

ORDINANCE 2148

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA; AMENDING CHAPTERS 1 AND 2 OF THE LAND DEVELOPMENT CODE FOR MANUFACTURING USES; PROVIDING FOR AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Growth Management Department has seen an increase in the desire for small-scale manufacturing; and

WHEREAS, different types of manufacturing have different impacts on surrounding properties and neighborhoods; and

WHEREAS, the Land Development Code does not currently define different levels of intensity for manufacturing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, AS FOLLOWS:

Section 1. Authority and Intent

The authority for enactment of this ordinance is contained in Chapter 166.021, 163.3202, and other provisions of the Florida Statutes and Section 2 of the City Charter.

Section 2. Amendment of Land Development Code Chapters 1 and 2

CHAPTER 1 – GENERAL PROVISIONS

1.08.02 List of Defined Terms.

Words used in this LDC shall be construed according to the common meaning as defined in a standard dictionary, such as the Merriam-Webster Collegiate Dictionary, or other source, such as The Florida Building Code, or the Florida Statutes. Words defined in this Section have the meaning provided when used in this LDC.

Access: A way or means of vehicular or pedestrian approach to provide physical entrance to a property.

Accessory dwelling: A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling, whether part of the same structure as the principal dwelling or a detached dwelling. Accessory dwellings may be called helpers quarters, guest quarters, mother-in-law suites, granny flats, or other similar terms, all having the same meaning as "accessory dwelling."

Accessory use or building: A subordinate use or building customarily incident to the principal building or use and which is on the same lot or parcel of ground as the principal building or use.

Adverse effects: Any modifications, alterations, or effects on waters, associated wetlands, or shore lands, including their quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

Aircraft: As described herein, is hereby defined as a manned, powered or unpowered machine or device capable of atmospheric flight, except an unpowered parachute or other such device used primarily as safety equipment. This does not include drones as defined in F.S. § 934.50.

Aquifer: An underground formation, group of formations, or part of a formation that is permeable enough to transmit, store or yield usable quantities of water.

Archaeological site: A property or location which has yielded or may yield information on the city's and local area's history or prehistory. Archaeological sites are evidenced by the presence of artifacts and features indicating the past use of a location by people.

Arena, auditorium, or stadium: An open, partially enclosed or fully enclosed facility primarily used or intended for commercial spectator sports or entertainment. Typical uses include convention and exhibition halls, sports arenas, and amphitheaters.

Artisan studio: A workplace for a person skilled in an applied art.

As-built plans: The amended site development plans specifying the locations, dimensions, elevations, capacities and capabilities of structures or facilities as they have been constructed.

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building: Any structure built for support, shelter, or enclosure for any occupancy or storage.

Clearing: The removal of trees and brush from a substantial part of the land but shall not include mowing of grass.

Commercial vehicle: Any vehicle whether motor-driven or towed, and used constructed or equipped for the transportation of goods, wares, merchandise, tools, or equipment in the trade, commerce or industry. The following vehicles shall be excluded from the effect of this LDC: Passenger vehicles including station wagons, SUVs, and vehicles constructed for recreational purposes or other noncommercial purposes, vehicles used by governmental agencies for official business, and vehicles which are or may be required to be similarly identified by State or Federal law.

Cottage industry: The creation or assembly of products in a home-based setting rather than a factory.

Cross-access: A vehicular and/or pedestrian connection between abutting properties which permits the exchange of trips between the two adjacent sites without the need to use the public street system.

Cultural or historic resource: Any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value. The properties may include, but are not limited to, monuments, memorials, Native American habitations, ceremonial sites, abandoned settlements, artifacts or other objects with intrinsic historical or archaeological value, or any part thereof relating to the history, government, and culture of the city, the state, or the nation.

Dedication: The deliberate appropriation of land by its owner for any general and public use, reserving to such owner no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted.

De minimis: A matter so minor as to be disregarded.

Density: Number of residential dwelling units per acre.

Detention: The collection and storage of surface water for subsequent controlled discharge at a rate which is less than the rate of inflow.

Development agreement: A document complying with the requirements of Section 163.3220—.3243, F.S.

Development order: Any order granting, denying, or granting with conditions, any official action of the City having the effect of allowing or denying the development or use of land.

Direct hydrologic connection: A surface water connection which, under normal hydrological conditions, occurs on an average of thirty (30) or more consecutive days per year. In the absence of reliable hydrologic records, a continuum of wetlands may be used to establish a direct hydrologic connection.

Discharge or discharge point: The point of outflow of water from a project, site, aquifer, drainage basin, or facility.

Drainage: Surface water runoff; the removal of surface water or groundwater from land by drains, grading or other means which include runoff controls.

Drip line: The outer perimeter of the crown of a plant or tree.

Dwelling: A single building; or portion thereof, forming an independent habitable unit including facilities for living, sleeping, sanitation, and cooking.

Dwelling, duplex: A single building containing two (2) contiguous and independent dwelling units separated by a common wall and sharing a common roof and foundation.

Dwelling/multiple family: A structure containing three (3) or more dwelling units attached to each other by walls, garages, carports, utility rooms, breezeways, etc. or conventional dwelling units, whether attached or detached from each other, which share a single deeded lot. Each dwelling unit of the multiple family structures may be located on one (1) deeded lot or may be on separately deeded lots. Multifamily dwellings include structures commonly called garden apartments, apartments, and condominiums.

Dwelling/single-family: A structure containing a single dwelling unit, detached from other dwelling units by horizontal or vertical space with no connection provided by walls, garages, carports, utility rooms, breezeways, etc.

Easement: An interest in land owned by another which entitles its holder to a specific use or enjoyment.

Elevated building: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Elevation (geography): Vertical distance to a point or object from sea level or some other datum, as specified within the LDC.

Elevation (structures): A drawing showing the vertical elements of a building, either exterior or interior, as a direct projection to a vertical plane.

Ex parte: An oral and/or written communication with a decision-maker regarding an application for development approval which occurred prior to the quasi-judicial hearing at which the decision-maker is to consider such application. An ex parte communication includes a private site visit to the property that is the subject of the application for development approval.

Facade: That portion of a building encompassing the area extending in a generally vertical plane from the ground to the highest point of the building, marquee, or canopy and extending in a horizontal plane between the vertical ends of the structure.

Farmers market: A group of vendors principally involved in the sale of locally produced and grown fruits, vegetables, meats, prepared foods, and art and crafts.

Finished floor elevation: The top of a floor surface of an enclosed area in a building (including basement) i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction measured from the mean sea level.

Flag: A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two (2) corners.

Flood or flooding: The following terms are defined for the purposes of implementing the floodplain management requirements set forth in Section 3.05.00. The use and application of the following terms are applicable solely to Section 3.05.00 and shall not be construed to apply to any other regulations set forth in this LDC.

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

Appeal: A request for a review of the Flood Plain Administrator interpretation of any provision of this LDC or a request for a variance.

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

Base flood: A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation: The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement: The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Building Official: The officer or other designated authority charged with the administration and enforcement of the Florida Building Code, or a duly authorized representative. [Also defined in FBC, B, Section 1612.2.]

Building permit: An official document or certificate issued by the community which authorizes performance of specific activities that are determined to be compliant with the Florida Building Code.

Coastal construction control line: The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the City, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area: A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. [Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]

Design flood: The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

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

Design flood elevation: The elevation of the "design flood," including wave height, relative to the datum specified on the City's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

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

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

Existing building and existing structure: Any buildings and structures for which the "start of construction" commenced before July 27, 1976. [Also defined in FBC, B, Section 1612.2.]

Existing manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities,

the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 27, 1976.

Expansion to an existing manufactured home park or subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials: Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area: The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

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

Flood Insurance Rate Map (FIRM): The official map of the City on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the City. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS): The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain Administrator: The office or position designated and charged with the administration and enforcement of the provisions of Section 3.01.00 of this LDC (may be referred to as the Development Administrator).

Floodplain development permit or approval: An official document or certificate issued by the City, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with Section 3.01.00 of this LDC.

Floodway: The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Also defined in FBC, B, Section 1612.2.]

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

Florida Building Code: The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

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

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

Historic structure: Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings.

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

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

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

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

4. *Conditional Letter of Map Revision (CLOMR):* A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

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

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

Lowest floor: The floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home: A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

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

New construction: For the purposes of administration of Section 3.01.00 and the Florida Building Code, structures for which the "start of construction" commenced on or after July 27, 1976, and includes any subsequent improvements to such structures.

New manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after July 27, 1976.

Nonresidential: Any building or structure or portion thereof that is not classified residential in accordance with the Florida Building Code, Building (Residential Group R or Institutional Group I) and ASCE 24. [Also see definition in ASCE 24.]

Park trailer: A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in 15C-1.0101, F.A.C.]

Recreational vehicle: A vehicle, including a park trailer, which is: [Defined in section 320.01(b), F.S.)

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

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

Special flood hazard area: An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. The term also includes areas shown on other flood hazard maps, if such maps are adopted by the City of Fort Walton Beach or otherwise legally designated. [Also defined in FBC, B Section 1612.2.]

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

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage: Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceeds fifty (50) percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement: Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to variance requirements set forth in Chapter 8.

Variance: A grant of relief from the requirements of Section 3.01.00, or the flood load and flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that, would not otherwise be permitted by this LDC or the Florida Building Code.

Watercourse: A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

Floor: The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area ratio (FAR): A measurement of the intensity of development on a site. The floor area ratio is the relationship between the total floor area of all buildings on a site and the gross site area. The FAR is calculated by adding together the floor areas of all floors except mechanical areas and parking areas and dividing this total by the gross site area.

$$\text{FAR} = \text{Total building floor area divided by total lot area.}$$

Food Truck Court: any parcel of land where two or more stationary food trucks congregate to offer food or beverages for sale to the public.

Grade: The established average level of ground exclusive of mounds and berms.

Ground-mounted solar energy system (accessory use): A solar photovoltaic system mounted on a rack or pole that is ballasted on, or is attached to, the ground and the system is accessory to the primary use.

Groundwater: Water beneath the surface of the ground whether or not flowing through known and definite channels.

Historic resource: Any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, engineering works, architectural interiors, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the City.

Historical site: Any place, building, or district of historical, architectural, or archaeological significance or value which has been officially identified in the National Register of Historic Places, or by the State Division of Archives, History and Records Management or by the City.

Impervious surface: A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. The term includes most conventionally surfaced streets, roofs, sidewalks, parking lots, and similar structures.

Land: The earth, water, air, above, below, or on the surface.

Landmark: A building, structure, or location of architectural, archaeological, or historic significance to Fort Walton Beach and which meets one (1) or more of the criteria for designation. A landmark may include an historical site which was the location of a significant historical event. References to landmarks shall include any or all designated landmarks, landmark sites, and archaeological sites.

Local Development permit: A document issued by the City authorizing the applicant to undertake construction, earth moving, tree removal, paving, or installation of landscaping materials.

Lot: The latest fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified. The word "lot" shall include the words "plot," "parcel," or "tract."

Corner lot: A lot abutting upon two (2) or more streets at a street intersection, or abutting upon two (2) adjoining and deflected lines of the same street and thereby forming an interior angle of less than 135 degrees.

Lot depth: The distance measured in a mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite rear line of the lot.

Double frontage lot: A lot having two (2) non-adjoining property lines abutting upon a street.

Lot/interior: A lot other than a corner lot, and abutting one (1) street. Alleys shall not be considered as streets.

Lot line: A line that marks the boundary of a lot.

Lot width: The horizontal distance between the side lot lines measured at the median point between the foremost point and the rearmost point of the side lot lines.

Manufactured/modular building: A structure fabricated in an offsite manufacturing facility for installation or assembly as a finished building or as part of a finished building on the building site. This shall include, but not be limited to, residential, commercial, institutional, storage and industrial structures. The building must bear an insignia of approval certifying that it is built in compliance with the requirements of the Florida Manufactured Building Act of 1979.

Manufacturing, heavy: An establishment engaged in manufacturing, assembly, fabrication, packaging, or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line.

Manufacturing, light: The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building.

Manufacturing, medium: An establishment or activity primarily engaged in manufacturing, production or assembly of parts produced off-site where some noise or odor may be perceptible to adjacent land uses. The assembling or packaging shall not produce noise,

vibration, hazardous waste materials, or particulate that create significant negative impacts to adjacent land uses.

Mobile home: A structure fabricated prior to June 15, 1976, and transportable in one (1) or more sections, which is eight (8) feet or more in width and which is built on an integral chassis and designed to be used as a one-family dwelling when connected to the required utilities.

Mean high water: The average height of the high waters over a nineteen (19)-year period. For shorter periods of observation, mean high water means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean nineteen (19)-year value.

Mean high-water line: The intersection of the tidal plane of mean high water with the shore.

Mean sea level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this LDC, the term is synonymous with national geodetic vertical datum (NGVD).

Micro irrigation (low volume): The frequent application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes (laterals). Micro irrigation encompasses a number of methods or concepts including drip, subsurface, bubbler, and spray irrigation, previously referred to as trickle, low volume, or low flow irrigation.

National Geodetic Vertical Datum (NGVD) (as corrected in 1929): A vertical control used as a reference for establishing varying elevation within the floodplain.

Owner: The person in who is vested the fee ownership, dominion, or title of property.

Parcel: A unit of land within legally established property lines.

Planned Unit Development (PUD): A parcel or combination of contiguous parcels designed and developed as a single, integrated unit rather than as an aggregate of individual lots or buildings, with design flexibility from the development standards applicable to the zoning district.

Plat: A map or drawing depicting the division of lands and lots, blocks, parcels, tracts, or sites, and streets.

Pollutant: Any substance, contaminant, noise, or artificially made or artificially induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Premises: A parcel of land consisting of a lot, tract, parcel, other unit, or combinations thereof, recorded in the public records of Okaloosa County.

Principal use or building: The main or primary purpose for which a structure or lot is designed, arranged, or intended or for which it may be occupied or maintained.

Retention: The collection and storage of water runoff without subsequent surface discharge to surface waters.

Right-of-way (ROW): Land dedicated, deeded, used or to be used, for a street, alley, walkway, boulevard, drainage facility, access for ingress, egress, or other purpose.

Runoff: Water which is not absorbed by the soil or landscape to which it is applied and flows from the area.

Sign: Any writing, pictorial presentation, number, illustration, or decoration, banner or pennant, or other device, which is used to announce direct attention to, identify, advertise, or otherwise make anything known. The term "sign" shall not be deemed to include the terms "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information.

Animated sign: A sign that flashes or moves or otherwise changes at intervals more frequently than once every six (6) seconds.

Awning sign: Any sign attached to, in any manner, or otherwise made a part of any awning or awning-like structure which projects beyond a building or extends along and projects beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Banner sign: A sign constructed of cloth, paper, or other non-rigid material, with or without frames, and secured at both ends. Flags are not banners.

Bench sign: Any sign painted on or attached to a bench.

Changeable copy sign: A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign.

Copy: The linguistic or graphic content of a sign.

Directional sign: A sign located on premises to identify exits, entrances, driveways, or off-street parking.

Ground sign: A sign that is supported by one (1) or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building.

Illuminated sign: A sign which contains a source of light, or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, backlighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Monument sign: A sign which is attached to a self-supporting structure and is not attached or affixed in any way to a building or other structure.

Pole sign: A freestanding sign that is not attached or affixed in any way to a building or other structure. The sign must have a concealed means of support equal to a minimum of thirty (30) percent of the overall sign width.

Portable sign: Any sign which is manifestly designed to be transported by trailer or on its own wheels, including such signs even though the wheels may be removed, and the remaining chassis or support structure converted to an A- or T-frame sign and attached temporarily or permanently to the ground.

Projecting sign: A sign attached to and supported by a building or other structure, and which extends at any angle there from.

Real estate sign: A sign on premises that are offered for sale or lease.

Roof sign: A sign erected over or on the roof, or extending above the roof line, which is dependent upon the roof, parapet or upper walls of any building, or portion thereof, for support.

Sandwich or sidewalk sign: A moveable sign not secured or attached to the ground constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top.

Sign face: The part of a sign that is or may be used for copy.

Sign face area: The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

Snipe sign: Any sign of any material whatsoever that is attached in any way to a utility pole, tree, or any object located or situated on any public road rights-of-way, easements, or alleys.

Temporary sign: An attached on-premises sign made of non-rigid materials and intended to be displayed for a limited time period.

Vehicle sign: A sign affixed to or painted on the surface of a transportation vehicle, including automobiles, trucks, boats, and trailers.

Wall sign: A sign, painted on an exterior wall, or a separate structure which is approximately parallel to and supported by a wall or other enclosure, and protrudes no more than six (6) inches from the wall surface.

Window sign: A sign affixed or applied to the exterior of a window, or located on the inside of a window or within ten (10) feet of a window or enclosed structure, and which is visible from the street or building exterior through a window or other opening.

Site: Any tract, lot or parcel of land or combination of tracts, lots, or parcels of land which are in one (1) ownership or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

Sketch plan: An informal plan indicating the salient existing features of a site and its surroundings, and the general layout of a proposed development.

Stationary Food Truck: any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place but does NOT include self-contained utilities.

Structure: Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. "Structure" also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs. Specifically excluded from the definition of "structure" are canvas or vinyl covers up to 120 square feet in area.

Use: The specific purpose, activity, or function for which land, a building, a lot, a sign, or a structure is intended, designated, arranged, occupied, or maintained.

Waterbody or surface waterbody: Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water, and which has a discernible shoreline.

Waters of the State: Includes, but is not limited to, rivers, lakes, streams, springs, impoundments, wetlands, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface, or underground waters.

Water's edge or wetland's edge: The water's or wetland's edge shall be determined by whichever of the following indices yields the most landward extent of waters or wetlands:

1. The boundary established by the average annual high water mark;
2. The landward boundary of hydric soils; or
3. The landward boundary of wetland vegetation, based on the wetland vegetation index.

Water use zone: A grouping of sprays, sprinklers, or micro irrigation emitters so that they can be operated simultaneously by the control of one (1) valve according to the water requirements of the plants used.

Wetlands: Areas saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a dominance of vegetation adapted for life in saturated soil conditions. Wetlands covered under this chapter shall include the following:

1. Areas within the dredge and fill jurisdiction of the State Department of Environmental Protection.
2. Areas within the jurisdiction of the U.S. Army Corps of Engineers, as authorized by Section 404, Clean Water Act of section 10, River and Harbor Act.
3. Areas within the jurisdiction of the Northwest Florida Water Management District.
4. Areas identified by the state natural areas inventory.

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided in this LDC.

Yard, front: The yard across the full width of the lot, extending from the front line of the building to the front line of the lot, excluding steps.

Yard, rear: A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

Yard, side: An open unoccupied space on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Yard, side facing a street: An open unoccupied space on the same lot measured between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard along the side street.

2.01.03 Institutional, Commercial, and Industrial Districts.

A. CF — Community Facilities Zoning District. The community facilities zoning district is established to provide for civic, cultural, government operations, utility, academic school, and park uses.

B. CG — Commercial Zoning District. The commercial zoning district is established to provide for offices, a wide range of retail uses, large scale discount centers, personal service uses, day care, light repair (such as small appliances, small equipment, jewelry, shoes, computers and small electronic equipment, etc.), entertainment and hospitality uses, lodging facilities, medical facilities and uses, commercial or trade schools, civic or cultural uses, vehicle sales and rentals, vehicle repair, commercial parking in lots or structures, parks and recreation, and similar activities. Uses may be limited by location due to impacts and compatibility issues. Accessory uses and structures include parking lots and structures, plazas, courtyards, transit stops, and may include employee support facilities such as fitness centers, day care centers, or cafeterias. Prohibited uses include **heavy** manufacturing, distribution centers, or similar industrial activities. Residential uses are prohibited, except that one (1) onsite caretaker dwelling may be permissible.

C. CTP — Commerce and Technology Park Zoning District. The commerce and technology park zoning district is established to provide locations for a wide range of industrial and high-tech industrial activities that may be carried out primarily within a building or an enclosed outside space. Included in this zoning district are assembly, fabrication, processing, repair, warehousing or storage, distribution, intense industrial activities that may be associated with nuisance or pollution, and ancillary uses directly associated with the industrial activities such as office operations. Onsite administrative and operations offices for industrial activities are permissible. Permissible uses may be mixed on a development site or within a single building. Accessory uses and structures include parking lots or structures, plazas, courtyards, fences, hedges, walls, dumpsters, storage buildings, transit stops, and may include employee support facilities such as fitness centers, day care centers, or cafeterias. Residential uses are prohibited, except that one (1) onsite caretaker dwelling may be permissible. Freestanding commercial and office uses are prohibited.

D. MB — Mixed Business and Manufacturing Zoning District. The mixed business and manufacturing zoning district is intended to provide for a mix of light industrial activities, high-tech industrial activities, commercial, and office uses. The industrial activities include assembly, repair, warehousing or storage, and distribution, all conducted within a building or an enclosed outdoor space. Ancillary industrial activities on the industrial site may include such uses as office operations or storage, which may be provided in an enclosed outdoor location. Permissible commercial activities include retail, large scale discount centers, restaurants, personal services, offices, medical facilities and uses, commercial or trade schools, vehicle sales and rentals, vehicle repair, commercial parking in lots or structures, and similar activities. Entertainment, hospitality, and lodging are prohibited. Uses may be limited by location due to impacts and compatibility issues. Accessory uses and structures include parking lots and structures, plazas, courtyards, transit stops, and may include employee support facilities such as fitness centers, day care centers, or cafeterias. Residential uses are prohibited, except that one (1) onsite caretaker dwelling may be permissible.

2.03.02 Table of Permissible Uses.

Table 2.03.02. Permissible Uses in Each Zoning District

Principal Land Uses:	Zoning Districts:										
	R-1E	R-1	R-2	MX-1	MX-2	YC	CF	CG	CTP	MB	REC
Residential Uses											
Single-family	P	P	P	P		P					

[illegible]

onsite lumber processing											
Business support services, such as copying, mailing, printing, private mail service				P	P			P		P	
Car wash or detailing facility					S 5.04.16			S 5.04.16		S 5.04.16	
Cemetery							P				
Community center, club, or lodge				P	P	P	P	P			
Cultural facility, such as library, museum, or gallery				P	P		P	P			
Day-care (child), nursery school, kindergarten, or pre-kindergarten				P	P		P	P		P	
Day care, adult				P	P		P	P			
Distribution centers, may include warehousing, dispatch offices, vehicle yards								S 5.04.17	P	S 5.04.17	
Drug stores and pharmacies				P	P			P		P	
Dry storage for watercraft				S 5.04.07	S 5.04.07	S 5.04.07		S 5.04.07			
Essential public services	P	P	P	P	P	P	P	P	P	P	P
Farmer's market, outdoor sales, roadside vendors				S 5.02.03	S 5.02.03		S 5.02.03	S 5.02.03		S 5.02.03	
Financial institutions, banks, credit unions, brokerages, no drive-up window				P	P			P		P	
Financial institutions, banks, credit unions, brokerages, with drive-up window								P		P	
Financial				S 5.04.24	S 5.04.24			P		P	

[illegible]

heavy industry with nuisance factors, such as odor, noise, vibration, electronic interference											
Junk or salvage yards, recycling facilities									S 5.04.03	S 5.04.03	
Kennel with outdoor runs									P		
Kennel, no outdoor runs								P			
Laboratories, medical								P	P	P	
Laboratories, industrial									P	P	
Landscaping materials, plants, stone, mulch, gravel, supplies, greenhouse, nursery yards								P	P	P	
Laundry facility, self-service				P	P			P		P	
Livery vessel rental					S 5.04.32						
Lounge, bar, or nightclub				P	P	P		P		P	
Manufacturing, heavy and intense industrial activities, includes production, fabrication, assembly, may include outdoor storage, includes bottling plant, dry cleaning plant, gas and fuel storage and wholesaling									P	<u>P</u>	
Manufacturing, medium.								<u>P</u>	<u>P</u>	<u>P</u>	
Manufacturing,				<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	

light assembly, fully enclosed building											
Marinas, including fuel, supplies, docking, boat ramps					S 5.04.13	S 5.04.13		S 5.04.13			
Medical and dental clinics, outpatient facilities				P	P			P		P	
Medical facility for recovery or rehabilitation services, includes substance abuse center, physical or mental rehabilitation, overnight stays				S 5.04.28	S 5.04.28		S 5.04.28	S 5.04.28			
Medical Marijuana Dispensary				S 5.04.31	S 5.04.31			S 5.04.31			
Nursing home or convalescent facility, overnight stay				P	P			P			
Offices, general, includes offices for trades or construction businesses				P	P			P		P	
Parking lot or parking garage, commercial				P	P		P	P	P	P	
Pawnshops				S 5.04.25	S 5.04.25			P		P	
Personal services, such as jewelry repair, shoe repair, tailoring, dry cleaning pick-up center				P	P			P		P	
Professional offices, accounting, government operations, legal services, bookkeeping, realtors, brokers,				P	P		P	P		P	

insurance, etc.											
Public service facilities such as fire stations, emergency services, or public works, includes vehicle storage and maintenance							P		P	P	
Recreation, indoor, such as pool, bowling, game rooms, video arcades				P	P	P	P	P		P	
Recreation, indoor, intense, such as skating rinks, indoor shooting range, indoor kart tracks, and similar				P	P		P	P	P	P	
Recreation, outdoor, active, such as sports fields, courts, playgrounds				P	P		P				P
Recreation, outdoor, intense, such as go-karts, miniature golf, lighted courts and fields, water slides, boat ramps, and similar amusements					P		P	P		P	
Recreation, outdoor, passive, such as picnic areas, trails, open spaces, includes botanical gardens				P	P		P			P	P
Religious facility	S 5.04.06	S 5.04.06	S 5.04.06	S 5.04.06	P		P	P			
Repair shops, small equipment, small appliances				S 5.04.04	S 5.04.04			P		P	
Restaurants, indoor, enclosed outdoor seating,				P	P	P		P		P	

without drive-up windows											
Restaurants, drive-up and fast food					S 5.04.21			P		P	
Retail shops, freestanding or within centers, includes department stores or specialty shops, such as art, antiques, furniture, florist, appliances, jewelry, books, electronic media, office supplies, automotive supplies, etc.				P	P			P		P	
Retail, large-scale discount establishments, big-box stores								P		P	
RV, motor homes, travel trailers, or manufactured home sales lot								P			
Schools, academic, charter, public or private					S 5.04.22		P	S 5.04.22			
Schools, business, commercial, trade, vocational					P			P	S 5.04.29	P	
Self-storage, mini-storage facilities								S 5.04.12	P	S 5.04.12	
Stone, granite, monument sales									P	P	
Studios for personal instruction, such as music, dancing, art, or photography				P	P			P			
Tattoo parlors and body-piercing studios				S 5.04.23	S 5.04.23			P		P	
Terminals, bus, transit, includes								P	P		

truck stop											
Theaters, movie or performing arts				P	P			P			
Towers, radio, TV, telecommunication							S 5.04.09		S 5.04.09	S 5.04.09	S 5.04.09
Trades, maintenance services, and heavy repair services, including outdoor storage, equipment yards, machine shops, welding shops, towing services									P		
Utility facilities, such as water towers, treatment plants, public wells							P				
Vehicle repair, body shop				S 5.04.04	S 5.04.04			S 5.04.04		S 5.04.04	
Vehicle sales and rentals, including automobiles, trucks, and motorcycles								S 5.04.08		S 5.04.08	
Vehicles, watercraft rentals					S 5.04.08	P		S 5.04.08			
Vehicles, construction, heavy equipment, sales and rental									P	S 5.04.08	
Vehicles, storage yards									P		
Warehousing, not including self-service storage									P	P	
Wholesalers									P	P	

Section 3. Applicability

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Fort Walton Beach. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

Section 4. Inclusion into the Land Development Code

It is the intent of the City Council that the provisions of this ordinance shall become and be made a part of the City of Fort Walton Beach's Land Development Code, and that the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. Severability

In the event any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of City Council that such invalidity shall not affect any other provisions of the Ordinance which may be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are declared severable.

Section 6. Findings

The City Council of the City of Fort Walton Beach finds that the Local Planning Agency reviewed and recommended approval of the ordinance on June 6th, 2024.

The City Council of the City of Fort Walton Beach finds that the proposed ordinance is consistent with the goals, objectives, and policies of the City's Comprehensive Plan.

The City Council of the City of Fort Walton Beach finds that all notice requirements for enactment of the ordinance have been met in accordance with the Florida Statutes and the City's Land Development Code.

Section 7. Effective Date

This ordinance shall take effect immediately upon approval on second reading by the City Council and signature of the Mayor.

Adopted: February 25, 2025

Additions are underlined; deletions are stricken.