



**CHAPTER 3
OVERLAY ZONES**

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LAND DEVELOPMENT CODE

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CHAPTER 3 OVERLAY ZONES

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.



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 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).



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.



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.

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.

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)

Ardisia crenulata (=A. crenata)(coral ardisia)

Ardisia ellipticea (=A. humilis)(shoebuttan 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.



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 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:
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

3.06.01. - General.

A. Title. These regulations shall be known as the *Floodplain Management Ordinance* of Okaloosa County, hereinafter referred to as "this section."

B. Scope. The provisions of this section shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

C. Intent. The purposes of this section and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;



- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in Title 44 Code of Federal Regulations, Section 59.22.

D. Coordination with the Florida Building Code. This section is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

E. Warning. The degree of flood protection required by this section and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.

F. Disclaimer of Liability. This section shall not create liability on the part of the Board of County Commissioners of Okaloosa County or by any officer or employee thereof for any flood damage that results from reliance on this section or any administrative decision lawfully made thereunder.

3.06.02. - Applicability.

A. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

B. Areas to which this section applies. This section shall apply to all flood hazard areas within the unincorporated area of Okaloosa County, as established in Section 3.06.02.C of this section.

C. Basis for establishing flood hazard areas. The Flood Insurance Study for Okaloosa County, Florida and Incorporated Areas dated March 9, 2021, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Growth Management Department.

D. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 3.06.06 of this section the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community



indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the *Florida Building Code*.
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

E. Other laws. The provisions of this section shall not be deemed to nullify any provisions of local, state or federal law.

F. Abrogation and greater restrictions. This section supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this section and any other ordinance, the more restrictive shall govern. This section shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this section.

G. Interpretation. In the interpretation and application of this section, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

3.06.03. - Definitions.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this section, have the meanings shown in this section. Where terms are not defined in this section and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code. Where terms are not defined in this section or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

Accessory structure: A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

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.

Agricultural structure: For floodplain management purposes, a walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.



Alteration of a watercourse: A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

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.

ASCE 24: A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood: A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation: The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

Basement: The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

Breakaway Wall (Frangible Wall): A wall or 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 A Zone: Area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped coastal high hazard areas. In a coastal A zone, the principal source of flooding must be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to 1 ½ feet (457 mm). The inland limit of the coastal A zone is (a) the Limit of Moderate Wave Action if delineated on a FIRM, or (b) designated by the authority having jurisdiction. [Also defined in FBC, B, Section 202.]

Coastal high hazard area: A special flood hazard area 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. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone VI-V30, VE, or V.

Critical facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include buildings and structures assigned Flood Design Class 4 in accordance with the Florida Building Code and nursing homes and facilities licensed by the State of Florida as community residential homes that are likely to contain occupants who may not be sufficient mobile to avoid death or injury during flooding; and public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after flood events.



Design flood: The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation: The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO; the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 202.]

Development: For the purposes of section 3.06.00, any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

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 Coastal A Zones, V, and VE zones.

Encroachment: The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure: Any buildings and structures for which the "start of construction" commenced before July 1, 1977. [Also defined in FBC, B, Section 202.]

Federal Emergency Management Agency (FEMA): The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood damage-resistant materials: Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area: The greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM): The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. 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, 500-year floodplain boundaries, and on some FIRMs, delineations of 100-year floodway boundaries.

Flood Insurance Study (FIS): The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if



applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain Administrator: The office or position designated and charged with the administration and enforcement of this section (may be referred to as the Floodplain Manager).

Floodway: The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 202.]

Floodway encroachment analysis: An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code: The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building* (also referenced herein as "FBC, B"); *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structures.

Historic structure: Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings.

Letter of Map Change (LOMC): An official determined issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum



NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck: As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Limit of Moderate Wave Action: Line shown on FIRMs to indicate the inland limit of the 1 ½-foot (457 mm) breaking wave height during the base flood. [Also defined in FBC, B, Section 202.]

Lowest floor: The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 202.]

Manufactured home: A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a ¹¹recreational vehicle or "park trailer." [Also defined in 15C-I.0101, F.A.C.]

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value: The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this section, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction: For the purposes of administration of this section and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after July 1, 1977 and includes any subsequent improvements to such structures.

Park trailer: A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters



when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

Recreational vehicle: A vehicle, including a park trailer, which is: [See section 320.01, F.S.]

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes: Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area (SFHA): An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, (including Coastal A Zone), AO, AI-A30, AE, A99, AH, VI-V30, VE or V. [Also defined in FBC, B Section 202.]

Start of construction: The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, or the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the 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. [Also defined in FBC, B Section 202.]

Substantial damage: Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

Substantial improvement: Any repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum



necessary to assure safe living conditions.

- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

3.06.04. - Duties and powers of the Floodplain Administrator.

A. Designation. The County Engineer is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

B. General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this section. The Floodplain Administrator shall have the authority to render interpretations of this section consistent with the intent and purpose of this section and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this section without the granting of a variance pursuant to Section 3.06.08 of this section.

C. Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue development permits for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance; and
- (8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section.

D. Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market



value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this section is required.

E. Modifications of the strict application of the requirements of the *Florida Building Code*. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 3.06.08 of this section.

F. Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.

G. Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 3.06.07 of this section for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

H. Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

- (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 3.06.04.D of this section;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this section and the *Florida Building Code* to determine that such certifications and documentations are complete;
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of Okaloosa County are modified; and



- (6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

I. Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this section and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the Growth Management Department upon request.

3.06.05. - Permits.

A. Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this section and all other applicable codes and regulations has been satisfied.

B. Development permits. Development permits shall be issued pursuant to this section for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities within the SFHA exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a development permit is required in addition to a building permit.

C. Buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), development permits shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this section:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.



- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system,
- (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

D. Validity of permit or approval. The issuance of a development permit pursuant to this section shall not be construed to be a permit for, or approval of, any violation of this section, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

E. Expiration. A development permit shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

F. Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a development permit if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this section or any other ordinance, regulation or requirement of this community.

3.06.06. - Site plans and construction documents.

A. Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale. In addition to the site plan requirements in Section IA.03.05, the documents shall include, as applicable to the proposed development:

- (1) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 3.06.06.B(2) or (3) of this section.
- (2) Where the parcel on which the proposed development will take place will have more than



50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 3.06.06.B(l) of this section.

- (3) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A Zones, new buildings shall be located landward of the reach of mean high tide.
- (4) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (5) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (6) Extent of any proposed alteration of sand dunes, provided such alteration is approved by the Florida Department of Environmental Protection.
- (7) Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this section but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this section.

B. Information in flood hazard areas without base flood elevations (approximate Zone A).

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; the applicant for a non-residential building or structure shall determine base flood elevation.
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices;
 - b. Require the applicant to develop base flood elevation data in accordance with FEMA guidance, including but not limited to "A Guide for Obtaining and Developing Base (100-Year) Flood Elevation" or successor document; or
 - c. Specify that the base flood elevation is four (4) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating



flood depths have been or may be greater than four (4) feet.

- (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

C. Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 3.06.06.D of this section and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, all encroachments, including fill, shall be prohibited within a distance of twenty-five (25) feet of the stream bank unless hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not result in any increase in the base flood elevation. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 3.06.06.D of this section.
- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

D. Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.



3.06.07. - Inspections.

A. General. Development for which a development permit is required shall be subject to inspection.

B. Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this section and the conditions of issued development permits.

C. Buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this section and the conditions of issued development permits.

D. Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 3.06.06.B(3)(b) of this section, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

E. Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 3.06.07.D of this section.

F. Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

3.06.08 - Variances.

A. General. In accordance with Chapter 11, the Board of Adjustment shall hear and decide on requests for variances from the strict application of this section. Pursuant to section 553.73(5), F.S., the Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code*, *Building*.



B. Limitations on authority to grant variances. The Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 3.06.08.G of this section, the conditions of issuance set forth in Section 3.06.08.H of this section, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this section.

C. Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 3.06.06.C of this section.

D. Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

E. Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this section, provided the variance meets the requirements of Section 3.06.08.C, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

F. Prohibition on variances. Except for historic structures and functionally dependent uses, under no circumstances will Okaloosa County grant variances to the elevation or dry floodproofing requirements of the Florida Building Code unless an appeal to the prohibition is approved and the conditions in Section 3.06.08.H of this section are satisfied.

G. Considerations for issuance of variances. In reviewing requests for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this section, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain



management program for the area;

- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

H. Conditions for issuance of variances. Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this section or the required elevation standards;
- (2) Determination by the Board of Adjustment that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) Should an appeal to the prohibition on variances to the lowest floor elevation or dry floodproofing requirements of the Florida Building Code prevail, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

I. Agricultural structures. A variance is authorized to be issued for the construction or substantial improvement of agricultural structures provided the requirements of this section are satisfied and:

- (1) A defemination has been made that the proposed agricultural structure:
 - (a) Is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, or storage of tools or equipment used in connection with these purposes or uses, and will be restricted to such exclusive uses.
 - (b) Has low damage potential (amount of physical damage, contents damage, and loss



of function).

- (c) Does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including but not limited to the effects of flooding on manure storage, livestock confinement operations, liquified natural gas terminals, and production and storage of highly volatile, toxic, or water reactive materials.
- (d) Is not located in a coastal high hazard area (Zone VNE), except for aquaculture structures dependent on close proximity to water.
- (e) Complies with the wet floodproofing construction requirements of paragraph (2), below.

(2) Wet floodproofing construction requirements.

- (a) Anchored to resist flotation, collapse, and lateral movement.
- (b) When enclosed by walls, walls have flood openings that comply with the flood opening requirements of ASCE 24, Chapter 2.
- (c) Flood damage resistant materials are used below the base flood elevation plus one (1) foot.
- (c) Mechanical, electrical, and utility equipment, including plumbing fixtures, are elevated above the base flood elevation plus one (1) foot.

3.06.09. - Violations.

Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this section, shall be deemed a violation of this section. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this section or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided. The administrative and enforcement procedures are set forth in Article VI of Chapter 11 of the Code of Ordinances.

3.06.10. - Buildings and structures.

A. Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to Section 3.06.05.C of this section, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 3.06.16 of this section.

B. Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:



- (1) Buildings and Structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code, Building* Section 3109 and Section 1612 or *Florida Building Code, Residential* Section R322.
- (2) Minor structures and non-habitable major structures as defined in section 161,54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this section and ASCE 24.

C. Minimum elevation requirements for buildings in flood hazard areas. The minimum elevation requirements for buildings in flood hazard areas, including new construction and substantially improved buildings, are specified in:

- (1) The Florida Building Code, Building by reference to ASCE 24.
- (2) The Florida Building Code, Residential, in Section R322.2 (Zone A) and Section R322.3 (Zone V and Coastal A Zone).

D. Minimum elevation requirement for buildings in Zone on Okaloosa Island. In addition to the requirements of the *Florida Building Code*, new construction and substantially improved buildings and structures in Zone V on Okaloosa Island shall be elevated such that the bottom of the lowest horizontal structural member supporting the lowest floor is at or above the elevation required by the *Florida Building Code*, but no lower than 9.6 feet NAVD 1988.

E. Detached accessory structures. Detached accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:

- (1) If located in special flood hazard areas (Zone NAE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft.
- (2) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
- (3) If located in coastal high hazard areas (Zone VIVE), are not located underneath elevated buildings and are not larger than 100 sq. ft.
- (4) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- (5) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
- (6) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

F. Critical facilities. Critical facilities shall be elevated or protected from damage and loss of access during flood events up to and including the 500-year flood elevation in accordance with the Florida Building Code requirements for Flood Design Class 4.

3.06.11. - Subdivisions.

A. Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be



reasonably safe from flooding;

- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

B. Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary and final plats;
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 3.06.06.B(l) of this section; and
- (3) Compliance with the site improvement and utilities requirements of Section 3.06.12 of this section.

3.06.12. - Site improvements, utilities and limitations.

A. Minimum requirements. All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

B. Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

C. Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

D. Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 3.06.06.C(l) of this section demonstrates that the proposed development or land disturbing activity



will not result in any increase in the base flood elevation.

E. Limitations on placement of fill and grading. Placement of fill and grading shall be permitted:

- (1) If necessary to meet required elevations for roads and driveways.
- (2) If a drainage analysis or environmental assessment demonstrates the hydrology of the site and adjacent parcels are not adversely altered.
- (3) If, subject to the floodway limitations of this section, fill is designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour.
- (4) If intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

F. Limitations on sites in coastal high hazard areas (Zone V) and Coastal A Zones. In coastal high hazard areas and Coastal A Zones, alteration of sand dunes shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 3.06.06.C(4) of this section demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 3.06.I 6.H(3) of this section. The interior portion of areas enclosed under buildings shall be used only for parking, building access, and storage and shall not be partitioned or finished into separate rooms.

3.06.13. – Manufactured homes.

A. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this section. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

B. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

- (1) In flood hazard areas (Zone A) other than coastal high hazard areas and Coastal A Zones, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this section.
- (2) In coastal high hazard areas (Zone V) and Coastal A Zones, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this section.

C. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.



D. Elevation requirement. All manufactured homes that are placed, replaced, or substantially improved shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone).

E. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

F. Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.

3.06.14. - Recreational vehicles and park trailers.

A. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

B. Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 3.06.14.A of this section for temporary placement shall meet the requirements of Section 3.06.13 of this section for manufactured homes.

3.06.15. - Tanks.

A. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

B. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 3.06.15.C of this section shall:

- (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas and Coastal A Zones, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (2) Not be permitted in coastal high hazard areas (Zone V) and Coastal A Zones.

C. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the design flood elevation and attached to a supporting structure that is designed to



prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

D. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

3.06.16. - Other development.

A. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this section or the *Florida Building Code*, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 3.06.12.D of this section if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

B. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 3.06.12.D of this section.

C. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 3.06.12.D of this section.

D. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 3.06.12.D of this section. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 3.06.06.C(3) of this section.

E. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V) and Coastal A Zones. In coastal high hazard areas and Coastal A Zones, concrete slabs used as parking pads, enclosure



floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- (1) Structurally independent of the foundation system of the building or structure;
- (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- (3) Have a maximum slab thickness of not more than four (4) inches.

F. Decks and patios in coastal high hazard areas (Zone V) and Coastal A Zones. In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas and Coastal A Zones decks and patios shall be located, designed, and constructed in compliance with the following:

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (3) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
- (4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

G. Other development in coastal high hazard areas (Zone V) and Coastal A Zones. In coastal high hazard areas and Coastal A Zones, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function



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to avoid obstruction of floodwaters; and

- (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

H. Nonstructural fill in coastal high hazard areas (Zone V) and Coastal A Zones. In coastal high hazard areas and Coastal A Zones:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

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;



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4. Feedlots or other concentrated animal facilities;
5. Wastewater treatment plants, percolation ponds, and similar facilities;
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.



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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.

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 3-40.
 - 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 3-40.

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.

3.10.0 605-ACRE HIGHWAY 90 OVERLAY DISTRICT

3.10.01 Purpose: The purpose of this section is to implement and put into regulatory effect specific development related requirements that will apply to a 605-acre parcel, located along the north side of Highway 90 and consisting of Parcel ID Numbers: 17-3N-22-0000-0005-0160 and 18-3N-22-0000-0001- 0000. The 605-acre parcel is located within the Eglin Air Force Base (AFB) Low Level Flight Corridor.

3.10.02 Application: The following restrictions are hereby established for the 605-Acre Parcel as follows

1. The property shall be limited to 1,200 residential dwelling units.
2. Residential height shall be limited to a maximum of 35 feet and non-residential uses such as communication structures, and electric utility transmission facilities shall be limited to a maximum height of 150 feet.
3. At the time of a subdivision of the any portion of the 605-acre parcel the land owner or developer shall provide a disclosure to its purchasers, both in the contract of sale and in the recorded covenants, which describes that the property is located within of the Eglin Air Force Base low Level Flight Corridor and the significance of the Corridor and notifies the customers that resulting affects from potential noise and vibration from the operations of Eglin Air Force Base may affect their enjoyment of the property. This disclosure will also detail any possible radio frequency interference. The disclosure form and subdivision covenants and restrictions shall be provided to the County prior to issuance of the final subdivision plat and shall be recorded in the official records of Okaloosa County, Florida no later than 60 days following final plat approval.



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4. The landowner or developer shall coordinate with Okaloosa County and Eglin Air Force Base the construction of any communications towers and any other communications facilities that may adversely impact the operations of the Eglin AFB.
5. The property shall be developed and required to utilized and maintain Dark Sky Lighting requirements for all outdoor lighting fixtures. The Dark Sky Lighting requirements will be a condition of each development order. The proposed Dark Sky lighting plan shall be submitted at the development order stage and shall be coordinated and reviewed by Eglin Air Force Base prior to approval.
6. All subdivision plats within the overlay district shall be subject to and contain the following language:

No use of land, water, or airspace within the Overlay shall:

- a. Create electrical interference between Eglin AFB/Reservation and aircraft, missiles or any other associated military or civilian activities.
 - b. Create glare, artificial light, smoke or dust, or reflect light in such a way that may impair pilot visibility at any time.
 - c. Create forage or nesting environments that increase the potential for bird/wildlife aircraft strike hazards within Eglin AFB critical approaches.
 - d. Endanger or interfere with the landing, departure or maneuvering of aircraft using Eglin AFB/Reservation.
7. Any proposal or request to amend the density, height, lighting restrictions or standards listed in this overlay shall be provided and coordinated through Okaloosa County Growth Management for Eglin AFB compatibility review.