



# LAND DEVELOPMENT CODE

## Chapter 3 Overlay Zones

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**3.00.00 PURPOSE:** The purpose of this chapter is to describe certain overlay, zones used to impose special development or use restrictions on identified areas. The location of overlay zones is established by the County based on the need for special protective measures in that area. The underlying uses in the area, as determined in Chapter 2 of this code, remain undisturbed by the creation of the overlay zone, unless otherwise specified herein. The overlay zone merely imposes additional or different standards than those that would otherwise apply.

#### **3.01.00 SUBDIVISION OF OKALOOSA ISLAND.**

**3.01.01 Subdivision of Santa Rosa Island:** The "Subdivision of Santa Rosa Island, Okaloosa County, Florida," is exempt from the provisions of this ordinance as it relates to zoning, the Schedule of Dimensional Requirements in Chapter 2, and other matters, wherein the covenants conflict with this ordinance.

**3.01.02 Exceptions:** Except as stated hereinabove provisions of this ordinance such as parking, storm water management, code enforcement and the like apply to Okaloosa Island.

**3.01.03 Zoning Requirements:** Zoning requirements and all other matters regarding land development on the Island shall be in accordance with the plats on file in the Public Records of Okaloosa County, Florida together with the Protective Covenants and Restrictions and also together with all ordinances pertaining to this particular subdivision. Areas designated as parks, beaches and freeways (B-4) will be maintained strictly in accordance with the leasehold covenants for public recreational purposes.

**3.01.04 Projects:** Projects on Okaloosa Island are categorized as incidental, minor or major.

**3.01.041 Incidental Projects:** Incidental projects shall require the issuance of building permits as required by this ordinance. Review by the Okaloosa Island Leaseholders Association Architectural Review Committee shall not be required, nor shall approval by the Board of County Commissioners be required. Incidental projects constitute developmental activities that propose no change of footprint to existing commercial structures and no change of use to land or existing residential or commercial structures. Incidental projects include activities such as single-family interior renovations, commercial development activities which do not increase the square footage of existing facilities or those which do not alter the land use activity.

Incidental project shall be reviewed by county technical staff for compliance with applicable codes and the Okaloosa Island Protective covenants and Restrictions.

**3.01.042 Minor Projects:** Minor projects shall require a review by the Okaloosa Island Leaseholders Association Architectural Review Committee and county technical staff prior to the issuance of building permits as required by this ordinance. Approval by the Board of County Commissioners shall not be required. Minor projects constitute development activities such as: Home occupation activities, given that requirements of the home occupation code are met; and sign construction and erection, given that the requirements of the sign code and the Okaloosa Island Protective Covenants and Restrictions are complied with, construction of single family docks and seawalls, pools and gazebos, single-family additions, single-family renovations, residential accessory structures and commercial accessory structures that do not increase the intensity of the commercial activity.



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**3.01.043 Major Projects:** Major projects shall require a review by the Okaloosa Island Leaseholders Association Architectural Review Committee, county technical staff and approval by the Board of County Commissioner prior to the issuance of building permits as required by this ordinance. Major projects constitute those development activities which increase the square footage of existing commercial or change the land use activity of existing commercial or residential facilities; increase the height of existing commercial or residential facilities; and the construction of new commercial or residential facilities.

**3.01.05 New Construction Projects:** All new commercial and residential construction projects must meet concurrency management requirements.

**3.01.06 Reference Section 2.1:** Reference Section 2.1, Policy 10.1 (q) of the Okaloosa County Comprehensive Plan (Ordinance 90-1, as amended by Ordinance 00-03) for further information.

**3.01.07 Removal of Sand:** Removal of sand from Okaloosa Island is prohibited.

**3.01.08 Violations and Enforcement:** Reference Chapter 12 for violations of this ordinance and violations of the covenants.

**3.01.09 Covenants and Restrictions:** Where this ordinance and the leaseholders' covenants and restrictions conflict, the covenants and restrictions shall prevail.

**3.01.10 Variances:** Variances to the Okaloosa Island Protective Covenants and Restrictions may only be approved by the Board of County Commissioners pursuant to the provisions established in the Protective Covenants and Restrictions. Reference Part C. Residential Area Covenants of the Protective Covenants and Restrictions: when elevating buildings in compliance with the adopted Flood Insurance Rate Maps (FIRMs) Base Flood Elevation (BFE) designation, at the grade level shall not be considered a story, if not designed and used for livable space. The first elevated floor, at or above BFE shall be counted as the first story, upon review and approval by the Okaloosa Island Leaseholders Association Architectural Review Committee. The use of the ground or at grade floor shall be non-livable space and shall meet the construction standards for the V or AE flood hazard zones.

### 3.02.00 AIRSPACE PROTECTION.

**3.02.01 Airspace Obstruction Permit:** Any person proposing the erection, alteration, or modification of any structure that would exceed federal obstruction standards and which lies within the Florida Department of Transportation jurisdictional area of responsibility is required to obtain an airspace obstruction permit from the Department. However, such airspace obstruction permits shall be required only where the proposed site is within a ten nautical mile radius of the geographical center of a publicly owned or operated airport, a military airport, or an airport licensed by the state for public use.

**3.02.02 Obstruction Marking and Lighting:** Obstruction marking or lighting recommended in an FAA aeronautical determination shall be considered a requirement for the structure for compliance with Department standards. As minimum standards, the Department herein incorporates by reference obstruction marking and lighting standards and guidelines described in the U.S. Department of Transportation, Federal Aviation Administration Advisory Circular 70/7460-1K (AC 70/7460-1K) "Obstruction Marking and Lighting," dated August 1, 2000. These



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standards shall be applied as follows:

1. Objects that exceed an overall height of 200 feet above ground level (AGL), including any appurtenances, or that exceed any federal obstruction standard will be required to be marked or lighted as specifically recommended by the FAA. Marking or lighting of objects lower than 200 feet AGL will be required within specific lateral boundaries of established low level aircraft routes.
2. Objects which exceed 300 feet AGL up to 500 feet AGL within six nautical miles of a licensed public-use airport or military airfield, shall be marked or lighted in accordance with specific federal obstruction guidelines for those heights. The white lighting required for daytime and twilight, for dual lighting with red/medium intensity white systems, shall be medium intensity. The system includes automatic sensors that change between red and white lighting and also vary the white strobe intensity between twilight and full day.
3. Objects which exceed 500 feet AGL, within a six nautical mile radius of a public-use airport or military airfield, shall be marked or lighted in accordance with specific federal obstruction guidelines for those heights. The white lighting required for daytime and twilight, for dual lighting with red/high intensity white systems, shall be high intensity.
4. Objects which exceed 800 feet AGL beyond the six nautical mile radius of public airports or military airfields, shall be marked or lighted in accordance with specific federal obstruction guidelines for those heights. The white lighting required for daytime and twilight, for dual lighting, shall be high intensity.
5. Specific marking or lighting will not be required if both of the following circumstances exist:
  - a. The object is masked by surrounding objects marked or lighted under these standards, and
  - b. The FAA specifically recommends deletion of any marking or lighting because of the masking effect.
6. When the FAA recommends dual lighting for objects less than the heights specified in this rule chapter because of the need for greater visual conspicuity, the more stringent FAA recommendations shall be required as a condition of the permit issued. Additionally, when an object does not exceed any federal obstruction standard, but because of its particular location, the FAA recommends marking and lighting, the FAA recommendation shall be required as a condition of the permit. (Ch.14-60, FAC).



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#### **3.03.00 BOB SIKES AIRPORT INFLUENCE ZONE.**

##### **3.03.01 Authority and Power:**

This regulation is created and adopted as authorized by Section 333.03, Florida Statutes (2005).

##### **3.03.02 Findings and Intent:**

The findings and intent of the Florida Legislature expressed at Section 333.02, Florida Statutes (2005) are incorporated herein by reference.

##### **3.03.03 Applicability:**

These regulations shall apply to areas in the vicinity of the Bob Sikes Airport as set forth herein, and shall be supplemental to sections 3.02.00 to 3.02.16 of this Code.

##### **3.03.04 Airport Influence Zone:**

There is hereby created and established an "Airport Influence Zone" (AIZ) as a special overlay zone to the Official Zoning Map. The AIZ shall extend from the centerline of Runway 17-35 to a radius of 5,000 feet on each end and 5,000 linear feet on each side of the runway.

##### **3.03.05 Restrictions: See Section 2.11.00 of this Code.**

##### **3.03.06 Sanitary Landfills:**

No sanitary landfill shall be located any closer than 10,000 feet from the nearest point of any runway.

##### **3.03.07 Educational Facilities:**

No educational facility, except for aviation schools or technical training schools associated with airport industry, shall be located within an area which extends 5 miles in a direct line from the centerline of the runway, and which has a width measuring 5,000 feet on each side of the runway.

##### **3.03.08 Lots of Record:**

Nothing in these regulations shall restrict or prohibit the construction of a single-family dwelling on any lot of record duly recorded in the public records of Okaloosa County as of August 16, 2005 provided, however, that appropriate noise attenuation may be required as determined necessary by the Building Official.

##### **3.03.09 Nonconforming Uses and Structures:**

Nothing in these regulations shall restrict or prohibit the continuation of, expansion, or addition to any residential use or structure which was lawfully in existence on the adoption date of these regulations.



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#### 3.04.00 WATER RESOURCE CAUTION AREAS.

**3.04.01 Purpose and Intent:** The purpose of this section is to conserve potable water supply, to establish minimum standards for the development, installation, and maintenance of landscaped areas without inhibiting creative landscape design. **(WHERE THE SOURCE OF IRRIGATION WATER IS THE FLORIDAN AQUIFER SYSTEM.) This section provides for voluntary utilization of specific water conservation measures including the preservation of natural vegetation where applicable. Implementation will aid in improving environmental quality and the aesthetic appearance of public, commercial, industrial and residential areas.** It is the intent of this section, therefore, that the establishment of these minimum standards and the encouragement of resourceful planning be incorporated to promote the public health, safety, and general welfare in the areas of water conservation and preservation.

**3.04.02 Applicability:** The provisions of this section apply to the development, redevelopment, rehabilitation, and maintenance of all property designated as a Water Resource Caution Area.

**3.04.03 Definitions:** For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section.

Automatic Controller: A mechanical or electronic timer, capable of operating valve stations to set the days and length of time of a water application.

Emitter: Devices which are used to control the applications of irrigation water. This term is primarily used to refer to the low flow rate devices used in micro irrigation systems.

Ground Cover: Plants, other than turf grass, normally reaching an average maximum height of not more than twenty four (24) inches at maturity.

Infiltration Rate: The rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).

Irrigation System: A permanent, artificial watering system designed to transport and distribute water to plants.

Landscaped Area: The entire parcel less the building footprint, driveways, non-irrigated portions of parking lots, landscapes such as decks and patios, and other non-porous areas. Water features are included in the calculation of the landscaped area. These principles include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

Landscaping: Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and nonliving material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

Micro irrigation (low volume): The frequent application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes (laterals). Micro irrigation encompasses a number of methods or concepts including drip, subsurface, bubbler, and spray irrigation, previously referred to as trickle irrigation, low volume, or low flow irrigation.





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Mulch: Non-living, organic or synthetic materials customarily used in landscape design to retard erosion and retain moisture.

Pervious Materials: A porous asphaltic or concrete surface and a high aggregate base which allows for rapid infiltration and temporary storage of rain on, or run-off delivered to, paved surface.

Plant Communities: A natural association of plants that are dominated by one or more prominent species, or a characteristic physical attribute.

Rain Sensor Device: A low voltage electrical or mechanical component placed in the circuitry of an automatic lawn irrigation system which is designed to turn off a sprinkler controller when precipitation has reached a pre-set quantity.

Run-off: Water which is not absorbed by the soil or landscape to which it is applied and flows from the area.

Site Specific Plant: A selection of plant material that is particularly well suited to withstand the physical growing conditions that are normal for a specific location.

Soil Texture: The classification of soil based on the percentage of sand, silt, and clay in the soil.

Turf and/or Turf grass: Continuous plant coverage consisting of grass species suited to growth in Okaloosa County.

Valve: A device used to control the flow of water in the irrigation system.

Vegetation, Native: Any plant species with a geographic distribution indigenous to Northwest Florida.

Water Use Zone: A grouping of sprays, sprinklers, or micro irrigation emitters so that they can be operated simultaneously by the control of one valve according to the water requirements of the plants used.

### **3.04.04 General Provisions and Design Standards:**

#### **3.04.041 Planning and Design:**

Site plans shall identify all vegetated areas to be preserved. Installed trees and plant materials shall be grouped together into zones according to the water use zone designations of plants listed in the Recommended Plant Guide of this Ordinance. Plants with similar water and cultural (soil, climate, sun, and light) requirements should be grouped together and irrigated based on their water requirements. The water use zones shall be shown on the Landscape Plan. Newly installed plants may require regular, moderately applied watering for the first year to become established. Installed trees and vegetation shall be spaced and located to accommodate their mature size on the site. The Water Use Zones are as follows:

**High Water Use Zone**: An area of the site limited to a maximum of fifty (50) percent of the total landscaped area. Plants and turf types, which, within this area, are associated with moist soils and require supplemental water in addition to natural rainfall to survive. This zone includes shallow rooted turf grass varieties.





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**Moderate Water use Zones:** Plants which survive on natural rainfall with supplemental water during seasonal dry periods. This zone includes deep-rooted turf grass varieties.

**Low Water Use Zone:** Plants which survive on natural rainfall without supplemental water. Because of the relatively high water requirements of turf grass, no presently available varieties are included in this category.

Due to the preferred use of pervious surfaces and areas, impervious surfaces and materials within the landscaped area shall be limited to borders, sidewalks, step-stones, and other similar materials, and shall not exceed five (5) percent of the landscaped area.

The removal of existing trees and vegetation on a site to be developed and the protection of trees and vegetation to remain on the site shall be regulated per Section 6.05 of this ordinance.

**3.04.042 Appropriate Plant Selection:** Plant selection should be based on the plant's adaptability to the landscape area, desired effect, color, texture, and ultimate plant size. Plants shall be grouped in accordance with their respective water and maintenance needs.

The protection and preservation of native species and natural areas is required. Therefore, all landscaped areas shall include the placement of plant materials which are native to the area. Reference the University of Florida Cooperative Extension Service publications (Available from the Planning and Inspection Department or the Okaloosa County Extension Service) "Native Florida Plants For Home Landscaping," Fact Sheet WRC-11; "Conserving Water in the Home Landscape," Circular 807; "Drought Tolerant Plants For North and Central Florida," the Florida Division of Forestry publication "Recommended Trees For Home Planting in Your Area," and/or other appropriate lists for the appropriate selection of plants.

Plant material shall be selected that is best suited to withstand the soil and physical growing conditions which are found in the microclimate of each particular location on a site. Plant species that are freeze and drought tolerant are preferred. Plants having similar water use shall be grouped together in distinct water use zones.

Due to the legal status and adverse impact upon landscape areas caused by certain invasive plant species, the placement or use of the following plants is prohibited:

Eichhornia crassipes (water-hyacinth)  
Hydrilla verticillata (hydrilla)  
Hygrophila polysperma (green hygro)  
Imperata cylindrica (cogon grass)  
Ipomoea aquatica (water-spinach)  
Mimosa Pigra (catclaw mimosa)

Pistia stratiotes (water-lettuce)  
Sapium sebiferum (popcorn tree, Chinese tallow tree)  
Solanum torvum (turkey berry)  
Solanum viarum (tropical soda apple)

Certain controlled species as listed below may be incorporated into a landscape plan, but only under the following specific conditions.

- a. **Controlled Species:** The following list, obtained from the Division of Forestry, contains species of plants which are invasive and disruptive to the native plant communities in Florida. These plants should only be used in areas which will be frequently maintained and mowed.

Albizia julibrissin (mimosa, silk tree)



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Ardisia crenulata (=A. crenata)(coral ardisia)  
Ardisia elliptica (=A. humilis)(shoebutton ardisia)  
Brachiaria mutica (Pará grass)  
Cestrum diurnum (day jasmine)  
Cinnamomum camphora (camphor-tree)  
Colocasia esculenta (taro)  
Colubrina asiatica (lather leaf)  
Eugenia uniflora (Surinam cherry)  
Hymenachne amplexicaulis (West Indian marsh grass)  
Jasminum dichotomum (Gold Coast jasmine)  
Jasminum fluminense (jasmine)  
Lantana camara (lantana)  
Ligustrum sinense (hedge privet)  
Lonicera japonica (Japanese honeysuckle)  
Lygodium japonicum (Japanese climbing fern)  
Macfadyena unguis-cati (cat's claw)  
Melia azedarach (Chinaberry)  
Nephrolepis cordifolia (sword fern)  
Neyraudia reynaudiana (Burma reed; cane grass)  
Oeceoclades maculata (ground orchid)  
Paederia foetida (skunk vine)  
Pennisetum purpureum (Napier grass)  
Pueraria montana (=P. lobata)(kudzu)  
Rhodomyrtus tomentos (downy rose myrtle)  
Rhoeo spathacea (=R. discolor)(oyster plant)  
Scaevola taccada var. sericea (=S. frutescens; =S. sericea)  
(scaevola, half-flower, beach naupaka)  
Tectaria incisa (incised halberd fern)  
Tradescantia fluminensis (white-flowered wandering jew)

**3.04.043 Practical Turf Areas:** The type, location, and shape of turf areas shall be selected in the same manner as with all the other plantings. Turf shall not be treated as a fill-in material but rather as a major planned element of the landscape. Since many turf varieties require supplemental watering at frequencies different than the other types of landscape plants, turf shall be placed so that it can be irrigated separately. While turf areas provide many practical benefits in a landscape, how and where it is used can influence water use. The use of drought tolerant turf is preferred over the traditional turf grass varieties. If drought tolerant varieties are used, then turf areas are considered as part of the moderate water use zones thereby increasing ground coverage limits as set forth in 3.04.041 above. Drought resistant varieties of turf, including native species Bahia and St. Augustine FX-10 are encouraged. The use of other appropriate grass types, including experimental varieties, are also preferred. Large turf areas, not subject to erosion, such as playfields, may be grasses with methods other than sod if previously approved during plan review.

Turfgrass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreation use, or provide soil erosion control such as slopes or in swales; and where turfgrass is used as a design unifier, or other similar practical use. Turf areas shall be identified on the landscape plan.



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**3.04.044 Efficient Irrigation:** If a landscape requires regular watering or if an irrigation system is desired, the system should be well planned and managed. Water can be conserved through the use of a properly designed and managed irrigation system.

The irrigation system shall be designed to correlate to the organization of plants into zones as described in 3.04.041 above. The water use zones shall be shown on the Irrigation Plan. Irrigation shall be required as follows:

**High Water Use Zones:** All portions of high water use zones shall be provided with central automatic irrigation systems.

**Moderate Water Use Zones:** All portions of moderate water use zones shall be provided with a readily available water supply (within twenty-five (25) feet).

**Low Water Use Zones:** All portions of low water use zones shall be provided with a readily available water supply (within fifty (50) feet).

Retained trees, shrubs and native plant communities shall not be required to be irrigated, unless determined necessary by the County.

Turfgrass areas shall be irrigated on separate irrigation zones from tree, shrub and ground cover beds.

Reclaimed or non-potable water may be used for irrigation if an acceptable source is determined to be available by the County.

Moisture sensor and/or rain shut-off switch equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient rainfall. Said equipment shall consist of an automatic mechanical or electronic sensing device or switch which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred. The use of low volume emitters or target irrigation is required for trees, shrubs and ground covers so as to minimize irrigation overthrow onto impervious surfaces.

**3.04.045 Use of Mulches:** Mulches applied and maintained at appropriate depths in planting beds will assist soils in retaining moisture, reducing weed growth, and preventing erosion. Mulch may also be used in places where conditions are not adequate for, or conducive to, growing quality turf or ground covers. Mulches are typically wood bark chips, wood grindings, pine straw, nut shells, small gravel, and shredded landscape clippings.

**3.04.046 Appropriate Maintenance:** A regular maintenance schedule shall be submitted as part of the Landscape Plan.

Landscapes shall be maintained to ensure water-efficiency. A regular maintenance schedule must include but not be limited to checking, adjusting, and repairing irrigation equipment; resetting the automatic controller according to the season; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning, and weeding in all landscaped areas.

**3.04.05 Education:** To assist in public information, the education of its citizens, and the effective implementation of this section, the County will coordinate its efforts with those of the Northwest Florida Water Management District, The Okaloosa County Water and Sewer Department, Planning and Inspection Department, and the Okaloosa County Agricultural Extension Service or



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other agencies. In conjunction with the agencies, the County will jointly sponsor regular workshops and/or short courses on the design principles and standards of water-efficient landscaping.

**3.04.06 Incentives:** Any development/landscape plan which incorporates the minimum water-efficient design principles and standards established by this section will be granted special staff consideration and will be expedited through the landscape review portion of the site plan review process.

Additional incentives will be granted from density/intensity and reduction in required landscape area percentage where applicant demonstrates compliance with section. Incentives include:

- Maximum of five (5) percent density bonus
- Maximum of .20 FAR intensity bonus
- Reduction of required landscape area percentage from fifteen (15) percent to twelve (12) percent.

### **3.05.00 RIVER PROTECTION ZONE.**

**3.05.01 Purpose:** The Board declares there is substantial public benefit in conserving and protecting the water quality of the rivers in north county for recreation, wildlife conservation, and water supply purposes in furtherance of state public policy (s. 430.021, Fla. Stat). The preservation of vegetation along river banks contributes to the healthy functioning and water quality of rivers by:

1. Dissipating water energy through vegetation and root systems resulting in less soil erosion and reduction in flood damage;
2. Reducing suspended sediments which creates less turbid water and replenishes soils and builds stream banks;
3. Filters pollutants from surface runoff and enhance water quality via bio-filtration;
4. Provides wildlife habitat, increased biodiversity, and forage for wildlife and livestock;
5. Provides wildlife corridors which enable aquatic and riparian organisms to move along river systems avoiding isolated communities, and;
6. Provides native landscape irrigation by extending seasonal or perennial flows of water.

**3.05.02 River Protection Zone:** The "River Protection Zone" (RPZ) for all rivers and major tributaries thereto located north of the Eglin Reservation includes all "A" Flood Zones as shown on Flood Insurance Rate Maps for: Shoal River, Horsehead Creek, Pond Creek, Juniper Creek, and Bear Creek; Yellow River, Big Creek; Mill Creek; Horse Creek; Polley Creek; Blackwater River.

**3.05.03 Restrictions:** Within the established RPZ the following restrictions shall apply.

1. Clearing of natural vegetation is not allowed except:



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2. Clearing may be allowed to create driveway access no more than twenty (20) feet in width to: a lot or parcel; a building on lot or parcel; or the construction site of a building on a lot or parcel, and;
3. Clearing may be allowed for construction of buildings provided said clearing is limited to the building footprint and an area twenty (20) feet in all directions surrounding and adjacent to the building footprint. The "building footprint" is defined as the land area occupied by the four walls and roof of a building.
4. Except as provided in s.3.05.04, there shall be no clearing of vegetation incidental to or as part of any agricultural activity, nor shall there be allowed any agricultural activity except for the watering of livestock within the RPZ.

**3.05.04 Exceptions:** The requirements of subsection 3.04.03 shall not apply to:

1. Any lot or parcel created and duly recorded in the Official Records of Okaloosa County prior to the effective date of this policy.
2. Any area where agricultural activity or timber harvesting was being which had already been disturbed prior to the effective date of this policy.
3. Land clearing associated with roadway and highway crossings, utility crossings, nature trails, or structures designed for public water supply purposes approved by the Northwest Florida Water Management District.
4. A ten (10) foot wide cleared pathway per riverfront parcel so as to allow access to the water.
5. The growing and harvesting of timber when best management practices are used.

**3.05.05 Future Land Use Map Amendments/Rezoning:** The Board shall not approve any request for a comprehensive plan future land use map plan amendment or rezoning for any parcel of land located within the RPZ when such request involves a change from "Agriculture" future land use designation or "Agricultural" zoning district to some other future land use designation, except the "Conservation" future land use designation, unless it can be conclusively demonstrated that such FLUM amendment or rezoning is clearly in the public interest.

#### **3.06.00 FLOOD HAZARD AREAS.**

Flood hazard areas of Okaloosa County are subject to periodic inundation which may result in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base.

**3.06.01 Applicability:** This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Okaloosa County. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for Okaloosa County, with accompanying maps and other supporting data. The FEMA Flood Insurance Study for Okaloosa County, and any revision and/or amendment thereto, is adopted by reference and declared to be a part of this ordinance.



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**3.06.02 Warning and Disclaimer of Liability:** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding damages. This ordinance shall not create liability on the part of Okaloosa County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

**3.06.03 Administration, Appeal, Compliance, Coastal Construction Code, Development and Building Permits, Enforcement, Violations, Variance:** Reference other chapters of this ordinance for these and other requirements. The administration of this chapter shall be by the County Public Works Department, except the issuing of permits and the receipt of required certifications for building construction, which shall be administered by the Department of Growth Management.

**3.06.04 Definitions:** The following definitions are germane to this chapter:

Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Area of Special Flood Hazard: The land in the floodplain of a community subject to a one percent or greater chance of flooding in any given year.

Base Flood: A flood having a one (1) percent chance of being equaled or exceeded in any given year (also referred to as one hundred (100) year flood).

Base Flood Elevation (BFE): The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement: That portion of a building having its floor sub-grade (below ground level) on all sides.

Breakaway Wall (Frangible Wall): A partition independent of supporting structural members that will withstand design wind forces, but will fail under hydrostatic, wave, and run-up forces associated with the design storm surge. Under such conditions, the wall will fail in a manner such that it disintegrates or breaks up into components that will minimize the potential for damage to life or adjacent property.

Coastal High Hazard Area: For purposes of this section, "coastal high hazard areas" are special Flood Hazard Areas along the coasts that have additional hazards due to wind and wave action. These areas are identified on Flood Insurance Rate Maps as Zones V, V1-30, and VE.

Elevated Building: A building that has no basement and that has its lowest elevated floor raised above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid foundation perimeter walls are not an acceptable means of elevating buildings in V and VE zones.





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**Flood Insurance Rate Map (FIRM):** The insurance and floodplain management map issued by FEMA that identifies, based on detailed or approximate analyses, the areas of one hundred (100) year flood hazard in a community. Flood insurance risk zones, which are used to compute to actuarial insurance rates, are also shown. In areas studied by detailed analyses, the FIRM shows the Base Flood Elevation (BFE) which is the elevation of the crest of the base or 100 year flood, and occasionally, five hundred (500) year floodplain boundaries, and on some FIRMs, delineations of one hundred (100) year floodway boundaries.

**Flood Insurance Study:** An engineering study that is performed under contract to FEMA to identify flood-prone areas and to determine BFEs, flood insurance risk zones, and other flood risk data for a community.

**Floodway:** A floodplain management tool that is the regulatory area defined as the channel of a stream, plus any adjacent floodplain areas, that must be kept free of encroachment so that the one hundred (100) year flood discharge can be conveyed without increases of more than a specified amount in the BFE. The floodway is not an insurance rating factor.

**Floor:** The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles. In the case of structures located in Coastal High Hazard areas or structures on pilings, floor means the elevation of the lowest portion of the horizontal structural members of the lowest floor.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**Lowest Horizontal Structural Member:** Any shore-parallel structural member which supports floor, wall or column loads and transmits them to the pile foundation.

**Manufactured Home (For purposes of this chapter only):** A mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Act.

**New Construction:** Structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later. The term includes any subsequent improvements to such structures. The term includes any subsequent improvements to such structures.

**Start of Construction:** For other than new construction or substantial improvements under the Coastal Barrier Resources Act, this is the date the building permit was issued, provided the actual start of construction, repair rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns, or any work beyond the stage or excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and /or walkways; nor does it





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include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Structure:** For the purpose of this section, “structure” means a walled and roofed building, including gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**Substantial Damage:** For purposes of this section, “substantial damage” means damage of any origin sustained by a building whereby the cost of restoring the building to its before-damaged condition would equal or exceed 50 percent of the market value of the building before the damage occurred.

**Substantial Improvements:** For the purposes of this section, “substantial improvements” means any reconstruction, rehabilitation, addition, or improvements to a building, the cost of which equals or exceeds fifty (50) percent of the market value of the before the “start of construction” of the improvement. The term does not, however, include either any project for improvement of a building to correct existing state or local code violations or any alteration to a “historic building,” provided that the alteration will not preclude the building’s continued designation as a “historic building.”

#### 3.06.05 Provisions for Flood Hazard Reductions:

**A. General Standards:** In all areas of special flood hazard the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters;
8. On-site disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and



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9. Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this section, shall meet the requirements of "new construction" as contained in this chapter.
10. New and substantially improved critical facilities are required to be protected from damage and loss of access as a result of the 500-year flood or the flood of record, whichever is higher. Critical facilities include, but are not limited to:
  - a. Those structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, and/or water reactive materials;
  - b. Hospitals, nursing homes, and facilities licensed by the State of Florida as Community Residential Homes that are likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;
  - c. Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and
  - d. Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

#### **B. Standards for Project Proposals:**

1. All subdivision and project proposals shall be consistent with the need to minimize flood damage;
2. All project proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All project proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty (50) lots or five (5) acres. When determining whether or not a detailed engineering analysis is required to develop base flood elevation data guidance shall be obtained from the "Guide for Approximate A Zone Areas", FEMA, latest edition.

**C. Specific Standards:** In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Section 3.06.01, or when data have not been provided, then as determined by a Florida-registered surveyor, the following provisions are required:

1. Fill or re-grading of property shall be prohibited or limited except to establish required road elevations and for driveways and permitted principal and accessory structures, unless the environmental assessment shows that fill or re-grading the site will not adversely alter the hydrology of the site.
2. Residential Construction: Where base flood elevation data has been provided, new construction or substantial improvement of any residential structure shall have the lowest floor, including electrical, heating, ventilation, plumbing, and air conditioning and other



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service facilities (including ductwork), elevated at least one (1) foot above the base flood elevation as specified on the Flood Insurance Rate Maps. Where base flood elevation data has not been provided, new construction or substantial improvements of any residential structure shall have the lowest floor, including electrical, heating, ventilation, plumbing, and air conditioning and other service facilities (including ductwork), elevated at least five (5) feet above the highest adjacent finished grade. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of paragraph 4, herein below.

3. **Non-Residential Construction:** New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, electrical, heating, ventilation, plumbing, and air conditioning and other service facilities (including ductwork) elevated at least one (1) foot above the level of the base flood elevation. Structures located in all A-zones may be flood proofed in lieu of being elevated provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A Florida-registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Department of Growth Management.
4. **Elevated Buildings:** New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
  - a. Designs for complying with this requirement must be certified by a Florida-registered professional engineer or architect meet or exceed the following minimum criteria:
    - i. Provide a minimum of two (2) openings on different sides of each enclosed area having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
    - ii. The bottom of all openings shall be no higher than one (1) foot above grade (which must be equal to or higher than adjacent exterior grade); and
    - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both direction.
  - b. Electrical, plumbing, heating, ventilation and air conditioning and other service facilities (including ductwork) elevated at least one (1) foot above the level of the base flood elevation.
  - c. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in



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connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

- d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
5. **Floodways:** Located within areas of special flood hazard areas are designated as floodways. A floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and due to the erosion potential, encroachments, including fill, new construction, substantial improvements, and other developments are prohibited, unless certification is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. Certification must be provided, along with supporting technical data, by a Florida-registered professional engineer. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
6. **Coastal High Hazard Areas (V Zones):** Located within the special flood hazard areas are areas designated as Coastal High Hazard areas. For purposes of this section only, the NFIP definition of "Coastal High Hazard Areas" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. These areas have special flood hazard associated with wave wash; therefore, the following provisions shall apply:
  - a. All buildings or structures shall be located landward of the reach of the mean high tide;
  - b. All buildings or structures in V Zones shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) including electrical, heating, ventilation, plumbing, and air conditioning, and other service facilities (including ductwork) is located at least one (1) foot above the established base flood elevation, with all space below the lowest supporting member open so as not to impede the flow of water. Break away walls may be permitted and must be designated to wash away in the event of abnormal wave action and in accordance with this section;
  - c. All buildings or structures in V Zones on Okaloosa Island shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) including electrical, heating, ventilation, plumbing, and air conditioning, and other service facilities (including ductwork) is located at least one (1) foot above the established base flood elevation, but no lower than ten (10) feet above MSL, with all space below the lowest supporting member open so as not to impede the flow of water. Break away walls may be permitted and must be designated to wash away in the event of abnormal wave action and in accordance with this section;
  - d. All buildings or structures shall be securely anchored on pilings or columns;
  - e. All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and



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support system shall be designed with wind and water loading values which equal or exceed the one hundred (100) year mean recurrence interval.

- f. Florida-registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in this section;
- g. There shall be no fill used as structural support in V Zones. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The County Public Works Department shall approve design plans for landscaping aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered;
  - i. Particle composition of fill material does not have a tendency for excessive natural compaction
  - ii. Volume and distribution of fill will not cause wave deflection to adjacent properties; and
  - iii. Slope of fill will not cause wave run-up or ramping;
- h. There shall be no alteration of sand dunes which would increase potential flood damage;
- i. Non-supporting break away walls, open lattice-work, or mesh screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to break away under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met;
  - i. Design safe loading resistance of each wall shall be not less than ten (10) nor more than twenty (20) pounds per square foot; or
  - ii. If more than twenty (20) pounds per square foot, a Florida-registered professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components during the base flood event. Maximum wind and water loading values to be used in this determination shall have (1) one percent chance of being equaled or exceeded in any given year.
- j. If break away walls are utilized, such enclosed space shall not be designed to be usable for human habitation but shall be designed to be useable only for parking



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of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises;

- k. Prior to construction, plans for any structures that will have breakaway walls must be submitted to the Planning and Inspection Department for approval; and
- l. Any alteration, repair, reconstruction, or improvement to a structure shall not enclose the space below the lowest floor except with breakaway walls, as provided for in this section.

#### **D. Standards for Streams without Established Base Flood Elevations and/or Floodways:**

Located within the areas of special flood hazard established on the Flood Insurance Rate Maps, where small streams exist but where no base flood data have been provided or where no floodways have been provided, the following provisions apply:

1. No encroachments, including fill material or structures shall be located within a distance of the stream bank of twenty-five (25) feet, unless certification by a Florida-registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge; and
2. New construction or substantial improvements of structures shall be elevated or flood-proofed to elevations established in accordance with Section 3.06.05 C.

#### **3.07.00 WELLHEAD PROTECTION ZONES.**

Florida's ground water resource is the primary source of drinking water in the State, supplying over ninety (90) percent of all public water supply. The intent of wellhead protection is to protect potable water wells, as defined in Rule 62-521, F.A.C., from contamination, and to prevent the need for their replacement or restoration due to contamination.

**3.07.01 Protected Wellheads:** Those wellheads with a permitted capacity of one hundred thousand (100,000) gpd or more.

**3.07.02 Wellhead Protection Zone:** All land within a five hundred (500) foot radius of a protected wellhead constructed after adoption of this ordinance.

**3.07.03 Prohibited Uses and Development Activities Within the Wellhead Protection Zone:** The following land uses are prohibited within wellhead protection zones:

1. Landfills;
2. Facilities for the bulk storage, handling or processing of materials on the Florida Substance List.
3. Activities that require the storage, use, handling, production or transportation of restricted substances: Agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, medical wastes, and the like;
4. Feedlots or other concentrated animal facilities;
5. Wastewater treatment plants, percolation ponds, and similar facilities;



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6. Mines, and;
7. Excavation of waterways or drainage facilities which intersect the water table.

#### **3.08.00 EGLIN NORTH ENCROACHMENT PROTECTION ZONE.**

**3.08.01 Purpose:** To facilitate cooperation with Eglin Air Force Base so as to encourage compatible land uses and help prevent encroachment from incompatible urban development in those areas where there is potential for such development, but where such development has not yet substantially occurred.

**3.08.02 Encroachment Protection Zone:** The “Eglin AFB North Encroachment Protection Zone” (ENEPZ) includes all lands and waters situated between Interstate 10 (I-10) south to the northern boundary of Eglin AFB.

**3.08.03 Development Review:** During the process of reviewing applications for development approval for properties located within the ENEPZ great weight shall be given to any recommendations provided by Eglin AFB officials, and may further use said recommendations as the basis for findings relating to the approval or denial of said applications.

**3.08.04 Development Restrictions:** Residential density inside the ENEPZ for properties designated “Agriculture” on the FLUM shall be limited to no more than one (1) dwelling unit per ten (10) acres within the following areas.

Sections 1 – 10, Township 2 North, Range 24 West.  
Sections 11- 20, Township 2 North, Range 25 West.  
Sections 31 – 36, Township 3 North, Range 22 West.  
Sections 33 – 36 Township 3 North, Range 23 West.

#### **3.09.00 MILITARY INSTALLATION HEIGHT ENCROACHMENT ZONES.**

**3.09.01 Findings:** The Board finds that incompatible development of land close to military installations can adversely affect the ability of such an installation to carry out its mission and does further find that such development also threatens the public safety because of the possibility of accidents occurring within the areas surrounding a military installation. In addition, the economic vitality of the County will be affected if military operations and missions must relocate because of incompatible urban encroachment. Therefore, the Board finds it desirable for the County to cooperate with military installations to encourage compatible land use, help prevent incompatible encroachment, and facilitate the continued presence of major military installations in Okaloosa County.

**3.09.02 Purpose:** The purpose of this section is to implement and put into regulatory effect certain recommendations of the Eglin Air Force Base Joint Land Use Study, June, 2009 and the “Okaloosa County Building Height Study”, May, 2006.

**3.09.03 Height Encroachment Zones and Restrictions:** Height encroachment zones and building height restrictions set forth in this section shall be in addition to and shall control over any other height restriction or regulation prescribed for any zoning district or any other section within this Chapter.





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**3.09.04 Application:** Height encroachment zones and building height restrictions are hereby established as follows.

1. Height encroachment zones: Military installation height encroachment zones shall be as shown in Figure 3-1 on page 3-24.
  - a. Height restrictions set forth in paragraph 2 below shall apply within these zones.
2. Building height restrictions: The height of any building shall be no more than the figure shown for any particular zone as depicted in Figure 3-1 on page 3-24.

**3.09.05 Compliance Determination:** In the event an uncertainty or question should arise regarding the height of any particular building being in compliance with this section the Growth Management Director may consult with and take guidance from the County's designated military representative on the Planning Commission.

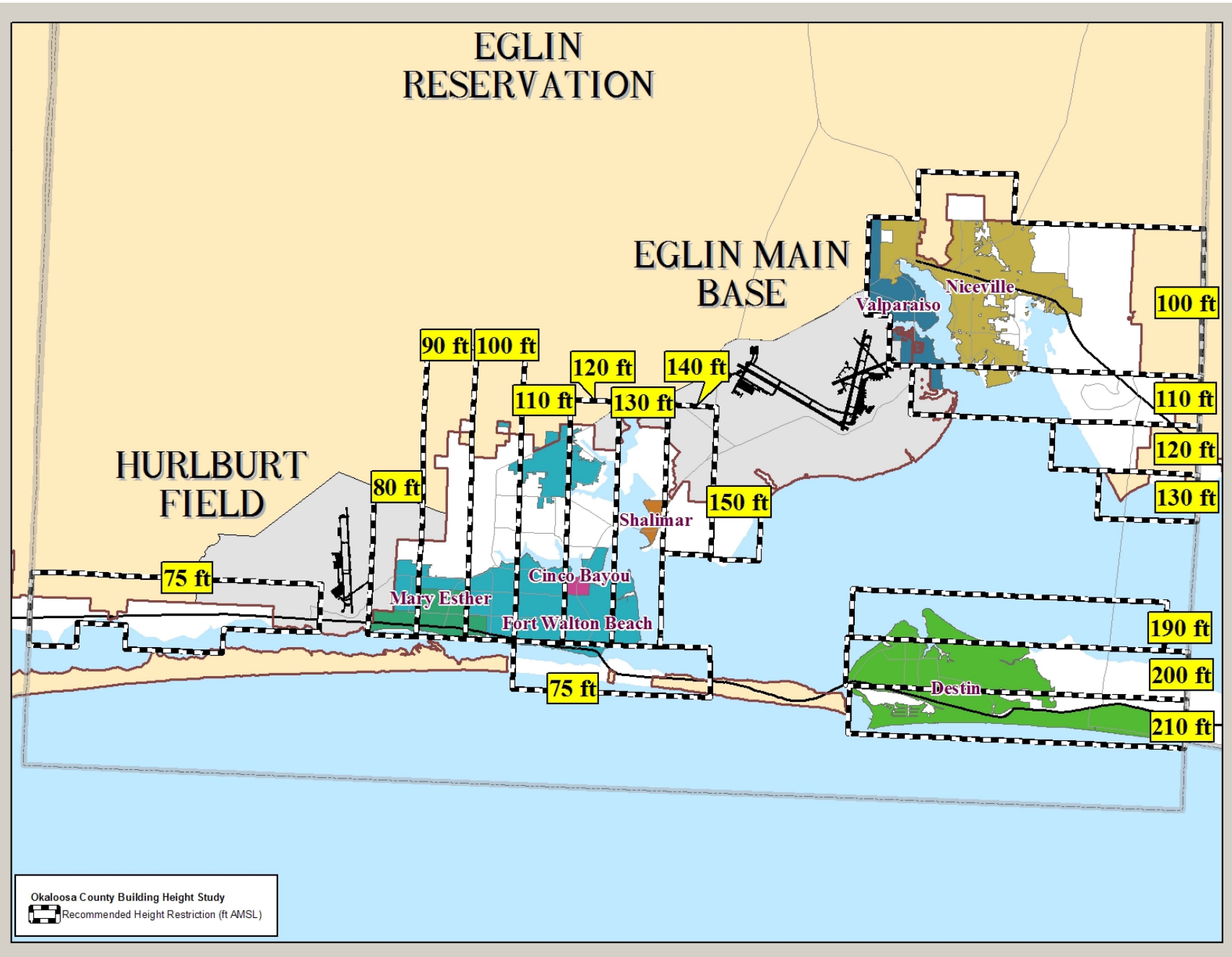


Figure 3-1: Fort Walton Beach Maximum Building Heights (Air Force, 2006)