

ORDINANCE 22 - 05

AN ORDINANCE AMENDING THE OKALOOSA COUNTY LAND DEVELOPMENT CODE, ORDINANCE NO. 91-01, AS AMENDED, CREATING SECTION 3.10.00, 605-ACRE HIGHWAY 90 OVERLAY DISTRICT; PROVIDING FOR A SHORT TITLE; PROVIDING FOR APPLICABILITY; PROVIDING FOR 605-ACRE HIGHWAY 90 OVERLAY DISTRICT REQUIREMENTS; PROVIDING FOR THE REPEAL OF 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 3 which establishes certain overlay zones used to impose special development or use restrictions on identified areas for the development of property in furtherance of the Okaloosa County Comprehensive Plan; and

WHEREAS, Eglin Air Force Base and the military missions conducted on the Eglin Reservation are critical not only to the national defense, but also to the prosperity of Okaloosa County, providing thousands of jobs that form a substantial part of the County's economic productivity; and

WHEREAS, as identified in the Eglin Joint Land Use Study and the Eglin Growth Management Plan, properly managing the encroachment of development and light into the airspace over and around the Eglin Reservation is critical to maintaining the viability of current missions, and to successfully attracting additional missions in the future; and

WHEREAS, special development restrictions are not only essential to the health and safety of the public, it also integral to the County's economy, enabling commerce, industry, and myriad other pursuits that contribute to the productivity of the citizens; and

WHEREAS, it is therefore necessary and in the public interest to enact an overlay zone to impose special development restrictions on the area identified within the County's Land Development Code to ensure that the Eglin Air Force Base and the missions conducted on the

Eglin Reservation are protected from increased residential development and unnecessary light intrusion while allowing appropriate development as needed for public health and safety as well as economic prosperity

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

Section 1. Chapter 3, Overlay Zones, of the Okaloosa County Land Development Code, Ordinance 91-01, as amended, is hereby amended and revised to include Section 3.10.00, 605-Acre Highway 90 Overlay District, as shown in Attachment A.

Section 2. It is intention of the Board of County Commissioners that the provisions of Attachment A 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 3. 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.

PASSED AND DULY ADOPTED in this 5th day of April, 2022.

BOARD OF COUNTY COMMISSIONERS
OF OKALOOSA COUNTY, FLORIDA



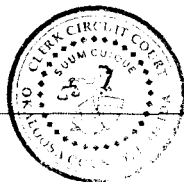
Mel Ponder, Chairman



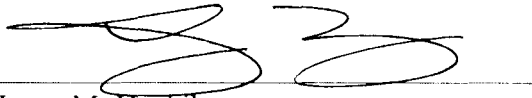
ATTEST:



J.D. Peacock II
Clerk of Circuit Court



APPROVED AS TO FORM:

A handwritten signature in black ink, consisting of stylized, overlapping loops and curves, positioned above a horizontal line.

Lynn M. Hoshihara
County Attorney

ATTACHMENT A - Okaloosa County Land Development Code – Chapter 3 Overlay Zones

3.10.0 605-ACRE HIGHWAY 90 OVERLAY DISTRICT

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

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

- 1) The property shall be limited to 1,200 residential dwelling units.
- 2) Residential height shall be limited to a maximum of 35 feet and non-residential uses such as communication structures, and electric utility transmission facilities shall be limited to a maximum height of 150 feet.
- 3) At the time of a subdivision of the any portion of the 605-acre parcel the land owner or developer shall provide a disclosure to its purchasers, both in the contract of sale and in the recorded covenants, which describes that the property is located within of the Eglin Air Force Base Low Level Flight Corridor and the significance of the Corridor and notifies the customers that resulting affects from potential noise and vibration from the operations of Eglin Air Force Base may affect their enjoyment of the property. This disclosure will also detail any possible radio frequency interference. The disclosure form and subdivision covenants and restrictions shall be provided to the County prior to issuance of the final subdivision plat and shall be recorded in the official records of Okaloosa County, Florida no later than 60 days following final plat approval.
- 4) The landowner or developer shall coordinate with Okaloosa County and Eglin Air Force Base the construction of any communications towers and any other communications facilities that may adversely impact the operations of the Eglin AFB.
- 5) The property shall be developed and required to utilized and maintain Dark Sky Lighting requirements for all outdoor lighting fixtures. The Dark Sky Lighting requirements will be a condition of each development order. The proposed Dark Sky Lighting plan shall be submitted at the development order stage and shall be coordinated and reviewed by Eglin Air Force Base prior to approval.
- 6) All subdivision plats within the overlay district shall be subject to and contain the following language:
 - No use of land, water, or airspace within the Overlay shall:
 - a) Create electrical interference between Eglin AFB/Reservation and aircraft, missiles or any other associated military or civilian activities.
 - b) Create glare, artificial light, smoke or dust, or reflect light in such a way that may impair pilot visibility at any time.
 - c) Create forage or nesting environments that increase the potential for bird/wildlife aircraft strike hazards within Eglin AFB critical approaches.

ATTACHMENT A - Okaloosa County Land Development Code – Chapter 3 Overlay Zones

d) Endanger or interfere with the landing, departure or maneuvering of aircraft using Eglin AFB/Reservation.

7) Any proposal or request to amend the density, height, lighting restrictions or standards listed in this overlay shall be provided and coordinated through Okaloosa County Growth Management for Eglin AFB compatibility review.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

April 6, 2022

Honorable J. D. Peacock II
Clerk of the Circuit Court
Okaloosa County
101 East James Lee Boulevard
Crestview, Florida 32536-1359

Attention: Mary Carson

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. 22-05, which was filed in this office on April 5, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb