General Requirements**

a. A solar panel may be building-mounted or freestanding.

b. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

##### **2. Building-Mounted Systems**

a. A building mounted system may be mounted on the roof or wall of a principal building or accessory structure.

b. On pitched roof buildings, the maximum height a roof-mounted solar panel may rise is 18 inches.

c. On flat roofed buildings up to 40 feet in height, the roof-mounted solar panel system is limited to a maximum height of six feet above the surface of the roof. On flat roofed buildings over 40 feet in height, the roof-mounted solar panel system is limited to 15 feet above the height of such structure. Roof-mounted solar energy systems are excluded from the calculation of building height.

d. Building-mounted solar panels may project up to two feet from a building façade and must be integrated into the structure as an architectural feature.

##### **3. Freestanding Systems**

a. A freestanding system is permitted only in the interior side and rear yard.

b. The maximum height of a freestanding system is eight feet provided it meets U(1)(b) above.

#### **4. Co-Location**

Solar panels may be co-located on structures such as wireless communication towers, light poles, and billboards.

#### **X. Swimming Pools and Hot Tubs**

- 1.** No private swimming pool or hot tub, or portion thereof, including, but not limited to, aprons, walks, and mechanical equipment, integral to the pool, may be located within a front yard.
- 2.** The outside edge of swimming and wading pools shall not be located closer than ten feet from the rear or side lot lines.
- 3.** Such swimming or wading pools shall be enclosed by a security fence at least four feet in height. A screened fence may be substituted for such security fence. However, no screened enclosure shall be located within any required front yard, nor nearer than five feet from any side or rear property line.
- 4.** Swimming and wading pools are considered a customary accessory use.
- 5.** A private swimming pool or hot tub must comply with all requirements of the Code of Ordinances.

#### **Y. Wind Turbines (Private)**

Private wind turbines are subject to the following requirements.

- 1.** Wind turbines may be designed as either vertical or horizontal axis turbines with or without exposed blades, including designs that combine elements of the different types of turbines.
- 2.** Wind turbines are subject to development approval.
- 3.** Wind turbines are subject to the following height restrictions:
  - a.** The maximum height of any ground-mounted wind turbine is the maximum height allowed in the district. A taller height may be allowed by special use.
  - b.** The maximum height of any wind turbine mounted upon a structure is 15 feet above the height of such structure.
  - c.** Maximum height is the total height of the turbine system, including the tower and the maximum vertical height of the turbine blades. Maximum height therefore is calculated measuring the length of a prop at maximum vertical rotation to the base of the tower. The maximum height of any ground-mounted wind turbine is measured from grade to the length of a prop at maximum vertical rotation.
  - d.** No portion of exposed turbine blades (vertical access wind turbine) may be within 20 feet of the ground. Unexposed turbine blades (horizontal access wind turbine) may be within 10 feet of the ground.
- 4.** Ground-mounted wind turbines are permitted only in the rear yard. No part of the wind system structure, including guy wire anchors, may be located closer than 10 feet to any lot line. The tower must be set back from all lot lines equal to the height of the system. No principal buildings may be located within this area.

5. All wind turbines must be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind energy system.

**7.4 ENVIRONMENTAL PERFORMANCE STANDARDS**

All uses must comply with the performance standards established in this section unless any federal, state, or local law, ordinance, or regulation establishes a more restrictive standard, in which case, the more restrictive standard applies.

**A. Noise**

1. *Unlawful; definition.* It shall be unlawful for any person to willfully make, continue or cause to be made or continued any loud or raucous noise. The term "noise" means any sound which, because of its volume level, duration and/or character, annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons.

2. *Intent.* The provisions of this section are not intended, nor shall they be construed, to regulate the usual and customary noise incidental to urban life. It is not the purpose or intent of this section to regulate firearms of the usage therefore noise or sounds relating to the discharge thereof.

3. *Additional remedy—Injunction.* As an additional remedy the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in an area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

4. *Classification of use occupancies.* For purposes of defining "use occupancies" the following shall apply:

- a. All premises zoned as a residential category shall be considered residential uses;
- b. All premises containing transient commercial sleeping quarters legally permitted shall be considered tourist uses;
- c. All premises containing business where sales, professional, or other commercial use is legally permitted shall be considered commercial uses;
- d. All premises where manufacturing is legally permitted shall be considered manufacturing uses.

4. *Maximum permissible sound levels by use occupancy.* No person shall operate or cause to be operated any source of sound from any use occupancy in such a manner as to create a sound level which exceeds the limits set forth in the use occupancy category in Table I. The sound measurement shall be made at the apparent property line of the property generating the sound or 50 feet from the source, whichever is less.

**Table 7.4.1. Sound Level Limits**

Use Occupancy Category	Time	Sound Level Limit (dBA)
	6 a.m. – 10 p.m.	60

<b>Residential</b> (non-holiday weekends)	10 p.m. – 6 a.m.	55
<b>Residential</b> (holiday weekends)	6 a.m. – 12 a.m.	60
	12 a.m. – 6 a.m.	55
<b>Commercial</b> (weekdays)	6 a.m. – 10 p.m.	65
	10 p.m. – 6 a.m.	65
<b>Commercial</b> (weekends)	6 a.m. – 12 a.m.	65
	12 a.m. – 2 a.m.	65
	2 a.m. – 6 a.m.	65
<b>Manufacturing</b>	At all times – no sound that is generated by a source facility shall be audible at the property line of said source facility.	

**5. Construction or repair of buildings.** The erection, including excavation, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and/or safety, is prohibited. If the planning and development department should determine that the public health and/or safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if the planning and development department further determines that loss or inconvenience would not result to any interested party, permission may be granted for such work to be done within the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is granted or during the progress of the work.

**a.** No activity or use must be conducted in a manner that generates a level of sound as measured on another property greater than that allowed by federal, state, and local regulations, as amended from time to time. These limits do not apply to construction noises, noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads and aircraft.

**B. Glare and Heat**

**1.** Any activity or the operation of any use that produces glare or heat must be conducted so that no glare or heat from the activity or operation is detectable at any point off the lot or parcel on which the use is located or activity is being conducted. Flickering or intense sources of light must be controlled or shielded so as not to cause a nuisance across lot lines.

**C. Stormwater Management**

**See Article 11.** All development must comply with local, state, and federal stormwater management ordinances.

**D. Vibration**

No earth borne vibration from the operation of any use may be detectable at any point off the lot on which the use is located.

**1.** Every use shall be so operated that the ground vibration inherently and recurrently generated will not exceed a 50 microinch vertical movement at the property line as measured by standard seismic equipment,

## **E. Dust and Air Pollution**

- 1.** Dust and other types of air pollution, borne by the wind from sources, such as storage areas, yards, roads, conveying equipment and the like, within lot boundaries, must be kept to a minimum by appropriate landscape, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.
- 2.** Every use shall be so operated as to prevent the emission into the air of dust or other solid matter, odor or fumes in amounts which exceed the maximum standards of the state board of health. Each non-residential facility in any district shall be so operated that the maximum concentration of particles taken at a 20-foot elevation at the building site, using the Millipore Particle Counting Filter, shall be no more than a reading taken at the same elevation on an adjacent parcel of land or lot.
- 3.** Any use, activity, or operation shall at minimum comply with any applicable Federal, State, and local regulations.

## **F. Discharge and Disposal of Radioactive and Hazardous Waste**

### **1. Definitions**

- a.** *Hazardous waste* means waste or a combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or which may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored or treated or otherwise managed.
- 2.** The discharge of fluid and the disposal of solid radioactive and hazardous waste materials must comply with applicable federal, state, and local laws, and regulations governing such materials or waste. Radioactive and hazardous material waste must be transported, stored, and used in conformance with all applicable federal, state, and local laws.
- 3.** Every use shall be so operated as to prevent the discharge into any stream, lake or the ground of waste or other matter in amounts which will exceed the maximum standards of the state department of environmental protection and department of health and rehabilitative services.

## **G. Electromagnetic Interference**

Electromagnetic interference from any operation of any use must not adversely affect the operation of any equipment located off the lot on which such interference originates.

## **H. Odors**

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the public health and welfare, or which interferes unreasonably with the comfort of the public, must be removed, stopped or modified so as to remove the odor.

## **I. Fire and Explosion Hazards**

Materials that present potential fire and explosion hazards must be transported, stored, and used only in conformance with all applicable federal, state, and local regulations.