BOARD OF ADJUSTMENT
MEETING AGENDA
NOVEMBER 10, 2026
1:30 P.M.

Okaloosa County Administrative Complex; 1250 Eglin Parkway N.,
1st Floor BCC Chambers, Shalimar, Florida.

Commissioner Robert Ambrose, District 1
Commissioner Brian Tracy Lindsey, District 2
Commissioner Scott Kearney, District 3 Vice-Chairman
Commissioner, Dennis Chavez District 4, Chairman
Commissioner Pat Byrne, District 5

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF MINUTES – OCTOBER 14, 2026

D. ANNOUNCEMENTS

E. ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA

F. ACCEPTANCE OF AGENDA

G. OATH TAKING

H. DISCLOSURES

I. OLD BUSINESS

J. NEW BUSINESS

REQUESTED SPECIAL EXCEPTION:

The applicant is the owner of the Pallett Bar and Grill and is requesting approval of a Special Exception (SPEX-0926-0000) to allow outdoor alcohol service at a commercial establishment located within the General Commercial (C-3) Zoning District. Pursuant to Land Development Code, Section 2.20..01(6), outdoor serving of alcohol beverages within 300-feet of a residential zone or use is permitted only through the granting of a Special Exception. The property is located at 449 Eglin Pkwy N, Fort Walton Beach, Florida. The site contains .62 acres more or less.

K. OTHER BUSINESS

1. **The next regularly scheduled meeting of the Board of Adjustment is December 9. 2026**

L. ADJOURNMENT

AGENDA ITEM 1

BOARD OF ADJUSTMENT AGENDA REQUEST

TO: Honorable Chairman and Members of the Okaloosa County Board of Adjustment

THROUGH: Kristen Shell, AICP, MEng

FROM: Daniel Stuart Campbell, Planner III

SUBJECT: Special Exception (SPEX--0926-0000)

AGENDA DATE: November 10, 2026

APPLICANT: Thomas ODonnell

OWNER(S): Thomas ODonnell

LOCATION : 449 Eglin PKWY NE, Fort Walton Beach, FL 32547

REQUESTED ACTION:

At the October 14, 2026, meeting, the Board of Adjustment continued consideration of Special Exception (SPEX-0926-0000) request to the November 12, 2026, Board of Adjustment meeting because the signs were not posted on the property in the manner as prescribed in Section 1.11.02, Land Development Code.

The applicant is requesting approval of a Special Exception to allow outdoor alcohol service at a commercial establishment located within the General Commercial (C-3) Zoning District. (See **EXHIBIT A**) Pursuant to Land Development Code, Section 2.20.01(6), outdoor serving of alcohol beverages within 300-feet of a residential zone or use is permitted only through the granting of a Special Exception.

PARCEL INFORMATION :

- Property Appraiser's Parcel ID Number: 01-2S-24-0180-0007-0090
- Property contains 0.62 acre more or less
- BCC District: (2) Commissioner Ketchel
- BOA District: (2) Commissioner Lindsey
- Future Land Use Map Designation: Commercial (C)
- Zoning District: General Commercial (C-3)
- Current Use: Pallet Bar & Grill; Commercial Establishment

SURROUNDING LAND USES:

- North: 2nd Avenue; Commercial – Construction Materials
- South: Commercial – Decks and Docks Lumber
- East: Single-Family Residential Detached
- West: Eglin Pkwy NW, Commercial - Bank

PUBLIC NOTICE:

The proposed agenda item was properly advertised in the Northwest Florida Daily News on September 30, 2026 (see **Attachment F**). Signs for the November 10, 2026, meeting were properly posted on the property in the manner as prescribed in Section 1.11.02, Land Development Code.

PUBLIC COMMENT/OPPOSITION:

Prior to the October 14th meeting, the Growth Management Department received several phone calls requesting additional information about the time and location of the public hearing from citizens in the adjacent residential area to the east.

At the October 14, 2026, Board of Adjustment meeting, several adjacent property owners spoke in opposition to the Special Exception request. Those citizens indicated that they would be present at the continued November 10, 2026, Board of Adjustment meeting.

BACKGROUND AND APPLICABLE CODE SECTIONS:

- Code Enforcement Case No. 0626-0362 was initiated based on the complaint of a neighboring property owner (See **EXHIBIT G**).
- On November 2, 2018, Okaloosa County issued the State required zoning sign off for the issuance of the current alcoholic beverage license (4 COP SRX) for the existing restaurant (Pallet Bar and Grille) located at 449 Eglin Pkwy N. The conditions listed on the County zoning approval stated that 51% of sales revenue shall be from the sale of non-alcoholic foods and beverages and that no outdoor service of alcoholic beverages or food is allowed. (See **EXHIBIT F**).
- Section 2.20.01(4). the on-premise consumption of alcoholic beverages at establishments with the required license shall be prohibited within 100’ of any residential use or residential zoning district unless all of the following are met:
    a. The use is a restaurant at which no less than 51% of gross receipts are from the sale of non-alcoholic food and beverages,

b. Alcohol is limited to beer and wine only,

c. There is no outside serving of alcoholic beverages, and d. there is no service of alcohol after 10:00 PM Sunday through Thursday, or after 11:00 PM on Friday and Saturday.

- Outdoor alcohol service is not a permitted use in General Commercial (C-3) unless the establishment qualifies under Performance Criteria B, which allows on-premises alcohol only if the business is a licensed food-service establishment and meets the criteria of Section 2.20.01.
- **Section 2.20.01(6)** (See **EXHIBIT B**) requires that outdoor serving of alcoholic beverages within 300 feet of a residential zone or use is permitted only through the granting of a Special Exception as provided by **Section 1.11.03** and **Section 11.02.09** of this Code and shall cease between the hours of 10:00 PM and 7:00 AM Central Time unless more restrictive hours are established by the Board of Adjustment as a condition of approval of the special exception.
- **Section 1.11.03** Special Exceptions (See **EXHIBIT C**) establishes that the basic elements of due process shall include adequate notice of the action being taken and an opportunity to be heard and present facts or evidence at a formal proceeding. Public notice and proceedings requirements for Special Exception requests are as follows.

BOARD OF ADJUSTMENT PROCEDING:

The requested action is to Grant, grant with conditions, or deny requests for special exceptions or variances.

- Authorization: Majority vote of the Board of Adjustment.
- Proceeding: One public hearing before the Board of Adjustment.
- Character of Proceeding: Quasi-judicial. Presiding Body: Board of Adjustment.
- Public Notice: Public notice shall be provided by publication of the date, time, place, and purpose of the hearing in a newspaper of general circulation with publication to be at least 10 days prior to the date of the hearing. The notice shall include the parcel number of the property involved, the street address if available, and a map showing the street names of adjacent streets. Also, a sign shall be posted on the property in the manner prescribed in 1.11.02, and certified return-receipt letters shall be mailed to all adjacent property owners, including those across a street or alley.

Board of Adjustment – Powers and Duties - **Section 11.02.09** – **Powers and Duties** (See **EXHIBIT D**).

- **(2) - Special Exceptions**: Conditions governing applications; procedures to hear and decide only Special Exceptions as the Board of Adjustment is specifically

authorized to pass on under the terms of this ordinance; to decide questions as are involved in determining when special exceptions should be granted and to grant special exceptions when in harmony with the purpose and intent of this ordinance. In granting any special exception, the board shall find that the granting will not adversely affect public interest. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance. The Board of Adjustment may prescribe a reasonable time limit within which the action required for the special exception shall be begun or completed or both.

REQUEST CONSIDERATIONS:

Special Exception conditions that may be considered as related to the Pallet Bar and Grille are as follows:

- Compliance with Section 2.20.01 standards for Alcoholic Beverage Establishments, including coordinating with Division of Alcoholic Beverages and Tobacco and present Okaloosa County with the appropriate license that allows outdoor serving of alcoholic beverages.

ADDITIONAL REQUIREMENTS:

If the requested Special Exception is approved, the applicant will also be required to apply for a Development Order to satisfy the following in relation to the additional outdoor seating area that is not subject to the original restaurant grandfathering:

- Noise control measures meeting Chapter 9 standards (barriers, monitoring, no outdoor amplified music unless specifically conditioned).
- Adequate buffering to minimize impacts to nearby residential properties (landscaping, fencing, separation of outdoor seating from residential).
- Limited hours of outdoor alcohol service, to only Thursday, Friday and Saturday, generally not extending beyond 9 PM.
- Demonstrated parking and traffic adequacy, with no spillover into residential areas, and a plan for on-site parking infrastructure improvements.
- Cleanliness and nuisance control plan (trash management, employee monitoring of outdoor area).

ANALYSIS OF REQUEST AGAINST SPECIAL EXCEPTION CRITERIA:

The subject property is located within 300 feet of a residential zoning district/residential use, and therefore, cannot meet C-3 Performance Criteria B. As a result, outdoor serving of alcoholic beverages is permitted only through the granting of a Special

Exception. Staff has reviewed the Special Exception application using the criteria of review required under Section 11.02.09, a summary is as follows:

Compatibility with Surrounding Uses -

The proposed outdoor alcohol area must demonstrate compatibility with adjacent residential properties through:

- Adequate buffering (landscaping, fencing, walls)
- Noise mitigation consistent with **Chapter 9 Operational Performance Standards** (Sections 9.01.00–9.02.00) (See **EXHIBIT E**).

Impact on Public Interest -

The BOA must find the use will not adversely affect the public interest.

Considerations include:

- Hours of operation
- Noise impacts
- Parking and traffic circulation
- Potential nuisance conditions (litter, loitering) as regulated in Chapter 9

Ability to Apply Conditions and Safeguards

The BOA must identify whether the impacts can be mitigated through conditions such as:

- Limiting outdoor seating area size
- Restricting hours of alcohol service
- Requiring a noise barrier or enhanced landscape buffer
- Mandating compliance with Section 2.20.01 operational standards

Site-Specific Considerations

Because the site is within 300 feet of residential, additional attention may be needed regarding:

- Outdoor music or amplified sound
- Patio placement relative to residential property lines
- Security measures and lighting

STAFF RECOMMENDATION: Board of Adjustment should consider the Special Exception criteria summarized above, information and analysis provided, and the facts presented at the public hearing in order to approve, approve with conditions, or deny the Special Exception request.

ATTACHMENTS:

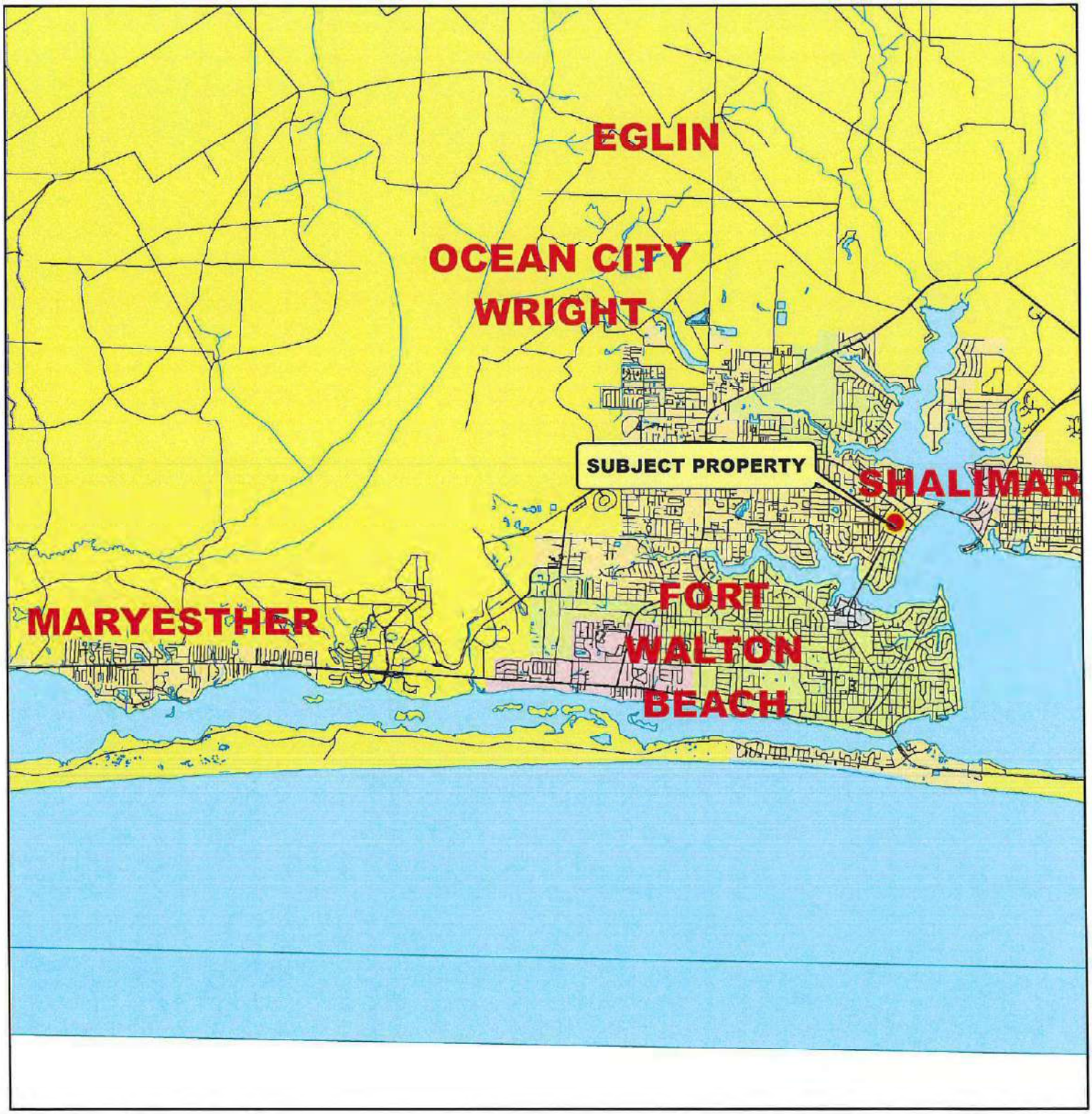
A – Location Map
B – Aerial Photo Map
C – Existing Land Use Map
D – Future Land Use & Zoning Map
E - GIS Analysis Results
F – Legal Advertisement
G – Sign Pictures

EXHIBITS:

A – General Commercial (C-3) Zoning Regulations
B – Section 2.20.01(6) – Alcoholic Beverages Establishments
C – Section 1.11.03 - Special Exceptions
D – Section 11.02.09(2) – Board of Adjustment, Special Exceptions
E – Chapter 9, Land Development Code
F - Pallet Alcoholic Beverage sign off – 4 COP SRX
G - Code Enforcement Case

ATTACHMENT - A

01-2S-24-0180-0007-0090



Legend

Roads

Location Map

MAP PROJECTION:
Lambert Conformal Conic Projection
Stateplane: Florida North (0903)
NAD 1983(90); NAVD 1988

PUBLIC RECORD:
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Okaloosa County GIS
10/5/2026

ATTACHMENT - B

01-2S-24-0180-0007-0090



Legend

Parcel Lines

MAP PROJECTION:
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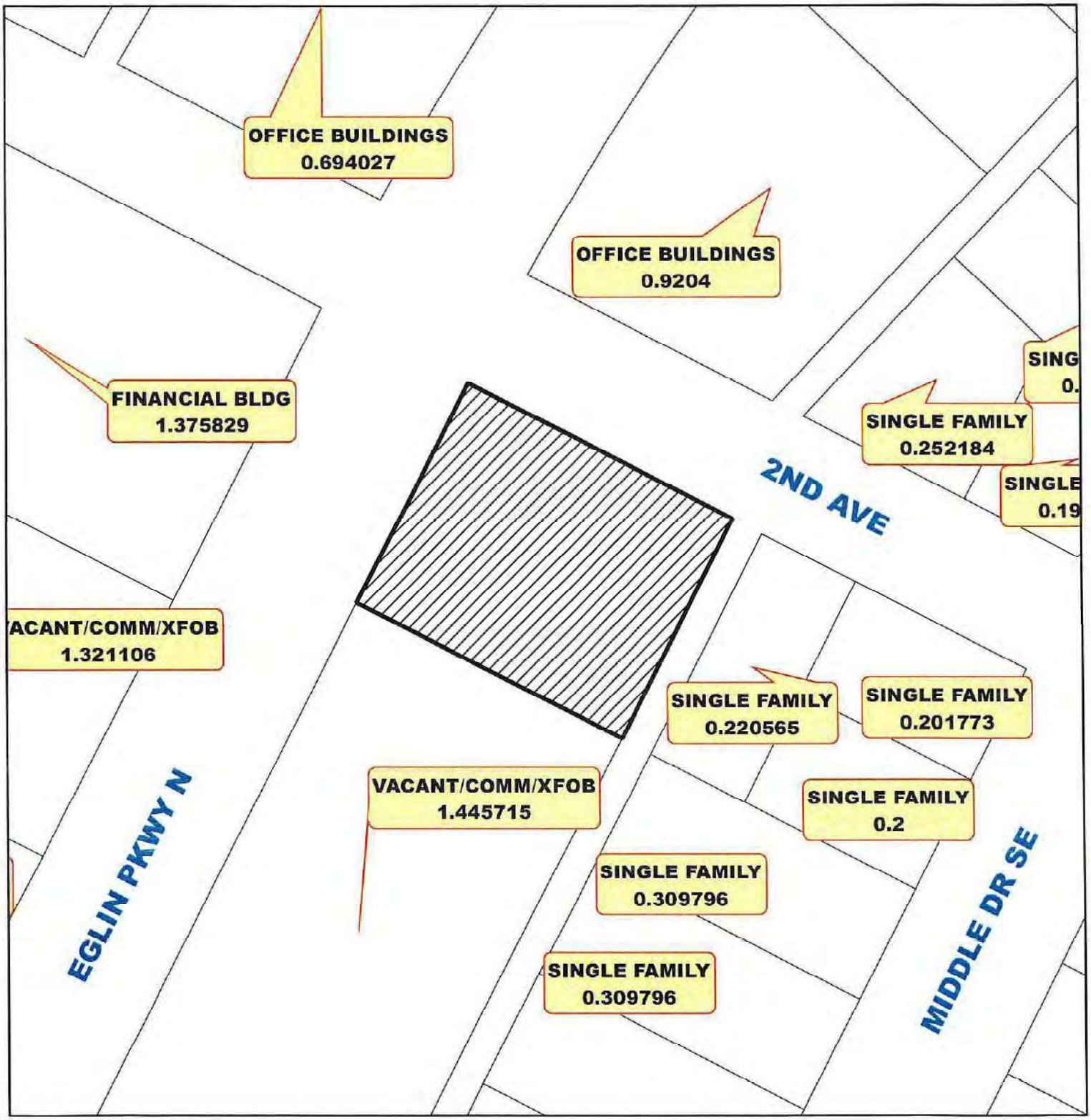
Map Produced By:
Okaloosa County GIS
10/5/2020

Aerial Photo

0 0.0045 0.009 0.018 0.027
Miles

ATTACHMENT - C

01-2S-24-0180-0007-0090



Existing Land Use Map

0 0.0075 0.015 0.03 0.045 Miles

MAP PROJECTION:
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Stateplane: Florida North (0903)
NAD 1983(00), NAVD 1988

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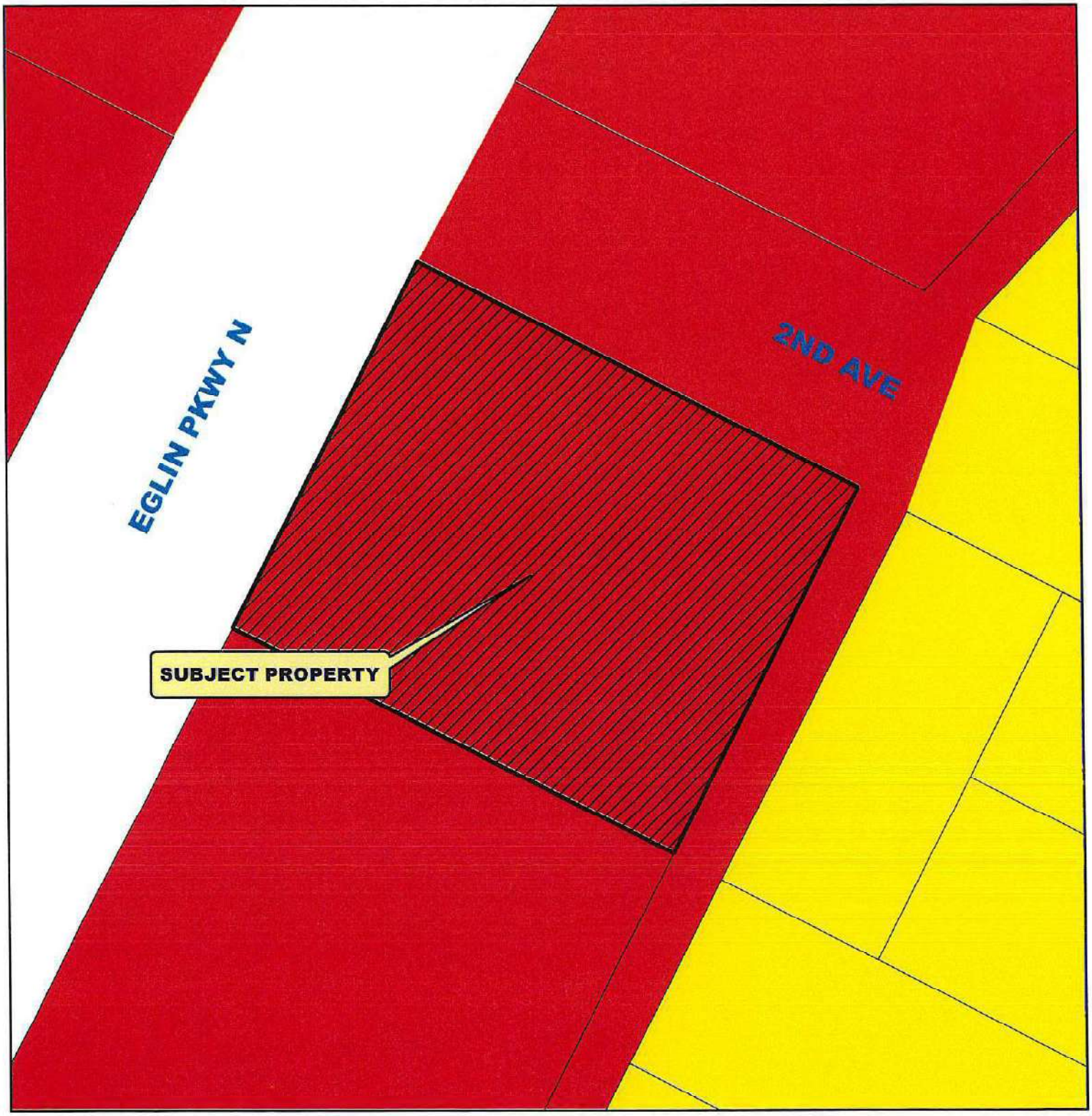
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ATTACHMENT - D

01-2S-24-0180-0007-0090



FLUM Legend

- C
- LDR

ZONE Legend

- C-3
- R-1

MAP PROJECTION:
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FLUM & Zoning Map

0 0.0045 0.009 0.018 0.027
Miles

ATTACHMENT E

GIS ANALYSIS RESULTS

Date: 10/5/2026

Project: 01-2S-24-0180-0007-0090

Permit: SPEX-0926-0000 - PALLET BAR & GRILL

Property Address: LOCATED AT 449 EGLIN PKWY N FORT WALTON BEACH FL 32548

Zoning: C-3

FLU: C

Fire District: OCEAN-CITY WRIGHT **Commissioner District:** 2 **Census Tract:** 02230

Soil Type: 27 – Urban Land – natural soil can not be observed

Wind Zone: GREATER THAN 140 IN THE WIND BORNE DEBRIS

Flood Zone: 500 Year Flood Plain X **Map Number:** 12091CO 0453J

Storm Surge Area: YES CAT 4-5

Urban Development Area: YES **Water Efficient Area:** YES

Wells: None

Wetlands: Uplands

Water and Sewer: OCWS **Within 3 mile of an Airport:** NO

Environmental Data: None

Historical Data: None

ATTACHMENT F

USA TODAY CO.

LocaliQ

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Daniel "Stuart" Campbell
Okaloosa County Growth Management Department
812 E James Lee BLVD
Crestview FL 32539-3118

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Northwest Florida Daily News, published in Okaloosa County, Florida; with circulation in Okaloosa and Walton Counties; that the attached copy of advertisement, being a , was published on the publicly accessible website of Okaloosa and Walton Counties, Florida, or in a newspaper by print in the issues of, on:

FTW NW Florida Daily News 09/30/2026

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.
Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 09/30/2026

Legal Clerk

Notary, State of WI, County of Brown

5.15.27

My commission expires

Publication Cost:	$433.20		
Tax Amount:	$0.00		
Payment Cost:	$433.20		
Order No:	12668881	# of Copies:	
Customer No:	718670	1	
PO #:			

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Please do not use this form for payment remittance.

NANCY HEYRMAN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

The Okaloosa County Board of Adjustment will hold a public hearing to consider the following action.

SPEX-0926-0000 Thomas ODonnell, owner of the Pallet Bar and Grill, LLC, is requesting approval of a Special Exception to allow outdoor alcohol service at a commercial establishment located within the General Commercial (C-3) Zoning District. Pursuant to Land Development Code, Section 2.20.01(6), outdoor serving of alcohol beverages within 300-feet of a residential zone or use is permitted only through the granting of a Special Exception. The subject property is 0.62 acres more or less and located at 449 Eglin Pkwy NE (Parcel # 01-2S-24-0180-0007-0090). See Map - Attachment A.

The public hearing has been scheduled for 1:30 PM on October 14, 2026, in the Okaloosa County Administration Building, Commission Meeting Room, 1250 N. Eglin Pkwy., Shalimar, FL

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD REGARDING THIS ACTION.

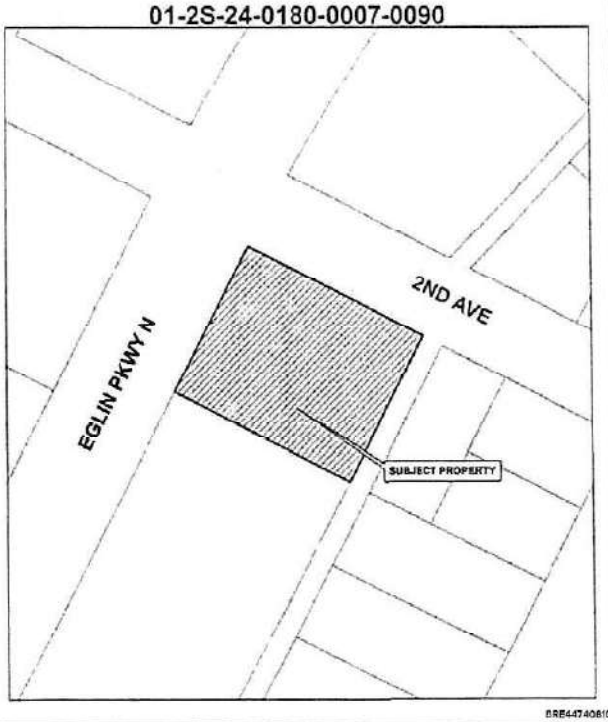
The application may be inspected by the public at the Department of Growth Management offices in Shalimar, 1250 N. Eglin Pkwy., Suite 301, (850) 651-7180 or in the Growth Management offices located in Crestview, 402 Brookmeade Dr., (850) 689-5080.

If any person decides to appeal any decision made with respect to any matter considered at these hearings, such person will need a record of the proceeding and may need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based.

Okaloosa County adheres to the Americans with Disabilities Act and will make reasonable modifications for access to these hearings upon request. Requests may be made to the Growth Management offices described above and must be made at least 48 hours in advance of the hearings in order to provide the requested service.

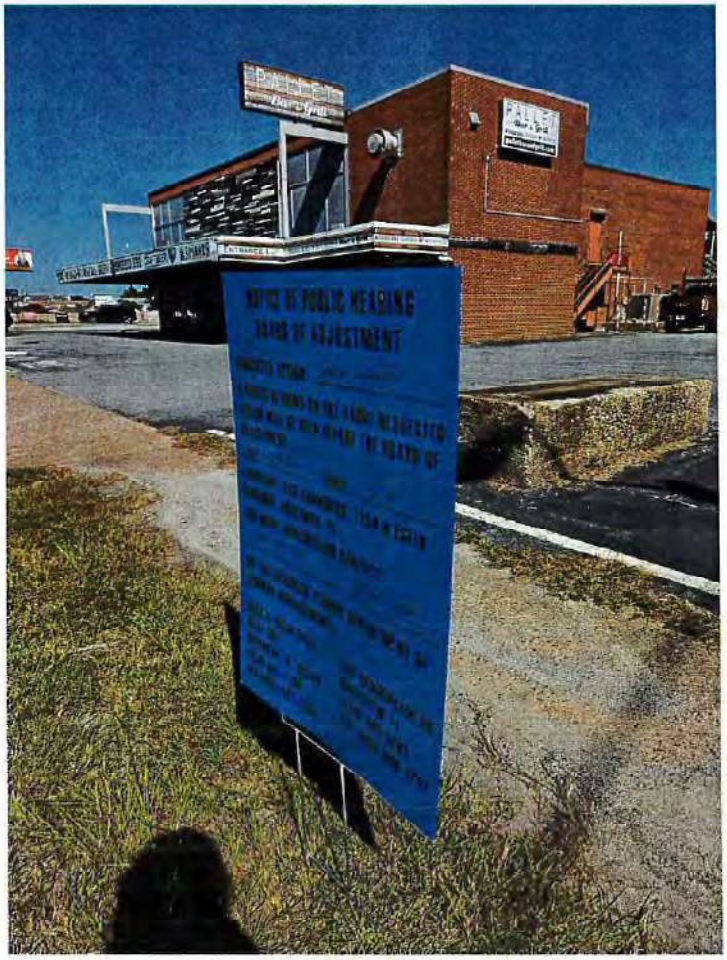
Attachment A

01-2S-24-0180-0007-0090



BRE44740810

ATTACHMENT G






NOTICE OF PUBLIC HEARING
BOARD OF ADJUSTMENT
REQUESTED ACTION: SPECIAL EXCEPTION
A PUBLIC HEARING ON THE ABOVE REQUESTED ACTION WILL BE HELD BEFORE THE BOARD OF ADJUSTMENT.
DATE: 10/11/22 TIME: 1:30
LOCATION: BCC CHAMBERS, 1250 N EGLIN PARKWAY, SHALIMAR, FL
FOR MORE INFORMATION CONTACT:
850 651 7180
OR THE OKALOOSA COUNTY DEPARTMENT OF GROWTH MANAGEMENT:

2.10.00 GENERAL COMMERCIAL (C-3)

2.10.01 Purpose: The purpose of the General Commercial (C-3) District is to provide areas for intensive commercial uses involving conducting business, professional, service, or government which generally do not involve the manufacture of new products from raw materials.

2.10.02 Intent: The General Commercial (C-3) District is intended to implement and put into regulatory effect the "Commercial" and other Future Land Use Map categories that allow commercial uses.

2.10.03 Location/Designation Criteria: A C-3 district may be located either within or outside the urban development area boundary. General Commercial districts may be located only within "Commercial", "Mixed Use", and "Agriculture" Future Land Use Map categories, and then only when the specific conditions and requirements applicable to the category involved are met.

2.10.04 Permitted Uses: The following uses are permitted as of right in C-3 districts. All other uses are permitted by special exception or prohibited.

1. All C-1 and C-2 permitted uses.
2. Specific permitted uses are listed in the North American Industry Classification System, U.S. Census Bureau, 2012 under the following codes.
    a. Code 23: Construction.
    b. Code 42: Wholesale trade.
    c. Code 44 – 45: Retail trade.
    d. Code 48 – 49: Transportation and Warehousing, except, 481 Air transportation; 4831 Deep Sea, Coastal, and Great Lakes Water Transportation; 4881 Support Activities for Air Transportation; 4882 Support Activities for Rail Transportation; 4883 Support Activities for Water Transportation; and 487990 Scenic and Sightseeing, Other
    e. Code 51: Information.
    f. Code 53: Real estate, rental and leasing, except 532411 Commercial air, rail, and water transportation equipment rental and leasing.
    g. Code 54: Professional, scientific, and technical services.
    h. Code 55: Management of companies and enterprises.
    i. Code 56: Administrative and support and Waste Management and Remediation Services except 5622 Waste Treatment and Disposal.
    j. Code 61: Educational services.
    k. Code 62: Health and social assistance.

l. Code 71: Arts, entertainment, and recreation, except 7132 Gambling Industries (any gaming and gambling prohibited by law), and; 713990 (Nudist Camps and outdoor shooting activities involving firearms such as firing ranges, trap shoot, skeet shoot only).

m. Code 72: Accommodation and food services.

n. Code 81: Other services.

o. Code 92: Public administration, except 922140 Correctional institutions (state or federal prison).

p. Code 22: Utilities.

q. Off-site signs (billboards).

r. Medical marijuana dispensaries subject to the provisions of section 2.20.10.

3. Residential uses with a residential density of 10 dwelling units per acre or less, provided that any adjacent commercial uses shall not be required to install any compatibility buffers or mitigation against the residential use.

4. Lounges, businesses or establishments, and further any business that, principally, is engaged in the dispensing of alcoholic beverages by the drink for consumption on the premises as specified in Section 2.21.01 of this Code.

5. Automobile, boat, or vehicle repair garage, mechanical and body, which shall not store or otherwise maintain any parts or waste material outside of such buildings.

6. Building and lumber supply establishments provided the entire storage area is enclosed within a fence at least six (6) feet in height.

7. Junk yards shall be located on parcels with a minimum of five (5) acres and shall have an eight (8) foot high chain link fence enclosing the areas within which junk is to be kept. There shall be a minimum twenty (20) foot green belt around the borders of the property which, except for ingress and egress points and their associated visibility triangles, shall be planted with evergreen trees and shrubbery sufficient to provide a visual screening of 100% opacity from the ground level to a height of eight (8) feet at the time of planting. A privacy fence or wall with a height of eight (8) feet may be used as an alternative to vegetation to achieve the required opacity provided however, that the installation of such a wall or fence shall not exempt junkyards from perimeter buffer or landscaping requirements required elsewhere in this code. Under no circumstances shall a chain link fence into which slats have been woven or any sort of screening attached be considered an opaque privacy fence or wall for purposes of this section. There shall be a minimum thirty (30) foot setback from all property lines which shall remain clear of all structures and storage of any junk or storage of materials of any kind.

8. Trade shops including sheet metal, upholstery, electrical, plumbing, venetian blind. Cabinet making, carpentry and sign painting, provided that all operations are conducted entirely within a building.

9. Solid waste transfer stations and recycling facilities.

10. Utilities such as power lines and electric power substations, water mains, sewer mains, lift stations, water supply wells, and other similar facilities for the collection, transmission or distribution of utility service.

11. Communications towers.

12. Animal hospitals, veterinary clinics, commercial kennels, and animal boarding provided that no outside cages or runs shall be located closer than 100 feet from any residence or residential zoning district.

2.10.05 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.

2.10.06 Bulk Regulations: Maximum impervious surface coverage shall be no greater than 85% and maximum floor area ratio shall be no greater than 0.75. Maximum building height shall be 75 feet and may be higher subject to compatibility analysis or approved as part of a master plan. The minimum front setback shall be ten (10) feet. Residential building setbacks shall be applied based on the type of building, i.e. single-family: R-1; duplex: R-2, etc. See Section 2.19.00 for possible additional requirements.

2.10.7 Performance Criteria: In addition to the permitted uses specified in Section 2.10.04, the following performance criteria may be assigned to any C-3 zoning district, including any rezoning of property to C-3. Once assigned, these criteria shall attach and have the effect of a new C-3 zoning district.

1. Criteria A – Low Impact Commercial: The following criteria shall attach to the C-3 zoning district for this criteria.

    a. Hours of operation: 7:00 AM to 7:00 PM.

    b. Noise: Noise levels shall be as specified in Sections 9.01.00 and 9.02.00.

    c. Storage: There shall be no outside storage of any supplies or materials.

    d. Odors, fumes: There shall be no detectable noxious odors or fumes that extend onto any adjacent or nearby property.

    e. Light, glare: No continuous light or glare shall extend onto any adjacent or nearby property.

    f. Dust, dirt: The permitted use shall not reasonably be expected to produce dust or dirt which extends onto any adjacent or nearby property on a regular basis.

    g. Alcoholic beverages: There shall be no establishments allowed which serve alcoholic beverages consumption on premises whether with food consumption or not.

2. Criteria B – Medium Impact Commercial: The following criteria shall attach to the C-3 zoning district for this criteria.

a. All Category A criteria except as specified herein.

b. Hours of operation: 7:00 AM to 11:00 PM.

c. Alcoholic beverages: There shall be no establishments allowed which serve alcoholic beverages consumption on premises unless such establishment is licensed as a food service establishment and otherwise meets the criteria of Section 2.20.01.

2.20.00 SPECIAL USES

2.20.01 Alcoholic Beverage Establishments:

1. General Provisions: It shall be unlawful to sell, or offer to keep for sale, alcoholic beverages containing more than one percent (1%) of alcohol by weight in any place or establishment, including a private club or bottle club, for which the appropriate Florida Department of Business and Professional Regulation/Division of Alcoholic Beverages and Tobacco license has not been issued.

2. Distance from churches, schools, cemeteries, residential zoning districts, and residential uses: Except those vendors licensed in accordance with Section 561.422, and non-profit civic organizations permitted pursuant to Section 561.422,. and other exemptions provided herein, no vendor of alcoholic beverages as described in (1.) above establishment licensed pursuant to (1.) above for consumption on premises shall be located within one thousand five hundred feet (1,500') of a church, school, cemetery, residential zoning district or residential use. The distance shall be determined by measuring a radius from the closest improved part of the property (excluding stormwater treatment facilities and landscape buffers) supporting the alcoholic beverage establishment to the nearest parcel of land on which occurs a school, church, cemetery, residential zone, or residential use. If any portion of a parcel of land in use as a residence lies within such radius, or if any portion of a parcel of land containing a church, school or cemetery lies within the radius, or if a residential zone lies within the radius, then the establishment shall be deemed to be within such distance. This methodology shall apply to all distance measurements undertaken pursuant to 2.20.01.

3. Notwithstanding the requirements of 2, above, the following uses that serve or sell alcoholic beverages for consumption on premises may be located closer than 1,500 feet of a church, school, or cemetery, residential zoning district, or residential use:

    a. Uses listed in sections 561.20(2) and (7), Fla. Stat.;

    b. Restaurants which do not qualify for the special State license (4COP-SRX) allowing on premise consumption of beer, wine, and liquor may also be allowed provided the following criteria are met:

        i. except as provided in (5.), below, there is no outdoor serving of alcoholic beverages within 300 feet of a residential use or zone;

        ii. at no time will the kitchen be closed while the establishment is serving beverages or other foods to customers, including private parties;

        iii. no less than 51% of gross receipts are from the sale of non-alcoholic food and beverages;

    c. Private clubs that are included among the uses allowed in a master-planned community or mixed use development at the time of approval when such approval was obtained through a public hearing;

    d. Yacht clubs; and

    e. Uses authorized pursuant to Section 561.422, Fla. Stat.;

4. The provisions of Section 2.20.01 (3.) notwithstanding, the on-premise consumption of alcoholic beverages at establishments licensed pursuant to A, above, shall be prohibited within 100' of any residential use or residential zoning district unless **all** of the following are met:

    a. the use is a restaurant at which no less than 51% of gross receipts are from the sale of non-alcoholic food and beverages,

    b. alcohol is limited to beer and wine only,

    c. there is no outside serving of alcoholic beverages, and

    d. there is no service of alcohol after 10:00 PM Sunday through Thursday, or after 11:00 PM on Friday and Saturday.

5. Notwithstanding (3.) and (4.), above, in order to facilitate in-fill development, mixed use development, and re-development, alcoholic beverage establishments licensed pursuant to A, above, may be allowed less than 100 feet from residential uses or residential zoning districts when the only residential uses or zones within 100 feet from the proposed alcoholic beverage establishment are authorized through the same development order, Master Plan Development Order, Development Agreement, Development of Regional Impact Development Order, or Planned Unit Development ordinance as the proposed alcoholic beverage establishment.

6. Outdoor serving of alcoholic beverages within 300 feet (measured using the same method as provided in Section 2.20.01 (2.) of a residential zone or use is permitted only through the granting of a Special Exception as provided by Section 1.11.03 and Section 11.02.09 of this Code and shall cease between the hours of 10:00 PM and 7:00 AM Central Time unless more restrictive hours are established by the Board of Adjustment as a condition of approval of the special exception.

7. All new applications for alcoholic beverage licenses at locations that have not previously been occupied by an alcoholic beverage establishment within 300' of a residential use or zone shall include a compatibility analysis that illustrates consistency with applicable compatibility criteria provided in the Comprehensive Plan, and which shall specifically include proposed hours of operation.

8. The Growth Management Director or his/her designee, shall be responsible for verifying to the Florida Division of Alcoholic Beverages and Tobacco or such other regulatory agencies, compliance with the above requirements for a restaurant seeking the issuance of an alcoholic beverage license. The Growth Management Director, or his/her designee, is authorized to require that applicants provide all documentation (such as site plans, floor plans, lease agreements, etc) necessary to verify compliance with the above requirements.

9. The above requirements are solely intended to determine whether a proposed food and beverage establishment is consistent with zoning and other Okaloosa County codes. This part is not intended, nor shall it be construed, to preempt, overrule, waive, or otherwise exempt any proposed establishment from any other applicable federal, state, or local law or regulation. In the event the provisions contained herein conflict with any other applicable federal, state, or local law or regulation, the more stringent shall apply.

10. Uses in existence as of the effective date of this section shall not be rendered non-conforming by these provisions, nor shall the provisions of this section preclude the reconstruction of an

alcoholic beverage establishment following a disaster (fire, flood, etc), provided all other applicable building, zoning, and other codes are met.

2.20.02 Animal Hospitals, Veterinary Clinics, Commercial Kennels and Businesses that Board Animals:

1. Minimum setbacks: Any animal hospital, veterinary clinic, commercial kennel or business that boards animals, which includes outside cages and runs, shall be located no closer than one hundred (100) feet to a residence or residential zoning district boundary line, measured from the outside of the building, cages or runs to the residential property or residential zoning district line, and such line being measured from the nearest residential property or residential zoning district to the closest building, cage or run.

2. Buffer Yard Required: The animal hospital, veterinary clinic, commercial kennel or business that boards animals which includes outside cages or runs shall comply with buffer yard regulations established in Chapter 6 of this Code. In addition to the buffer requirements in Chapter 6, the outside cages, runs or exercise yards shall be totally enclosed by a solid fence at least six (6) feet in height.

2.20.03 Cemeteries:

1. "Cemetery" means a place dedicated to and used or intended to be used for the permanent interment of human remains or cremated remains. A cemetery may contain land or earth interment; mausoleum, vault, or crypt interment; a columbarium, ossuary, scattering garden, or other structure or place used or intended to be used for the interment or disposition of cremated remains; or any combination of one or more of such structures or places.

2. All cemeteries must comply with applicable law and rules including Chapter 497, Fla. Stat. and Rule 69-K, Fla. Admin. Code.

3. Cemeteries are allowed in AA, C-3, and INST zoning districts. A family cemetery less than two acres in size which does not sell or offer out burial spaces, rights, or merchandise may also be allowed in the RR zoning district when:

    a. a letter of no objection is obtained from all adjacent property owners for parcels one acre or less;

    b. the cemetery site is located no closer than 25 feet from any property line, and;

    c. there is adequate ingress and egress to allow family members to visit the burial spaces.

2.20.04 Churches and Other Religious Institutions:

1. Regulations: All churches and other religious institutions shall comply with building setback, area and height regulations set forth within each zoning district. Where a church or other religious institution is proposed adjacent to a residential land use or vacant property within or contiguous to a residential zoning district, there shall be a buffer as established in Chapter 6 between the church and the surrounding property line.

Presiding Bodies: Planning Commission; Board of County Commissioners.

Public Notice: Shall be the same as for 1.11.02, a.

Action: Rezoning **initiated by the County** involving more than five (5) lots, parcels, or pieces of property whether contiguous or not; comprehensive text amendment of zoning regulations which involve more than one section of the regulations.

Authorization: Adoption of ordinance by Board of County Commissioners.

Proceedings: One (1) public hearing before the Planning Commission, two (2) public hearings before the Board of County Commissioners in the manner prescribed by Section 125.66 Florida Statutes.

Character of Proceeding: Legislative.

Presiding Bodies: Planning Commission; Board of County Commissioners

Public Notice: As prescribed in Section 125.66 Florida Statutes.

1.11.03 Special Exceptions; Variances; Administrative Appeals

Action: Grant, grant with conditions, or deny requests for special exceptions or variances.

Authorization: Majority vote of the Board of Adjustment.

Proceeding: One public hearing before the Board of Adjustment.

Character of Proceeding: Quasi-judicial.

Presiding Body: Board of Adjustment.

Public Notice: Public notice shall be provided by publication of the date, time, place, and purpose of the hearing in a newspaper of general circulation with publication to be at least 10 days prior to the date of the hearing. The notice shall include the parcel number of the property involved, the street address if available, and a map showing the street names of adjacent streets. Also, a sign shall be posted on the property in the manner prescribed in 1.11.02, and certified return-receipt letters shall be mailed to all adjacent property owners, including those across a street or alley.

1.11.04 Planned Unit Developments.

Action: Approval or denial of Planned Unit Developments (PUD).
Authorization: Approval by majority vote.

Proceedings: One (1) public hearing before the Planning Commission; one (1) public hearing before the Board of County Commissioners.

Character of Proceeding: Quasi-judicial

Presiding Bodies: Planning Commission; Board of County Commissioners.

11.02.00 BOARD OF ADJUSTMENT.

The Board of Adjustment shall consist of five (5) members with all appointments to be made by the governing body. Members of the Board of Adjustment may be removed from office by the governing body for cause upon written charges and after public hearing. The appointment, organization, jurisdiction, duties, meetings, and procedures of this board shall be as set out herein.

11.02.01 District Members: Each elected official of the governing body shall recommend one appointment to the Board of Adjustment residing within the County Commissioner's District. The appointments shall be confirmed by the Board of County Commissioners. 11.02.02 Vacancies: Vacancies to the Board of Adjustment shall be appointed by the elected official from whose District the previous member of the Board of Adjustment had resided; with the approval of the governing body.

11.02.03 Terms of Office: Each member of the Board of Adjustment shall be appointed for a term of three (3) years and shall continue to serve until the vacancy is filled.

11.02.04 Proceedings: The Board of Adjustment shall elect a Chairman and a Vice-Chairman from among its members. The Planning and Inspection Department shall provide a secretary who shall keep minutes of the board meetings. The Board of Adjustment may create and fill such other offices as it may determine to be necessary for the conduct of its duties. Terms of all offices shall be for one year, with eligibility for reelection. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman and at such times as the Board may determine.

11.02.05 Meetings and Public Notice: All meetings of the Board of Adjustment shall be open to the public, and no item shall be considered by the Board of Adjustment unless due public notice has been given. Due public notice shall be given as specified in Chapter 1. 1. The Chairman, or in his absence, the Vice Chairman, may administer oaths and compel the attendance of witnesses. A quorum of three members is necessary at any meeting in order for the Board to take official actions. 2. The Board of Adjustment shall keep minutes of its proceedings in summary form and not verbatim, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be filed in the office of the Planning and Inspection Department.

11.02.06 Hearings and Appeals: Appeals to the Board of Adjustment concerning interpretation of this ordinance may be taken by any person aggrieved by any decision of the Administrative Official except appeals regarding construction matters which will be taken to

the Code Enforcement Board. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days from the date of such decision or such lesser period as may be provided by the rules of the Board, by filing with the Administrative Official a notice of appeal specifying the grounds thereof. The appeal shall be in such form as prescribed by the rules of the Board. The Administrative Official shall transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall give a reasonable time for the hearing for appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

11.02.07 Stay of Proceedings: An appeal stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the Administrative Official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that the reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Administrative Official from whom the appeal is taken and on due cause shown.

11.02.08 Appeals from the Board of Adjustment: Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any officer, department, board, commission, of the governing body, may apply to the Circuit Court in the judicial circuit where the Board of Adjustment is located for judicial relief within thirty (30) days after the rendition of the decision by the Board of Adjustment. Review in the Circuit Court shall be by petition for writ of certiorari, which shall be governed by the Florida Appellate Rules. The making of a verbatim transcript of the proceedings shall be the responsibility of the appealing party.

11.02.09 Powers and Duties: The Board of Adjustment shall have the following powers and duties:

1. Administrative Review: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrative Official in the enforcement of the Land Development Code except appeals regarding construction matters.

2. Special Exceptions: Conditions governing applications; procedures to hear and decide only Special Exceptions as the Board of Adjustment is specifically authorized to pass on under the terms of this ordinance; to decide questions as are involved in determining when special exceptions should be granted and to grant special exceptions when in harmony with

the purpose and intent of this ordinance. In granting any special exception, the board shall find that the granting will not adversely affect the public interest. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance. The Board of Adjustment may prescribe a reasonable time limit within which the action required for the special exception shall be begun or completed or both.

3. Variances: Conditions governing applications, procedures; to authorize upon appeal such variances from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this ordinance, the Board of Adjustment must and shall finda. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district; b. That the special conditions and circumstances do not result from the actions of the applicant; c. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Land Development Code to other lands, buildings or structures in the same zoning district; d. That literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant; e. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and f. That the grant of the variance will be in harmony with the general intent and purpose of the Land Development Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. g. In granting any variance, the Board of Adjustment may prescribe a reasonable time limit within which the action required for the variance shall be begun or completed or both. Under no circumstances, except as permitted above, shall the Board of Adjustment grant a variance to permit a use not generally or by special exception permitted in the zoning district. No non-conforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance. h. Reference other sections of this ordinance for variances which may be granted by the Planning Commission or the County Public Works Department. i. In accordance with Chapter 187.201 F.S., State Comprehensive Plan, Goal (15) Property Rights, and Ordinance No. 90-1, Goal 7.B, the Board of Adjustment may grant a variance to any regulation in the Land Development Code whenever it is apparent that a taking of private property would otherwise occur. Said variance shall only be granted for a use or

development which is compatible with the surrounding area and does not impose an excessive burden or have a negative impact on surrounding or adjacent uses or on community facilities or services. 4. Variances in special flood hazard areas. The Board of Adjustment shall hear and decide on requests for variances from the strict application of the special flood hazard area requirements of the Land Development Code. Pursuant to section 553.73(5), F.S., the Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. Specific limitations, restrictions, considerations and conditions are established in LDC Sec. 3.06.08. The authority to grant variances does not apply to Section 3109 other Florida Building Code, Building. 5. Board Has Powers of Administrative Official on Appeals: The Board of Adjustment may, so long as such action is in conformity with the terms of the Land Development Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Administrative Official from whom the appeal is taken. The concurring role of the majority of all the members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant of any matter upon which the board is required to pass under any such ordinance. 6. In the event a special exception or variance is denied by the Board of Adjustment: The applicant shall not reapply for a special exception or variance for the same use within one (1) year after the date of first denial unless a physical change has been made to the structure/s or the plans have been modified to reduce the impact. Application fee for the same use will be doubled with each new submittal within the (1) year date of denial. EXCEPTION: This does not apply if the variance or special exception request pertains to a different use. 11.02.10 Application Requirements: Each request for a variance, special exception, or appeal of an administrative decision as allowed by Section 11.02.09 of the code shall be originated by the filing of an application with the Planning and Inspection Department. 1. The form of the application shall be approved by the legal advisor and the board. 2. The application must be supported by the following: a. Letter of request from the applicant which contains the request(s) for variance(s), special exception(s), or appeal(s) of an administrative decision. b. Statements of fact setting out compliance with the criteria established by Section 11.02.09 of the code when required. c. Proof by the applicant of ownership or interest in the land for which the request is sought. d. A complete legal description of the parcel of land to which the request is sought. e. A site plan to scale, showing the proposed improvement or location of the specific request. The site plan shall contain an affidavit that the plan accurately depicts the property, improvements and proposed improvements. The applicant may provide a current survey which provides the same information, in lieu of a site plan. f. Any other documents or requirements which are mandated by Section 11.02.09 or deemed necessary by staff in reference to the specific

request made. By way of example and not of limitation, such requirements might be a drawing of the structure of a sign as required by the sign ordinance or, in the case of a swimming pool, a drawing of the location of the pump and filter equipment. 3. The Planning and Inspection Department shall have the discretion to refuse or to accept an application which does not include support documents required by this code4. The application and any supporting materials must demonstrate the need and the requirements of Section

11.02.09 of the code as applicable. Failure to provide complete information will permit the board to continue or dismiss, without prejudice, any application.

11.02.11 County Staff Responsibilities: The County staff, hereinafter referred to as "staff," has the responsibility of everyday business of the County and as regards matters that may come before the board, to ensure compliance with ordinances of the County. 1. Staff shall provide technical assistance to the applicant regarding the requirements of the Land Development Code and identification of elements in non-compliance with the Land Development Code. 2. Staff must review all applications for technical completeness and report its opinion to the board. 3. Staff must review the site plan or survey attached to the application and provide a statement that staff has viewed the property and finds that the site plan accurately depicts the property, to the best of the staff's knowledge. It is understood that staff should not act as a surveyor or in any way guarantee the site plan attached to the application, but should provide the board with information that the site plan does or does not accurately depict the property for the purposes of the specific request and disposition by the board.

11.02.12 Board of Adjustment Decision-Making Process: The Board of Adjustment shall present a decision to grant or refuse a variance, special exception, or administrative decision appeal following a public hearing conducted in accordance to the rules and procedures which guarantee due process. 1. The public hearing shall allow the applicant, staff, then the public, the opportunity to present testimony, information, and supporting documents to the board. 2. After the testimony, information, supporting documents, and rebuttals of the applicant, staff, and public have been exhausted, the board shall deliberate on the evidence and testimony presented. 3. Following the close of deliberation, a motion stating the findings of fact and identifying the evidence relied upon in making the findings of fact may be made. 4. After the board has passed a motion which either grants or denies the application with or without conditions, and no appeal has been made, the Planning and Inspection Department's appointed secretary shall compile the motion into written form and present the order to the chairman for execution.

CHAPTER 9
OPERATIONAL PERFORMANCE STANDARDS

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9.00.00 PURPOSE.

It is the purpose of this chapter to provide appropriate standards relating to the operation of certain activities throughout the county. Such operations may create or maintain such excessive noise, vibration, air pollution, odor, litter, etc., as to be a detriment to the public health, comfort, convenience, safety, and welfare.

9.01.00 NOISE CONTROL.

The purpose of this section is to prevent, prohibit and provide for the abatement of excessive and unnecessary noise in order to protect the people of Okaloosa County.

9.01.01 Terminology and Standards: All technical acoustical terminology and standards used in this section shall be read or construed in conformance with the American National Standards Institute, Inc., ("ANSI") publication entitled "Acoustical Terminology," designated as ANSI S1.1-1960, or its successor publication.

9.01.02 Definitions germane to this Chapter.

1. A-weighted Sound Pressure Level: The sound pressure level, in decibels, as measured on a sound level meter using the A-weighted network. The level to read shall be designated as _____db(A) or _____dBA.

2. Ambient Noise Level: The sound pressure level of the all encompassing noise emanating from a given environment, usually being a composite of sounds from many sources.

3. Construction: Any site preparation, assembly, erection, substantial repair, alteration, or similar action, for or on public or private thoroughfares, structures, utilities or similar property.

4. Decibel or dB : A unit describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.

5. Demolition: Any dismantling, destroying or razing of structures, utilities, public or private thoroughfares surfaces, or similar property.

6. Emergency: Any occurrence or circumstance involving actual or imminent physical death of trauma, or property damage, demanding immediate emergency work or service.

7. Emergency Work or Emergency Service: Any labor performed for the purpose of preventing or alleviating, or attempting to prevent of alleviate, an emergency.

8. Environmental Protection Officer: Any Okaloosa County Environmental Protection Officer, Building Inspector, or Code Enforcement Officer as designated by the Board of County Commissioners or the Sheriff of Okaloosa County.

9. Fluctuating Noise: The sound pressure level of noise more than six (6) dB(A) during the period of observation when measured with the slow meter characteristic of a sound level

meter. It does not equal the previously existing ambient noise level more than once during the period of observation.

10. Impulsive Sound: A sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, the discharge of firearms, the barking of dogs, and the beating of drums.

11. Level, Day-Night (Ldn): A 24-hour average of the A-weighted sound pressure level, with the levels during the period 10 P.M. to 7 A.M. increasing to ten (10) dB(A) before averaging.

12. Motorboat: Any boat or vessel propelled or powered by machinery, regardless of whether such machinery is the principal source of propulsion, including boats, barges, amphibious craft, waterski towing devices and hover craft.

13. Motor Vehicle: Any vehicle defined as "motor vehicle" by Section 320.01(1), Florida Statutes.

14. Multi-Family Residential Dwelling: A building designed or used exclusively for residential occupancy by three (3) or more families.

15. Multi-Family Residential Dwelling Unit: The portion of a multi-family residential dwelling designed or used exclusively for residential occupancy by only one family.

16. Noise: Any sound produced in such quantity and for such duration that it annoys, disturbs or may injure a reasonable man or woman of normal sensitivities.

17. Noise Sensitive Zone: A quiet zone which is open or in session, and which is demarcated by conspicuous signs identifying it as a quiet zone. Noise-sensitive zones may only be schools, public libraries, churches, hospitals, and nursing homes.

18. Ordinances: This Nuisance Control Ordinance of Okaloosa County, Florida.

19. Person: Any individual, association, partnership, corporation or other business entity.

20. Plainly Audible Sound: Any sound for which the information content of that sound is communicated to the listener, including understandable spoken speech or comprehensible musical rhythms.

21. Powered Model Vehicle: Any self propelled airborne, waterborne or landborne plane, vessel or vehicle, which is not designed to carry persons, including any model airplane, boat, car or rocket.

22. Property Line: Any imaginary line along the surface of land or water, and its vertical plane extension, which separates the real property owned, rented or leased by one person from the real property owned, rented or leased by another person.

23. Public Right-of-Way: Any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by Okaloosa County.

24. Pure Tone: Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five (5) dB for center frequencies of five hundred (500) Hz and above and by eight (8) dB for center frequencies between one hundred and sixty (160) and four hundred (400) Hz and by fifteen (15) dB for center frequencies less than or equal to one hundred and twenty-five (125) Hz.

25. RMS Sound Pressure: The square root of the time averaged square of the sound pressure.

26. Single-Family Residential Dwelling: A detached dwelling containing complete housekeeping facilities for only one family, designed for or occupied exclusively by one family for usual domestic purposes, and having no enclosed space or cooking facilities or sanitary facilities in common with any other dwelling.

27. Single-Family Residential Dwelling Lot: The parcel of land upon which a single-family residential dwelling is located.

28. Sound: An oscillation in pressure, stress, particle velocity or other physical parameter, in a medium with internal forces. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

29. Sound Level: The weighted sound pressure level obtained by the use of a metering characteristic and weighting A, B, C, as specified in American National Standards Institute specifications for sound level meters (ANSI Publication S1.4-1971) or successor publications, If the weighting employed is not indicated, the A-weighting shall apply.

30. Sound Level Meter: An instrument which includes a microphone, amplifier, RMS detector, integrator, or time averager, output meter, and weighting network used to measure sound pressure levels. The output meter reads sound pressure level when properly calibrated. The instrument is of Type 2 of better, as specified in the American National Standards Institute publication entitled "Specifications for Sound-Level Meters," designated as ANSI S1.4-1971.

31. Sound Pressure: The instantaneous difference between the actual pressure and the average of barometric pressure at a given point in space, as produced by the presence of sound energy.

32. Sound Pressure Level: A twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micronewtons per meter squared. The sound pressure level is denoted Lp (or SPL) and is expressed in decibels.

9.01.03: Findings of Fact.

1. Excessive and unnecessary noise interferes with the quality of life and can interfere with the health, safety and general welfare of the public.

2. In particular, excessive and unnecessary noise can cause adverse psychological and physiological effects on humans.

3. A substantial body of science and technology exists by which noise may be measured and substantially abated.

9.01.04 Maximum Permissible Sound Levels; Receiving Land Use Categories; Times; Adjustments for Character of Sound:

The following applicable sound level limits are established for the following applicable times when measured at or inside the property lines of the following applicable land use categories:

TABLE INSET:

Receiving Land Use Category	Time	Sound Level Limit (dBA)
Single-family residential dwelling (*)	7:00 a.m.--10:00 p.m. 10:00 p.m.--7:00 a.m.	60 55

(*)Single-family residential dwelling lot not in an Agricultural, or Industrial Zoning District, any other lot zoned for residential use, property south and east of U.S. Highway 98 in Santa Rosa Island Subdivision restricted to B1 or B2 use, noise sensitive zones, or multi-family residential dwelling units or lots not in an Agricultural, Business or Industrial Zoning District.

The allowable noise level shall be reduced by five (5) dBA for impulse or pure tone noises, or for noises consisting of amplified speed or music.

The land use categories set forth above shall be subject to existing special exceptions, non-conforming uses and variances.

9.01.05 Measurement of Sound: The measurement of sound shall be made with a sound level meter. Recorded measurements shall be taken so as to secure and ensure an accurate representation of the sound.

9.01.06 Prohibited Acts: Subject to the exemptions or variances, no person shall produce, cause to be produced or allow to be produced, by any means, any sound which, when measured inside or at the property line of those land use categories specified hereinabove exceeds the applicable sound level limits set forth for longer than ten (10) percent of any measurement period, which measurement period shall not be less than ten (10) minutes.

9.01.07 Exemptions: The provisions of 9.01.04 above shall not apply to the following sounds:

1. The unamplified human voice;

2. Railway locomotives or cars;

3. Household or farming tools, appliances and equipment meeting manufacturer's specifications as to

4. sound, if applicable;
5. Aircraft and airport activity conducted in accordance with federal laws and regulations;
6. Maintenance of public service facilities;\
7. Law enforcement activities, including training;
8. Licensed game hunting activities;
9. Authorized target shooting;
10. Emergency signals during emergencies;
11. Emergency testing between 7:00 a.m. and 7:00 p.m.;
12. Motor vehicles operating on a public right-of-way subject to Section 316.293, Florida Statutes;
13. Refuse collection vehicles not exceeding eighty-six (86) dBA;
14. Operation of any regulated utility;
15. Construction activities for which Okaloosa County has issued a development permit, as defined by Section 163.3164, Fla. Stat., provided such activity occurs between 7:00 AM and 10:00 PM, or produces less than eighty-six [86] dBA, and;
16. Organized athletic contests.

9.02.00 COMMUNITY NOISE ABATEMENT.

9.02.01 Findings and Intent: The Board hereby finds and declares that certain community noise has the documented potential to cause adverse health effects including: hearing loss; sleep disturbances; cardiovascular and psycho physiologic problems; performance reduction; annoyance responses; and adverse social behavior[1]. It is the intent of the Board to further the protection of county inhabitants from the potential adverse health effects of community noise, and the Board does hereby declare that such protection furthers a legitimate government interest toward safeguarding the public health, safety, and welfare.

1 Centers for Disease Control and Prevention. World Health Organization, Guidelines for Community Noise, 1999.

9.02.02 Definitions: The definitions specified in Section 9.01.02 shall also apply to this section. In addition, the following definitions shall apply to this section.

Annoy: means to irritate, weary, trouble or irk.
Clearly be heard: means a noise or sound that can be detected by the human ear at 55 dBA or greater or 50 dBA or greater for impulse or pure tone noises or noises consisting of amplified speed or music measured on the property line where the noise is being detected.

Comfort : means a condition of ease or well-being.

Community noise: means noise emitted for all environmental sources except noise from an industrial workplace and may include roadway, rail and air traffic; construction activity and human activities during the course of normal daily living.

Disturb: means to throw into disorder, to move from a state of rest or regular order, or to interrupt a settled state.

Loud noise : means a noise that can be heard by a reasonable person which is in excess of 100 dBA, especially when the duration of the noise is 30 minutes or more.
Neighboring inhabitants means those persons occupying buildings or residing in residences in the vicinity of a specific location.

Noise: means an unwanted or undesirable sound.
Offend means to arouse anger, resentment, or indignation in a reasonable person.

Peace: means a state of tranquility.

Person: means a human being or other entity recognized by law as having the rights and duties of a human being.

Premises: means a lot, parcel, tract, or plot of land together and in combination with any buildings or structures thereon.

Quiet: means a condition of situation generally free of noise.

Sound: means a vibratory disturbance in the pressure and density of a fluid or in the elastic strain in a solid, with frequency in the approximate range between 20 and 20,000 hertz capable of being detected by human organs of hearing.

9.02.03 Prohibitions and Restrictions: In furtherance of this section the following restrictions and prohibitions shall apply as prescribed herein.

1. Playing of Sound Devices; Prohibitions.

    a. No person shall play, between the hours of 10:00 p.m. and 7:00 a.m., any radio, music player, television, audio system, musical instrument (including "live band" music) in such a manner or at such a volume as to annoy or disturb the peace, quiet, comfort or repose of other reasonable persons or in a manner which could be anticipated to offend other reasonable persons.

    b. Except for organized events which have received applicable permits from the County in conjunction with the event, no person shall play any radio, music player, television, audio system, or musical instrument upon a public right-of-way or upon other public property in such a manner or in such a volume as to disturb the peace, quiet, comfort or repose of other persons, or in a manner which could be anticipated to offend other reasonable persons.

2. Restrictions on Unnecessary Noise.

a. No person shall make, or cause, suffer, allow, or permit to be made any unreasonably loud, disturbing, and unnecessary noise, or noises or such character, intensity or duration as to be detrimental to the health of any individual.

b. Unreasonably loud, disturbing and unnecessary noises shall include but not be limited to the following:

   i. The sounding of any horn, bell, or other signal or warning device on any motor vehicle, motorcycle, bus or other vehicle, except as a danger or warning signal or for a duration that exceeds ten (10) consecutive minutes.

   ii. The sound produced by any kept or raised animal or bird which, by causing continuing or intermittent noise for a duration of more than thirty (30) consecutive minutes, disturbs the peace, quiet, comfort or repose of any reasonable person when such noise can be clearly heard outside the property line of the premises where the animal or bird is being kept or raised.

   iii. Any noise which can clearly be heard for a duration of thirty (30) consecutive minutes beyond the property line of the premises where the noise is being produced between the hours of 12:00 midnight and 7:00 a.m. for a duration of more than ten (10) consecutive minutes.

   iv. Any noise which can clearly be heard on any other lot zoned for residential use beyond the property line of the property where the noise is being produced between the hours of 10:00 p.m. to 7:00 a.m. for a duration of more than ten (10) consecutive minutes.

9.02.04 Exemptions: The exemptions listed in Section 9.01.07 of shall also apply to this section. In addition, the requirements of this section shall not apply to the operation and running of internal combustion electric generators when such operation is necessary to produce electric power during times of electric power outages caused by manmade or natural disasters, or power outages during a declared state of emergency.

9.02.05 Content of Regulated Noise or Sound Neutral: The specific intent of this section is to regulate the times and manner as to how noise and sound may be produced and heard. Nothing in this section should be implied or interpreted to impose any prohibitions or restrictions on the message, content or free speech of any naturally, mechanically, or electronically produced noise or sound.

9.02.06 Enforcement and Penalties: Violations of this Chapter shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the state court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the county jail not to exceed 60 days or by both fine and imprisonment, or by civil fine of two hundred fifty dollars ($250.00) for the first violation, and five hundred dollars ($500.00) for each violation thereafter. Any deputy sheriff appointed pursuant to Section 30.07 may enforce this regulation in the manner provided by law for enforcement of misdemeanors.
(Ord. No. 07-60, § 2 (Exhibit A), 11-13-07)

9.03.00 LITTER AND NUISANCE CONTROL.
Reference Ordinance 87-33.

9.03.01 Definitions: The following definitions are germane to this chapter:

1. Litter: Refuse and rubbish including, but not limited to paper, bottles, cans, glass, crockery, scrap metals, plastic, rubber, yard trash, tar paper, lumber, masonry, concrete, drywall, packing and crating materials, discarded appliances, tires, tree and shrub trimmings, leaves, disposable packages and containers, and any other solid waste matter visible to the eye.

2. Nuisance: Any violation of this ordinance is declared to be a public nuisance and subject to abatement as such in accordance with the terms of this ordinance.

3. Person: Any natural person, partnership firm, corporation, company, or other legal entity.

4. Storage: The interim containment of litter, in an approved manner such as roll-off containers, wire fencing, wood fencing, or other controlled measures after generation and prior to proper and final disposal.

5. Unauthorized Accumulation: Accumulation of litter on any property not permitted as a landfill site in violation of this ordinance. This shall not include building materials used during active construction or repair of a building or stored off the ground for future construction or repairs.

6. Written Corrective Notice: A written statement shall be issued to the violator or his/her agent of any provisions of this ordinance. It shall identify and specify the violation, the date and time of issuance, corrective measures to be taken and the date and time correction is to be completed.

9.03.02 Littering Prohibited: It is a violation of this ordinance for any person to throw, discard, place, drop or deposit litter in any manner or amount in or upon any public property, private property, highway, street, right-of-way or body of water in Okaloosa County except in areas and containers provided therefore. Reference Section 12.02.00 for Schedule of Fees, which lists the fine for litter violations.

1. In any case where litter is ejected or discarded from a motor vehicle, except at approved and permitted disposal sites, the operator of the motor vehicle shall be in violation of this ordinance.

2. It shall be a violation of this ordinance for any person to deposit any item, items, or materials except litter in any receptacle placed for public use as a depository for litter.

3. It shall be a violation of this ordinance for any person to deposit litter or waste materials in any receptacle, dumpster, or container without the permission of the owner or person in control thereof.
4. It shall be a violation of this ordinance for any person to deposit any item, items, or materials in any receptacle placed for public use at county parks except those items generated during the utilization of the park, and in no event shall litter generated in a residential or commercial establishment be deposited in receptacles.

9.03.03 Litter Storage.

1. All commercial establishments shall store their litter in a controlled manner so as to eliminate wind-driven debris and litter in and about their establishments. The number and size of containers necessary for each commercial establishment shall be as required to control all waste generated on the premises. Spillage and overflow around containers shall be immediately cleaned up as it occurs by the generator.

2. All loading and unloading areas at commercial establishments shall be provided with litter receptacles by the generator to store loose debris, paper, cardboard, packaging material, and similar materials.

3. It shall be the duty of any and every person, corporation, company, lessee or agent owning or operating any public establishment or place open to the public to have available receptacles adequate to contain litter generated from such establishment.

4. It shall be the duty of every person, corporation, company, firm, owner, lessee or agent in possession, charge of or in control of any place, public or private, where litter is accumulated or generated, to have available and at all times to keep said litter in adequate and suitable receptacles and/or containers capable of holding such materials until proper final disposal is accomplished.

5. Any unauthorized accumulation of litter on any property (vacant or occupied), premises, public street, alley, or other public or private place is a violation of this ordinance.

9.03.04 Litter Control.

1. All construction and demolition contractors, owners, or agents shall provide on-site control measures to prevent wind-driven scattering of such materials if the materials are otherwise not properly disposed of on a daily basis. All litter, tar paper, packaging and crating materials and similar materials shall be removed within thirty (30) days after the completion of the construction or demolition.

2. It shall be the duty of each operator, owner, lessee, or agent of any business, industry, institution, apartment, hotel, condominium or other complex, public or private, profit or non-profit, to keep the adjacent and surrounding areas clean of wind-driven or animal-carried litter generated from such establishment. These areas include public property, roads, right-of-ways, grounds, parking lots, loading and unloading areas and vacant lots owned or leased by the establishments.

3. It is a violation of this ordinance for any private property owner, tenant, occupant, lessee or agent to grant permission to any person to dispose of litter on his property in any manner except in permitted disposal sites, or as authorized by the rules of the Florida Department of Environmental Protection.

9.03.05 Public Nuisance: The following conditions existing, permitted, maintained, or caused by any person on real property in Okaloosa County shall constitute the maintenance of a public nuisance injurious to the health or general welfare of the citizens of Okaloosa County and shall constitute a violation of this ordinance.

1. The creation or maintenance of any condition capable of breeding flies, mosquitoes or other arthropods capable of transmitting diseases directly or indirectly to humans.

2. The accumulation of rubbish, trash, garbage, litter, or other solid or liquid waste materials in violation of this ordinance.

3. The existence of any dwelling, house, building, structure or real property on which a dwelling, house, building or other structure is located which is unsafe, unsecured, deteriorated, uninhabitable, degraded with obscene graffiti, or a menace to the health, safety, or general welfare of the citizens of Okaloosa County.

4. The utilization of any single-family or multi-family residential property by the owner or occupant thereof for the exterior storage of any, icebox, refrigerator, stove, or other large appliance normally located inside a dwelling unit.

9.03.06 Disposal of Litter: Litter shall be stored and transported in accordance with the provisions of this ordinance.

9.03.07 County Landfills: No person shall directly or indirectly remove litter from the landfills operated by Okaloosa County, or attempt to search for or locate materials or items for removal therefrom without obtaining a permit from the governing body of Okaloosa County.

9.03.08 Owners and Generators Responsibility: Any person, corporation, establishment, firm, business, owner, or agent of property within Okaloosa County who generated litter shall be responsible for ensuring such litter is managed, stored, handled, transported and disposed of in accordance with the provisions of this ordinance.

9.03.09 Enforcement: The enforcement of this ordinance shall be the duty and responsibility of the Okaloosa County Sheriff's Department, the Okaloosa County Health Department, Okaloosa County Code Enforcement, and their respective agents or representatives.

1. The Sheriff, Deputy Sheriffs, Okaloosa County Code Enforcement Officers, are hereby empowered to issue uniform citations, court summons, arrests, or to issue written corrective notices to persons violating any provisions of this ordinance and may serve or execute all warrants and other processes issued by the Court in enforcing the provisions in this ordinance. Okaloosa County Code Enforcement Officers can issue correction notices, uniform citations, and notice of hearings to go before the Code Enforcement Board. Health Department agents may request the assistance of a Deputy Sheriff or Environmental Officer at the scene of a violation, and if in the opinion of the officer, sufficient probable cause exists, the officer may arrest or issue the violator a court summons.

2. Interference with the officer attempting to enforce this ordinance, shall constitute a violation of this ordinance as well as any other criminal sanction which may be imposed.

3. Prosecution for a violation of this ordinance shall be initiated by the officer who witnesses such offense or has sufficient probable cause or who discovers an article of litter bearing a person, corporation, company, firm, business, or institution's name or address on property of another or on any public property. It shall be presumed that any article of litter so discovered is the property of such person whose name or address appears thereon, and that said person, company, corporation, firm, business, or institution placed or

caused to be placed such article of litter on the property of another or public property. This presumption is based on the tenet that all generators of such litter are responsible for such litter until such time as is it has been properly disposed of.

4. Corrective written notices may be issued to violators of this ordinance to correct an offense, in lieu of arrest. The notice shall state the date and time issued, nature of the offense committed, corrective measures to be taken and the date and time such corrections shall be made. All such notices issued shall be maintained by the issuing authority for public inspections during normal office hours. Notices mailed by certified mail or return receipt requested to the violator's last known place of residence shall be deemed personal service upon the person, for the purposes of this ordinance.

9.03.10 Failure to Comply with a Notice: Any person, corporation, company, firm, business, institution, owner, lessee, agent, tenant, or occupant who has been served such notice in accordance with the provisions of this ordinance, and who shall neglect or shall refuse or shall fail to fully comply with the corrective notices so ordered and/or within the time frame so ordered therein, shall be in violation of this ordinance.

9.03.11 Government Authorization for Clean-Up: In all instances where a public nuisance or a violation of this ordinance exists and the owner or agent of the properties' whereabouts are unknown, or are residing out of the County or State, and after written corrective notice, as described herein, has been served, and the owner or agent has failed to correct the violation, The Code Enforcement Board shall hear the case and recommend to the Board of County Commissioners to cause the public or private property to be cleaned up or removed and the nuisance or violation abated. The cost for such cleanup shall be billed and mailed via certified mail to the last known address of the owner or agent and if said bill is not paid within thirty (30) days from the mailing date, the Board acting through its Chairman shall execute a lien on the property for the amount expended on the cleanup until the bill is paid or satisfied.

9.03.12 Penalty: Any person, corporation, company, firm, business, institution, establishment, owner, agent, tenant, lessee, or occupant who shall violate any provision, shall fail, neglect, or refuse to fully comply with any written corrective notice, as described herein, or given pursuant to the authority of this chapter shall be prosecuted for a misdemeanor. Any person found guilty of any provisions of this chapter by court of competent jurisdiction shall be punished by fine of not less than fifty (50) dollars and not more than five hundred (500) dollars, or a sentence of not more than sixty (60) days in the County jail, or by both such fine and imprisonment. However, imposition of such fines or jail sentences shall not prohibit or preclude said court from imposing civil or other penalties which would include, but not be limited to picking up litter or performing other labor or services commensurate to the offense committed.

EXHIBIT F

OKALOOSA COUNTY
DEPARTMENT OF GROWTH MANAGEMENT

COUNTY ADMINISTRATIVE PROCESSES

PERMIT NUMBER: **435612-CAP-2018**

ISSUED DATE: 11/02/2018

ISSUED LOCATION: FWB (850) 651-7180

MASTER PERMIT:

PERMIT TO BE POSTED THROUGHOUT CONSTRUCTION

OWNER: FORTUNE 900 LLC
616 POWELL DR
NICEVILLE FL 32578

FEE	AMOUNT
Convenience Fee	1.00
Alcohol Signature	75.00
Total:	**76.00**

CONTRACTOR:

LICENSE:

BUSINESS TYPE:

JOB ADDRESS: 449 EGLIN PKWY N
FORT WALTON BEACH FL 32547

PARCEL ID: 01-2S-24-0180-0007-0090

LEGAL DESCRIPTION: BAYVIEW S/D LOTS 9 and 10 BLK 7

ITEM	DESCRIPTION	ITEM	DESCRIPTION
Water Provider	OCWS	Future Land Use	C
Flood Zone	X	Planning Function Type	1
Zoning Type	c-3		
Jurisdiction	1		
Fire District	11		
Private Well Y/N?	N		
Septic or Sewer	Sewer		
Easements on Property ? Y/N	N		
Commercial Y/N?	Y		

PROJECT DESCRIPTION: Beverage sign off, 4 COP SRX for the existing restaurant Pallet Bar & Grille (change of ownership) formerly Black Angus Restaurant located at 449 Eglin Parkway N, FWB. 51% of sales revenue shall be from the sale of non alcoholic foods and beverages. No outdoor service of alcoholic foods and beverages allowed. MM

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY, IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

EXHIBIT G

Notice of Violation

Code Enforcement Division
Okaloosa County
Petitioner

Case No: 0626-0362

V.

COPY

Pallet Bar and Grill LLC
449 Eglin Pkwy.
Fort Walton Beach, FL 32547

Address of Violations(s):
449 Eglin Pkwy.
Fort Walton Beach, FL 32547
Legal Description: 01-2S-24-0180-0007-0090
Issue Date: 09/23/2026

This letter will serve as your official Notice of Violation that on **June 14, 2026,** an inspection of the above referenced property determined that it is in violation(s) of the Okaloosa County Ordinance Appendix E Ch. 8 Sec. 8.06.00(6), Appendix E Section 2.20.01(2)(6) and is hereby declared to be in violation.

Code:
Ch. 6 Article VI Sec. 6-133 105[A] 105.1 - Building Codes
Permit Required.
Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

Corrective Action:
Apply and obtain the required permits for (downstairs restrooms) plumbing, mechanical and electrical.

Code:
Appendix E Section 2.20.01(2)(6) - Alcoholic beverage establishments.
Outdoor serving of alcoholic beverages within 300 feet (measured using the same method as provided in Section 2.20.01 (2.) of a residential zone or use is permitted only through the granting of a Special Exception as provided by Section 1.11.03 and Section 11.02.09 of this Code and shall cease between the hours of 10:00 PM and 7:00 AM Central Time unless more restrictive hours are established by the Board of Adjustment as a condition of approval of the special exception.

Description of Violation:
Violation of your beverage sign off, 4 COP SRX for the existing restaurant Pallet Bar & Grill. No outdoor services of alcoholic foods and beverages allowed. MM (Permit # 435612-CAP-2018).

Corrective Action:
Apply for a Special Exemption and follow all instructions to be heard at the Board of Adjustment meeting. Until further notice…
Outdoor services/Consumption of alcohol SHALL CEASE AND DESIST.

To avoid further Code Enforcement action, you must bring the property into compliance by **September 23, 2026,** of receipt of this notice. Property owner has the responsibility to call and schedule an inspection to obtain an "Affidavit of Compliance". Failure to comply will result in our proceeding with the scheduling of a hearing before the Okaloosa County Code Enforcement Board and/or issuance of a citation with a fine of up to **$500.00** for each offense per day.
A five-day mailing grace period has been added to compliance date.
Method of Delivery: Hand Delivered

COPY

Sean Donaldson
Okaloosa County Code Enforcement Officer
1250 Eglin Pkwy. Suite 301
Shalimar FL, 32579
Department: 850-651-7531
Desk: 850-651-7190
Email: sdonaldson@myokaloosa.com

COPY

OKALOOSA COUNTY CODE ENFORCEMENT
1250 Eglin Pkwy. Shalimar, FL 32579

"AFFIDAVIT OF HAND DELIVERY"

Case No. 0626-0362

Respondent: Pallet Bar & Grill LLC

Address of Violation:

449 Eglin Pkwy.

Fort Walton Beach, FL 32547

Delivered by: Sean Donaldson Okaloosa County Code Enforcement
(Name and Title)

Received by: Hunter Neville _____
(Print Name) **(Signature)**

Date: 09/23/26 **Time:** 12:17

Sean Donaldson
Okaloosa County Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF OKALOOSA

SWORN TO AND SUBSCRIBED before me this 23rd day of September, 2026, by Sean Donaldson who is personally known to me.

Notary Public

CHRISTINE SMITH
Commission # HH 705751
Expires August 3, 2029

Notice of Violation

Code Enforcement Division
Okaloosa County
Petitioner

Case No: 0626-0362

V.

Pallet Bar and Grill LLC
449 Eglin Pkwy.
Fort Walton Beach, FL 32547

Address of Violations(s):
449 Eglin Pkwy.
Fort Walton Beach, FL 32547
Legal Description: 01-2S-24-0180-0007-0090
Issue Date: 07/30/2026

This letter will serve as your official Notice of Violation that on **June 14, 2026,** an inspection of the above referenced property determined that it is in violation(s) of the Okaloosa County Ordinance Appendix E Ch. 8 Sec. 8.06.00(6), Ch. 6 Article VI Sec. 6-133 105[A] 105, Appendix E Section 2.20.01(2)(6) and is hereby declared to be in violation.

Code:
Ch. 6 Article VI Sec. 6-133 105[A] 105.1 - Building Codes
Permit Required.
Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

Corrective Action:
Apply and obtain the required permits for structure (stage), plumbing, mechanical and electrical.

Notice of Violation

Code:
Appendix E Ch. 8 Sec. 8.06.00(6) - Prohibited Signage
It shall be unlawful to erect any sign not authorized or exempted from this code. The following signs are expressly prohibited: (6) Wind signs.

Corrective Action:
Remove wind signs from the right-of-way.

Code:
Appendix E Section 2.20.01(2)(6) - Alcoholic beverage establishments.
Outdoor serving of alcoholic beverages within 300 feet (measured using the same method as provided in Section 2.20.01 (2.) of a residential zone or use is permitted only through the granting of a Special Exception as provided by Section 1.11.03 and Section 11.02.09 of this Code and shall cease between the hours of 10:00 PM and 7:00 AM Central Time unless more restrictive hours are established by the Board of Adjustment as a condition of approval of the special exception.

Corrective Action:
Cease and desist all outdoor services/consumption of alcohol.

Notice of Violation

To avoid further Code Enforcement action, you must bring the property into compliance by **September 03, 2026**, of receipt of this notice. Property owner has the responsibility to call and schedule an inspection to obtain an "Affidavit of Compliance". Failure to comply will result in our proceeding with the scheduling of a hearing before the Okaloosa County Code Enforcement Board and/or issuance of a citation with a fine of up to **$500.00** for each offense per day.
A five-day mailing grace period has been added to compliance date.
Method of Delivery: Certified Mail: 9589071052702247938815

Sean Donaldson
Okaloosa County Code Enforcement Officer
1250 Eglin Pkwy. Suite 301
Shalimar FL, 32579
Department: 850-651-7531
Desk: 850-651-7190
Email: sdonaldson@myokaloosa.com

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Fort Walton Beach, FL 32547

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$	$0.20
Extra Services & Fees (check box, add fee as appropriate)	$0.00
☐ Return Receipt (hardcopy)	$ $0.00
☐ Return Receipt (electronic)	$ $0.00
☐ Certified Mail Restricted Delivery	$ $0.00
☐ Adult Signature Required	$ $0.00
☐ Adult Signature Restricted Delivery	$
Postage	$0.82
$	
Total Postage and Fees	$6.57
$	

FORT WALTON BEACH FLORIDA 32548

Postmark Here

SEP 23 2026

09/23/2026

USPS

Sent To: Pallet Bar + Grill LLC

Street and Apt. No., or PO Box No.: 900 Eglin Pkwy.

City, State, ZIP+4®: Fort Walton Beach, FL 32547

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions