

ORDINANCE 20 - 09

AN ORDINANCE AMENDING THE OKALOOSA COUNTY LAND DEVELOPMENT CODE, ORDINANCE NO. 91-01, AS AMENDED, AMENDING CHAPTER 2, ZONING REGULATIONS PERTAINING TO THE MIXED USE ZONING DISTRICT AS SHOWN ON ATTACHED EXHIBIT A, CREATING NEW STANDARDS FOR THE ALLOWED MIX OF USES, IDENTIFYING WHICH ROADS ARE CONSIDERED ARTERIALS OR COLLECTORS FOR CERTAIN COMMERCIAL USES IN THE MIXED USE (MU) ZONE, PROVIDING AN APPROVAL PROCESS FOR DEVELOPMENT IN THE MU ZONE, AND ESTABLISHING BULK REGULATIONS AND DEVELOPMENT CRITERIA; AMENDING CHAPTER 6, DEVELOPMENT DESIGN STANDARDS PERTAINING TO THE REQUIREMENTS OF SECTION 6.05.074, SCREENING SPECIFICATIONS, CREATING A NEW LEVEL 5 BUFFER AND AMENDING TABLE 1; REPEALING ALL ORDINANCES, OR PORTIONS THEREOF, IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF OKALOOSA COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, Okaloosa County is a political subdivision of the State of Florida to which Chapter 125 of the Florida Statutes grants broad authority and provides for the adoption of ordinances to provide for self-governance;

WHEREAS, Okaloosa County adopted and has from time to time amended Ordinance 91-01 which establishes the Okaloosa County Land Development Code that includes, among other things, Chapter 2 which establishes the zoning districts in furtherance of the Okaloosa County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners finds that it is necessary and in the public interest to amend the Mixed Use provisions of Chapter 2 to clarify its requirements to better suit the needs of the County.

WHEREAS, Okaloosa County adopted and has from time to time amended Ordinance 91-01 which establishes the Okaloosa County Land Development Code that includes, among other things, Chapter 6 which establishes the Development Design Standard in furtherance of the Okaloosa County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners finds that it is necessary and in the public interest to amend the buffering provisions of Chapter 6 to clarify its requirements to better suit the needs of the County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA:

Section 1. Chapter 2, Zoning Regulations, of the Okaloosa County Land Development Code, Ordinance 91-01, as amended, is hereby amended and revised as shown on attached Exhibit A (language to be removed is stricken, language to be added is underlined, the rest to remain unchanged).

Section 2. Chapter 6, Development Design Standards, of the Okaloosa County Land Development Code, Ordinance 91-01, as amended, is hereby amended and revised as shown on attached Exhibit A (language to be removed is stricken, language to be added is underlined, the rest to remain unchanged).

Section 3. It is intention of the Board of County Commissioners that the provisions of this Ordinance shall be included in the Code of Ordinances of Okaloosa County, Florida, and that any renumbering of the various sections is hereby authorized as necessary to achieve this directive.

Section 4. This Ordinance shall become effective as provided by law, and does hereby repeal any ordinances, or provisions thereof, in conflict herewith. Should any word, phrase, sentence, subsection, section or other part of this Ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional then the part so held shall be severed from this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

DULY PASSED AND ADOPTED THIS 18 DAY OF FEBRUARY, 2020.

BOARD OF COUNTY COMMISSIONERS
OKALOOSA COUNTY, FLORIDA

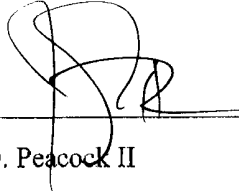
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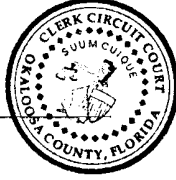
Robert A. "Trey" Goodwin III, Chairman

ATTEST:

By:



J.D. Peacock II
Clerk of Circuit Court



APPROVED AS TO FORM:

By:



Lynn Hoshihara,
County Attorney

EXHIBIT A – SUMMARY OF REVISIONS

LAND DEVELOPMENT CODE Chapter 2 - Zoning Regulations

2.07.00 MIXED USE DISTRICT (MU)

2.07.01 Purpose: The purpose of the mixed use (MU) district is to provide areas for a variety of housing types as well as a functional mix of residential and non-residential land uses. ~~It is the intent of this chapter to provide areas for a functional mix of land uses which may include a mix of residential housing types as well as a mix of residential and nonresidential uses including Planned Unit Developments, commercial mixed use, and residential mixed uses.~~ To this end, while MU developments are encouraged to include a mix of both residential and non-residential uses, single use development is allowed when the area surrounding a proposed single use development within the MU zone is predominantly of the type proposed, and requiring another use would be out-of-character with the predominant surrounding use, and would result in internal incompatibility that cannot be remedied through buffers, setbacks, or other techniques in an economically efficient manner.

2.07.02 Intent: The MU district is intended to:

1. To implement and put into regulatory effect the provisions of the "Mixed Use" future land use categories established in the Comprehensive Plan.
2. Promote more efficient and economic uses of land that are compatible both internally and with surrounding land uses.
3. Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities;
4. Allow the controlled development of land uses most suitable to the proposed site and surrounding neighborhoods;
5. Provide design and location criteria to encourage innovative development;
6. Encourage the redevelopment of existing residential and non-residential parcels with more efficient, updated uses.

2.07.03 Location/Designation Criteria: Lands to be designated as, or rezoned to, an MU district may be located inside or outside the urban development area boundary. Mixed Use districts must be located within a Mixed Use future land use category. ~~This district may also include existing mixed use areas and Developments of Regional Impact (DRI).~~ Properties zoned Mixed Use may be developed as a Planned Unit Development.

2.07.04 Permitted Uses: The following uses are permitted as of right in the MU district. All other uses are permitted by special exception or are prohibited.

1. Residential Uses. All R-1, R-2, SR, and R-3 permitted uses may be allowed when the following condition is met:
 - a. Single Family Detached Residential development shall not front an arterial or collector road, as defined in Table 4.2 of Chapter 4, Land Development Code, unless it is adjacent to an existing R-1, R-2, SR, or R-3 residential use or a property that is already within the R-1, R-2, and R-3 zoning districts.

2. ~~Non-Residential. All C-2 permitted uses. All C-3 uses may be allowed when the property involved fronts upon an arterial or collector or county roadway and there is no access to the commercial part of the property through a residential area or residential zoned area. permitted uses shall have direct access to an arterial or county-maintained collector road, and there is no access to the commercial part of the property through a residentially zoned area (all C-2 and C-3 bulk regulations shall apply). The roads listed in Table 4.2 of Chapter 4 of the Land Development Code are the collector roads on which C-3 uses may be developed as provided herein. Institutional (all INST bulk regulations shall apply). Recreation (all REC bulk regulations shall apply).~~
3. Public transit stops and shelters
4. Planned Unit Development (PUD) (see 1A.03.11)
5. Customary accessory uses and structures (see 2.20.0).
6. Utilities such as power lines, water mains, sewer mains, lift stations, water supply wells, and other similar facilities necessary for the collection, transmission, or distribution of utility service.
7. ~~The percentage distribution among the mix of uses shall be no less than 50% any type of a predominate allowable use as specified herein in combination with one or more allowable uses which may be applied on a parcel specific or area wide basis, or the percentage distribution of uses may be applied based upon the following objective measurements: size of the property involved; use and character of the surrounding area; the extent of changed conditions and circumstances in the area; availability of utilities and services to support the uses allowed, and; the extent to which the mixed use designation would encourage a compact, sustainable pattern of development.~~

2.07.05 Special Exceptions: The following uses *may* be allowed by the granting of a special exception by the Board of Adjustment.

1. Uses which, in the opinion of the Planning Official, are similar in nature to other uses allowed as permitted uses.

2.07.06 Approval Procedure: The procedure for obtaining a Development Order shall be the same as for any other development application and site plan review prescribed within LDC Section 1A.03.03 and S.6.01.00 provided that the Board of County Commissioners must approve the issuance of a development order for any MU development which varies from the bulk use standards that would ordinarily apply to the type of development proposed within the MU development.

2.07.07 Bulk Regulations: Bulk regulations for the MU district shall be as shown on Table 2.6.

The bulk regulations applicable to the type of use proposed on a Mixed Use parcel shall apply (e.g., all C-2 bulk regulations shall apply to C-2 uses, all C-3 bulk regulations shall apply to all C-3 uses, etc.).

2.07.08 Development Criteria: Development Order applications shall include a Master Development Plan depicting proposed density and the overall development program. The following criteria shall apply to the site design and development of Mixed Use projects:

- a. Development Mix: Development projects may be a single use or comprised of a mix of residential uses, a mix of residential and commercial uses, a mix of commercial uses, a mix of industrial uses, or a mix of residential, commercial, and industrial uses. The exact type and mix of uses shall be determined as part of the development approval process, and shall be included as a condition upon the development order.
- b. Where more than one type of use occurs on a single parcel, the compatibility buffer requirements of Chapter 6 shall be utilized, with the standards that provide the greatest buffering for surrounding properties applied unless the property is developed such that a use on the subject parcel abuts a like use on an adjacent parcel. For example, if a mixed use development includes both single family residential and C-3 commercial uses, if the commercial uses abut residential uses on an adjacent parcel, the C-3 buffering standards shall apply. However, if the single family portion of the mixed use development abuts adjacent single family uses, then no buffering is required.

**TABLE 2.6
BULK REGULATIONS FOR MU DISTRICTS**

MAXIMUM DENSITY

Inside Urban Development Area Boundary (UDAB)	No more than 25 dwellings/acre
Outside UDAB or Rural Community	No more than 4 dwellings/acre

MAXIMUM INTENSITY

Floor Area Ratio (FAR) = 0.75
Impervious Surface Coverage (ISA) = 75%

MINIMUM BUILDING SETBACKS

	Inside UDAB	Outside UDAB
Front:	20 feet	20 feet
Sides	5 feet	10 feet
Rear	10 feet	10 feet

Additional setbacks may be required subject to capability of adjacent properties and surrounding zoning districts and existing land use. Setbacks shall adhere to Chapter 6, Development Design Standards, of the Okaloosa County Land Development code.

MINIMUM LOT FRONTAGE

20 feet

MAXIMUM BUILDING HEIGHT

Inside UDAB	200 feet*
Outside UDAB	45 feet
Arears directly adjacent to Residentially Zoned properties	35 feet

a. For all buildings one (1) or two (2) stories in height which are less than thirty-five (35) feet in height, the minimum side and rear yard setbacks indicated on the Schedule of Dimensional Requirements shall apply. Buildings one or two stories in height, greater than thirty-five (35) feet in height, utilized for residential or multi-family purposes on the same lot shall be a minimum of ten (10) feet apart.

b. For all buildings three (3) stories in height or greater than thirty-five (35) feet, except single-family detached dwellings, the minimum side setback shall be fifteen (15) feet on each side and the minimum rear setback shall be twenty (20) feet; buildings located on the same lot shall be a minimum of fifteen (15) feet apart.

c. For all buildings four (4) or more stories in height the minimum side setback shall be twenty (20) feet and increased by two (2) feet on each side for each story exceeding four (4) stories, with a minimum twenty-five (25) foot rear yard setback required.

See Section Chapter 3 for possible additional restrictions

* Subject to approval by the Aviation Advisory Committee and consistency with buffer requirements

1 - If the property abuts multiple roads, the front setback shall be from the road from which the subject property's address is derived, with the rear being the side opposite the front provided, however, that a front setback can be from a road other than that from which the address is derived if approved by the Growth Management, Public Works, Utilities, and Public Safety departments. Regardless of frontage, in no case shall a building intrude into a visibility triangle of an adjacent property or road intersection, nor shall any building intrude into a roadway right-of-way area.

Zoning District	Minimum Lot Size	Maximum Density	Minimum Building Setbacks			Minimum Lot Frontage	Maximum Building Height * +	Non Residential Uses	
			Front	Side	Rear			Maximum Lot Coverage	Maximum Floor Area Ratio (FAR)
								Impervious Surface Coverage (ISC)	
<u>MU</u> Inside UDAB Outside UDAB 1 - Subject to approval by the Aviation Advisory Committee		25 du/1 acre	20'	5'	10'	20'	200' 1	75%	0.75
		4 du/1 acre	20'	10'	10'	20'	45'	50%	0.10
<u>MU-1</u>		As specified in Comprehensive Plan Future Land Use Element Policy 10.1, 5						65%	0.75
<u>MU-2</u>		As specified in Comprehensive Plan future Land Use Element Policy 10.1, 6						65%	0.75
<u>C-1</u>		subject to the density limitations of the R-3	10'	0'	10'			75%	0.75

+ See Section 2.19.00 for additional building height restrictions

6.05.074 – Screening Specifications.

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
Residential Zones*							
Single-Family Detached Residential	Level 2	Level 3	Level 4	<u>Level 5</u>	Level 3	N/A	N/A
Single-Family Attached Residential	Level 2	Level 3	Level 4	<u>Level 5</u>	Level 2	N/A	N/A
Multi-Family Residential	Level 1	Level 1	Level 3	Level 4	N/A	Level 3	Level 2
Residential Uses**							
Single-Family Detached Residential	Level 4	Level 2	Level 3		Level 2	N/A	N/A
Single-Family Attached Residential	Level 4	Level 2	Level 2		Level 4	N/A	N/A
Multi-Family Residential	Level 1	Level 4	Level 4		N/A	Level 3	Level 2

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

**Level of required screening between a single-family residential use and a non-residential use

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

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



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

February 21, 2020

Honorable J. D. Peacock II
Clerk of the Circuit Court
Okaloosa County
101 East James Lee Boulevard
Crestview, Florida 32563-1359

Attention: Renee Ramirez

Dear Mr. Peacock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Okaloosa County Ordinance No. 20-09, which was filed in this office on February 21, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

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