

These are the recorded Protective Covenants and Restrictions for Okaloosa Island (Official Records Book 121, Pages 233 through 250) incorporating modifications that have occurred over the years, clarifying language, deleting obsolete passages and updating antiquated provisions. Added words/phrases are shown in italic print. Updates from the recorded document are referenced on the last page.

PROTECTIVE COVENANTS AND RESTRICTIONS

PART A. PREAMBLE

KNOW ALL MEN BY THESE PRESENTS, that whereas on the 15th day of June, 1954, certain proposed covenants and restrictions were prepared for the use of the Okaloosa Island Authority, which said protective covenants and restrictions were in error and have never been approved or adopted by the Okaloosa Island Authority and were, in fact, recorded without any approval or adoption by the said Okaloosa Island Authority in Deed Book 120 at Page 123 through Page 137 in the Public Records of Okaloosa County, Florida, and the said Okaloosa Island Authority being desirous of giving public notice to all persons concerned that said protective covenants and restrictions, recorded as set out above, are of no effect and were so recorded by error; and

WHEREAS, the said Okaloosa Island Authority has heretofore filed for record a certain plat entitled "Subdivision of Blocks 4 and 5, Santa Rosa Island" duly recorded in Book 2, Page 84, of the Public Records of Okaloosa County, Florida, and has the intent of filing contemporaneously herewith certain plats, and shall file hereafter certain plats covering certain areas on Santa Rosa Island opposite the City of Fort Walton Beach in Okaloosa County, State of Florida, specific reference being hereby made to said subdivision plats; and

WHEREAS, the said Okaloosa Island Authority, as an agency of and acting for Okaloosa County, Florida, as the owner of such lands, desires specifically to declare and define the extent of the dedication to be effective by the filing of said subdivision plats for record in said Public Records and to express, define and impose certain conditions and limitations affecting and relating to the property contained in the same; and

WHEREAS, the undersigned, in its desire to keep the development of said Island on a high level for the benefit and pleasure of residents and visitors on said Island and for the protection of property values thereon, desires to place on and against all real property owned by Okaloosa County within the boundary areas of said subdivisions certain protective covenants regarding the improvements and/or of the same;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the said Okaloosa Island Authority does hereby expressly declare that the proposed protective covenants and restrictions recorded in Book 120, at Pages 123 to 137, inclusive, of the Public Records of Okaloosa County, Florida, are void and of no effect in their entirety, and does hereby make and file the following declaration, reservations, protective covenants, limitations, conditions and restrictions regarding the use and/or improvement of any of the property owned by Okaloosa County within said subdivision plats heretofore or hereafter filed for record, including the dedicated roads, avenues and streets, and all other public areas shown thereon, as follows:

(By virtue of House Bill 2307, Florida Statute Ch. 75-456 (June 23, 1975), the Okaloosa Island Authority was abolished and its assets turned over to the Board of County Commissioners, Okaloosa County, for management with the full force of direction to be retained in the PROTECTIVE COVENANTS AND RESTRICTIONS then in effect. Henceforth, all reference to the Okaloosa Island Authority will be replaced with that to Okaloosa County, specifically, the Board of County Commissioners, Okaloosa County.

Further, by policy adopted by the Board of County Commissioners in 1992, leases on Okaloosa Island could be exchanged for property titles with full force of these PROTECTIVE COVENANTS AND RESTRICTIONS retained. Therefore, the term 'leasehold' will be understood to signify 'leasehold/title' and 'leaseholder' signifies 'leaseholder/owner' and, likewise, 'lessee' signifies 'lessee/owner'.)

PART B. AREA OF APPLICATION

There will be four classifications of areas:

- Zone B-1 – Private Residential Areas
- Zone B-2 – Apartment, Hotel Court and Hotel Areas
- Zone B-3 – Light Commercial & Concession Areas
- Zone B-4 – Parks, Beaches and Freeway Areas

No building or structure shall be erected or altered, nor shall any building or premises be used for any purpose, other than a use permitted in the area in which such building or premises are located.

No building or premises shall be used so as to produce greater heights, smaller yards or less unoccupied area and no building shall be occupied by more families than hereinafter prescribed for such building for the area in which it is located.

No lot which is now or may be hereafter built upon, as herein required, may be so reduced in area so that the yards and open spaces will be smaller than prescribed by this article, and no yard, court or open space provided about any building for the purpose of complying with the provisions hereof, shall again be used as a yard, court or other open space for any other building.

All references to and restrictions on lots herein refer to the individual numbered lots as shown on the Subdivision plans. No individual lot can be subdivided or combined in groups with other lots, even if they otherwise meet all requirements of the Protective Covenants, without special approval of Okaloosa County.

Zone B-1 – Private Residential Areas-

The Residential Area Covenants in part C and General Covenants in Part G shall apply to the following sites:

BLOCK 4 – Boundaries: Second Beach Freeway to Third Beach Freeway, Santa Rosa Boulevard to Santa Rosa Sound, Lots #128 to 181 inclusive.

BLOCK 5 – Boundaries: Third Beach Freeway to Fourth Beach Freeway, Santa Rosa Boulevard to Santa Rosa Sound, Lots #210 to 254 inclusive.

BLOCK 6 – Boundaries: Fourth Beach Freeway to Fifth Beach Freeway, Santa Rosa Boulevard to Santa Rosa Sound, Lots #284 to 337¹ inclusive.

BLOCK 7 – Fifth Beach Freeway to Sixth Beach Freeway, Santa Rosa Boulevard to Santa Rosa Sound, Lots #367 to 421-A¹ inclusive.

BLOCK 8 – Boundaries: Sixth Beach Freeway to rear of Lots No. 479 to 482, Santa Rosa Boulevard to Santa Rosa Sound, Lots #450 to 505² inclusive.

BLOCK 9 – Boundaries: 7th Park to Air Force Property, Santa Rosa Boulevard to Santa Rosa Sound, Lots 539 through 546 inclusive.³

Zone B-2 – Apartment, Hotel Court and Hotel Areas-

The Apartment, Hotel Court and Hotel Area Covenants in Part D and General Covenants in Part G shall apply to the following sites.

BLOCK 2 – Boundaries: *Amberjack Drive*⁴ to First Beach Freeway, Santa Rosa Boulevard to 10' Walk rear of Lots 34, 35, 36, 37, Lots #15 to 41⁵ inclusive.

BLOCK 3 – Boundaries: First Beach Freeway to Second Beach Freeway, Leaseholders' Beach Gulf of Mexico to Santa Rosa Sound, Lots #45 to 115 inclusive and Lots #120 to 127 inclusive.

BLOCK 4 – Boundaries: Second Beach Freeway to Third Beach Freeway, Santa Rosa Boulevard to *Leaseholders' Beach*⁶ Gulf of Mexico, Lots #182 to 209 inclusive.

BLOCK 5 – Boundaries: Third Beach Freeway to Fourth Beach Freeway, Santa Rosa Boulevard to *Leaseholders' Beach*⁶ Gulf of Mexico, Lots #255 to 282 inclusive.

BLOCK 6 – Boundaries: Fourth Beach Freeway to Fifth Beach Freeway, Santa Rosa Boulevard to *Leaseholders' Beach*⁶ Gulf of Mexico, Lots #339 to 366 inclusive.

BLOCK 7 – Boundaries: Fifth Beach Freeway to Sixth Beach Freeway, Santa Rosa Boulevard to *Leaseholders' Beach*⁶ Gulf of Mexico, Lots #422 to 449 inclusive.

BLOCK 8 – Boundaries: Sixth Beach Freeway to Seventh Beach Freeway, Santa Rosa Boulevard to *Leaseholders' Beach*⁶ Gulf of Mexico, *Lots #506 to 514 inclusive and Lots #516 to 538 inclusive.*²

BLOCK 9 – Boundaries: 7th Beach Park to Air Force Property, Santa Rosa Boulevard to *Leaseholders' Beach*⁶ Gulf of Mexico, *Lots 547 through 604, inclusive.*²

Zone B-3 – Light Commercial and Concession Areas-

The Light Commercial and Concession Area Covenants in Part E and General Covenants in Part G shall apply to the following sites:

BLOCK 1 – Boundaries: Highway U.S. 98 to *Amberjack Drive*⁴, Santa Rosa Boulevard to Yacht Basin and Santa Rosa Sound, Lots #1 to 13 inclusive.

BLOCK 2 – Lot #42.⁵

BLOCK 10 – Boundaries: *Radar Station DICK extending 1,000 feet easterly to a line parallel with the east boundary of Radar Station DICK and from U.S. Highway 98 to Gulf of Mexico.*⁷

BLOCK 11 – Boundaries: Radar Station DICK to First Beach Freeway, Santa Rosa Boulevard to *Leaseholders' Beach*⁸ Gulf of Mexico, Block 11 inclusive

BLOCK 12 – *Lots #1 to 38 inclusive.*⁹

BLOCK 13 – Boundaries: East Line of State Property to East Line of subdivision; U.S. Highway 98 to Choctawhatchee Bay, Lots #22 to 25 inclusive.

BLOCK 14 – Boundaries: *East Line of Block 12 to West Line of Block 13; U.S. Highway 98 to Choctawhatchee Bay, Lots #2 and 3 inclusive.*¹⁰

BLOCK 15 – Boundaries: East Boundary of Newman Brackin Wayside Park to West Boundary of John C. Beasley Wayside Park; Gulf of Mexico to U.S. Highway 98, Block 15 inclusive.¹¹

Zone B-4 – Parks, Beaches and Freeway Areas-

The Parks, Beaches and Freeway Area Covenants in Part F. shall apply to the following sites:

All shown on subdivision drawings.

PART C – RESIDENTIAL AREA COVENANTS

Uses – Within any B-1 Private Residential Area no building, structure or premises shall be used or arranged or designed to be used, except for the following use:

A detached, vacation or permanent residence for only one family or for one housekeeping unit *which shall not be operated as a group or rented to transients.*¹²

Accessory uses incident to the above permitted use but not including the conduct of a business or industry or any driveway or walk giving access thereto:

(1) A private garage on the same lot within the building to which it is accessory and in which garage no business is conducted. Under no conditions are garages to be detached from the main residence. All must be included in one building. Garage space may be provided for two motor vehicles on any lot and may be provided for one additional motor vehicle for each 2500 sq. ft. of lot area by which such lot exceeds 8,000 sq. ft. Only one commercial vehicle may be stored on any lot. No part of any such garage shall be used for residence (*habitable*)¹³ purposes.

(2) Domestic employees of the owner lessee or occupants may be housed in the principal building. No separate or detached employees' quarters will be permitted.

(3) Signs pertaining to the lease, sale or use of a lot or building may be placed thereon provided the placement and size of such signs are in accordance with the provisions in lease form of the property.

Height – It is desired that no building in this area exceed *two (2) occupied stories in height.*¹⁴

Yards – There shall be yards on each *side*¹³ of the building as follows:

(1) Street Front Yard: No building shall be erected, reconstructed or altered so as to project in any manner beyond a setback line which is shown on the map designated "Area Zone Map, Santa Rosa Island, Okaloosa County, Florida" (*thirty (30) feet*).¹³

(2) Right Side Front Yard: There shall be a right side front yard at every building. The minimum width from the lot line for such yard shall be fifteen (15) feet.

(3) Garden Front Yard (Rear): There shall be a garden front yard (*or Sound front yard*) at every building. No building shall be projected beyond the setback line shown on Area Zone Map (*Garden Front Yard, fifteen (15) feet; Sound Front Yard twenty (20) feet*).¹³

(4) Left Side Front Yard: There shall be a left side front yard for every building. The minimum width from the lot line for such yard shall be fifteen (15) feet. In no instance shall houses be less than 30 feet apart.

Lot Area: The minimum requirements shall be 8,000 sq. ft. of lot area for each single residence.

Improvement Quality and Cost: No dwelling shall be permitted on any lot at a cost of less than \$7.00 per square foot based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size. The floor area of the main structure, exclusive of one-story open porches and garages, shall be not less than 700 sq. ft. except on the following sites the minimum floor areas shall be 900 sq. ft exclusive of open porches and garages:

All lots facing Santa Rosa Sound in Blocks 3, 4, 5 and 6.

Single Family Residence – B-2 Area: Single family residence, when built in B-2 area, shall have a minimum floor area of:

900 sq. ft. when built on lots facing Santa Rosa Boulevard.

1,000 sq. ft. when built on lots facing the Gulf of Mexico.

Excepting Single Family Residence Block 12 – B-3 Area: Single family residences shall have a minimum floor area of 466 sq. ft. including open porches.

PART D – APARTMENTS, HOTEL COURTS & HOTELS AREA COVENANTS

Uses – Within any B-2, Apartment, Hotel Courts and Hotel Area, no building, structure or premises shall be used or arranged or designed to be used in any part except for one or more of the following uses in addition to uses permitted in B-1 Private Residential Area:

- (1) Duplex residence- apartment
- (2) Hotels
- (3) Tourists or hotel courts
- (4) Apartment house

(5) Affiliated services built in conjunction with, and within the same plan as (2), (3) and (4) above, such services being as newsstands, barber shops, beauty shops, dining rooms, drug shop, rental boat basins, delicatessens, filling stations, variety shops, clothing shops, flower shops and other shops as may be deemed necessary and proper by Okaloosa County from time to time, to serve the needs of tourists and vacationists. Exterior display or advertising signs for such facilities shall be in accordance with **Part G, Paragraph 7.**¹³ In no instance shall there be more than one **freestanding**¹³ sign per project.

(6)¹⁵ Accessory uses as permitted in B-1 Private Residential Areas except as follows:

Special variations will be made for car covers to be built in conjunction with hotels, apartments and hotel courts.

Height – No building shall exceed seventy-five (75) feet in height¹⁶, height measured from sea level.

Yards – There shall be yards on each **side**¹³ of the building as follows:

(1) **Street Front Yard:** No building shall be erected, reconstructed or altered so as to project in any manner beyond a setback line which is distant from the street line, such distance being set out on the map which is designated “Area Zone Map, Santa Rosa Island, Okaloosa County, Florida” (**thirty (30) feet**).¹³

(2) **Right Side Front Yard:** There shall be a right side front yard for every building. In absence of any setback line designated on Area Zone Map, the minimum width from the lot line for such yard shall be **fifteen (15) feet**.¹⁷

(3) **Left Side Front Yard:** There shall be a left side front yard for every building. The minimum width from the lot line for such yard shall be **fifteen (15)**¹⁷ feet same as (2) above.

(4) **Garden Front Yard (Rear):** There shall be a garden front yard (**or Sound or beach front yard**) at every building. No building shall project beyond the setback line shown on Area Zone Map (**Sound front yard, twenty (20) feet; beach front yard, five (5) feet**).¹³

PART E – LIGHT COMMERCIAL AND CONCESSIONS AREA

Uses – Within any B-3, Light Commercial and Concessions Area, no building, structure or premises shall be used or arranged or designated to be used in any part except for one or more of the following uses:

- (1) Uses as permitted in B-1, B-2 areas.
- (2) Swimming and bath house facilities.
- (3) Pleasure boating and water sports.
- (4) Skating.
- (5) Golfing.
- (6) Amusement concessions.
- (7) Theaters.
- (8) Gulfarium.
- (9) Parks, playgrounds and picnic areas.

(10) Other facilities as may be deemed necessary and proper by Okaloosa County, from time to time, to serve the recreational needs of the tourists and vacationists.

Height – No building shall exceed seventy-five feet in height¹⁶, height measured from sea level.

Yards – There shall be yards on each **side**¹³ of the building as follows:

(1) **Street Front Yard:** No building shall be erected, reconstructed or altered so as to project in any manner beyond a setback line which is distant from the street line, such distance being set out on the map which is designated “Area Zone Map, Santa Rosa Island, Okaloosa County, Florida” (**Highway Front Yard, fifty (50) feet; Street Front Yard, thirty (30) feet**).¹³

(2) **Right Side Front Yard:** There shall be a right side front yard for every building. The minimum width from the lot line for such yard shall be **fifteen (15) feet**.¹⁷

(3) Garden Front Yard (Rear): There shall be a garden front yard (*or Sound or beach front yard*) at every building. No building shall project beyond the setback line shown on the Area Map (*Sound Front Yard, twenty (20) feet; Beach Front Yard, five (5) feet; Garden Front Yard fifteen (15) feet.*)¹³

(4) Left Side Front Yard: There shall be a left side front yard for every building. The minimum width from the lot line for such yard shall be *fifteen (15) feet.*¹⁷

Signs: Display or advertising signs, regulations same as Part D above *and see Part G, Paragraph 7.*¹³

PART F – PARKS, BEACHES AND FREEWAY AREA

Uses – Within any B-4, Parks, Beaches and Freeway Areas, no building, structure or premise shall be used, arranged or designed to be used except for public recreational purposes including one or more of the following uses:

- (1) Parks.
- (2) Playgrounds.
- (3) Boat basins and facilities.
- (4) Pedestrian walkways.

Non-Use – There shall not be permitted any structures permitted in B-1, B-2, and B-3 areas.

No installations, docks, piers, or wharfs shall *occur without review and recommendation of the Architectural Review Committee and written permission of the Board of County Commissioners, Okaloosa County and appropriate Florida State and US Federal agencies.*¹⁴

Beach Protection – No sand or soil must be disturbed beyond the sea side of the sand dunes crest facing the Gulf of Mexico without written permission *from the Board of County Commissioners, Okaloosa County and appropriate Florida State and US Federal agencies.*¹⁸

The beaches, for 300 ft. inland from mean water level (or to the dune crest line, whichever is the greater distance), are under strict control of Okaloosa County and under no circumstances must they be altered or tampered with or built upon. *No white sand will be removed from Okaloosa Island.*¹⁸

One hundred fifty (150) feet inland from the mean high water line, in front of all B-1 and B-2 Areas, will be public beaches. The next 150 feet inland will be Leaseholders' beaches as set out on subdivision plats and all beaches in front of B-3 and B-4 Areas will be public from dune crest line (or building line) to mean water level.

Parks and Freeway Areas – All such allocated park areas will be grassed and planted and maintained according to plans and all these areas will be the responsibility of Okaloosa County as to improving and maintenance.

Beach Freeways are to serve pedestrians – to open all vistas from water to water and where pedestrian traffic flows after being collected from walkways at the Garden Fronts of individual properties. No encroachment otherwise is to be allowed in these areas.

PART G – GENERAL COVENANTS AND RESTRICTIONS

1. Building Permits

No building shall be erected, placed or altered on any lot, property or area in this subdivision until the building plans, specifications and plot plan showing the location of such building have been approved in writing as to conformity and harmony of external and structural design and quality with existing structures in the subdivision and as to location of the building, and a building permit has been issued by Okaloosa County. *Fees and requirements for building permits shall be set by the Okaloosa County Land Development Code Ordinance No. 91-1, as amended.*¹⁴

2. Architectural Control¹⁹

All building projects shall be subject to review by the Okaloosa Island Leaseholder Association's Architectural Review Committee which shall advise, in writing, the Okaloosa County Department of Growth Management as to compliance with the Protective Covenants and Restrictions.

3. Leaseholder's Association

The leaseholders will be represented by a Leaseholders Association, properly incorporated and operated by themselves, for the purpose of coordinating all affairs between the lessees and Okaloosa County.

Okaloosa County will request a committee of three from the Leaseholders Association to be known as the Architectural Committee. Duties of this committee will be to advise and assist Okaloosa County in affairs of protective covenants that affect the leaseholders.

4. Health, Sanitation and Cleanliness

There shall not be erected, constructed, suffered, permitted, committed, maintained, used or operated on any part of the Island any nuisance of any kind of character, or any illegal, offensive or obnoxious trade, business or operations of any kind.

Each lessee shall keep all improvements on the demised premises in good repair, properly painted and clean and sanitary at all times; and shall also keep the demised premises free from trash, debris, and obstructions. Each lessee shall also keep all surrounding areas, including streets, beaches and neighboring lots, free from trash, debris and obstructions that may be due to the lessee's use or occupancy of the demised premises.

No sewage, wastes, trash or debris shall be emptied or discharged into any lagoon, lake or canal or into the waters of Santa Rosa Sound or the Gulf of Mexico or any tributaries thereof.¹⁹

Lessees shall be bound by and shall strictly observe all rules and regulations established by Okaloosa County and any other governmental authority or agency relating to health, sanitation, safety and public welfare.

5. Building and Other Improvements

No building, fence, wall, walk, driveway, roadway, parking area, pier, dock, seawall or other structure shall be commenced, erected or maintained, nor shall any addition to or change or alteration therein be made until plans and specifications showing the nature, kind, shape, height, materials, floor plans, type of foundation, structural design, and location of such structure or work to be done, and the grading of the plot to be built upon, shall have been submitted to *the Architectural Committee for review and written recommendations and then approved in writing by Okaloosa County*¹⁴ and a copy thereof as finally approved filed permanently with Okaloosa County.¹⁹

All buildings, structures and improvements of every kind erected or maintained and all alterations and additions thereof on the Island shall conform to the provisions of the official building codes adopted by Okaloosa County as promulgated, amended, altered or revised by it from time to time.

The said building code shall be on file at the principal office of Okaloosa County and open to public examination during the usual business hours. A building permit issued by Okaloosa County shall be effective for the period of time stated therein and, if construction is commenced within such period, any changes in the building code or zoning regulations subsequent to the date of the permit shall not apply to the work or construction authorized in such permit without consent of the holder thereof.

No docks, piers, buildings or structures of any kind whatsoever shall be erected, constructed or permitted on any beach or below the high water line on the shore of Santa Rosa Sound or the Gulf of Mexico or any other body of water *without written approval of the Board of County Commissioners and appropriate Florida State and US Federal agencies.*¹⁴

*In areas to include all of Okaloosa Island it is the intent of Okaloosa County to restrict the use of discoloring materials on the public beaches and sedimentation of public waters by construction materials. Construction materials subject to wind and/or water transport that permanently discolor sand are PROHIBITED. The Munsell Soil Color Charts will define such materials.*¹⁸

No well shall be sunk without the prior consent in writing of Okaloosa County.

*Fences or walls erected or constructed within the street front setback line shall not be over 42 inches; where other fences or walls are erected or constructed on the property lines inside the setbacks, they may be any reasonable height consistent with construction on the property; but no fence shall be maintained more than twenty-five feet of any street intersection so as to interfere with traffic visibility around the corner.*²⁰

6. Reservation of Easements

An easement and right of way is hereby expressly reserved in, or under and over a strip five feet in width along the front, sides and rear lines of all lots for the erection, construction and maintenance of poles and wires and clearing of trees and pruning branches, and for the construction and maintenance of underground pipes and conduits and of all proper and necessary attachments for electric lights, power and telephone service and for the construction and maintenance of storm water drains, land drains, sanitary sewers, pipe lines for supplying gas and water and for the construction and maintenance of any other public or quasi-public utility

Okaloosa County shall have the right to enter and to permit others to enter upon said reserved strips of land for any of the purposes, which said easements and rights-of-way are reserved. This easement and right-of-way shall not apply to such portions of the areas mentioned as to which Okaloosa County shall have expressly consented in writing to a conflicting use.

7. Miscellaneous Regulations

Unightly Vacant Property. At the discretion of Okaloosa County it may notify any lessee to properly care for vacant and unimproved lots or parcels notwithstanding any lease or permits for the use thereof, such care to be as, the removal of any undesirable growths or unsightly and obnoxious thing therefrom, and to do any other things and to perform any other labor necessary and desirable in the judgment of Okaloosa County to keep any lot or parcel and the land contiguous and adjacent thereto neat and in good order.

If the work has not been carried out within thirty (30) days after written notice, Okaloosa County may do such work as specified and charge the expense of such work against the lessee of such lot or parcel.

Signs: No signs of any character shall be erected, pasted, posted or displayed upon or about any lot or parcel or anywhere on the Island with the following exceptions:

- (a) For Rent or For Sale signs for property, sign not to exceed two (2) square feet.

(b) Place of Business sign – a sign which would amply designate the name and _____ type of business thereon. These signs shall be **approved in writing by Okaloosa County.** ¹⁴ **Further, there shall be only one free standing display sign for each place of business.** ¹³ All such signs to be consistent in height, area and design.

Off-Street Parking. Each lessee in Zone Areas B-2, B-3 and B-4 will be required to provide off-street parking areas for his business purposes. No parking whatsoever shall be permitted on Santa Rosa Boulevard or U.S. Highway 98 right-of-way (100 ft.) or any street in zone areas B-2, B-3 and B-4. Parking will be permitted on residential streets, Zone Area B-1.

Soil Stabilization. Each lessee will be required, immediately upon acquiring lease to his property to stabilize the sand (soil) by planting cover grass, paving or shell parking areas and drive, and shrubbery ¹⁹.

Pets and Animals. No livestock, animals, chickens or fowl of any kind shall be permitted upon the Island. Dogs and cats owned as personal pets will not be permitted on beaches at all and will be permitted elsewhere on the Island only when leashed or muzzled.

Temporary Structures. Tents, trailers, houseboats or temporary structures of any kind will not be permitted on the Island or the waters adjacent thereto, except that trailers may be authorized **for construction purposes by Okaloosa County.** ¹⁴

Santa Rosa Boulevard Traffic Control. Vehicular traffic access to Santa Rosa Boulevard from B-1 Residential Areas or from any residential use in B-2 and B-3 areas is prohibited except via streets shown on plans.

All pedestrian traffic crossings at Santa Rosa Boulevard and beach freeways should be controlled by push button pedestrian traffic light.

8. Rights to Prescribe Other Restrictions, Zoning, etc.

Okaloosa County expressly reserves the right to classify and reclassify from time to time areas for zoning purposes and to prescribe, amend or revoke regulations and restrictions applicable to such areas and buildings and structures thereon and the uses thereof, but no classification, regulations or restrictions shall apply to any portion of the Island then under lease without the consent of the lessee thereof.

Notwithstanding the filing of record of any plat by Okaloosa County of any portion or portions of this Island, Okaloosa County nevertheless reserves unto itself, subject to consultation with Leaseholders Association, the following:

(a) The right to restrict the use of streets, parks, beaches and other public areas in residential sections to the residents of such sections and their guests.

(b) The right to control and consent to the use of any street, road, park or other easement for public street transportation purposes.

(c) The right to vacate, modify or alter any such plat in whole or in part or parts, provided that the location and size of any lot or parcel then under lease shall not be altered without the written consent of the lessee, nor shall access to the said lot from the main road leading to the nearest bridge across Santa Rosa Sound or access to and from the nearest beach be impaired without the written consent of the lessee and adjoining lessees.

Okaloosa County, notwithstanding the terms and provisions contained in this instrument, hereby expressly reserves the right, in its absolute discretion, at any time to annul, waive, change or modify any of the covenants and restrictions herein contained as to any lot, parcel or part of said Island not then under lease and, with the written consent of the majority in number of the lessees of the lots in any area designated by Okaloosa County, as to the lots or parcels in such designated area.

Notwithstanding the designation on official plats of areas as commercial, residential, recreational and the like, Okaloosa County expressly reserves the right to permit within any of such areas the use of lots or parcels for schools, churches, libraries, art galleries, museums and other religious, civic or cultural purposes.

10. Penalties and Remedies

If any lessee or occupant of any lot or parcel shall violate or attempt to violate any of the restrictions and covenants applicable to such lot, it shall be lawful for Okaloosa County or any person or persons leasing property on the Island to prosecute proceedings in the law for the recovery of damages against the person or persons violating or attempting to violate any such covenants and restrictions; or to maintain a proceeding in equity for the purpose of restraining or preventing such violations; provided, however, that the remedies herein stated shall be construed as cumulative of all other remedies now or hereafter provided by law; and, provided further, that the violation of any such restrictions or covenants shall as to Okaloosa County be construed as a breach of lease of the person committing or permitting such violation.

11. Covenants That Pertain to Buildings -

In addition to restrictions set out above, the following shall apply to all buildings:

(a) Protection Against Local Climate and Weather Conditions. All buildings and structures shall be built in such a manner as to combat in every way possible Island weather conditions, such conditions being:

- 1) Excessively high humidity.
- 2) Heavy rainfall.
- 3) High winds.

- 4) Hurricanes.
- 5) *Coastal flooding and storm surge.*²¹

(b) Enhancing Value of the Neighborhood. All buildings and structures shall be constructed in such a manner as to be considered good design in proportion, scale and in general, present a good over all appearance. The Architectural Committee shall review all plans and make recommendations.

The foregoing protective covenants and restrictions approved and adopted this 21st day of November 1955, at a duly called meeting of the Okaloosa Island Authority at which meeting there was present a quorum.

OKALOOSA ISLAND AUTHORITY

REFERENCE INDEX

Items refer to files in the Clerk of Circuit Court's records, Okaloosa County, Florida:

1. Plat Bk 2, Pg 168
2. Plat Bk 2, Pg 190
3. Plat Bk 2, Pg 190; Official Records (OR) Bk 122, Pg 517; OR Bk 418, Pg 274
4. OR Bk 396, Pg 495
5. Plat Bk 3, Pg 72
6. Deed Bk 121, Pg 236
7. Plat Bk 3, Pg 14
8. Plat Bk 2, Pg 84A
9. Okaloosa Island Authority Minutes 02/25/60
10. Plat Bk 3, Pg 35
11. Plat Bk 3, Pg 36
12. OR Bk 490, Pg 109 & 110
13. Clarification
14. Okaloosa County Land Development Code Ord. 91-1, as amended
15. Scrivener's Error corrected
16. OR Bk 656, Pg 168; Okaloosa Island Authority Minutes 06/08/72
17. Area Zone Map Okaloosa Island Beaches
18. Okaloosa County Comprehensive Plan Ord. 90-1, as amended
19. Non-Applicable Policies and Terms are removed
20. Okaloosa Island Authority Minutes 12/08/66
21. Current Technology