



# LAND DEVELOPMENT CODE

## Chapter 6 Development Design Standards

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### CHAPTER 6 DEVELOPMENT DESIGN STANDARDS

#### 6.00.00 GENERAL PROVISIONS.

**6.00.01 Purpose:** The purpose of this chapter is to provide development design and improvement standards applicable to all development activity within the County consistent with the other chapters of this Code and the adopted Comprehensive Plan.

**6.00.02 Responsibility For Improvements:** All improvements required by this chapter shall be designed, installed, and paid for by the developer.

**6.00.03 Principles of Development Design:** The provisions of this article are intended to ensure functional and attractive development. Development design shall first take into account the protection of natural resources as prescribed in Chapter 5 of this code. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to lots and sites; and to avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

**6.00.04 Regulations:** The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as herein after provided:

1. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
  - a. No building or other structure shall hereafter be erected or altered;
  - b. To exceed the height or bulk;
  - c. To accommodate or house a greater number of families;
  - d. To occupy a greater percentage of lot area;
  - e. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any manner contrary to the provisions of this ordinance.
2. Parking, loading, landscaping, and drainage may be located in setbacks when designed, constructed and maintained in accordance with this ordinance.
3. No existing yard or lot shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.



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4. Attachment of Accessory Buildings to Principal Buildings: When an accessory building is attached to the principal building by a breezeway, passageway, or similar means it shall comply with the yard requirements of the principal building to which it is attached, as well as all applicable building codes.
5. Exceptions to Height Regulations: The height limitations contained in the Schedule of Dimensional Requirements do not apply to spires, belfries, cupolas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
6. Structures to Have Access: Every building hereafter erected or moved shall be on a lot adjacent to a street or easement as specified in this ordinance, and all structures shall be so located as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
7. Travel Trailers, Campers and Motorhomes: Travel trailers, campers and motorhomes shall not be used as a dwelling unit in residential districts.

**6.00.05 Environmental Permits:** Environmental permits required by F.D.E.P, the U.S. Corps of Engineers, and any other agencies exercising jurisdiction, together with any required submerged lands leases, must be submitted to the County prior to the issuance of county permits and before land development activity occurs.

**6.00.06 Commercial and Multi-Family Projects:** The developer shall file a completed application for concurrency and development permit review. The application must be supported by a site plan, landscape plan, stormwater management plan, traffic analysis, location map, concurrency form for water and wastewater disposal or on-site disposal system, solid waste disposal, and plan approval for fire protection. No development activity shall occur prior to receiving plan approval and a development order. Projects shall be reviewed as either major or minor developments as defined in this ordinance.

Commercial projects, except projects of area wide impact (projects one hundred thousand (100,000) square feet or greater), require approval by Okaloosa County Growth Management, Public Works, Water and Sewer Departments, fire district, and all other concerned local, state and federal agencies.

**6.00.07 Split Zoned Lots:** Non-Residential zoned lots containing some portion of residential zoning may be used for commercial development provided the residential portion is limited in use to landscaping or stormwater facilities. No commercial development activity or access way shall be permitted.

**6.00.08 Double Frontage Lots/Reverse Frontage Lots:** Non-residential uses located on lots or parcels with reverse or double frontages established after the adoption of this ordinance shall limit principal access to the commercial frontage and shall not have principal access onto a minor or residential street.

**6.00.09 Erosion Control Plan:** Proposed temporary and permanent erosion and sediment control plans shall be submitted with each application for construction plan approval. These plans



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shall specify in detail the erosion and sedimentation control measures to be used during all phases of clearing, grading, filling, site construction, and permanent development, and accurately describe their proposed operation. In addition, these plans shall be in accordance with the County Engineer's guidance or the latest applicable specifications and recommendations as contained in the Florida Department of Environmental Protection's (FDEP's) publication, "The Florida Stormwater, Erosion and Sedimentation Control Inspector's Manual" latest edition. Copies of this publication can be obtained from FDEP. All erosion control plans will be reviewed and approved by the Public Works Department except for single family and duplex dwellings.

No clearing, grading, excavating, filling, or other disturbance of the natural terrain shall occur until County-approved erosion and sedimentation control measures have been installed, except those operations needed to implement these measures. All erosion and sedimentation control measures shall be maintained throughout the length of construction activity.

### **6.01.00 SUBDIVISIONS.**

The purpose of this section is to provide that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other hazards. Adverse impacts to functioning natural systems shall be minimized or prohibited pursuant to regulations in this chapter. Land shall not be subdivided until available public facilities and improvements exist or adequate provisions have been made for stormwater, erosion control, water, sewage, and capital improvements such as transportation facilities, parks, and other public improvements consistent with other chapters of this ordinance and with the Comprehensive Plan, Ordinance 91-1, as amended.

**6.01.01 Applicability:** This chapter shall apply to subdivisions, Planned Unit Developments (PUDs), and other projects which may be platted pursuant to Chapter 177, F.S.

**6.01.02 Prohibition:** No person shall subdivide land within the County, or commence construction of any building on such land prior to the approval and recording of a final plat or, in the case of a two (2) lot division of land, a recorded boundary survey, in accordance with the provisions thereof; nor shall any person construct or build any building on any land not legally surveyed and set aside by plat or boundary survey as a building site.

**6.01.03 Procedure for Subdivision of Land:** Except as provided by Section 6.01.07, no person shall divide any parcel of property into three or more parcels, any one of which is less than one (1) acre in size without complying with the provisions of this ordinance and Chapter 177 F.S. Any person found to be in non-compliance of this ordinance shall be subject to the penalties specified in Chapter 12. Subdivisions of land into greater than one (1) acre lots or parcels are exempt from platting, but are not exempt from concurrency, access design requirements and other applicable provisions of this ordinance. All parcels or lots created under this provision shall have access to public owned and maintained roads, or shall comply with paragraph 2. below.

1. Exemptions: Where developments and subdivisions of lands were commenced and substantial costs had been incurred, where construction had begun, and where such developments or subdivisions had met all the policies and conditions for such developments and were not in violation of County land development ordinances existing prior to adoption of this ordinance, but may not meet all the conditions contained herein,



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such developments or subdivisions, whether platted or unplatted shall be allowed to continue as planned until completion.

2. Any deed or conveyance of title to any lots or parcels that front on any private streets shall contain the following language, "Ingress and egress to the property described herein is by private road(s). Such roads have not been accepted by Okaloosa County and will not be maintained by the County unless they meet County standards and are officially accepted into the county maintenance system. Maintenance and repair are the sole responsibility of the property owners/homeowners association or the Municipal Service Benefit Unit, whichever is applicable. This notice shall be included in any future conveyance as long as this condition exists. By acceptance of this deed, grantee hereby acknowledges and accepts this condition."

### **6.01.031 Subdivisions Requiring a Plat:**

**6.01.0311 Conceptual Master Plan:** A subdivision master plan shall be on file for phased developments to ensure adequate traffic circulation, access, stormwater management and public facilities. The Master Plan should depict phase lines, internal roadways, external access, preliminary lot layout and proposed amenities.

### **6.01.0312 Preliminary Plats:**

1. Preliminary plat and/or site plan approval by the Planning Commission: Any person desiring to divide land into three (3) or more lots or parcels not exempt from platting shall first file the necessary items with the Growth Management Department for review of the project as required by this ordinance for approval.
2. Preliminary Plat Requirements: The developer shall submit to the Growth Management Department the appropriate number of copies of the preliminary plat drawings in accordance with the Technical Review Committee Submittal Requirements. The Growth Management Department shall send copies to all appropriate County departments and other local agencies for review and approval. More specifically, the preliminary plat shall include:
  - a. The name of the subdivision, PUD or condominium along with a brief description of the location by Section, Township, Range, County and State;
  - b. A legal description of the property being subdivided;
  - c. North arrow and graphic scale, and date of drawing;
  - d. The proposed layout of the subdivision, PUD or condominium including:
    - i. All lot lines with dimensions, in feet;
    - ii. Lots and blocks in numerical order;





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- iii. Streets and alley lines;
        - iv. The location, width and purpose of all easements and rights-of-way, including aviation easements and maintenance easements for subdivisions, condominiums, and planned unit developments.
      - e. The approximate Mean High Water Line as per Chapter 177 F.S.: This information shall include subdivision or development name, name of the owner(s) or developer(s), name(s) of surveyor and engineer.
      - f. All areas located within a flood hazard zone or within an airport noise zone.
      - g. Sites, if any, to be reserved or dedicated for parks, playgrounds or other public use along with ownership and maintenance entity information.
      - h. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single family dwellings.
      - i. Typical building setback lines (front, side and rear), as required in the zoning district.
      - j. Site data including number of residential lots, typical lot size and areas in parks, etc.
      - k. Adjacent land uses and zoning designations.
      - l. Preliminary location of stormwater management areas and conveyances, adequate to accommodate all subdivision land development activities.
      - m. An eleven (11) inch by seventeen (17) inch copy for presentation purposes.
    3. Accompanying the preliminary plat shall be a general location map showing the relationship of the proposed subdivision to existing community facilities which serve or influence it.
    4. Where the preliminary plat submitted covers only a part of the total contiguous property under the subdivider's ownership, a sketch of the prospective future street system of the unsubdivided part shall be required, if not shown on previously approved conceptual plan or plans for the entire property. The roadway system of the unplatted portion shall be planned to coordinate and connect with the roadway system of the platted portion.
    5. Approval Process for Preliminary Plat:
      - a. Construction Drawings: The developer shall submit to the Growth Management Department three (3) copies of the final construction drawings conforming to the requirements set forth in this ordinance including specifications for landscaping, water and sewer improvements, stormwater management, drainage, temporary and permanent erosion control, streets, minimum required floor elevations for



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each lot and flood zone information required for each lot and other improvements. Final drawings and specifications shall be prepared by and bear the signature and raised seal of an engineer as defined in Chapter 471 F.S. The Growth Management Department shall send drawings to all appropriate County departments and other appropriate local agencies for review and approval. One copy of the approved drawing will be returned to the developer.

- b. Other Approvals: Where applicable, approvals by the County Public Works Department, F.D.E.P., U.S. Army Corps of Engineers, U.S. EPA, and other concerned agencies may also be required.
- c. Prior to the examination of the preliminary plat, the Planning Commission shall be furnished with reports from the Public Works Department, appropriate fire department, Water and Sewer or appropriate provider, Emergency Services (911 Address Coordinator,) the Growth Management review staff, and the Technical Review Committee to the effect that the plat does or does not conform to the comprehensive plan, the provisions of this chapter, and with sound principles and practices of planning and engineering and with such other items that may affect health, safety and welfare. The Planning Commission at a public meeting will recommend to the governing body to either approve, approve with conditions, disapprove or table for future action the request for approval by the applicant. In the event the proposed subdivision is disapproved the applicant must resubmit the plans as a new application indicating substantial differences from the original design.
- d. When, after examination, the Planning Commission finds that the aforementioned requirements have been met, the preliminary plat may be approved. If the preliminary plat is denied, the Planning Commission shall provide in writing the reasons for denial.

### 6.01.0313 Final Plats

1. Approval of Final Plat by the Planning Commission and Board of County Commissioners: The final plat shall conform substantially to the preliminary plat and shall depict thereon all information required by subsection 6.01.0312, and additionally, must satisfy B below. The final plat shall conform fully to the requirements of Chapter 177, F.S., and contain only that portion of the approved preliminary plat which is proposed to record and develop. Such portion shall conform to all requirements of this chapter. The final plat shall be submitted within two (2) years of the date of the approval of the preliminary plat. If more than two (2) years has elapsed following the approval of the preliminary plat, the preliminary plat shall be resubmitted to the Planning Commission for their review and approval prior to submission of the final plat.
2. Final Plat Requirements: The developer shall submit to the Growth Management Department the original mylar after all reviews and revisions or other reproducible drawing of the final plat as prescribed by Chapter 177, F.S., duly signed as required. Review copies of the final can be submitted for comment on bond paper. The developer shall



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also submit four (4) copies, size twenty-four (24) inches by thirty-six (36) of the final plat. The Growth Management Department shall send copies to all appropriate County departments and at the discretion of the Growth Management Department other appropriate local agencies for review and approval. More specifically, the final plat shall conform to Chapter 177.091, F.S. Plats Made for Recording.

- a. If a government survey corner is used to conduct the survey for the plat, a copy of the corner record shall be resubmitted along with the plat for approval;
- b. The plat boundary shall be field tied to the nearest Section Line whose corners are shown and described on the plat.
- c. The plat shall be tied to State Plane Coordinates:

### State Plane Coordinate Data Requirements

State Plane Coordinate (North American Datum 1983/90 or subsequent NGS adjustments) in U.S. survey feet shall be stated on the final plat mylar submitted for recording. State Plane Coordinates for at least two boundary corners of the proposed plat must be shown. These coordinates shall be derived from field measurements in conformity with Chapter 472 and F.A.C. Rule 61G17-6.0051(2) which references 61G17-6.003(1). Further subsections in 61G17-6.003 which apply are (1)(a), (b), and (e).

### Example of Coordinate Notation

The intended use of these coordinates is for GIS base mapping purposes. The geodetic control relied upon for these values was \_\_\_\_\_.  
(Okaloosa County High Precision Network, Published USGS Control Points, Department of Environmental Protection, Coastal Construction Control Monuments, etc.)

Point	Northing	Easting	Description
1	633525.705	1322456.256	PRM @ NEC Lot 1, Block A
2	633858.231	1333457.358	PRM @ NEC Lot 15, Block B
3	633775.235	1322899.213	PRM @ SWC Lot 16, Block E

- Note:
1. Point number would be noted graphically next to the PRM.
  2. Please use your professional judgment on coordinate notation; this is for reference only.

- d. Digital Plat Submittal: If computer aided drafting is used in the preparation of the subdivision plat, please submit one digital copy of each plat in "\*.dwg" format on a CD. The digital submittal of the drawing shall include:



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- i. Boundary lines, lot lines and road centerlines on a layer named "plat".
  - ii. Lot numbers, road names, bearings and distances on a layer named "text".
  - iii. Jurisdictional wetland line on a layer named "wetland".
  - iv. Easements shall be included on a layer named "easements".
  - v. Parks or common areas shall be included on a layer named "parks".
- e. There shall be no other data or layers in the file that are frozen, turned off or locked. This must be one seamless file of the entire area being platted, i.e. not split up on sheets as it may have been on the mylar, no borders, nothing but the above enumerated data.
- f. The following statement shall be placed upon all plats submitted for approval: "The Okaloosa County Board of County Commissioners has not accepted any roads, easements, parks or drainage structures or easements shown on this plat other than utility easements and utility structures. These improvements will not be accepted by the Board unless and until the provisions of Section 6.01.052 and 6.01.053 of the Okaloosa County Land Development Code have been completed and complied with."
- g. The apparent shoreline or meant high water line as defined in Chapter 177, Part II, Coastal Mapping, F.S.
- h. Sites, if any, to be reserved or dedicated for parks, playgrounds or other public use along with ownership and maintenance entity information, as created by the plat submitted for recording or information submitted to the surveyor by result of a title search.
- i. The location of stormwater management areas and conveyances, adequate to accommodate all subdivision land development activities, as created by the plat submitted for recording or information submitted to the surveyor by result of a title search.
- j. The plat shall include in a prominent place the following statement: "NOTICE: There may be additional restrictions that are not recorded on this plat that may be found in the public records of this County."
- k. Title certification.
- l. Approval of the plat by the Planning Commission and the Board of County Commissioners.
- m. Tax Collector's signature.



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- n. County Engineer's signature.
  - o. County Surveyor's signature per Chapter 177.081 F.S.
  - p. An eleven (11) inch by seventeen (17) inch copy for filing purposes.
3. Four (4) copies of the final plat as well as an eleven (11) inch by seventeen (17) inch copy shall be submitted to the Growth Management Department prior to the established deadline in order to be reviewed by the Technical Review Committee and Planning Commission. Before granting final approval to the plat, the Planning Commission shall receive reports from the Growth Management review staff, the County Engineer, the appropriate fire department, water and sewer provider, and EMS. Failure of the Planning Commission to approve or disapprove the final plat within thirty (30) days after submission to the Planning Commission, unless there is a lack of a quorum or the developer or his agent requests the project to be tabled, shall be deemed approval of the final plat, subject to final approval by the Board of County Commissioners.
  4. **Recording Plats:** Upon approval and signing of the plat by the Planning Commission, the Growth Management Department will present the plat to the Board of County Commissioners for approval and signatures. The plat will then be submitted to the Clerk of Court for recording. Before any final plat can be approved by the County Commission, the requirements of Section 6.01.05 shall be completed. The provisions of Section 6.01.053 shall be complied with if roads, parks, stormwater management facilities, drainage structures or easements are dedicated to the County. The project must enter the eighteen (18) month warranty period in conjunction with acceptance of the plat by the Board of County Commissioners. Approval of the final plat by the Board of County Commissioners shall be granted upon finding that the developer(s) have complied with applicable laws and provisions of this code. Furthermore, no building permits may be issued until the plat has been recorded.
  5. All improvements shall be completed by the developer(s) and approved by the County prior to final plat approval or the issuance of any Certificate of Occupancy. Should minimal improvements remain outstanding, with a value no greater than 10% of the total construction costs, at the time of final inspection, a bond for a value no greater than ten percent (10%) of the total project infrastructure construction cost, as agreed upon by the County Engineer, may be provided to the Okaloosa County Board of County Commissioners so long as the outstanding work is not determined to be a critical element of the infrastructure. Critical elements shall be determined by the County Engineer and include, but are not limited to, roadway, water distribution, sanitary sewer, stormwater drainage, and erosion control elements. For developments where the infrastructure is to remain the responsibility of a private entity upon completion, a cash escrow account equal in value to double the outstanding work, but no more than ten percent (10%) of the total construction cost, may be established as long as the remaining work is not a critical element of the infrastructure as determined by the County Engineer. The ten percent (10%) value threshold for private infrastructure is the value of the work remaining, not the value of the cash escrow.



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6. No Certificate of Occupancy for a building shall be issued until all subdivision improvements are installed and approved by the County.

**6.01.04 Design Standards:** General: Subdividers should make every effort to conform to the natural topography and features of the tract in improving the tract, and in establishing the size and shape of blocks and lots. The subdivider should also take steps to ensure the preservation of the land. Lot sizes and zoning districts are specified in Chapter 2. Okaloosa County relies upon Florida licensed architects, engineers, surveyors, and landscape architects in accordance with Florida Statutes and their expertise in their particular profession for the design, supervision of construction and certification of stormwater management facilities, drainage, roads, and landscaping, and the preparation of plats and other documents required by this ordinance.

1. Private Streets and Easements: Reference Section 6.03.04.
2. Blocks and Lots:
  - a. Residential blocks shall not be more than one thousand five hundred (1,500) feet in length.
  - b. Blocks shall have sufficient width to provide for two (2) tiers of lots except when prevented by unique topographic or natural conditions.
  - c. Lot dimensions and shapes will conform to the requirements of this ordinance. Lot sizes for private water and/or sewage systems shall be as required by the County Health Department or other permitting agencies.
3. Roads and Streets: Reference Section 6.03.00.
4. Sidewalks: All Developments requiring new road construction for public dedication with a density of four (4) dwelling units per acre or greater shall be required to install bikeways and/or sidewalks. This may be accomplished with the installation of signage, striping of roadways, widening of roadways, installation of sidewalks, wheelchair ramps at intersection points. (Comprehensive Plan, Policy 8.A.3.3.) Sidewalks shall be provided only on one side of the street where topography or required conservation areas limit their construction and use.

**6.01.05 Installation of Physical Improvements:** Before any plat can be approved and before any lot can be sold in the proposed subdivision; the following shall be satisfactorily completed:

1. The developer shall secure all necessary permits and install all improvements as shown on the approved construction drawings and certified by the developer's engineer. Temporary stabilization of roadside swales and other swales where permanent stabilization is not practicable shall be acceptable until completion of adjacent structures at which time permanent stabilization shall be established.



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2. The developer shall ensure that all appropriate erosion control measures as required by the County Engineer are installed and maintained throughout the length of project development.

**6.01.051 Acceptance of Water and Sewer Improvements:** Upon completion of all water and sewer system improvements in compliance with the Florida Administrative Code and Okaloosa County and after the acceptance of all improvements by Okaloosa County, building permits may be issued.

**6.01.052 Minimum Requirements for the Installation of Improvements:** All improvements and construction activities required under these regulations shall take place according to plans approved by the County Engineer and appropriate water and sewer provider. The plans submitted to the County Engineer shall bear the signature of a Florida licensed professional engineer responsible for the project as defined in Chapter 471 F.S. If construction does not commence within one year of the date of the fully executed Development Order approval, then the project shall be re-submitted for approval.

1. Road Construction: Reference Section 6.03.05.
2. Stormwater Management Facilities, Drainage and Landscaping: Reference Sections 6.05.00 and 6.06.00 and others.
3. Utilities: Plans shall be submitted and approved by the County Water and Sewer Department, or appropriate provider, and comply with Chapter 4. Reference Ordinance No. 86-14. All utilities, including television cable, telephone, and electrical systems shall be installed underground in any new development with a density of four (4) dwelling units per acre and new road construction.
4. Easements: An exclusive easement for stormwater management facilities, drainage and utilities, centered on rear or side lot lines where facilities or utilities exist or are planned, will be required by Okaloosa County, and shall be twenty (20) feet wide, or as determined by the County Engineer. Easements of greater width may be required along lot lines or across lots, wherever necessary, for the extension of water or sewer lines, or other utilities. No fences or other structures will be allowed in easements dedicated for public purposes or which are part of a stormwater conveyance system, or maintained by the County, unless authorized by the Public Works Department and other affected utility providers.
  - a. Stormwater management and drainage easements will be provided for the drainage of stormwater; these easements will be no less than twenty (20) feet in width. In the case of open channels and ditches, the drainage easement shall include maintenance access consisting of a cleared and unobstructed area having a side slope no steeper than 1:15 and encompassing a width of fifteen (15) feet to lie wholly along one side of the ditch. If required, adequate conveyance of subdivision rear yard swale areas to a master stormwater system shall be established during subdivision construction activity and documented through lot development by grading plans.



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### 5. Construction and Inspection of Improvements:

- a. Prior to the commencement of development activities, copies of required permits for stormwater management, wetland activities, driveway connections, and water and sewer systems from all appropriate local, state, and federal agencies must be submitted to the County.
- b. Inspection of the following phases of construction shall be conducted and certified by the engineer of record.
  - i. Erosion control installation;
  - ii. Stabilized grade;
  - iii. Curbs, sidewalks and concrete work;
  - iv. Subgrade;
  - v. Roadway base;
  - vi. Surface course;
  - vii. Drainage structures and systems;
  - viii. Landscaping;
  - ix. Signage; and
  - x. Reference Section 6.06.06 for inspection prior to work commencing.
- c. The County Engineer or Water and Sewer Engineer shall have the authority to reject materials or suspend work when not in conformity with approved plans and specifications.
- d. Final Inspection: The engineer of record shall provide a certification that all construction has been substantially completed in accordance with approved plans and specifications as well as signed and sealed As-Built plans. Any deviations from the approved plans will be indicated and explained. Those deviations which result in changes to the function of the system will require further review and approval. Testing documentation shall also be provided to the County Engineer. This will not preclude the County Engineer from inspecting any and all aspects of construction. When all work including installation of all stormwater management and drainage facilities and conveyances has been completed, and all required certifications and As-Built drawings have been submitted, the County Engineer shall inspect the work and shall either approve it or notify the applicant in writing in what respects there has been a failure to comply with the requirements of the approved construction plans. The water and sewer engineer will be responsible for inspecting water and sewer facilities. Any portion of the work which does not comply shall be promptly corrected by the applicant or the applicant will be subject to the penalty provisions of Chapter 12 of this ordinance.

**6.01.053 Acceptance:** Acceptance of physical improvements that are dedicated to the public is subject to the condition precedent that all physical improvements be maintained in acceptable condition for a period of at least eighteen (18) months after acceptance. The developer shall furnish to the County a minimum twenty-four (24) months maintenance bond, letter of credit or





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other method of guarantee. The County will re-inspect the project after twelve (12) months have elapsed and will identify to the developer unacceptable conditions. If the unacceptable conditions have not been satisfactorily corrected after the expiration of eighteen (18) months the entire bond will be called in by the County to apply to corrections for the project. Should other unacceptable conditions appear prior to the expiration of the eighteen (18) month period they will be brought to the attention of the developer for correction in a reasonable period of time. Unused sums of the bond will be returned to the developer after the County has determined that any defective conditions have been corrected. If the amount of the bond is not sufficient to cover the cost of the corrections, the developer will be billed for the additional cost and if payment is not made within thirty (30) days after receipt of the billing the County may file a lien against any or all of the properties involved.

**6.01.054 Maintenance:** Maintenance of roadways and related stormwater management facilities shall be by a single entity.

**6.01.06 Fees:** Reference Chapter 12 of this ordinance.

**6.01.07 Exceptions:** The following exceptions to compliance with the platting requirements of this ordinance shall be strictly construed, and should any requirement for the granting of the exception be held illegal or invalid, then the exception shall be null and void in its entirety and compliance will be required with the remaining provisions of this ordinance:

1. **Roads:** Reference Section 6.03.00 of this ordinance.
2. **Inheritance:** Any divisions of land directly from inheritance either by testate or intestate, shall be exempted from the provisions of this ordinance, provided that such division is not accomplished through recorded plats.
3. **Deed of Gift:** Provided the property is controlled or owned by the grantor prior to the adoption of this ordinance, any deed of gift for any one parcel of land within twelve (12) month period given without valuable consideration to any member of the donor's immediate family supported by an Affidavit of Compliance with this section shall be exempted from the Platting provisions of this ordinance. However, any subsequent division shall not be exempted, except in compliance herewith. The size of the parcel of land shall meet the minimum required for the zoning district of that parcel, except in agricultural districts the minimum size shall be one acre.
4. The deed or other instrument of conveyance shall contain the following words: "This deed is in accordance with the provisions of Section 6.01.07 Deed of Gift of Okaloosa County Ordinance No. 91-1 and the grantee agrees that the parcel of land described herein shall not be deeded or conveyed by other instrument to another party or parties for a period of two (2) years from the date of the original conveyance."
5. **Minor Divisions of Lands:** Larger parcels shall not be required to subdivide if each parcel being created is at least one (1) acre in area and no new public street or alley is being proposed. Each parcel shall also have a minimum of fifty (50) feet frontage on publicly maintained road. Parcels created which front on roads identified as Protected Roadways



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- shall have a minimum frontage of two hundred ten (210) feet. Lot size and dimensions shall meet the requirements for the zoning district in which the land is located. Where the size and dimensions do not meet the requirements, the owner shall obtain rezoning before dividing and conveying the title to any parcel.
6. A request for a minor division of land shall be submitted by application to the Growth Management Department with an application fee as provided for in Chapter 12 of this ordinance. In addition, the proposed minor division of land must meet all concurrency requirements as set forth in this ordinance. No more than ten (10) lots may be created per parent parcel.
  7. Minor Lot Splits: any property, regardless of size, may be further subdivided or split subject to the minimum requirements specified herein. All minor lot splits shall be verified and approved by the Department of Growth Management based on forms and information required by county staff. A minor lot split shall not be allowed in any platted recorded subdivision which was recorded after March 11, 1974 provided, however, that such a lot split may be allowed as a special exception to be granted by the Board of Adjustment. Minimum requirements are as follows.
    - a. The property being created (split off) must meet all dimensional requirements of the zoning within which it is located.
    - b. All property created must front upon an existing public or private road, and shall not necessitate a need for any new road or drainage improvements. In no case shall the minimum road frontage for any lot be less than twenty (20) feet.
    - c. There shall be no more than three (3) lots created, including the "parent parcel" on any subdivided property.
    - d. All newly created lots must be recorded by deed or other legal instrument in the Official Records of Okaloosa County.

**6.01.08 Reversion of Subdivided Land to Acreage:** The reversion of subdivided land to acreage shall meet the requirements of Chapter 177, F.S.

**6.01.09 Variances:** Where strict adherence to the provisions of this ordinance would cause an unnecessary hardship due to topographical or other conditions peculiar to the site, the Board of Adjustment may authorize a variance as to lot size or minimum dimensional requirements at the time of project approval. Such a variance shall apply only to the requirements directly affecting the particular hardship, and shall not be detrimental to the intent of this ordinance. Any request for a variance shall be submitted in writing to the Board at a public hearing after recommendation has been received from the Public Works Department.



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### 6.02.00 CONSTRUCTION STANDARDS.

**6.02.01 Construction Codes:** The following specific codes and subsequent amendments thereto are hereby adopted to be the minimum standards to be complied with in the construction of any improvements in Okaloosa County, Florida:

Permittee will be responsible for the compliance of all codes and ordinances adopted by local, state and federal agencies.

1. The Building Code shall be the current edition of the Standard Building Code, including the appendix.
2. Florida Accessibility Code shall be the current edition of the Florida Accessibility Code for Building Construction.
3. The Energy Efficiency Code shall be the current edition of the Florida Energy Efficiency Code for Building Construction.
4. The Electrical Code shall be the current edition of the National Electric Code.
5. The Plumbing Code shall be the current edition of the Standard Plumbing Code.
6. The Mechanical Code shall be the current edition of the Standard Mechanical Code, and the Sheet Metal and Air Conditioning Contractors National Association.
7. The Gas Code shall be the current edition of the Standard Gas Code.
8. The Swimming Pool Code shall be the current edition of the Standard Swimming Pool Code.
9. The Irrigation and Lawn Sprinkler Code shall be the current edition of the Florida Irrigation Society Standards.
10. Coastal Construction Code: Coastal Construction Control Line: Development and Building Permits are required. Applications for structures located seaward of the control line shall be presented by the Growth Management Department to the governing body for final approval or disapproval. The FDEP CCCL permit is required as part of the site plan application.
  - a. The requirements of this Coastal Code shall apply to the following types of construction in the Coastal Building Zone under the jurisdiction of Okaloosa County, Florida.
    - i. The new construction of, or substantial improvement to major structures, and minor structures as defined herein.
    - ii. Construction which would change or otherwise have the potential for substantial impact on coastal zones (i.e. excavation, grading, paving).



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- iii. Construction located partially within the coastal building zone.
  - iv. Reconstruction, redevelopment or repair of a damaged structure from any cause which meets the definition of substantial improvement as defined herein.
- b. Exceptions: The requirements of the coastal code shall not apply to the following:
- i. Minor work in the nature of normal beach cleanup and debris removal.
  - ii. Structures in existence prior to the effective date of the code, except for substantial improvements as defined herein.
  - iii. Construction extending seaward of the seasonal high-water line is regulated by the provisions of Section 161.041, F.S. (i.e. groins, jetties, moles, breakwaters, seawalls, piers, revetments, beach nourishment, inlet dredging, etc.).
  - iv. Construction of non-habitable major structures as defined herein, except for the requirements of paragraph J.7.
  - v. Construction of minor structures as defined herein, except for the requirements of paragraph J.8.
  - vi. Construction for improvement of a major structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.
- c. Application for Permits: Applications for building permits for construction in the coastal building zone are required to be certified by an architect or professional engineer as defined in Chapter 471 F.S. Such certifications shall state that the design plans and specifications for the construction are in compliance with this ordinance and applicable state and federal laws. Upon completion of the project the architect or engineer shall certify that the construction has been completed in accordance with this ordinance and consistent with applicable FDEP and USCOE permits, including FEMA elevation requirements.
- d. Definitions:
- i. Major Structure includes but is not limited to residential buildings including mobile homes, commercial, institutional, industrial, and other construction having the potential for substantial impact on coastal zones.
  - ii. Minor Structure includes but is not limited to pile-supported, elevated dune and beach walkover structures; beach access ramps and walkways; stairways; pile supported elevated viewing platforms, gazebos,



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and boardwalks; lifeguards support stands; public and private boathouses; sidewalks, driveways, parking areas, shuffleboards courts, tennis courts, handball courts, racquetball courts, and other uncovered paved areas, earth retaining walls; sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries, and other ornamental construction.

- iii. Nonhabitable Major Structure includes but is not limited to swimming pools; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures, and other water retention structures; water and sewage treatment plants; electrical power plants, transmission and distribution lines, transformer pads, vaults, and substations
- iv. Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds a cumulative total of fifty (50) percent of the market value of the structure either
  - 1) Before the repair or improvement has started, or;
  - 2) If the structure has been damaged and is being restored to its original condition before the damage occurred.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any projects for improvement of structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

- e. Structural Requirements for Major Structures:
  - i. Design and Construction: Major structures, except for mobile homes, shall be designed and constructed in accordance with Section 1606 of the Standard Building Code Current Edition using a fastest-mile wind velocity of one hundred ten (110) miles per hour. Major structures, except mobile homes, shall also comply with the applicable standards for construction found elsewhere in the Standard Building Code Current Edition.
  - ii. Mobile Homes: Mobile Homes shall conform to the Federal Mobile Home Construction and Safety Standards or the Uniform Standards Code ANSI A119.1, pursuant to Section 320.823, Florida Statutes, as well as the requirements of subsection (c).



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- iii. Elevation, Flood proofing, and Siting: All major structures shall be designed constructed and located in compliance with the National Flood Insurance Regulations as found in 44 CFR Parts 59 through 77, or in this ordinance.
  
- f. Design Conditions:
  - i. Velocity Pressure: Major structures, except mobile homes, shall be designed in accordance with the requirements of Section 1606 of the Standard Building Code Current Edition using a minimum fastest mile wind velocity of one hundred ten (110) mph.
  
  - ii. Foundation: The elevation of the soil surface to be used in the design of foundations, calculation of pile reactions and bearing capacities shall not be greater than that which would result from the erosion reasonably anticipated as a result of design storm conditions. Foundation design and construction of a major structure shall consider all anticipated loads acting simultaneously with live and dead loads. Erosion computations for foundation design shall account for all vertical and lateral erosion and scour producing forces, including localized scour due to the presence of structural components. Foundation design and construction shall provide for adequate bearing capacity taking into consideration the type of soil present and the anticipated loss of soil above the design grade as a result of localized scour. Erosion computations are not required landward of coastal construction control lines established or updated since June 30, 1980. Upon request, F.D.E.P. may provide information as to those areas within coastal building zones where erosion and scour of a 100-year storm event is applicable.
  
  - iii. Wave Forces: Calculations for wave forces resulting from design storm conditions on building foundations and superstructures may be based upon the minimum criteria and methods prescribed in the Naval Facilities Engineering Command Design Manual, NAVFAC DM-26, U.S. Department of Navy; Shore Protection Manual. U.S. Army-Corps of Engineers; U.S. Department of the Army Coastal Engineering Research Technical Papers and Reports; the Technical and Design Memoranda of the Division of Beaches and Shores, F.D.E.P; or other professionally recognized methodologies which produce equivalent design criteria.
  
  - iv. Hydrostatic Loads: Calculations for hydrostatic loads shall consider the maximum water pressure resulting from a fully peaked, breaking wave superimposed upon the storm surge with dynamic wave setup. Both free and hydrostatic loads shall be considered. Hydrostatic loads which are confined shall be determined by using the maximum elevation to which the confined water would freely rise if unconfined. Vertical hydrostatic loads shall be considered both upward and downward on horizontal or inclined surfaces of major structures (i.e. floors, slabs, roofs, walls). Lateral



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hydrostatic loads shall be considered as forces acting horizontally above and below grade on vertical or inclined surfaces. Hydrostatic loads on irregular or curved geometric surfaces shall be determined by considering the separate vertical and horizontal components acting simultaneously under the distribution of the hydrostatic pressures.

- v. Hydrodynamic Loads: Hydrodynamic loads shall consider the maximum water pressures resulting from the motion of the water mass associated with the design storm. Full intensity loading shall be applied on all structural surfaces above the design grade which would affect the flow velocities.
  - g. Structural Requirements for Nonhabitable Major Structures: Nonhabitable major structures shall meet the specific structural requirements of Paragraph I.5.a., and shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with the applicable standards of construction found in the Standard Building Code. All sewage treatment and public water supply systems shall be flood-proofed to prevent infiltration of surface water anticipated under design storm conditions. Underground utilities excluding pad transformers and vaults, shall be flood-proofed to prevent infiltration of surface water expected under design storm conditions or shall otherwise be designed to function when submerged under such storm conditions.
  - h. Structural Requirements for Minor Structures: Minor structures need not meet the specific structural requirements of Paragraph I.5, except that they shall be designed to produce the minimum adverse impact on the beach dune system and shall comply with the applicable standards found in the Standard Building Code.
  - i. Location of Construction: Construction, except for elevated walkways, lifeguard support stands, piers, beach access ramps, and coastal or shore protection structures, shall be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability. Construction, including excavation, may occur to the extent that the natural storm buffering and protection capability of the dune is not diminished.
11. The Standard Code for the Elimination or Repair of Unsafe Buildings: This code shall apply to all unsafe buildings or structures, as herein defined, and shall apply equally to new and existing conditions.
- a. Alterations, Repairs or Rehabilitation Work:
    - i. Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of the Standard Building Code and other codes in this ordinance provided that the alteration, repair or rehabilitation work conforms to the requirements of the Standard Building Code and other codes in this ordinance for new construction. The Building Official shall determine the



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extent to which the existing building shall be made to conform to the requirements of the codes in this ordinance for new construction.

- ii. Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in Paragraph J.4.
  - iii. If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of the codes in this ordinance for the new occupancy classification as established by the Building Official.
  - iv. Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this code or in such manner as will not extend or increase an existing non-conformity or hazard, may be made with the same kind of materials as those of which the building is constructed; but not more than twenty-five (25) percent of the roof covering of a building shall be replaced in any period of twelve (12) months unless the entire roof covering is made to conform with the requirements of the Standard Building Code for new buildings.
- b. **Special Historic Buildings:** The provisions of this code relating to the construction alteration, repair, enlargement, restoration, relocation or moving buildings or structures identified and classified by the state or local jurisdiction as Historic Buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts. The applicant must submit complete architectural and engineering plans and specifications bearing the seal of a registered professional engineer or architect.
- c. **Maintenance:** All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the codes in this ordinance in a building when erected, altered or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings and structures.
- d. **Unsafe Building:** Any building or structure that has any of the following conditions, such that the life, health, property or safety of the general public or its occupant are endangered:
- i. Whenever any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
  - ii. Whenever any means of egress or portion thereof, such as but not limited to, fire doors, closing devices, fire resistive ratings, are in disrepair





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- or in a dilapidated or non-working conditions such that the means of egress could be rendered unsafe in case of fire or panic.
- iii. Whenever the stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the working stresses allowed in the Standard Building Code for new buildings.
  - iv. Whenever a building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the buildings or structures is less than it was prior to the damage and is less than the minimum requirement established by the Standard Building Code for new buildings.
  - v. Whenever any exterior appendages or portion of a building or structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the Standard Building Code for new buildings.
  - vi. Whenever for any reason a building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.
  - vii. Whenever any building, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.
  - viii. Whenever any building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of this ordinance or state law.
  - ix. Whenever any building, structure or portion thereof is in such a condition as to constitute a public nuisance.
  - x. Whenever any building, structure or portion thereof is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

**6.02.02 Energy Efficiency Code:** Provisions for energy efficiency in buildings shall be in accordance with state rules.

**6.02.03 Residential Floor Level:** In Flood Zone X areas of minimum flooding, no residential dwelling shall be constructed with the lowest floor elevation (excluding basements and non-habitable garages) not less than one (1) foot above the average actual crown or center line of the lowest elevation of the road abutting the subject property. Exemptions to this requirement may occur only where an undue hardship due to the terrain of the land exists and is supported by technical data provided by the applicant, or stormwater management improvements are provided,



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and the improvements are approved by the County Engineer. The following criteria will be used in granting the exemptions:

1. The natural ground elevation adjacent to the back wall is equal to or greater than two (2) feet below the crown of the road abutting the subject property and there will be positive drainage to the back of the lot to convey runoff away from the lot without the potential for backup or flooding of the lot.  
or
2. There will be adverse impact from stormwater runoff to and from adjacent properties if the required minimum elevation is used.  
or
3. The front building placement is equal to or greater than 150' from the roadway and the proposed finished floor elevation is at least one foot (1') above the existing ground elevation and there will be positive drainage from the lot without the potential for backup or flooding of the lot.

When A, AE, V or VE flood zones encroach on the property the elevation shall be from the NGVD 1929 Datum.

Reference Chapter 5 for other floor elevation regulations. Compliance with the exemption criteria above does not provide for an exemption from the criteria set forth in the applicable water and sewer ordinance for any site location.

**6.02.04 Discoloring Materials Prohibition:** It is the intent of Okaloosa County to restrict the use of discoloring materials on public beaches and the sedimentation of public waters by construction materials. As such, the following restrictions apply:

1. For the areas south of U.S. Highway 98 in the Okaloosa County, and including all of Okaloosa Island discoloring materials (red and yellow clay, unclean sand and similar materials containing discoloring particles) are PROHIBITED.
2. All other areas within six-hundred (600) yards of Choctawhatchee Bay, Santa Rosa Sound, and estuaries, bayous and tidal waters of the County not included in A. above, this material may be used only if prior approval is obtained from the County and approved protective measures are used which would insure that no environmental or physical damage will occur to the waters of the County.
3. Any firm, person or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 125.69, F.S. Each day any violation of this ordinance shall continue shall constitute a separate offense.
4. Acceptable material shall be as determined by the Building Official or his authorized representative.



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**6.02.05 Water Conservation:** Reference Chapter 406 Standard Plumbing Code 1994. After the effective date of this ordinance, no new building shall be constructed which:

1. Employs a tank-type water closet having a tank capacity in excess of three and one-half (3 1/2) gallons of water, or employs a shower head or faucet that allows a flow of more than an average of three (3) gallons of water per minute at sixty (60) pounds of pressure per square inch.
2. The requirements of this section apply to an addition to or a renovation of an existing building only if the cost of the addition or renovation exceeds twenty-five (25) percent of the value of the existing building and compliance with the requirements of this section will not require substantial modification of the existing plumbing system.
3. In satisfaction of the requirements of this section, the installation of tank-type water closets having a tank capacity in excess of three and one-half (3 1/2) gallons shall be permitted if such water closets are equipped with a device which reduces average water consumption to no more than three and one-half (3 1/2) gallons per flush.

**6.02.06 Right of Entry:**

1. The Building Official or an authorized representative bearing proper credentials and identification shall be admitted with permission from proper authorities to all properties for the purpose of determining compliance with this ordinance. The procurement of a building permit shall constitute permission for inspection of those areas under construction during reasonable working hours.
2. When entering a building, structure or premise that is occupied, the Building Official shall first identify himself, present proper credentials and request entry. If the building, structure or premise is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of the building and request entry. If entry is refused, the Building Official or an authorized representative shall have recourse to every remedy provided by law to secure entry.
3. Interference with a Building Official or an authorized representative in the legal performance of his duties pursuant to this ordinance shall constitute a misdemeanor and shall be punishable as provided by Section 125.69, F.S.

**6.02.07 Inspections:** The Building Official, the fire official and other authorized representatives are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this ordinance. Reference Section 6.01.051 for other inspections.

**6.02.08 Requirements not covered by Code:** Any requirement necessary for the strength or stability of any existing or proposed building or structure, or for the safety or health of the occupants thereof, not specifically covered by this ordinance, shall be determined by the Building Official.



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**6.02.09 Violations and Enforcement:** Reference Chapter 11 for violations and enforcement and the Code Enforcement Board.

**6.02.10 Appeals:** Reference Chapter 11 for appeals to the Board of Adjustment concerning interpretation or decisions of the Administrative Official regarding this ordinance.

**6.02.11 Boards:** Whenever the codes enumerated herein contain provisions for review boards, advisory boards, Board of Adjustment or the like, these provisions shall mean that all appeals, unless specifically stated otherwise, shall be acted upon by the Board of Adjustment in accordance with Chapter 11 of this ordinance and further, all violations of this ordinance shall be acted upon by the Code Enforcement Board in accordance with Chapter 11 and further, the governing body may appoint other boards as it may deem appropriate.

**6.02.12 Cross Connection Control (Backflow Prevention):** Reference Ordinance No. 93-50, as amended. Inspections are made by the Water and Sewer Department.

**6.02.13 Mobile Homes:** All mobile homes manufactured on or after July 13, 1994 must be approved for Wind Zone II or III found on data sheet affixed to mobile home. Mobile Homes manufactured before July 13, 1994 and classified "Hurricane" can be placed in any zone. Mobile homes not classified as "Hurricane" can be placed in Okaloosa County as determined by the Florida Department of Highway Safety and Motor Vehicles criteria. All mobile homes shall be skirted, anchored, and connected to utilities in accordance with manufacturer requirements or with current requirements of the Standard Building Code, Standard Plumbing Code, Standard Gas Code, National Electrical Code, and the Anchor and Tie Down Installation Standards for Mobile/Manufactured Homes and Park Trailers prepared by D.O.T.

**6.02.14 Manufactured or Modular Homes or Buildings:** For manufactured or modular homes or buildings, a full set of plans for a permanent foundation suitable for soil conditions will be supplied by the manufacturer or drawn by an engineer or architect, and the foundation will be inspected by the Growth Management Department. Foundation will be closed in with brick, concrete block or other suitable material during or after assembly of the manufactured building. A full set of blueprints and descriptive plans for the manufactured building will be approved by the Growth Management Department before the assembly or installation of the building.

### 6.03.00 ROADS.

Dimensional requirements herein are minimum standards for roadway construction. Provisions or requirements referenced in other sections of this ordinance may necessitate the construction or dedication of roadways, rights-of-way or easements that are in excess of the minimum dimensions specified. Minimum standards below are absolute unless revised through a development process such as a P.U.D. Requirements from other service providers that utilize the rights-of-way for service (i.e. utilities) may override the minimum requirements herein.

**6.03.01 Jurisdiction:** This ordinance applies to all roads owned or maintained by the County, all roads designed and constructed for acceptance into the County road system and all residential subdivision roads owned and maintained by a private entity; and further, all state roads in the County for purposes of concurrency and maintaining level of service standards.



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**6.03.02 Level of Service:** Reference Chapter 4 Consistency and Concurrency Determination, for level of service standards for state and county roads.

**6.03.03 Classification:** Functional Classification is the assignment of roads into systems according to the character of service they provide. Basic functional categories include arterial, collector and local which may be subdivided into principal, major or minor. Additional division may be into urban and rural categories. As used in this ordinance, the terms shall have the following stated meaning in accordance with the *Institute of Transportation Engineer's Traffic Engineering Handbook, 5<sup>th</sup> Edition*:

1. Arterial roadways carry longer-distance traffic between important activity or population centers and are typically designed with some measure of access control.
2. Collector roadways link the local street system with arterial roadways. Such roads collect traffic, serve as local through-facilities, and serve to access abutting land uses.
3. Local roadways provide access to the transportation network from developed land uses and are characterized by low speed and low traffic volume.

**6.03.04 Connection of a Street or Driveway to a Public Roadway/Right-of-Way:** When an application is made to Okaloosa County where a proposed connection is to be made by either a private or public roadway or driveway, adequate access (as required by 6.00.03) shall be defined as an existing public right-of-way that exists by way of plat or deed AND the existing roadway surface shall be a hot-mix asphalt. Excluding capacity improvements required to satisfy concurrency, improvements to the existing roadway may include turn lanes, deceleration lanes, acceleration lanes or signal improvements in order to accommodate the proposed development.

1. For developments proposed along roadways that do not comply with the requirements above, improvements to the public roadway shall be performed as part of the proposed development such that the roadway is consistent with the minimum standards stated herein; including, but not limited to right-of-way and lane width standards. Improvements shall be required to the extent where access to the proposed development is made to a roadway that provides adequate access as described above.

**6.03.05 Connection of a Street or Driveway to a Private Roadway/Right-of-Way:** When an application is made to Okaloosa County where a proposed connection is to be made by either a private or public roadway to a private roadway or right of way, adequate access (as required by 6.00.03) shall be defined as an existing private right-of-way that exists by way of plat or deed AND the existing roadway surface shall be a hot-mix asphalt. Written approval from the entity responsible for maintenance and ownership of the connecting roadway shall be provided prior to approval of the development by the County. Excluding capacity improvements required to satisfy concurrency, improvements to the existing roadway may include turn lanes, deceleration lanes, acceleration lanes or signal improvements in order to accommodate the proposed development.

1. For developments proposed along roadways that do not comply with the requirements above, improvements to the private roadway where the connection is proposed shall be performed as part of the proposed development such that the roadway is consistent with the minimum standards stated herein; including, but not limited to right-of-way and lane



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- width standards. Improvements shall be required to the extent where access to the proposed development is made to a roadway that provides adequate access as described above.
2. If the proposed connection to the private roadway is the sole access point to the proposed roadway, the proposed roadway shall be privately owned and maintained. Access to public roads shall be provided from existing public roadways.

**6.03.06 Private Streets and Easements:** Private streets and easements used as the principal access to individually owned lots or units in a Planned Unit Development or Subdivision are required to comply with the provisions of this ordinance. The developer shall establish a homeowners association or other legal means to provide proper maintenance. This requirement does not apply to the provision of roadways within shopping centers, industrial districts, apartment projects, and other developments under single ownership. The street alignment shall provide adequate frontage and minimum setbacks for all structures in compliance with the applicable zoning district regulations.

1. **Right-of-Way:** The minimum right-of-way width for a private street shall be 25', centered on the roadway, with a minimum 7.5' drainage and utility easement on each side.
2. **Lane Width:** The minimum lane width for a private street shall be consistent with the requirements in Table 6-03-2.
3. **Roadway Construction:** All private streets shall be designed and constructed to comply with the minimum standards in section 6.03.13.A.4. If an alternative pavement surface is desired (pavers, stamped concrete, stamped asphalt, etc.) calculations, signed and sealed by a licensed professional Engineer in the State of Florida, demonstrating that the proposed pavement section is of equal or greater structural value than the standard herein shall be provided by the applicant.

**6.03.07 Road Construction:** All construction or reconstruction of roads in the County must be in accordance with the requirements of this ordinance. It is the responsibility of the developer to provide median cuts, driveways, stacking and turning lanes and the like required for his development.

**6.03.08 Permits on State Roads:** Permits from FDOT for driveway connections and median cuts on State roads are required, and copies must be submitted to the Growth Management and the Public Works Departments prior to final approval of all residential, commercial, and industrial projects.

**6.03.09 Limited Access Roads:** The following limited access standards shall be applicable to P.J. Adams Parkway from its intersection with Highway 85 to Antioch Road, Martin Luther King Jr. Blvd. from its intersection with Green Acres Road to the Fort Walton Beach Industrial Park, U.S. Highway 98 from the Santa Rosa County Line to the Walton County line (within the unincorporated portions of the County), the entire length of Commons Drive, and any other road hereinafter designated limited access by resolution of the Board of County Commissioners of Okaloosa County.



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1. Access points shall be located no closer than six hundred sixty (660) feet apart measured from center line to center line of the driveway.
2. Median cuts shall be located no closer than one thousand three hundred twenty (1,320) feet apart measured from center line to center line of the roadway.
3. Deceleration, acceleration, stacking lanes, and median cuts, shall be installed and constructed in accordance with the Florida Department of Transportation standards in effect at the time of application.
4. Other than currently existing driveways, no access will be allowed requiring a backing maneuver into the right-of-way.
5. Other than lots of record, no access will be allowed serving individual private residential driveways.
6. Residential developments contiguous to limited access roads shall be by collector streets at a minimum distance of six hundred sixty (660) feet apart.
7. This ordinance is not intended to deny access to any existing lot, parcel, or tract of land for which the only means of access to the same would be by the limited access road, but is intended to limit any further divisions into parcels or lots unless compliance herewith is accomplished.

**6.03.10 Variances:** Where strict adherence to the provisions of this chapter would cause an unnecessary hardship due to topographical or other conditions peculiar to the site, the Board of Adjustment may grant a variance. Such a variance shall apply only to the requirements directly affecting the particular hardship, and shall not be detrimental to the intent of this chapter.

**6.03.11 Permits Required:** No firm, corporation, business entity, municipality, or other person shall in any way, face or form, operate, motivate or use any vehicle or instrument or construct any improvements on the public roads or rights-of-way in Okaloosa County, that has the capability to damage, deface or destroy the public roads or rights-of-way of Okaloosa County without first obtaining a right-of-way permit from the Public Works Department.

Any firm, corporation, business entity, or other person intending to operate, motivate or use any vehicle or instrument, shall apply to the County Engineer for a permit and shall post a cash bond in double the amount of any anticipated damages as determined by the County Engineer, and in the event the public roads or rights-of-way are not repaired or restored to their original state within the time stipulated in the permit, cash bond shall be forfeited.

**6.03.12 Permit Fees:** Reference Chapter 12.

**6.03.13 Violations:** Reference Chapter 11.

**6.03.14 Road and Street Design Standards:** All improvements and construction activities required under these regulations shall take place according to plans approved by the County



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Engineer. The plans submitted to the County Engineer shall bear the signature of a Florida licensed Professional Engineer responsible for the project as defined by Chapter 471, F.S. Design and construction must be consistent with the Florida Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways. (Green Book)

1. Specific Requirements:

- a. Alignment and Geometry: Streets will intersect at angles no less than ninety seventy-five [75] degrees. Unaligned intersections shall be separated by a minimum of one hundred and fifty (150) feet between center lines. Intersections involving more than four (4) basic street legs or approaches shall be prohibited.
- b. Right-of-Way:
  - i. All roads and streets shall have sufficient right-of-way to conform to Green Book standards for clear zones and other requirements, and to accommodate drainage requirements. If such requirements exceed the minimum width specified in item b below, that width shall be the acceptable minimum.
  - ii. Subdivision streets that are to be dedicated to the public for ownership and maintenance shall have dimensions as specified in Table 6-03-01 per the functional classifications defined in s. 6.03.03:

Table 6-03-1			
Minimum R/W Width →	50'	66'	80'
Collector			X
Major Local	X*	X*	
Minor Local	X		

\*For major local roads servicing less than 50 lots the minimum right-of-way width shall be 50'. For major local roads servicing 50 lots or more the minimum right-of-way shall be 66'.

- c. Cul-de-sacs and Turnarounds:
  - i. Turnarounds are not required on streets two hundred (200) feet or less in length and serving six [6] or less dwelling units.
  - ii. Turnarounds will be used on dead-end streets three hundred (300) feet or less in length that do not comply with (a) above. Turnarounds must comply with
  - iii. AASHTO latest edition ("A Policy on Geometric Designs of Highways and Streets").





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- iv. A cul-de-sac shall be used on streets longer than three hundred (300) feet with no outlet. The right-of-way diameter of a cul-de-sac shall be at least one hundred and ten (110) feet. In order to provide adequate utility maintenance and storm drainage, an additional five (5) foot easement around the perimeter of cul-de-sacs may be required by the County Engineer as deemed necessary.
- d. Pavement Dimensions and Materials:
  - i. For subdivision streets: The minimum width of each travel lane shall have the minimum dimensions as specified in Table 6-03-02 per the functional classification defined in s.6.03.03. Curb or curb and gutter dimensions are not to be included in the specified lane widths.

<b>Table 6-03-2</b>			
Minimum Lane Width →	10'	11'	12'
Collector			X
Major Local		X	
Minor Local	X		

- ii. (b) All other pavement dimension for widths, tapers, shoulders, clear zones, etc. shall be in accordance with F.D.O.T. Green Book Standards.
- iii. Cul-de-sacs:
  - 1) The pavement width for turnarounds shall comply with AASHTO latest edition (“A Policy on Geometric Design of Highways and Streets”).
  - 2) The pavement diameter of a cul-de-sac shall be one hundred (100) feet.
- e. The surface course for flexible pavements will be an asphalt mix approved by the County Engineer; thickness will be a minimum of one and one-half (1 ½) inches. Collectors, arterials, and other roads serving heavy traffic shall provide a structural analysis determining surface course thickness or have a minimum thickness of two (2) inches whichever is greater. All cul-de-sacs will have a minimum surface thickness of two (2) inches in the “turn around” area. Surface courses using materials other than asphalt will be sized for appropriate structural adequacy. Test for surface course thickness and density shall be made at intervals of no more than two hundred (200) feet; staggered to the left, right, and on center line.
- f. Curb and Gutter: All streets constructed in residential subdivisions built to urban densities of four (4) lots or more per acre shall have curb and gutter on both sides



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of the pavement. Swales within rights-of-way shall not be permitted where curb and gutter is required.

- g. Roadway Base: An approved and properly prepared base material shall be provided. Recommended base materials are as follows: Sand-clay; soil cement; compacted limerock; shell. Tests for thickness and density shall be made at intervals of no more than three hundred (300) feet; staggered to the left, right, and on centerline.
- h. Structural analysis is required for roads arterial, collector and other identified by the County as supporting industrial land uses, such as but not limited to, industrial parks, airports, and landfills. The procedures set forth in AASHTO's *A Guide for Design of Pavement Structures*, the FDOT Flexible Pavement Design Manual, or the FDOT Rigid Pavement Design Manual shall be used. Base thickness for arterial or collector streets shall be a minimum of eight (8) inches. Sand asphalt base shall demonstrate equivalency. Base thickness for all other streets shall be a minimum of (6) inches.
- i. Roadway Subgrade: A properly prepared subgrade shall be provided with a minimum LBR of 40. Tests for subgrade bearing capacity and density shall be made at intervals of no more than three hundred (300) feet; staggered to the left, right, and on centerline.
- j. Material Specifications and Construction Standards: All material and construction shall conform to the latest Florida DOT "Standard Specification for Road and Bridge Construction." If a Marshall mix design for asphalt pavement or a sand-clay base is used, the requirements in the Florida DOT Standard Specification for Road and Bridge Construction, 2000 Edition shall be used.
- k. Signage: All traffic control devices including street signs, stop signs and pavement markings shall be in conformance with the most recent addition of Manual of Uniform Traffic Control Devices.
- l. Datum: All plans shall be designed based on the NGVD 1929 or NAVD 1988. Benchmarks shall be provided per minimum technical standards.
- m. Roadway Design Plans: Plans submitted to the County Engineer for review of roadway design shall include plan and profile sheets at a scale no smaller than 1" to 30'. All utility crossings and proposed piping shall be clearly depicted to show both horizontal and vertical locations.

**6.03.15 Clear Visibility Triangle:** In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by two (2) intersecting streets or the intersection of a driveway and a street. The following standards shall be met.

1. Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and ten (10) feet above the



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- grade, measured at the centerline of the intersection. Existing protected trees and plants shall remain if trimmed and maintained to comply with the visibility standards as stated above.
2. The clear visibility triangle shall meet the requirements as specified in Chapter III, Section C of the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Green Book).
  3. The clear visibility triangles shall be shown on the plans.

### 6.04.00 PARKING REQUIREMENTS.

Off-street parking is required in all zoning districts. The following off-street parking is required by this chapter:

#### 6.04.01 General Provisions:

1. Area calculations are based on gross square footage.
2. Where the required number of parking spaces results in a fraction, rounding to the next whole number shall occur.
3. Where parking spaces are required based on number of employees or students/clients, the number of employees must reflect the largest shift and the number of students/clients must reflect the maximum capacity allowed.
4. For multiple land use developments, parking spaces shall be determined upon each different land use and/or accessory use.
5. With respect to any parking lot that is required to be paved, the number of parking spaces required may be reduced by one, if the developer provides a bicycle rack or similar device that offers a secure parking area for each five (5) bicycles.
6. Vehicles from single-family developments are allowed to back onto the street, provided the street is classified as a minor local street.

**6.04.02 Parking Requirements for Specific Uses:** The following parking space requirements shall be used to determine the **minimum** parking spaces required for the uses specified herein. These requirements were adapted from Parking Generation, 3<sup>rd</sup> Edition, Institute of Transportation Engineers, 2004, which also includes a description for each use. In the event a particular use and associated parking space requirement is not specified herein other professionally accepted sources may be used. The square footage which determines the number of spaces shall be calculated by **gross floor area** which is defined as the sum of all floor area under roof from exterior wall to exterior wall including stair wells, elevator shafts, covered outside patios and decks, etc. Required parking spaces shall be in addition to any handicapped spaces that may be required by law.



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TYPE	REQUIRED SPACES
<b>Industrial</b>	
All industrial buildings	1 per employee per shift
<b>Residential</b>	
Single-family detached	2 per dwelling unit excluding garages
Single-family attached (townhouse)	2 per dwelling unit excluding garages
Duplex/Triplex/Quadraplex	2 per dwelling unit excluding garages
Apartment	2 per apartment unit + 5 per leasing office
Multi-family buildings	2 per dwelling unit
Senior adult housing	.5 per living unit
Adult congregate living facility	.5 per living unit
Assisted living facility	.5 per living unit
Other retirement facilities	.5 per living or dwelling unit
<b>Lodging</b>	
Resort Hotel	1.3 per room
Hotel/Motel	1.1 per room
Resort condominium	2 per unit
Other lodging establishments (inn, bed & breakfast, etc.)	1 per unit
<b>Medical</b>	
Hospital	5.5 per bed
Out-patient center	2 per operating room
Nursing home	1.5 per 1,000 sq. ft.
Clinic/testing lab	5.5 per 1,000 sq. ft.
Medical/dental office	4 per 1,000 sq. ft.
Animal clinic/hospital	2.5 per 1,000 sq. ft.
<b>Institutional</b>	
Church/house of worship	10 per 1,000 sq. ft.
Museum	3 per 1,000 sq. ft.
Library	3.5 per 1,000 sq. ft.



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TYPE	REQUIRED SPACES
<b>Government office building</b>	4 per 1,000 sq. ft.
<b>Other government buildings</b>	2 per 1,000 sq. ft.
<b>General Office building</b>	4 spaces per 1,000 sq. ft.
<b>Commercial</b>	
<b>Building materials/lumber</b>	2.5 per 1,000 sq. ft.
<b>Discount (dollar) store</b>	3.5 per 1,000 sq. ft.
<b>Hardware/paint store</b>	3 per 1,000 sq. ft.
<b>Shopping center/mall</b>	
Strip (< 30,000 sq. ft.)	4 per 1,000 sq. ft.
Neighborhood (30,000 to 100,000 sq. ft.)	4.5 per 1,000 sq. ft.
Community (100,000 to 400,000 sq. ft.)	5.5 per 1,000 sq. ft.
Regional (400,000 to 800,000 sq. ft.)	6 per 1,000 sq. ft.
<b>Tire store</b>	5 per 1,000 sq. ft.
<b>Supermarket</b>	5 per 1,000 sq. ft.
<b>Convenience store</b>	5 per 1,000 sq. ft.
<b>Discount club</b>	5 per 1,000 sq. ft.
<b>Liquor store</b>	3 per 1,000 sq. ft.
<b>Sporting goods</b>	3 per 1,000 sq. ft.
<b>Superstores</b>	3 per 1,000 sq. ft.
(Home improvement, electronics, toys, office supply, pet supply, etc.)	
<b>Clothing/apparel store</b>	2 per 1,000 sq. ft.
<b>Child care center</b>	3.5 per 1,000 sq. ft.
<b>Mini-warehouse/self storage</b>	1 per 5,000 sq. ft.
<b>Pharmacy/drugstore</b>	4 per 1,000 sq. ft.
<b>Furniture store</b>	2 per 1,000 sq. ft.
<b>Carpet store</b>	1.5 per 1,000 sq. ft.
<b>Video rental</b>	3 per 1,000 sq. ft.
<b>Drive-in bank</b>	3 per 1,000 sq. ft.
<b>Quality restaurant</b>	19 per 1,000 sq. ft.
(seat turnover 1 hour or more, not part of a chain)	



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TYPE	REQUIRED SPACES
<b>High-turnover restaurant</b> (seat turnover less than 1 hour, not part of a chain)	14 per 1,000 sq. ft.
<b>Fast-food restaurant</b> (without drive-up window)	21 per 1,000 sq. ft.
<b>Fast-food restaurant</b> (with drive-up window)	15 per 1,000 sq. ft.
<b>Dry cleaners</b>	3 per 1,000 sq. ft.
<b>Water park</b>	12 per acre
<b>Marina/dry storage</b>	.5 per slip or dry storage cubicle
<b>Golf course</b>	12 per hole
<b>Bowling alley</b>	5 per lane
<b>Billiard/pool hall</b>	7 per 1,000 sq. ft.
<b>Adult entertainment</b>	5 per 1,000 sq. ft.
<b>Live theatre</b>	.33 per seat
<b>Movie theatre</b>	.27 per seat
<b>Roller skating rink</b>	6 per 1,000 sq. ft.
<b>Racquet/tennis club</b>	4 per court
<b>Health/athletic club</b>	5 per 1,000 sq. ft.
<b>Livery vessel rental</b>	1 per 4 passengers of USCG capacity 1 per four personal watercraft

**6.04.03 Commercially Zoned Districts (C-1, C-2, C-3):** The off-street parking requirements set forth in Section 6.04.02 shall apply to all new development and redevelopment. Required parking may be provided by the owner on the same parcel of property proposed for development, or off-site through a shared parking facility or leased parking facility, provided the spaces lie within four hundred (400) feet of the main entrance to the principal use. Such parking shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. Off-site parking may be provided, as specified below:

1. Shared use parking facility shared by uses which have different principal operating hours or characteristics of uses may be allowed subject to documentation of a plan for mitigation. The schedule of operation of all such land uses shall provide that none of the uses sharing the facilities require off-street parking facilities at the same time as any other uses sharing them. The total number of required off-street parking spaces shall be
2. Off-site parking spaces located on a site owned and controlled by the owner/developer of the building site for which the off-street parking is required.



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3. When a portion or all of the required off-street parking is provided pursuant to one of the options specified in A thru C above, a written agreement shall be drawn in a form satisfactory to the County Attorney, executed by all parties concerned, and recorded with the Clerk of the Court, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.
4. This subsection shall not be applicable to an existing structure within any commercially zoned district unless: Floor area is added to the structure; or the use of the structure and the land on which it is situated changes in a manner which increases the number of parking spaces required by Section 6.04.02; or the appraised value of the structure is increased by fifty (50) percent.

**6.04.04 Off-Street Loading:** No motor vehicle shall be allowed to extend onto a public street, sidewalk or alley while loading or unloading. Off-street loading spaces or berths shall be provided as follows:

1. All manufacturing, industrial, warehouses and similar establishments customarily receiving and distributing goods by motor vehicle shall provide loading and unloading facilities on the premises. The minimum dimensions for off-street loading spaces shall be ten (10) feet by fifty (50) feet, and the number of spaces shall be determined according to the following floor area schedule:

Floor Area (Square Feet)	Minimum Number of Berths
0 to 20,000	1
20,000 to 40,000	2
40,000 to 100,000	3
100,000 to 200,000	4
200,000 to 320,000	5
320,000 to 400,000	6
Each 90,000 above 400,000	1

2. Bus and Truck Terminals: Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded at the terminal at any time.
3. Retail Business and Services:

Square Feet	Number of Spaces
Up to 10,000	1
10,001 to 20,000	2
Square Feet	Number of Spaces
20,001 to 50,000	3
50,001 to 75,000	4



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75,001 to 100,000	5
100,001 to 125,000	6
125,001 to 150,000	7
150,001 to 175,000	8
175,001 and above	9

**6.04.05 Handicapped Parking:** Parking spaces designated for physically handicapped people and accessible passenger loading zones that serve a particular building shall be located on the shortest possible accessible circulation route to an accessible entrance of the building. In separate parking structures or lots that do not serve a particular building, parking spaces for physically handicapped people shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.

**6.04.051 Handicapped Parking Spaces:** Any commercial real estate property owner offering parking for the general public shall provide specially designed and marked parking spaces for the exclusive use of physically disabled persons who have been issued parking permits pursuant to Florida Statutes and the Florida Accessibility Code.

1. Diagonal or perpendicular parking spaces shall be a minimum of twelve (12) feet wide measured from center to center of the blue demarcation lines. Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.
2. Each parking space shall be conspicuously outlined in blue paint, and shall be posted and maintained with a permanent, above-grade sign bearing the international symbol of accessibility or the caption "PARKING BY DISABLED PERMIT ONLY," or bearing both sign and symbol. The signs shall not be obscured by a vehicle parked in the space. All handicapped parking spaces must be signed and marked in accordance with the standards adopted by the U.S. Department of Transportation.
3. All spaces shall have an adjacent access aisle sixty (60) inches wide minimum. Parking access aisles shall be part of the accessible route to the building or facility entrance. Two (2) accessible parking spaces shall share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.
4. All spaces shall have accessible thereto a curb-ramp or curb-cut, when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles.
5. The minimum number of such parking spaces shall comply with the following schedule:

Total Parking Required in Lot	Required Number of Accessible Spaces
Up to 25	1





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Total Parking Required in Lot	Required Number of Accessible Spaces
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of Total
over 1,000	20 plus 1 for each 100 over 1,000

6. **Passenger Loading Zones:** Passenger loading zones shall provide an access aisle at least sixty (60) inches wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. A minimum vertical clearance of one hundred eight (108) inches shall be provided at accessible passenger loading zones and along vehicle access routes to the area from site entrances.
7. **Curb Ramps:**
  - a. Curb ramps complying with Section 4.7, Curb Ramps, of the current edition of the Florida Accessibility Code for Building Construction shall be provided whenever an accessible route crosses a curb. Ramps or curb cuts from parking areas that are privately owned, to the walkway level, shall be provided and if more than one is provided, shall be spaced along such walkways at intervals of no more than one-hundred (100) feet and such ramps or curb cuts shall be located as close as practical to main entrances and exits to buildings. All requirements contained herein for curb cuts pertain only to such features when located on privately owned property.
  - b. **Slope:** Slopes of curb ramps shall comply with the Section 4.8.2, Slope and Rise, of the current edition of the Florida Accessibility Code for Building Construction. The slope shall be measured as shown in the following figure. Maximum counter slope of adjoining gutters and road surfaces immediately adjacent to the curb ramp or accessible route shall not exceed a ratio of one (1) to twenty (20). Curb cuts used in lieu of ramps shall have a maximum rise of eight (8) inches.
  - c. **Width:** The minimum width of a curb ramp shall be forty-four (44) inches, exclusive of flared sides



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- d. Surface: Surfaces of curb ramps shall comply with Section 4.5, Ground and Floor Surfaces, of the current edition of the Florida Accessibility Code for Building Construction.

**6.04.06 Parking Lots:** In addition to the provisions in this chapter all parking lots shall comply with tree preservation and landscaping requirement provisions established in this ordinance. The following requirements are applicable to all parking lots and parking spaces, whether or not such lots or spaces are required by the provisions of this section.

1. Design of parking lots: All parking lot plans must be reviewed by the County Public Works Department. Proper ingress/egress from the lot shall be required and adequate interior drives shall be required for all parking lots.
2. Grading and surfacing:
  - a. Parking lots that include lanes for drive-in windows or contain more than ten (10) parking spaces shall be graded and surfaced with asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust.
  - b. Parking lots with ten (10) or less parking spaces may be surfaced with alternative surface material such as crushed stone, gravel, or other suitable material, with the approval of the County, to provide a surface that is stable and will help to avoid dust and erosion. The perimeter of such parking lot shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever a parking lot abuts a paved street, the driveway apron leading from such street to such area shall be paved as provided in paragraph 1 above.
3. Demarcation of parking spaces: Parking spaces in areas surfaced in accordance with paragraph 1 above shall be appropriately demarcated with painted lines or other markings. Parking spaces surfaced in accordance with paragraph 2 above shall be demarcated.
4. Maintenance: Parking lots shall be properly maintained in all respects. Parking area surfaces shall be kept in good condition, free from potholes, and parking space lines or markings shall be kept clearly visible and distinct.
5. Lighting: Adequate lighting shall be provided for parking lots with ten (10) or more spaces, and lighting shall be positioned to reflect away from the adjoining properties.
6. Screening: Where a parking lot adjoins a residential zone or use, or fronts on a street adjoining a residential zone or use, directly across the street, a solid wall, fence, or approved compact hedge not less than four (4) feet high shall be erected along the lot line(s), except that within a visibility triangle the height requirement shall be reduced to two (2) feet.
7. Parking Space Standards: All parking stall measurements shall comply with the schedule of dimensions in the table.



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Parking Angle (degrees)	Stall Width (feet)	Stall Depth (feet)	Aisle Width (feet)	Curb Length Per Car (feet)	Lot Width (two rows plus aisle) (feet)
0	9	10	12	23	32
45	9	21.2	12	14.1	54.4
60	9	22.3	18	11.5	62.6
90	9	20	24	9	64
<b>Compact Car Space (Maximum: 20% of required parking spaces)</b>					
90	8	17	24	7.5	

8. Fencing, wheel stops or bumper guards: Fencing, wheel stops or bumper guards are required along property and street lines to avoid the chance of encroachment on other properties or sidewalks.

### 6.05.00 LANDSCAPING.

The intent of these requirements shall be to enhance the visual and aesthetic appearance of the county; provide space definition and landscape continuity between the built environment and the natural environment; provide appropriate barriers and relief from traffic, noise, heat, glare and the spread of dust and debris; reduce the impact of development on the community's storm drainage system and reduce flooding; aid in the conservation of energy; replenish the atmosphere with oxygen; provide for a more pleasant and relaxing urban environment; and, increase property values. Furthermore, the intent shall be to create a screen between residential zoning districts and other zoning districts or to screen certain uses in order to minimize potential nuisances such as noise, dust, odor, and light glare; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; and to establish a sense of privacy. The design and installation of required landscaping shall be consistent with the following standards unless it can be demonstrated that the alternatives will meet the objectives of this chapter. The landscape development standards contained herein shall apply whenever a landscape plan is required.

**6.05.01 Applicability:** The requirements and standards of this chapter shall apply to all new development, redevelopment and commercial expansions of fifty (50) percent or more to existing site area plan in the County. Landscaping required by this section shall be in addition to any compatibility screening required elsewhere in this ordinance.

**6.05.011 Exemptions:** Single family detached and two family dwelling units, agricultural and silviculture uses and activities, and public utilities are exempt from the provisions of this section.

**6.05.02 Landscape Area Requirements:** Except for land zoned I-1 or I-2, all land uses not specifically exempted by Section 6.05.011 hereof shall devote a minimum of fifteen (15) percent of the total developed area to landscape improvement. Landscaping within I-1 and I-2 zoning districts shall be provided as required by sections 6.05.021 through 6.05.13 without a minimum percentage requirement.



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### 6.05.021 Perimeter Requirements:

1. **Front Perimeter Landscape Areas:** A minimum of a ten (10) foot wide strip of land, located between the front property line and the vehicular use area shall be landscaped on all new construction, except in permitted access-ways. Width of sidewalks shall not be included within the ten (10) foot wide front setback perimeter landscape area. This provision shall not apply to land located within the I-1 or I-2 zoning districts except in instances where the street along which the front property line is located abuts a non-industrial zoning district.
2. **Material Requirements in Perimeter Area:**
  - a. **Tree Count:** The total tree count requirement within the front setback perimeter landscape area shall be determined by using a ratio of one (1) tree for each twenty-five (25) linear feet of lot frontage or major portion thereof with fifty (50) percent of the trees being shade trees<sup>1</sup>.
  - b. **Ground Cover:** Grass or other ground cover shall be placed on all areas within the front, and other landscape areas not occupied by landscape material.
  - c. **Use of Perimeter Landscape Areas:**
    - I. **Overhang Areas:** Vehicles shall overhang no more than two (2) feet into perimeter landscape areas.
    - II. **Accessways:** All accessways through the perimeter landscape areas shall meet the following aisle width maximums and minimums: Not over fifteen (15) foot one-way drives, no less than ten (10) feet apart, and not over twenty-seven (27) foot two-way drives, no less than twenty (20) feet apart. Maximum widths shall be measured from the back of curb of the driveway aisle, excluding radii required for safe vehicle movement between the driveway and the connecting roadway. If the Board of Adjustment determines that accessway separation minimum or aisle width maximum requirements will create a hardship, such minimum may be varied by the Board of Adjustment. Public Fire and Life Safety facilities and Public Transit facilities may exceed the above maximum with concurrence and approval from the Public Works Department, Department of Growth Management, and the applicable fire district.

**6.05.022 Parking Lot Landscaping:** This section shall be applicable only to non-residential development which is both greater than one (1) acre in total proposed site area and will have a total of twenty-five (25) or more parking spaces. This requirement does not apply to land within the I-1 or I-2 zoning districts.

1. **Quantities:** Landscaping for parking lots for any single use and group development with twenty-five (25) or more parking spaces, including any queuing spaces associated with a



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- drive-thru, shall be as follows (any fractional shall be rounded to the nearest whole number):
- a. Canopy Trees<sup>1</sup> - 1 per 15 spaces; and
  - b. Understory Trees - 1 per 10 spaces; and
  - c. Shrubs - 1 per 4 spaces.
2. Existing Trees: Existing canopy and/or understory trees located within thirty (30) feet of the parking or driveway surface may be counted toward the requirements of this section provided that they are located on the subject property. All distances are to be measured from the nearest face of the tree trunk. Existing canopy trees with a caliper of at least ten (10) inches measured at twelve (12) inches above the root crown may count as two (2) trees. The use of existing trees shall be noted on the landscape plan.
3. Distribution: The required landscaping shall be generally distributed throughout the parking area provided that a minimum of twenty-five (25) percent of the required total for each plant category (large canopy trees, understory trees and shrubs) shall be planted on interior features such as islands, peninsulas or medians.
4. The remaining seventy-five (75) percent of the required total plantings may be distributed between interior features; areas within thirty (30) inches of the outside boundary of the parking and/or driveway surface; areas between a parking surface and any principal building of the site; or in planters on any ground generally enclosed by a combination of building area, pedestrian facilities and/or parking surface.

<sup>1</sup> Cabbage Palm (*Sabal palmetto*), Pindo Palm (*Butia capitata*), Date Palm (*Phoenix dactylifera*) or other similar salt tolerant, cold-hardy species adaptive to northwest Florida and grows to a height of at least 20 to 35 feet may be substituted for required shade or canopy trees on Okaloosa Island and the unincorporated area of Destin provided such species are not listed as invasive or noxious by the **Florida Exotic Pest Plant Council**.

**6.05.03 Protected Trees:** Where protected trees are identified on a site proposed for lot clearing within any residential, commercial or industrial zoning district, the number of trees which shall be required to be preserved shall be based on a ratio of one (1) tree for each four thousand three hundred (4,300) square feet of impervious surface area or fraction thereof. The perimeter and interior landscaped areas required in this ordinance shall be located on the site to incorporate the preservation of trees, where feasible.

**6.05.031 Tree Credits:** Any existing protected tree located on the subject private property with crown extending over the planned paved parking area, within the perimeter of interior landscaped areas, shall be eligible for credit against the number of protected trees required to be preserved on the site. During development activity preserved trees shall be protected by barriers from activities which may injure or kill them. Tree protection techniques found in the Tree Protection Manual for Builders and Developers, Florida Department of Agriculture and Consumer Services, Division of Forestry, or equivalent techniques should be used. The following credit schedule may be applied for preserving existing trees on-site:



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### CREDIT SCHEDULE

Diameter of Existing Crown Spread of Preserved Tree	or	Diameter of Tree Trunk of Preserved Tree	Number of Trees Credited
90' or greater	or	36" or greater	7
60-89'	or	30-35"	6
50-59'	or	26-29"	5
40-49'	or	20-25"	4
30-39'	or	13-19"	3
20-29'	or	8-12"	2
16-19'	or	4-7"	1

Such credits shall be subject to approval of the County. Crown spread measurement shall be rounded off to the nearest foot, and the tree trunk diameter measurement shall be rounded off to the nearest whole inch. Diameter of a tree shall be measured at a height of four (4) feet above the natural grade.

A reduction of required parking spaces may be allowed by the County when the reduction would result in the preservation of a protected tree with a trunk of twelve (12) inches in diameter or greater. The following reduction schedule shall apply:

### REDUCTION SCHEDULE

Number of Required Parking Spaces	Reduction of Required Parking Spaces Allowable
1-4	0
5-9	1
10-19	2
20 or above	10% of total number of spaces

**6.05.032 Relocation, Removal, and Replacement of Protected Trees:** Where a proposed site plan cannot be designed to accommodate existing protected trees on the site, approval shall be obtained from the County to remove any such protected tree as specified in Section 6.05.13.

Where practical, when proposed improvements necessitate removal of protected trees, the owner or his agent shall replace the removed protected tree with a protected tree species or a species identified on the tree replant list, Section 6.05.033, unless the owner or his agent opts to use the Native Tree Replacement Fund as provided in Section 6.05.321. The replacement tree shall measure a minimum of three (3) inches in diameter, at four (4) feet above grade, in order to comply with Section 6.05.05 below. A replacement ratio of 1:1 shall be applied. **Trees identified as diseased or dead shall not be required to be replaced.**

### 6.05.321 Native Tree Replacement Fund.



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The Public Works Department is hereby authorized and directed to administer a native tree replacement fund which consists of monies collected as payment in lieu of planting trees on developed properties. The Growth Management Department is hereby authorized and directed to collect the monies for payment of the native tree replacement fund into which a developer shall pay to the Growth Management Department a sum determined by multiplying the number of required trees he or she wishes to be excused from planting on a development site times the native tree replacement fee, said fee to be established by resolution of the Board of County Commissioners. Under no circumstances can payment into the Native Tree Replacement Fund be utilized in lieu of installing trees in required compatibility buffers.

The Growth Management Department shall keep daily records of the monies received pursuant to this section.

As funds become available, the Public Works Department budget shall include a program for utilizing the Native Tree Replacement Fund to install native trees in public parks, medians, rights-of-way, and other public areas as may be deemed appropriate by the Public Works Director.

### 6.05.033 Protected Tree List:

List A Protected Tree List	List B Tree Replant List
1. Species Type A (Small, 4" + diameter trunk) Dogwood ( <i>Cornus Florida</i> ) Redbud ( <i>Cercis canadensis</i> ) Crape Myrtle ( <i>Lagerstroemia indica</i> )	1. Species Type A (Small, 4" + diameter trunk) Dahoon holly ( <i>Ilex cassine</i> )* Fringe tree ( <i>Chionathus virginicus</i> ) Ashe's magnolia ( <i>Magnolia ashei</i> )* Red bay ( <i>Persea borbonia</i> )* Sassafras ( <i>Sassafras variifolium</i> )* Yaupon ( <i>Ilex vomitoria</i> )  Wild olive ( <i>Osmanthus americana</i> ) Scrubby post oak ( <i>Quercus margaretta</i> ) Wild crabapple ( <i>Malus angustifolia</i> ) Hop hornbeam ( <i>Ostrya virginiana</i> ) Wax myrtle ( <i>Myrica cerifera</i> ) Crape myrtle ( <i>Lagerstroemia indica</i> )
2. Species Type B (Medium, 6" diameter + trunk) American Holly ( <i>Ilex opaca</i> ) Southern Magnolia ( <i>Magnolia grandiflora</i> )* Eastern red cedar ( <i>Juniperus virginiana</i> )* Southern red cedar ( <i>Juniperus silicicola</i> )*	2. Species Type B (Medium, 6" + diameter trunk) Cherry laurel ( <i>Prunus caroliniana</i> )* Large-leafed magnolia ( <i>Magnolia macrophylla</i> )* Hornbeam ( <i>Carpinus caroliniana</i> )* River Birch ( <i>Betula nigra</i> )* Florida maple ( <i>Acer banbatum floridanum</i> )* Sweetbay ( <i>magnolia virginiana</i> )*
3. Species Type C (Large, 12" + diameter trunk) Live Oak ( <i>Quercus virginiana</i> )*	3. Species Type C (Large, 12" + diameter trunk) Tulip tree ( <i>Lirodendron tulipifera</i> )



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List A Protected Tree List	List B Tree Replant List
Laurel Oak ( <i>Quercus laurifolia</i> )* Sweet Gum ( <i>Liquidambar styraciflua</i> )* Sycamore ( <i>Platanus occidentalis</i> )* Pecan ( <i>Carya illinoensis</i> )* Water Oak ( <i>Quercus nigra</i> )* Red maple ( <i>Acer rubrum</i> )*	Willow oak ( <i>Quercus phellos</i> ) Sour gum ( <i>Nyssa sylvatica</i> ) Southern red oak ( <i>Quercus falcata</i> )* Shumard's red oak ( <i>Quercus shumardii</i> )* Hackberry ( <i>Celtis laevigata</i> ) White oak ( <i>Quercus alba</i> )* Bald cypress ( <i>Taxodium distichum</i> )*

\* Shade Trees

### 6.05.04 Plant Material Standards

1. Unless otherwise provided herein, only Florida No. 1 or better plant material as described in GRADES AND STANDARDS FOR NURSERY PLANTS, PART II, Florida Department of Agriculture, shall be credited on the landscape development requirements of this chapter.
2. Portions of a development area left in the natural state shall be credited toward the landscape development requirements of Section 6.05.03.
  - a. For credit, trees shall be subject to the following:
  - b. A minimum height of six (6) feet at the time of planting for non-protected trees, four (4) feet at time of planting for protected trees.
  - c. The planting area for each tree shall be a minimum of one hundred (100) square feet around the trunk of the tree and shall be maintained in either vegetative landscape material or pervious surface cover.
3. Ground cover, lawn grasses, turf grass, and architectural planters shall be subject to the following:
  - a. Turf and Lawn Grass: Lawn grass shall be perennial species capable of thriving in Okaloosa County.
    - i. Grass and ground cover planted for credit on the landscaping requirements shall be perennial species capable of thriving in Okaloosa County.
    - ii. Grass may be sodded, sprigged, plugged or seeded except that solid sod shall be used in swales or other areas subject to erosion.
    - iii. Grass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreation use, or provide erosion control on slopes or in swales.





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- b. Synthetic Plant Material: No credit shall be granted for use of artificial plant material.
- c. Architectural Planters: Credit shall be given for use of permanent architectural planters which meet the following criteria:
  - i. For shrubs, a planting area of not less than ten (10) square feet and a depth of not less than eighteen (18) inches.
  - ii. For trees, have a planting area of not less than twelve (12) square feet and a depth of not less than four (4) feet.

**6.05.05 Site Preparation Standards:** To the extent that is feasible, the performance of development activities and revegetation of altered sites shall be consistent with the following standards.

1. Development shall not involve the unnecessary removal of any native vegetation. Where removal of native trees is necessary, efforts should be made to replant native trees;
2. Site alteration shall occur in planned stages or increments and not exceed the minimum area necessary to prepare the site for the succeeding phase of development;
3. Adequate erosion control measures shall be put into effect prior to commencing site alteration on each increment; and
4. Vegetative buffer strips shall be retained for a distance of twenty-five (25) feet to the banks of all natural watercourses, water bodies or wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment in overland runoff, provide access to the water body and allow for periodic flooding without damage to structures.

**6.05.06 Landscape Plan:** Whenever the provisions of this chapter are applicable in accordance with Section 6.05.01, an approved landscape plan shall be required prior to commencing any residential, (subdivision or multi-family) commercial or industrial development activity, including removal of vegetation for site preparation. The owner, developer or agent shall submit an accurately scaled drawing.

1. Submission of Landscape Plan: A landscape plan shall be submitted to Public Works and Growth Management Departments in conjunction with site plans, stormwater management plans and utility plans required by other sections of this code. The landscape plan shall include sufficient information for the county to determine whether the proposed landscape improvements are in conformance with the Landscape Standards and other requirements of this ordinance. Specifically, the plan shall include the following:
  - a. A description of the proposed species, size, quantity and location of all trees, shrubs and landscape material, the proposed method of watering and maintaining landscaped areas.



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- b. Location of all protected trees, noting species, size and general condition.
  - c. Location of proposed structures, driveways, parking areas, required perimeter and interior landscaped areas, and other improvements to be constructed or installed, including adjacent public and/or private streets and properties.
  - d. Identification of trees, including species, to be preserved, trees to be removed, including dead trees, and trees to be replanted.
  - e. Proposed grade changes which might adversely affect or endanger trees with specifications on how to maintain trees.
2. Inspection and Construction of Improvements: A copy of the approved plan shall be available on site during installation of landscape improvements and shall be inspected by the County.
  3. An on-site inspection shall be conducted prior to approval for tree removal.
  4. Conditions of approval: The County may approve the request if one or more of the following conditions is present:
    - a. Safety Hazard: Necessity to remove trees which pose a safety threat to pedestrians or vehicular traffic or threaten to cause disruption of public services; or which pose a safety hazard to persons or buildings;
    - b. Best Management Practices: Necessity to observe Best Management Practices.
    - c. Construction of Improvements: Necessity to remove trees in order to construct proposed improvements as a result of:
      - i. Need for access immediately around the proposed structure for construction equipment.
      - ii. Need for access to the building site for construction equipment.
      - iii. Essential grade changes.
      - iv. Surface water drainage and utility installations.
      - v. Location of driveways, buildings or other permanent improvements.
    - d. Compliance with other Ordinances or Codes: Necessity for compliance with other County codes such as Building Codes, Zoning Regulations, Subdivision Regulations, health provisions, and other environmental regulations.
  5. Review: The County shall have thirty (30) working days after receipt of a completed application filed pursuant to this chapter in which to approve or deny the request. In the



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event an application is denied, the County shall specify to the applicant in writing the reason for said action. If no final action with respect to a completed application is taken within the required thirty (30) working days, the application shall be deemed to have been approved.

**6.05.07 Compatibility Screening and Buffering:** The following landscape buffer areas shall be required for all new development or redevelopment which creates the indicated land use conflict:

**6.05.071 Between Residential, Non-Residential Districts and Incompatible Uses:** Where an office and institutional, business and/or industrial district abuts a residential district, screening shall be provided on the lot(s) which is located in the non-residential zone at the time such lot(s) is developed. This provision shall apply between residential uses when there exists a compatibility problem with adjacent residential use in mixed use or between single family detached and multi-family dwelling units.

Where a residential use adjoins a non-residential use and both are located in a non-residential zone, minimal screening shall be required. A solid fence or wall shall be constructed as part of any new development or construction.

Where a single-family residential zone abuts a residential local or residential collector street and a non-residential use is adjacent to the right-of-way, screening shall be located on the property developed for non-residential purpose, to the extent that the non-residential use is generally screened from residential view.

**6.05.072 Open Storage and Open Structures:** Within all non-residential zoning districts screening from residential zones shall be required for the open storage of any goods, materials, products, wastes or equipment including dumpsters but excluding vending machines, retail goods left outside only during business hours, vehicles, trailers, and other equipment capable of being driven on a roadway. Screening for storage areas shall consist of any one or combination of more than one of the following: An opaque fence meeting the requirements of this section or wall, or a dense planted screen which will generally screen the storage.

**6.05.073 Location of Screening:** Any screening required by this section shall be located along side and/or rear property lines of the lot(s) containing the use subject to screening. If screening is required along the right-of-way it shall be located behind such right-of-way so as not to obstruct vision. In addition, where a private driveway intersects a street, visibility shall be maintained within a site distance triangle which is formed by joining two (2) points. The points shall be located twenty (20) feet from the intersection for the driveway and thirty (30) feet from the intersection for the street.

No structure other than a wall or fence shall be permitted within a required screen area. No off-street parking may be permitted within any required screen area. Where plant materials are required the required amount shall be installed on the side of any wall or fence opposite the new development unless a waiver of such requirements is granted.

**6.05.074 Screening Specifications:** Screening may be in the form of natural plantings, planted berms, walls, and/or fences. Screening shall be encouraged, however, in the form of natural



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plantings. Existing plantings may be used in whole or in part to satisfy the requirements of this section. Screenings in the form of a planted berm, wall or fences may be used provided that such structures comply with all other applicable sections of this chapter.

1. **Natural Plantings:** Where natural plantings are used, a buffer strip in accordance with Table 1 shall be planted. This area shall be free of all encroachment by structure, parking areas or other impervious surfaces. The amount and type of buffer materials to be planted per one hundred (100) linear feet shall be as indicated herein. The use of plant materials other than trees and shrubs shall not be permitted unless approved by the County.

TABLE 1 REQUIRED BUFFER LEVELS							
	C-1 Uses	C-2 Uses	C-3 Uses	Industrial Uses	Multi- Family Residential	Single- Family Detached Residential	Single- Family Attached Residential
<b>Residential Zones*</b>							
Single-Family Detached Residential	Level 2	Level 3	Level 4	Level 5	Level 3	N/A	N/A
Single-Family Attached Residential	Level 2	Level 3	Level 4	Level 5	Level 2	N/A	N/A
Multi-Family Residential	Level 1	Level 1	Level 3	Level 4	N/A	Level 3	Level 2

\*Level of required screening between a residential zone and a non-residential zone

2. **Buffer Level Options:**

Buffer	Level 1	Level 2	Level 3	Level 4	Level 5
Plantings	8' wide	12' wide	22' wide	30'wide	40'wide
Canopy*	N/A	3	5	5	5
Understory	N/A	3	4	6	6
Shrubs**	20	20	40	50	50
Plantings & Wall or Fence	Fence only	6' wide	12' wide	20'wide	30'wide
Canopy	N/A	4	3	3	4
Understory	N/A	4	3	4	4
Shrubs	N/A	15	22	30	40
Plantings & Berm	N/A	10'wide	14'wide	20'wide	30' wide
Canopy	N/A	2	3	3	4
Understory	N/A	2	3	4	5
Shrubs	N/A	18	30	35	40

\*Level of required screening between a residential zone and a non-residential zone



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\*\*Level of required screening between a single-family residential use and a non-residential use located in a non-residential zone.

3. Walls or Fences: Any wall shall be constructed in a durable fashion with a finished surface of brick, stone, wood, metal, or other decorative material approved by the County.
  - a. Fences shall be constructed in a durable fashion with weather resistant wood and be of a consistent pattern. All materials used in the construction of a fence shall be designed and intended for such use. Notwithstanding the foregoing, the County may approve a buffer fence constructed of other materials provided the materials and finish will provide generally the same degree of opacity, durability, and aesthetic compatibility with adjoining residential areas as weather resistant wood. A finished side of all walls or fences shall face the common property line boundary. No wall or fence used for screening purposes shall be less than six (6) feet nor greater than eight (8) feet in height above grade. All walls or fences used for screen purposes shall be generally opaque at a distance of ten (10) feet.
4. Berms: All berms shall be planted with both shrubs and ground covers to leave no clearance area. All shrubs shall be a species that can be expected to materially screen the development site within two (2) years of planting. The slope of a berm shall be of a grade that is suitable for maintenance and soil stability while taking into consideration the type of plantings and ground cover that will be utilized by in no case shall a berm be less than three feet in height. The use of Pueraria lobata (kudzu) and other nuisance vining plants that will have a tendency to spread to other properties, for berm ground cover is prohibited.

### 6.05.08 Maintenance, Preservation and Use Standards:

1. Maintenance:
  - a. All required plant material shall be maintained in a healthy and viable condition.
  - b. Structural elements relating to non-living landscape material shall be maintained in good condition at all times.
  - c. Right-of-way landscape areas installed by the developer will be maintained by the developer as agreed upon by the County.
  - d. An irrigation system or a readily available water supply system shall be supplied for all landscaped areas
2. Replacement: Dead plant material shall be replaced in accordance with the provisions of this chapter and within a time period appropriate to the growing season of the species in question, not exceeding one year.
3. Use of Landscape Area: No required landscape area shall be used for parking; except as provided in this chapter; or for accessway to structures, garbage or trash collection or any functional uses contrary to the intent and purposes of this ordinance.



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**6.05.09 Percolation Ponds:** In areas affected by nutrient migration from sewage treatment plant percolation ponds, trees shall be planted. Harvestable wetland trees shall be utilized in low drainage basins. Deep-rooted trees (twenty-five (25) feet or more of root system) shall be utilized for nutrient uptake from groundwater in upland areas.

**6.05.10 Variances:** In the event that the unusual topography or elevation of a development site or location or size of the parcel to be developed would make strict adherence to the requirements of this section serve no meaningful purpose or would make it physically impossible to install and/or maintain the required trees, the Board of Adjustment may grant a variance from the requirements of this chapter.

In cases in which screening devices exist and/or the size of the parcel involved creates a situation whereby the installation of the required plantings would serve no useful purpose, the County may alter the requirements of this chapter provided its spirit and intent are maintained. Such an alteration may occur only at the request of the developer, who shall submit a plan to the County showing existing site features that would screen the proposed use and any additional screen materials the developer will plant or construct to screen the proposed use. The County shall have no authority to provide relief unless the developer demonstrates that existing screening material will screen the proposed use as effectively as the required screen. This section shall not be construed to negate the necessity for establishing screening for uses which are adjacent to vacant properties.

**6.05.11 Temporary Waiver:** A certificate of compliance shall not be issued for any use located on a lot(s) upon which buffering and landscaping are required, unless such buffering and landscaping are provided on lot (s) as herein specified. The provision may be temporarily waived by the County in cases where it is not possible for the developer to install certain species of plant material prior to occupancy due to the recommended planting season not occurring at an appropriate phase in construction. In such case, the time deadline for planting such materials shall be extended only to the nearest seasonal period suitable for planting such materials.

**6.05.12 Enforcement:** Reference Section, 11.03.02.

**6.05.13 Tree Removal:** Unless exempted in Section 6.05.01 from the provisions of this chapter, no person shall cut, remove, trim, or in any way damage any protected trees in Section 6.05.033 without first obtaining approval from the County. No formal approval shall be required for the removal of diseased or weakened trees.

### 6.06.00 STORMWATER MANAGEMENT.

1. Purpose: This chapter shall govern the design and construction or alteration of all stormwater management and drainage systems, natural or man-made, within the unincorporated portions of Okaloosa County in order to protect, maintain, and enhance both the immediate and long term health, safety, and welfare of the citizens of the County, while permitting landowners reasonable use of their property.
2. Definitions: As used in this ordinance, the following terms shall have the stated meaning.



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- a. Open Basin: The term Open Basin refers to a watershed with a Positive Outlet.
- b. Closed Basin: The term Closed Basin refers to a watershed that contributes to a depressed area, lake or sink that does not have a Positive Outlet.
- c. Positive Outlet: The term positive outlet refers a point of stormwater discharge into surface waters which under normal conditions would drain by gravity or other means to the Blackwater River, Yellow River, Shoal River, Choctawhatchee Bay, Santa Rosa Sound, East Bay or Gulf of Mexico.
- d. Critical Storm: The term Critical Storm refers to the specific storm event that produces the highest rate of net storm water runoff, defined as the post-development rate of discharge less the pre-development rate of discharge. To determine the critical storm, the post-development and pre-development rates of discharge must be compared for a range of frequencies up through the 25-year frequency (i.e. 2, 5, 10, and 25-year) and a range of durations through the 24-hour duration (i.e. 1, 2, 4, 8 and 24-hour).
- e. Legal Positive Outfall: The term Legal Positive Outfall refers to a Positive Outlet into which the applicant has a legal right to discharge stormwater. A legal right to discharge can be established by existing conditions or easement.
- f. Retention Basin: A stormwater collection location in which the collected volume is primarily recovered via percolation through the basin floor. Recovery of available pond volume via evaporation and transpiration is negligible in comparison to the soil percolation rate.
- g. Detention Basin: A stormwater collection location in which the collected volume is discharged at a controlled rate via weir or orifice. Detention basins can be dry during non rainy periods (dry detention or detention with filtration systems) or be ponds with a constant water surface (wet detention pond with treatment volume, permanent pool volume, littoral zone and control elevation). Detention basins include all basins that have surface outlets, such as those with underdrain and side drain systems.

**6.06.01 Concurrency Management System:** Reference Chapter 4 of this ordinance for Concurrency Management and Level of Service (LOS) standards for stormwater. Reference other chapters of this ordinance for Landscaping, Flood Damage Prevention and other matters pertaining to stormwater. Reference Comprehensive Plan (Ordinance No. 90-1) for Goals, Objectives and Policies pertaining to stormwater.

**6.06.02 Applicability:** All projects shall comply with all applicable federal, state and local regulations, including but not limited to regulations promulgated by FDEP regarding stormwater management, or to those standards specifically described herein, whichever is more restrictive.



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1. Activities Requiring a Permit: Unless exempted pursuant to subsection B or granted a variance pursuant to subsection C, a stormwater management plan must be submitted to and approved by Okaloosa County before:
  - a. A plat is recorded or land is subdivided.
  - b. An existing drainage system is altered, re-routed, deepened, widened, enlarged or obstructed.
  - c. Land development activity has commenced.
2. Exemptions: The following land development activities are exempt from the stormwater management plan requirements:
  - a. The development of one single family or duplex residential structure not in an existing subdivision, or the development of less than five (5) single-family or duplex residential dwelling units and their accessory structures in an existing subdivision; unless the above structures are on property adjacent to a natural watercourse, water body or wetland in which case the requirements of Section 6.06.05 will apply.
  - b. Agricultural activity not involving the artificial drainage of land.
  - c. Any maintenance, alteration, use or improvement to an existing structure not significantly changing or affecting quality, rate, volume, or location of surface water discharge. Building additions greater than 1,000 sq. ft. are not exempted.
  - d. Paving of existing dirt roads that are already in the County Maintenance System where sufficient right-of-way is not available or can not be obtained to meet current standards, but due to existing maintenance of erosion problems the road should be paved.
3. Variances: The Board of Adjustment may grant a variance to the stormwater management plan requirements, in accordance with Chapter 11 of this ordinance if:
  - a. The applicant submits a stormwater management plan variance request application in the form required by the County. At a minimum, the application shall contain: (a) the name, address and telephone number of the developer and property owner; (b) a description and a drawing of the proposed development; (c) the location of the development; and (d) any other information requested by the County Engineer that is reasonably necessary to evaluate the proposed development activities.
  - b. The applicant demonstrates the development is not likely to: (a) significantly increase or decrease to rate or volume of surface water runoff; (b) have significant adverse impact on a wetland, watercourse or water body; and (c) significantly contribute to the degradation of water quality.





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- c. The following types of land development activities shall not be eligible to receive a variance: (a) shopping centers; (b) industrial or commercial facilities; (c) subdivisions; (d) roads; (e) impervious surfaces greater than ten thousand (10,000) square feet; and (f) Planned Unit Developments (PUDs).

#### 4. Certifications:

##### a. Professional:

- i. All construction drawings and related design documents pertaining to stormwater management shall be prepared by a Florida Professional Engineer or other appropriate professional permitted under Chapter 471 F.S., who is competent in the fields of hydrology; drainage and flood control; erosion and sediment control; and stormwater pollution control. All final drawings, specifications, plans reports or documents prepared or issued by the registered professional shall be signed, dated, and sealed in accordance with Florida Statutes. Each sheet or page of the final drawings of record shall bear the signature, date, and embossed seal of the registered professional. All drawings of record shall clearly identify in a legible manner the name and registration number of the registered professional.
- ii. The licensed professional shall certify to Okaloosa County, either on the drainage plan or by separate document, that the drainage facilities shown on the final drawings of record were designed in conformance with the Okaloosa County Land Development Code.
- iii. All survey plans, (including but not limited to: boundary, topographic, as-built, wetland, mean high water, specific purpose and associated reports) shall be prepared by a Florida Registered Professional Surveyor and Mapper (PSM) in accordance with Chapter 472 F.S. All survey plans and related reports prepared or issued by the PSM shall be signed, dated, and sealed in accordance with Florida Statutes. Each sheet or page of the final drawings of record shall bear the signature, date, and embossed seal of the registered professional.

##### b. Operation and Maintenance Certification:

- i. Projects which will not be operated and maintained by the County shall be required to designate the entity responsible for operation and maintenance prior to approval for construction.
- ii. All privately owned drainage facilities shall be continuously maintained by the Homeowners Association, the Developer, or other entity approved by the County and designated in the construction application. Failure to adequately maintain the facilities shall be a violation of this code.



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- c. As-Built Certification: "As-Built" survey documentation and related certification shall be provided in accordance with identified requirements.

**6.06.03 Contents of the Stormwater Management Plan:** It is the responsibility of an applicant to include in the stormwater management plan required by section 6.06.02 sufficient information for reviewing officials to evaluate the environmental qualities of the affected area, the potential and predicted impacts of the proposed development activity on affected waters, and the effectiveness and acceptability of these measures proposed by the applicant for reducing adverse impacts. The stormwater management plan shall incorporate the following information and reports:

1. Vicinity Sketch and Legal Description
2. Basin and Sub-basin Boundaries: Including all on-site and off-site areas contributing to the site, and a breakdown of the subarea(s) contributing to each inlet or conveyance in the internal stormwater collection system.
3. Topographic Site Data: Showing existing contours and spot elevations. Contours must be shown to the minimum one (1) foot interval to at least 25 feet outside the project boundaries. The Engineer of Record must provide the source of such topographic data and certify its currency.
4. Existing Stormwater Management System Features (ditches, ponds, etc.): Including the location of areas on the site where surface waters collect and percolate into the ground.
5. Description of all Watercourses, Water Bodies, and Wetlands: Locations on or adjacent to the site or into which surface waters flow.
6. Jurisdictional Limits of All On-site Wetland Systems: The jurisdictional wetland limits must be surveyed and a statement of formal acceptance of the wetland boundaries must be provided by the regulatory agency(ies) that has jurisdictional authority of the wetlands.
7. Soil Information: Information sufficient to evaluate the performance of proposed facilities. Soil classification using the United States Department of Agriculture (USDA), Natural Resource Conservation Service "Soil Survey of Okaloosa County, Florida" may be utilized as a planning guide only. Design features shall be supported by a geotechnical report from a licensed Engineer or other professional authorized under Florida Statutes to do such work. The report shall include all parameters that affect the design and recovery of proposed systems, including all elements required below.
  - a. Soil Investigation – Roadways: The soil investigation report shall include:
    - i. Test borings to a minimum depth of four (4) feet below proposed edge of pavement and incorporating a maximum spacing of five hundred (500) feet along the roadway centerline.





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**6.06.04 Stormwater Management Facility Performance Objectives :** Stormwater Management Plans must demonstrate the proposed development or activity has been planned and designed and will be constructed and maintained to meet each of the following performance objectives :

1. Ensure that after development, runoff from all planned site improvements approximates the rate of flow, volume and timing of runoff that would have occurred following the same rainfall under existing conditions. Offsite runoff presently draining across the project site shall be allowed to continue to enter the site and shall be included in the pre and post runoff calculations.
2. Maintain the natural hydrodynamic characteristics of the watershed;
3. Protect or restore the quality of ground and surface waters;
4. Ensure that erosion during and after development is minimized;
5. Protect groundwater levels;
6. Protect the beneficial functioning of wetlands as areas for the natural storage of surface waters and the chemical reduction and assimilation of pollutants;
7. Prevent increased flooding and damage that result from improper location, construction and design of structures in areas which are presently subject to an unacceptable danger of flooding;
8. Prevent or reverse salt water intrusion;
9. Protect the natural fluctuating levels of salinity in estuarine areas;
10. Minimize injury to flora and fauna and adverse impacts to fish and wildlife habitat; and
11. Otherwise further the objectives of this ordinance (Ordinance No. 00-03), and maintain the level of service standards and meet the requirements for concurrency.

**6.06.05 Stormwater Quantity Criteria:**

1. Peak Discharge Attenuation: All projects shall incorporate stormwater quantity control utilizing retention, detention, infiltration, or other appropriate stormwater management facilities in accordance with the following standards.
  - a. Open Basin (Rate Control): For a project or portion of a project located within an open basin, the post-development rate of runoff shall not exceed the pre-development rate of runoff for the Critical Storm.
  - b. Closed Basin (Volume and Rate Control): For a project or portion of a project located within a closed drainage basin, the total post-development volume and



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rate of runoff leaving the site shall not exceed the total pre-development volume and rate of runoff leaving the site for the 100-year storm event for a range of durations through the 24-hour duration (i.e. 1, 2, 4, 8 and 24-hour).

- c. Sites within an open basin where the positive outlet conveyance or collection system is deemed to have no capacity for additional flow shall provide rate control attenuation for the 100-year storm event for a range of durations through the 24-hour duration. Capacity of the positive outlet conveyance or collection system will be determined by the County Engineer.
2. Recovery of Attenuation Volume: Storage volumes required to meet the volume and rate controls defined above for retention systems must recover within seventy-two (72) hours following the end of the design storm event.
  3. Methodologies: Quantity and rate control computations shall be performed using the following methodologies:
    - a. Hydrologic Method: The hydrologic method used for preparing pre-development and post-development hydrographs shall be the SCS Unit Hydrograph Method or the Rational Method.
    - b. Hydraulic Method: The hydraulic analysis shall consist of flood routing through the proposed stormwater management facility using the Critical Storm approach defined in this ordinance.
    - c. Rainfall Data: Rainfall values shall be obtained through a statistical analysis of historical long-term rainfall data or from sources or methods generally accepted as good engineering practice. For purposes of this ordinance, rainfall data presented in the FDOT Drainage Handbook, Hydrology (Latest Edition) will be considered an acceptable source.

### **6.06.06 Stormwater Quality Criteria:**

1. All projects shall provide for the treatment of stormwater utilizing retention, detention, infiltration or other appropriate stormwater management facilities.
2. Single-Family Detached Residential Subdivisions shall provide treatment in accordance with current FDEP water quality requirements. All other development shall provide retention, or detention with filtration, of the first one (1) inch of runoff from the project area, or if more restrictive, meet FDEP water quality requirements.
3. Although the use of wetlands for storing and purifying water is encouraged, care must be taken not to overload their capacity, thereby harming the wetlands and transitional vegetation. Wetlands shall not be harmed by the construction of stormwater management systems.



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4. Runoff from parking lots or other areas that are more than 50% impervious shall be treated to remove oil and sediment before it enters receiving waters. Acceptable methods for removing oil and sediment include baffles, skimmers, grease traps, retention basins retaining 100% of site runoff and other mechanisms suitable for preventing oil and grease from leaving the project site in concentrations that would cause violations of state or local water quality standards.

### 6.06.07 Regional Stormwater Management Facilities

1. The use of regional or master planned stormwater management facilities is encouraged.
2. Projects discharging to an approved regional stormwater management facility shall be presumed to meet all applicable stormwater quantity and quality criteria set for in this ordinance provided:
  - a. The regional facility is operating as designed under a currently valid permit identified by the applicant, and
  - b. The applicant provides written verification from the operating agency certifying that the facility has adequate capacity to provide quantity and quality control for the project in accordance with the terms and conditions of the existing permits, and accepting the volume and rate of discharge from the proposed project.

### 6.06.08 Erosion & Sediment Control

1. All residential, commercial, and industrial projects, including single lot construction, shall incorporate sufficient erosion and sediment control procedures so that erosion and sedimentation from the project, or area served by the project, does not cause violations of applicable state and local water quality standards.
2. The area of land disturbed by development shall be as small as practicable. Those areas which are not to be disturbed shall be protected by an adequate barrier from construction activity. Whenever possible, natural vegetation shall be retained and protected;
3. No grading, cutting or filling shall be commenced until erosion and sedimentation control devices have been installed between the proposed disturbance and water bodies, watercourses and wetlands;
4. Land which has been cleared for development and upon which construction has not commenced shall be protected from erosion by appropriate techniques designed to re-vegetate the area;
5. Sediment shall be retained on the site of the development;
6. Wetlands and other water bodies shall not be used as sediment traps during development;



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7. Erosion and sedimentation facilities shall receive regular maintenance to ensure that they continue to function properly.

### 6.06.09 Protection of Natural Watercourses

1. Channeling runoff directly into water bodies shall be prohibited. Instead, runoff shall be routed through swales and other systems designed to increase time of concentration, decrease velocity, increase infiltration, allow suspended solids to settle, and remove pollutants;
2. Natural watercourses shall not be dredged, cleared of vegetation, deepened, widened, straightened, stabilized or otherwise altered without prior approval from the County and documentation that all applicable state and federal permits have been obtained;
3. Vegetative buffer strips shall be retained to a horizontal distance of twenty-five (25) feet from the ordinary high water line of any natural watercourse. The buffer shall be in place to prevent erosion, trap the sediment from overland runoff, provide access to natural systems and allow periodic flooding without damage to structures.

### 6.06.10 Minimum Design Standards.

**6.06.101 Retention and Detention Facility Design Features:** In addition to the quantity and quality criteria established by this ordinance, stormwater ponds shall be designed, constructed and maintained in accordance with the following design features:

1. Detention and retention areas shall meet all criteria established by FDEP relating to the design, construction and maintenance of stormwater management facilities, including but not limited to guidelines for littoral shelf, permanent pool, and recovery of treatment volume.
2. Detention and retention areas shall be designed, where possible, so that shorelines are sinuous rather than straight and so that the length of shoreline is maximized, thus providing aesthetic benefits and offering more space for the growth of littoral vegetation;
3. The banks of detention and retention areas shall slope at a grade of 3:1 or flatter to the bottom of a dry facility or to a depth of three (3) feet below the normal water level of a wet facility; No slope for berms or swales shall be constructed steeper than 3:1.
4. In residential areas, a perimeter fence with a minimum height of six (6) feet shall be provided around all retention and detention areas with side slopes steeper than 3:1 or on any retention or detention area with a depth greater than four (4) feet measured from the top of berm to the bottom of the area. Gates for maintenance access shall be placed in locations accessible to maintenance vehicles.
5. In single-family detached residential developments with densities of four (4) or more units per acre, retention/detention areas should be located adjacent to roadways for easy access and maintenance and not be situated behind backyards.



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6. When retention and detention areas are not accessible directly from the road right-of-way, a twenty foot access easement shall be provided.
7. Retention and detention areas shall be designed with access for maintenance located within the boundaries of the facility and adjacent to the top of bank. The access way shall have a minimum width of 15 feet, maximum cross slope of 8:1, and provide access around the facility. Commercial, condominium, and apartment projects shall demonstrate adequate access at the inside top of bank for maintenance.
8. Retention/detention areas should not back-up into parking areas in order to meet stormwater storage requirements.
9. Specific cross-sections of each swale and each retention area shall be provided on the drainage plans. The cross-sections shall show top and bottom widths, top and bottom elevations, side slopes, and water table elevation (seasonal high) at the location of cross-section.
10. Corners of ponds shall be rounded and increase in diameter consistent with the side slope ratio starting with a minimum radius of three feet (3') at the toe of the slope.
11. Retention and detention areas shall be constructed with freeboard above the maximum design stage at a minimum depth equal to 20% of the depth required to retain or detain the critical design storm event. The maximum depth of freeboard required shall not exceed one (1) foot of freeboard above the maximum design stage. For the purpose of this design requirement, freeboard shall be defined as available storage volume above the maximum design stage and below the top of the stormwater area berm.
12. Retention and detention areas that incorporate an earthen berm constructed above natural ground shall provide a minimum berm top width of thirty (30) inches with an associated maximum berm height of two (2) feet. Berms designed to be taller shall increase at a ratio no less than thirty (30) inches horizontal to two (2) foot vertical.
13. Slopes that do not meet the minimum standards provided in this section shall be protected by fences or other barriers in conformity with the Florida Building Code.
14. Retention and detention areas shall be designed such that no individual lot lines cross the facilities.
15. A minimum setback of five (5) feet shall be provided between top of bank of retention/detention areas and property lines, fences, and building structures.
16. All swales and retention/detention area side slopes shall be sodded.
17. Stormwater collection systems (excluding backyard collection systems) and cross drains shall be designed with pipe of eighteen (18) inch minimum diameter.





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18. Connections to stormwater facilities (inlets, structures, piping, and basins) shall only include elements intended for stormwater treatment or conveyance. Any connection or discharge to a stormwater system that is illicit shall be prohibited.

**6.06.102 Open Channels:** Open channels shall be designed, constructed and maintained in accordance with the following criteria:

1. Design Frequency: Open channels shall be designed to convey, without damage, and to confine within the channel, flow with the design frequencies identified below.

TYPE OF CHANNEL	FREQUENCY
Roadside Ditches, Median Ditches or Swales	10-year
Outfall Ditches	25-year
Canals	25-year

2. Hydrologic Analysis: Acceptable hydrologic methods for open channel design include USGS regression equations, the rational equation, and NRCS methodology, provided the project meets published limitations of the methodology selected.
3. Hydraulic Design: The Manning's equation shall be used for the design of open channels.
4. Protective Treatment: The design of open channels shall consider the need for channel lining. Permissible linings for various flow velocities appear below. For purposes of channel lining, velocities shall be computed using Manning's Equation and assume the channel is flowing full.

Maximum Shear Stress Values and Allowable Velocities for Different Soils		
Soil Type	Shear Stress (psf)	Allowable Velocity For a flow depth of about 3 ft (ft/sec)
Silt or Fine Sand	0.027	1.50
Sandy Loam	0.037	1.75
Silt Loam	0.048	2.00
Firm Loam	0.075	2.50
Stiff Clay	0.260	3.75
Hardpans	0.670	6.00
Reference: University of Florida (1972) Source: FDOT Drainage Manual		

Maximum Velocities for Various Lining Types	
Lining Type	Maximum Velocity (fps)
Grass with Mulch	Bare Soil (see table above)
Sod	4



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Staked Sod	5
Lapped Sod	5.5
Erosion Control Blanket (Biodegradable)	6.5
Plastic Erosion Mat	
Type 1	10
Type 2	14
Type 3	18
Riprap	6
Other flexible	FHWA HEC-15
Geotextile Grid	4-8*
Rigid	10**

\*Varies with grid

\*\*Higher velocities acceptable with provision for energy dissipation

Source: FDOT Drainage Manual

5. Swales cannot be used in meeting the required stormwater storage.
6. Swales shall be designed with sufficient grade to promote positive flow of stormwater to the designed downstream storage facilities. A minimum slope of 0.3 percent will be presumed to promote positive flow.
7. Driveways that intersect swales designed to conform to the swale contour will show the driveway elevations on the plans.

### 6.06.103 Cross Drains

1. Hydrologic Analysis: Acceptable hydrologic methods for cross drain design include USGS regression equations, the rational equation, and NRCS methodology, provided the project meets published limitations of the methodology selected.
2. Hydraulic Design: All cross drains shall be designed in accordance with the requirements of this ordinance, 23 CFR 650, Subpart A, and the National Flood Insurance Program.
  - a. The design of all cross drain structures shall be based on an analysis of the Design Flood, Base Flood and Greatest Flood. The required Design Flood frequency depends upon roadway classification as described below. The Base Flood is defined as the 100-year flood frequency. The Greatest Flood is defined as the lesser of the overtopping flood or the 500-year flood frequency.

Facility Classification	Design Flood Frequency
Arterial Streets and Evacuation Routes	50-Year
Collector Streets	25-Year
Local Streets	10-Year



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- b. All cross drains shall be designed to have sufficient hydraulic capacity to convey the appropriate Design Flood without overtopping or damage to the structure and approach embankments, with consideration given to the effects of greater floods. The frequency of the overtopping event shall be documented.
  - c. For purposes of cross drain design, the structure shall be considered to overtop if backwater from the structure (a) reaches any travel lanes or (b) crosses a drainage basin divide.
  - d. The methodology used for hydraulic analysis shall be based on the techniques presented in FHWA Hydraulic Design Series #5.
3. Backwater: All cross drains should be designed to minimize any increase in backwater resulting from the proposed project. In the event a significant increase in backwater occurs, such increase shall not significantly affect land use values, unless flood rights are acquired.
  4. Minimum Pipe Size: The minimum allowable pipe diameter for cross-drains shall be eighteen (18) inches or the equivalent section for arch or elliptical pipe, unless otherwise approved by the County.
  5. Minimum Length of Pipe: The minimum length of pipe to be used, including end treatment, shall be the length necessary to provide adequate roadway shoulder width and adequate clear zone requirements.
  6. Minimum Pipe Cover: Unless otherwise approved, minimum pipe cover shall be eighteen (18) inches measured from the outside top of pipe to the top of the roadway base at any point in the roadway cross-section.
  7. Side Streets: Culverts under intersecting side roads shall be considered as cross drains and shall be designed using cross drain criteria.
  8. End Treatments: Cross drains shall be installed with County approved end treatments. Permissible end treatments shall include mitered ends, headwalls and "U" type mitered end walls. Headwalls shall be placed outside of the roadway clear zone and used only if restrictions exist preventing installation of mitered end sections.
  9. Materials: Accepted materials for piping and structures are those included on the approved FDOT materials list. Piping within public right-of-way shall be reinforced concrete unless approved otherwise by the County Engineer.

### 6.06.104 Storm Drains

1. Design Frequency: Storm drains shall be designed to convey flow with a 10-year design frequency.



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2. Hydrologic Analysis: The rational method shall be used for hydrologic calculations relating to storm drains. A minimum time of concentration of 10 minutes shall be used.
3. Hydraulic Analysis: Hydraulic calculations shall be based on open channel and pressure flow as appropriate.
  - a. All storm drain designs incorporating curb inlets shall demonstrate that the hydraulic grade line remains below the theoretical gutter elevation.
  - b. Temporary ponding or overload will be permitted for ditch bottom inlets provided the entire ponded area is contained within the drainage or right-of-way easements and land values are not affected.
  - c. Friction losses and minor energy losses such as entrance, exit, junction, expansion and contraction losses shall be considered.
4. Pipe Slopes: To avoid the accumulation of debris and lower maintenance requirements, the minimum physical pipe slope shall be that which will produce a velocity of 2.5 ft/s applying Manning's Equation to the pipe flowing full. An exception may be made, at the discretion of the County Engineer, for equalizer pipes.
5. Spacing of Curb Inlets: Maximum spacing for curb inlets shall be based on the width of spread. Width of spread shall not exceed one-half of the travel lane adjacent to the gutter for a rainfall of four (4) inches per hour. If spread computations permit, the maximum spacing for inlets shall be five hundred (500) feet.
6. Placement of Inlets: Inlets shall be placed at all low points in the gutter grade, and as appropriate at intersections, median breaks, and on side streets where drainage could adversely affect the safety of vehicular or pedestrian movements within the roadway intersection.
7. Gutter Grade: The minimum allowable gutter grade shall be 0.3 percent.
8. Maintenance Access: The maximum length of pipe allowed without a maintenance access structure such as a manhole or inlet is 500 feet.
9. Minimum Pipe Cover: Unless otherwise approved, minimum pipe cover shall be eighteen (18) inches measured from the outside top of pipe to the top of the roadway base at any point in the roadway cross-section.
10. Minimum Pipe Size: The minimum allowable pipe diameter for storm drains shall be eighteen (18) inches or the equivalent section for arch or elliptical pipe, unless otherwise approved by the County.
11. Materials: Accepted materials for piping and structures are those included on the approved FDOT materials list. Piping within public right-of-way shall be reinforced concrete unless approved otherwise by the County Engineer.



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### 6.06.105 Side Drains (Driveway Culverts)

1. Minimum Pipe Size: Unless otherwise approved by the County Engineer, the minimum allowable pipe diameter for side drains shall be fifteen (15) inches or the equivalent section for arch or elliptical pipe.
2. Schedule of Side Drains: All construction drawings submitted for review shall include a schedule showing the size, and type of the side drain needed to provide any indicated access.
3. End Treatments: Side drains shall be installed with County approved end treatments. Permissible end treatments shall include mitered ends, headwalls and "U" type mitered end walls. Headwalls shall be placed outside of the roadway clear zone only if restrictions exist preventing installation of mitered end sections.
4. Minimum Pipe Cover: Unless otherwise approved, minimum pipe cover shall be twelve (12) inches measured from the outside top of pipe to the top of the base at any point in the driveway cross-section.
5. Pipe length including shoulder for side drains shall be based upon the following:

Driveway Type	Maximum Pipe Length*	Minimum Pipe Length*
Residential Driveways	Driveway Width PLUS 4 feet each side	Driveway Width PLUS 2 feet each side
Non-Residential Driveways	Driveway Width PLUS 8 feet each side	Driveway Width PLUS 4 feet each side

\* Pipe length does not include the length of end treatment.

### 6.06.106 Other Drainage Structures

1. In the absence of specific county requirements, the FDOT Roadway and Traffic Design Standards may be used as a guideline for selection and construction of all drainage structures, including but not limited to: manholes, inlets, pipe end treatment, and box culverts.
2. Bridges shall be designed and constructed in accordance with the most recent edition of: FDOT Standards and Specifications, FDOT Structures Design Guidelines, and American Association of State Highway and Transportation Officials (AASHTO) Standard Specifications for Highway Bridges.
3. Bulkhead and/or retaining walls shall be designed by the appropriate Professional Engineer in accordance with Chapter 147 F.S.
4. A collection system consisting of inlets, pipes, swales and/or other method of collection and conveyance shall be provided for single family detached residential developments to route rear yard runoff greater than predevelopment flows to a retention/detention area.



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5. Ditch blocks shall be constructed of concrete.

**6.06.11 Tailwater:** Determination of the hydraulic gradient and sizing of the stormwater system shall be based on the highest tailwater which can be reasonably expected to occur coincident with the applicable design storm event. Standard design tailwater conditions for the design of stormwater systems are as follows:

1. Systems which discharge into ponds, lakes, and other wet facilities shall use the stage occurring at peak flow conditions for the design storm event used. Where no outlet exists, the seasonal high water elevation shall be used at the beginning of the storm event;
2. Systems discharging into tidal areas shall use the Mean High Water elevation;
3. Systems discharging into Regulatory Floodways shall use a tailwater design derived by use of the FEMA flood profile data contained in the FEMA Flood Insurance Rate Study or approved water surface profile study where available;
4. Systems discharging into ditches shall use the normal depth flow in the ditch or if downstream control exists, the greater of the normal depth flow or the stage due to backwater from the downstream flow;
5. Systems which connect to existing stormwater systems shall use the hydraulic grade line of the existing system at the point of connection.

**6.06.12 Procedures and Fees:** Reference Chapters 1 and 12.

1. Prior to the approval of the order for development activities, the applicant must submit copies of permit documents from state and/or federal agencies. Any person planning a development as defined in this ordinance, unless exempted, shall submit a stormwater management plan or an application for variance to the Board of Adjustment.
2. An administrative permit fee for review of the management plan will be collected at the time the stormwater management plan is submitted. Reference Chapter 12 of this ordinance.
3. Within thirty (30) days after submission of the completed stormwater management plan, the County Engineer shall approve, with or without specified conditions or modifications, or reject the plan and shall notify the applicant accordingly. If the County Engineer has not rendered a decision within thirty (30) days after plan submission, he shall inform the applicant of the status of the review process and the anticipated completion date. If the plan is rejected the County Engineer shall state reasons. It is not the responsibility of the County Engineer to design an acceptable project.
4. The stormwater management plan shall not be approved unless it clearly indicates that the proposed development will meet the Performance Objectives described in Section



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6.06.04 and the criteria and Minimum Design Standards described in Sections 6.06.05 through 6.06.11, except where a variance has been granted pursuant to Section 6.06.02.

5. Inspections: No Stormwater Management Plan may be approved without adequate provision for inspection of the property. The initial inspection will be prior to approval of the stormwater management plan. For final inspection reference Section 6.01.052(E).
6. Appeals: Reference Chapter 11 of this ordinance.

### **6.06.13 Maintenance:**

1. Drainage facilities within residential subdivisions shall be dedicated to the governing authority or to an appropriate Homeowner's Association. Maintenance of other drainage-type facilities will remain the owner's responsibility.
2. Systems maintained by an owner shall have adequate easements to permit the governing authority to inspect and, if necessary, to take corrective action should the owner fail to properly maintain the system. Before taking corrective action, the County shall give the owner notice of the nature of the existing defects. If the owner fails within thirty (30) days from the date of notice to commence corrective action or to appeal the matter to the Board of Adjustment, the County may take necessary corrective action, the cost of which shall become a lien on the real property until paid. Reference Chapter 11 for procedures of the Code Enforcement Board.

### **6.06.14 Enforcement:** Reference Chapter 11.

1. Nuisance: Any development activity that is commenced without prior approval of a water management plan or is conducted contrary to an approved stormwater management plan as required by this ordinance, shall be deemed a public nuisance and may be restrained by injunction or otherwise abated in a manner provided in Chapter 11.

**6.06.15 Emergency Exemption:** This ordinance shall not be construed to prevent the doing of any act necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency, including but not limited to fire, infestation by pests, or hazards resulting from violent storms or hurricanes or when the property is in imminent peril and the necessity of obtaining a permit is impractical and would cause undue hardship in the protection of the property.

A report of any such emergency action shall be made to the Okaloosa County Public Works Department by the owner or person in control of the property upon which emergency action was taken as soon as practicable, but no more than ten (10) days following such action. Remedial action may be required by the said Okaloosa County Engineer.

### **6.06.16 Inspection and Construction of Improvements:** Reference Section 6.01.052(E).

### **6.07.00 RECREATION FACILITIES.**



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The purpose and intent of these requirements is to regulate the use and development of land to ensure that new residential development bears a proportionate share of the reasonably anticipated costs of new Neighborhood Parks created by the new development activity.

**6.07.01 Applicability:** All new residential development, 50 units and greater, shall contribute to the County park system commensurate with the County comprehensive plan. The County Engineer shall be responsible for determining conformance with this section.

**6.07.02 Exemptions:** The following activities shall be exempted from payment of the district parks and local parks impact fee:

1. Alterations or expansions of an existing building where no additional units are created over that of the existing use.
2. The replacement of a building or structure with a new building or structure with an equal number of dwelling units.

**6.07.03 Land Requirements:** The *Okaloosa County Parks and Recreation Master Plan* recommended a Neighborhood Park for each one (1) mile diameter Neighborhood Park service area, which is hereby defined as 500 acres. The minimum recommended size of each Neighborhood Park was five (5) acres. Therefore, the land requirement for Neighborhood Parks is 1% (5 acres divided by 500 acres) of the gross area of new development with a minimum park size of 5 acres. Development projects that encompass at least one service area (500 acres) shall dedicate 1% of the gross land area of the project for a Neighborhood Park. Development projects with a gross area less than 500 acres shall dedicate at least 5 acres or provide a payment in lieu of dedicating land in accordance with Section 6.07.04. Dedicated land shall be located within the project's park service area.

**6.07.04 Payment In Lieu of Land:** Development projects smaller than 500 acres that choose not to dedicate at least 5 acres for a Neighborhood Park shall provide a payment in lieu of providing land and a payment in lieu of constructing recreational facilities in accordance with Section 6.07.06. The payment for land shall be the proportionate percentage attributable to each development project of the fee for a 5 acre parcel of land for a Neighborhood Park, based on the ratio of the gross size of the development project to the Neighborhood Park service area [e.g., a 50 acre development project is 10% (50 acres/500 acres) of the Neighborhood Park service area so payment in lieu of land would be 10% of the cost to purchase land for a new Neighborhood Park]. This payment, hereinafter called a Neighborhood Park Land Purchase Fee, will be updated annually by the Public Works Department and approved by the Board of County Commissioners in January of each year and will reflect the average cost of 5 to 10 acre lots purchased in the preceding calendar year throughout the County. The new fee will be effective February 1<sup>st</sup> of each year.

**6.07.05 Land Dedication Options:** Development projects that provide land to the County for Neighborhood Parks will have three options:

1. Construct a private Neighborhood Park with recreation facilities to meet the need within this newly created service area. This park would be maintained privately. This option





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- shall be available only for private developments with an established homeowners association.
2. Construct a public Neighborhood Park with recreation facilities to meet the need within this newly created service area. This park would be maintained by the County.
  3. Provide land only for a public park to be constructed by the County. In this case, a payment in lieu of constructing recreational facilities commensurate with the cost for the County to improve the land and construct the park will be required.

When parks are constructed as part of the development project, all infrastructure shall be in place and approved prior to execution of the final plat by the County Engineer.

**6.07.06 Payment In Lieu of Constructing Recreational Facilities:** If the development project chooses to provide land only for a public park to be constructed by the County, the payment in lieu, hereinafter called the Neighborhood Park Construction Fee, will be commensurate with the actual cost for the County to improve the land and construct the required facilities. This fee will be updated annually in January of each year, to reflect the actual, average cost of park construction within the County during the preceding two calendar years. The new fee will be effective February 1<sup>st</sup> of each year. The fee will include all costs to improve land in accordance with the County's Land Development Code as well as total park cost. *Total park cost* includes, but is not limited to, preliminary engineering, engineering design studies, land surveys, engineering, permitting, and construction of all the necessary features for park projects, including but not limited to layout of walking paths, construction of ball fields, picnic pavilions, installation of equipment for children play areas, irrigation systems, lighting systems, fencing, bleachers, roads, parking facilities, restrooms, concession and community buildings, manager quarters, and storage buildings.

**6.07.07 Fee Districts:** Neighborhood Park Land Purchase and Park Construction Fees will be collected and expended based on Commissioner Districts in which the development project is sited. Because it is not practical for all Neighborhood Parks funded by these fees to be constructed within the service area of all the projects that were obligated to pay the fees, all development projects will be presented the option to allow the County to purchase 5 acres of land within their projects at the Neighborhood Park Land Purchase Fee in use at that time. Otherwise, the fees will be placed in trust for each Commissioner District and the County will continually identify and purchase 5-10 acre parcels in these areas.

1. Trust funds: There are hereby established Neighborhood Park trust funds for each Commissioner District that are incorporated in this article by reference. Subsequent to the adoption of the ordinance from which this article is derived, should any parcel or area of land located within the unincorporated area of Okaloosa County be annexed into a municipality which, at the initial effective date of the ordinance from which this article is derived, was located within an adjacent unincorporated area of Okaloosa County, the boundaries of the municipality shall be deemed amended as of the date of annexation so as to include the land annexed within the municipality. Such amendment shall be for the purposes of this article only and shall not affect any prior payment of fees or expenditure of funds attributable to the annexed property.



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2. Funds will be deposited into one of five specific trust funds according to the area where collected as identified in exhibit A following this article. Expenditures will be within these five zones unless a local park project would provide substantial benefit to other zones.
3. The County Administrator shall present to the Board of County Commissioners the proposed capital improvement program of the capital improvement element of the comprehensive plan for Neighborhood Park recreation facilities, assigning funds, including any accrued interest, from the trust funds to specific improvements and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the trust funds until the next fiscal period except as provided by the refund provisions of this article. Funds shall be deemed expended in the order in which they are collected.
4. The County shall add three percent to the fees calculated for Neighborhood Parks. These funds will be retained in the general fund to offset the cost of administering this article.
5. Refunds. If no construction has been commenced within five years following the quarter after the fees were collected, then the fee payer shall be entitled to a refund of the fee paid as a condition for its issuance except that the County shall retain a portion of the funds to offset the costs of refund, based on the following schedule:

Fee Paid Excluding Administrative Fee	Retained Percent
\$5,000.00 or less	3%
\$5,000.01 or more	3% of the first \$5,000.00 and 1% of the remainder over \$5,000.00

- a. Any funds not expended or encumbered by the end of the calendar quarter immediately following five years from the date the district park and local park impact fees were paid shall, upon application of the fee payer within 180 days of that date, be returned to such fee payer.

**6.07.08 Credits for Donations:** The donation of land, facilities and equipment may qualify for credits, if consistent with the County's plans and standards for park and recreation for location, size and apparatus specifications, and upon approval by the County Administrator. The value of the donations or improvements shall be determined by the County Public Works Director or their designee.

**6.07.09 Payment:**

1. Time of payment. The person applying for the development order shall pay the Neighborhood Park Land Purchase and Construction fees prior to the issuance of said development order. The obligation for payment of the impact fee shall be that of the land owner. However, this section shall not be construed to relieve an applicant of responsibility or liability for payment of the fees imposed by this article. In the event the fees are not paid prior to the development order, the County may collect the fees, together with interest at the rate fixed by law for judgments, an administrative penalty of



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five percent per month (to a maximum of 25 percent of all fees unpaid at the time they were due according to the terms of this article), the costs of such collection and a reasonable attorney's fee. Interest and penalties shall be remitted for addition to the trust fund and the recovered costs and fees for collection shall be retained by or remitted to the government incurring the expense of collection. The County attorney or duly authorized representative may execute, serve upon the owner by certified mail and record a notice of nonpayment in the official records of the County, which shall contain the legal description of the property and the amount of the impact fee liability. Said notice shall thereupon operate as a lien against such property for the amount of the fees, together with interest, penalties, and the costs and fees for collection. All fees due under this article shall become a lien at the time of the issuance of the development order or in the case of a change of use on the issuance of an occupational license, as the case may be, such fees shall be due, and shall remain a lien, coequal with the lien of all state, district, County and municipal taxes, superior in dignity to all other liens, titles and claims, until paid. Such lien shall be upon the land on which an improvement is made requiring the payment of fees and shall be for the amount of the fee required, as well as for all penalties and interest due under the provisions of this article.

2. Method of payment. Payment of Neighborhood Park Land Purchase and Construction fees shall be made to the County of Okaloosa.
3. Disposition of funds. All funds collected shall be properly identified as district parks impact fee funds and promptly transferred for deposit into the appropriate trust fund. Funds are to be held in separate accounts and used solely for the purposes specified in this article.

**6.07.10 Required Facilities:** Each Neighborhood Park shall have a parking lot, multipurpose field, playground, picnic pavilion, and walking trail.

**6.07.11 Design Standards:** This section applies to all land dedicated for recreation facilities, regardless of whether the park is private or public.

1. **Minimum Size:** The minimum size of land provided to meet these requirements shall be 5 acres, which shall be contiguous.
2. **Lot Access:** A minimum of 50 feet of road access shall be provided in the provided land, unencumbered by easements.
3. **Land Type:** The maximum percentage of wetlands in the land provided for this purpose shall not exceed the percentage of wetlands within the project itself.
4. **Shape:** The maximum allowable ratio between the depth and width dedicated Neighborhood Park shall be 4:1 based upon the average depth and average width of the parcel.
5. **Stormwater Management:** It shall be assumed that 35% of the usable space (not including wetlands) shall be impervious in the developed park. This design impervious percentage shall be incorporated as part of the overall stormwater management system.



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6. Utilities: Utilities common to the development shall be readily available at the recreation site.

**6.07.12 Review:** The Neighborhood Park Land Purchase and Construction fees shall be reviewed by the Board of County Commissioners no less than once every six years. The review shall consider the adequacy of the service to meet the needs of new demands created by new developments. The purpose of this review is to analyze the effects of inflation on the actual acquisition and operation of the parks. This review will consider any changes that have occurred in County revenue sources and their effect upon the funding of the parks.

### **6.08.00 TEMPORARY USE PERMITS.**

Based upon the nature of some uses, their compatibility with surrounding properties, and the length of time a use is intended to function, there is an identified need to allow certain temporary uses within a development site, and to provide for other types of temporary uses such as special events, sales, and promotions. It is the intent of this section to classify temporary uses and to provide for their permitting, administration and control.

**6.08.01 General:** The Growth Management Department may grant a temporary use permit for requests that demonstrate compliance with the intent of this section. Approvals for such requests shall be based upon, but not limited to, the applicant's description of the temporary use, the intended duration of the use, hours of operation and the impacts of the proposed temporary use on adjacent properties. All requests for a temporary use permit shall include a site plan. The appropriate site plan and temporary use permit application shall be submitted and approved prior to the submission of a building permit application and shall demonstrate, where applicable, that provisions will be made to adequately address the following:

1. Traffic circulation and safety within the site;
2. Minimum parking requirements for the temporary use as defined in the Land Development Code;
3. Screening, buffering, and landscaping of the temporary use to reduce potential impacts on adjacent properties;
4. Lighting;
5. Sanitary facilities;
6. Fire protection;
7. Environmental impacts;
8. Stormwater management; and
9. Any other requirements determined to be necessary for the public health and safety.



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**6.08.011 Sale of Seafood from Vehicles or Trailers:** The sale of seafood from vehicles, trailers, or other temporary structures not permanently affixed to the ground, shall be prohibited unless the applicant has obtained a Certificate of Zoning Compliance and shall comply with the following minimum requirements:

1. **Public Liability Insurance:** The applicant must submit proof of public liability insurance in the minimum amount of twenty-five thousand (25,000) dollars covering all claims that may arise as the result of its operations at the site.
2. **Florida Department of Agriculture:** The applicant must submit letters of inspection by the Department of Agriculture of the State of Florida.
3. **Florida Department of Environmental Protection (F.D.E.P.):** The applicant must submit a license from the F.D.E.P. of the State of Florida for its operations.
4. **Sewage Disposal:** The applicant must submit certification from the appropriate Water and Sewer System or the Okaloosa County Health Department that adequate means of waste disposal is available.
5. **Okaloosa County Health Department:** The applicant must submit a letter of inspection by the Okaloosa County Health Department certifying compliance with all state rules and regulations, and further that the containers to be utilized for the storage and display of the seafood are constructed of a smooth surface non-porous material with an adequate drain at the base to be connected by an appropriate means to an adequate means of waste disposal.
6. **Occupational License:** The applicant must submit an occupational license issued by the Tax Collector of Okaloosa County, Florida.
7. **Display of License:** The license described in Section 6.07.011(F) hereof, as well as the Certificate of Zoning Compliance issued pursuant hereto, must during all hours of operation be exhibited conspicuously at the location for which the same were issued.
8. **Invoices:** The applicant or vendor of seafood regulated hereby shall at all times retain for inspection by the appropriate governmental authorities including the Okaloosa County Health Department and the Florida Department of Environmental Protection all invoices for the seafood to be sold clearly indicating the date, time, and place that the same were purchased and from whom.

**6.08.02 Temporary Construction and Development Permits:** A developer may request a temporary use permit for the below listed activities.

1. **Temporary offices to be used for construction, and administrative functions within the development.** Temporary construction offices shall have the name of the construction company printed a maximum of four (4) feet by eight (8) feet permanently affixed on the outside of the building. In addition, the proposed construction building must meet all



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- setbacks and tie down requirements, and have a contract for sewage pump-out. Construction buildings must be removed within thirty (30) days of completion of the construction site for which it is permitted.
2. Temporary offices to be used for sales, functions, including sales offices, allowing for the sale, resale, or marketing of dwellings, structures, or property within the development in which it is located, or adjacent developments under the same control.
  3. On-site storage of equipment and construction materials for use on the development site only.
  4. On-site modular building used as a temporary office or storage facility for persons engaged in the development of the site.
  5. On-site mobile radio and television equipment and antennae.
  6. On-site mobile home for the use of security or a caretaker only.
  7. On-site temporary use of structures and equipment for the building of roads, public utilities, and government projects.
  8. Off-site temporary parking on property contiguous to the subject development with the written authorization of the property owner.
  9. Portable toilet facilities, as long as they meet the minimum setback of that zoning district.
  10. Construction and demolition debris dumpsters are allowable and are not required to be screened.
  11. Other on-site uses similar to the foregoing uses and determined to meet the intent of this section.

The temporary use shall be granted initially for a period not to exceed twelve (12) months in length and may be renewed annually thirty (30) days prior to expiration based on demonstration of need.

### **6.09.00 PUBLIC TRANSIT FACILITIES.**

Public transit facilities shall be provided based on the intensity of development. Consultation with Okaloosa County Transit is required for all developments located on transit routes and meeting the thresholds described in this section. A route map is attached.

**6.09.01** Developments located on transit routes may be required to provide the following:

1. Pedestrian and bicycle improvements
2. A circulation pattern with a minimum turning radii of 40 feet.

**6.09.02** Developments of 50 or greater multi-family residential units may be required to:



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1. Pedestrian and bicycle improvements
2. A circulation pattern with a minimum turning radii of 40 feet
3. Shelter for transit patrons that meets the requirements of the Americans with Disabilities Act (ADA)

**6.09.03** Non-residential developments or single or multi-tenant office buildings of less than 50,000 square feet may be required to provide the following:

1. Pedestrian and bicycle improvements
2. A circulation pattern with turning radii of 40 feet
3. Bus stop with curb cut
4. Shelter for transit patrons that meets the requirements of the ADA.
5. Connectivity to adjacent non-residential developments will be encouraged.

**6.09.04** Non-residential developments of 50,000 to 200,000 square feet may be required to provide the following:

1. Pedestrian and bicycle improvements
2. A circulation pattern with turning radii of 40 feet
3. Bus stop with curb cut
4. Transit shelter with seating to accommodate a minimum of 2 persons and a wheelchair
5. Connectivity to the adjacent non-residential developments will be encouraged.

**6.09.05** Non-residential developments greater than 200,000 square feet may be required to provide the following:

1. Pedestrian and bicycle improvements
2. A circulation pattern with turning radii of 40 feet
3. Bus stop with curb cut
4. Transit shelter with seating to accommodate a minimum of 4 persons and a wheelchair
5. Bike rack
6. Connectivity to the adjacent non-residential developments will be encouraged.

### **6.10.00 Mines and Borrow Pits**

**6.10.01** Short title.

This part may be known and cited as the Okaloosa County Mine and Borrow Pit Regulations.

**6.10.02** Applicability.

The requirements and standards provided herein shall apply to all property in the unincorporated area of Okaloosa County.

**6.10.03** Definitions.



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*Base flow.* The water that flows from the ground and discharges into a stream between storms and runoff events when the water table remains above the stream bottom.

*Borrow pit.* A site or parcel of property where soils, clays, sand, gravel, or similar materials are, or have been, removed for use by either the property owner or another individual or entity. For purposes of this part, the words and phrases 'mine', 'borrow pit', 'excavate', 'excavation', and 'mining activity' may be used interchangeably as best suits the context of the sentence in which they appear.

*Haul route.* The designated route used to move material from the point at which it has been extracted from the ground either to another location on the same property or to a separate property for stockpiling or processing prior to its ultimate use. A haul route located on the same property as the mining activity is an internal haul route. A haul route not located on the same property as the mining activity is an external haul route.

*Haul route agreement.* The formal contract based on the submitted haul route plan executed between the County and the franchised utility, developer, applicant, entity, property owner, or designated representative responsible for the restoration and/or rehabilitation procedures to be performed during or upon completion of the hauling operation.

*Mine* (verb, "to mine") *The act of digging, scooping, removing, or otherwise extracting materials from the earth.* (noun) A location on a parcel of property where soils, clays, sand, gravel, or similar materials are, or have been, removed for use by either the property owner or another individual or entity. For purposes of this part, the words and phrases 'mine', 'borrow pit', 'excavate', 'excavation', and 'mining activity' may be used interchangeably as best suits the context of the sentence in which they appear.

*Mine site.* The area within a property on which mining and associated activities including but not limited to sorting, dewatering, crushing, stockpiling, and stormwater treatment will occur.

*Reclamation.* The conversion or restoration of land previously subject to mining activity to other useful purposes, including, but not limited to, restoration to natural vegetative states, construction of artificial bodies of water, residential development, development of commercial structures, or other uses. While the type and degree of such restoration may vary in any specific instance, the objective is to establish vegetative cover, soil stability, water protections, long-term use(s), and public safety conditions appropriate to the area.

*Reclamation plan.* A written proposal for the reclamation of a mine or borrow pit that has been approved by Okaloosa County pursuant to this part.

### 6.10.04 Location

Mines and borrow pits may be located in those zoning districts for which such uses are allowed as provided in Chapter 2 of the Okaloosa County Land Development Code and as consistent with the Okaloosa County Comprehensive Plan provided, however, that no mine or borrow pit shall be located:





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- A. Within the area encompassed by swinging an arc with a five thousand foot (5,000') radius from the center of each end of the primary surface of each runway of each airport, military airfield, or airpark in Unincorporated Okaloosa County and connecting the adjacent arcs for each runway by lines tangent to those arcs. Attachment A illustrates the areas associated with Okaloosa County's airports, military airfields, and airparks that are regulated by this requirement.
- B. Within 500 feet of an existing residence not located on the same property as the proposed mine or borrow pit; this includes any associated activities including but not limited to sorting, crushing, stockpiling, or dewatering.

### 6.10.05 Approval process.

- A. Mines and borrow pits shall be developed and operated in accordance with a development order issued by Okaloosa County in accordance with the Okaloosa County Land Development Code. The requirements provided herein are in addition to any requirements that might otherwise apply. Mines and borrow pit sites less than one (1) mile from the nearest residence not on the same property, residential zone, or airport are only allowed in unincorporated Okaloosa County if approved by way of a special exception granted by the Okaloosa County Board of Adjustment (BOA) in accordance with section 11.02 of the Okaloosa County Land Development Code (LDC).
- B. All development order applications for mines and borrow pits shall include a narrative explanation of:
  - 1. materials that will be extracted,
  - 2. all equipment and techniques that will be used for extraction,
  - 3. all equipment and techniques that will be used for all operational aspects including but not limited to processing (e.g., crushing, washing, sorting), stockpiling (including de-watering), storing, and dust control,
  - 4. management of overburden,
  - 5. the anticipated life of the mine or borrow pit,
  - 6. the proposed hours of operation,
  - 7. site security, and
  - 8. a reclamation plan.

When a proposed mine or borrow pit is located such that a special exception is required, the special exception application shall include the information enumerated 1 – 8, above.

- B. If a special exception has been approved that allows a mine or borrow pit, the development order shall incorporate any conditions of approval established by the BOA. Nothing herein shall be construed as prohibiting an applicant from concurrently applying for a development order and special exception provided, however, that no development order shall be issued until such time as the BOA approves the special exception. Under no circumstances shall a development order be issued subsequent to the effective date of these provisions for a mine or borrow pit within one (1) mile of from the nearest residence, residential zone, or airport for which the BOA has not approved a special exception.



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- C. Development order and special exception applications for mines and borrow pits shall not only identify the owner(s) of the subject property, but shall also identify the entity financially responsible for the implementation of any ongoing dust control, road maintenance, or other operational requirements as may be established in the development order. The development order application shall be accompanied by a notarized affidavit signed by the financially responsible entity that clearly states that said entity is aware of the operational requirements and accepts financial responsibility for their implementation. If, during the life of the operation including reclamation the responsible entity changes, the owner of the mine shall, within ten (10) days of the change, notify the County and provide a notarized affidavit signed by the new financially responsible entity that clearly states that said entity is aware of the operational requirements and accepts financial responsibility for their implementation.

### 6.10.06 Exemptions

The provisions herein shall not apply to:

- A. Retention ponds and stormwater management systems associated with residential subdivisions, commercial development, road projects, or other activities not associated with excavations, mines, or borrow pits for which the extraction of soils, clays, sand, gravel, or similar materials is, or was, at any time, the primary use of the property. A reclamation plan's designation of a mine pit as a future retention pond or lake for a commercial project or a "waterfront" subdivision does **not** exempt it from this part.
- B. Lakes and ponds used in furtherance of agricultural activities and for which the extraction of soils, clays, sand, gravel, or similar materials is incidental to the agricultural use of the subject property.
- C. The extraction and removal of soils, clays, sand, gravel, or similar materials incidental to the construction of subdivisions provided no more material is removed than necessary to develop the subdivision.
- D. The extraction and removal of soils, clays, sand, gravel, or similar materials from individual homesites.
- E. The installation of pools and decorative ponds, the creation of gardens, gravedigging, or other activities for which extraction of materials is clearly accessory to another use not related to mining.

Exemption from this part is not intended, nor shall it be construed, to exempt activities otherwise subject to the development order/development plan review processes from such review.

### 6.10.07 Development Standards.

The following standards shall apply to the establishment and operation of mines and borrow pits throughout unincorporated Okaloosa County.



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### A. Buffers.

1. All mines and borrow pits are subject to the provisions of Section 3.05, River Protection Zone, of the Okaloosa County Land Development Code.
2. A 50-foot buffer of existing vegetation shall be preserved around the perimeter of the mine or borrow pit site, including all associated activities except where the haul route leaving the site must penetrate. Internal haul routes may not be located within the buffer. If the site consists of a cleared area (field, pasture, ruderal land, etc.), a fifty foot wide buffer zone shall be established within provides 80% opacity between the height of four feet (4') and twenty feet (20') at the time mining activities are initiated. The buffer may consist of earthen berms, walls, opaque fencing (chain link fences into which slats have been woven shall not be used), vegetation or any combination thereof provided the opacity requirement is met. Plant species listed as noxious or invasive by the United States Department of Agriculture (USDA) or the Florida Department of Agriculture and Consumer Services (FDACS) shall not be utilized. This requirement shall not apply to any side of a mining or borrow pit site located one thousand five hundred feet (1,500') or more from the subject property's nearest boundary. For example, if a proposed mine or borrow pit is to be located 1,700' from the north property line, 1,800 feet from the south property line, 1,800' from the east property line, and 500' from the west property line, then the north, south, and east sides are exempt, but the buffer applies to the western boundary of the mine or borrow pit site.
3. A 150-foot buffer zone of existing vegetation shall be maintained landward from the upland edge of the following waterbodies, the tributaries with which they have direct confluence, and any wetlands adjacent thereto, including wetlands adjacent to their directly confluent tributaries:
  - a. Choctawhatchee Bay
  - b. Shoal River
  - c. Yellow River
  - d. Blackwater River
4. A 100-foot buffer zone of existing vegetation shall be maintained from the upland edge of any jurisdictional wetland or natural waterbody. If the County determines that the existing vegetation is insufficient to protect the wetland or waterbody from the adverse impacts of the mining activity, or if the existing vegetation has been disturbed or removed from the property before application for a development order is made, the County may require the planting of supplemental or replacement vegetation in the required buffer. The applicant shall prepare and submit a replanting plan or a supplemental planting plan to the County for approval. The supplemental plantings shall be of sufficient size and quantity that the functions of the natural buffer will be maintained. The buffers provided for herein are not required for portions of such wetlands for which the Florida Department of Environmental Protection, Northwest Florida Water Management District, or other jurisdictional agency has issued a permit



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that allows impacts. Impacts to the subject portions of such systems shall be as allowed in the jurisdictional agency permit(s).

### B. *Setbacks.*

The following setbacks shall maintained throughout the mining operation, and shall include activities associated with mining (crushing, sorting, stockpiling, dewatering, etc.) in addition to the actual digging and extraction of resources:

1. A 100-foot setback from any public or private right-of-way.
2. A 50-foot setback from a property line abutting property with a Future Land Use Map designation of Industrial or Commercial.
3. A 150 foot setback from any property line abutting vacant, unplatted property located in the RR, R-1, R-2, R-3, or SR zoning districts.
4. A 500-foot setback from the closest portion of a residential or institutional structure, regardless of the property's underlying zoning. This setback may be reduced to no less than 150 feet if applicant has provided competent and substantial evidence that a lesser requirement will not adversely affect the public health, safety, or welfare and has also provided the County with original, notarized affidavits from all owners of all residential or institutional structures within 500 feet of the proposed mine or borrow pit stating that they are aware of the proposed operations (including processing, sorting, etc.) and have no objections to a buffer of less than 500 feet to a minimum of 150 feet.
5. The County may require increased setbacks to protect wellheads, environmental resources and/or adjacent properties from adverse impacts.

### C. *Security/Fencing.*

1. The mining operation shall be enclosed with a security fence and gate. Fences shall be at least six feet (6') but not more than ten feet (10') in height. The location and type of fencing shall be specified in the approved development order.
2. Warning signs, each of which must have an area of at least six square feet (6 sq. ft.) shall be permanently posted at each corner of the fence line and also not more than 100 feet apart along the fence line. The signs shall be printed in letters not less than 5 (five) inches in height and shall state "No Trespassing", the name of the mining operation, and a telephone number at which the mining operation may be contacted in case of an emergency. The signs must be visible from any location outside of the fence within fifty feet (50') of a sign.

- D. *Dust Prevention/Air Quality.* Mines and borrow pits shall be operated in such a manner as to minimize dust emissions. The County may, at its sole discretion and as a condition of approval of the development order, require mitigation measures that may include any or all of the following:



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1. Watering of haul routes, stockpiles, and other areas subject to wind erosion.
  2. Planting of haul route shoulders and swales with appropriate vegetation that must be maintained for the duration of operations and reclamation.
- E. *Operating Hours.* Excavation, crushing, sorting, and stockpiling shall only be conducted from Monday through Saturday, between the hours of 7:00 a.m. and 6:00 p.m., unless otherwise approved by way of a special exception. Applications for special exceptions to establish alternate hours shall include all the information required in section x.xx.xxx, above.
- F. *Protection of Easements.* No mining activity, except for ditches associated with the mining activity permitted by the NFWFMD, is permitted within 25 feet of the boundary line of a drainage or utility easement. A waiver may be granted with the consent of the easement holder.
- G. *Ground and Surface Water Impacts.*
1. Mining operations shall not have an adverse impact on the quality or quantity of groundwater or surface water of surrounding properties and must meet all the standards of the health department, the NFWFMD, and the FDEP as applicable. Mining operations are prohibited within designated Wellhead Protection Zones as defined by section 3.07.00 of the Land Development Code.
  2. Applications for mining or borrow pit operations shall include an analysis signed and sealed by a professional engineer licensed by the State of Florida that identifies any potential negative impacts to surface water or groundwater resources that could occur due to the mining activity including but not limited to: failure of public or private wells due to drawdown of groundwater; altered surface water flows due to changes in drainage patterns or declining base flow; or reduced quality of surface or ground water. If negative impacts are identified, the analysis shall include proposed remedial actions to correct every problem identified, including anticipated costs and of such actions and whether such costs are recurring.
- H. *Required Slope.* The standard slope for the sides of an excavation shall be no steeper than one foot vertical drop for each four feet of horizontal distance measured from the edge of the excavation at existing grade unless a licensed engineer or geologist certifies, to the satisfaction of the County Engineer, that an angle of repose exceeding this ratio will prohibit any potential erosion or slumping.
- I. *Burning.* Burning or incineration associated with an excavation shall comply with all applicable County, State, and Federal laws and regulations. Burning is prohibited within required buffers and setback areas.
- J. *Storage of Materials/Dumping of Solid Waste.* No litter or waste materials of any kind may be brought onto, stored, or disposed of in any excavation area or mining site unless



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- such activity is consistent with these provisions, the Okaloosa County Comprehensive Plan and Land Development Code, and has received all local, state, and federal permits. This includes all classes of landfill, as well as construction and demolition debris disposal sites, vegetative waste sites, and other types of facility intended for the long term disposal or interment of waste. Under no circumstances shall any form of waste disposal facility associated with a mine or borrow pit be located within 1 mile of an existing home or area zoned for residential use. However, sand, topsoil, tree remnants, and other vegetative debris cleared from the mining site may be placed in or stored on site provided the storage is pursuant to a reclamation plan approved by the County and the materials are free of invasive species or other contaminants.
- K. *Stormwater Control.* All mining and borrow pit operations shall be subject to a stormwater management plan approved by the County in addition to any requisite federal or state permits which must be obtained prior to operations.
- L. *Erosion Control and Sedimentation.* In order to prevent off-site impacts, stockpiles and soils exposed during site alteration must be stabilized, and runoff and siltation directed toward areas approved in the development order for such use. Development order applications submitted for mines or borrow pits shall include an erosion control plan that identifies locations of stockpiles, haul routes, settling ponds, de-watering impoundments, retention ponds, and any other information, including hydraulic and hydrologic analyses or models and calculations, as may be required by the County Engineer to determine that the proposed operations will not cause erosion of sediments onto surrounding properties or into waterways other than those created entirely within the subject property.
- M. *Noise Control.* Mines and borrow pits are subject to the noise control provisions of the County Code, and shall not generate noise in excess of that allowed by any local, regional, state, or federal laws, ordinances, rules, or regulations.
- N. *Location of Ingress/Egress.* External vehicle access shall be located to minimize danger to traffic and nuisance to surrounding properties. All external vehicle access shall be clearly marked pursuant to applicable county, state, and federal requirements.
- O. *Haul routes:*
1. Operation of a mine or borrow pit shall not create any traffic hazards on any external haul routes. Damage to roads serving as external haul routes caused by mining vehicles shall be repaired by the mine or borrow pit operator to the satisfaction of the County Public Works Department.
  2. Internal haul routes shall not be located within two hundred fifty feet (250) of the boundary of the site, except at the property exit and entry point(s).
  3. A paved or stabilized apron may be required at the sole discretion of the County, to protect the external haul route from the internal haul route. Aprons shall be built to the specifications of the County Engineer.



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4. The use of haul routes shall not have undue impact on persons and properties along or in proximity to a haul route. An undue impact would be an increase in airborne debris beyond what is normally experienced without the mining or excavation work, increased noise during the evening and night hours from truck traffic, or unmitigated deterioration of roads and road-edges dues to heavy truck traffic.
  5. It shall be the responsibility of the development order holder to mitigate impacts arising from the use of haul routes. The County may, at its sole discretion and as a condition of approval of the development order, require mitigation measures which may include any or all of the following:
    - a. Watering and other dust control measures.
    - b. Cleanup of material spills.
    - c. Maintenance grading of unpaved roads, shoulder grading and restoration.
    - d. Pavement maintenance, including resurfacing, reconstruction, and patching.
    - e. Safety improvements such as striping barrier rails, turn and acceleration lanes.
    - f. Posting of a bond, letter of credit, or other financial instrument as determined by the County in favor of Okaloosa County in an amount of 110% of the estimated cost of repair of any public roads, stormwater conveyance, or other public infrastructure that may, in the opinion of the County Engineer, potentially be impacted by the proposed operation.
    - g. Prohibition of blasting, crushing, sorting, or other activities deemed by the County as incompatible with surrounding areas due to dust, noise, vibration, or other potential nuisance.
  6. If a privately maintained right-of-way is proposed for use as any part of the operation, including ingress, egress, or to gain access to a site, the applicant shall supply an affidavit signed by the entity controlling the right-of-way that unambiguously states that the applicant is allowed to use that specific right-of-way for a haul route.
- P. *Lighting.* Lighting shall be the minimum needed to provide safe access to and from the subject property and work area(s) as well as security. All lighting shall be directed away from adjacent properties, and shall be located such that luminaries and diffuser screens are not visible from adjacent properties or to air traffic. Lighting shall not pose a hazard to air navigation, nor shall it interfere with the military missions conducted on the Eglin Reservation by any of the services stationed thereon. Uplighting, including for on-site signage, is prohibited See also subsection W., Air Navigation.
- Q. *Blasting.*
1. Blasting must be specifically authorized by the special and development order issued for a mine or borrow pit which may include conditions in addition to the following:
    - a. No blasting or other use of explosives shall be conducted without proper permits from the jurisdictional governmental entities including the state fire marshal.
    - b. Blasting shall be conducted only from Monday through Friday no earlier than one (1) half hour before sunrise and must cease no later than one (1) half hour before sunset as established by the National Weather Service for the day of the blasting.



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- c. All blasting must be performed in a manner that prevents vibrations of the soil from reaching a magnitude sufficient to cause damage to persons or property outside the mining operation's property.
2. Notice of blasting shall be provided no less than one (1) week and no more than three (3) weeks prior to the event as follows:
    - a. Certified letters shall be sent by an agent of the entity operating the mine or borrow pit to the owners of all owners of properties as provided by the most current records of the County Property Appraiser's records within 1,000 feet of the property boundary. The letter shall include the intended days and hours of the proposed blasting, the total number of individual blasts that will occur, and shall provide the name, telephone number, and email address of the entities conducting the blasting or their authorized agent. The period of time covered by the letters shall not exceed 120 days commencing from the date of the receipt for the certified mailing. If multiple mailings occur, the date shall be the date of the last mailing.
    - b. A public notice shall be placed in a newspaper of general circulation of Okaloosa County of a size, type, and location as described in section 125.66(4)(b)2, Florida Statutes, including the location map as described therein. The notice shall at a minimum include the intended days and hours of the proposed blasting, the total number of individual blasts that will occur, and shall provide the name, telephone number, and email address of the entities conducting the blasting or their authorized agent. The period of time covered by the notice shall not exceed 120 days commencing from the date of publication. If multiple notices are published, the date shall be the date of the last publication.
  3. The period of time covered by the letters and newspaper advertisement shall not exceed 120 days from the date of publication.
  4. In the event of a discrepancy between the start date of blasting as provided by the date of mailing versus the date of publication of the public notice, the latest date shall be used.
- R. *Crushing, Sorting, and Other Noise, Dust, and/or Vibration Producing Activities.* Crushing, sorting, and other activities that may generate noise, dust, and/or vibrations shall be identified as part of the development order application which shall also describe the measures that will be used to minimize these activities' potential to negatively impact adjacent and nearby properties. The county may, at its sole discretion, include within the development order such conditions as it deems appropriate to prevent dust, noise, and vibration from becoming nuisances. At a minimum, no crushing, sorting, or similar activities may take place any earlier than one (1) half hour before sunrise and must cease no later than one (1) half hour before sunset as established by the National Weather Service for any day on which such activities occur.
- S. *Floodplain Requirements.* No mining or borrow pit activity, with the exception of approved peat and muck mining, shall be conducted in special flood hazard area, floodway, a waterway, lake, or stream where such mining would have a permanent, adverse effect on





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the natural functions of the special flood hazard area. Adverse effects include, but are not limited to, reduction of a floodplain's ability to ameliorate flood hazards, increase in the velocity or height of flooding, unmitigated loss of wetland habitat. A permanent impact is one that extends past the success period identified in a reclamation plan. Any application for a mine or borrow pit shall include a map drawn at the same scale as the site plan that clearly and accurately depicts the location of any special flood hazard areas, wetlands, or existing waterways on or adjacent to the subject property. The County may, at its sole discretion, require an applicant to submit engineering studies undertaken by an engineer licensed in the State of Florida to demonstrate that the proposed activities will not have an adverse impact of the subject special flood hazard or other areas identified in this section.

- T. *River Protection Zone.* No mining activity, with the exception of approved peat and muck mining, shall be conducted in a River Protection Zone as described in Section 3.05.00 of the Land Development Code.
- U. *Wildlife Protection.* Threatened and endangered species as listed by the Florida Fish and Wildlife Conservation Commission or the U.S. Fish and Wildlife Service shall be protected in accordance with state and federal regulations. The applicant shall submit documentation of their coordination with these agencies when such species are known to exist on a property for which a development order for a mine or borrow pit is sought.
- V. *Archaeological/Historical Protection.* Archaeological and historical sites, cemeteries, and burial grounds shall be treated in accordance with applicable federal, state, regional, and local laws, ordinances, rules, and regulations. The State Division of Archives, History and Records Management shall be consulted to determine what resources may be located on a mining site. Any archaeological artifacts found during excavation shall be subject to the archaeological provisions of the Okaloosa County Comprehensive Plan.
- W. *Air Navigation*

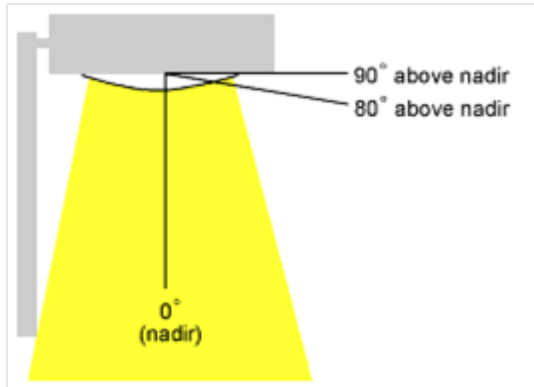
All lighting fixtures shall, through utilization of recessed luminaires, shields, or other features or techniques, ensure that neither the luminaire, diffuser screening (if present), nor any light is visible at an angle of 90 degrees above nadir (see Figure 1.). Upward facing lighting is prohibited. This standard applies to all lighting, including security.



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Figure 1.



### 6.10.08 Reclamation.

Development order applications or, when necessary, special exception applications, for mines or borrow pits shall include a proposed reclamation plan. Reclamation plans must at a minimum comply with standards provided herein which are in addition to any reclamation requirements as may be imposed by the Florida Department of Environmental Protection, Northwest Florida Water Management District, or any other agency having jurisdiction. Where these requirements conflict with other agencies' requirements, the more restrictive shall apply. Exemption from any other agency's reclamation requirements does not exempt a mine or borrow pit from the requirements herein. Reclamation plans required by other agencies may be used in fulfillment of these requirements to the extent that such other-agency reclamation plans meet the requirements provided herein. The approval of a reclamation plan by Okaloosa County does not in any way exempt an applicant from meeting the requirements of any other agency having jurisdiction over the activity (e.g., Florida Department of Environmental Protection, Northwest Florida Water Management District, etc.). Okaloosa County requires the following for reclamation plans:

- A. Reclamation may include re-establishment of managed forest stands, pastures, lakes with stabilized banks and vegetated littoral shelves, or development of permanent or transient residential uses (e.g., lakefront houses or RV parks), commercial uses, or any other use that restores the land to a state that provides natural or anthropologically beneficial functions consistent with the Comprehensive Plan and zoning. Reclamation of borrow pits or mining activities must be commenced within six (6) months of the cessation of the activity and be completed within two (2) years unless a longer time is specified within the development order.
- B. To ensure implementation of the reclamation plan, the County reserves the right to require, as a condition of approval of the mine or borrow pit, financial assurance such as a bond, letter of credit in favor of the County, or other instrument of the County's choosing in the amount of 110% of the estimated cost of all phases of reclamation. In order to ensure that reclamation efforts are successful, the assurance will be returned to the entity



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that provided the assurance no sooner than 1 year following the date the County determines that reclamation has been completed. The County may hold the assurance beyond a year if, in the opinion of the County, the reclamation efforts are incomplete, failing, or have not been in place long enough to determine success (for example, determining if created wetlands are viable). In cases where assurances are held longer than a year, the County shall provide the entity responsible for reclamation a written, dated statement as to why the assurance is being held and shall include a list of what needs to be done to bring the reclaimed area into compliance with the approved Reclamation Plan along with a timeline for compliance. The County will review the reclamation site every six (6) months from the date of the written statement to determine if the reclamation complies with the approved plan. The entity responsible for reclamation may request a review sooner than six (6) months if it is believed that the deficiencies have been corrected and the reclamation plan has been fulfilled.

- C. The Reclamation Plan must provide for the removal of any invasive species in the area to be reclaimed.
- D. All upland areas not subject to some other use pursuant to the reclamation plan must have established ground cover within one year after planting over 80% of the reclaimed upland area, excluding roads, groves, or row crops. Individual bare areas shall not exceed one-quarter ( $\frac{1}{4}$ ) acre in area.
- E. In cases where pre-mining land cover consisted of upland forested areas, the reclamation plan shall, when consistent with proposed long-term post-mining use, include the establishment of upland forested areas. If the reclamation plan calls for the creation of pasture land, no less than ten percent (10%) of the upland area will be re-vegetated as upland forested areas with a variety of indigenous tree species. Upland forested areas shall be protected from grazing, mowing, or other adverse land uses to allow establishment. An area will be considered to be reforested if 85% or more of the planted trees are alive at the end of one year after planting.
- F. The County may require reclamation in phases. The County shall determine the stages or intervals at which the various stages of reclamation must be commenced and completed.
- G. All debris, litter, junk, worn-out or unusable equipment or materials shall be removed from the mining site.
- H. All temporary buildings, pipelines, and other man-made structures shall be removed with the exception of those that are of sound construction that are intended for use as part of reclamation, or with potential use in connection with the reclamation goals, shall be allowed to remain.
- I. If the reclamation plan calls for a former borrow pit or mine site to be used for residential purposes, lots awaiting development shall be subject to the standard provided in C., above, except that no more than 10% of any lot or parcel otherwise intended for a unit (e.g., RV site) may remain un-vegetated. The intention of this requirement is to prevent erosion and expansion of denuded areas.



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- J. Slopes of any reclaimed land area shall be no steeper than four (4) feet horizontal to one foot vertical to enhance slope stabilization and provide for the safety of the general public. For long continuous slopes, mulching, contouring, or other suitable techniques shall be used to enhance stabilization. Should washes or rills develop after revegetation and before final release of the area, the entity responsible for reclamation shall repair the eroded areas and stabilize the slopes to eliminate any further erosion.
- K. Clean gravel, sand, or topsoil may be used as fill as part of the reclamation plan provided they are free of contaminants. Any such spoil piles not used in connection with reclamation must be removed from the mining site. Reclamation uses may include the establishment of waste management facilities consistent with the County's Comprehensive Plan and zoning regulations provided that **no** waste management facilities, including construction and demolition debris, any class of landfill, tire processing centers, vegetative waste, recycling, or other, similar use may be included as part of a reclamation plan when any part of the proposed facility or the property on which it is proposed to be located is within one (1) mile of an existing residence or land within the R-1, R-2, R-2, RR, or SR zones, or is within the area encompassed by swinging an arc with a five thousand foot (5,000') radius from the center of each end of the primary surface of each runway of each airport, military airfield, or airpark in Unincorporated Okaloosa County and connecting the adjacent arcs for each runway by lines tangent to those arcs. Attachment A illustrates the areas associated with Okaloosa County's airports, military airfields, and airparks that is regulated by this requirement.
- L. The reclamation plan must contain the following information and be drawn to a reasonable scale depending upon the size of the project as specified by the Growth Management Department:
1. A cover sheet that identifies the property owner as well as the entity financially responsible for the implementation of the reclamation plan, an which provides a narrative description of the proposed reclamation including type, goal, timeline for completion, and estimated cost. The cover sheet must be accompanied by a notarized affidavit signed by the financially responsible entity that clearly states that said entity is aware of the estimated cost and timelines, and accepts responsibility.
  2. The reclamation plan must:
    - a. Show existing natural and manmade features, including watercourses, water bodies, wetlands, general vegetative communities, streets, utility lines, wells, septic tanks, drain fields, chemical/fuel storage tanks (surface and subsurface), easements, and similar physical characteristics of the site.
    - b. Show all areas to be reclaimed by depicting and/or describing what manmade structures (roads, homesites, building locations, etc.) and natural features (lakes, ponds, wooded areas, wetlands, etc. whether naturally occurring or man-made) will exist when the reclamation plan is completed. This requirement includes the



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depiction of mitigation or preservation areas established pursuant to other agencies' permits or for any other reason.

- c. Depict at least two typical. Post-reclamation cross sections with elevations, generally oriented north to south and east to west. Water elevations shall also be shown. Any required fences, walls, or vegetative buffers shall also be included in at least one cross-section.
- d. Document the type and location of vegetation to be preserved or planted including, but not limited to, grass(es), tree(s) and shrubs, and document the methods to be used to control erosion.
- e. State whether all or part of the area subject to the proposed reclamation plan is within a approach to a military airfield, civilian airport, airpark, or low level flight path associated with the Eglin Reservation and any of its missions. If it is, any lakes, ponds, stormwater treatment or conveyance systems or other waterways that will be created as a result of reclamation shall be designed to minimize interference with air operations, particularly the Bird Air Strike Hazard (BASH) potential.
- f. Provide any additional information requested by the County in order to accurately depict the intended reclamation plan.

3. In the event that reclamation is not completed in accordance with the approved plan and within the required time periods, the County may, in its sole discretion, provide a reasonable extension of time to the permittee or draw upon the reclamation performance assurance.

M. Approval or acceptance of a reclamation plan does not equate to a permit for that use nor does it provide any grandfathering or vested right for that use.

### **6.10.09** Grandfathering and vesting of previously approved mines and borrow pits.

The status of previously approved mines and borrow pits will be addressed on a case-by-case basis, which will include consideration of the specific wording of development orders, permits, and any other land use approval issued by the County relating to operation of the mine/borrow pit as well as demonstrated reliance and other factors deemed relevant.

### **6.11.00** Lighting Requirements

#### 6.11.01 Definitions.

For the purpose of applying the regulations of this section, the following definition shall apply:

**Footcandle:** The unit of illumination when the foot is the unit of length.

**Luminaire:** That part of a lighting fixture that produces light.

#### 6.11.02 Applicability.



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1. The provisions herein are mandatory throughout the unincorporated area of Okaloosa County and shall apply to all outdoor lighting associated with development for which a development order is required as well as to all billboards and other advertising media.
2. It is not intended here to regulate permitted internal sign lights and it is not the intent to modify, amend, or repeal any portion of the Florida Building Code.

### 6.11.03 Plans Required

A detailed lighting plan, drawn and signed by a licensed design professional, depicting proposed footcandles at adjacent property lines shall be submitted to the Growth Management Department as part of the required Development Order application.

### 6.11.04 Lighting Standards

1. New lighting. All exterior lighting for recreational, advertising, off street area parking purposes, or for any other purposes shall be designed so that any overspill of lighting onto adjacent properties shall not exceed zero footcandles on adjacent properties or structures, nor shall luminaires or diffuser screening be visible from an adjacent property.
2. Up-lighting of billboards or other advertising media is prohibited, regardless of whether a development order is required for the installation of the lighting. An outdoor lighting installation shall not be placed in permanent use until a letter of compliance from a registered engineer or architect or the duly authorized representative of such engineer or architect is provided stating that the installation has been field checked and meets the requirements as set forth above.
3. Lighting bearing "dark sky certification" installed in accordance with the manufacture's specifications shall be deemed in compliance with these standards.
4. Existing lighting. Nothing herein shall be construed to require the retrofitting of lawfully installed lighting fixtures in existence as of the effective date of the ordinance from which this section is derived. Retrofitting of existing light fixtures in compliance with the provisions of this section is encouraged.

### Section 6.11.05 Exemptions:

1. Emergency lights for the duration of the emergency event for which they are utilized.
2. Temporary lighting associated with the construction of roads or other public infrastructure.