



CITY COUNCIL MEETING

Welcome to the City of Niceville City Council Meeting. The public may address the City Council in person and must attend in person to speak during public hearings. If you are a person with a disability who needs accommodation to participate in this meeting or if you have any questions, please contact the City Clerk's Office at 279-6436. If you are deaf/hard of hearing and require the services of an interpreter, please call the Florida Relay Service at 711, as soon as possible. The City requests at least 72 hours of advance notice, prior to the scheduled meeting, for accommodation.

AGENDA

January 13, 2026

City Council Chambers - 208 Partin Drive North

6:00 PM

A. Meeting Call to Order and Roll Call

Invocation and Pledge to the Flag of the United States of America

B. Approval of the Agenda with Additions or Deletions

C. Consent Agenda

C-1: Approval of Minutes from December 9, 2025, City Council Meeting

C-2: January 5, 2026, Planning Commission Minutes (Information Only)

C-3: Bills Payable (No Attachment)

D. Awards, Proclamations, and Presentations

D-1: Youth Council Update (No Attachment)

D-2: Proclamation: Holy Family Catholic Academy Schools Week

D-3: Proclamation: Celebrating America's 250th Anniversary, National Society Daughters of the American Revolution.

D-4: Proclamation: Arbor Day 2026

E. Public Hearings (First Reading of Title and Public Hearing)

E-1: Ordinance No. 26-01-01 – An ordinance of the City of Niceville, Florida; creating Chapter 21, titled “Electric Bicycles, Motorized Scooters, and Micromobility Devices”; and providing for enforcement, severability, conflicts, codification, and an effective date.

E-2: Ordinance No. 26-02-01 - 2300 N Partin Dr & Adjacent Vacant parcel Rezoning- This is a request to amend the Official Zoning Map from Public, Civic, Institutional (PCI) zoning district to Multi-family Residential (R-3) zoning district and to change the Future Land Use Map from Public, Civic, Institutional (PCI) to Medium Density Residential (MDR). The subject property is located at 2300 N Partin Dr and adjacent and can be identified by parcel ID numbers: 05-1S-22-256B-0026-0000 & 05-1S-22-256B-0040-0000. The proposed Ordinance sites are approximately 6.21 (+/-) & 6.24 (+/-) acres in size.

E-3: Ordinance No. 26-02-02 - An ordinance adopting amended budget changes for the City of Niceville for the fiscal year commencing on October 1, 2025; an ordinance adopting and approving the appropriations set forth in said budget for the fiscal year commencing October 1, 2025; and providing for an effective date.

E-4: EAR Based Amendment to the Comprehensive Plan – Ordinance 26-XX-XX - An ordinance of the City of Niceville, Florida; providing for amendments to the Comprehensive Plan; deleting Chapters 1 through 5 pertaining to administrative matters; substantively amending Chapter 12 pertaining to recreation and open space; deleting Chapters 15 through 17 pertaining to level of service; consistency with other plans, and public school facilities; substantively amending Chapter 13 pertaining to intergovernmental coordination; substantively amending Chapter 8 pertaining to transportation; substantively amending Chapter 9 pertaining to housing; substantively amending Chapter 11 pertaining to coastal management and conservation; substantively amending Chapter 7 pertaining to future land use; substantively amending Chapters 10 and 14 pertaining to infrastructure and capital improvements; deleting Chapter 6 pertaining to concurrency; non-substantively amending Chapter 18 pertaining to private property rights; and providing for enforcement, severability, conflicts, and codifications; and providing for an effective date.

Public Hearings (Second and Final Reading of Title and Public Hearing)

F-1: Ordinance No. 26-01-02 - Kelly Preserve, LLC Rezoning - This is a request to amend the Official Zoning Map from General Commercial (C-2) zoning district to Single or Multi-family Residential (R-2) zoning district and to change the Future Land Use Map from Commercial (C) to Mixed-Use (MU). The subject property is located on Kelly Rd and can be identified by parcel ID number: 01-1S-23-0000-0000-0084-0000 and 01-1S-23-0000-0082-0040. The proposed Ordinance site is approximately 1.31 (+/-) acres in size.

F-2: 774 Woods Drive Variance - This is a request to reduce the West side setback from 10’ to 6’ to construct an addition. The subject property is located at 774 Woods Dr and can be

identified as Parcel ID Number 17-1S-22-1100-0000-0190. The site is approximately 0.31 (+/-) acres in size.

F-3: 1057 John Sims Parkway Variance - This is a request for the reduction of required parking for a proposed commercial project from 28 to 21 parking spaces. The subject property is 1057 John Sims Parkway and can be identified as Parcel ID Number 08-1S-22-0000-0087-0030. The site is approximately 1.01 (+/-) acres in size.

F-4: Resolution No. 26-01-01- A resolution of the City of Niceville, Florida, appointing members to the City of Niceville’s Urban Forestry Committee; and providing for an effective date.

F-5: Resolution No. 26-01-02 – A resolution of the City Council of the City of Niceville, Florida, adopting the five-year Capital Improvement Plan (CIP) for Fiscal Years 2026 through 2030; providing for conflicts; and providing for an effective date.

G. Reports

G-1: City Manager’s Report (No Attachment)

G-2: Police Chief’s Report

G-3: Fire Chief’s Report

G-4: Public Works Director’s Report

G-5: Code Enforcement

G-6: Building Report

G-7: Finance Report

H. New Business

H-1: Resolution No. 26-01-03 – A resolution of the City Council of the City of Niceville, Florida, supporting alternative 1B as the preferred design of the Around the Mound Project: providing for an effective date.

H-2: Resolution No. 26-01-04 – A resolution of the City of Niceville, Florida, accepting State funding in the amount of \$32,150 for the installation and maintenance of landscape improvements in the medians along SR85, SR20, and SR 397; authorizing execution of the joint participation agreement with the Florida Department of Transportation; providing for severability; and providing for an effective date.

I. Open Forum

J. Adjournment



C-1

MINUTES
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
DECEMBER 9, 2025

The Niceville City Council met in regular session at 6:00 PM, December 9, 2025, in the Council Chambers, 208 N Partin Drive. All Council members and the Mayor were present. Also present were City Manager, David Deitch; City Clerk, Wendy Farmer; City Attorney, Steven Hall; Police Department, Chief Mark Hayse; Fire Department, Chief Alex Kukulus, Public Works Director, Johnathan Laird, and Community Development Director, Chris Frassetti. There were approximately 30 visitors in the audience, including other city employees. Mayor Henkel called the meeting to order at 6:00 PM, Councilman Stauffer offered the prayer, and Mayor Henkel led the Pledge of Allegiance.

A. Meeting Call to Order and Roll Call

Invocation and Pledge to the Flag of the United States of America

B. Approval of the Agenda with Additions or Deletions

Councilman Stauffer moved approval and Councilman Schaetzle seconded. No one spoke for or against.

Council Vote: Tolbert-yes; Schaetzle-yes; Alley-yes; Rominger-yes; Stauffer-yes. Motion passed.

C. Consent Agenda

C-1: Approval of Minutes from November 18, 2025, City Council Meeting

C-2: December 1, 2025, Planning Commission Minutes (Information Only)

C-3: Bills Payable (No Attachment)

Councilman Schaetzle moved approval and Councilwoman Alley seconded. No one spoke for or against.

Council Vote: Tolbert-yes; Schaetzle-yes; Alley-yes; Rominger-yes; Stauffer-yes. Motion passed.

D. Awards, Proclamations, and Presentations

D-1: Youth Council Update

Councilman Tolbert explained the Youth Council is working toward a couple of upcoming projects. The first is Wreaths Across America, which will be December 12th for laying the wreaths and December 13th for a ceremony at Heritage Gardens and Sunset Cemetery. They are also working on a fundraiser for Beds4Me, a recycling initiative within the elementary schools to educate elementary students about recycling and contamination rates, and lastly the Autism race later next year. They are also planning on attending the Legislative Actions Days in Tallahassee. We still have some details to work out.

E. Public Hearings (First Reading of Title and Public Hearing)

E-1: Ordinance No. 26-01-01 – An ordinance of the City of Niceville, Florida; creating Chapter 21, titled “Electric Bicycles, Motorized Scooters, and Micromobility Devices”; and providing for enforcement, severability, conflicts, codification, and an effective date.

Mrs. Farmer read Ordinance 26-01-01 by title. Councilman Stauffer moved approval and Councilman Rominger seconded. Mr. Deitch explained this was a combined effort between Okaloosa County and most of the municipalities in the County. The goal is to create an ordinance everyone could take to their legislative body as these devices will cross over boundaries frequently. Mr. Deitch stated he drafted the ordinance by combining existing state laws, laws that may be enacted following the upcoming legislative session, and ordinances adopted by 26 municipalities and counties across the State of Florida, resulting in the ordinance presented tonight. Councilman Stauffer commented it stated they must wear a bicycle helmet, then asked, so if they are not wearing a helmet, they are breaking the law. Mr. Deitch replied they are violating the ordinance if you approve it as written. Discussion followed regarding age limits, bicycles, motorcycles, types of helmets, and the laws in Florida for people under the age of 16. Due to the number of changes the Council wanted made, Councilman Stauffer withdrew his motion and Councilman Rominger withdrew his second. Attorney Hall agreed this meeting would be for informational purposes only and the ordinance would be brought back on the January 2026 agenda with the following changes: 1. Anybody 16 and under must wear a helmet. 2. The helmet must be a bicycle helmet, at a minimum. 3. Adding a definition for multi-use paths. 4. Riding on public property.

E-2: Ordinance No. 26-01-02 - Kelly Preserve, LLC Rezoning - This is a request to amend the Official Zoning Map from General Commercial (C-2) zoning district to Single or Multi-family Residential (R-2) zoning district and to change the Future Land Use Map from Commercial (C) to Mixed-Use (MU). The subject property is located on Kelly Rd and can be identified by parcel ID number: 01-1S-23-0000-0000-0084-0000 and 01-1S-23-0000-0082-0040. The proposed Ordinance site is approximately 1.31 (+/-) acres in size.

Mrs. Farmer read Ordinance 26-01-02 by title. Councilman Schaeztle moved approval and Councilwoman Alley seconded. Councilman Rominger stated he would be abstaining due to a conflict of interest. Mr. Frassetto stated this property is currently commercial C2 and they are requesting R2 single or multi-family residential as well as the future land use of a mixed use. It is within our Community Redevelopment Agency (CRA) and in the military influence planning area. The Planning Commission recommended approval 6-0. As a proposed future land use of mixed use, it would have a maximum residential density of 25 dwelling units per acre, which is specified in the Comprehensive Plan and Land Development Code based on being in the CRA. With it being in the military influence planning area, it would have to go through their potential review if it was to move forward for development. Andrew Tidwell, 121 Partin Drive North, stated he is part owner of Kelly Preserve with his dad. They plan to build a duplex on these parcels. It will be townhouse style but since they can only fit two, it is a duplex. Councilman Schaeztle asked if it was his intention to come to the Planning Commission and Council with a variance request if this was to be rezoned. Mr. Tidwell replied no. Councilwoman Alley asked if

there was any opposition from neighbors. Mr. Frassetto replied they had not received any opposition. Councilman Tolbert raised a procedural concern regarding a prior council vote on a property across the street, noting a potential conflict of interest due to development interests in nearby property. The council discussed whether reconsideration of the prior vote was warranted. Staff advised that additional review was needed to determine whether a conflict existed. The Council agreed to allow staff to review the matter and provide a determination at a later date. No action was taken on that matter.

Council Vote: Tolbert-yes; Schaetzle-yes; Alley-yes; Rominger-abstained; Stauffer-yes. Motion passed.

F. Public Hearings (Second and Final Reading of Title and Public Hearing)

F-1: 723 Powell Drive Rezoning – Ordinance No. 25-12-01 – This is a request to amend the Official Zoning Map from Single Family Residential (R-1) zoning district to Single or Multi-family Residential (R-2) zoning district. The Future Land Use Map designation will remain Mixed Use. The subject property is located at 723 Powell Drive and can be identified by parcel ID number 06-1S-22-2100-0011-0060.

Mrs. Farmer read Ordinance 25-12-01 by title. Councilman Tolbert moved approval and Councilwoman Alley seconded. Mr. Frassetto explained this is the second reading of this request. Staff have not made any changes to this ordinance since the first reading, nor have they received any objections or other public comments regarding this request. Robert Cordier, 29 Carl Brandt Drive, Shalimar, representing the partnership putting this project together. He reminded the Council this would be similar to the one he built at 718 Powell Drive. Councilman Schaetzle asked if they build a two-story duplex like that, was he anticipating coming back to the Council for a variance on the setbacks. Mr. Cordier replied no and explained he had to make a little adjustment, but he had submitted the paperwork already. It was noticed that the setback was incorrect, so he had a surveyor correct it to be within setbacks.

Council Vote: Tolbert-yes; Schaetzle-yes; Alley-yes; Rominger-yes; Stauffer-yes. Motion passed.

F-2: Ordinance No. 25-12-02 - An ordinance of the City of Niceville, Florida, amending Chapter 5, article ii and article iii of the Code of Ordinances to update references to the Florida Building Code and the National Electrical Code; providing for severability, enforcement, conflicts, codification, and an effective date.

Mrs. Farmer read Ordinance 25-12-02 by title. Councilman Stauffer moved approval and Councilman Rominger seconded. Mr. Frassetto stated there were no changes since the first reading.

Council Vote: Tolbert-yes; Schaetzle-yes; Alley-yes; Rominger-yes; Stauffer-yes. Motion passed.

F-3: Ordinance No. 25-12-03 – An ordinance adopting the amended final budget changes for the City of Niceville for the fiscal year commencing October 1, 2024; an ordinance adopting and approving the appropriations set forth in said budget for the fiscal year commencing October 1, 2024; and providing for an effective date.

Mrs. Farmer read Ordinance 25-12-03 by title. Councilman Schaetzle moved approval and Councilman Rominger seconded. Mr. Deitch explained this was to clean up the fiscal year (FY) 2025 budget as it is closed out. This would reduce the approved budget for FY25 by over \$2.7 million. This is housecleaning only.

Council Vote: Tolbert-yes; Schaetzle-yes; Alley-yes; Rominger-yes; Stauffer-yes. Motion passed.

F-4: Ordinance No. 25-12-04 - An ordinance of the City of Niceville, Florida, creating a Development Services Special Revenue Fund to account for revenues and expenditures associated with building permit, licensing, and development application fees; providing for purpose and intent; establishing separate sub-funds for Building Code Enforcement and Planning and Development application activities; providing for revenue sources, expenditure limitations, and reporting requirements; providing for administration and internal controls; providing for conflicts, severability, codification, and an effective date.

Mrs. Farmer read Ordinance 25-12-04 by title. Councilman Stauffer moved approval and Councilman Rominger seconded. Mr. Deitch explained this was to create special revenue funds for the Building Department to make sure we are in compliance with the statutes and to make tracking of revenue and expenses internal to the Building Department easier.

Council Vote: Tolbert-yes; Schaetzle-yes; Alley-yes; Rominger-yes; Stauffer-yes. Motion passed.

F-5: 612 Powell Dr Variance - This is a request for reduced side setbacks for an accessory structure on the subject parcel from 5 feet to 2.5 feet. The proposed final order is for 612 Powell Dr and can be identified as Parcel ID Number 06-1S-22-2100-0008-0150. The site is approximately 0.23 (+/-) acres in size.

Mrs. Farmer read the variance by title. Councilman Tolbert moved to deny, and Councilman Stauffer seconded. This request was to reduce the side yard setback from five feet to two and a half feet for this property. The Planning Commission recommended denial by a 5-1 vote. Staff also recommended denial based on the criteria we felt it was not met. Mr. Frassetto explained that such requests typically require a unique condition or circumstance specific to the property that would limit development in a manner not common to surrounding properties. In this case, staff found the property to be standard in nature, consisting of two previously combined lots. Stephanie Van Houten, 612 Powell Drive, stated they are trying to maximize their space and protect their assets. Councilman Rominger asked if this was a garage apartment they were requesting to build. Ms. Van Houten replied yes. Councilman Rominger then asked how big the living space was. Ms. Van Houten stated it was 900 square feet. Councilman Rominger asked how big the actual dwelling was. Ms. Van Houten stated she was trying to do 45 by 65. Councilman Rominger stated the drawings were a little deceptive. Councilman Schaetzle asked which street would be used for access. Ms. Van Houten stated they would use Cypress Drive.

Council Vote: Tolbert-yes; Schaetzle-yes; Alley-yes; Rominger-yes; Stauffer-yes. Motion passed for denial.

F-6: 2446 Duncan Dr Variance - This is a request for an exception to the ADU size limitation of 900 sf heated and cooled. The proposed final order is for 2446 Duncan Dr and can be identified as Parcel ID Number 09-1S-22-0730-0005-0050. The site is approximately 0.58 (+/-) acres in size.

Mrs. Farmer read the variance by title. Councilman Stauffer moved approval and Councilman Rominger seconded. Mr. Frassetto explained this was a request for an accessory dwelling unit (ADU). The request is to have an ADU that exceeds 900 square feet and would be approximately 925 square feet. This was approved by the Planning Commission with a 6-0 vote. Staff also recommend approval. The existing structure is approximately 925 square feet and was built in compliance at the time it was built for size and setbacks, and the site is at its maximum wall coverage today. This means they could not build anything else in the future. The ADU standards that are in place now were put in place after the original construction and would prohibit them from having 925 square feet, hence the request. Councilman Schaetzle asked if approving this would set precedence or were we taking each individual case that comes before us and evaluate it on its own merit. Mr. Frassetto replied this would not set precedence, each case is its unique situation. That is the purpose behind a variance, that it is a case-by-case basis. Councilman Tolbert asked if it met current setback requirements. Mr. Frassetto replied it did not, the setbacks are typically five feet, and these are three feet. However, it was built in compliance back in 2009. Debbie Lewis, 2446 Duncan Drive, stated this is their personal property. She explained it started out as their Christmas shed. It was constructed in three phases, and we feel like the square footage changed mid-stream. Discussion followed regarding not heating and cooling a section to be compliant. Ms. Lewis explained her understanding was this was not required in the past for those setbacks, however the code has since changed. She also stated she had letters from her neighbors stating they were ok with her request.

Council Vote: Tolbert-no; Schaetzle-yes; Alley-yes; Rominger-yes; Stauffer-yes. Motion passed.

G. Reports

G-1: City Manager's Report

Mr. Deitch reminded everyone of the Christmas Parade being Saturday at 10 AM. He stated it will be the same parade route as usual.

A Very Merry Christmas will be Friday, December 12th and Saturday, December 13th from 5 PM to 8 PM. There will be approximately eight food trucks, approximately 50 vendors, music, Santa, Rudolph, hayrides, and more.

The Chamber Breakfast tomorrow will be held at the Church on Bayshore.

G-2: Police Chief's Report

Chief Mark Hayse briefed on the status of department operations.

During the month of November, the Police Department responded to 2,053 calls for police assistance. There was a total of 31 traffic crash reports written involving 61 vehicles. A total of 131 traffic citations and 223 traffic warnings were issued, 15 misdemeanors, five felony and four DUI arrests were made. There was a total of 29 tows: nine AA Auto Clinic, 11 Roadside Assistance, and nine White's Wrecker Service.

During the month of November there were 925 approved citations from the speed cameras. 34 were rejected for various reasons. The breakdown was 146 on Northbound Palm Boulevard, 308 on Southbound Palm Boulevard, 190 on northbound Partin Drive, and 281 on Southbound Partin Drive.

Councilman Schaetzle asked if we are seeing a decrease in school zone citations from last month. Chief Hayse replied they were maintaining. Mr. Deitch further explained that the numbers Chief Hayse quoted were a moment in time on tickets. In the month of November there were a little under 1,100 total offenses, which is down. We had 1,400, 1,700, and now 1,100, so it is trending in the right direction but still a lot.

Councilman Schaetzle commented on the DUI's being more this month than last and asked if there was a reason that he could see. Chief Hayse replied it was probably due to having three officers in training.

G-3: Fire Chief's Report

Chief Alex Kukulus briefed on the status of department operations.

During the month of November, the Niceville Fire Department responded to 165 emergency incidents. There were no overdose/poisoning calls.

Chief Kukulus stated that fire safety inspections are being conducted. Most of the commercial occupancies are being visited by Fire Marshal Webster. This will be ongoing throughout the year.

There were several Veterans Day events attended in November to include events at schools and the Veterans Day Parade.

Upcoming events will include Santa visiting Swift Creek HOA for Christmas, and potentially another tour throughout the City with Santa in the tower truck, schedule permitting. The full fleet will be in the Christmas Parade this weekend. Crews will be on standby for the *A Very Niceville Christmas* this Friday and Saturday.

Updates throughout the department:

1. Recruitment is still ongoing for EMS and training chief.

2. We have been assisting Valparaiso with fire inspections in the absence of having a fire inspector, who is also their Fire Chief. Chief Kukulus added in the absence of a Fire Chief as well, our department may be assisting them on an interim basis until they can decide on how to proceed. This could be in the form of an administrative services contract.
3. Command and Control training was held the third week of November and included East Niceville and Valparaiso Fire Departments.
4. Deer Moss Creek Fire Station plans are progressing with meetings held with JDF Architecture ongoing.

Councilwoman Alley asked if Chief Kukulus was sporting the new station logo? Chief Kukulus replied it was a draft. The staff embraced the black and gold look, so what he was wearing was not the final look. It will say NFD, City of Niceville Fire Department, established 1952.

G-4: Public Works Director's Report

Water and Sewer

Okaloosa County is laying pipe for the reuse pipeline on State Road (SR) 293. They are currently on the west side of SR 285 and hopefully by tomorrow they will be on the east side and tie into the bore to keep heading east. Mr. Deitch worked with Eglin Air Force Base to obtain the permit for the pipeline from SR 293 into the pond, which has now been received. We hope to be able to pump to Deer Moss by the end of the third quarter, maybe the first of April.

Aqua Meter reported that the meter project is progressing and is projected to be completed within two more weeks. Approximately 5,000 lead and copper audits remain.

We have started the permitting process and the design of Well #12. It will go in the Northwest corner of Northwest Florida State College (NWFSC).

The curbing and asphalt on Plumosa Palm began today where they have replaced approximately 110 feet of sewer line.

The FDEP permit has been approved for the greenbelt sewer main upgrade from College Boulevard to Cherrywood Court. The project is currently out for bid. This was an approved project in the budget.

Well #6, located off Ruckel Drive, is currently offline due to motor issues and a positive test for total coliform. Staff have contacted Griner to pull and disinfect the well. A similar issue occurred approximately three years ago, at which time the well was pumped for seven days until water samples met required standards.

Calls: 47 water calls and 21 sewer calls; made 4 water taps and 10 sewer taps; 304-line spots.

Stormwater:

We have signed a task order to start the engineering and design for the stormwater and paving at the north side of the bathroom at Turkey Creek South.

We have repaired the drainage issue on Woods Drive.

We installed a 70-foot retaining wall to fix the washout at 1600 Palm Boulevard along the walk trail.

Streets:

We have installed crosswalks and ADA mats along the new sidewalk on Bailey Drive.

We are updating crosswalks and STOP bars around Plew Elementary. Once done, Emerald Coast Striping will stripe all the roadways.

CW Roberts Contracting is back on site, and the subbase is in for the Hill Lane road extension. They are taking samples of the subbase, and when they are back, they will be able to pack the subbase, start the curbing and sidewalk, then put in lime, rock, and pavement.

The gas permit came in for the gas line on private property for the Valparaiso Boulevard sidewalks.

We have installed two public parking spaces in front of the Fire Department.

There will be a new traffic pattern on Highway 285 for the Christmas Parade. Traffic will only be allowed to go south on Highway 20. If you come up SR 285, headed south, you will be rerouted down Palm Boulevard to College Boulevard.

The traffic study has come back for Powell Drive, and we will be installing a new speed bump to slow traffic.

Emerald Coast Striping will be updating the striping at the intersection of Redwood Avenue and Highway 20.

The Shinning Penny for Public Works this month is Logan Leib. He could not attend tonight, so Mr. Laird stated he would try to bring Mr. Leib back next month to meet the council.

Councilwoman Alley asked for an update on Meigs Park. Mr. Deitch stated he was working with Attorney Hall on an amendment to the Interlocal Agreement because the construction bid came in over budget. We are negotiating to craft an amendment to the agreement with Okaloosa County where we can split those additional costs. The increased costs are approximately \$650,000 to \$700,000 more than what was budgeted. The Deputy County Administrator in charge of the project has also gone before his elected officials asking for more money.

Councilman Stauffer stated he has had complaints regarding speed bumps and asked what the rule of thumb was for them. Are they trying to slow drivers down to the speed limit? Should they be able to go the speed limit over them? Mr. Laird replied yes, they should be able to go over them at the posted speed limit.

Councilman Stauffer then asked if the Palm Boulevard project was going to be discussed. Mr. Deitch stated he was not planning to, but he certainly could. Halff, the engineering firm we are using, is doing a study on the segment of Palm Boulevard between SR 285 and Highway 20, in front of Pounders Hawaiian Grill and the Post Office. During the school year, the traffic in this section is a nightmare. Halff has presented four options to enhance the efficiency of both the

road and the intersection of Palm Boulevard and Highway 20 varying in price between \$1.1 million and \$1.5 million. All the options look good, but we also must work with the school district because at least one option will require a right-of-way or an easement from them. We will also have to work with DOT to modify their intersection. We will also be looking for grants to help with the cost. Discussion followed regarding road closures, public comment, and public input.

Mr. Laird added that next summer the school district will redevelop the western side of the school and fill in the ditch so there will not be a ditch in front of the driveway.

G-5: Code Compliance update:

37 total cases: 12 closed, 7 open, and 18 courtesy notices.

G-6: Building Report

No presentation, attachment was included with agenda packet.

G-7: Finance Report

No presentation, attachment was included with agenda packet.

H. New Business

H-1: Motion to accept the annual Prompt Payment Report for the City of Niceville for the fiscal year ended September 30, 2025.

Mr. Deitch explained this was an annual statutory reporting requirement stating we promptly paid our bills, did not pay any fees, and did not charge interest.

Councilman Tolbert moved approval and Councilman Rominger seconded.

Council Vote: Tolbert-yes; Schaetzle-yes; Alley-yes; Rominger-yes; Stauffer-yes. Motion passed.

H-2: Motion to write-off time barred debt from the City's Receivable Records.

Councilman Rominger moved approval and Councilwoman Alley seconded. Mr. Deitch explained that, on an annual basis, staff write off debt that has been diligently pursued but remains uncollectible. Mr. Poling and his team make strong efforts to collect all outstanding balances. Because the amount of uncollected debt is low, he recommends writing off the remaining balance.

Council Vote: Tolbert-yes; Schaetzle-yes; Alley-yes; Rominger-yes; Stauffer-yes. Motion passed.

I. Open Forum

Council Comment:

Councilman Schaetzle stated the employees do a great job throughout the year and we appreciate them. He wished everyone, citizens and employees, a very Merry Christmas.

Councilwoman Alley wished everybody a Merry Christmas.

Public Comment:

Chris Hughes, 1018 37th Street, stated he lives behind the post office, and he has seen a growing number of stray cats in his neighborhood. He and a few neighbors are managing approximately nine to ten cats, paying out of pocket to socialize and spay and neuter them. In a neighborhood of retirees, which is not a long-term solution. He is asking the City for guidance. Mayor Henkel suggested he stay after the meeting to chat with the City Manager.

J. Adjournment

There being no further discussion, the meeting adjourned at 7:16 PM.

Daniel Henkel, Mayor

ATTEST:

Wendy Farmer, City Clerk



C-2

PLANNING COMMISSION MEETING

CITY OF NICEVILLE, FLORIDA

January 5, 2026

Members present: Suanne Wilson Stacie Scott
Brian Cromwell Tracy Jennette
Jared Bradley Ed Espinoza

Members not present: Suraj Patel

Staff present: David Deitch, City Manager
Chris Frasseti, Community Development Director
Steve Hall, City Attorney

The Planning Commission meeting was called to order by Suanne Wilson, Chair, at 6:03 PM.

A motion to approve the agenda was made by Tracy Jennette and seconded by Brian Cromwell. The motion carried without objection.

A motion to approve the minutes from the previous meeting was made by Jared Bradley and seconded by Ed Espinoza. The motion carried without objection.

AGENDA

D-1: 2300 N Partin Dr & Adjacent Vacant parcel Rezoning – Ordinance No 26-02-01. This is a request to amend the Official Zoning Map from Public, Civic, Institutional (PCI) zoning district to Multi-family Residential (R-3) zoning district and to change the Future Land Use Map from Public, Civic, Institutional (PCI) to Medium Density Residential (MDR). The subject property is located at 2300 N Partin Dr and adjacent and can be identified by parcel ID numbers: 05-1S-22-256B-0026-0000 & 05-1S-22-256B-0040-0000. The proposed Ordinance sites are approximately 6.21 (+/-) & 6.24 (+/-) acres in size.

City Staff read the request description. The Commission Chair then asked if the applicant/representative was in attendance and would like to speak on the request. The applicant's representative, Matt Zinke, spoke regarding the request. He explained the background of the property and previously approved development and changes to zoning of the

property. The commission asked staff if it was known why the City had previously rezoned the property from a commercial zoning to its current PCI zoning. Staff acknowledged that it was not known specifically why that change occurred. The commission asked if this change would make the existing nonconforming use code compliant, staff replied that yes, it would. The Chair asked for any additional comments, several citizens spoke asking questions and stating concerns with the proposed development. Questions were brought up regarding whether infrastructure impacts (traffic, water, sewer, lighting) were analyzed. The applicant and applicant's representative explained that the site previously had an approved development order, and utilities were provided to the site at that time. The City Attorney explained that this is a two-step process, we are currently in the first step for the rezoning and future land use amendment. The second step would be the development review process which would review the proposed development for code compliance, and the public would have the opportunity to voice their specific development concerns at that time. Additional discussion took place to discuss the allowable density and height limits. Additionally, citizens voiced concerns regarding the existing vegetative buffers/easements around the property between the subject property and their neighborhoods. The City Attorney helped clarify that there are separate easements and city owned properties around certain sides of the subject property which would remain. However, the vegetative buffer along the north side of the property was only a part of the previous, expired development order, therefore it is not in effect. Future proposed development will be reviewed for code compliance. Staff further clarified that the item in front of the commission is a rezoning/future land use amendment request, not a development review request.

Motion to approve was made by Tracy Jennette, seconded by Ed Espinoza. The motion carried 6-0.

D-2: 774 Woods Drive Variance – This is a request to reduce the West side setback from 10' to 6' to construct an addition. The subject property is located at 774 Woods Dr and can be identified as Parcel ID Number 17-1S-22-1100-0000-0190. The site is approximately 0.31 (+/-) acres in size.

City Staff read the request description. The Commission Chair then asked if the applicant/representative was in attendance and would like to speak on the request. The applicant, John Sidor, spoke regarding his request. He discussed his desire to construct a garage addition on his property and the setbacks of his and some of the surrounding properties that are larger than many of the other setbacks in his neighborhood and surrounding areas. The commission asked why there were different setbacks throughout this development. Staff and the City Attorney explained that it was based on the style of development the developer chose to construct, and the PUD (planned unit development) zoning gave the development that flexibility. The commission asked if there would be ramifications in the future if this request was approved? The City Attorney explained that variances don't set precedent and each request is considered individually based on its merits. The commission and applicant then discussed the potential of reducing the setback request from 6' to potentially 7' or 7.5'.

Motion to approve as requested was made by Tracy Jennette, seconded by Stacie Scott. The motion carried 6-0.

D-3: 1057 John Sims Parkway Variance – This is a request for the reduction of required parking for a proposed commercial project from 28 to 21 parking spaces. The proposed final order is for 1057 John Sims Parkway and can be identified as Parcel ID Number 08-1S-22-0000-0087-0030. The site is approximately 1.01 (+/-) acres in size.

City Staff read the request description. The Commission Chair then asked if the applicant/representative was in attendance and would like to speak on the request. Staff explained that the applicant/representative was not available to be in attendance, but they spoke with staff earlier in the day to discuss the item. Staff presented the item and explained that the request came up during the development review process for the new proposed bank for the property.

Motion to approve was made by Ed Espinoza, seconded by Stacie Scott. The motion carried 6-0.

D-4: EAR – Based Comprehensive Plan Amendment Resubmittal – Ordinance No 26-XX-XX. Request approval to resubmit the proposed amendment to the Comprehensive Plan to the appropriate State and Federal agencies for review in accordance with feedback received by the Florida Department of Commerce.

City Staff read the request description and explained that this was a staff-initiated item. Staff presented the item and clarified that one additional minor change be included in the resubmittal language based on State feedback, which was to change the LOS standard for potable water back to the currently adopted standard of 124 gallons per capita per day instead of 130 gallons per capita per day as previously proposed.

Motion to approve made by Stacie Scott, seconded by Ed Espinoza. The motion carried 6-0.

Chair Suanne Wilson asked if there was anyone else present that would like to address the Commission. Seeing none, she called for a motion to adjourn. Tracy Jennette made the motion, Seconded by Brian Cromwell. Meeting adjourned at 6:51pm.

Chris Frassetto
Community Development Director

Suanne Wilson
Chair



D-1



D-2



HOLY FAMILY CATHOLIC ACADEMY

Mayoral Proclamation

The national theme for the 2025-2026 Catholic Schools Week is

“Catholic Schools: United in Faith and Community”

WHEREAS, the 2025-2026 celebration theme, *Catholic Schools: United in Faith and Community*, encompasses the mission and values that can be found in Catholic schools: teaching students to become faith-filled disciples, enriched citizens, and future servant leaders in our communities.

WHEREAS, we recognize that parents are exercising their right to choose the appropriate education for their children; and

WHEREAS, we recognize that Catholic school students in Niceville receive exceptional academics, immersive faith formation, and discover the noble purpose that God has intended for them to lead their lives with virtue, courage, and conviction; and

WHEREAS, we recognize the City of Niceville’s first Catholic school, Holy Family Catholic Academy, established in 2025 serves grades K-3 and expanding to K-5 in the 2026-2027 school year, with plans to grow into a full K-8 school.

NOW, THEREFORE, I, Daniel Henkel, Mayor of the City of Niceville, do hereby proclaim January 25, 2026 through January 31, 2026 as

National Catholic Schools Week

In the City of Niceville and urge all residents to join in recognizing the positive impact Holy Family Catholic Academy makes in our Niceville community.

In witness whereof I have hereunto set my hand and caused this to be affixed.



Daniel Henkel

Daniel Henkel



D-3

City of Niceville

Proclamation

WHEREAS, on July 4, 2026, our nation will commemorate the Semiquincentennial (250th) anniversary of the signing of the Declaration of Independence; and

WHEREAS, the journey toward this historic milestone provides an opportunity to reflect on our nation's past, honor the contributions of all Americans, and look ahead to the future generations who will carry forward the ideals of democracy and individual liberty that make the United States unique in the world community; and

WHEREAS, the great State of Florida was shaped by the Revolutionary War generation and their descendants who moved west into territory organized under the Northwest Ordinance as the Northwest Territory—land ceded by Great Britain to the United States under the Treaty of Paris of 1783; and

WHEREAS, the National Society Daughters of the American Revolution (DAR) is a nonpolitical women's service organization, established in 1890, whose members are lineal descendants of Patriots of the American Revolution; and

WHEREAS, under the leadership of the President General, Daughters across the nation are celebrating Stars & Stripes Forever and Rejoicing in Our DAR Ties of Service and Friendship by honoring our nation's rich history and diversity, fostering belonging through membership, and serving God, Home, and Country through meaningful local projects; and

WHEREAS, from the 250th anniversary of the Boston Tea Party in 2023 through the 250th anniversary of the signing of the Treaty of Paris in 2033, Daughters are honoring the men and women who achieved American independence—Patriots who believed in the noble cause of liberty and fought valiantly to establish a new nation.

NOW, THEREFORE, I, Mayor Daniel Henkel, on behalf of the Niceville City Council, do hereby proclaim the year 2026 as **Celebrating America's 250th Anniversary** in the City of Niceville, and I call upon all citizens to join in supporting families, promoting hope, and working together to commemorate this momentous occasion.



In witness whereof, I have hereunto set my hand and caused this to be affixed.

Daniel Henkel
Daniel Henkel, Mayor



D-4



*** OFFICIAL PROCLAMATION ***

WHEREAS in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, *and*

WHEREAS this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, *and*

WHEREAS Arbor Day is now observed throughout the nation and the world, *and*

WHEREAS trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, *and*

WHEREAS trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, *and*

WHEREAS trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, *and*

WHEREAS trees — wherever they are planted — are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Daniel Henkel, Mayor of the City of Niceville, do hereby proclaim January 23, 2026 as **ARBOR DAY** In the City of Niceville and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, *and*

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED THIS 13th day of January, 2026.

Mayor, Daniel Henkel





E-1



STAFF MEMORANDUM

Date: January 5, 2026
From: David Deitch (City Manager)
To: Niceville City Council
RE: E-Bike Ordinance – Ordinance Number 26-01-01

Action Requested:

Approval of Ordinance 26-01-01, a critical public safety measure that establishes clear, uniform rules for the operation of e-bikes, motorized scooters, and other micromobility devices within the City of Niceville.

Background: The popularity of electric bicycles (e-bikes), motorized scooters, and similar micromobility devices has exploded in recent years as convenient, eco-friendly options for transportation and recreation. However, the complete absence of local regulations in both the City of Niceville and Okaloosa County, combined with outdated and incomplete State law, has created a dangerous void.

This regulatory gap has directly contributed to a sharp rise in accidents involving these devices. Nationwide and across Florida, e-bike and scooter injuries have skyrocketed, with national e-bike injuries increasing over 3,000% from 2017 to 2022 alone. In our own region:

- Okaloosa County has recorded numerous serious and fatal incidents involving electric bikes and scooters in recent years, including a fatal collision in 2025 where a 21-year-old Fort Walton Beach resident was struck and killed while riding an e-bike.
- Statewide, Florida continues to lead the nation in bicycle and micromobility-related fatalities and severe injuries, with vulnerable road users bearing the brunt of collisions caused by speeding, sidewalk riding, and lack of awareness.

Without rules governing speed, sidewalk use, helmet requirements, lighting, and safe operation, our streets, sidewalks, trails, and neighborhoods remain at unnecessary risk. Residents, pedestrians, children, and motorists are all endangered by this unregulated environment.

Recognizing this urgent threat to public safety, Okaloosa County and every municipality in the county have collaboratively developed this identical proposed ordinance. Adoption by Niceville will create seamless, county-wide consistency, eliminate confusion, and send a unified message that safety comes first.

Funding: None required. This ordinance imposes no fiscal impact on the City.

Options:

1. Approve Ordinance 26-01-01 (Recommended) – Immediately implement proven safety regulations and align Niceville with the rest of Okaloosa County.
2. Deny the ordinance – Leave our community exposed to continued preventable injuries and fatalities.
3. Postpone action – Delay life-saving protections and risk further tragedy.
4. Modify the ordinance – Potentially create inconsistency with the County and neighboring cities, undermining the regional approach.

STAFF RECOMMENDATION

Approve Ordinance 26-01-01 as presented. This ordinance represents a proactive, commonsense step to educate users, clarify rules of the road, and prevent the next serious injury or loss of life in our community.

ORDINANCE NO. 26-01-01

AN ORDINANCE OF THE CITY OF NICEVILLE, FLORIDA; CREATING CHAPTER 21, TITLED “ELECTRIC BICYCLES, MOTORIZED SCOOTERS, AND MICROMOBILITY DEVICES”; AND PROVIDING FOR ENFORCEMENT, SEVERABILITY, CONFLICTS, CODIFICATIONS, AND AN EFFECTIVE DATE.

SECTION 1: AUTHORITY. The authority for enactment of this Ordinance is Section 166.021, Florida Statutes, and the City Charter.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the public has a growing interest in using personal micromobility devices, including electric bicycles and motorized scooters for transportation and recreational purposes; and

WHEREAS, the City of Niceville City Council supports the safe use of low-cost, energy-efficient micromobility devices on City roads and rights-of-way; and

WHEREAS, Florida Statute 316.2128(1) grants micromobility device and motorized scooter operators, "all of the rights and duties applicable to the rider of a bicycle," including the right to operate motorized scooters on sidewalks, streets, and trails; and

WHEREAS, Sections 316.2128 and 316.20655, Florida Statutes, regulate micromobility devices and authorize the City, under certain circumstances, to adopt an ordinance governing the operation of micromobility devices on streets, highways, sidewalks, and sidewalk areas under the City’s jurisdiction; and

WHEREAS, Florida Statute 316.2128(1), further allows local governments to adopt ordinances governing the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; and

WHEREAS, The City Council of the City of Niceville on January 13, 2026, held an advertised public hearing for the first reading of this proposed Ordinance, which provided for comments and public participation in process in accordance with the requirements of state law; and

WHEREAS, The City Council has considered the creation of Chapter 21 of the Code of Ordinances of the City of Niceville Florida and received public comment at an advertised public hearing for the final reading of the proposed Ordinance on February 10, 2026 and the Council is now ready to create Chapter 21.

NOW, THEREFORE, be it ordained by the City Council of the City of Niceville, Florida as follows:

SECTION 3. RECITALS. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 4. CODE OF ORDINANCES. Chapter 21, of The Code of Ordinances of the City of Niceville is hereby created to read as follows:

Sec. 21-1. – Definitions.

The following definitions shall apply throughout this chapter:

Bicycle: Every vehicle propelled solely by human power, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include a scooter or similar device. (F.S. § 316.003 (4))

Bicycle Lane: shall mean a portion of a roadway designated for the preferential or exclusive use of bicycles and designated by a bicycle symbol pavement marking and signage in accordance with Florida Department of Transportation and standards and the Manual of Uniform Traffic Control Devices. (F.S. § 316.003 (5))

Bicycle Path: shall mean any road, path, or way that is open to bicycle travel, which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within a public or publicly accessible right-of-way or within an independent right-of-way. (F.S. § 316.003(6))

Electric Bicycle or E-Bike: means a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor. This term includes devices defined as electric bicycles pursuant to section 316.003(23), Florida Statutes, as may be amended. However, this term does not include “wheelchairs” or “other power-driven mobility devices” as defined under the ADA, 28 CFR s. 35.104, as may be amended.

Micromobility Device: means motorized scooters and electric bicycles as defined herein and shall include any motorized transportation device which is incapable of traveling at speeds greater than twenty (20) miles per hour on level ground. This term shall also include those devices defined in section 316.003(41), Florida Statutes, as may be amended. However, this term does not include “wheelchairs” or “other power-driven mobility devices” as defined under the ADA, 28 CFR § 35.104, as may be amended.

Motorized Scooter or E-Scooters: means any vehicle or micromobility device, other than an electric bicycle, that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than twenty (20) miles per hour on level ground. This term includes those devices defined as motorized scooters pursuant to section 316.003(48), Florida Statutes, as may be amended. However, this term does not include “wheelchairs” or “other power-driven mobility devices” as defined under the ADA, 28 CFR s. 35.104, as may be amended.

Operator: Any person riding, driving, or otherwise in actual physical control of a micromobility device.

Pedestrian: Any person afoot. (F.S. § 316.003(57))

Right-Of-Way: means land devoted to or required for use as a roadway, sidewalk, or other associated feature, and includes, without limitation,

(i) all existing or dedicated road rights-of-way and

(ii) all proposed dedications of road rights-of-way set forth on official grading and drainage plans approved pursuant to tentative plats.

Sidewalk: means that portion of a right-of-way between the curbline, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians. (F.S. § 316.003(82))

Sec. 21-2. – Operations.

(a) Operators of micromobility devices shall comply with all applicable State, County, and City laws, rules, and regulations as may be applicable to such devices.

(b) Operators of an E-Bike, E-Scooter, or other micromobility device, who are 16 years of age or younger, must wear, at a minimum, a bicycle helmet that is properly fitted and is fastened securely upon the operator’s head by a strap and that meets the federal safety standards for bicycle helmets, final rule, 16 C.F.R. part 1203.

(c) It shall be unlawful for any person to operate any E-Bike, E-Scooter, or other micromobility device in a careless manner. Careless operations of an E-Bike, E-Scooter, or other micromobility device shall include, but is not limited to:

(i) Operation of an E-Bike, E-Scooter, or other micromobility device with more than one person on the micromobility device, unless such micromobility device is specifically designed to carry more than one person; or

(ii) Operation of an E-Bike, E-Scooter, or other micromobility device while simultaneously using a cellphone, wearing earbuds or similar devices not used to aid in hearing; or

(ii) Operation of an E-Bike, E-Scooter, or other micromobility device at a speed greater than is reasonable and prudent under the conditions, having regard to the actual and potential hazards then existing including, but not limited to; or

(i) the safety of the operator or any other person or property; or

(ii) Failing to yield to pedestrians; or

(iii) Weaving in and out of pedestrian or vehicular traffic; or

(iv) Any occurrence where inadvertence to the safe and normal operational procedures of the E-Bike, E-Scooter, or other micromobility device causes or is likely to cause damage to any person or property;

(d) An operator of an E-Bike, E-Scooter, or other micromobility device shall yield the right-of-way to pedestrians and shall deliver an audible signal before overtaking and passing a pedestrian.

(e) An operator of an E-Bike, E-Scooter, or other micromobility device shall take such precautions as may be necessary to avoid an accident or collision with a person or property.

(f) E-Bikes, E-Scooters, and other micromobility devices are permitted to operate on public sidewalks, walkways, paths, or trails. The maximum speed of a micromobility device on a public sidewalk, walkway, path, or trail shall not exceed a speed that is reasonably prudent for the current conditions or environment.

(g) Micromobility devices may be operated within designated bike lanes of a roadway, if available; or if no bike lane is available, on the roadway, as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

1. When overtaking and passing another bicycle or vehicle proceeding in the same direction.

2. When preparing for a left turn at an intersection or into a private road or driveway.

3. When reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane, which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane.

(h) When operating an E-bike, E-scooters, or other micromobility device on a roadway or on a sidewalk, when sidewalks are on both sides of the road, operators shall travel in the same direction as the flow of vehicular traffic. E-bikes, E-Scooters, or other micromobility devices operated on roadways shall not be operated against the flow of vehicular traffic.

(i) An operator of an E-bike, E-Scooter, or other micromobility device must adhere to the same right-of-way laws and regulations as bicycles.

(j) At a signalized intersection, an operator of an E-bike, E-scooter, or other micromobility device on a sidewalk, walkway, path, or trail must obey the instructions of any applicable pedestrian control signal. If no pedestrian signal is provided, the operator may proceed in accordance with the signal indications for the parallel roadway traffic flow.

(k) All E-Bike, E-Scooter, or other micromobility devices shall comply with the lighting standards set forth in Section 316.2065(7), Florida Statutes as may be amended, which requires a reflective front white light visible from a distance of at least 500 feet, and a reflective rear red light visible from a distance of at least 600 feet.

(l) E-Bike motors shall not be modified to allow for higher speed than the E-Bike is designed to attain. (F.S. § 316.20655(4))

(m) E-Bikes, E-Scooters, or other micromobility devices may not be operated on private property without the express permission of the property owner.

Sec. 21-3. - Parking.

(a) E-Bike, E-Scooter, or other micromobility devices shall be equipped with a kickstand and always parked upright.

(b) A person shall not park an E-Bike, E-Scooter, or other micromobility device:

(i) in a manner that obstructs any ingress or egress from any building or parking area, or in a manner that prevents any sidewalk, walkway, path, or trail from maintaining at least three (3) feet of walkway clearance; or

(ii) in a manner that obstructs or interferes with pedestrian or vehicular traffic; or on an accessibility ramp for persons with disabilities, or any part thereof, or in any manner that would restrict the movement for persons with disabilities; or

(iii) within a motor vehicle parking space not designated for micromobility device use; or

(iv) within fifteen (15) feet of any fire hydrant or in a manner that blocks any other emergency facility; or

(v) on any public property, except in areas designated for micromobility device parking; or

(vi) on any private property without the permission of the property owner.

(c) A person may not attach, secure, store, or park an E-Bike, E-Scooter, or other micromobility device to or upon public property in a manner that may cause injury or damage to any person or thing or in a manner that renders the public property unusable or impassable. E-Bikes, E-Scooters, or other micromobility devices may only be secured to facilities designed to secure and store these devices.

(d) Except as expressly allowed by the City Manager or his or her designee, any E-Bike, E-Scooter, or other micromobility device left unattended on public property, including in parks or rights-of-way, for one (1) week or more shall be deemed abandoned and subject to the provisions of Chapter 705, Florida Statutes.

Sec. 21-4. - Penalties.

A violation of any Section of this Chapter shall be deemed a non-criminal infraction, subject to a maximum civil penalty of \$500.00.

(1) Upon a first offense, the violator shall be issued a written warning advising of the violation; provided, however, no civil penalty shall be assessed for a first offense.

(2) Upon a second offense, a civil penalty of \$150.00

(3) Upon a third offense, a civil penalty of \$350.00

(4) Upon a fourth or subsequent offense, a civil penalty of \$500.00

SECTION 5. SEVERABILITY.

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

SECTION 6. CODIFICATION. It is the intention of the Niceville City Council that the provisions of this Ordinance shall become a part of the City’s Code of Ordinances; and that sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “chapter”, “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical errors which do not affect the intent may be authorized by the City Manager, without need of public hearing, by filing a corrected or recodified copy of the same with the City Clerk.

SECTION 7. EFFECTIVE DATE. The provisions of this Ordinance shall take effect as provided by law.

PASSED AND ENACTED in regular session upon the second and final reading by the City Council of the City of Niceville, Florida this 10th day of February, 2026.

Daniel Henkel, Mayor

ATTEST

Wendy Farmer, City Clerk

Approved as to legal form and sufficiency
for the City of Niceville, only.

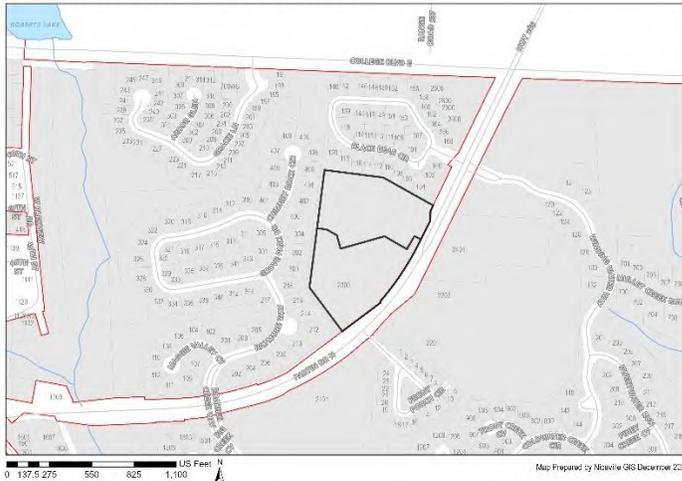
Steve Hall, City Attorney



E-2



Rezoning: 2300 Partin Drive N
PIN:05-1S-22-256B-0026-0000, 05-1S-22-256B-0040-0000



PROJECT TITLE:

2300 Parting Drive N & Adjacent Vacant Parcel Rezoning

PROPERTY INFORMATION:

- **Parcel ID #:**
05-1S-22-256B-0026-0000
05-1S-22-256B-0040-0000
- **Owners:**
C and C, LLC
ZHB, LLC
Partin Place Senior Living, LLC
- **Acreage: 12.45 +/-**

REZONING REQUEST:

The applicant is requesting an ordinance amending the Official Zoning Map from Public, Civic, Institutional (PCI) zoning district to Multi-family Residential (R-3) zoning district and to change the Future Land Use Map from Public, Civic, Institutional (PCI) to Medium Density Residential (MDR).

PUBLIC NOTICE:

Newspaper Ad Dates:

December 22, 2025

Mailed Notice:

To owners abutting and within 300 feet on December 19, 2025

Sign Notice:

Posted on property on December 16, 2025

Hearing Dates:

Planning Commission – January 5, 2026

City Council – January 13, 2026

RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW

STAFF: Recommends approval based on existing land use, proposed use of the property, and surrounding area.

PLANNING COMMISSION: Recommended approval 6 - 0.

COMPREHENSIVE PLAN CONSISTENCY:

The proposed land use change is consistent with the currently adopted Comprehensive Plan as it relates to the Future Land Use Element. This proposed rezoning and future land use map amendment would provide for consistency with existing land use of the property.

COMPREHENSIVE PLAN POLICIES:

Policy 7.A.2.1 - During the land use plan amendment process the compatibility of adjacent future land use categories shall be considered as well as the potential maximum densities and intensities and the appropriate transition of uses, densities and intensities.

Policy 7.A.2.10 – – Medium Density Residential (MDR) Land Use Category. The MDR category is established to accommodate a maximum density of fifteen (15) dwelling units per acre. Permitted housing types are single-family detached homes, including zero-lot-line and cluster developments, manufactured homes, townhomes, condominiums and apartments. Nursing homes, assisted living facilities, and independent living facilities are also permitted.

- a. Performance standards shall be established in the LDC to address townhomes, condominiums and apartments. These standards shall control the location of proposed buildings in relation to the overall dimension of the site, and require that adequate open space is provided, as well as significant landscaping and buffers that will screen these developments from low-density residential zoning districts.
- b. Multi-family development of more than 25 units shall provide recreational facilities to meet the needs of the population of the development

LAND DEVELOPMENT CODE REGULATIONS:

7.04.06 The R-1B, R-2, and R-3 single-family and multi-family residential districts are established for the purpose of providing a mixture of single-family, duplex, and low-intensity multi-family dwellings with a maximum density of fifteen (15) dwelling units per acre. The zoning regulations and performance standards are intended to promote design which is in character with the density, intensity and scale of the existing surrounding or adjacent neighborhoods.

NEIGHBORHOOD CHARACTERISTICS:

Direction	Zoning	Adjacent Existing Land Uses
North	R-1	SFR
South	PCI, C-1, PUD	School, Cemetery, SFR
East	PCI	Church
West	R-1	SFR

ALLOWED DEVELOPMENT AFTER CHANGE:

Multi-family residential, duplex, and low-intensity multi-family dwellings with a maximum density of fifteen (15) dwelling units per acre.

ALLOWED DEVELOPMENT WITHOUT CHANGE:

Development will have to fall within the category of the following, public and semi-public services including government administration buildings; public schools and not-for-profit educational institutions; public hospital facilities and health care units; arts, cultural or civic facilities; essential public services and facilities; cemeteries; fire and emergency operation facilities; utilities; and other similar uses.

DENSITY AND DIMENSIONAL STANDARDS COMPARISON:

R-3 zoning:
 max. 15 du/acre
 minimum lot sizes, width and setback requirements would apply

BOARD OPTIONS:

- a. Recommend approval of the proposed rezoning, as presented.
- b. Recommend approval of the proposed rezoning, with changes.
- c. Recommend denial of the proposed rezoning, as presented.

ATTACHMENTS:

- 1) Applicants Letter of Petition

- 2) Maps (Zoning, FLUM)
- 3) Draft Ordinance



APPLICANT'S AFFIDAVIT OF OWNERSHIP & DESIGNATION OF AGENT

City of Niceville Building and Planning Department
208 Partin Drive N
Niceville, FL 32578

I. Ownership.

I, Chandler Huff, hereby attest to ownership of the property described below:

Parcel I.D. Number(s):

05-1S-22-256B-0026-0000 & 05-1S-22-256B-0040-0000

Location address:

2300 Partin Drive North, Niceville, FL 32578

for which this Application is submitted.

The ownership, as recorded on the deed, is in the name of:

Please complete the appropriate section below:

Individual

Corporation

Partnership

Provide Names of Officers:

Provide Names of General Partners:

Chandler Huff - C AND C,
LLC & Partin Place Senior
Living, LLC
Brandon Huff - ZHB, LLC

Dept. of State Registration No.:

99-4418760, 20-2051955 & 20-2052125

Name/Address of Registered Agent:

Chandler & Brandon Huff
4592 Hwy 20 East, Suite 1
Niceville, FL 32578

II. Designation of Applicant's Agent. (Leave blank if not applicable)

As the owner of the above designated property and the applicant for which this affidavit is submitted, I wish to designate the below named party as my agent in all matters pertaining to the location address. In authorizing the agent named above to represent me, or my company, I attest that the application is made in good faith and that any information contained in the application is accurate and complete to the best of my knowledge and belief.

Applicant's Agent: Jenkins Engineering, Inc.
Address: 73 Eglin Pkwy NE, Suite 203, FWB, FL 32548
Contact Person: Matthew Zinke
Telephone No.: (850) 837-2448

III. Notice to Owner.

- A. All changes in Ownership & Applicant's Agent prior to issuance shall require new affidavit. If ownership changes the new owner assumes the obligations and the original applicant is released from responsibility for actions taken by others after the change in ownership.

- B. If the Owner intends the Designation of Applicant's Agent to be limited in any manner, please indicate the limitation below. (i.e., Limited to obtaining a certificate of concurrency for the parcel; limited to obtaining a land use compliance certificate; etc.)

IV. Acknowledgement.

Individual

Signature

Print Name:

Address:

Phone:

Email:

Corporation Partnership
Partin Senior Place Living, LLC

Print Corporation Name C AND C, LLC
By: [Signature]

Signature

Print Name: Chandler Huff
Address: 4592 Hwy 20 E, Suite 1
Phone: (850) 897-6464
Email: chuff@huffhomes.net

Partnership
ZHB, LLC

Print Corporation Name
By: [Signature]

Signature

Print Name: Brandon Huff
Address: 4592 Hwy 20 E, Suite 1
Phone: (850) 897-6464
Email: chuff@huffhomes.net

Please use appropriate notary block.

STATE OF Florida
COUNTY OF Okaloosa

Individual

Before me, this 23 day of October, 2025
personally appeared

who executed the foregoing instrument, and acknowledged before me that same was executed for the purposes therein expressed.

Corporation Partnership

Before me, this 23 day of October, 2025
personally appeared Chandler Huff of

a _____ corporation, on behalf of the corporation, who executed the foregoing instrument and acknowledged before me that same was executed for the purposes therein expressed.

Partnership

Before me, this 23 day of October, 2025
personally appeared Brandon Huff, partner/agent on behalf of

a partnership, who executed the foregoing instrument and acknowledged before me that same was executed for the purposes therein expressed.

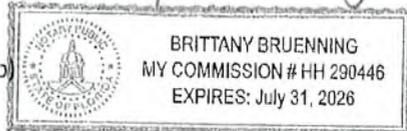
Personally known ✓; or
Produced identification _____.
Type of identification produced:

[Signature]
Signature of Notary

Print Name: Brittany Bruenning

Notary Public

(Notary Stamp)



My Commission Expires: July 31, 2026



Jenkins Engineering, Inc.
73 Eglin Pkwy NE, Suite 203
Fort Walton Beach, FL 32548
850-837-2448

November 24, 2025

Ms. Lisa Stanley
Senior Planner
City of Niceville Planning Department
208 N. Partin Dr.
Niceville, FL 32578

Subject: Request for Rezoning of Parcels 05-1S-22-256B-0026-0000 & 05-1S-22-256B-0040-0000

Dear Ms. Stanley,

As the Authorized Agent for Partin Place Senior Living, LLC, C AND C, LLC and ZHB, LLC, I respectfully request the City of Niceville to rezone parcel numbers 05-1S-22-256B-0026-0000 & 05-1S-22-256B-0040-0000, located on the west side of Partin Drive North, from their current PCI (Public, Civic, Institutional) zoning to R-3 (Multi-family Residential) zoning. I would also request that Future Land Use (FLU) Map for these parcels be changed from their current PCI (Public, Civic, Institutional) FLU to MDR (Medium Density Residential) FLU.

As the current PCI zoning does not allow for any type of residential use, the rezoning of these parcels will allow for the existing Assisted Living Facility opened in 2009 to be conforming and allow for the proposed construction of Independent Living duplexes on the remainder of the parcels as shown on the attached Concept Plan.

We appreciate your consideration of this request and look forward to working with City Staff to complete the rezoning and FLU amendment process. Please let us know if additional information or documentation is required. We would be happy to meet at your earliest convenience to discuss this matter further.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Matthew H. Zinke', is written over a light blue circular stamp.

Matthew H. Zinke, P.E.
Vice President

Cc: Chandler Huff – Partin Place Senior Living, LLC & C AND C, LLC
Brandon Huff – ZHB, LLC

Enc: Completed/Signed Niceville Application for Rezoning And / Or Land Use Change
Completed/Signed Niceville Agent Affidavit Form
Parcel Maps & Information
Warranty Deeds with Legal Descriptions
Corporate Information (Proof of Ownership)
Superior ILF Phase 2 Concept Plan

City of Niceville Rezoning



2300 Partin Dr N
PIN: 05-1S-22-256B-0026-0000
05-1S-22-256B-0040-0000

Proposed Zoning Change

From: Public Civic Institutional (PCI)
 To: Multi-Family Residential (R-3)

Future Land Use

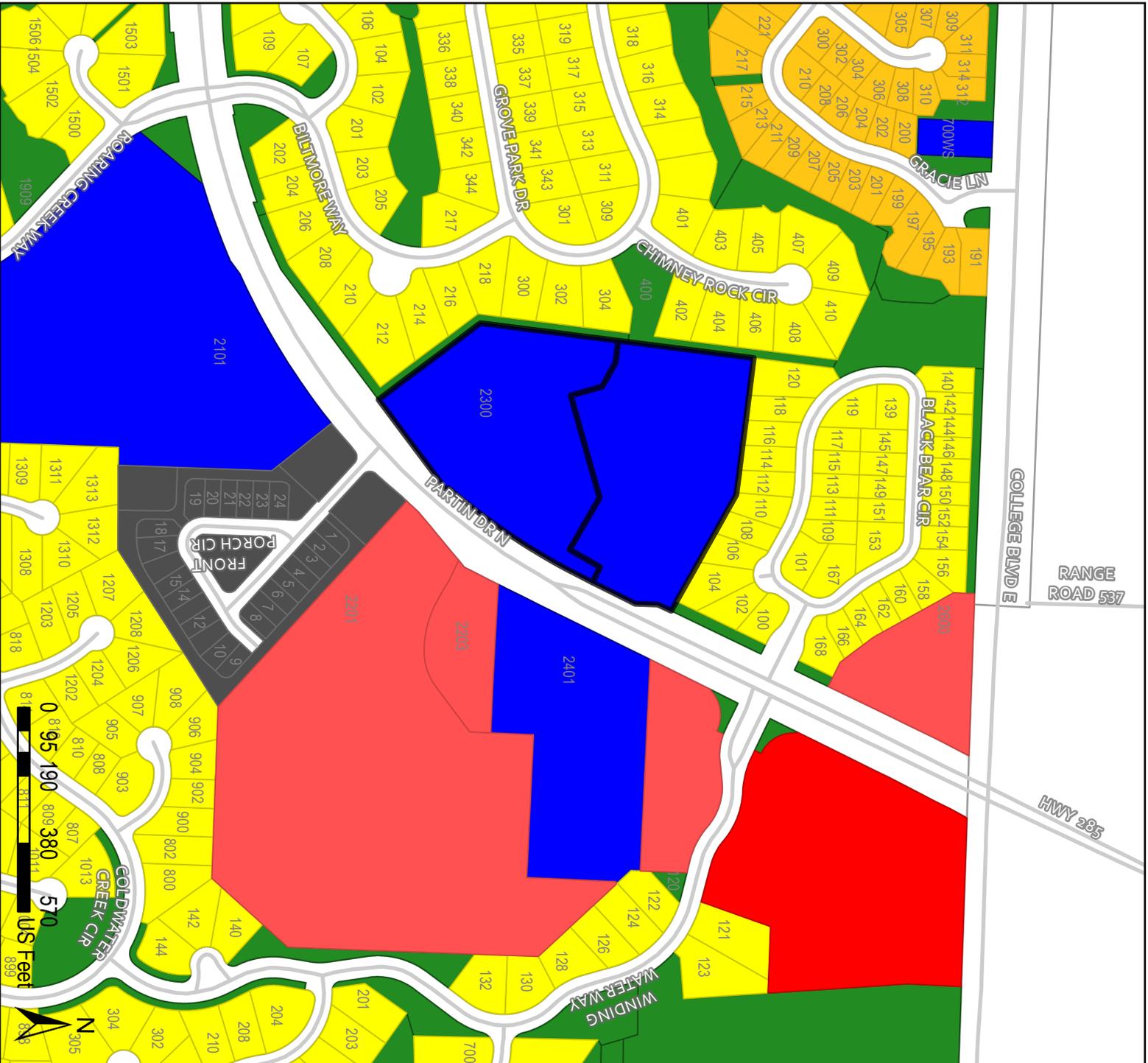
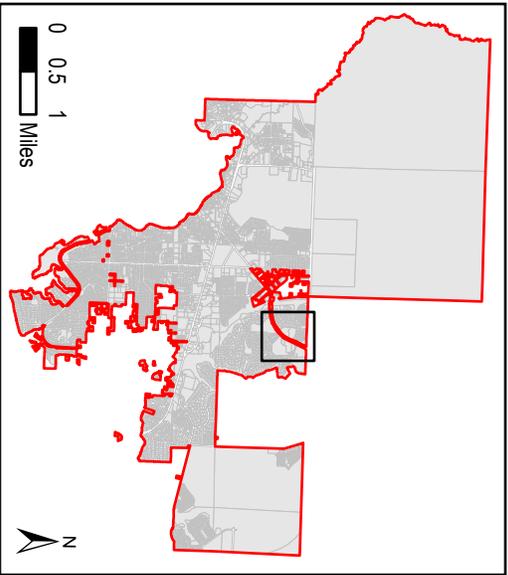
Current: Public Civic Institutional (PCI)
 Proposed: Medium Density Residential (MDR)

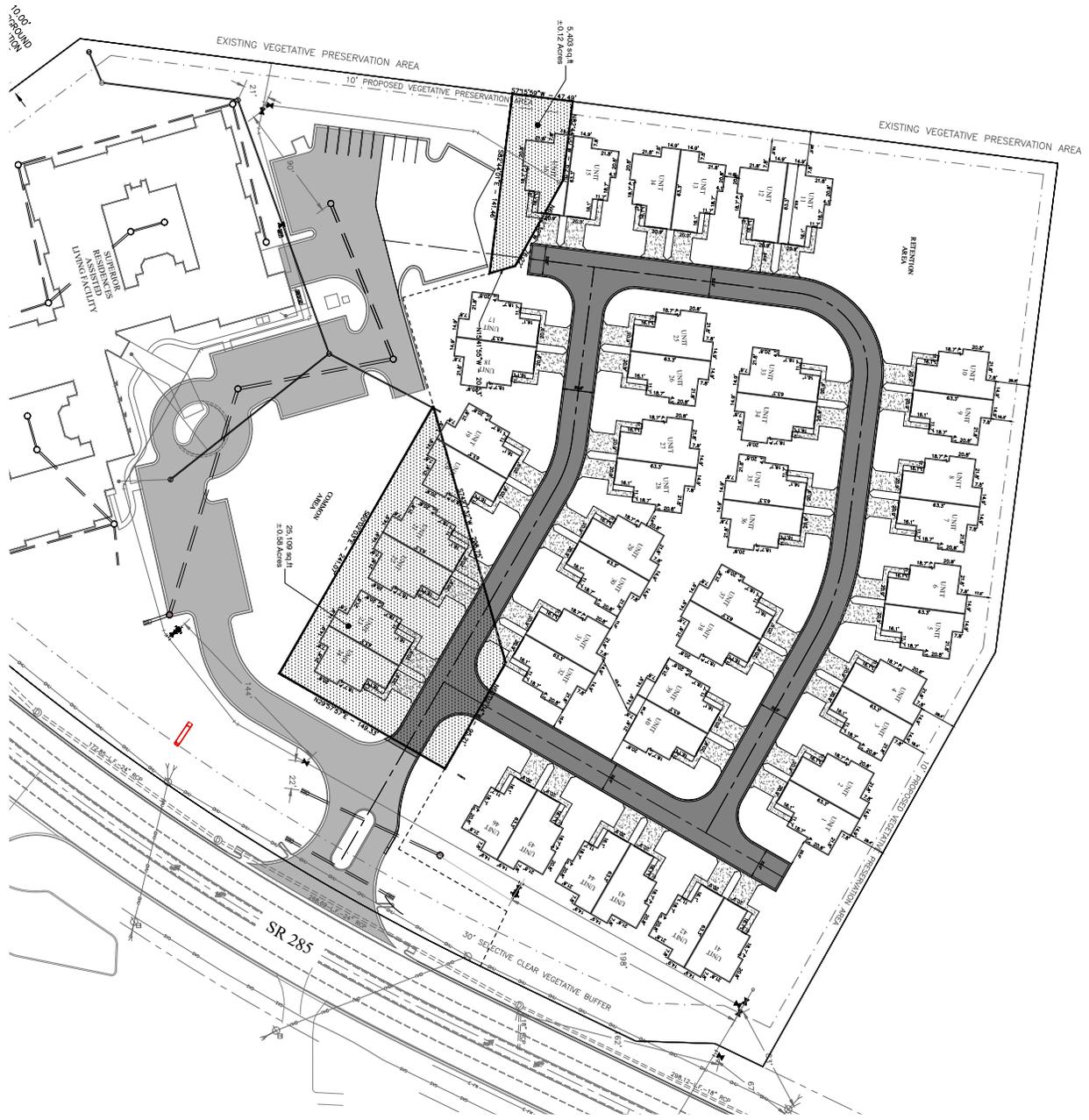
Total Acres: 12.48 +/-

Zoning

- CON - Conservation
- PCI - Public Civic Institutional
- R-1 - Single Family Residential (Maximum 5 DU/AC)
- R-1B - Single Family Residential (Maximum 8DU/AC)
- PUD - Planned Unit Development (Maximum Development 25 DU/AC)
- C-1 - Limited Commercial
- C-2 - General Commercial

Map Prepared by Niceville GIS December 2025





THIS DRAWING IS THE PROPERTY OF JENKINS ENGINEERING, INC. AND IS NOT TO BE REPRODUCED WITHOUT EXPRESSED WRITTEN CONSENT



LEGEND:

- ASPHALTIC CONCRETE PAVEMENT
- CONCRETE PAVEMENT
- RIGHT-OF-WAY LINE
- PROPERTY LINE
- LOT LINE
- EASEMENT LINE
- BUILDING SETBACK LINE

PROJECT STATISTICS:

PARCEL ID: 05-15-22-246-004-000
 LAND USE: RESIDENTIAL
 ZONING: R-10 (RESIDENTIAL)
 FUTURE LAND USE: NO (PUBLIC/COMMERCIAL)
 (SEE SHEET 01)
 (SEE SHEET 02)
 SUBJECT TO APPROVAL BY THE LAMONT ADVISORY COMMITTEE (SEE SHEET 03)
 SUBJECT TO APPROVAL BY THE LAMONT ADVISORY COMMITTEE (SEE SHEET 04)
 SUBJECT TO APPROVAL BY THE LAMONT ADVISORY COMMITTEE (SEE SHEET 05)
 SUBJECT TO APPROVAL BY THE LAMONT ADVISORY COMMITTEE (SEE SHEET 06)
 SUBJECT TO APPROVAL BY THE LAMONT ADVISORY COMMITTEE (SEE SHEET 07)
 SUBJECT TO APPROVAL BY THE LAMONT ADVISORY COMMITTEE (SEE SHEET 08)
 SUBJECT TO APPROVAL BY THE LAMONT ADVISORY COMMITTEE (SEE SHEET 09)
 SUBJECT TO APPROVAL BY THE LAMONT ADVISORY COMMITTEE (SEE SHEET 10)

<p>CHS INVESTMENTS LLC</p> <p>SUPERIOR ILF PH 2</p> <p>CITY OF NICEVILLE, FLORIDA</p> <p>CONCEPTUAL SITE PLAN</p> <p>NOT VALID UNLESS BEARING ENGINEER'S ORIGINAL SIGNATURE</p>	<p>DATE: 08/11/25</p> <p>DESIGNED: MZMS</p> <p>DRAWN: MZMS</p> <p>SCALE: AS SHOWN</p>	<p>JOB: 24-230</p> <p>DATE: 08/11/25</p> <p>DESIGNED: MZMS</p> <p>DRAWN: MZMS</p> <p>SCALE: AS SHOWN</p>	<p>BY: [Signature]</p> <p>DATE: [Date]</p> <p>DESCRIPTION: [Description]</p>	<p>REVISIONS:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	REV	DATE	DESCRIPTION							<p> </p> <p> JENKINS ENGINEERING, INC. 73 EGLIN PARKWAY NE, SUITE 203 FORT WALTON BEACH, FLORIDA 32548 PHONE 850.837.2448 FAX 850.837.2450 JEICIVL.COM </p>
REV	DATE	DESCRIPTION												

ORDINANCE NO. 26-02-01

AN ORDINANCE OF THE CITY OF NICEVILLE, FLORIDA; AMENDING PART II, APPENDIX D LAND DEVELOPMENT CODE, ARTICLE 7, THE CODE OF ORDINANCES OF NICEVILLE, FLORIDA; PERTAINING TO PARCEL ID NO. 05-1S-22-256B-0026-0000 & 05-1S-22-256B-0040-0000; APPROVING AMENDMENT TO THE OFFICIAL ZONING MAP OF THE LAND DEVELOPMENT CODE AS DEPICTED ON THE ATTACHED MAP; PROVIDING FOR AMENDMENTS TO THE COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT FUTURE LAND USE MAP AS DEPICTED ON THE ATTACHED MAP; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR MODIFICATIONS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

SECTION 1: AUTHORITY. The authority for enactment of this Ordinance is Section 166.021, Florida Statutes and the City Charter.

SECTION 2. FINDINGS OF FACT.

WHEREAS, Chapter 163, Florida Statutes establishes the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the City of Niceville Planning Commission, on January 5, 2026 held an advertised public hearing for this proposed Ordinance, which provided for comments and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process, and recommended that the City Council hold a public hearing to adopt the Ordinance; and

WHEREAS, The City Council January 13, 2026 held an advertised public hearing for the first reading of this proposed Ordinance, which provided for comments and public participation in process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process; and

WHEREAS, The City Council has considered the proposed amendment of the Land Development Code Official Zoning Map and received public comment at an advertised public hearing for the final reading of the proposed Ordinance on February 10, 2026 and the Council is now ready to adopt the proposed amendment to the Official Zoning Map;

NOW, THEREFORE, be it ordained by the City Council of the City of Niceville, Florida as follows:

SECTION 3. RECITALS. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 4. OFFICIAL ZONING MAP AMENDMENT. The City Council hereby adopts the following amendment to the Official Zoning Map which will be updated consistent with the action of the City Council as set forth in this Ordinance:

1. The applicant requests to amend the adopted Official Zoning Map district designation on an amendment area that is approximately 12.45 +/- acres in size.
2. The amendment area is identified by parcel number 05-1S-22-256B-0026-0000 & 05-1S-22-256B-0040-0000.
3. The amendment area is currently designated Public, Civic, Institutional (PCI) on the Future Land Use Map adopted within the Niceville Comprehensive Plan.
4. The amendment area is currently designated Public, Civic, Institutional (PCI) on the Official Zoning Map.
5. Upon the legally effective date of this Ordinance, the Official Zoning Map District for the amendment area will be designated as Multi-family Residential (R-3) as shown on Exhibit 1, attached.
6. Upon the legally effective date of this Ordinance, the Future Land Use Map designation for the amendment area will be Medium Density Residential (MDR) as shown on Exhibit 2, attached.
7. Any future development under this amendment will be required to meet all of the standards of the City of Niceville Comprehensive Plan and Land Development Code.

SECTION 5. CODIFICATION. Section 4 of this Ordinance will be incorporated into the Code of Ordinances of the City of Niceville. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion will be deemed separate, distinct, and independent provision, and such holding will not affect the validity of the remaining portions of this Ordinance.

SECTION 7. SCRIVENER’S ERRORS. It is the intention of the City Council of Niceville Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Niceville Code of Ordinances and to that end, the sections of this ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section” or “article” or other appropriate designation. Additionally, corrections of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Attorney without public hearing, by filing a corrected or recodified copy with the Clerk of Courts.

SECTION 8. CONFLICTS. If a conflict between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of such conflict, as permitted under the law.

SECTION 9. MODIFICATIONS. It is the intent of the Niceville City Council, that the provisions of this ordinance may be modified as a result of considerations that may arise during a public hearing. Such modifications shall be incorporated into the final version of the ordinance adopted _____ by _____ the _____ Council.

SECTION 10. EFFECTIVE DATE. The effective date of the Comprehensive Plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective.

ADOPTED in regular session this 10th day of February 2026.

ATTEST:

MAYOR – DANIEL HENKEL

CITY CLERK – WENDY FARMER

ORDINANCE 26-02-01 EXHIBIT 1

City of Niceville Rezoning



2300 Partin Dr N
 PIN: 05-1S-22-256B-0026-0000
 05-1S-22-256B-0040-0000

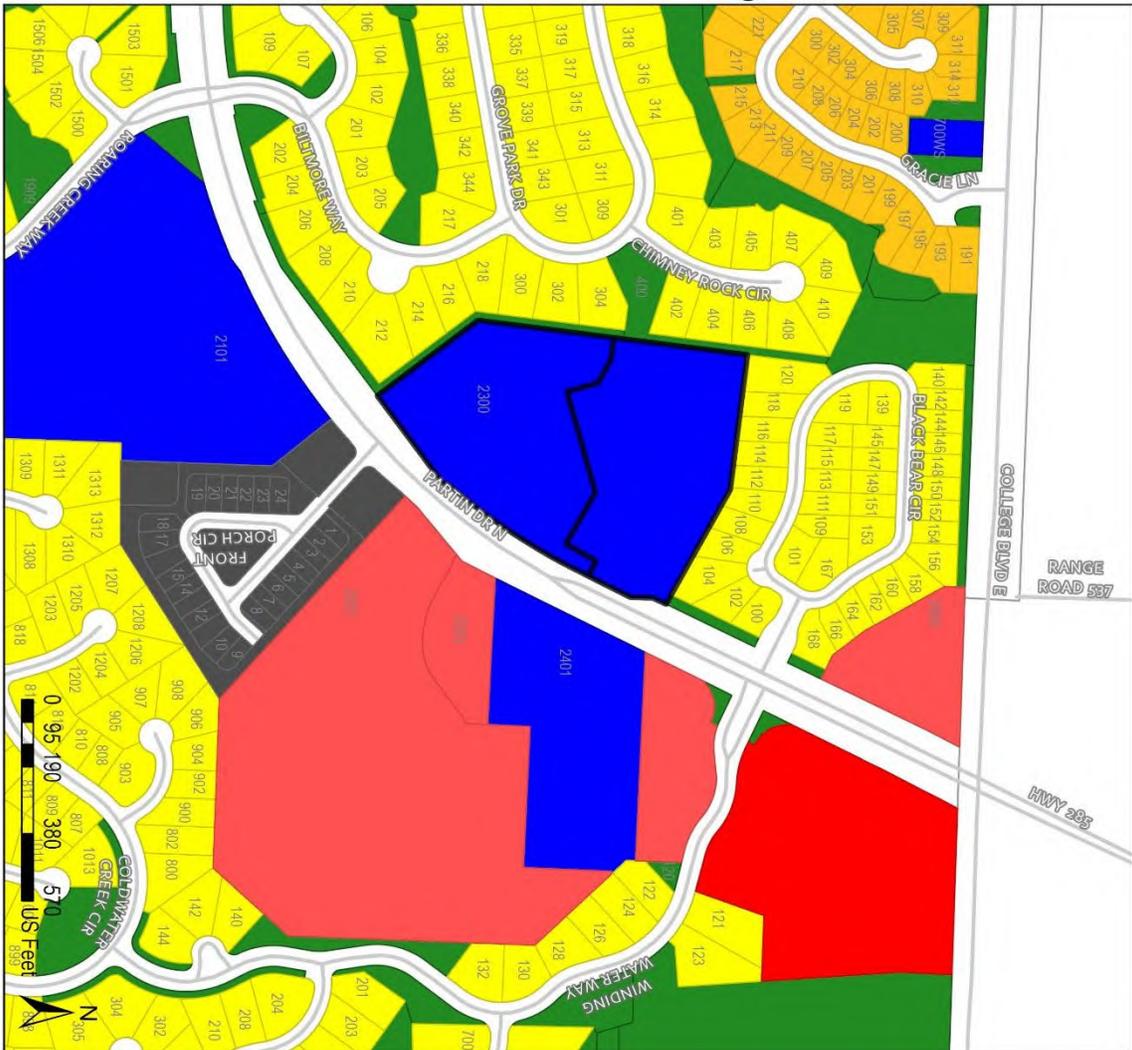
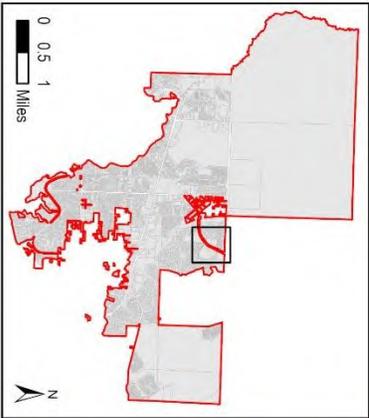
Proposed Zoning Change
 From: Public Civic Institutional (PCI)
 To: Multi-Family Residential (R-3)

Future Land Use
 Current: Public Civic Institutional (PCI)
 Proposed: Medium Density Residential (MDR)

Total Acres: 12.48 +/-

- Zoning**
- CON - Conservation
 - PCT - Public Civic Institutional
 - R-1 - Single Family Residential (Maximum 5 DU/AC)
 - R-1B - Single Family Residential (Maximum 8DU/AC)
 - PUD - Planned Unit Development (Maximum Development 25 DU/AC)
 - C-1 - Limited Commercial
 - C-2 - General Commercial

Map Prepared by Niceville GIS December 2025



ORDINANCE 26-02-01 EXHIBIT 2

City of Niceville Future Land Use



2300 Partin Dr N
PIN: 05-1S-22-256B-0026-0000
05-1S-22-256B-0040-0000

Future Land Use Change

Current: Public Civic Institutional (PCI)
 Proposed: Medium Density Residential (MDR)

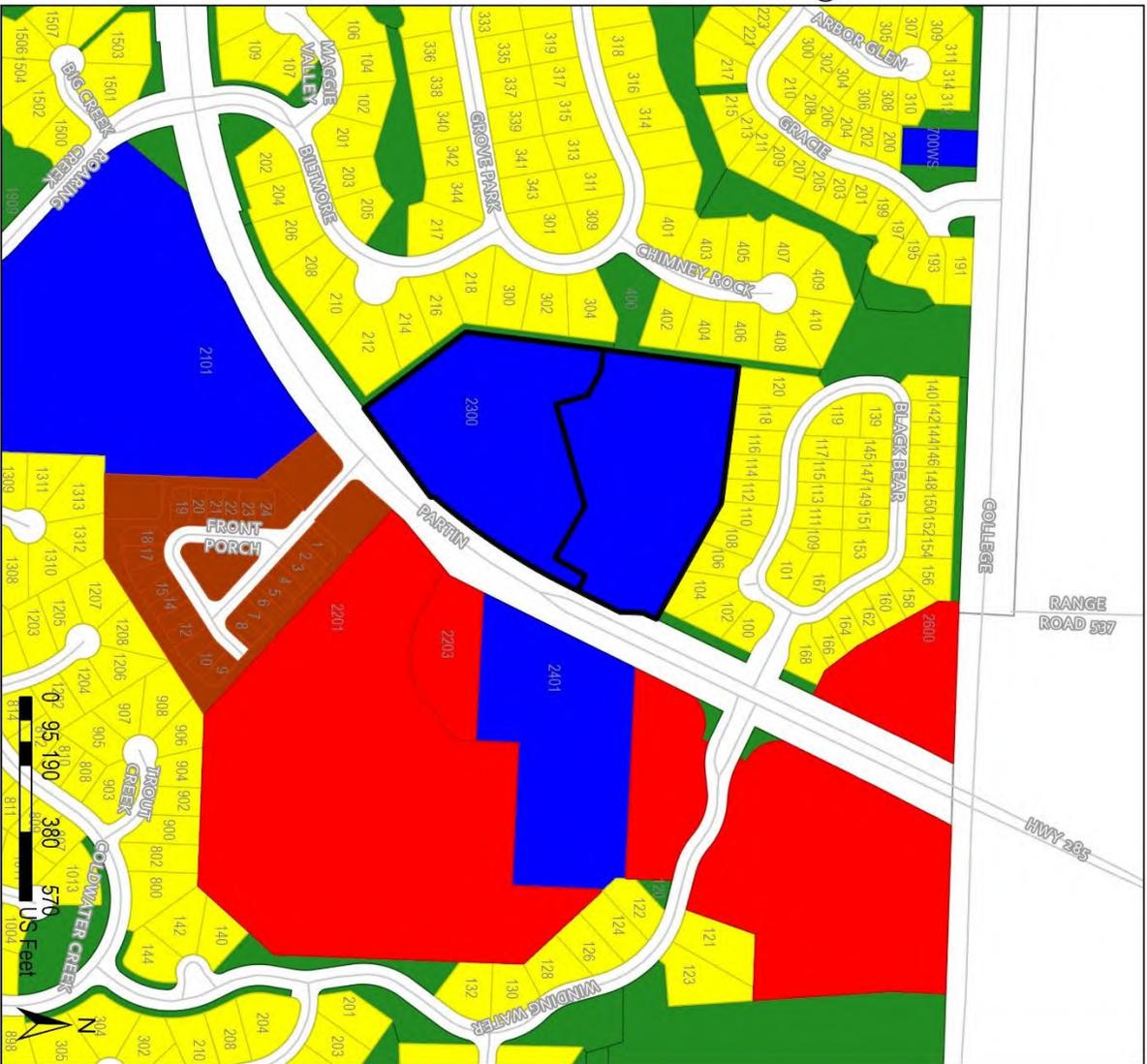
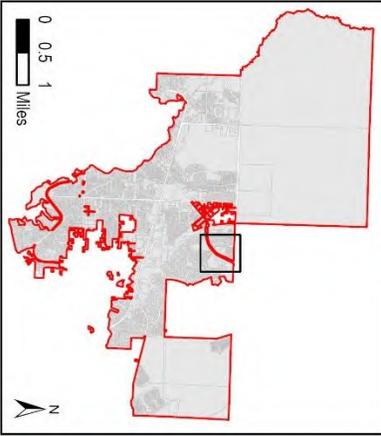
Proposed Zoning Change

From: Public Civic Institutional (PCI)
 To: Multi-Family Residential (R-3)

Total Acres: 12.48 +/-

- Future Land Use**
- CON - Conservation
 - PCI - Public Civic Institutional
 - LDR - Low Density Residential
 - MU - Mixed Use
 - C - Commercial

Map Prepared by Niceville GIS December 2025





Public Comments Received
for Item

Christopher Frassetto

From: Denny T <denny.tutwiler@gmail.com>
Sent: Monday, December 22, 2025 8:15 PM
To: Christopher Frassetto
Subject: Preserve at Swift Creek Resident Input on 2300 Partin Dr Re-zoning
Attachments: Independent Living Facility.pdf; ThePreservePlan.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

City of Niceville I.T. Notice, External Sender:

** Do not be quick to click! **

Niceville City Planning Commission,

I am writing to express my concern regarding the proposed redoing of 2300 Partin Dr N and adjacent parcel from PCI to R3.

Bottom line - I do NOT have a problem with the rezoning, but I in NO WAY support the proposed engineering design presented by the Huffs and the Residences. The proposed layout ELIMINATES the 25' vegetative buffer zone on the legal, binding recorded survey/plat for the Preserve at Swift Creek which was recorded on 10/21/2009.

My wife and I walked the property which is now the Preserve in 2010 a day after the trees had been cleared and red clay was put down for the street. The realtor for Valparaiso Realty and Huff Homes, Roy Sutton, formerly of Wilson Minger Century 21, walked the property as we looked at the (most desirable) lots which back up to the parcel owned by the Residences at Partin. Mr Sutton explained that in the future, there would be more construction and possibly independent living type cottages, but we were ASSURED that there would always be a buffer of 25' of woods as recorded on the plat.

When we started construction, Brandon Huff and Rich Lange, the Huffs builder for our subdivision, both assured the buyers along the property backing up to the Residences that there would be a buffer. The lots were sold based upon this "promise", which Huff Homes is now trying to do away with. (These lots also required the larger floor plan!) The homes along this portion of the Preserve sell quickly as there are no neighbors behind our property. If your commission allows the builder to eradicate this PROMISED and currently legally REQUIRED 25' buffer zone, it will affect the selling price, which will affect comparisons for the entire neighborhood and potentially the Plantation and Swift Creek proper.

Another concern is there are 2 (possibly more) Perigren Falcons (see attached photos for proof) and a Bobcat which live in the trees in the wooded area between the existing Residences and the property line for The Preserve. While these animals are not endangered, but per Florida Statue 259.1055, the Falcon's habitats are protected under the federal Migratory Bird Treaty Act and state laws, which safeguard the birds, their nests, and their eggs. Active nests cannot be disturbed or removed without a permit, ensuring their conservation and protection.

In conclusion, I have no issue with rezoning to R3 zoning, however, the planning commission should inform the developer they need to re-design the proposed layout to include the 25' vegetative preserve buffer zone. This was promised to entice buyers to purchase the adjacent lots and build a larger floor plan. This buffer zone preserves the value of the homes affected and lastly (and possibly most importantly) this buffer zone preserves the habitat of a protected species. Florida FWC would have to approve any destruction of the forested area in question. I will be reaching out to my contacts at FWC for more guidance.

Promises made should be promises KEPT. Keep the buffer.

Should you have any question regarding my input please contact me at this email or 850-368-1821

Thank you,

Denson Tutwiler
108 Black Bear Circle

Attachments:
Preserve Plan
Proposed Residence Plan
Falcon Photos (one on Rocky Bayou couch sign and another on my fence)





Christopher Frasseti

From: Steven McClendon <steven.g.mcclendon@gmail.com>
Sent: Monday, December 22, 2025 8:38 PM
To: Christopher Frasseti
Subject: Rezoning of 2300 Partin Dr N

Follow Up Flag: Follow up
Flag Status: Flagged

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Sir,

I am writing to provide feedback on the proposed rezoning of 2300 Partin N and the adjacent lot from PCI to MDR. I believe this rezoning would be a mistake and would put the City of Niceville in a poor position to adequately meet the needs of its residents. These lots are the last vacant lots in Niceville (as far as my research shows) that are zoned PCI. These lots should be retained for Public, Civic, or Institutional use. Where else will the City of Niceville find space to add recreation facilities or increase the capacity of utilities? Even if there is no perceived need for another PCI facility at this time, the simple fact that Niceville is growing and will need infrastructure to support that growth is enough to keep this land zoned as PCI. There are several other options for MDR housing but none for PCI. I recommend keeping 2300 Partin N and the adjacent lot zoned as PCI.

Steven McClendon



E-3



STAFF MEMORANDUM

Date: December 17, 2025
From: David Deitch City Manager
To: Niceville City Council
RE: Amendment to FY2026 Budget – Ordinance Number 26-02-02

Action Requested:

Motion to approve amendments to the Fiscal Year 2026 budget for the General Fund, Discretionary Surtax Fund, and Water and Sewer Fund.

Background:

We are proposing changes to accounts in the General Fund, Discretionary Surtax Fund and the Water and Sewer Fund. The changes are identified below:

General Fund Revenues:

- FDOT (Federal Pass-Through) grants of \$22,500, \$20,000, and \$26,000 for Teen Driver Safety, Distracted Driving, and Impaired Driving campaigns, respectively.
- FDOT (Federal Pass-Through) grant in the amount of \$350,000 for the Crossings Boulevard Connector Road and Multiuse Trail. The required local match of \$274,930 will come in the form of donated property.
- FDOC Defense Infrastructure Grant (DIG) in the amount of \$396,800 for the Architectural and Engineering plans and specifications for a new Fire Station, and related site prep. The required local match of \$119,500 will be provided via in-house labor.

General Fund Expenditures:

- Increase Police Department Overtime in the amount of \$61,500 related to the 3 FDOT grants referenced above.
- Increase Police Department Training in the amount of \$1,600 for Officer training related to the FDOT Teen Driver Safety Grant.

- Increase Police Department Equipment in the amount of \$5,400 related to the FDOT Teen Driver Safety Grant.

The result of these budget amendments is neutral, since budgeted revenues and budgeted expenditures are equal.

Discretionary Surtax Fund Expenditures:

- Increase Infrastructure Project Expense by \$300,000 relating to the additional city contribution (originally \$750,000) for the Meigs Park Rehabilitation Project.

The result of this budget amendment will cause the use of \$300,000 in Discretionary Surtax Fund Unrestricted Reserves. The unaudited reserves in this fund were \$2,657,734 as of September 30.

Water and Sewer Fund Revenues:

- FDEP grant for the new Well #12 project in the amount of \$250,000. This offsets the estimated expense of \$250,000 for design engineering and permitting already in the budget.

Funding Source: Aside from the Discretionary Surtax Funds using a portion of Unrestricted Reserves, no additional funding is required to implement this ordinance.

Recommendation: Motion to approve Ordinance 26-02-02.

ORDINANCE NO. 26-02-02

AN ORDINANCE ADOPTING AMENDED BUDGET CHANGES FOR THE CITY OF NICEVILLE FOR THE FISCAL YEAR COMMENCING ON OCTOBER 1, 2025; AN ORDINANCE ADOPTING AND APPROVING THE APPROPRIATIONS SET FORTH IN SAID BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2025; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF NICEVILLE, FLORIDA:

Section 1: The Adopted Budget for the fiscal year commencing October 1, 2025 and ending September 30, 2026 for the City of Niceville, Florida, is amended as follows and is hereby officially adopted:

General Fund FY2026 Adopted Budget Revenues

Account	Adopted Budget	Revision	Amended Budget
001.000.331.510.00	-0-	68,500	68,500
001.000.331.520.00	-0-	350,000	350,000
001.000.331.220.10	-0-	396,800	396,800
General Fund Total Revenues	20,207,745	815,800	21,023,545

General Fund FY2026 Adopted Budget Expenditures

Account	Adopted Budget	Revision	Amended Budget
001.200.521.134.02	-0-	61,500	61,500
001.200.521.491.00	25,000	1,600	26,600
001.200.521.520.00	91,000	5,400	96,400
001.300.522.310.00	13,100	396,800	409,900
001.500.590.630.00	-0-	350,000	350,000
General Fund Total Expenditures	20,207,745	815,300	21,023,545

Discretionary Surtax Fund FY2026 Adopted Budget Revenues

Account	Adopted Budget	Revision	Amended Budget
125.000.398.000.99	974,930	300,000	1,274,930
Discretionary Surtax Fund Total Revenues	2,984,930	300,000	3,284,930

Discretionary Surtax Fund FY2026 Adopted Budget Expenditures

Account	Adopted Budget	Revision	Amended Budget
125.125.541.630.07	750,000	300,000	1,050,000
Discretionary Surtax Fund Total Revenues	2,984,930	300,000	3,284,930

Water & Sewer Fund FY2026 Adopted Budget Revenues

Account	Adopted Budget	Revision	Amended Budget
400.000.334.360.00	-0-	250,000	250,000
Water and Sewer Fund Total Revenues	21,503,869	250,000	21,753,869

Section 2: This Ordinance shall become effective as provided by law.

PASSED AND ENACTED in regular session upon the second and final reading by the City Council of the City of Niceville, Florida this 10th day of February, 2026

Daniel Henkel, Mayor

ATTEST:

Wendy Farmer, City Clerk



E-4



STAFF MEMORANDUM

Date: December 29, 2025

From: Chris Frassetto, Community Development Director

To: Niceville City Council

Through: David Deitch, City Manager

RE: Ordinance 26-XX-XX: EAR – Based Comprehensive Plan Amendment Resubmittal

Action Requested:

Motion to approve the proposed comprehensive plan amendment for transmittal to the appropriate State and Federal agencies for review.

Previous Action:

On August 12, 2025, the City Council unanimously approved the proposed plan amendments for transmittal to the State and Federal agencies for review.

Background:

In August of 2024, the City Council authorized staff to begin the Evaluation and Appraisal Report (EAR) process of updating the City's Comprehensive Plan. The Florida Department of Commerce received the City's EAR notification letter on September 12, 2024.

In accordance with the state coordinated review process required for EAR – based comprehensive plan amendments, the city shall submit the plan amendment to the State and other review agencies following required public hearings in two phases (proposed phase and adopted phase).

On August 15, 2025, following City Council approval of the proposed plan amendments throughout 2025, Staff transmitted the proposed plan amendment to the State and other required agencies for review.

On October 14, 2025, the City received notification that the proposed plan amendment is potentially more restrictive or burdensome in violation of SB180 (Chapter 2025-190 Section 28, Laws of Florida) making it null and void ab initio. Following this notice, staff held a meeting with the State to determine what changes were necessary to bring the plan amendment into compliance and continue the review/adoption process.

Staff made the changes requested by the State and on December 17, 2025, staff were informed that it would be necessary to bring the revisions back through the *proposed phase* public hearing process prior to resubmittal to the State for review. This requires public hearings through the Planning Commission and City Council prior to resubmittal.

Proposed Changes:

Staff have made changes to the proposed plan amendment as summarized in the summary of changes document and highlighted in the plan amendment document attached. These changes were required by the State to bring the proposed amendment into compliance with SB180.

Options: Approve/Deny/Postpone/Modify

Planning Commission recommended approval 6 – 0 at their regularly scheduled meeting on January 5, 2026.

Recommendation: Motion to approve the proposed comprehensive plan amendment and transmit it to the appropriate State and Federal agencies for review.

Attachments:

1. Summary of Changes document
2. Draft Ordinance with Proposed Changes

ORDINANCE NO. 26-XX-XX

AN ORDINANCE OF THE CITY OF NICEVILLE, FLORIDA; PROVIDING FOR AMENDMENTS TO THE COMPREHENSIVE PLAN; DELETING CHAPTERS 1 THROUGH 5 PERTAINING TO ADMINISTRATIVE MATTERS; SUBSTANTIVELY AMENDING CHAPTER 12 PERTAINING TO RECREATION AND OPEN SPACE; DELETING CHAPTERS 15 THROUGH 17 PERTAINING TO LEVEL OF SERVICE, CONSISTENCY WITH OTHER PLANS, AND PUBLIC SCHOOL FACILITIES; SUBSTANTIVELY AMENDING CHAPTER 13 PERTAINING TO INTERGOVERNMENTAL COORDINATION; SUBSTANTIVELY AMENDING CHAPTER 8 PERTAINING TO TRANSPORTATION; SUBSTANTIVELY AMENDING CHAPTER 9 PERTAINING TO HOUSING; SUBSTANTIVELY AMENDING CHAPTER 11 PERTAINING TO COASTAL MANAGEMENT AND CONSERVATION; SUBSTANTIVELY AMENDING CHAPTER 7 PERTAINING TO FUTURE LAND USE; SUBSTANTIVELY AMENDING CHAPTERS 10 AND 14 PERTAINING TO INFRASTRUCTURE AND CAPITAL IMPROVEMENTS; DELETING CHAPTER 6 PERTAINING TO CONCURRENCY; NON-SUBSTANTIVELY AMENDING CHAPTER 18 PERTAINING TO PRIVATE PROPERTY RIGHTS; AND PROVIDING FOR ENFORCEMENT, SEVERABILITY, CONFLICTS, AND CODIFICATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes which mandates the preparation and maintenance of Comprehensive Plans for all units of local government.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizens; and

WHEREAS, Chapter 163, Florida Statutes, establishes the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Chapter 163, Florida Statutes, requires local governments desiring to revise their comprehensive plans to prepare and adopt comprehensive plan amendments; and

WHEREAS, the City Council of the City of Niceville, Florida has determined that this Ordinance is compatible with and furthers the State Comprehensive Plan, Comprehensive Regional Policy Plan and the Okaloosa County Comprehensive Plan;

WHEREAS, The City Council recognizes the need to periodically amend the City of Niceville Comprehensive Plan based on current operations, changed policy, new requirements, and/or amended State law;

WHEREAS, the City Council adopted the Niceville Comprehensive Plan: 2010 (Ordinance No. 00-03-03) on March 14, 2000 (effective date) and said Plan was determined by the Florida Department of Community Affairs to be “In Compliance” with all relevant laws, rules and regulations; and

WHEREAS, the City Council substantively amended Ordinance No. 00-03-03 on October 12, 2010 (effective date) by adopting Ordinance No. 10-10-02 also known as the “Niceville Comprehensive Plan: 2035” said Plan was determined by the Florida Department of Community Affairs to be “In Compliance” with all relevant laws, rules, and regulations.

WHEREAS, it is the intent of this Ordinance to provide orderly growth management for those areas within the City limits of Niceville.

WHEREAS, this Ordinance provides public policy mechanisms for growth management in order to serve the residents and property owners of Niceville (and of areas to which the City provides municipal services) and maintain and improve the quality of life for all citizens of the City.

WHEREAS, The Niceville City Council finds that the goals, objectives, policies and regulations set forth hereunder are a necessary and proper means for planning and regulating the development and use of land in the City (and, as applicable, areas to which the City provides municipal services) and for otherwise protecting and promoting the public health, safety, and general welfare of its citizens.

WHEREAS, the Niceville City Planning Commission, held an advertised public hearings on February 3, 2025, March 3, 2025, April 1, 2025, May 5, 2025, June 2, 2025, July 1, 2025, August 4, 2025, and January 5, 2026 to consider these proposed amendments, which provided for comments and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process, and recommended transmittal of the proposed Comprehensive Plan amendments to the Department of Commerce; and

WHEREAS, The City Council, held an advertised public hearings on February 11, 2025, March 10, 2025, April 8, 2025, May 13, 2025, June 10, 2025, July 8, 2025, August 12, 2025, and January 13, 2026 for the first reading of this proposed Ordinance, which provided for comments

and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process; and

WHEREAS, The City Council transmitted the proposed Comprehensive Plan amendments to the Department of Commerce, on **XXX** requesting an “Coordinated State Review” pursuant to Section 163.3184(3), Florida Statutes; and

WHEREAS, The Department of Commerce, State Land Planning Agency, reviewed the proposed Comprehensive Plan Amendments, and issued a letter on **XXX** that stated the Department of Commerce has “no comment on the proposed amendment”; and

WHEREAS, The City Council has considered Comprehensive Plan Amendment and received public comment at an advertised public hearing for the second reading of the proposed Ordinance on **XXX** and the Council is now ready to adopt the proposed Comprehensive Plan amendments.

NOW, THEREFORE, be it ordained by the City Council of the City of Niceville, Florida as follows:

SECTION 3. RECITALS. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 4. COMPREHENSIVE PLAN AMENDMENT. The City of Niceville Comprehensive Plan is hereby amended as provided in Attachment A with new or relocated language underlined and deleted or relocated language ~~stricken through~~.

SECTION 5. CONFLICTS. If a conflict between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of such conflict, as permitted under the law.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase, word, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion will be deemed separate, distinct, and independent provision, and such holding will not affect the validity of the remaining portions of this Ordinance.

SECTION 7. CODIFICATION. Section 2 of this Ordinance will be incorporated into the Code of Ordinances of the City of Niceville. Any section, paragraph number, letter, and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar, or like errors may be corrected.

SECTION 8. EFFECTIVE DATE. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective.

ADOPTED in regular session this **XX day of XX**, 2026

MAYOR

ATTEST:

CITY CLERK

Explanation of Changes

Policy 7.A.4.6 - Private or public electric utilities needed to support the future land use categories may be permitted ~~as conditional uses~~ in all land use designations except for residential, conservation or parks categories.

Explanation: This policy will remain except that the Niceville Land Development Code does not currently contain “conditional uses”.

Policy 7.A.4.177- Small-scale, site-specific, or off-grid electrical generation systems serving single users or small clusters of users and which use alternative energy sources shall be allowed in all land use categories without exception. Such alternative systems shall be allowed to connect to an available electrical energy distribution system to sell excess power to an electric utility provider. All substations adjacent to residential neighborhoods or visible from a public roadway shall be required to provide landscaping and buffering to minimize visual and noise impacts.

Explanation: This policy will remain with correction to numbering.

82.A.2.2 1 - All locally maintained ~~connector roads and all collector roads~~ collector roads are hereby assigned LOS D during peak travel hours for the planning period. The following local roads shall also be assigned LOS D during peak travel hours:

Palm Boulevard from Valparaiso Blvd to College Boulevard E

27th Street from Palm Boulevard S to Tamarack Avenue

Valparaiso Blvd from Bayshore Drive (285) to Linden Avenue

Wise Avenue from 27th Street to SR 20

Pine Avenue from 27th Street to SR 20

Davis Drive from SR 20 to Hwy 285 (Partin Drive)

Nathey Avenue from SR 85 to Niceville Avenue

Niceville Avenue from Lewis Street to Nathey Avenue

Lewis Street from SR 85 to Niceville Avenue

Kelly Road from SR 85 to Johnson Street

~~Connector roads are defined as local roads connecting different land use areas (for example, residential with commercial).~~

Policy 82.A.2.2 - ~~The following peak hour (100th highest hour) LOS standards for state roads within the City are hereby adopted:~~

~~SR 85 N from SR 20 to College Boulevard - LOS C~~

~~SR 85 S from SR 85 N to Government Blvd. (John Sims Parkway) - LOS D~~

~~SR 85 from SR 397 to SR 190 – LOS D~~

~~SR 20 from the Rocky Bayou Bridge to SR 285 – LOS D~~

~~SR 20 from SR 285 to SR 85 N – LOS C~~

~~SR 285 from SR 20 to College Boulevard – LOS D~~

~~Patm Boulevard (local road) from Valparaiso~~

~~Boulevard to College Boulevard – LOS D~~

Where roadways are designated by the State Legislature on the Intrastate System as Strategic Intermodal System (SIS) roadways and for other State maintained roadways, the City adopts the Level of Service according to FDOT. Where roadways are maintained by Okaloosa County, the City adopts the Level of Service according to the County which may be found in Policy 1.2.5 of the Okaloosa County Comprehensive Plan and are established at LOS E for roads south of the northern limits of Eglin Air Force Base. Specifically, within the City limits this shall include Bayshore Drive from John Sims Parkway (SR 20) to 11th Street and Rocky Bayou Drive from John Sims Parkway (SR 20) to Forest Drive. a Level of Service “C”. The LOS standards are based upon the methodologies contained within the latest edition of the FDOT Level of Service Handbook.

Explanation: This policy has been amended to include a specific standard for County roadways.

Policy 2.A.2.5 - The City shall require applicants for development approval within the City limits to demonstrate both capacity and operational level of service maintenance at the time of development application. Applications for non-de-minimus development shall be accompanied by an transportation impact analysis (TIA) and mitigation alternatives, if necessary, that has been prepared in accordance with the procedures and practices described in the most recent versions of the FDOT Multimodal Site Impact Handbook; FDOT Traffic Analysis Handbook (detailed LOS analysis, corridor studies and PD&E studies etc.); FDOT Manual on Uniform Traffic Studies (MUTS) (traffic signal warrant studies, travel time studies, speed studies, etc); and/or the FDOT Quality/Level of Service Handbook (sketch-level planning analysis) if applicable. The LDC shall identify which developments are required to submit a TIA and the required level of analysis.

Policy 2.A.2.6 - The City encourages pre-application meetings with the Florida Department of Transportation when a permit or approval is needed from this agency. Evidence of coordination will be required for a City Development Order when applicable.

Explanation: These policies have been removed. Policy 2.A.2.5 and 2.A.2.6 can be addressed in the Land Development Code.

~~Policy 12.A.3.2~~ 6.A.2.8 The level of service standard for recreation, parks and open space for the City shall be 1 acre per 1000 population. Note: There are no identified deficiencies in the provision of recreational and open space facilities during the planning period.

Explanation: This policy has been retained.

~~Policy 14.A.5.4~~ 9.A.4.3- The City shall ~~include in its~~ evaluate the Northwest Florida Water Management District's Five Year Water Resource Development Work Program, that is updated annually, during the annual update of the City's five (5) year capital improvements program project listing the first five (5) years of the ten (10) year Water Supply Facilities Work Plan to ensure that any project relative to the City is included. This work program seeks to implement the 2024 Region II Regional Water Supply Plan Water Resource Development Projects (2025-2045). This evaluation is intended to ensure consistency between the District's water supply development projects and the Infrastructure Element and the Capital Improvement Element. ~~Annual updates to the GIP projects listing will continue to include projects listed in the work plan beyond the initial 5-year time frame.~~ Note: This Policy does not require City funding of these projects.

ANALYSIS

Every five years, the Northwest Florida Water Management District updates a District-wide water supply assessment (WSA) to evaluate whether existing and anticipated water sources are sufficient to meet future demands while sustaining water resources and associated natural systems. If the District determines a region's water needs are likely to exceed available water sources in the next 20 years, the District will prepare a Regional Water Supply Plan (RWSP), which identifies alternatives for meeting the anticipated future water needs (as required by section 373.709, F.S.). The 2023 Water Supply Assessment update was completed in December, 2023. The Governing Board determined the continued need for regional water supply planning in Region II (Santa Rosa, Walton, and Okaloosa) for the 2025-2045 planning horizon. The District re-evaluates the determination of the need for regional water supply planning every five years.

The Northwest Florida Water Management District has one regional water supply plan in effect, the Region II Regional Water Supply Plan (RWSP) for Santa Rosa, Okaloosa, and Walton counties. The RWSP was first developed in 2000, with updates approved in 2006, 2012 and 2019. In this region, the District worked with utilities during prior decades to develop inland wellfields and reduce Floridan aquifer withdrawals near the coast. Shifting pumpage inland allowed Floridan aquifer levels to partially recover and has slowed, but not eliminated, the risk of saltwater intrusion. A technical assessment to evaluate whether minimum aquifer levels were needed in Region II was completed in 2022. Although the establishment of minimum aquifer levels was not recommended at that time, concerns for water quality degradation and water resource sustainability continue. A significant cone of depression persists in the Upper Floridan aquifer. Region II has the fastest growth rate and demands are projected to increase by 28.32 mgd or 37.3 percent, from 75.98 mgd in 2020 to 104.31 mgd in 2045. Projected increases in pumping through 2045 may reverse the progress made in slowing saltwater intrusion, and the cone of depression in the Floridan aquifer could once again deepen and expand. Based on these findings, existing sources of water are not anticipated to be adequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems through 2045. Therefore, pursuant to section 373.709, F.S., continued implementation of the regional water supply plan for Region II is recommended.

The Five-Year Water Resource Development Work Program provides a description of activities and funding to continue implementation of the District's Region II Regional Water Supply Plan. Water

supply development assistance activities in the region as well as Districtwide activities are also described. Section 373.536, Florida Statutes, requires that this report be furnished within 30 days after adoption of the District's final budget to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of the Department of Environmental Protection. Copies must also be provided to the chairs of all legislative committees and subcommittees having substantive or fiscal jurisdiction over water management districts and the governing boards of each county in which the district has jurisdiction or derives any funds for operations of the district.

Explanation: This policy has been modified to indicate the specific Water Supply Facilities Workplan.

Policy 9.A.4.4 – Implementation: (1) The schedule of capital improvements, (Table 9-1) for which the City of Niceville has responsibility, has been selected by year, after the adoption of this ordinance, and reflects the need to reduce identified existing deficiencies, remain abreast of replacements and to meet future demands and includes: (a) Project description and general location; and (b) A determination of consistency with the other elements of this ordinance. (2) Table 9-1 lists projected costs and funding source by type of public facility for the period. (3) Table 9-1 shall be implemented within the annual budget of the City of Niceville.

Policy 9.A.4.5 Monitoring and Evaluation: The Comprehensive Plan will be evaluated every seven years per Section 163.3191, F.S. In addition, the City shall monitor the Comprehensive Plan annually to ensure major changes to data and analysis or development related conditions have been included within the Plan as necessary. The CIE shall be reviewed on an annual basis. By August 1st of each year, the Niceville Planning Commission shall report to the City Council its evaluation of the implementation of the Capital Improvements Element and the Comprehensive Plan. Contained within the report shall be any recommendations the Planning Commission may promulgate in order to maintain level of service standards and any adjustments necessary to the CIE and the City's annual Capital Improvement Program. The City Council shall consider the report of the commission upon receipt and during its deliberations on the annual budget and Capital Improvements Program. Any adjustments made to the CIE or the Capital Improvements Program shall include consideration of the maintenance of LOS standards delineated in this Ordinance.

Explanation: This policy has been retained and modified to provide for implementation and monitoring and evaluation.

Policy ~~10.D.1.4~~ 4.E.1.1- The LOS standard for potable water within the City shall be 124 gallons per capita per day (average daily demand).

Explanation: This policy has been retained.

CHAPTER 1

LEGAL

Section 1.01 Legal:

~~WHEREAS, the Florida Legislature has enacted the Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, Florida Statutes) which mandates the preparation of comprehensive plans and unified land development codes for all units of local government; and,~~

~~WHEREAS, the Florida Legislature has reconfirmed that Chapters 163.3161 through 163.3215, Florida Statutes provide the necessary statutory direction and basis for municipal and county officials to carry out their comprehensive planning and land development regulation powers, duties and responsibilities; and,~~

~~WHEREAS, Chapter 9J-5 of the Florida Administrative Code mandates the MINIMUM CRITERIA FOR REVIEW OF LOCAL GOVERNMENT COMPREHENSIVE PLANS AND DETERMINATION OF COMPLIANCE; and,~~

~~WHEREAS, the City Council of the City of Niceville, Florida has determined that this Ordinance is compatible with and furthers the State Comprehensive Plan, the West Florida Comprehensive Regional Policy Plan and the Okaloosa County Comprehensive Plan; and~~

~~WHEREAS, the City Council adopted the Niceville Comprehensive Plan: 2000 (Ordinance 90-10) on July 18, 1990 and said Plan was determined by the Florida Department of Community Affairs to be "In Compliance" with all relevant laws, rules and regulations; and~~

~~WHEREAS, the City Council adopted the Niceville Comprehensive Plan: 2010 (Ordinance No. 00-03-03 on March 14, 2000 and said Plan was determined by the Florida Department of Community Affairs to be "In Compliance" with all relevant laws, rules and regulations; and~~

~~WHEREAS, the City has analyzed and evaluated the Comprehensive Plan adopted in 2000 and has determined that certain amendments and modifications are necessary and appropriate in order to reflect changed conditions and circumstances in the City and changes in Law; and~~

~~WHEREAS, this Plan contains those changes and modifications;~~

~~NOW THEREFORE BE IT ORDERED BY THE CITY COUNCIL OF NICEVILLE, FLORIDA that this Ordinance is hereby adopted in conformance with Chapter 163, F.S., and Chapter 9J-5, F.A.C. and provides an effective date and repeals all provisions of Ordinances or Resolutions in conflict herewith.~~

~~Section 1.02 Title: This Ordinance shall be known as the "NICEVILLE COMPREHENSIVE PLAN: 2035" and also may be known as Ordinance No. 10-10-01.~~

~~Section 1.03 Jurisdiction: The lands subject to this Ordinance shall include all area within the corporate limits of the City of Niceville (and, as applicable, any areas to which the City provides municipal services).~~

~~Section 1.04 Intent: It is the intent of this Ordinance to provide orderly growth management for those areas identified in Section 1.03 above. This Ordinance provides public policy mechanisms for growth management in order to serve the residents and property owners of Niceville (and of areas to which the City provides municipal services) and maintain and improve the quality of life for all citizens of the City.~~

~~The Niceville City Council finds that the goals, objectives, policies and regulations set forth hereunder are a necessary and proper means for planning and regulating the development and use of land in the City (and, as applicable, areas to which the City provides municipal services) and for otherwise protecting and promoting the public health, safety, and general welfare of its citizens. It is the intent of this Ordinance that the Comprehensive Plan sets general guidelines and principles concerning its purposes and contents and that this Ordinance shall be construed broadly to accomplish its stated purposes and objectives.~~

~~Section 1.05 Effective Date: The adoption date of this Ordinance is October 12, 2010. The effective date of the Ordinance and Plan Amendments is the date a Final Order is issued by the Florida Department of Community Affairs or the Administration Commission finding the amendments to be "In Compliance" in accordance with Chapter 163.3184, Florida Statutes. The Department's "Notice of Intent" to find the amendments in compliance shall be deemed a Final Order if no timely petition challenging the amendments is filed.~~

Chapter 2

ADMINISTRATION

Section 2.01 Local Planning Agency:

~~(1) The Niceville Planning Commission is hereby established as the Local Planning Agency (LPA) and the Land Development Regulation Commission.~~

~~(2) Duties: The duties of the LPA shall be specified in Chapter 163.3174, F.S. and include:~~

- ~~a. Be responsible for the preparation of the Comprehensive Plan and make recommendations to the City Council regarding the adoption of the plan.~~
- ~~b. Monitor the effectiveness and status of implementation of the Comprehensive Plan and recommend to the City Council changes in the plan as may, from time to time, be required.~~
- ~~c. Monitor, review and prepare periodic reports for the City Council as required by Chapter 163.3191 F.S. including regular assessments of the plan and preparation of the evaluation and appraisal report on the plan.~~
- ~~d. Review any proposed land development regulations, codes or amendments thereto and make recommendations to the City Council as to the consistency of proposed regulations, codes or amendments with the Comprehensive Plan.~~
- ~~e. Perform any other function, duty or responsibility assigned to it by the City Council of the city of Niceville or by general or special law.~~

~~(3) Resources: The LPA may utilize any resources provided it by the City Council in furtherance of the duties and responsibilities of the LPA. These resources may include, but are not limited to, facilities and equipment of the City, temporary assignment of employees, utilization of City committees, consultants, persons, or entities to prepare or assist in the preparation of the plan, amendments thereto or any other land development regulation, proposed or existing, as it may deem appropriate.~~

~~Section 2.02 Administration: The City Manager of the City of Niceville, or his designee, shall administer this Ordinance with the assistance of other operating departments within the City, as necessary. In addition, assistance may be provided pursuant to Section 2.01(3) above. The LPA shall make recommendations regarding Comprehensive Planning and /or Land Development Regulations to the City Council for consideration and action.~~

~~Section 2.04 Public Participation and Notice: Refer to Chapter 4 for public participation and notices.~~

CHAPTER 3

DEFINITIONS

~~Section 3.01 Definitions: The definitions found in Chapter 163, Part II and Chapter 9J-5, F.A.C. are hereby adopted by reference.~~

~~Section 3.02 The Land Development Code (which shall be made part of the City Code) which shall be adopted by the City will contain any other specific definitions germane to any items within the Land Development Code (LDC).~~

~~Section 3.03 Unless the context clearly indicates otherwise, singular words include the plural, person or man includes both genders and words not otherwise defined shall have those meanings commonly and customarily ascribed to them as can be found in any standard dictionary reference books.~~

CHAPTER 4

PUBLIC PARTICIPATION

~~Section 4.01 Purpose: This Chapter establishes procedures in accordance with Chapter 163.3181, F.S. and pursuant to Ordinance 623 of the City of Niceville.~~

~~Section 4.02 Intent: It is the intent of this Chapter and the Ordinance referenced in Section 4.01 above, that all citizens affected by Comprehensive Plans, the planning process or any land development regulation, proposed or enacted, be afforded the opportunity for input and comment throughout the preparation and enactment process.~~

~~Section 4.03 Procedures: It is the intent of this Ordinance that the procedures delineated in Ordinance 623 apply to the formal adoption process of the Comprehensive Plan, amendments to the Comprehensive Plan, preparation of the Land Development Code (LDC) including regulation of land subdivision, open space provisions, drainage and stormwater management, floodplain development, environmentally sensitive areas, signage, parking, innovative land development regulations, impact fees, consideration of the Evaluation and Appraisal Report (EAR) and any other matters deemed appropriate by the City Council of the City of Niceville (reference Chapter 2 of the Foundation Documents).~~

CHAPTER 5
GENERAL REQUIREMENTS

~~Section 5.01 Format: This Ordinance follows the format of Chapter 9J-5 F.A.C.~~

~~Section 5.02 Combined Elements: The Coastal Management Element and the Conservation Element have been combined into the Coastal Management and Conservation Element. The requirements of Chapters 163.3177 and 163.3178, F.S., and Chapter 9J-5 F.A.C. have been met within these combined elements. These elements have been combined in order to avoid repetition and provide clarity.~~

~~Section 5.03 Support Documents: Support data, analysis, and documents are not adopted as part of this Ordinance. Support data, analysis and documents are available for public inspection at the Niceville City Hall (reference Foundation Documents). Support data, analysis, and other documentation are found in the Foundation Documents. This ordinance contains references to various chapters, appendices or contents of the Foundation Documents. The references are included for clarity and ease of review by the reader. The reference is not to be construed as making the Foundation Document or causing the Foundation Document contents to be made part of this Ordinance or the City's Comprehensive Plan.~~

~~Section 5.04 Preparation Date: The preparation of the original Plan began in January 1987 and continued through January 1990 with public hearings and workshops. The original Plan was adopted by the Niceville City Council on July 18, 1990. A revised Comprehensive Plan was adopted by the Niceville City Council on March 14, 2000. As a result of the findings and conclusions found in the adopted Evaluation and Appraisal Report, and the Department of Community Affairs Objections, Recommendations and Comments Report, the Plan was modified to reflect changed conditions and circumstances. This Ordinance, which constitutes the revised Comprehensive Plan of the City, was adopted on October 12, 2010, by the Niceville City Council.~~

~~Section 5.05 Name of Preparer: This Ordinance was prepared by the Niceville Local Planning Agency. Support documentation has been prepared on behalf of the Local Planning Agency during the Evaluation and Appraisal process by the City Administration with professional and technical assistance by the West Florida Regional Planning Council.~~

~~Section 5.06 Data and Analysis: Copies or summaries of foundation and support data, analysis, and documents shall be submitted to the Florida Department of Community Affairs together with the Comprehensive Plan when the plan is submitted for compliance review.~~

~~Section 5.07 Population Projections: This Ordinance is based upon resident population projections only. There is no seasonal fluctuation in the population of Niceville. The population~~

projections are included within the Foundation Documents supporting this Comprehensive Plan.

The projections may be found at Table 3-1 of the Foundation Document and a description of the methodology employed to develop the projections accompanies Table 3-1. All projections have been prepared in accordance with Subsection 9J 5.005(2)(c), F.A.C. Population projections are updated annually as new reports are issued by the Bureau of Economic and Business Research of the University of Florida or the U.S. Bureau of the Census.

Section 5.08 Level of Service Standards: Level of service (LOS) standards are as established in the Chapters of this Ordinance relating to roads, sanitary sewer, solid waste, stormwater, potable water and recreation. Chapter 15 of this Ordinance provides a summary of adopted levels of service for each of these facilities.

Section 5.09 Planning Time Frame: The two time frames for planning used in this Ordinance are from the year 2010 to 2015 and 2010 through 2035.

Section 5.10 Internal Consistency: Each Chapter of this Ordinance represents an Element of the City's Comprehensive Plan. Each Chapter (Element) herein is consistent with the other Chapters (Elements) and this Ordinance shall be construed in its entirety as the City's Comprehensive Plan. The Future Land Use Maps included as a part of this Ordinance reflect goals, objectives and policies contained within the ordinance.

Section 5.11 Plan Implementation: This Comprehensive Plan shall be implemented by the adoption or amendment of the Land Development Code and other land development regulations of the City of Niceville. In addition to the requirements in Chapter 163.3202, F.S. the LDC shall address regulations of specific items contained within the goals, objectives and policies of this ordinance. Further, the LDC shall require adherence to the policies within the LDC as well as this ordinance.

Section 5.12 Monitoring and Evaluation: An Evaluation and Appraisal Report (EAR) shall be prepared as required by Florida Statutes. In addition, continuous monitoring shall be maintained through the Concurrency Management System. The Capital Improvements Element and various portions of this plan shall be reviewed on an annual basis pursuant to Section 14.06 of this Ordinance.

Section 5.13 Procedural Requirements: This Comprehensive Plan shall be considered, adopted, and amended pursuant to the procedural requirements of Chapters 163.3161 .3215 F.S. Refer to Chapter 4, Public Participation, for notice and public hearing requirements.

~~Any applicant requesting an amendment to this Ordinance shall be responsible for and pay all costs associated with the amendment, including any required evaluation and appraisal reports, advertisements or other expenses incidental to the amendment.~~

CHAPTER 6

CONCURRENCY AND LEVEL OF SERVICE MANAGEMENT SYSTEM

~~Section 6.01 Concurrency and Level of Service Management: The City of Niceville has adopted a Concurrency Management System and Level of Service maintenance program within the LDC to ensure that facilities and services needed to support development are available concurrent with the impacts of such development.~~

~~Prior to the issuance of a development permit (order), the system shall ensure that the adopted level of service standards found within the Transportation and Infrastructure Elements of the Comprehensive Plan for transportation, potable water, sanitary sewer, solid waste, stormwater and recreation will be maintained. Only potable water, sanitary sewer, solid waste, and stormwater shall be subject to the City's concurrency requirements.~~

~~The City Manager, or his designee, will be responsible for the four (4) primary tasks which are described below. The four tasks are:~~

- ~~1) Maintain an inventory of existing public facilities and capacities or deficiencies;~~
- ~~2) Determining concurrency of proposed development;~~
- ~~3) Providing advisory concurrency assessments and recommending conditions of approval to the City Council for those applications for development orders which require City Council approval; and~~
- ~~4) Reporting the status of all public facilities covered under this system to the City Council and recommending a schedule of improvements for those public facilities found to have existing deficiencies.~~

~~The City administration will make available to the public information on various facilities. The information shall be updated on an annual basis as part of the annual budget process. The information will contain data such as: design capacity for roadways and roadway types; existing and adopted levels of service for all roadways; improvements to be made to the roadway system in the current year by the City or the State and improvements to be made to the roadway system by the private sector; design capacity of wastewater and potable water facilities and the identification of any deficiencies within such systems; the existing and adopted levels of service standards for water and sewer systems; any programmed improvements to the facilities either by the City or the private sector; the design capacity for solid waste facilities including transfer stations and landfills; existing and proposed level of service standards for stormwater management systems; and existing and proposed provisions of recreation and open space facilities by the City or the private sector. It should be noted that this is not an all inclusive list of guidelines for use in the concurrency management system; rather it is indicative of the types of information to be contained within the LDC and the method and manner of administering the LDC.~~

~~Section 6.02 Coordination: The City will coordinate establishing LOS standards for the abovenamed facilities with State, regional or local entities having operational and maintenance responsibility for such facilities.~~

~~Section 6.03 Consistency with Comprehensive Plan: No development activity may be approved unless it is found that the development is consistent with the Comprehensive Plan and that the provision of the public facilities enumerated in Section 6.01 above, will be available at prescribed levels of service concurrent with the impact of the development on those facilities.~~

~~Section 6.04 Minimum Requirements: At a minimum, the concurrency management system will ensure that at least one (1) of the following standards will be met for potable water, sanitary sewer, solid waste, and stormwater prior to issuance of a development order:~~

- ~~1) The necessary facilities and services are in place at the time a development permit is issued; or~~
 - ~~2) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of development occur; or~~
 - ~~3) The necessary facilities are under construction at the time a permit is issued; or~~
 - ~~4) The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of the services at the time that the development permit is issued; or NOTE: This provision only relates to parks and recreation facilities and roads. The LDC will include a requirement that the provision or construction of a facility or service must commence within one (1) year of the issuance of the development order or permit.~~
 - ~~5) The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220 F.S. or Section 6.05~~
- ~~Transportation System Level of Service Maintenance: Roadway improvements shall be programmed to maintain the adopted LOS for each roadway segment. Programmatic improvements may be made utilizing State funding, Federal funding, local funding, or developer contribution.~~

~~Section 6.06 Levels of Service During Construction: The provisions of 6.04 above notwithstanding, the prescribed levels of service for any system or systems may be degraded during construction of new facilities if, upon completion of the new facilities, the prescribed LOS will be met and maintained.~~

~~Section 6.07 Phased Construction: The construction of any development project may be phased or staged so as to coincide with the phased or staged construction of infrastructure facilities so that the levels of service for such facilities are maintained upon completion of each phase or stage of the development project.~~

Section 6.08 Administration:

~~(1) The Land Development Code (LDC) shall designate the appropriate City official(s) having responsibility for determining that levels of service are met and will be maintained prior to issuance of a development permit. The City may place the burden of demonstrating compliance upon the developer or applicant. In order to be approved, applications for development approval shall provide sufficient information showing compliance with LOS standards.~~

~~(2) The LDC shall include quantitative methods for determining levels of service that exist and which may be impacted by any particular development application. In addition, the LDC will fully describe the process necessary for a finding of compliance with levels of service.~~

~~(3) The LDC shall include standardized quantitative data which is to be used in determining the impact of any proposed development upon the public facilities and services within the City that are subject to the concurrency requirement (stormwater, potable water, sanitary sewer, and solid waste). Applications for development approval shall include the projected impact upon public facilities and services upon occupancy or use of the proposed development. Any deviation from the standardized criteria within the LDC must have the prior approval of the City Council before such data may be used for determining or projecting impacts of the proposed development.~~

CHAPTER 71
FUTURE LAND USE ELEMENT

~~Section 7.01 Purpose: The purpose of this element is the designation of future land use patterns as reflected in the goals, objectives and policies in this Ordinance.~~
~~Section~~

~~7.02 Future Land Use Data and Analysis: This element is based upon the data and analysis requirements pursuant to Section 163.3177(6)(a) Florida State Statutes (F.S.).~~

~~Section 7.03 Data and Analysis: This element is also based upon the data and analysis requirements pursuant to Section 163.3177(6)(a) Florida State Statutes (F.S.).~~

~~Section 7.04 Goals, Objectives, and Policies: The Goals, Objective, and Policies of this element are as follows:~~

Goal 71.A Manage the future development of the City in a manner that ensures the character, magnitude and location of all land use results in a balanced natural, physical, and economic environment that enhances the quality of life of the City of Niceville.

~~**Objective 7.A.1** The City shall ensure orderly development through a future land use pattern that promotes orderly, compact development, and the provision of public facilities and services that minimize costs and environmental impacts and maximize efficiency.~~

~~Policy 7.A.1.1 Encourage infill through the use of higher density and intensity land use designations and mixed-use designations in appropriate locations.~~

~~Policy 7.A.1.2 The first priority for capital improvements funding shall be the renewal, reuse, and/or rehabilitation of existing facilities, then the replacement of existing obsolete or worn-out facilities.~~

Objective 71.A.21 – The City shall ensure that future development and redevelopment activities are located in appropriate desirable areas of the City by adopting a Future Land Use Map Series that contains the Future Land Use Map (FLUM), Future Transportation Map, and Natural Resources Map, which together forms the basis for consideration of future land use plan amendments. The FLUM Series, along with the City's Land Development Code (LDC), shall reduce or eliminate existing land uses that are inconsistent with the community's character.

~~Policy 71.A.21.1 – During the Future Land Use Map land use plan amendment process the compatibility of adjacent future land use categories shall be considered as well as the potential maximum densities and intensities and the appropriate transition of uses, densities and intensities.~~

~~Policy 7.A.2.2 – The LDC shall include provisions to reduce or eliminate land uses that are inconsistent with the City’s character and future land use, including those uses inconsistent with hazard mitigation recommendations in the Okaloosa County Local Mitigation Strategy.~~

~~Policy 71.A.21.32 – Discourage the continued existence of nonconforming uses to the extent established in the City’s LDC, including the regulations for screening and buffering.~~

Policy 1.A.1.3 – Encourage infill through the use of higher density and intensity land use designations and mixed-use designations in appropriate locations.

~~Policy 71.A.2.4 – The adopted Future Land Use Map (FLUM) contains and identifies appropriate locations for the following future land use categories, which are established to provide for the protection of natural and historic resources and to maximize economic development opportunities:~~

Conservation (CON)⁽²⁾	N/A	N/A
Parks & Recreation (PR)⁽²⁾	N/A	0.25 FAR⁽³⁾
Public/Civic/Institutional (PCI)⁽³⁾	N/A	0.50 FAR⁽³⁾
Low Density Residential (LDR)	90% /10%	5 DU⁽⁴⁾ per acre
Medium Density Residential (MDR)	90% /10%	15 DU⁽⁴⁾ per acre
Mixed Use (MU)	25% / 75%	25 DU⁽⁴⁾ per acre / 1.0 FAR
Commercial (C)	5% / 95 %	25 DU⁽⁴⁾ per acre / 1.0 FAR
Industrial (IND)⁽²⁾	0 / 100%	1.0 FAR⁽³⁾
Master Planned Development (MPD)⁽⁵⁾	Per Development Order or Development Agreement	

~~Note A: Maximum residential density and type of residential uses allowed within the Accident~~

~~Potential Zones (APZ-I and APZ-II) depicted on Figure 10-2 of the June 2009 Eglin Air Force Base Joint Land Use Study (JLUS) Final Report may be further limited based on compatibility with military operations as shown on Figure 10-4 of the June 2009 Eglin Air Force Base JLUS Final Report.~~

~~Note B: Maximum non-residential intensity within the Accident Potential Zone (APZ-I and APZ-II shall be reviewed based on compatibility with military operations as shown on Figure 10-4 of the June 2009 Eglin Air Force Base JLUS Final Report.~~

- ~~(1) Density is based on gross square feet of parcel~~
- ~~(2) One residence for a caretaker or park ranger is allowed~~
- ~~(3) FAR=Floor Area Ratio (square footage of total building area/square footage of parcel. In calculating the FAR, the square footage of the total building area shall include the square footage of all private above-ground parking garages.)~~
- ~~(4) DU means dwelling unit and only applies to categories that permit residential uses~~
- ~~(5) Identified on FLUM with the name of the specific MPD~~

~~Policy 71.A.2.51.4 - The following uses are allowed in all FLUM categories except for the Conservation category, and unless specifically prohibited in any other individual category, subject to standards and criteria set forth in this plan and in the City's Land Development Code:~~

- ~~a. Accessory uses customarily incidental to the primary permitted use(s);~~
- ~~b. Churches and schools (except in the Parks and Recreation category), parks and recreation, municipal facilities and other civic and cultural uses that do not meet the thresholds set within specific land use categories; and~~
- ~~c. Minor public utilities such as telephone switching stations, lift stations, drainage infrastructure, small scale electrical generating and distribution facilities, and similar facilities.~~

~~Policy 1.A.1.5 -The following Future Land Use Map categories and the Future Land Use Map are, by reference, made a part of this Ordinance including all future amendments, revisions and updates:~~

~~Policy 7.A.2.6- **Conservation (CON) Future Land Use Map Category.** The ~~€~~Conservation land use category is established for the long-term protection and preservation of certain open spaces and natural resources such as wetlands, floodplains and environmentally sensitive lands. The land may be publicly-owned, or may be privately-owned as long as the land ~~has been dedicated as commonly owned public space and~~ is not available for development other than what is allowable in the CON category. Passive open space and limited recreational activities, restricted to resource-enhancing facilities such as multi-purpose trails/paths, land restoration projects and the like shall be the only type of uses allowed in the conservation category. Interactive areas/facilities may also be allowed ~~as long as they are provided and managed consistent with goals, objectives and policies of this element as well as the goals, objectives, policies, standards and criteria set forth in the Conservation Element.~~~~

- ~~a. Lands designated as ~~€~~Conservation on the FLUM may be counted toward meeting the adopted level of service standards for recreation and open space for the City.~~

- b. The City has the option of obtaining a conservation easement as described in the LDC from private property owners to protect natural resources.
- c. ~~Areas covered by a conservation easement shall be permitted the same land use activities as areas designated conservation land use on the FLUM. One residence for a caretaker or park ranger is allowed and the maximum intensity is 0.25 ISR.~~
- d. ~~Regulations shall be included by June 2015 in the LDC to establish the process for conservation easements.~~

~~Policy 7.A.2.7— Parks & Recreation (PR) Land Use Category.~~ The parks and recreation land use category is established to provide sufficient space for public parks for active and passive recreation use. The PR land use category is intended to accommodate existing public parks and recreation areas as well as committed public and semi-public open spaces. The maximum allowed intensity is 0.75 ISR.

~~Policy 7.A.2.8— Public/Civic/Institutional (PCI) Land Use Category.~~ Areas delineated on the FLUM as PCI land use are established to accommodate public and semi-public services including government administration buildings; public schools and not-for-profit educational institutions; public hospital facilities and health care units; arts, cultural or civic facilities; essential public services and facilities; cemeteries; fire and emergency operation facilities; utilities; ~~public and semi-public open spaces~~ and other similar uses meeting threshold sizes established herein.

- a. Churches and religious institutions on parcels greater than two acres shall be designated as public/civic/institutional future land use category on the FLUM, otherwise these uses are allowed in any land use category except for parks & recreation future land use category.
- b. The City shall monitor the need for increased land area for public/civic/institutional uses and shall ensure that this land use designation on the FLUM is expanded as necessary to accommodate the development of public and semi-public facilities such as government administration buildings; fire, police and rescue services; educational institutions and similar public uses. The maximum intensity within the PCI land use category is 1.0 FAR.

~~Policy 7.A.2.9— Low Density Residential (LDR) Future Land Use Map Category.~~ The LDR category is established to accommodate a maximum density of five (5) dwelling units per acre comprised of single-family detached homes on individual lots, including manufactured homes. The maximum ISR shall be established by the stormwater management plan. Accessory residential uses shall be permitted, subject to standards and performance criteria set forth in the LDC that assures neighborhood character will not be adversely impacted and infrastructure requirements are met.

~~Policy 7.A.2.10— Medium Density Residential (MDR) Land Use Category.~~ The MDR category is established to accommodate a maximum density of fifteen (15) dwelling units per acre. The maximum ISR shall be established by the stormwater management plan. Permitted housing types are single-family detached homes, including zero-lot-line and cluster developments,

manufactured homes, duplexes, townhomes, condominiums and apartments. Nursing homes, assisted living facilities and independent living facilities are also permitted.

- a. Performance standards shall be established in the LDC to address townhomes, condominiums and apartments. These standards shall control the location of proposed buildings in relation to the overall dimension of the site, and require that adequate open space is provided, as well as significant landscaping and buffers that will screen these developments from low-density residential zoning districts.
- b. Multi-family development of more than 25 units shall provide recreational facilities to meet the needs of the population of the development.

~~Policy 7.A.2.11~~ **Mixed Use (MU) Land Use Category.** The mixed use category is established to accommodate a mixture of residential, office and commercial uses consistent with the density and intensity allowed within the designated zoning districts; provided, however, that the maximum density is twenty-five (25) units per acre and the maximum intensity is 1.0 FAR.

A mixed use development may range from a small project that includes a mixture of land uses in the same building and/or on the same site, with no minimum site area required – to a mixed use development project that may be of such a large size and intensity of scale that it meets the criteria set out in the LDC that requires submittal for a rezoning to the ~~community p~~lanned Unit dDevelopment or Mixed Use zoning district ~~and all the review requirements going through that process entails.~~

- ~~a. This category is not generally intended for the development of low density, detached, single family residences except when the mixed use category is located within the MIPA overlay. For any new residential development outside the MIPA overlay, the recommended minimum density is six (6) units per acre.~~
- ~~b. For development located within the MIPA overly zone, notes A and B under Policy 7.A.2.4 shall apply for density and intensity of land uses.~~
- ~~c. For mixed use buildings, only offices, retail sales, services and restaurants are permitted on the ground floor.~~
- ~~d. Performance standards shall be established in the LDC for the mixed use zoning districts that include, but are not limited to:
 - ~~i. streetscape treatments, joint access, and shared parking facilities;~~
 - ~~ii. enhanced landscaping and screening between new development or redevelopment in a mixed use category and any abutting low density residential land use categories.~~~~

~~Policy 7.A.2.12~~ **Commercial (C) Land Use Category.** The C land use category is intended to provide for a mixture of offices, retail establishments, service businesses, hotels and motels and automobile service and gasoline stations, cultural and tourist facilities, and mixed-use developments. The maximum intensity within the C category is 1.0 FAR.

- a. The C category is not intended for residential development. Any existing low density residential development will be permitted to remain and shall not be considered a nonconforming use; ~~however, the minimum density for any new residential development is six (6) dwelling units per acre and~~ the maximum density for new multi-family residential development is twenty-five (25) dwelling units per acre.
- b. Nursing homes, assisted living facilities and independent living facilities are permitted in the C category.

~~Policy 7.A.2.13~~ **Industrial (IND) Land Use Category.** The IND land use category is intended to provide for the establishment of light and heavy industrial activities that contribute to the economic development of the City. ~~Limited heavy e~~Commercial uses shall be allowed as well as industrial uses; however, no residential uses are allowed. The maximum intensity within the IND category is 1.0 FAR.

Objective 1.A.2 - To allow for innovative master planning within the City of Niceville or as a precursor to annexation.

~~Policy 7~~1.A.2.14 – **Master Planned Development (MPD) Land Use Category Overlay.** The MPD ~~land use category overlay~~ is established to address large scale projects that require a comprehensive analysis of the project’s impacts within the City. The MPD category will generally include developments that are mixed-use, large-scale, and may be located in new towns, highway corridors and interchanges, areas of rapid growth or land use changes, and areas with sensitive environmental resources or other areas where a comprehensive review is warranted.

~~Policy 7~~1.A.2.~~14~~12 – **Planning Issues Reviewed for an MPD Land Use Overlay Request.** The application for an change of land use to the MPD category Overlay shall address the following issues in a form approved by the City:

- a. The following existing systems, services and resources shall be identified, inventoried and evaluated:
 1. Environmental and natural resources and systems including native habitats, listed species, wetlands, drainage, soils and water quality.
 2. Community services including potable water, sanitary sewer, solid waste services, drainage, education facilities, recreation facilities and open space.
 3. Transportation resources including capital improvements planning, access management, existing and future levels of service, pedestrian and bicycle circulation.
 4. Land uses including generalized existing and future land uses and residential development potential.
- b. Determine how levels of service for existing and future populations are or will be met for transportation, potable water, sewer, drainage, solid waste, education, recreation and any other facilities and services for which level of service standards have been established.

- c. Establish specific standards for the protection of natural resources, including listed species and natural habitat.
- d. Identify the future land uses proposed including their maximum, gross densities and intensities and the distribution by percentage of the various land uses. However, the maximum allowable residential density shall be 35 dwelling units per acre and the maximum allowable intensity shall be an impervious surface ratio of 0.85.

~~Policy 7.A.2.14.2~~ – e. Impact on Other Elements of the Comprehensive Plan.

Based on the proposed master planned development the following may be necessary such as:

- a. ~~1. The Traffic Circulation~~ Transportation Element and/or the Future Transportation Map series ~~shall~~ may be amended as necessary to reflect roadway or multi-modal improvements necessary to maintain the adopted level of service standards.
- b. ~~2. The Public Utilities Infrastructure~~ Infrastructure Element ~~shall~~ may be amended as necessary to reflect improvements to sanitary sewer or potable water necessary to maintain the adopted level of service standards.
- c. ~~3. Capital projects~~ shall may be incorporated into the Capital Improvements Element through a comprehensive plan amendment.

~~Policy 71.A.2.14.3~~ – Documentation of MPDs; Specific Names on the Future Land Use Map. Because of the specific nature of each master planned development application and the detailed level of information required that is unique to the development relative to other ~~Comprehensive Plan~~ amendment requests, each approved application for a MPD request shall be adopted by reference into the ~~Comprehensive Plan~~. In addition, each approved MPD amendment will be identified on the FLUM with the specific name of the MPD project (i.e, on the FLUM, the MPD category will always be identified as xxx-MPD).

~~Policy 71.A.2.14.4~~ – Master Planned Developments Adopted by Reference

a. Ruckel-Master Planned Development

The “Ruckel Plan Amendment – Application for Text and Future Land Use Map Amendments to the City of Niceville Comprehensive Plan,” prepared by Carlton Fields, P.A. and submitted in February 2010, is hereby adopted by reference into the comprehensive plan. In addition, the following provisions are set forth for the Ruckel-MPD:

Ruckel Properties MPD is to be developed consistent with energy efficient planning principles. The MPD is envisioned to provide the daily needs of its residents by establishing a functional and integrated mix of uses including residential (single and multi-family), retail/commercial, office, light industrial, civic/institutional, research and development, recreation/open space and supporting infrastructure (e.g. roads, sidewalks, trails, water, sewer, etc.). The maximum residential density for the planning area is 4.0 residential units per gross residential area as applied throughout the MPD boundary and the nonresidential land use intensity shall not

exceed .3 Floor Area Ratio (FAR). The non-residential uses (retail/commercial, office, research and development and light industrial) shall not exceed 20% of the site. All development must be clustered on the non-sensitive portions of the site. A minimum of 20% open space shall be required which includes wetlands and environmentally sensitive areas and stormwater facilities. Permitted land use activities include agricultural, silvicultural, recreation and the private air strip.

In order to ensure the compatibility of the Ruckel MPD with the surrounding offsite residential properties along Forest Road and Rocky Bayou Drive, any uses proposed in these areas will be designed in a manner that are compatible with those uses or will be adequately buffered consistent with the City's comprehensive plan and land development code.

No development can occur within the wetlands on-site and buffer areas which are associated with the Turkey Hen Creek except for conservation or passive recreational uses including but not limited to trails, boardwalks, pedestrian crossings, foot bridges, viewing kiosks, multi-modal trails and road crossings. To ensure no development will occur in the creek system, the area is designated with a Conservation Overlay on the City's Future Land Use Map, which restricts development to conservation and passive recreation uses as specified above but permits the underlying density from the MPD category to be applied to the developable upland portions of the Ruckel property. A minimum 25 foot vegetative buffer shall be retained from the jurisdictional wetland boundary associated with the Turkey Hen Creek to prevent erosion and trap the sediment from overland runoff. Additionally, the site will develop in accordance with the stormwater requirements for an OFW waterbody to ensure no degradation of Turkey Hen Creek and Rocky Bayou. Finally, the Turkey Hen Creek provides suitable habitat for the Okaloosa Darter. Before new development commences on-site, through the permitting process, the Developer shall coordinate with the Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife to ensure any listed species are protected on site which shall include the development of a Resource Management Plan consistent with the provisions in Objective 11.B.4 and supporting policies of the City of Niceville Conservation Element. The Resource Management Plan shall consider, but not be limited to, the following:

- The amount of required buffer to protect the Okaloosa Darter
- Active management of the Turkey Hen Creek
- Restoration and enhancements of the wetlands associated with the Turkey Hen Creek
- Discouraging the use of fertilizers to protect nutrient loading in Turkey Hen Creek
- Use of Best Management Practices for any listed species, habitat and protection of resources
- Plan for bridging and crossings of the Turkey Hen Creek
- Wildlife corridors including the protection of the Black Bear

The Resource Management Plan shall be reviewed and approved by the U.S. Fish and Wildlife and the Florida Fish and Wildlife Conservation Commission.

The mix of uses and distribution of uses as a percent of the entire MPD acreage (including the Conservation areas) are as follows:

Residential (single and multi-family):	50% - 75%
Commercial (including Retail and Office):	2% - 20%
Light Industrial:	>1% - 10%
Public:	1% - 7%
Recreation/Open Space (including Stormwater Management and Drainage Facilities, wetlands, environmentally sensitive and Natural Areas):	20% - 35%

The approval of development orders shall be consistent with this policy and other comprehensive plan goals, objectives, policies and future conditions maps.

Objective 71.A.3 - The goals, objectives and policies of this Comprehensive plan shall be implemented through the adoption and enforcement of land development regulations.

Policy 71.A.3.1 - Zoning districts in the City's LDC shall implement the future land use categories adopted in the comprehensive plan, including the types of uses and the densities and intensities of uses.

Policy 71.A.3.2 - Subdivision of land shall be required to meet state requirements with regard to platting and providing improvements such as roads, drainage and other facilities and services, through the adoption of subdivision regulations.

Policy 71.A.3.3 - Ensure that adequate open space is provided through land development regulations that address:

- a. active or passive recreation sites;
- b. landscaped buffers;
- c. protected natural resource lands;
- d. protected environmentally sensitive lands;
- e. areas devoted to drainage and stormwater retention; and
- f. landscaping requirements.

Policy 71.A.3.4 - Land development regulations shall ensure safe and convenient on-site traffic flow and vehicle parking needs.

Policy 71.A.3.5 - To allow for innovative site design and development approaches, the LDC shall contain procedures and standards for planned developments to encourage mixed use projects. Standards for mixed use developments shall include, but are not limited to, the following:

- a. The incorporation of activity centers that are sized to serve the needs of residents.
- b. Compatible architectural and streetscape themes.
- c. Mixture of land uses on the same site and/or in the same building, but for mixed use buildings, only commercial uses on the ground floor.
- d. Enhanced buffering and screening.
- e. Energy and water efficiency principles of design.
- f. Low impact development principles for stormwater management.

Policy 71.A.3.6 - Requirements for appropriate buffers shall be prescribed in the LDC. Buffers may serve one or more of the following purposes:

- a. Provide functional separations between dissimilar uses;
- b. Provide landscaping adjacent to parking lots and other vehicle use areas; and
- c. Provide protection from uses that may have some degree of incompatibility that can be mitigated wholly or partially to protect against light, glare, noise or appearance.

Policy 71.A.3.7 - Development regulations shall require street, pedestrian and transit layouts that discourage non-residential through-traffic in residential neighborhoods, but that encourage energy and time-efficient access points and interconnections between residential areas.

Objective 71.A.4 - Development, redevelopment, land use plan amendments and changes to the zoning of a site shall be coordinated with the availability of adequate services and facilities, including assurance that land is available for the needed utility facilities and services.

Policy 71.A.4.1 - All development orders or permits shall be issued only if there are public facilities and services available with sufficient capacities to maintain the level of service standards concurrent with the impacts of the proposed development.

Policy 71.A.4.2 - Voluntary annexation into the City shall be encouraged when those lands are logical extensions of the existing City limits and when adequate public services can be provided.

Policy 71.A.4.3 - Ensure the availability of suitable land for public services and facilities necessary to support proposed development and approve sites for such facilities and services concurrent with the approvals for the development requiring the services and facilities.

Policy 71.A.4.4 - Require new development and redevelopment to provide necessary services and facilities or to pay ~~a fair share of~~ for the cost of those services and facilities through impact fees, special assessments, conveyance of land/easements, or exactions.

Policy 7.A.4.5 - Require development to dedicate adequate rights-of-way for use as roadways, stormwater management facilities, and for new construction, service extensions or facility improvements by utility companies.

Policy 7.A.4.6 - Private or public electric utilities needed to support the future land use categories may be permitted as conditional uses in all land use designations except for residential, conservation or parks categories.

Policy 7.A.4.177- Small-scale, site-specific, or off-grid electrical generation systems serving single users or small clusters of users and which use alternative energy sources shall be allowed in all land use categories without exception. Such alternative systems shall be allowed to connect to an available electrical energy distribution system to sell excess power to an electric utility provider. All substations adjacent to residential neighborhoods or visible from a public roadway shall be required to provide landscaping and buffering to minimize visual and noise impacts.

Policy 7.A.4.8 – The city shall not prohibit the appropriate placement of photovoltaic panels. The city shall develop and adopt review criteria to establish the standards for the appropriate placement of photovoltaic panels.

Objective 7.A.5 - The City shall ensure orderly development through a future land use pattern that promotes orderly, compact development and the provision of public facilities and services that minimize costs and environmental impacts and maximize efficiency.

Policy 7.A.5.1 - The expansion of public facilities beyond the City's Utility Service Area may be considered where public health, safety and welfare require a central water system or the extension of water service to ensure safe potable water.

Policy 7.A.5.2 – Public schools shall be located proximate to existing and planned residential areas based on criteria that include school size, land area, compatibility, environmental impacts, availability of public utilities, transportation impacts, and public safety. The following criteria shall apply:

- a. Public elementary schools shall be sited primarily in residential areas that include housing types and densities to meet the school's enrollment capacity with students who are predominately within walking distance of the school.
- b. Public middle and high schools may be sited in areas with a mix of land uses, including commercial.
- c. Access to public school sites should be from a collector road for middle and high schools or a collector or local road for elementary schools. Ingress and egress should not create detrimental impacts on roads adjacent to the site. Approaches to the site should be safe for pedestrians, bicycles, cars and buses.
- d. Public utilities shall be available to the site.

- e. ~~The City shall encourage the co-location of public facilities, such as parks, libraries and community centers, with schools to the maximum extent feasible.~~

Objective ~~7~~1.A.6 - The City shall encourage redevelopment of areas that are exhibiting evidence of decline through redevelopment programs and through maintaining land development regulations that contain standards and procedures to encourage redevelopment where desirable.

Policy ~~7~~1.A.6.1 - The existence of inadequate infrastructure and a disproportionate number of vacant, dilapidated and/or substandard structures shall be the criteria for the identification of areas in need of redevelopment.

Policy ~~7~~1.A.6.2 - Develop and implement financing techniques, such as tax increment financing, neighborhood improvement districts, and other appropriate financing sources, to encourage investment in redevelopment areas.

Policy ~~7~~1.A.6.3 - Utilize available state and federal programs for the renewal and revitalization of substandard housing units.

Objective ~~7~~1.A.7 - The City's natural resources shall be protected through identification, classification, coordination with resource planning and management plans prepared pursuant to Chapter 380, Florida Statutes, and limitations on use consistent with the degree of protection Required.

Policy ~~7~~1.A.7.1 - The protection of natural resources shall be accomplished by one or more of the following techniques, based on the degree of protection required:

- a. Limitations on development density and intensity;
- b. Limitations on building placement, such as requiring the clustering of allowable development on non-sensitive portions of a site;
- c. Limitations on building coverage or impervious surface coverage;
- d. requiring for setbacks and landscaped buffers sufficient to mitigate or eliminate impacts; and
- e. Evaluation of proposed plan amendments to ensure that they protect natural resources.

Policy ~~7~~1.A.7.2 - Determination of the degree of natural resource protection required shall be part of the development application and review process and may result in conditions on development approvals.

Policy ~~7~~1.A.7.3 - The City shall include standards and procedures in its LDC that consider topography and soil types in the review of proposed development projects.

Policy ~~7~~1.A.7.4 - Within areas designated on the FLUM as Conservation, no new development, nor expansion or replacement of any existing development, shall be permitted.

Policy ~~7~~1.A.7.5 - The LDC shall provide for the protection of environmentally sensitive land and potable water wellfield zones from adverse impacts of development by designating appropriate activities and land uses allowed within those areas.

Policy ~~7~~1.A.7.6 - The development approval process shall ensure that new development and redevelopment is consistent with natural drainage patterns. The approval process shall require appropriate stormwater management systems consistent with the adopted drainage level of service, natural drainage patterns and soil conditions.

Objective ~~7~~1.A.8 - Important historic and archaeological resources of the City shall be protected through identification, classification and regulation of development consistent with the degree of protection required for the resource.

~~Policy 7.A.8.1 - Historic resources shall be protected through designation as historic sites or districts and through land development regulations.~~

~~Policy 7.A.8.2 - Maintain a register of designated historic properties and districts.~~

Policy ~~7~~1.A.8.~~3~~1 - Adaptive reuse of historic structures shall be given priority over activities that would harm or destroy the historic value of such resources.

Policy ~~7~~1.A.8.~~4~~2- If construction activities reveal a suspected historical or pre-historic archaeological site, a determination shall be made by a professional archaeologist as recognized by the Florida Department of State, Division of Historical Resources, as to the extent, nature and significance of the findings.

Policy ~~7~~1.A.8.~~5~~3 - Support private, nonprofit groups that endeavor to preserve historic resources and request the assistance of the Florida Department of State, Division of Historical Resources, identifying sources of funding and programs as a means to identify, designate, protect and preserve pre-historic sites and historic resources in Century.

Objective ~~7~~1.A.9 - New development in the City shall encourage Smart Growth principles that minimize emissions by reducing vehicle miles. The following policies shall be incorporated into the City's LDC.

Policy ~~7~~1.A.9.1 - New development and redevelopment activities shall provide pedestrian friendly street design in appropriate areas/districts of the City, including buildings close to the

street; use of porches, windows and doors; tree-lined streets; hidden parking lots; garages in rear; narrow, slow-speed streets, etc.

Policy 71.A.9.2 - New development, as well as infill development where feasible, shall provide interconnected street grid networks to disperse traffic and encourage walkability. Developments may include a hierarchy of narrow streets, boulevards and alleys; high-quality pedestrian networks; designs that encourage a greater use of bicycles, scooters and walking as daily transportation; connectivity to public transit; and a land use mix that demonstrates reduced external trips by encouraging internal trips.

Policy 71.A.9.3 - Where appropriate, new development shall provide a mix of shops, offices, and residences on site and provide mixed-use within neighborhoods, within blocks and within buildings.

Policy 71.A.9.4 - Developments that require site plan review and approval shall be evaluated on the use of site and building design that emphasizes aesthetics, human comfort, creating a sense of place, special placement of civic uses and sites and human-scale architecture and amenities, especially at street level.

Objective 71.A.10 - –Establish a Military Influence Planning Area (MIPA) overlay on the Future Land Use Map, evaluate the recommendations of Section 10 of the June 2009 Eglin Air Force Base (AFB) Joint Land Use Study (JLUS) Final Report and the 2013 BRAC Supplemental Environmental Impact Statement (SEIS), and implement those that are determined by the City to be appropriate and feasible.

Policy 71.A.10.1 –The entire land area located within the Accident Potential Zones (APZ-I and APZ-II) depicted on Figure 10-2 of the JLUS, as well as the remaining portions of all parcels through which the APZ lines fall, and all land located within the 65 dB DNL noise contour line within the city depicted on Figure 3-3 of the Record of Decision, Final SEIS, as well as the remaining portions of all parcels through which the 65 dB DNL noise contour line falls, are hereby designated as the MIPA Overlay Zone on the Future Land Use Map. When considering FLUM amendments for property located within the MIPA Overlay Zone:

- a. The City shall notify the applicant that the property is near a military installation subject to low level aircraft, impulse noises, and/or other military-related issues identified by the JLUS, which means development on the parcel is subject to height limitations and additional construction requirements for noise attenuation.
- b. If the property is located within an Accident Potential Zone (APZ), as identified in Figure 10-2 of the JLUS:
 - i. No changes in residential densities shall be approved for higher densities than allowed in the Medium Density Residential (MDR) future land use category.

- ii. Changes in non-residential land use and intensity shall be reviewed based on their compatibility with military operations as shown on Figure 10-4 of the JLUS.

Policy 71.A.10.2 – By May 2015 the City shall evaluate the recommendations of Section 10 of the June 2009 Eglin AFB JLUS Final Report and the 2013 BRAC SEIS and amend the Land Development Code (LDC) to implement those that are determined to be appropriate and feasible within the MIPA overlay zone.

- a. Establish noise level reduction construction standards consistent with the 2010 Florida Residential Building Code, Section R324, Airport Noise, as amended.
- b. Establish disclosure procedures notifying buyers and leasers that property is near a military installation subject to low level aircraft, impulse noises, and/or other military-related issues identified by the City.
- c. Establish a lighting ordinance that requires shielding and operation in such a manner that is not misleading or dangerous to aircraft operation within the MIPA.
- d. Identify Accident Potential Zones (APZ) on City planning maps and documents and require developers to identify same on all proposed projects and plats.
- e. Upon completion of the BRAC Supplemental Environmental Impact Statement (SEIS), identify high noise areas on City planning maps and documents and require developers to identify same information on all proposed projects and plats.
- f. Study required implementation steps to retrofit existing public buildings within the high noise level areas (>65 db) with sound attenuation.
- g. Study required implementation steps to develop retrofit program for sound attenuation for habitable buildings in high noise level areas (>65 db).
- h. Evaluate maximum height for buildings and structures by zoning district and amend the LDC as applicable to limit object heights as depicted on Figure 10-7 of the JLUS regarding potential conflicts with Eglin AFB missions and operations.
- i. Establish a Military Influence Planning Area (MIPA) zoning overlay district to address compatibility issues related to land use, aircraft noise, and high frequency impulse noise. Measures to achieve noise level reduction (NLR) must be incorporated into the design and construction of all parts or portions of buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low, depending on type of use.
- j. Update the LDC to include specific language designed to strengthen the City's compatibility position on proposed developments and zoning amendments and/or other related change requests within the MIPA overlay districts.

Objective 71.A.11 – Establish a CRA Mixed Use Development Overlay on the Future Land Use Map for land located within the most current adopted Community Redevelopment Area (CRA) boundary and designated Mixed Use on the Future Land Use Map to encourage development and redevelopment consistent with the Community Redevelopment Area Plan.

Policy 71.A.11.1 Properties designated Mixed Use on the Future Land Use Map and located within the CRA Overlay may be developed utilizing the adopted allowable uses, maximum

density (25 du per acre maximum) found in Policy 7.A.2.11, and a maximum intensity of 0.85 impervious surface area ratio regardless of zoning. The following bulk and dimensional standards are the only bulk and dimensional standards that shall apply in addition to the maximum impervious surface area ratio of 0.85 (85%) for these properties:

- (a) The maximum allowable building height or the applicable underlying zoning district shall apply; and
- (b) The minimum yard setbacks for the applicable underlying zoning district shall apply; except that minimum setbacks do not apply internally within a master planned mixed use development.

Policy ~~7~~1.A.11.2 - Objective 7.A.10 and associated policies establishing the Military Influence Planning Area (MIPA) Overlay shall apply within the CRA Mixed Use Development Overlay.

Section 7.05 Future Land Use Map Series: ~~The following Future Land Use Map Series is, by reference, made a part of this Ordinance including all future amendments, revisions and updates.:~~

~~(1) Figure 4-1, Future Land Use Map, dated March 10, 2015 and as prepared by Mike Bryant for the City of Niceville. Public water wells, shores, estuaries, bayous and other water bodies; the Military Influence Planning Area (MIPA) zone; and the Accident Potential Zones (APZ-1 and APZ-2) are all shown on Figure 4.1, Future Land Use Map as are the following generalized land use categories:~~

- ~~1. LDR— Low Density Residential land use;~~
- ~~2. MDR— Medium Density Residential land use;~~
- ~~3. C— Commercial land use;~~
- ~~4. IND— Industrial land use;~~
- ~~5. PR— Parks/Recreation land use;~~
- ~~6. CON— Conservation land use;~~
- ~~7. MU— Mixed Use land use;~~
- ~~8. PCI— Public/Civic/Institutional land use; and~~
- ~~9. MPD— Master Planned Development land use.~~

~~(2) Wetlands are shown on Figure 4-3 titled, City of Niceville Wetlands as prepared by Mike Bryant for the City of Niceville and dated March 10, 2015.~~

~~(3) Coastal High Hazard areas are shown on Figure 4-4 titled, City of Niceville Coastal High Hazard Area (CHHA) as prepared by Mike Bryant for the City of Niceville and dated March 10, 2015.~~

Section 7.06 Amendments: ~~The Future Land Use Map Series may be amended by following the requirements in Section 5.13 of this Ordinance.~~

Section 7.07 Official Zoning Map: ~~The City of Niceville Land Development Code (LDC) shall contain the Zoning Ordinance of the City of Niceville (Ordinance 590, or any amendments or successor ordinances which may be adopted by the City) as well as the Official Zoning Map adopted pursuant to said Ordinance. The LDC and Official Zoning Map are designed to implement the Future Land Use Map Series.~~

ORDINANCE HISTORY:

00-03-03 (3 MAR 2000)

10-10-02 (12 OCT 2010)

15-03-01 (10 MAR 2015)

24-10-02 (12 NOV 2025)

CHAPTER 82

TRANSPORTATION ELEMENT

~~Section 8.01 Purpose: The purpose of this Chapter (element) is to establish the desired and projected transportation system within Niceville and to plan for future motorized and nonmotorized traffic circulation systems. Future traffic circulation systems are supported by the goals, objectives and policies of this element and are depicted on the Traffic Circulation Maps (Figures 8-1 and 8-2) which are incorporated herein by reference.~~

~~Section 8.02 Data and Analysis: This Chapter (element) is based upon data and analysis requirements pursuant to Subsections 9J 5.005, F.A.C. and 9J 5.019, F.A.C. (reference Sections 5.03, 5.06 and 5.07 of this Ordinance and Chapter 5 of the Foundation Documents).~~

~~Section 8.03 Mass Transit, Aviation and Deep Water Ports: Not applicable. There is no mass transit system within the City of Niceville nor is one planned during the planning period. Similarly, there are no airports, rail lines or deep water ports located within the City.~~

~~Section 8.04 Goals, Objectives and Policies: The Goals, Objectives and Policies of this element are as follows:~~

Goal 82.A - Provide a safe, ~~economical~~ multi-modal, ~~and~~ efficient transportation system that maximizes the mobility of people and goods and that is in harmony with the environmental, social, economic, and aesthetic features of the City.

Objective 82.A.1 – Develop and maintain a Long-Range Transportation Plan that identifies multi-modal and intermodal transportation facilities and services that will function as an integrated system and address the mobility needs of the area.

~~Policy 82.A.1.1 - Continue to participate in the Okaloosa-Walton TPO planning process in coordination with adjacent local governments and other public agencies in the development and maintenance of the Long Range Transportation Plan (LRTP). ~~and private organizations whose purpose is to implement the transportation, land use, parking and other provisions of the transportation element.~~~~

~~Policy 82.A.1.2 - Participate in the development of the ~~Five-Year~~ Transit Development Plan and support transit routes and stops within the City of Niceville. ~~especially in the establishment of numerical indicators against which the achievement of the mobility goals of the community can be measured, such as modal split, annual transit trips per capita, and automobile occupancy rates.~~~~

~~Policy 2.A.1.3 – Participate in the development and maintenance of the Okaloosa Walton TPO’s Bike Ped Plan.~~

Policy 2.A.1.4 – Maintain a City of Niceville Bike Ped Plan that identified current and proposed or future bike ped improvements within the City.

Policy 2.A.1.5 – Coordinate all transportation related plans with proposed development activity and any available grant or funding opportunities.

Objective 82.A.2 – Establish and Maintain level of service standards on City maintained roadways, County maintained roadways, and regionally significant State maintained roadways consistent with the latest FDOT policy.

~~Policy 8.A.2.1 – The City hereby adopts level of service C as the minimum operating level of service for local non connector roads within the City unless otherwise specified by Policy.~~

82.A.2.2 1- All locally maintained connector roads and all collector roads collector roads are hereby assigned LOS D during peak travel hours for the planning period. The following local roads shall also be assigned LOS D during peak travel hours:

Palm Boulevard from Valparaiso Blvd to College Boulevard E

27th Street from Palm Boulevard S to Tamarack Avenue

Valparaiso Blvd from Bayshore Drive (285) to Linden Avenue

Wise Avenue from 27th Street to SR 20

Pine Avenue from 27th Street to SR 20

Davis Drive from SR 20 to Hwy 285 (Partin Drive)

Nathey Avenue from SR 85 to Niceville Avenue

Niceville Avenue from Lewis Street to Nathey Avenue

Lewis Street from SR 85 to Niceville Avenue

Kelly Road from SR 85 to Johnson Street

~~Connector roads are defined as local roads connecting different land use areas (for example, residential with commercial).~~

~~Policy 82.A.2.2 - The following peak hour (100th highest hour) LOS standards for state roads within the City are hereby adopted:~~

~~SR 85 N from SR 20 to College Boulevard – LOS C~~

~~SR 85 S from SR 85 N to Government Blvd. (John Sims Parkway) – LOS D~~

~~SR 85 from SR 397 to SR 190 – LOS D~~

~~SR 20 from the Rocky Bayou Bridge to SR 285 – LOS D~~

~~SR 20 from SR 285 to SR 85 N – LOS C~~

~~SR 285 from SR 20 to College Boulevard – LOS D~~

~~Palm Boulevard (local road) from Valparaiso~~

~~Boulevard to College Boulevard – LOS D~~

~~Where roadways are designated by the State Legislature on the Intrastate System as Strategic Intermodal System (SIS) roadways and for other State maintained roadways, the City adopts the Level of Service according to FDOT. Where roadways are maintained by Okaloosa County, the City adopts the Level of Service according to the County, which may be found in Policy 1.2.5 of the Okaloosa County Comprehensive Plan and are established at LOS E for roads south of the northern limits of Eglin Air Force Base. Specifically, within the City limits this shall include Bayshore Drive from John Sims Parkway (SR 20) to 11th Street and Rocky Bayou Drive from John Sims Parkway (SR 20) to Forest Drive. a Level of Service “C”. The LOS standards are based upon the methodologies contained within the latest edition of the FDOT Level of Service Handbook.~~

~~Policy 8.2.A.2.3 - The City will include right-of-way protection provisions within the LDC and shall establish where right-of-way protection provisions shall apply. (reference Policy 7.A.1.1).~~

~~Policy 8.2.A.2.4 – The City will continue to work with the Okaloosa-Walton Transportation Planning Organization and Florida Department of Transportation in exploring methods and funding options to reduce traffic on congested segments of John Sims Parkway and SR 20, including the development of parallel corridors, specifically Crossings Boulevard, College Boulevard and the completion of a bypass connector from SR 85 to SR 123. as well as on any other congested segments within the City.~~

~~Policy 8.A.2.5 – The City shall continue its aggressive efforts to promote, support and encourage the construction of the Northwest Florida Transportation Corridor Authority’s Niceville by pass through its participation with the Okaloosa-Walton TPO and interaction within the FDOT. Construction of the by pass will relieve traffic congestion on John Sims Parkway (SR 20) through the City (also, see Policy 11.A.7.4).~~

~~Policy 2.A.2.5 – Level of Service (LOS) determinations should be based on methodologies consistent with the most current Highway Capacity Manual (HCM), the most recent FDOT Multimodal Quality/Level of Service Handbook, or a methodology determined by the City as being comparable.~~

~~**Objective 8.A.3 –** Policy 2.A.2.8 – The City shall coordinate the traffic circulation system with the future land uses shown on the Future Land Use Map Series (Figures 7-1 through 7-6) upon adoption of this Ordinance by maintaining the adopted LOS standards and by evaluating any request for amendment to the Future Land Use Map based on LOS standard maintenance.~~

~~Policy 8.A.3.1 – The committee appointed pursuant to Policy 14.A.3.6 shall include within its annual review, an analysis of the traffic volumes and systems and system demands in order to~~

~~further monitor and identify impacts of new growth on the transportation and traffic circulation system of the City. The committee shall include within its reports, produced pursuant to Section 14.06 of this Ordinance, its analysis of said impacts.~~

Objective ~~8.A.4~~ 2.A.3 – Give the highest priority to transportation improvements that will relieve existing traffic congestion.

~~Policy 8.A.4.1-2.A.2.9 - Coordinate with the Okaloosa-Walton TPO in the development of the Traffic Operations Project Priorities for the five-year Transportation Improvement Program and Congestion Management Plan (CMP).~~

~~Policy 8.A.4.2 2.A.2.10- Prior to approving new road construction projects to add capacity the City shall investigate the feasibility of alternative improvements to the existing roadway system such as:~~

- ~~a. Intersection improvements;~~
- ~~b. Synchronization of traffic signals;~~
- ~~c. Traffic calming measures;~~
- ~~d.c. Installation of auxiliary lanes;~~
- ~~e.d. Redesign or realignment of roadways; and~~
- ~~e.f. Multi-modal systems~~

Policy 2.A.2.11 - Design and build transportation facilities to reflect the scale and character of the surrounding natural and developmental features using:

- a. Varying street widths and traffic calming measures to allow
- b. views of any scenic or historic resources;
- c. Appropriate paving materials, including intersection treatments;
- d. Appropriate styles of traffic control facilities; and
- e. Landscape materials that complement the character of the resources.

Policy 2.A.2.12 - Minimize rights-of-way acquisition costs of planned transportation corridors by advanced purchase of right-of-way, required donation of right-of-way, and regulation requiring development setbacks from proposed rights-of-way.

Objective ~~8.A.5~~ 2.A.3 - Minimize accidents, including automobile/pedestrian/bicycle conflicts, by emphasizing safety features and by developing a multi-modal and intermodal transportation system.

~~Policy 8.A.5.1 2.A.3.1- Direct through traffic onto principal arterials and away from local streets, and promote the use of traffic calming strategies to protect local streets from high traffic volumes and speeds.~~

Policy ~~8.A.5.2~~ 2.A.3.2 - Facilitate the provision of a network for pedestrians and bicyclists that allows shortcuts and/or alternatives to traveling along high volume streets.

Policy ~~8.A.5.3~~ 2.A.3.3 - The City shall continue its practice of providing or requiring the provision of nonmotorized transportation systems to link residential areas with recreational and commercial areas in a safe manner through LDC regulations that require the construction of sidewalks, bike lanes, installation of signage, crosswalks, and striping of roadways so as to accommodate non-motorized transportation facilities.

Policy 2.A.3.4 - Enhance the urban area economic vitality by providing a transportation system that takes into consideration the needs of the business community and economic development strategies.

Policy 2.A.3.5 - All new developments, including but not limited to, planned unit developments, shopping centers, multi-family residential projects and other projects with internal circulation and parking needs shall be required to provide safe and convenient on-site traffic flow, non-motorized transportation facilities, and sufficient vehicular parking to accommodate the needs of the development. Said provisions shall be provided for within the Land Development Code.

Policy 2.A.3.6 - Support and promote public awareness campaigns that focus attention on the societal and environmental impacts and costs of travel choices, and that make people aware of the range of travel choices available. Make information available at the Niceville Public Library and online on any commuter assistance programs, public transit, the co-coordinated transportation system program, and any bicycle/pedestrian programs endorsed by Niceville and Okaloosa County.

Policy 2.A.3.7 - Continue to support the provision of transportation services to the transportation disadvantaged by the designated provider.

Policy 2.A.3.8 - Coordinate plans for transportation-disadvantaged services with the development of the Five Year Transit Development Plan as updates are completed.

Objective ~~8.A.6~~ 2.A.4 - Provide for adequate emergency evacuation routes and capacity, ~~by providing alternative evacuation routes and adequate highway capacity on evacuation routes, and by mitigation measures adopted in the Okaloosa County Hazard Mitigation Strategy.~~

Policy ~~8.A.6.1~~ 2.A.4.1 - Coordinate with the Okaloosa-Walton TPO, FDOT, and Okaloosa County in evaluating major evacuation routes and determining where deficiencies occur and where operational improvements can be made to maintain or reduce hurricane evacuation times.

Policy 2.A.4.2 – The City shall seek to provide for alternative evacuation routes and adequate highway capacity on identified critical evacuation routes.

Policy 2.A.4.3 – The City shall seek to include mitigation measures within the adopted Okaloosa County Local Mitigation Strategy (LMS).

~~**Objective 8.A.7— Support Florida Intrastate Highway System (FIHS) transportation facilities that provide connectivity to areas outside the urbanized area and serve important national and regional functions.**~~

~~Policy 8.A.7.1— Participate in implementation of Okaloosa-Walton TPO Plan strategies to facilitate local traffic use of alternatives to the FIHS to protect its interregional and intrastate functions.~~

~~**Objective 8.A.8 2.A.5 - Maintain and improve access to important regional facilities including airports, educational facilities, parks, historical and recreational areas and military installations.**~~

~~Policy 8.A.8.1 2.A.5.1 - Coordinate roadway and transit service improvements with the Okaloosa County Airport Master Plan, the Okaloosa-Walton TPO, and the FDOT 5-Year Transportation Plan, to ensure that future transportation access needs of the County’s airport facilities are met.~~

~~Policy 8.A.8.2 2.A.5.2 - Promote the implementation of the Okaloosa-Walton Long Range Transportation Plan and the Okaloosa County Mobility Plan as it relates to roadway improvements improving access to major attractors in Niceville and Okaloosa County, including airports and other related public transportation facilities.~~

~~Policy 8.A.8.3 2.A.5.3 - Ensure that the Five Year Transit Development Plan includes strategies to address motorized and non-motorized access to all major attractors in Niceville and Okaloosa County, including intermodal terminals and access to aviation and rail facilities.~~

~~**Goal 8.B— Provide an energy efficient transportation system that results in the reduction of greenhouse gas emissions.**~~

~~**Objective 8.B.1— Reduce energy consumption by recommending transportation system improvements such as traffic calming measures that lessen the need for stop signs and traffic signals and result in less vehicle idling, a major contributor to air pollution, greenhouse gas emissions, and wasted fuel.**~~

~~Policy 8.B.1.1— Promote design of subdivision street systems that incorporates multiple interior connections and relatively direct routes between major transportation arteries.~~

~~Policy 8.B.1.2— Promote the use of traffic calming measures that reduce the need for traffic signals.~~

~~**Objective 8.B.2— Reduce energy consumption by promoting actions to increase the occupancy of vehicles (e.g. ridesharing, mass transit, High Occupancy Vehicles (HOV) lanes) or to reduce travel demand.**~~

~~Policy 8.B.2.1— Evaluate existing Park & Ride lot usage and review the recommendations in the WFRPC West Florida Park & Ride Lot Planning Guide in order to determine how to promote~~

~~existing usage and where to establish new Park & Ride lots if analysis warrants the need for such facilities.~~

~~Policy 8.B.2.2—Coordinate with the Ride Share Program of the WFRPC to develop and maintain car/vanpool programs that serve area employers, especially those that employ more than 50 employees.~~

~~Policy 8.B.2.3—Coordinate with the Economic Development Council to support and promote commute trip reduction programs, telecommuting, electronic communications, variable work weeks and flextime.~~

~~Goal 8.C—Provide a transportation system in harmony with environmental, social, economic and aesthetic features of the area.~~

~~Objective 8.C.1—Minimize adverse impacts on the environment, natural and scenic views, and existing developments by balancing the location, design, construction and operation of the transportation system with environmental and existing development features.~~

~~Policy 8.C.1.1—Design and build transportation facilities to reflect the scale and character of the surrounding natural and developmental features using:~~

- ~~a. Varying street widths and traffic calming measures to allow~~
- ~~b. views of any scenic or historic resources;~~
- ~~c. Appropriate paving materials, including intersection treatments;~~
- ~~d. Appropriate styles of traffic control facilities; and~~
- ~~e. Landscape materials that complement the character of the resources.~~

~~Objective 8.C.2—Encourage accessible public transportation for the transportation disadvantaged through coordination of local social service transportation.~~

~~Policy 8.C.2.1—Continue to support the provision of transportation services to the transportation disadvantaged by the designated provider.~~

~~Policy 8.C.2.2—Coordinate plans for transportation disadvantaged services with the development of the Five Year Transit Development Plan as updates are completed.~~

~~Objective 8.C.3—Enhance the urban area economic vitality by providing a transportation system that takes into consideration the needs of the business community and economic development strategies.~~

~~Policy 8.C.3.1—All new developments, including but not limited to, planned unit developments, shopping centers, multi-family residential projects and other projects with internal circulation and parking needs shall be required to provide safe and convenient on-site traffic flow, non-motorized transportation facilities and sufficient vehicular parking to accommodate the needs of the development. Said provisions shall be delineated within the Land Development Code (reference Policy 7.A.1.1).~~

~~**Objective 8.C.4—Improve the environmental and aesthetic features of the existing transportation system by developing ISTEA enhancement projects, including but not limited to pedestrian and bicycle facilities, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff and control of outdoor advertising.**~~

~~Policy 8.B.2.4—Participate in the development of the Okaloosa Walton TPO Long Range Transportation Plan and the Transportation Development Program especially in support of travel demand management strategies aimed at reducing the number and length of car trips and increasing the efficiency of the transportation system.~~

~~**Objective 8.B.3—Reduce energy consumption by promoting measures to facilitate pedestrian and bicycle facilities into the design of transportation projects.**~~

~~Policy 8.B.3.1—All new road construction projects within the City shall accommodate non-motorized transportation facilities. Such accommodation may include the installation of signage, striping of roadways, installation of sidewalks, widening of shoulders, installation of sidewalk ramps at intersections, and the like.~~

~~**Objective 8.B.4—Reduce energy consumption by promoting use of alternative fuels (e.g. compressed natural gas).**~~

~~Policy 8.B.4.1—Monitor the use of alternative fuels at other public agencies with large fleets of vehicles and coordinate with Okaloosa Coordinated Transportation, Inc., private sector industries and other public agencies to consider the use of low and zero-emission vehicles by large fleet operators.~~

~~Policy 8.C.4.1—Identify potential ISTEA enhancement projects and apply for the funds on an as needed basis.~~

~~**Goal 8.D—Provide a transportation system that optimizes preservation and efficiency of existing transportation facilities.**~~

~~**Objective 8.D.1—Minimize the need for construction of new highways through development and maintenance of a Congestion Management System and identification of strategies to reduce travel demand, encourage alternative modes of travel and implement traffic operations improvements.**~~

~~Policy 8.D.1.1—Participate in the development of the Okaloosa Walton TPO's Five Year Transit Development Plan and the Long Range Transportation Plan as they address establishment of transportation demand management programs to modify peak hour travel demand and reduce the number of vehicle miles traveled per capita within the community and region.~~

~~Policy 8.D.1.2—Participate in the development of the Okaloosa Walton Long Range Transportation Plan as it addresses establishment of transportation system management strategies that are appropriate to improve system efficiency and enhance safety.~~

~~Policy 8.D.1.3 – Support and promote public awareness campaigns that focus attention on the societal and environmental impacts and costs of travel choices, and that make people aware of the range of travel choices available. Make information available at the Niceville Public Library on any commuter assistance programs, public transit, the co-coordinated transportation system program, and any bicycle/pedestrian programs endorsed by Niceville and Okaloosa County.~~

Objective ~~8.D.2~~ 2.A.6 - Maintain and enhance the safety and efficiency of the arterial and collector road system, and minimize transportation conflicts associated with development by coordinating FDOT driveway permitting process, limiting development access to the transportation system and increasing interconnection between adjacent developments.

~~Policy 8.D.2.1~~ 2.A.6.1 - The LDC shall limit new access points to arterial and collector roads by requiring minimum distances for separation of driveways and median cuts, consistent with FDOT and City access management policy.

~~Policy 8.D.2.2~~ 2.A.6.2 - Any time a development project requires installation of access ways at distances closer together than the number of feet approved by FDOT for the roadway, a system of service roads will be required to be installed by developers for new development along arterial roads and designated limited access highways within the City, consistent with FDOT access management policy.

~~Policy 8.D.2.3~~ 2.A.6.3 - Whenever possible require developments to provide direct vehicular and pedestrian connections to adjacent residential developments and/or service commercial or institutional land uses to reduce the need for additional access onto collector and arterial streets.

~~Policy 8.D.2.4~~ 2.A.6.4 - The LDC shall contain regulations which provide for all future developments to pay all costs and construct all roads within the development to City standards so that the roads, upon construction, may be accepted into the City's road system (~~reference Objective 14.A.4~~).

~~Policy 8.D.2.5~~ 2.A.6.5 - - The City shall continue its practice of reconstructing or resurfacing local streets on an annual basis (~~reference Table 14-1~~).

~~Policy 8.D.2.6~~ 2.A.6.6 - The City shall prioritize its maintenance and reconstruction activities pursuant to ~~Policy 14.A.1.3~~ together with any cost/benefit analysis, traffic safety analysis and analysis of the physical conditions of the various roadways within the City. Said analyses may be performed by the City or others. If performed by others the manner and methods of ~~analyses~~ analysis must be approved by the City.

~~Goal 8.E – Provide measures to relieve financial constraints on improvements to the transportation system.~~

Objective 8.E.1 – Obtain adequate funding for needed transportation improvements by encouraging greater state and federal participation and local adoption of measures to augment these revenue sources.

~~Policy 8.E.1.1 – Continue to levy a local option gas tax as a user fee and use the funding obtained to construct and maintain bridges and roads and associated transportation facilities.~~

~~Policy 8.E.1.2 – The City will remain informed regarding funding sources and will assist in the updates of the Financial Resources Plan that identifies sources of funding that can reasonably be expected to be available to implement the Okaloosa-Walton TPO Transportation Study Cost Feasible Plan and recommends additional funding sources for other needed improvements.~~

Objective 8.E.2 – Equitably distribute transportation costs by requiring applicable development projects to construct appropriate transportation improvements on the public road system based on the proportional impacts of the development.

~~Policy 8.E.2.1 – The LDC shall require that development projects install applicable ingress/egress lanes and any traffic control measures deemed appropriate to ensure efficiency and safety of connections to the public roadway system commensurate with the project’s impact.~~

~~Policy 8.E.2.2 – Encourage or require where appropriate new residential subdivisions, depending on their relation to congested or deficient arterial roadways, to design an internal public street system that will implement other goals, objectives and policies adopted in the transportation element to mitigate further congestion on the arterial roadway system.~~

~~Policy 8.E.2.3 – The City will evaluate which roadways may benefit from proportionate fair share mitigation as the need arises, in accordance with the City’s Proportionate Fair Share Program.~~

Objective 8.E.3 2.A.7 - City shall provide for the protection of existing and future rights-of-way from encroachment by including regulations within the LDC (reference Policy 7.A.1.1) and implementing Policy 8.E.3.1. Minimize rights-of-way acquisition costs of planned transportation corridors by advanced purchase of right-of-way, required donation of rights-of-way and regulation requiring development setbacks from proposed rights-of-way.

~~Policy 8.E.3.1 – The City shall continue to enforce Ordinance 590 (the Zoning Ordinance, or any amendments or successor ordinances which may be adopted by the City) and include said Ordinance within the LDC (reference Policies 7.A.1.1, 7.A.1.2 and 7.A.7.2). Note: The Zoning Ordinance (or any amendments or successor ordinances which may be adopted by the City) provides adequate setbacks along all area roadways, including state highways, so that existing rights-of-way are protected from building encroachment.~~

~~Policy 8.E.3.2 – The LDC shall require rights-of-way standards and minimum building setbacks from ageement goals by coordinating the transportation plan with local, regional and state comprehensive plans.~~

~~Policy 8.F.2.1 – Coordinate the City’s transportation planning process with the plans and programs of the Okaloosa Walton TPO, the Florida DOT, and the West Florida Regional Planning Council Strategic Regional Policy Plan.~~

~~Policy 8.F.2.2 – All land use decisions shall be consistent with the Future Land Use Maps and the Traffic Circulation Maps.~~

~~Policy 8.F.2.3 – The City Manager and the Public Works Director (or their designees) shall review all plans and proposals for development or redevelopment within the City by using the Future Land Use Maps and the Future Traffic Circulation Maps adopted herein. The review shall include a determination of consistency with the maps. Note: The review is not limited to the map series but must include the map series.~~

~~**Objective 8.F.3 – Ensure the transportation system chosen as the optimum design is user acceptable by taking into consideration local desires and preferences.**~~

~~Policy 8.F.3.1 – Continue to promote a high level of citizen participation in the transportation planning process through an active TPO Citizen’s Advisory Committee and public meetings. proposed rights-of-way of roads requiring improvements and/or re-construction with additional lanes, consistent with the Okaloosa Walton Long Range Transportation Plan and City of Niceville CIE.~~

~~**Goal 8.F – Provide a cooperative, continuing and comprehensive transportation process.**~~

~~**Objective 8.F.1 – Achieve a co-coordinated area transportation system through a local, regional, state and national decision making partnership.**~~

~~Policy 8.F.1.1 – The City will continue its active participation in and review of the Okaloosa Walton TPO plans and planning process to insure that TPO recommendations and activities are consistent with this Ordinance. The City’s participation will include efforts to assure that needed projects within the City are included within the TPO and FDOT plans.~~

~~Policy 8.F.1.2 – The City will participate in, and review, the annual updates of the five (5) year construction plan (FDOT) to insure that activities of the City and the construction plan are consistent.~~

~~Policy 8.F.1.3 – Continue to fund the City’s fair share of the annual operating cost of the Okaloosa Walton TPO and provide representatives to serve on the TPO and the various advisory committees created by the TPO.~~

~~**Objective 8.F.2 – Ensure that the transportation system is supportive and compatible with growth management goals by coordinating the transportation plan with local, regional and state comprehensive plans.**~~

~~Policy 8.F.2.1 – Coordinate the City’s transportation planning process with the plans and programs of the Okaloosa Walton TPO, the Florida DOT, and the West Florida Regional Planning Council Strategic Regional Policy Plan.~~

~~Policy 8.F.2.2 – All land use decisions shall be consistent with the Future Land Use Maps and the Traffic Circulation Maps.~~

~~Policy 8.F.2.3 – The City Manager and the Public Works Director (or their designees) shall review all plans and proposals for development or redevelopment within the City by using the Future Land Use Maps and the Future Traffic Circulation Maps adopted herein. The review shall include a determination of consistency with the maps. Note: The review is not limited to the map series but must include the map series.~~

~~**Objective 8.F.3 – Ensure the transportation system chosen as the optimum design is user acceptable by taking into consideration local desires and preferences.**~~

~~Policy 8.F.3.1 – Continue to promote a high level of citizen participation in the transportation planning process through an active TPO Citizen’s Advisory Committee and public meetings.~~

CHAPTER 97 HOUSING ELEMENT

~~Section 9.01 Purpose: The purpose of this element is to provide guidance to the City for appropriate plans and policies needed to meet identified or projected deficits in the supply of housing. These plans and policies address governmental activities as well as provide direction and guidance to the efforts of the private sector.~~

~~Section 9.02 Data and Analysis: This Chapter (element) is based upon the data and analysis requirements pursuant to subsection 9J-5.005(2), F.A.C. and subsection 9J-5.010(1)(2), F.A.C. (reference paragraphs 5.03, 5.06, and 5.07 of this Ordinance and Chapter 6 of the Foundation Documents).~~

~~Section 9.03 Goals, Objectives and Policies: The Goals, Objectives and Policies of this element are as follows:~~

GOAL 97.A - Ensure the provision of safe, affordable, and adequate housing for the current and future residents of the City.

Objective 9.A.1 - Provide guidance and direction to the public and private sectors for the provision of adequate and affordable housing for present and future residents ~~and for households with special housing needs by implementing Policies 9.A.1.1 through 9.A.1.12, upon adoption of the LDC (reference Policy 7.A.1.1).~~

Policy 97.A.1.1_- The Future Land Use Maps (and implementing Zoning Maps) ~~continually~~ shall provide for sufficient various types of residential development ~~or~~ and redevelopment opportunities within the City limits. ~~within residential areas.~~

Policy 97.A.1.2_- Annually, the City will review its regulatory and permitting process and evaluate changes necessary to improve the public and private sector housing delivery process through streamlining the permit process and minimizing delays in the permitting process. ~~(reference Policy 9.A.7.4).~~

Policy 97.A.1.3_- The LDC shall include an efficient and easily followed permitting development review process. ~~The process shall include the use of checklists and referral to appropriate regulatory agencies.~~

~~Policy 9.A.1.4 - The LDC shall include criteria guiding the location of housing for very low, low and moderate income families, manufactured homes, group homes, foster care facilities, work force housing and households with special needs (reference Policies 9.A.1.6, 9.A.1.7 and 9.A.1.8).~~

Policy 97.A.1.54 - The City shall cooperate with the appropriate local, state, and federal agencies ~~(Niceville Housing Authority [Fair Housing Board], Fort Walton Beach Housing~~

~~Authority, Okaloosa County, Escambia County Housing Finance Authority, the Florida Department of Health and Rehabilitative Services and the U.S. Department of Housing and Urban Development) so as to provide housing assistance for present or future residents in need of same. The City will continue to work with these entities to take advantage of new and appropriate housing subsidy and assistance programs as they become available.~~

Policy ~~97.A.1.65~~ - The LDC shall include criteria for the location of manufactured housing as defined in Section 320.01(2)(b), F.S. ~~(1992 Supplement)~~. Such manufactured housing shall be permitted in areas designated residential on the adopted Future Land Use Maps ~~(Figures 7-1, 7-2 and 7-3)~~, provided they meet all City building, architectural, aesthetic, landscaping and similar regulations, consistent with Sections 553.38(2) and 320.8285(56), F.S., which specify that such requirements must be reasonable and uniformly applied and enforced without any distinction as to whether a building is conventionally constructed or is a manufactured home.

~~The LDC shall include criteria for the location of mobile home parks and such parks shall be located in those areas designated on the Future Land Use Maps (Figures 7-1, 7-2 and 7-3) as medium density residential.~~

Policy ~~97.A.1.76~~ - ~~The City will include criteria in the LDC for the development of group homes and such homes shall be located within areas designated on the Future Land Use Maps (Figures 7-1, 7-2 and 7-3) as medium density residential. Group homes shall be located consistent with the requirements of Chapter 419, F.S., as~~

follows:

(1) Group homes (community residential facilities) housing six (6) or fewer residents shall be permitted in all residential land use categories as a residential home provided that such homes are not located within a radius of 1,000 feet of another existing such home with six or fewer residents or within a radius of 1,200 feet of another existing community residential home.

(2) Group homes (community residential facilities) housing seven (7) or more residents shall be permitted where multi-family dwellings are permitted including the mixed use developments, provided that the community residential facility conforms with the existing zoning regulations applicable to multi-family residential, meets applicable licensing criteria, and does not result in a concentration of community residential homes in the area as defined by Statute.

~~Policy 9.A.1.8 - The LDC shall include criteria for the location of foster homes and such foster homes shall be located within any residential area designated on the Future Land Use Maps (Figures 7-1, 7-2 and 7-3).~~

Policy ~~97.A.1.9~~ 7 - The LDC shall include provisions which permit (allow) the construction and location of affordable housing for very low, low, and moderate income families. The provisions will include the use of the zero-lot line development technique, cluster housing, townhouses, apartment units and the like ~~pursuant to the planned unit development technique enacted~~

~~within Ordinance 590 (the Zoning Ordinance) of the City. In addition, applicants may be allowed to seek variances so as to provide for zero lot line developments.~~

~~Policy 97.A.1.108 – The City of Niceville shall continue to grant density bonuses for the construction of affordable housing according to the provisions set forth in the LDC not to exceed 20% of the allowable dwelling units, which state that [set asides of] ten (10) percent of dwelling units for very low, low, to moderate income families [receive] 3 points [and set asides of] twenty (20) percent of dwelling units for very low, low, to moderate income families [receive] 6 points. No more than twenty (20) percent of units of a conventional housing development shall be credited for bonus points. Each five (5) points earned for residential development shall qualify for a two (2) percent increase in the maximum density allowed in residential development. See also City of Niceville Land Development Code, Sections 7.02.06 and 7.03.01.~~

~~Policy 97.A.1.119 – The City shall support economic solutions to affordable housing, such as establishing job training and job creation programs to assist very low, low, and moderate income households. The City shall investigate and support grant funding for the development of such programs if deemed to be beneficial.~~

~~Policy 9.A.1.12 – The City shall initiate interlocal agreements with adjacent local governments, as deemed necessary or appropriate, to address the City's affordable housing needs if the City determines that meeting the demand for affordable housing is not economically feasible due to unusually high property values, or not environmentally feasible due to the physical constraints of the Coastal High Hazard Area.~~

Objective 97.A.2 - Eliminate or reduce substandard housing conditions and support the structural and aesthetic improvement of existing housing stock.

~~Policy 97.A.2.1 - The City shall use the data generated by the U.S. Census to identify substandard housing within the City.~~

~~Policy 9.A.2.2 – The LDC shall include provisions and regulations which direct the elimination of substandard housing identified pursuant to Policy 9.A.2.1 (also, see Policy 7.A.2.4).~~

~~Policy 97.A.2.32 - The LDC shall contain provisions which continue the City's practice of removing, or causing the removal of, housing stock with structural deficiencies (reference Ordinance 590, or any amendments or successor ordinances which may be adopted by the City).~~

~~Policy 9.A.2.4 – The LDC shall contain provisions requiring landscaping and open space for new development so that aesthetic improvements in residential areas can be achieved.~~

~~Policy 97.A.2.53 - The City will continue to strictly enforce its building and housing codes as well as its planning and zoning codes, to ensure that all housing developments, including affordable housing developments, are attractive and compatible with surrounding residential~~

developments. In addition, the City will review its building, housing, planning and zoning codes and code requirements to insure that quality of housing and integrity of neighborhoods is adequately addressed. Include in those regulations, appropriate design standards to provide for adequate setbacks, buffers, open space and other features which will contribute to the creation of attractive, safe and compatible residential neighborhoods.

~~Objective 97.A.3— Provide adequate areas and infrastructure for housing for very low, low and moderate income families, manufactured homes, group homes, and foster care facilities by including regulations requiring the provision of adequate areas and infrastructure within the LDC (reference Policy 7.A.1.1).~~

~~Policy 97.A.3.1— The City shall implement the Concurrency Management System (reference Chapter 6 of this Ordinance) upon adoption of the LDC.~~

~~Policy 97.A.3.2— The LDC shall contain provisions which require the connection of facilities described in Objective 9.A.3 to central sewage systems whenever such systems are available pursuant to definition. If such central system is not available, then the proposed housing will be required to obtain septic tank permits from the Florida Department of Health and Rehabilitative Services prior to receiving development permits from the City (reference Policy 11.B.2.3). Note: While this policy specifically relates to the housing types referenced in Objective 9.A.3, this rule applies to all structures of any description within the City.~~

~~Policy 97.A.3.3— Principles and criteria guiding the location of housing for very low, low and moderate income families, manufactured homes, group homes and foster care facilities shall be included within the LDC and pursuant to Policies 7.A.2.1, 9.A.1.6, 9.A.1.7 and 9.A.1.8.~~

~~Policy 97.A.3.4— The Future Land Use Map shall designate sufficient sites at sufficient densities to accommodate the need for affordable housing over the planning timeframe.~~

~~Objective 9.A.4— The LDC (reference Policy 7.A.1.1) shall include regulations necessary to conserve, rehabilitate or, when necessary, demolish substandard housing within the City.~~

~~Policy 97.A.42.14 - The City shall continue enforcement of its land development regulations so that conservation or rehabilitation of housing may be achieved and extend the useful life of the existing housing stock and stabilize or improve existing neighborhoods, including the aesthetic appeal of such neighborhoods (also, see Policy 7.A.2.4).~~

~~Policy 97.A.42.25 - The LDC shall contain techniques and methods necessary to the conservation or rehabilitation of existing housing stock. These methods may include, but are not limited to, the following:~~

- ~~a. Incentives for adaptive reuse of existing structures; and~~
- ~~b. Participation in state and federal weatherization grant programs.~~

Policy 7.A.2.6 - Maintain the effort of providing a full range of urban infrastructure to all areas of the City utilizing level-of-service standards adopted in this plan to reduce the cost of living in the City.

- a. Continue the program to extend sanitary sewer lines to areas utilizing septic tanks as delineated in the Capital Improvements Element of this plan.
- b. Improve the traffic circulation system within low- and moderate-income areas, as well as thoroughfares serving these areas, by right-of-way acquisition and paving as necessary.
- c. Provide for alternative modes of transportation such as walking and biking to reduce the cost of living in the City.
- d. Routinely schedule upgrades as budget constraints allow for to infrastructure, including the expansion of the reclaimed water system, as delineated in the Capital Improvements Element of this Plan.

Objective ~~9.A.5~~ 7.A.3- The City will ensure the protection of historically significant structures.

~~Policy 9.A.5.1— The LDC shall include criteria for the determination of appropriateness for preservation of historic structures. The criteria to be used for the determination of appropriateness" shall be those criteria recommended to the City by the agency referenced in Policy 9.A.5.3 below.~~

~~Policy 9.A.5.2— The LDC shall include regulations which require the identification of historically significant structures in advance of the issuance of a building permit (reference Policies 7.A.4.4 and 7.A.4.5).~~

~~Policy ~~9.A.5.3~~ 7.A.3.1- The City shall continue to use the National Register of Historic Places, the Florida Department of State, Division of Historical Resources as a resource for the identification of historic sites within the City.~~

~~Objective 9.A.6— Provide relocation assistance or housing during the process of housing rehabilitation upon adoption of this Ordinance.~~

~~Policy 9.A.6.1— The City will continue to seek grants to provide for relocating very low, low and moderate income persons during the housing rehabilitation process.~~

~~Policy 9.A.6.2— All plans for public programs and projects which would involve the displacement of residents shall include a housing relocation plan which contains provisions for interim or permanent housing for displaced persons.~~

~~Policy 9.A.6.3— The Niceville Housing Authority (Fair Housing Board) shall continue to provide assistance in identifying housing options for very low, low and moderate income families and disadvantaged individuals.~~

Objective ~~9.A.7~~ 7.A.4 - Implement and support housing programs on an "on-going" basis ~~upon adoption of this Ordinance and by implementing Policies 9.A.7.1 through 9.A.7.4, among others.~~

~~Policy 9.A.7.1 - The City will cooperate with the agencies identified in Policy 9.A.1.5 to facilitate bond backed low interest mortgage loans for home purchases by qualified individuals or families.~~

~~Policy ~~9.A.7.2~~ 7.A.4.1 - The City will continue to cooperate with the agencies identified in Policy 9.A.1.5 involved in housing delivery so that residents in need may take advantage of various state and federal programs including, but not limited to, the U.S. HUD, Section 8, Housing Assistance Program, the Section 8 Voucher Program (including "finders-keepers") and others.~~

~~Policy ~~9.A.7.3~~ 7.A.4.2- The Niceville Housing Authority shall be the lead agency within the City for the provision of assistance and coordination of housing programs (reference Chapter 10 of the City Code).~~

Policy 7.A.4.3 - The City will work with the owners of blighted rental properties to provide code enforcement, education, and funding opportunities for the rehabilitation of the properties and shall encourage the sale of such properties for conversion to home-ownership properties.

Policy 7A.4.4 - The City shall continue to pursue funding from Federal and State sources for use in the rehabilitation of blighted structures and the provision of home-ownership opportunities.

~~Policy 9.A.7.4 - Pursuant to Policy 9.A.1.2, the City will review its regulatory and permitting program on an annual basis and evaluate changes necessary to improve the public and private sector housing delivery process. Such review shall be conducted within the time frame identified in Section 14.06 of this ordinance. The review shall be conducted by the Niceville Housing Authority. During each annual review, opportunities for involvement of the City and/or the Authority, including partnerships, with the private and nonprofit sectors involved in housing delivery programs shall be analyzed. When opportunities exist for involvement of the City, such opportunities shall be reported to the City Council for guidance and decision. Note: In addition to the above, the review is designed to improve coordination between participants involved in housing production.~~

~~Objective 9.A.8 - The city shall support energy efficiency and the use of renewable energy resources in existing housing and the design and construction of new housing.~~

~~Policy 9.A.8.1 - The city shall encourage support for residential construction that meets the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or other nationally recognized, high performance green building rating system as recognized by the Florida Department of Management Services by March 2010.~~

~~Policy 9A.8.2 — The city shall educate residents on home energy reduction strategies.~~

~~Policy 9.A.8.3 — The city shall not prohibit the appropriate placement of photovoltaic panels. The city shall develop and adopt review criteria to establish the standards for the appropriate placement of photovoltaic panels.~~

~~Policy 9.A.8.4 — The city shall provide educational materials on the strategic placement of landscape materials to reduce energy consumption.~~

CHAPTER 10 4

~~SANITARY SEWER, SOLID WASTE, STORMWATER, POTABLE WATER, AND NATURAL GROUNDWATER AQUIFER RECHARGE ELEMENT (INFRASTRUCTURE ELEMENT)~~

~~Section 10.01 Purpose: The purpose of this Chapter (element) is to provide for necessary public facilities and services correlated with the Future Land Use Maps (projections) and consistent with the goals, objectives and policies contained in this Ordinance.~~

~~Section 10.02 Data and Analysis: This Chapter (element) is based upon the data and analysis requirements pursuant to 9J-5.011(1)(2), F.A.C. and 9J-5.005(2), F.A.C. Reference Sections 5.03, 5.06 and 5.07 of this Ordinance and Chapter 7 of the Foundation Documents.~~

~~Section 10.03 Natural Groundwater Aquifer Recharge: NOT APPLICABLE. There are no identified prime (potable) groundwater or aquifer recharge areas within the City for the Floridan aquifer (reference Chapter 7, Exhibit A, Foundation Documents). Goals, Objectives and Policies regarding the sand and gravel aquifer are included at Section 10.08 of this Ordinance.~~

~~Section 10.04 Sanitary Sewer Goals, Objectives and Policies: The Goals, Objectives and Policies for sanitary sewer are as follows:~~

Concurrency and Level of Service Management System

Goal 4.A - Maintain and provide infrastructure to support development.

Objective 4.A.1 - Maintain a Concurrency Management System and Level of Service maintenance program to ensure that facilities and services needed to support development are available concurrent with the impacts of such development.

Policy 4.A.1.1 -Prior to the issuance of a development permit (order), the system shall ensure that the adopted level of service standards found within the Transportation and Infrastructure Elements of the Comprehensive Plan for transportation, potable water, sanitary sewer, solid waste, stormwater and recreation will be maintained. Only potable water, sanitary sewer, solid waste, and stormwater shall be subject to the City's concurrency requirements.

The City Manager, or his designee, will be responsible for the four (4) primary tasks which are described below. The four tasks are:

- 1) Maintain an inventory of existing public facilities and capacities or deficiencies;
- 2) Determining concurrency of proposed development;
- 3) Providing advisory concurrency assessments and recommending conditions of approval to the City Council for those applications for development orders which require City Council approval; and

- 4) Reporting the status of all public facilities covered under this system to the City Council and recommending a schedule of improvements for those public facilities found to have existing deficiencies.

The City administration will make available to the public information on various facilities. The information shall be updated on an annual basis as part of the annual budget process. The information will contain data such as: design capacity for roadways and roadway types; existing and adopted levels of service for all roadways; improvements to be made to the roadway system in the current year by the City or the State and improvements to be made to the roadway system by the private sector; design capacity of wastewater and potable water facilities and the identification of any deficiencies within such systems; the existing and adopted levels of service standards for water and sewer systems; any programmed improvements to the facilities either by the City or the private sector; the design capacity for solid waste facilities including transfer stations and landfills; existing and proposed level of service standards for stormwater management systems; and existing and proposed provisions of recreation and open space facilities by the City or the private sector. It should be noted that this is not an all inclusive list of guidelines for use in the concurrency management system; rather it is indicative of the types of information to be contained within the LDC and the method and manner of administering the LDC.

Policy 4.A.1.2 - The City will coordinate establishing LOS standards for the above-mentioned facilities with State, regional or local entities having operational and maintenance responsibility for such facilities.

Policy 4.A.1.3 - Consistency with Comprehensive Plan: No development activity may be approved unless it is found that the development is consistent with the Comprehensive Plan and that the provision of the public facilities enumerated in Policy 4.1.1.1, will be available at prescribed levels of service concurrent with the impact of the development on those facilities.

Policy 4.A.1.4 - At a minimum, the concurrency management system will ensure that at least one (1) of the following standards will be met for potable water, sanitary sewer, solid waste, and stormwater prior to issuance of a development order:

- 1) The necessary facilities and services are in place at the time a development permit is issued; or
- 2) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of development occur; or
- 3) The necessary facilities are under construction at the time a permit is issued; or
- 4) The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of the services at the time that the development permit is issued; or NOTE: This provision only relates to parks and recreation facilities and roads. The LDC will include a requirement that the provision or

construction of a facility or service must commence within one (1) year of the issuance of the development order or permit.

- 5) The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220 F.S. or Section 6.05
Transportation System Level of Service Maintenance: Roadway improvements shall be programmed to maintain the adopted LOS for each roadway segment. Programmatic improvements may be made utilizing State funding, Federal funding, local funding, or developer contribution.

Policy 4.A.1.5 - The provisions of 6.04 above notwithstanding, the prescribed levels of service for any system or systems may be degraded during construction of new facilities if, upon completion of the new facilities, the prescribed LOS will be met and maintained.

Policy 4.A.1.6 - The construction of any development project may be phased or staged so as to coincide with the phased or staged construction of infrastructure facilities so that the levels of service for such facilities are maintained upon completion of each phase or stage of the development project.

Policy 4.A.1.7 - The Land Development Code (LDC) shall designate the appropriate City official(s) having responsibility for determining that levels of service are met and will be maintained prior to issuance of a development permit. The City may place the burden of demonstrating compliance upon the developer or applicant. In order to be approved, applications for development approval shall provide sufficient information showing compliance with LOS standards.

Policy 4.A.1.8 - The LDC shall include quantitative methods for determining levels of service that exist and which may be impacted by any particular development application. In addition, the LDC will fully describe the process necessary for a finding of compliance with levels of service.

Policy 4.A.1.9 - The LDC shall include standardized quantitative data which is to be used in determining the impact of any proposed development upon the public facilities and services within the City that are subject to the concurrency requirement (stormwater, potable water, sanitary sewer, and solid waste). Applications for development approval shall include the projected impact upon public facilities and services upon occupancy or use of the proposed development. Any deviation from the standardized criteria within the LDC must have the prior approval of the City Council before such data may be used for determining or projecting impacts of the proposed development.

Wastewater Sub-Element

Goal ~~10.A~~ 4.B - The provision of an environmentally safe and efficient wastewater collection, treatment and disposal system.

Objective ~~10.A.1~~ 4.B.1 - Correct existing wastewater facility deficiencies, replace obsolete or worn out facilities and maximize the use of existing facilities.

~~Policy 10.A.1.1 - Cooperate with Okaloosa County and the City of Valparaiso in expansion of the Regional Wastewater Treatment Plant to a 4 MGD facility by 2012.~~

Policy 10.A.1.2 - The LOS standards for sanitary sewer within the City shall be 100 gallons per capita per day (average daily demand) for both collection and treatment.

~~Policy 10.A.1.3~~ 4.B.1.1- The LDC and most current Water and Sewer Technical Manual shall contain detailed methodologies for determining available capacity and the impact upon capacity of any proposed development.

~~Policy 10.A.1.4 - The City will maintain an infiltration/inflow rate of twenty (20%) percent of average daily flow or better (reference Table 14-1).~~

~~Policy 10.A.1.5~~ 4.B.1.2 - The City prohibits package treatment plants. Nothing in this policy shall be interpreted to prohibit pre-treatment facilities when necessary to serve individual businesses or industry ~~(also, see Policy 11.B.2.3).~~

~~Objective 10.A.2~~ Policy 4.B.1.3 - Coordinate extensions of the collection system, ~~and increases in capacity and future facility needs of the entire system~~ with the Future Land Use Maps ~~and future facility needs upon adoption of this Ordinance.~~

~~Policy 10.A.2.1~~ 4.B.1.4- Extension of collection systems and/or upgrades to collection systems necessary to serve new development shall be provided by the private sector ~~and consistent with the Future Land Use Maps (Figures 7-1, 7-2 and 7-3) (reference Policy 14.A.4.2).~~

~~Policy 10.A.2.2 - Prioritization of the reconstruction or rehabilitation of existing collection lines will be accomplished pursuant to Policy 14.A.1.3 of this Ordinance.~~

~~Policy 10.A.2.3~~ 4.B.1.5- The City will continue its practice of "pay as you go" growth system expansion and system ongoing maintenance as it occurs needed by periodically adjusting sewer ~~impact fees connection fees ("tap fees") and user fees as necessary (reference Policy 14.A.1.2).~~

~~Section 10.05 Solid Waste Goals, Objectives and Policies: The Goals, Objectives and Policies for solid waste are as follows:~~

Solid Waste Sub-Element

Goal ~~10.B~~ 4.C- An environmentally safe, efficient and cost effective system for the collection and disposal of solid waste.

Objective ~~10.B.1~~ 4.C.1- Correct existing solid waste facility deficiencies, coordinate the increase in capacity of facilities to meet future needs and maximize the use of existing facilities.

Policy ~~10.B.1.1~~ 4.C.1.1- The City shall continue enforcement of Chapter 8 of the City Code (Garbage and Refuse) so that all solid waste generated within the City is properly collected and disposed of.

Policy 10.B.1.2 - The City shall transport solid waste collected within the City to the disposal facilities provided by Okaloosa County. These facilities include a transfer station in the south end of Okaloosa County. Solid waste from the transfer station will be transported to a regional land-fill outside this area thereby maximizing the life of existing land-fills within Okaloosa County for use by present and future residents.

Policy ~~10.B.1.3~~ 4.C.1.3- The City shall continue to participate in the Okaloosa County recycling program so that a reduction in the solid waste stream going to landfills is reduced. Note: The program is designed to remove at least 30% of the solid waste from the waste stream. ~~Significantly, as of the transmittal date of this Ordinance, Niceville is experiencing an approximate 80% participation rate.~~

Policy ~~10.B.1.4~~ 4.C.1.4- The LOS standards for solid waste within the City of Niceville shall be five (5) pounds per capita per day.

~~Section 10.06 Stormwater Management Goals, Objectives and Policies: The Goals, Objectives and Policies for stormwater management are as follows:~~

Stormwater Sub-Element

Goal ~~10.C~~ 4.D- An environmentally safe and efficient stormwater management system.

Objective ~~10.C.1~~ 4.D.1- Correct existing stormwater management facility deficiencies and maximize the use of existing facilities.

Policy ~~10.C.1.1~~ 4.D.1.1- The City shall continue its practice of not issuing development permits for projects not meeting the design criteria for correcting existing deficiencies or meeting future stormwater requirements.

Policy ~~10.C.1.2~~ 4.D.1.2- The City shall continue its practice of correcting localized stormwater problems so that LOS standards are maintained (~~reference Policy 10.C.2.2 and Table 14-1~~).

Policy ~~10.C.1.3~~ 4.D.1.3 - The City shall ~~require the use of~~ maintain existing-swale drainage on roadways ~~(existing or new) to the maximum extent possible. Perforated pipe shall be used in situations where piping is necessary (also, see Policy 11.A.2.2).~~

Policy ~~10.C.1.4~~ 4.D.1.4 - The City shall continue its periodic inspection program of stormwater control structures and natural conveyances to ~~ensure~~ the proper functioning of such structures.

Policy ~~10.C.1.5~~ 4.D.1.5 –The LDC shall include land use regulations ~~(reference Policy 7.A.1.2).~~ In addition, ~~the LDC shall include regulations~~ which require site specific development plans to protect natural drainage features and incorporate such features into the site planning and development process.

Policy 4.D.1.6 – The City shall maintain and periodically update its Stormwater Master Plan, including a list of stormwater related capital projects for funding consideration.

Objective ~~10.C.2~~ 4.D.2 - Provide stormwater management facilities concurrent with demand created by future development in accordance with State requirements and the LDC.

Policy ~~10.C.2.1~~ 4.D.2.1- Installation of stormwater management facilities made necessary by new development and redevelopment shall be the responsibility of the developer ~~(reference Policy 14.A.4.2).~~

Policy ~~10.C.2.2~~ 4.D.2.2 - ~~The LOS standards for stormwater shall be:~~

- ~~a. Treat the first inch of run off on site (one half inch minimum). That amount will vary depending on the amount of impervious surface, from one half inch up to one inch. For discharges into Outstanding Florida Waters, must treat an additional fifty percent (50%) of the applicable treatment volume; and~~
- ~~b. Must provide detention so that the peak rate of post development run off will not exceed the pre-development peak rate of run off for the 25 year, 24 hour design storm event, utilizing a Natural Resources Conservation Service (NRCS) Type II distribution with an antecedent moisture condition II. Required detention volume must be available within 14 days following the design storm event.~~

~~Note: The LDC shall include design and performance standards pursuant to Section 62-25.025, F.A.C. and Section 62-3, F.A.C.~~

The City’s LOS standard for stormwater shall be the LOS Standard adopted through the Environmental Resource Permitting (ERP) rule, Chapter 62-330 of the Florida Administrative Code.

Policy 4.D.2.3 - Low Impact Development (LID) strategies and technologies are encouraged for new and existing development. Site designers are encouraged to use a treatment train

approach to reduce, manage, and treat stormwater runoff on the site. Principles that the designer should consider include, but are not limited to:

- Use of existing site assets that provide natural water quality and quantity attenuation and treatment.
- Minimize generation of stormwater and especially flows from directly connected impervious areas.
- Distributed retention, detention, treatment, and infiltration of runoff areas and systems.
- Minimize site disturbances, land clearing, and compaction of soils, through low-impact clearing, grading, and construction practices.
- Use of permeable pavement, geoblock, and other permeable surfaces for driving, and walking areas.

~~Policy 10.C.2.3— The criteria used to establish priorities for replacing stormwater management facilities or correcting facility deficiencies and providing for future stormwater management needs shall be as specified in Policy 14.A.1.3. In addition, the City shall install necessary pipes and under drains pursuant to the activities described in Table 7-3 of the Foundation Document and shall implement the right-of-way improvements pursuant to Table 7-3 of the Foundation Document. The first priority items shall be the pipes and under drains (reference Table 14-1).~~

~~Policy 10.C.2.4— The City shall continue to implement its Stormwater Management Plan, adopted in 2006, that addresses the identification, prioritization, funding, and needed infrastructure improvements to resolve stormwater quantity and quality problems. Section 10.07~~

Policy 4.D.2.4 – Maintenance of stormwater management facilities within new developments may be required to be the responsibility of the developer and/or subsequent management entity according to the permit authorization.

Potable Water Sub-Element

~~Potable Water Goals, Objectives and Policies: The Goals, Objectives and Policies for potable water are as follows:~~

~~Goal 10.D 4.E-~~ An environmentally safe and efficient system for the provision of potable water.

~~Objective 10.D.1 4.E.1 -~~ Correct facility deficiencies, replace obsolete or worn-out facilities and maximize the use of existing facilities by implementing recommendations of the Water System Facilities Plan for the City of Niceville.

~~Policy 10.D.1.1 4.E.1.1-~~ The LOS standard for potable water within the City shall be 124 gallons per capita per day (average daily demand).

~~Policy 10.D.1.2 – The City shall implement recommendations of the City of Niceville Water System Facilities Plan. Elements of this Plan for infrastructure improvements and water conservation programs are defined and funded in the approved Capital Improvement Plan.~~

~~Policy 10.D.1.3~~ 4.E.1.2 – The City shall implement recommendations from the Northwest Florida Water Management District’s Regional Water Supply Plan.

~~Policy 10.D.1.4~~ 4.E.1.3 – The City will participate in the updates of the NFWMD’s water supply assessments, and updates of the District Water Supply Plan to enable the City to design and implement an effective water supply plan.

~~Policy 10.D.1.5~~ 4.E.1.4 - The City shall adopt and maintain a Water System Facilities Plan for at least a 10-year planning period addressing water supply facilities necessary to serve existing and future development within the City’s water service area and in conjunction with the City’s Consumptive Use Permit.

~~Policy 10.D.1.6~~ 4.E.1.5– The Water System Facilities Plan will be used to prioritize and coordinate the expansion and upgrade of facilities used to withdraw, transmit, treat, store and distribute potable water to meet future needs.

~~Policy 10.D.1.7~~ 4.E.1.6- The City will maximize the usage of existing potable water facilities through the implementation of management techniques that can enhance sources of supply, sustain water resources and related natural systems, and/or optimize water supply yields. These techniques may include, but are not limited to, system interconnectivity, reclaimed water usage, and water conservation.

~~Policy 10.D.1.8~~ 4.E.1.7– The City will examine, to the extent possible, the use to interconnectivity of water facilities with other local jurisdictions as recommended by the NFWMD Regional Water Supply Plan or as necessary.

~~Policy 10.D.1.9 – The City has adopted a model Xeriscape ordinance that requires all new development to employ the Xeriscape landscaping techniques.~~

Objective ~~10.D.2~~ 4.E.2- Provide potable water facilities concurrent with demand (~~reference Chapter 6~~) upon adoption of the LDC (~~reference Policy 7.A.1.1~~).

~~Policy 10.D.2.1~~ 4.E.2.1- Cost for potable water facilities will be funded by connection fees (“tap fees”) user fees, special assessments or other devices determined appropriate by the City.

~~Policy 10.D.2.2~~ 4.E.2.2- Cost for water line extensions or upgrades to existing systems made necessary by new development or redevelopment shall be funded in total by the developer (~~reference Policy 14.A.4.2~~).

~~Policy 10.D.2.3~~ 4.E.2.3 – The City shall use an Inclining-block rate water billing system to promote the use of water conservation.

Objective ~~10.D.3~~ 4.E.3- Continually conserve potable water resources ~~upon adoption of the LDC (reference Policy 7.A.1.1).~~

~~Policy 10.D.3.1— The City will cooperate with the Regional Utility Authority for water supply planning and financing alternatives.~~

Policy ~~10.D.3.2~~ 4.E.3.1- The City shall continue to study and evaluate the use of surface water to meet future potable water demands.

Policy ~~10.D.3.3~~ 4.E.3.2- An ~~area of water resources concern~~ Water Resource Caution Area has been established by the Northwest Florida Water Management District to protect the area's water resources from depletion, saltwater intrusion or man induced contamination, or from any other activity which may substantially affect the quality or quantity of the area's water resources. Within the area, the NFWMD has established lower permit thresholds, management (maximum) and minimum levels, and stipulates any limiting conditions as necessary to monitor, manage, and control the use of water. The City of Niceville shall cooperate with the NFWMD in its establishment of any areas of water resources concerns which may impact the corporate limits of the City of Valparaiso.

~~Policy 10.D.3.4— The City shall include, within the LDC, appropriate regulations to assist in the enforcement of the regulations which accompany the declaration referenced in Policy 10.D.3.3 above. Specifically, the LDC shall include relevant portions of Section 40A-2.801, et. seq. of the Florida Administrative Code in order to provide for regulatory provisions to protect the quality and quantity of groundwater serving the City.~~

~~Policy 10.D.3.5— The LDC shall include a water saving devices ordinance to further reduce potable water demand.~~

~~Policy 10.D.3.6— The City shall continue to inform the public of water conservation techniques and strategies by periodic publication of information in the City's monthly newsletter, Sunshine.~~

Policy ~~10.D.3.7~~ 4.E.3.3- The City shall continue to focus on the following conservation strategies:

- Require Water reduction devices in construction
- Require ~~Xeriscaping~~ native and drought tolerant landscaping for ~~most types of new~~ development to the extent possible
- Require native vegetation
- Incorporate in advance water conservation practices in building and land development codes
- Continue use of concurrency management system to ensure adequate water supply is in place prior to issuance of a building permit
- Require the use of reclaimed water where applicable and expansion of the reclaimed water system to serve new customers

- To the extent possible, investigate complaints regarding leaks or high water bills
- Equip City-operated irrigation systems with rain sensors and/or soil moisture monitoring devices

~~Section 10.08 Natural Groundwater Aquifer Recharge Goals Objectives and Policies: The goals, objectives and policies for the natural groundwater aquifer recharge (sand and gravel aquifer) sub-element are as follows:~~

~~Goal 10.E Policy 4.E.3.4-~~ Provide for the recharge of the sand and gravel aquifer from rainfall.

Note: The Floridan Aquifer is not recharged within the City 7A, (reference Exhibit Chapter Seven, Foundation Document). The sand and gravel aquifer is not used for potable water purposes.

~~Objective 10.E.1 Policy 4.E.3.5-~~ The LDC shall include regulations which protect the function of the sand and gravel aquifer and the recharge potential for such aquifer. ~~The regulations shall be developed pursuant to Policies 10.E.1.1 and 10.E.1.2, among others.~~

~~Policy 10.E.1.1 4.E.3.6-~~ The LDC shall include regulations which ensure the continuation of adequate open spaces within the City so that rainfall may reach the sand and gravel aquifer through percolation.

Policy 4.E.3.7 -The City shall use an Inclining-block rate water billing system to promote the use of water conservation

~~Policy 10.E.1.2 - The LDC shall include provisions pursuant to Policies 7.A.1.2(a)(b)(d)(e)(f)(g)(h), 7.A.2.3(b), 7.A.3.2, 7.A.3.4, 7.A.4.1, 7.A.4.3, 7.A.4.6, 7.A.8.4, 7.A.10.1, 7.A.10.2, 8.E.3.1, 9.A.2.4, 9.A.2.5, 10.A.1.5, 10.C.1.1, 10.C.1.2, 10.C.1.2, 10.C.2.3, 10.D.3.1, 10.D.3.2, 10.D.3.3, 10.D.3.4, 11.A.1.1, 11.A.1.2, 11.A.1.4, 11.A.1.7, 11.A.2.1, 11.A.2.2, 11.A.4.1, 11.A.8.1, 11.A.9.1, 11.A.9.3, 11.B.2.1, 11.B.2.2, 11.B.2.3, 11.B.3.1, 11.B.4.1, 12.A.1.1, 12.A.1.2, 12.A.1.3, among others.~~

CHAPTER 113

COASTAL MANAGEMENT AND CONSERVATION ELEMENT

~~Section 11.01 Purpose: The purpose of this element is to plan for and, where appropriate, restrict development activities where such activities would damage or destroy coastal resources; protect human life; limit public expenditures in areas that are subject to destruction by natural disaster; and promote the conservation, use and protection of natural resources.~~

~~Section 11.02 Data and Analysis: This element is based upon data and analysis requirements pursuant to subsection 9J-5.005(2), F.A.C., 9J-5.012(2), F.A.C. and 9J-5.013(1), F.A.C. (reference Sections 5.03, 5.06 and 5.07 of this Ordinance and Chapter 8 of the Foundation Documents).~~
Section

~~11.03 Omissions: There are NO identified prime (potable) natural groundwater aquifer recharge areas or deep water ports within the City (reference Chapter 7, Exhibit A, Foundation Documents).~~

~~Section 11.04 Goals, Objectives and Policies: The Goals, Objectives and Policies of this element are as follows:~~

~~**GOAL 113.A. - Protect people and property by limiting public expenditures in areas subject to destruction by natural disasters and by restricting development activities that would damage or destroy the coastal or natural resources. To protect, restore, and manage the coastal areas of the City of Niceville in a manner that protects natural systems, reduces risk to life and property from coastal hazards, and ensures public access to coastal resources.**~~

~~**Objective 113.A.1 - Continually protect, conserve or enhance coastal ecosystems including wetlands, living marine resources and wildlife habitats by including regulations within the LDC (reference Policy 7.A.1.1) necessary to implement Policies 11.A.1.1 through 11.A.1.8, among others, estuarine systems, shorelines, and other significant natural features within the Choctawhatchee Bay watershed and adjacent water bodies.**~~

~~Policy 11.A.1.1 - Limit the specific impacts and cumulative impacts of development or redevelopment upon wetlands water quality, water quantity, wildlife habitats, living marine resources or other natural resources by implementation of Policies 7.A.1.1, 7.A.1.2, 7.A.4.1, 7.A.4.2, 7.A.4.3, 10.C.1.3, 11.A.1.8 and 11.A.2.2 of this Ordinance.~~

~~Policy 11.A.1.2 - Channeling run-off directly into water bodies or other areas identified in Objective 11.A.1 shall be prohibited.~~

~~Policy 3.A.1.3 - Limit public expenditures in the coastal high hazard area to the provision of recreation uses, protection of natural resources or to increase the public's access to the shoreline (reference Policies 11.A.5.1 and 14.A.2.1).~~

Policy ~~113~~.A.1.41- The City shall assist in the application of and compliance with all state and federal regulations which pertain to endangered or rare species and will provide for protection of areas known to provide habitats for these species when issuing development ~~permits~~ orders (reference Policy 11.A.1.8).

Policy ~~113~~.A.1.52- New developments with the potential to impact the quantity or quality of natural resources will be required to obtain the necessary permits from all applicable state and/or federal agencies (Florida Department of Environmental Protection, Northwest Florida Water Management District and/or U.S. Army Corps of Engineers) prior to the ~~authorization of a development permit~~ issuance of a final development permit by the City.

Policy ~~113~~.A.1.63 - The LDC shall include shoreline protection regulations, including the establishment of a shoreline protection zone. ~~The regulations shall include provisions which limit (restrict) the alteration of the shoreline. Further, the regulations and criteria used by the City shall include site specific reviews for each development proposal for shoreline parcels. Also, see Policies 11.A.1.2 and 11.A.2.2.~~

Policy ~~11.A.1.7~~— The LDC shall contain mitigation provisions which must be followed by any development that impacts the resources listed in Policy 11.A.1.1. The provisions shall include:

- a. ~~The elimination of any degradation of the natural systems; or~~
- b. ~~Mitigate impacts on natural systems at a ratio of 2 to 1 whenever degradation occurs as a result of new development. NOTE: Mitigation will be allowed only when development cannot occur pursuant to subparagraph a above.~~

Policy ~~113~~.A.1.84 - The City shall provide protection to the habitat of the Okaloosa Darter, an ~~endangered~~ federally threatened species residing in Rocky Bayou, by strictly enforcing the ~~requirements of the Stormwater Management Ordinance~~ stormwater management and erosion control requirements; and by continuing to support the public acquisition of land around Rocky Bayou; ~~and implementation of Policy 11.A.1.1 of this Ordinance.~~

~~Objective 11.A.2— Maintain and/or improve estuarine environmental quality by including regulations within the LDC (reference Policy 7.A.1.1) necessary to implement Policies 11.A.2.1 through 11.A.2.3, among others.~~

Policy ~~11.A.2.1~~— The City shall implement the land use categories shown on the Future Land Use Maps (Figure 4-1, Numbers 1-4) with the LDC. Such implementation will insure the continuation of environmentally sensitive land uses adjacent to the shoreline.

Policy ~~11.A.2.2~~— Any stormwater detention or retention areas located near an estuary or estuarine systems or other water bodies within the City limits shall be designed so that the shorelines are sinuous rather than straight and so that water/land interfaces are curvilinear and maximize space for growth of littoral vegetation (also, see Policy ~~10.C.1.3~~).

Policy ~~113.A.2.3~~ 1.5 - The City will implement the recommendations found within the Boggy Bayou Restoration Assessment, completed in 2008. Recommendations include the exploration of maintenance activities to remove and discourage the growth of nuisance vegetation, implementation of additional stormwater policies for new developments, ongoing water sampling to identify problem areas, and possible maintenance dredging of the Bayou.

Policy ~~113.A.2.4~~ 1.6 – The City will continue to take advantage of available funding sources for future stormwater improvements, including funding from ~~the Water Management District's~~ any state or federal grant program.

Policy ~~113.A.2.5~~ 1.7 - The City shall participate in the Choctawhatchee Basin Alliance and the Surface Water Improvement and Management (SWIM) programs to the extent that such programs affect activities of the City in its their efforts to protect the Bay and Bayous. ~~The City shall work in close coordination with the Choctawhatchee Bay and River SWIM Plan Committees to the extent practical and to the extent the actions of the committees affect activities of the City. If there are particular recommendations in the SWIM Plan that would apply to the City, the Comprehensive Plan will be amended within one year based on the recommendations in the SWIM Plan, including policies related to development practices, uses on the Future Land Use Map, and capital improvements. The City shall continue to utilize any relevant water quality sampling efforts undertaken by these entities as stormwater management improvements are constructed.~~

Policy 3.A.1.8 – The City will maintain its Stormwater Master Plan and schedule stormwater retrofit capital projects as funding allows for design and construction. The City will seek grant funding for such projects in addition to local funding sources.

Policy 3.A.1.9 – The City will continue to support connection to central sewer for new development and will seek grant funding for septic to sewer conversions within the City limits.

Policy 3.A.1.10 - Support living shoreline projects and native vegetation buffers to stabilize eroding banks and improve habitat.

Objective ~~113.A.32~~ - Provide criteria and standards for shoreline land uses within the LDC (reference Policy 7.A.1.1). The standards shall include priority consideration for water-dependent or water-related uses pursuant to Policy ~~11.A.3.3~~.

Policy ~~113.A.32~~ 1 - The LDC shall contain the standards necessary for construction or development of shoreline parcels ~~(reference Policy 7.A.1.1).~~

Policy ~~113.A.32~~ 2 - The LDC shall contain the ~~City's Zoning Ordinance (or any amendments or successor ordinances which may be adopted by the City)~~ zoning districts consistent with the Future Land Use Map contained herein that ~~which shall~~ provide land use criteria for shoreline uses.

~~Policy 11.A.3.3 – Except for the North end of Boggy Bayou, Niceville shall limit all future development on the Bay to low density residential, recreational use or marinas.~~

Policy ~~113.A.3.4~~ 2.3- The LDC shall contain regulations for marina siting and the regulations shall include criteria such as:

- a. Land use capability and availability of support services;
- b. Existing ownership;
- c. Evacuation planning;
- d. Water quality and depths;
- e. Availability for public use;
- f. Economic need and feasibility;
- g. A requirement for all necessary regulatory agency permits prior to issuing construction (development) permits; and

~~h. Use of the model Marina Siting Ordinance produced by the Florida State University Center for Aquatic Research and Resource Management as a guide in developing the regulations herein referenced.~~

~~Objective 11.A.4 – Establish construction standards within the LDC which minimize the impacts of man made structures on the shoreline, the bayous and any beach or dune systems within the City (reference Policy 7.A.1.1).~~

Policy ~~113.A.4.2.4~~ - The LDC shall contain F.E.M.A. construction standards (reference Policy 7.A.4.3). The City's Floodplain Management Ordinance shall contain special construction standards for shoreline land uses.

~~Objective 113.A.53 - Limit public expenditures that subsidize development in coastal high hazard areas upon adoption of the LDC (reference Policy 7.A.1.1).~~

Policy ~~113.A.53.1~~ - Coastal high hazard areas shall be defined as the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Policy ~~113.A.53.2~~ - The City shall limit public expenditures within the coastal high hazard area to the provision of recreational opportunities, protection conservation of important natural resources, or to increase the public's access to the shoreline (~~reference Policy 14.A.2.1~~).

~~Policy 11.A.5.3 – The LDC shall contain building regulations regarding construction near the coastal high hazard area and the regulations shall include criteria such as:~~

- ~~a. First floor elevations;~~
- ~~b. Wind load requirements;~~
- ~~c. Frangible ancillary structures; and~~

~~d. The use of fill in floodplains shall be prohibited unless the applicant for such fill has obtained all necessary permits from state or federal regulatory agencies (DEP, COE, etc.). Other requirements necessary to protect and preserve the health and safety of the public.~~

Policy ~~113.A.5.4~~ 3.3- The City shall review and analyze general hazard mitigation strategy reports/plans produced by County, Regional, State or Federal agencies in order to determine if any grants should be pursued, or if any changes to the City's building, land use, stormwater management or other regulations are necessary or appropriate. The primary purpose of any changes made or grants applied for will be to reduce or eliminate the exposure of lives and property to natural hazards.

Policy ~~113.A.5.5~~ 3.4- The City shall consider the relocation, mitigation or replacement of infrastructure currently present within the CHHA where state funding is anticipated to be needed.

Policy 3.A.3.5 - The City considers the area of land south of Bayshore Drive from 11 Street to Flowering Path to be a adaptation action area as well as portions of Cedar Avenue, Palm Boulevard and Redwood Avenue that are traversing low lying natural floodways (Thomas Branch, Bass Branch and Sarah Ann Branch).

~~Objective 11.A.6~~—Policy 3.A.3.6 –Direct population concentrations away from coastal high hazard areas by maintaining the Future Land Use Map contained herein upon adoption of this Ordinance.

~~Policy 11.A.6.1—The City shall allow NO new permanent residential structures within the coastal high hazard area except as provided in Policy 11.A.3.3 of this Ordinance.~~

~~Objective 11.A.7—Maintain or reduce hurricane evacuation times upon adoption of this Ordinance.~~

~~Policy 11.A.7.1—The City shall cooperate with Okaloosa County so as to manage and implement the "Peace Time Emergency Plan, Okaloosa County, Florida" and utilize the recommendations and guidance provided in the Tri State Hurricane Evacuation Study, Appendix C, Transportation Analysis, June 1986, by the U.S. Army Corps of Engineers, Mobile District. These plans are to be integrated into the Regional Hurricane Evacuation Plan.~~

~~Policy 11.A.7.2—Continue to support critical roadway segment improvements through participation with the Okaloosa Walton TPO and interaction with the Florida DOT to further reduce and improve hurricane evacuation times. Note: There are no identified deficiencies in the Hurricane Evacuation Analysis.~~

~~Policy 11.A.7.3—The City shall maintain a minimum roadway clearance time for hurricane evacuation of 12 hours on roads under local jurisdiction.~~

~~Policy 11.A.7.4 – The City shall continue to support and promote construction of the Northwest Florida Transportation Corridor Authority’s Niceville By Pass which, upon completion, will improve traffic flow during evacuation events (also, see Policy 8.A.2.5).~~

Objective ~~11.A.84~~ - Continue to implement the post-disaster redevelopment plans to reduce or eliminate the exposure of human life and public and private property to natural hazards.

Policy 3.A.4.1 - Update the Okaloosa County Local Mitigation Strategy (LMS) regularly to reflect best practices in disaster preparedness and climate adaptation.

~~Policy ~~113.A.8.14.2~~ - The City shall continue its participation in the ~~n~~National ~~f~~Flood ~~i~~Insurance ~~p~~Program and Community Rating System (CRS) in conformance with Public Law 93-288 (reference Policy 7.A.4.3).~~

~~Policy 11.A.8.2 – The City's post-disaster redevelopment plan will distinguish between immediate repair and clean up actions needed to protect public health and safety and long-term repair and redevelopment activities.~~

~~Policy 11.A.8.3 – The City Administration shall maintain an inventory of areas within the City which have experienced repeated damage from coastal storms. The inventory shall be provided to the committee appointed pursuant to Policy 14.A.3.6 so that the committee may consider the inventory during its deliberations conducted pursuant to Policy 11.A.8.4.~~

~~Policy 11.A.8.4 – The committee appointed pursuant to Policy 14.A.3.6 shall make recommendations to the City Council, as needed, regarding Comprehensive Plan and Ordinance Amendments to ensure consistency with the hazard mitigation annex of the local peace time emergency plan (reference Policy 11.A.7.1) and applicable existing inter-agency hazard mitigation reports.~~

~~Policy 11.A.8.5 – Immediate recovery actions needed to protect the public health and safety shall take priority in permitting decisions following hurricane storm events.~~

~~Policy 11.A.8.6 – If rebuilt, structures which suffer damage in excess of 50% of their appraised value shall be rebuilt in accordance with all current and applicable land use and building code requirements.~~

Objective ~~113.A.95~~ - Increase public access to the Niceville waterfront shoreline ~~upon adoption of this Ordinance.~~

~~Policy 11.A.9.1 – The City shall continue to enforce the public access requirements of the Coastal Zone Protection Act of 1985 and shall include such requirements within the LDC.~~

~~Policy 11.A.9.2 – Shorelines re-nourished or protected at public expense shall be made available for public use.~~

Policy ~~113.A.9.3~~ 5.1- The City will continue to maintain City owned shoreline or open space access sites and provide adequate parking facilities for each site.

Policy ~~113.A.9.4~~ 5.2 - The City will continue to seek all available federal and state financial assistance to increase public access to the shoreline.

Policy 3.A.5.3 - Encourage the redevelopment of underutilized waterfront areas for public benefit, including marinas, boat ramps, parks, and passive recreational uses.

~~Policy 11.A.9.5 - The LDC shall contain incentives for recreational water dependent uses along the bayous.~~

~~Objective 11.A.10 - The City will adopt, maintain and enforce land development regulations within the LDC which provide for the protection, preservation or sensitive re-use of historic resources (reference Policy 7.A.1.1).~~

~~Policy 11.A.10.1 - The City shall adopt, as part of the LDC, performance standards and guidelines for the preservation or adaptive re-use of historic resources upon identification of such resources (reference Policies 7.A.4.4 and 7.A.4.5).~~

~~Objective 11.A.11 - The City shall allow no development in the coastal area (or elsewhere) unless level of service standards are maintained and infrastructure needs are fulfilled in compliance with the City's Concurrency Management System (reference Chapter 6 of this Ordinance).~~

~~Policy 11.A.11.1 - The City has adopted a Land Development Code within the time frame specified by Rule in the F.A.C. (reference Section 5.11 and Policy 7.A.1.1).~~

~~Policy 11.A.11.2 - The level of service standards shall be those delineated in Policies 8.A.2.1, 8.A.2.2, 10.A.1.2, 10.B.1.4, 10.C.2.2, 10.D.1.1 and 12.A.3.2.~~

~~Policy 11.A.11.3 - Infrastructure improvements and areas of service shall be phased and determined pursuant to Chapter 14 of this Ordinance.~~

~~Policy 11.A.11.4 - Development in the shoreline (coastal) areas shall be consistent with the goals, objectives and policies of the Future Land Use Element and the Infrastructure Element (reference Chapters 7 and 10 of this Ordinance).~~

Goal ~~113~~.B - Properly manage, restore and conserve the important natural resources within the City.

~~Objective 113.B.1 - Continually protect air quality by regulating (within the LDC) land uses which have, or may have, point source emissions (reference Policy 7.A.1.1).~~

~~Policy 11.B.1.1 - The City shall maintain air quality within its jurisdiction in conformance with state and federal air quality guidelines.~~

Policy ~~113~~.B.1.2 - New developments with the potential to emit pollutants into the air will be required to obtain the necessary permits from the Department of Environmental Protection or the U.S. Environmental Protection Agency prior to authorization of a development permit by the City.

~~Policy 11.B.1.3~~ The LDC shall contain provisions which require any development with point source emissions which may degrade air quality to comply with all applicable federal and state regulations regarding emission control. These regulations may include the installation of scrubbers, emission treatment facilities and the like.

~~Policy 11.B.1.4~~ The City will continue to cooperate with the Department of Environmental Protection so that minimum air quality levels, established by the Department, are maintained.

Objective ~~113~~.B.2 - Conserve, appropriately use and protect the quality and quantity of water sources and of waters that flow into the bay or bayous by including appropriate regulations within the LDC (reference Policy 7.A.1.1).

~~Policy 11.B.2.1~~ The City shall protect water quality by restricting or prohibiting activities known to adversely affect the quality or quantity of identified water sources (reference Policies 7.A.1.1, 7.A.4.1, 7.A.4.2, 7.A.5.1, 7.A.8.4, 10.A.1.5, 10.C.1.3, 11.A.1.2, 11.A.2.2 and 11.B.2.3).
Note: There are no prime ground water recharge areas or cones of influence within the City (reference Chapter 7 of the Foundation Documents, Exhibit A).

Policy ~~113~~.B.2.1.1 – The City shall implement recommendations of the City of Niceville Water System Facilities Plan. Elements of this Plan for infrastructure improvements and water conservation programs are defined and funded in the approved Capital Improvement Plan. Water conservation measures include expanding the reclaimed water system so that reclaimed water can be used for irrigation instead of potable water; and continuing to educate the public on water conservation issues.

Policy ~~113~~.B.2.2 - In cooperation with the Northwest Florida Water Management District, the City shall implement any emergency water conservation plans necessary to protect water sources during periods of insufficient supply.

Policy ~~113~~.B.2.2.13 – The City shall implement the Northwest Florida Water Management District’s Regional Water Supply Plan: demonstrating

~~Policy 11.B.2.2.2~~ – The City shall ~~demonstrate~~ full consideration of the most current NFWMD Regional Water Supply Plan when proposing and/or amending the Water Supply Facilities Work Plan.

Policy ~~113~~.B.2.2.34- The City will continue to expand and encourage the use of reclaimed water in the City in order to discourage the use of potable water for irrigation purposes and thus reduce the dependence on the Floridan aquifer.

~~Policy 11.B.2.3 – The City will require all septic tank users to connect to the central sewer system within one year of notification of sewer availability.~~

~~Policy 11.B.2.4 – Through regular meetings of the Okaloosa County Comprehensive Plan Committee, the City of Valparaiso and the City of Niceville shall be afforded the opportunity to review development proposals that affect Boggy Bayou or other water bodies so that adequate sites for water dependent uses are made available, estuarine pollution is prevented, surface water run off is controlled, living marine resources are protected, exposure to natural hazards is reduced and public access to the shoreline is maintained.~~

Objective 113.B.3 - Continually conserve and protect earth resources (soils, minerals and vegetation) by implementing Policies 11.B.3.1 through 11.B.3.8. Policy 11.B.3.1 – The LDC shall contain requirements that limit land uses or construction techniques to those compatible with soil conditions specific to the site. The regulations shall include boring and soils test conducted by testing facilities licensed by the State of Florida, when necessary.

~~Policy 11.B.3.1 – The LDC shall contain requirements that limit land uses or construction techniques to those compatible with soil conditions specific to the site. The regulations shall include boring and soils test conducted by testing facilities licensed by the State of Florida, when necessary.~~

~~Policy 11.B.3.2 – The City will cooperate with officials of the local governments within Okaloosa County to conserve, appropriately use, or protect unique vegetative communities located within more than one jurisdiction. The Okaloosa County Comprehensive Plan Committee shall be the vehicle used to facilitate the cooperation herein described.~~

~~Policy 113.B.3.31 - The City will continue to maintain an environmentally sensitive lands inventory which shall include, but not be limited to, floodplains as identified in the National Flood Insurance Program (NFIP) by the Federal Emergency Management Agency; wetlands under the jurisdiction of the Department of Environmental Protection or the U.S. Army Corps of Engineers; and the areas identified by the Florida Natural Areas Inventory.~~

~~Policy 113.B.3.42-- Extraction of minerals or other natural resources shall be permitted only where compatible with adjacent land uses and where minimal resource degradation will occur (reference Policy 7.A.4.2). For the purposes of this policy, "compatible with adjacent uses" shall be defined as being conducted only within industrial zones of the City or incidental to approved construction within the City. Minimal degradation shall be determined by the appropriate regulatory agencies referenced in Policy 7.A.4.2.~~

~~Policy 113.B.3.53 –The City shall continue to enforce Ordinance 590 (the Zoning Ordinance, or any amendments or successor ordinances which may be adopted by the City) and the The Land Development Code shall contain provisions for open space and buffer requirements that encourage the maintenance of or planting of native vegetation contained within said Ordinance.~~

Policy ~~113.B.3.64~~ - The LDC shall include provisions for the preservation and protection of native vegetation and certain trees during development or construction activities.

Policy ~~113.B.3.75~~ - The City shall continue its practice of requiring identification of any and all hazardous wastes or materials used or stored by any licensed business within the City. This practice shall continue to be implemented through the issuance (or denial) of a business license based upon an adequately completed application form containing the hazardous materials information on the form.

Objective ~~113.B.4~~ - Conserve, appropriately use and protect fisheries, fishery habitats, wildlife habitats and other marine or wildlife resources in or near the City by implementing Policies ~~11.B.4.1 through 11.B.4.3~~, among others.

Policy ~~113.B.4.1~~ - The City shall assist in the implementation of and compliance with all state and federal regulations which pertain to endangered and rare species and will provide protection for the integrity of areas known to provide habitats for such species when issuing development ~~permits orders~~ (reference Policy ~~11.A.1.4~~).

Policy ~~113.B.4.2~~ - The City shall cooperate with the Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, or other state or federal agencies so as to provide the fullest protection to marine or wildlife habitats that may be impacted by existing or proposed development within the City.

~~Policy 11.B.4.3 - No development permit shall be approved if construction pursuant to the permit would threaten the life or habitat of any species listed on the Federal Endangered Species Inventory or any species designated as "threatened" or any species designated as "species of special concern" either by the State or Federal Governments.~~

Objective ~~113.B.5~~ - Conserve and protect the natural functions of wetlands within the City of Niceville. Wetlands, for the purpose of this section, shall be defined as those areas that fall under the jurisdiction of the U.S. Army Corps of Engineers or the Florida Department of Environmental Protection utilizing the Florida Unified Wetland Delineation Methodology (Chapter 62-340 F.A.C.) ~~the jurisdictional lands under the Northwest Florida WMD, and as maintained in the environmentally sensitive lands inventory of Policy 11.B.3.3. The City adopts by reference the definition of wetlands as found in Section 373.019(25), F.S.S. See also Figure 4.3 of the Future Land Use Element Data & Analysis document.~~

~~Policy 11.B.5.1 - As stated in the Future Land Use Element of this Comprehensive Plan, future land uses will be coordinated with appropriate topography and soil conditions in order to protect the environmentally sensitive lands designated within the LDC and defined in Policy 11.B.3.3.~~

Policy ~~113.B.5.21~~ - No development activities shall be undertaken in a ~~protected environmentally sensitive zone~~ within a jurisdictional wetland without the proper permits from the Florida Department of Environmental Protection, including the wetlands protection zone

~~and shoreline protection zone, except for those activities outlined under Article 11.01.06 of the LDC.~~

~~Policy 113.B.5.3 2– Special design standards will be enforced in the wetlands protection zone, as included in the LDC Article 11.01.09. These design standards include the retention or creation of buffers between all development and all jurisdictional wetlands, waterbodies, and natural watercourses environmentally sensitive zones, the restoration of any portion of a ~~protected environmentally sensitive zone~~ required buffer damaged during construction, and other protective measures as necessary to prevent significant adverse effects on a protected environmentally sensitive zone wetland. LDC Article 11.01.09 states, in pertinent part, “the decision as to the size of the buffer shall be stated as a finding in the written record.” LDC Article 12.04.02(d)(2) states, “Buffer zones waterfront property. Vegetated buffer strips shall be retained in their natural state along the banks of all natural watercourses, waterbodies, wetlands or beach front, within twenty five (25) feet of mean high tide. The width of the buffer shall be sufficient to prevent erosion, trap the sediment in overland runoff, provide access to the waterbody and allow for periodic flooding without damage to the structures. These areas may be mowed or trimmed as desired.” The City will consider revising the LDC and this Policy to state that the buffer shall be that as stated as a finding in the written record, or fifty (50) feet, whichever is greater.~~

~~Policy 11.B.5.4 – Mitigation procedures outlined in the LDC must be followed in any case where development degrades estuaries, wetlands, bayous, harbors, or other natural resources. Compensatory wetland mitigation ratios vary by wetland type, and shall require that the amount of wetlands purchased, created, enhanced or restored be large enough to assure that the amount of wetlands destroyed or degraded will be completely and successfully replaced. (LDC Article 11.03.00)~~

~~Policy 113.B.5.53 – To alleviate any hardship caused by development restrictions on the use of environmentally sensitive areas, the clustering of residential or commercial development within the nonsensitive portions of the project site shall be permitted as described in Article 11.03.02 of the LDC.~~

CHAPTER 126

RECREATION AND OPEN SPACE ELEMENT

~~Section 12.01 Purpose: The purpose of this Chapter (element) is to plan for a comprehensive system of public and private recreation and open space sites and facilities which are available to the public.~~

~~Section 12.02 Data and Analysis: This element is based upon data and analysis requirements pursuant to subsection 9J-5.005(2), F.A.C. and 9J-5.014(1)(2), F.A.C. (reference sections 5.03, 5.06 and 5.07 of this ordinance and Chapter 9 of the Foundation Documents).~~

~~Section 12.03 Goals, Objectives and Policies: The Goals, Objectives and Policies of this element are as follows:~~

~~**Goal 12.6.A. - Provide an adequate, environmentally sound and cost effective recreation and open space system for all residents of the City. Pursue, manage, and/or fund adequate recreational facilities, open space areas, or resource-based conservation areas that encourage physical activity and mentally healthy lifestyles for all citizens of Niceville regardless of age or physical ability.**~~

~~Objective 12.A.1— Insure the public's access to recreation sites, open spaces, and the shoreline by including regulations within the LDC (reference Policy 7.A.1.1) to implement Policies 12.A.1.1. through 12.A.1.5, among others.~~

~~***Objective 6.A.1. Ensure adequate open space and resource based conservation areas through the City's development related requirements and other funding mechanisms.***~~

~~Policy 6.A.1.1. The City shall continue to require the provision of open space in any private sector development pursuant to regulations contained within the LDC.~~

~~Policy 6.A.1.2. Lands designated as Conservation on the Future Land Use that are designated open space will be protected from incompatible land uses and will remain functionally intact.~~

~~***Objective 6.A.2. Ensure the public's access to active and passible recreational sites, including Niceville's waterfront.***~~

~~Policy 6.A.2.1. The City of Niceville and Okaloosa County shall share responsibility for the provision of public parks and recreation facilities and programs. The City will have primary responsibility within the city limits and Okaloosa County will have primary responsibility in the unincorporated county. Special cooperative funding and maintenance agreements/programs between the City and County shall be established as needed to improve or maintain park and recreation facilities and programs.~~

~~Policy 12.A.1.1~~ The City shall continue to enforce the open space requirements within its Zoning Ordinance (or any amendments or successor ordinances which may be adopted by the City) and such requirements shall be included within the LDC.

~~Policy 12.A.1.2~~ The City shall continue to require the provision of open space by private development when such development is a planned unit development, a multifamily development, a mixed-use commercial area or other similar types of developments where relatively large land areas are involved. The requirements shall be contained within the LDC.

~~Policy 12.A.1.3~~ The City shall continue to protect and provide access to open spaces and the shoreline by including appropriate regulations within the LDC to implement Policies 11.A.1.3, 11.A.9.1, 11.A.9.2, 11.A.9.3, 11.A.9.4, 11.A.9.5, 11.B.2.4, and 14.A.2.1 among others.

~~Policy 12.A.1.4~~ 6.A.2.2. The City shall continue to aggressively seek additional grants, as available, from the Florida Recreation Development Assistance Program, Department of Environmental Protection various State, Federal, and private sources to construct a trail network that connects residential land uses with non-residential uses and recreational uses. ~~recreation trail that will encircle much of Niceville and provide opportunity for new parks and playgrounds.~~

~~Policy 12.A.1.5~~ 6.A.2.3. The City shall continue to maintain and improve the public parks and recreation sites within the City and the shoreline access sites maintained by the City.

Policy 6.A.2.4. As part of the Capital Budget processes the City shall annually review the active and passive recreation facility needs. Whenever possible the City shall pursue grant funding, as available from various State, Federal and private sources, to help provide needed facilities.

Policy 6.A.2.5. Review, at least annually, the cooperative efforts between the public and private sectors in the provision of recreational opportunities and assure that such efforts are coordinated.

~~Objective 12.A.2~~ Review, at least annually, the cooperative efforts between the public and private sectors in the provision of recreational opportunities and assure that such efforts are coordinated.

~~Policy 12.A.2.1~~ The committee appointed pursuant to Policy 14.A.3.6 shall include within its review efforts (pursuant to Section 14.06) an analysis of the cooperation and coordination between the public and private sectors in the provision of recreational opportunities.

~~Policy 12.A.2.2~~ 6.A.2.6. The City shall continue its cooperative efforts with the City of Valparaiso, and with the private sector and non-profit organizations (i.e., YMCA and/or the Niceville - Valparaiso Chamber of Commerce), and the Okaloosa County School Board, and other civic and environmental organizations in the provision of recreational facilities and open space areas.

Policy ~~12.A.2.3~~ 6.A.2.7. The City will cooperate with other local governments in the TPO area to implement the ~~bikeway~~ recommendations found within the Okaloosa-Walton TPO Bicycle/Pedestrian Master Plan.

Policy ~~12.A.2.4~~ ~~The City shall continue to review the efforts of the Niceville/Valparaise Chamber of Commerce to assure that such efforts are consistent with this Ordinance.~~

Objective ~~12.A.3~~ ~~Insure that parks and recreation facilities and open space are adequately and efficiently provided by public agencies and private enterprise by implementing Policies 12.A.3.1 through 12.A.3.6 upon adoption of the LDC (ref: Policy 7.A.1.1).~~

Policy ~~12.A.3.1~~ ~~The LDC shall include specific definitions for open space, parks and recreation facilities.~~

Policy ~~12.A.3.2~~ 6.A.2.8 - The level of service standard for recreation, parks and open space for the City shall be 1 acre per 1000 population. Note: There are no identified deficiencies in the provision of recreational and open space facilities during the planning period.

Policy 6.A.2.9. The City shall coordinate with State and regional entities such as the Florida Department of Environmental Protection and the Emerald Coast Regional Planning Council for the provision of recreational facilities and open space areas as opportunities or projects arise.

Policy ~~12.A.3.3~~ 6.A.2.10. The City shall continue to acquire (through lease, acquisition, or dedication) open space and natural areas so as to maintain and improve: (1) recreational opportunities for all ~~residents~~ citizens; and (2) the natural function of open space, wetlands, and other sensitive lands within the City.

Policy ~~12.A.3.4~~ ~~The City will continue to apply for all available state and federal funds to implement recreation programs and provisions of this element (reference Policy 12.A.1.4).~~

Policy ~~12.A.3.5~~ 6.A.2.11. The City shall ~~continue to~~ incentivize or require the provision of recreational facilities ~~and open space~~ in any private sector development pursuant to ~~regulations~~ provisions contained within the LDC.

Policy ~~12.A.3.6~~ ~~The City shall continue to preserve and protect the shoreline through regulations contained within the LDC (reference Policies 7.A.1.2, 10.C.1.3 and Chapter 11 of this Ordinance).~~

Policy 6.A.2.12. All public park and recreation facilities shall be identifiable by and accessible to Niceville citizens and visitors.

Policy 6.A.2.13. The City shall include accessibility features in new parks and existing parks to the greatest extent possible and in accordance with the Florida Building Code.

CHAPTER 135

INTERGOVERNMENTAL COORDINATION ELEMENT

~~Section 13.01 Purpose: The purpose of this Chapter (element) is to identify and resolve incompatible goals, objectives, policies and development proposed in this Ordinance (the City's Comprehensive Plan) and to determine and respond to the needs for coordination processes and procedures with adjacent local governments, regional and state agencies.~~

~~Section 13.02 Data and Analysis: This element is based upon the data and analysis requirements pursuant to Subsection 9J-5.005(2), F.A.C. and 9J-5.015(1) (2), F.A.C. (reference Sections 5.03, 5.06 and 5.07 of this Ordinance and Chapter 10 of the Foundation Documents).~~

~~Section 13.03 Area of Concern: The area of concern for the City includes:~~

- ~~a. The City of Valparaiso;~~
- ~~b. Okaloosa County; and~~
- ~~c. Eglin Military Complex.~~

~~Section 13.04 Goals, Objectives and Policies: The Goals, Objectives and Policies of this Chapter (element) are as follows:~~

~~**Goal 13.5.A - Provide coordination of this plan (ordinance) with the governments indicated in Section 13.03, To work and communicate effectively and efficiently with other local governments, Okaloosa County, the Okaloosa County School Board, the State government, and the Federal government to implement this Plan and to benefit the citizens of Niceville. (as appropriate) and other governmental agencies providing services within the City.**~~

~~**Objective 135.A.1 - To review, on an annual basis, actions that have taken place to coordinate the Comprehensive Plan of Niceville with the Plans of other units of government and the Okaloosa County School Board (reference Section 13.03). The City of Niceville shall cooperate with Okaloosa County to provide services to all residents within the City's utility service districts and shall advise concerning maximum development capacity.**~~

~~Policy 13.A.1.1- The committee appointed pursuant to Policy 14.A.3.6 shall include within its review efforts (pursuant to Section 14.06) an analysis of the coordination between plans of affected governments.~~

~~Policy 13A.1.2- The City shall continue to use the Okaloosa County Comprehensive Plan Committee (consisting of officials from Okaloosa County and all cities therein, Eglin AFB, Hurlburt Field, and the Okaloosa County School Board) to coordinate Comprehensive Plans for the local governments, the School Board and the Air Force; to provide information regarding proposed development; to identify and implement necessary joint planning areas for the purposes of annexation, municipal incorporation and joint infrastructure service areas; and to~~

~~discuss the siting of facilities with county-wide significance, including locally unwanted land uses, as needed.~~

Policy ~~135.A.1.31~~ - If the City receives a request(s) for annexation, the City shall follow the annexation procedures in Florida Statutes and will coordinate such annexation with Okaloosa County ~~through the Okaloosa County Comprehensive Plan Committee.~~

Policy 5.A.1.2 - The City shall continue to participate in interlocal agreements for utility services in annexation areas or potential annexation areas.

Policy ~~135.A.1.43~~. - The City shall ~~consider participation with~~ share data and coordinate with Okaloosa County and other units of local government ~~in the acquisition and use of a computerized~~ for purposes of maintaining a robust Geographic Information System (GIS).

Policy ~~135.A.1.54~~. - ~~Continue to cooperate with other units of government and governmental agencies so as to provide for coordination and evaluation of development proposals which may impact~~ The City shall remain committed to intergovernmental efforts that strive to protect the water quality of the Choctawhatchee Bay, Boggy Bayou, Rocky Bayou or other water bodies within the City. The Okaloosa County Comprehensive Plan Committee described in Policy 13.A.1.2 shall be the vehicle used to facilitate the cooperation herein described.

Polic 5.A.1.5 - The City shall consider the establishment of a joint planning area for any area is receiving City services or is proposed to receive such services, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas. If a joint planning area is established, a joint planning agreement must identify the geographic areas anticipated for annexation, proposed future land uses, necessary public facilities and services, including transportation and school facilities and how they will be provided, and natural resources, including surface water and groundwater resources, and how they will be protected.

Policy ~~135.A.1.66~~ – The City shall continue to partner with Okaloosa County in the provision of reclaimed water so that reclaimed water can be used for irrigation instead of potable water.

Policy 5.A.1.7 – As necessary, the City shall utilize interlocal to establish coordination mechanisms and other joint considerations and requirements with other local governments including any that may be required pursuant to Section 333.03(1)(b), F.S.

Objective 5.A.2 With the adoption of the Comprehensive Plan, the City of Niceville shall ensure that the impacts of development proposed in the City’s Comprehensive Plan are coordinated with adjacent municipalities, Okaloosa County, the Emerald Coast Regional Planning Council (ECRC), the State of Florida, Transportation Planning Organization (TPO), and other appropriate agencies:

- Meeting all requirements of Section 163, F.S. and its implementing rules;

- Continuing, active participation in ECRC, TPO, the Northwest Florida Water Management District (NFWMD) and other agencies with land use or environmental regulatory authority.

~~Policy 13.A.1.7—The City shall implement the Northwest Florida Water Management District’s Regional Water Supply Plan.~~

Policy ~~135.A.1.8~~2.1 – The City shall ensure coordination of the comprehensive plan with the most current NFWMD Regional Water Supply Plan when proposing and/or amending the ten-year (10) Water Supply Facilities Work Plan.

Policy ~~135.A.1.9~~2.2 – The City will review and coordinate with the most recently published District Water Supply Plan and NFWMD staff in projecting future supply and demand on potable water and alternative sources when preparing amendments to the Water Supply Facilities Work Plan and Consumptive Use Permit Applications.

Policy ~~135.A.1.10~~2.3- The City will exchange water supply information and services with the NFWMD, ~~West Florida~~ Emerald Coast Regional Planning Council, and local governments through water supply planning work groups and through meetings on an as-needed basis.

Policy ~~135.A.1.11~~2.4- The City will examine, to the extent possible, the ~~use to~~ possible interconnectivity of water facilities with other local jurisdictions as recommended by the NFWMD Regional Water Supply Plan as well as the possibility of new well sites.

Policy ~~135.A.1.12~~2.5 - Continue to participate in the Okaloosa-Walton TPO planning process in cooperation with adjacent local governments and other public agencies in conjunction with the Florida Department of Transportation. ~~and private organizations whose purpose is to implement the transportation, land use, parking and other provisions of the transportation element.~~

Policy 5.A.2.6 -The City shall coordinate the establishment of level of service standards for public facilities with any state, regional, or local entity having operational and maintenance responsibility for such facilities.

Policy 5.A.2.7 – The City shall coordinate the impacts of development proposed within this Plan upon development in adjacent municipalities, the county, the region, and the state through participation in regional planning at the ECRC, by sharing any proposed amendments to this Plan with the County, and by ensuring consistency with any state level permitting requirements.

~~Objective 13.A.2—Continually coordinate with appropriate state, regional and local agencies, which have operational and maintenance responsibility for public facilities in Niceville, the impacts of development proposed in this plan upon development or plans of the affected state, county or local agency and to achieve, when necessary, mutually agreed upon level of service standards.~~

~~Policy 13.A.2.1 – The Okaloosa County Comprehensive Plan Committee shall function as the initial agency to mediate comprehensive planning conflicts.~~

Policy ~~13~~5A.2.28 - The City shall use the ~~West Florida~~ Emeral Coast Regional Planning Council's informal mediation process to resolve conflicts with other units of government that cannot be resolved pursuant to Section 186.509, Florida Statutes. ~~Policy 13.A.2.1.~~

~~Policy 13.A.2.3 – The Committee appointed pursuant to Policy 14.A.3.6 shall include within its review efforts (pursuant to Section 14.06):~~

- ~~a. An analysis of the effectiveness of the conflict resolution process described in Policies 13.A.2.1 and 13.A.2.2;~~
- ~~b. The adequacy of LOS standards which have been established by this Ordinance on an annual basis (reference Policy 14.A.3.6);~~
- ~~c. An analysis of the adequacy of procedures established to review proposed development within the area to the existing Comprehensive Plans of Niceville or adjacent local governments; and~~
- ~~d. An analysis and/or review of development proposed in this ordinance or amendments to this Ordinance indicating the relationship of any proposed development contained within this Ordinance (or amendments) to the Comprehensive Plan of Niceville or adjacent local governments. This review shall be based upon the consistency of the proposed development with the Comprehensive Plan (all development shall be consistent with this Ordinance).~~

~~Policy 13.A.2.4 – The City will continue to execute agreements which establish standards for setting or changing LOS with other entities providing such service and may include:~~

- ~~a. FDOT for State Roads; and~~
- ~~b. Okaloosa County for solid waste disposal.~~

Objective ~~13.5~~5.A.3 – Coordinate with adjacent military installations to ensure land use compatibility and support military missions while maintaining property rights and quality of life within the City of Niceville.

Policy ~~13.5~~5.3.1 – The City will continue to evaluate all development and land use change proposals for compatibility with Eglin Air Force Base, including the consideration of the Air Installation Compatibility Use Zone (AICUZ) noise contours and Air Force Land Use Compatibility Guidelines. ~~All proposed land use changes and decisions will continue to be transmitted to Eglin Air Force Base for review.~~

~~Policy 13.A.3.2 – Through the regular meetings of the City of Niceville Planning Commission/Local Planning Agency and the Okaloosa County Comprehensive Plan Committee, Eglin Air Force Base will remain aware of any planning actions within the City that have the~~

~~potential to affect base operations within the City. The Okaloosa Comprehensive Plan Committee will also serve as a forum for discussing recommendations of the AICUZ Study and Okaloosa County Joint Land Use Study (JLUS).~~

Policy 5.A.3.2. -The City shall transmit to Eglin information relating to proposed changes to comprehensive plans, plan amendments, and proposed changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the base and shall provide Eglin with an opportunity to comment on the proposed changes.

~~Policy 13.5.A.3.3 – The City will work together with Okaloosa County and Eglin Air Force Base in evaluating and implementing recommendations set forth in the 2006 AICUZ Study and in the 2009 Okaloosa County Joint Land Use Study, while ensuring that property rights are preserved to the maximum extent possible.~~

Policy 5.A.3.4 - At the request of the commanding officer, the City will also transmit to the commanding officer copies of applications for development orders requesting a variance or waiver from height or lighting restrictions or noise attenuation reduction requirements within areas defined in the local government’s comprehensive plan as being in a zone of influence of the base and shall provide Eglin with an opportunity to comment on the proposed changes.

Policy 5.A.3.5 - A representative of Eglin shall serve ex officio as a nonvoting member of the Niceville Planning Commission.

Goal 13.B Objective 5.A.4- Collaborate and coordinate with the Okaloosa County School Board to ensure high quality public school facilities which meet the needs of Niceville’s existing and future population.

~~Objective 13.B.1 – The City will implement the interlocal agreement pursuant to 163.3177, F.S. with the School Board, County, and adjacent municipalities providing for close coordination and evaluation of development proposals pursuant to the interlocal agreement.~~

~~Policy 13.B.1.1 – General types of provisions that will be included in the interlocal agreement in order to advise the School Board, adjacent counties, special taxing districts and municipalities of proposed developments which would impact their jurisdiction include:~~

- ~~1. Transmission of information from the City of Niceville to the above entities and others on the Comprehensive Plan mailing list describing proposed developments and school planning activities.~~
- ~~2. Provision for a feedback process/information exchange so the above entities can inform the Local Planning Agency of any potential adverse impact(s) from proposed developments and/or conflicting planning activities.~~
- ~~3. Provision for the district wide application of LOS standards.~~

~~Objective 13.B.2 – The City of Niceville shall strive to maintain and enhance joint planning processes and procedures for coordination of public school facilities for planning and decision making.~~

~~Policy 13.B.2.1 – On an ongoing basis, the City shall establish new and review existing coordination mechanisms that will evaluate and address its Comprehensive Plan and programs and their effects on the comprehensive plans developed for the adjacent local governments, school board, and other units of local government providing services but not having regulatory authority over use of land, and the State, by an annual county-wide forum, joint meetings or other types of forums with other agencies. Assistance for this effort shall be requested from regional and state agencies, as needed.~~

~~Policy 13.B.2.2 – On an annual basis, the School Board shall provide information from their five year Capital Facilities Plan to determine the need for additional school facilities. The School Board shall provide to the City, each year, a general education facilities report. The educational facilities report shall contain information detailing existing facilities and their locations and projected needs. The report shall also contain the School Board’s capital improvement plan, including planned facilities with funding representing the district’s unmet needs.~~

~~Policy 13.B.2.3 – In order to coordinate the effective and efficient provision and siting of public educational facilities with associated infrastructure and services within the City of Niceville, the Okaloosa County Board of County Commissioners, School Board, and the municipalities of Cinco Bayou, Crestview, Destin, Fort Walton Beach, Laurel Hill, Mary Esther, Niceville, Shalimar and Valparaiso shall meet jointly to develop mechanisms for coordination. Such efforts may include:~~

- ~~1. Coordinated submittal and review of the annual capital improvement programs, the annual educational facilities report, and the Five-Year School Plant Survey of the Okaloosa County School Board.~~
- ~~2. Coordinated review and assessment of the associated costs and expenditures of siting and developing schools with needed public infrastructure.~~
- ~~3. Coordinated review of residential planned developments or mixed use planned developments involving residential development.~~
- ~~4. Use of a unified database including population (forecasts of student population), land use and facilities.~~
- ~~5. Use of a Parks/Schools Planning Group (with representative from each of the entities) to review coordinated siting of schools with parks for multi-functional use. Directives resulting from the joint meeting shall be incorporated into the Comprehensive Plan, Land Development Code, and other appropriate mechanisms as deemed necessary.~~
- ~~6. Use of a Staff Working Group (with representative from each of the entities) that will meet at least annually to review and coordinate School Level of Service standards and issues of mutual concern regarding coordination of land use and school facilities~~

~~planning, including population and student growth, development trends, school needs, off-site improvements, and joint use opportunities. In addition, the group will review population and enrollment projections and updates of comprehensive and work plans as part of annual review process to assure the maintenance of the adopted LOS and financially feasibility of the CIP and work plan.~~

Policy 5.A.4.1 - Consistent with the Interlocal Agreement for Public School Facility Planning, the City shall implement and maintain mechanisms designed to closely coordinate with the School Board in order to provide consistency between the City's comprehensive plan and public school facilities programs, such as:

1. Greater efficiency for the School Board and the City by the placement of schools to take advantage of existing and planned roads, water, sewer, parks, and drainage systems;
2. Improved student access and safety by coordinating the construction of new and expanded schools with road and sidewalk construction programs;
3. The location and design of schools with parks, ball fields, libraries, and other community facilities to take advantage of shared use opportunities; and,
4. The expansion and rehabilitation of existing schools so as to support neighborhoods

Policy 5.A.4.2 - In cooperation with the School Board, Okaloosa County and the municipalities of Cinco Bayou, Crestview, Destin, Fort Walton Beach, Laurel Hill, Mary Esther, Shalimar and Valparaiso, the City of Niceville will implement the Interlocal Agreement for Public School Facility Planning for Okaloosa County, Florida between the County, School Board, and all legislative bodies of the municipalities, as required by Section 163.31777, Florida Statutes. The Interlocal Agreement shall include procedures for at a minimum:

1. Joint meetings;
2. Student enrollment and population projections;
3. Coordinating and sharing of information;
4. Supporting infrastructure or off-site improvements;
5. A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.
6. Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition.
7. A process for determining the need for and timing of onsite and offsite improvements to support new, proposed expansion, or redevelopment of existing schools.
8. Comprehensive plan amendments, rezoning, and development approvals;
9. School capacities;
10. Education Plant Survey and Five-Year District Facilities Work program;

11. Co-location and shared use;
12. Oversight process; and,
13. Resolution of disputes.

Policy 5.A.4.3 - The City shall include a representative of the School District, appointed by the School Board, as a nonvoting member of the local planning agency, as required by Section 163.3174, Florida Statutes.

Policy 5.A.4.4 - The City shall coordinate with the School Board and all applicable municipalities regarding annual review of school enrollment projections and procedures for annual update and review of school board and local government plans.

Policy 5.A.4.5 - The City's strategy, in coordination with the School Board, for correcting existing deficiencies and addressing future needs includes the identification of adequate sites for funded and planned schools.

Objective 5.A.4.6 - Enhance community/neighborhood design through effective school facility design and siting standards. Encourage the siting of school facilities so they serve as community focal points and so that they are compatible with surrounding land uses by siting schools near urban residential areas and in accordance with local land development regulations to assure compatibility.

Policy 5.A.4.7 - The City will continue to coordinate with the School Board to assure that proposed public school facility sites are consistent with the land use categories and policies of the City Comprehensive Plan, pursuant to the Interlocal Agreement for Public School Facility Planning.

Policy 5.A.4.8 - of the City of Niceville Future Land Use Element, "The City shall seek to collocate public facilities such as parks, libraries and community centers with schools to the extent possible."

Policy 5.A.4.9 - It is the policy of the School Board, the County and all municipalities to reduce hazardous walking and biking conditions. The City, in coordination with the School Board, shall coordinate with the Okaloosa-Walton TPO's Long Range Transportation Plan to ensure funding for safe access to schools. This includes development of sidewalk inventories and a list of priority projects coordinated with the School Board recommendations and ensuring these recommendations are addressed over the planning period.

Policy 5.A.4.10 - The City and School Board will jointly determine the need for and timing of on-site and off-site improvements (including water, sewer, roads and drainage) necessary to support each new school or the proposed renovation, expansion or closure of an existing school, and will enter into a written agreement as to the timing, location, and the party or parties responsible for constructing, operating and maintaining the required improvements.

Policy 5.A.4.11 - The City and the School Board will work to find opportunities to collaborate on transit and bus routes to better serve citizens and students including the location of bus stops within new developments.

CHAPTER ~~14~~ 9 CAPITAL IMPROVEMENTS ELEMENT

~~Section 14.01 Purpose: The purpose of the Capital Improvements Element (CIE) is to evaluate the need for public facilities as identified in the other plan elements of this ordinance and as defined in the applicable definitions for each type of public facility, to estimate the cost of improvements for which the City of Niceville has fiscal responsibility, to analyze the fiscal capability of the City to finance and construct improvements, to adopt financial policies to guide the funding of improvements and to schedule the funding and construction of improvements in a manner necessary to ensure that capital improvements are provided when required based on the public facility needs identified in the other plan elements of this ordinance.~~

~~Section 14.02 Amendments: The capital improvements element shall be reviewed on an annual basis and modified as necessary in accordance with 163.3187 F.S.; however, corrections, updates, and modifications concerning costs, revenue sources, acceptance of facilities pursuant to dedications which are consistent with this ordinance, or the date of construction of any facility enumerated in the capital improvements element may be accomplished by ordinance and shall not be deemed to be amendments to the City's Plan.~~

~~Section 14.03 Data and Analysis: This element is based upon data and analysis requirements pursuant to Subsection 9J-5.005(2) F.A.C. and Subsection 9J-5.016(1) F.A.C. Reference paragraphs 5.03 and 5.06 of this ordinance and Chapter 11 of the Foundation Documents. This element is based upon the public facility needs identified in the other Comprehensive Plan Elements and supports the Future Land Use Element. The geographic service area and location of major system components for the Okaloosa County School System and the various health systems within Niceville have been identified in other plan elements. The existing revenue sources and funding mechanisms available for Capital Improvement financing are identified in Chapter 11 of the Foundation Document. The current budgetary, administrative and policy practices which guide the timing and location of construction or improvements in capacity of public facilities by Niceville have been analyzed. The goals, objectives and policies of this element have been formulated based, where appropriate, on this analysis.~~

~~Section 14.04 Goals, Objectives, and Policies: The Goals, Objectives and Policies of this element are as follows:~~

Goal ~~149~~.A - The timely and efficient provision of public facilities through the use of sound fiscal policies.

Objective 14.A.1 - Use the CIE as a Directory to meet the needs of the City of Niceville for the construction of capital facilities necessary to meet existing deficiencies, to accommodate desired future growth and to replace obsolete or worn-out facilities upon adoption of this Ordinance (reference Section ~~14.06~~ of this ordinance). The schedule of capital improvements (Table ~~149-1~~) shall be the specific guide (directory) the City will use to determine construction of capital facilities and maintenance of LOS standards.

Policy ~~14.9.A.1.1~~ - The criteria to evaluate capital improvement projects directly related to individual elements of this ordinance are:

- a. The elimination of future public hazards; at present, there are no identified existing public hazards;
- b. The elimination of existing capacity deficits;
- c. The impact on the annual operating budget and Capital Improvements Program by the City of Niceville (~~see policy 14.A.5.1~~);
- d. Locational needs based on projected growth patterns (~~reference Chapter 7 and Figures 7-1, 7-2 and 7-3 of this Ordinance~~);
- e. The accommodation of new development and redevelopment facility demands;
- f. Financial feasibility; and
- g. Plans of The Northwest Florida Water Management District and state agencies that provide public facilities within the jurisdiction of the City of Niceville.

~~Note: The above criteria shall be ranked by the committee appointed pursuant to Policy 14.A.3.6 while fulfilling its responsibilities pursuant to Section 14.06 of this Plan.~~ In addition, the criteria may be further ranked (or re-ranked) by the City Council during its annual budget development process. However, re-ranking of criteria shall only be done by the City Council in the event information is brought to the City Council that was unavailable to the committee.

Policy 9.A.1.2 - The capital improvements element shall be reviewed on an annual basis and modified as necessary in accordance with 163.3187 F.S.; however, corrections, updates, and modifications concerning costs, revenue sources, acceptance of facilities pursuant to dedications which are consistent with this ordinance, or the date of construction of any facility enumerated in the capital improvements element may be accomplished by ordinance and shall not be deemed to be amendments to the City's Comprehensive Plan.

Policy ~~14.A.1.2~~ 9.A.1.3- The City of Niceville shall manage its debt so that the total amount of general obligation bonds of the City, which may at any time be outstanding, shall be no more than 25% of the assessed valuation of the non-exempt real and personal property within the corporate limits of the City.

In addition, the City will continue to form capital for public improvements or debt service by adjusting utility impact fees or user fees as necessary (~~reference Policy 10.A.2.3~~).

Policy ~~14.A.1.3~~ 9.A.1.4- Prioritize Capital Improvements funding (~~within the annual Capital Improvements program — see Policy 14.A.5.1~~) in a manner that generally assigns first priority to the renewal and replacement of obsolete or worn-out facilities, that assigns second priority to correcting existing deficiencies in public facilities, and third priority to facilities necessary to accommodate desired future growth. Nothing in this policy shall preclude the City of Niceville from increasing or rearranging the priority of any particular Capital Improvement project so that cost savings may be realized or LOS Standards are met.

Policy ~~14.A.1.4~~ 9.A.1.5- Promote rehabilitation and re-use of existing governmental facilities, structures, and buildings as the preferred alternative to new construction (~~reference Policies 7.A.2.2, 7.A.8.2, 10.A.1.4, 10.C.1.4, 14.A.1.3 and Section 14.06 of this ordinance~~).

Policy ~~14.A.1.5~~ 9.A.1.6- In accordance with Section 163.3164, Florida Statutes, projects listed in the first three years of the 5-Year Schedule of Capital Improvements shall be funded through committed revenue sources, which are presently available to the City. Projects listed in years four and five of the schedule may be funded through planned revenue sources, which must be secured by referendum or other actions.

Policy ~~14.A.1.6~~ 9.A.1.7- In the event that planned revenues do not become available to the City, projects will be reevaluated and alternative funding sources will be sought. If no alternative funding sources are available and the project is not required to ensure concurrency, the project may be moved to future years on the 5-Year Schedule.

Objective ~~149.A.2~~ - Limit public expenditures that subsidize development in coastal high hazard areas upon adoption of this Ordinance (~~reference Section 14.06 of this ordinance~~).

Policy ~~149.A.2.1~~ - Public expenditures in Coastal High Hazard Areas of the City of Niceville shall be limited to the provision, or support, of recreation uses such as parks and walkovers, erosion control devices, or to increase public access to the shoreline (~~reference Objective 11.A.5 and Policy 11.A.5.1~~).

Objective ~~149.A.3~~ - Coordinate land use decisions and available or projected fiscal resources with a schedule of capital improvements which maintains adopted level of service standards and meets the existing and future facility needs upon adoption of this Ordinance. (~~Reference Table 14-1, and Policies 14.A.3.1 through 14.A.3.6, among others~~).

Policy ~~149.A.3.1~~ - Land-use decisions shall be consistent with the schedule of Capital Improvements or the ability of the City or developer to provide infrastructure concurrent with development according to the City's Concurrency Management System (~~reference Table 14-1~~).

Policy ~~149.A.3.2~~ - Establish level of service standards for public facilities which are within the jurisdiction of the City of Niceville, ~~as provided by Subsection 9J-5.005(3) and Subparagraph 9J-5.015(3)(b)3, F.A.C.~~ These standards shall be those found in the other comprehensive plan elements of this ordinance (~~reference LOS Summary in Chapter 15 of this ordinance~~).

Policy ~~149.A.3.3~~ - Provide for the availability of public facilities to serve developments for which development orders were issued prior to the adoption of this ordinance. ~~Note: No development permits or orders were issued prior to the adoption of this ordinance for which public facilities or services were not available pursuant to LOS standards.~~

Policy ~~149.A.3.4~~ - The fiscal resources of the City of Niceville will be used, to the extent necessary, to maintain LOS standards and support the schedule of Capital Improvements (reference Table ~~149-1~~).

~~Policy 14.A.3.5 – Provide for the availability of public facilities and services needed to support development concurrent with the impacts of such development subsequent to the adoption of this ordinance (reference Chapter 6, Concurrency Management System and Policy 7.A.1.2).~~

~~Policy 14.A.3.6 9.A.3.5- There is hereby created a committee to review the development activities within the City of Niceville and to review the level of service conditions for the city. The committee shall be comprised of the City Manager, Finance Director, Grants Manager, the City Planner, and Public Works Director ~~and the City Clerk~~. The committee shall maintain information on development activity, level of service conditions and other data necessary to accurately evaluate the implementation of the City's Comprehensive Plan. In addition, the committee will monitor and evaluate the CIE on an annual basis (reference Sections 6.01 and 14.06 and Policies 8.A.3.1, 11.A.8.5, 12.A.2.1, 13.A.1.1, 13.A.2.3 and 14.A.1.1 of this ordinance).~~

~~**Objective 14.A.4 – Future development will bear a proportionate cost of facility improvements necessitated by the development in order to adequately maintain adopted LOS standards. Regulations will be included within the LDC (reference Policy 7.A.1.1) and the regulations will include methods of assessment. The methods will include a series of variables based upon the size, character, type and location of the development and the development's impact upon all City systems as well as the benefits the development is anticipated to receive from such systems.**~~

~~Policy 14.A.4.1 9.A.3.6- Provide for assessing new developments a ~~pro-rata~~ share of the costs necessary to finance public facility improvements necessitated by development in order to adequately maintain adopted level of service standards in the Land Development Code (LDC). The ~~pro-rata~~ share of cost necessary to finance public facility improvements will be determined based upon the size of the proposed development, the land uses associated with the proposed development, the impact the land uses are projected to have on public facilities and services upon occupancy of the development, the benefits expected to be received by the development, and the maintenance of LOS standards for all facilities impacted by the development.~~

~~Policy 14.A.4.2 9.A.3.7 - Include requirements within the LDC that exact physical improvements to impacted systems (roads, utilities, etc.) by new developments or the redevelopment of existing facilities. This policy will be implemented through the City's permitting and inspection process.~~

~~**Objective 14.A.5 9.A.4- The City of Niceville will provide or require provision of the needed improvements identified in the other plan elements in this ordinance and manage the land development process so that public facility needs created by previously issued development orders or future development do not exceed the ability of the City of Niceville to fund and provide or require provision of the needed capital improvements (reference Chapter 6, Section 14.06, Objective 14.A.4, Policies 14.A.4.1 and 14.A.4.2 of this ordinance).**~~

Policy ~~14.A.5.1~~ 9.A.4.1- A capital budget will be adopted by the City Council as a part of the annual budgeting process. The Capital Budget (Capital Improvement Program) will be developed using this element as a directory.

Policy ~~14.A.5.2~~ 9.A.4.2- Use the City of Niceville's fiscal policies to direct expenditures for capital improvements which insure the implementation of the Goals, Objectives, and Policies of the other plan elements in this ordinance (~~reference Section 14.06 of this ordinance~~).

Policy ~~14.A.5.3~~ - ~~The City will implement the Concurrency Management System described in this ordinance upon adoption of the LDC (also, see Policies 14.A.3.2 and 14.A.4.2).~~

Policy 14.A.5.4 9.A.4.3- The City shall ~~include in its~~ evaluate the Northwest Florida Water Management District's Five Year Water Resource Development Work Program, that is updated annually, during the annual update of the City's five (5) year capital improvements program project listing the first five (5) years of the ten (10) year Water Supply Facilities Work Plan to ensure that any project relative to the City is included. This work program seeks to implement the 2024 Region II Regional Water Supply Plan Water Resource Development Projects (2025-2045). This evaluation is intended to ensure consistency between the District's water supply development projects and the Infrastructure Element and the Capital Improvement Element. Annual updates to the CIP projects listing will continue to include projects listed in the work plan beyond the initial 5-year time frame. Note: This Policy does not require City funding of these projects.

Policy 9.A.4.4 – Implementation: (1) The schedule of capital improvements, (Table 9-1) for which the City of Niceville has responsibility, has been selected by year, after the adoption of this ordinance, and reflects the need to reduce identified existing deficiencies, remain abreast of replacements and to meet future demands and includes: (a) Project description and general location; and (b) A determination of consistency with the other elements of this ordinance. (2) Table 9-1 lists projected costs and funding source by type of public facility for the period. (3) Table 9-1 shall be implemented within the annual budget of the City of Niceville.

Policy 9.A.4.5 Monitoring and Evaluation: The Comprehensive Plan will be evaluated every seven years per Section 163.3191, F.S. In addition, the City shall monitor the Comprehensive Plan annually to ensure major changes to data and analysis or development related conditions have been included within the Plan as necessary. The CIE shall be reviewed on an annual basis. By August 1st of each year, the Niceville Planning Commission shall report to the City Council its evaluation of the implementation of the Capital Improvements Element and the Comprehensive Plan. Contained within the report shall be any recommendations the Planning Commission may promulgate in order to maintain level of service standards and any adjustments necessary to the CIE and the City's annual Capital Improvement Program. The City Council shall consider the report of the commission upon receipt and during its deliberations on the annual budget and Capital Improvements Program. Any adjustments made to the CIE or the

Capital Improvements Program shall include consideration of the maintenance of LOS standards delineated in this Ordinance.

~~Goal 14.B—The City shall ensure that future needs are addressed consistent with the adopted level of service standards for public schools.~~

~~Objective 14.B.1—Manage the timing of residential subdivision plat approvals, site plans or their functional equivalent to ensure adequate school capacity is available consistent with adopted level of service standards for public school concurrency. Policy 14.B.1.1—Consistent with the Interlocal Agreement, the School Board and City agree to the following standards for school concurrency in the City of Niceville:~~

TYPE OF SCHOOL	LEVEL OF SERVICE
Elementary	100% of permanent FISH capacity
Middle	100% of permanent FISH capacity
High	100% of permanent FISH capacity
Special Purpose	100% of permanent FISH capacity

~~Policy 14.B.1.2—The City shall ensure that future development pays a proportionate share of the costs of capital facility capacity needed to accommodate new development and to assist in maintaining adopted level of service standards, via legally available and appropriate methods for school facilities.~~

~~Policy 14.B.1.3—The City hereby incorporates by reference the Okaloosa County School District 2010-2011 Five Year Work Plan, prepared by the Okaloosa County School District and dated August 23, 2010, that includes school capacity sufficient to meet anticipated student demands projected by the County and municipalities, in consultation with the School Board's projections of student enrollment, based on the adopted level of service standards for public schools. Level of Service standards shall be applied district wide to all schools of the same type. The City, in coordination with the School Board, shall annually update the Capital Improvements Element by adopting by reference the School Board's financially feasible Work Program, to ensure maintenance of a financially feasible capital improvements program and to ensure level of service standards will continue to be achieved and maintained during the five-year planning period.~~

~~Policy 14.B.1.4—The 5-year schedule of improvements ensures the level of service standards for public schools are achieved and maintained within the period covered by the 5-year schedule. After the first 5-year schedule of capital improvements, annual updates to the schedule shall ensure levels of service standards are achieved and maintained within each year of subsequent 5-year schedules of capital improvements and to address any deficiencies and to meet future needs.~~

~~Policy 14.B.1.5 – The City of Niceville will update its Capital Improvements Schedule on an annual basis by December 1st, to incorporate the upcoming five years of the School Board’s Capital Improvement Program. The City of Niceville and the School Board will coordinate during updates or amendments to the City of Niceville’s Comprehensive Plan and updates or amendments for long-range plans for School Board facilities.~~

~~Policy 14.B.1.6 – The City shall ensure maintenance of the financially feasible capital improvements program and level of service standards will continue to be achieved and maintained within each year of the subsequent 5-year schedule of capital improvements.~~

~~Policy 14.B.1.7 – The City’s strategy, in coordination with the School Board, for correcting existing deficiencies and addressing future needs includes: 1. Implementation of a financially feasible 5-year schedule of capital improvements to ensure level of service standards are achieved and maintained. 2. Identification of adequate sites for funded and planned schools. 3. The establishment of an impact fee ordinance in order to generate additional revenue to help fund school improvements. 4. Consideration of potential amendments to the level of service standards at least annually at the staff working group meeting to take place no later than April 15th of each year. If the School Board proposes an amendment, it shall be accomplished by the execution of an amendment to the Interlocal Agreement by all parties and the adoption of amendments to the comprehensive plans. Impact to adjacent communities shall be considered in the recommendations of the working group. The amended level of service shall not be effective until all plan amendments are effective and the amended Interlocal Agreement is fully executed. No level of service shall be amended without a showing that the amended level of service is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the first five years of the Capital Facilities Plan. After the first 5-year schedule of capital improvements, capacity shall be maintained within each year of subsequent 5-year schedules of capital improvements.~~

~~Section 14.05 Implementation:~~

~~(1) The schedule of capital improvements, (Table 14-1) for which the City of Niceville has responsibility, has been selected by year, after the adoption of this ordinance, and reflects the need to reduce identified existing deficiencies, remain abreast of replacements and to meet future demands and includes: (a) Project description and general location; and (b) A determination of consistency with the other elements of this ordinance.~~

~~(2) Table 14-1 lists projected costs and funding source by type of public facility for the period.~~

~~(3) Table 14-1 shall be implemented pursuant to Policy 14.A.5.1 and within the annual budget of the City of Niceville.~~

~~(4) Chapter 11 of the Foundation Documents includes historical and projected revenues which can be used to insure that the goals, objectives and policies of the Capital Improvements Element are met and meet the LOS standards established for facilities and services concurrent~~

with impacts of development. Table 11 indicates revenue sources by project categories and illustrates the financial feasibility of the Capital Improvements Element and the Comprehensive Plan.

Section 14.06 Monitoring and Evaluation: The CIE shall be reviewed on an annual basis, reference paragraph 5.12 of this ordinance. The committee created pursuant to policy 14.A.3.6 shall annually evaluate the implementation of the Capital Improvements Element. By May 1st of each year the committee shall report to the Niceville Planning Commission (LPA) on the status of implementation activities as well as level of service conditions within the city. By June 1st of each year, the Niceville Planning Commission shall report to the City Council its evaluation of the implementation of the Capital Improvements Element and the Comprehensive Plan. Contained within the report shall be any recommendations the Planning Commission may promulgate in order to maintain level of service standards and any adjustments necessary to the CIE and the City's annual Capital Improvement Program (reference Policy 14.A.5.1). The City Council shall consider the report of the commission upon receipt and during its deliberations on the annual budget and Capital Improvements Program. Any adjustments made to the CIE or the Capital Improvements Program shall include consideration of the maintenance of LOS standards delineated in this Ordinance. Also, see Policies 8.A.3.1, 11.A.8.5, 12.A.2.1, 13.A.1.1 13.A.2.3 and 14.A.1.1 and Sections 5.12 and 6.01 of this Ordinance for other monitoring, review and evaluation responsibilities of the committee.

CHAPTER 15

LEVEL OF SERVICE SUMMARY

~~Section 15.01 Purpose: The purpose of this Chapter is to provide a ready reference, in summary form, for determining development compliance with the levels of service imposed by this Ordinance in compliance with Chapter 163, F.S. and Chapter 9J-5, F.A.C.~~

~~Section 15.02 Levels of Service: The following minimum levels of service shall guide the issuance of development permits pursuant to the Concurrency Management System (reference Chapter 6) and the Land Development Code:~~

~~Roadways~~

~~Local: LOS D~~

~~Palm Boulevard: LOS D~~

~~Connector Roads: LOS D~~

~~Collector Roads: LOS D~~

~~All others: LOS C~~

~~(reference Policy 8.A.2.1)~~

~~State:~~

~~SR 85 N from SR 20 to College Boulevard: LOS C~~

~~SR 85 S from SR 85 N to Government Blvd.: LOS D~~

~~(John Sims Parkway)~~

~~SR 85 from SR 397 to SR 190: LOS D~~

~~SR 20 from Rocky Bayou Bridge to SR 285: LOS D~~

~~SR 20 from SR 285 to SR 85 N: LOS C~~

~~SR 285 from SR 20 to College Boulevard: LOS D~~

~~(reference Policy 8.A.2.2.)~~

~~Sanitary Sewer 100 gallons/capita day (reference Policy 10.A.1.2);~~

~~Solid Waste 5.0 lbs./capita day (reference Policy 10.B.1.4);~~

~~Stormwater a. Treat the first inch of run-off on-site (one-half inch minimum). That amount will vary depending on the amount of impervious surface, from one-half inch up to one inch. For discharges into Outstanding Florida Waters, must treat an additional fifty percent (50%) of the applicable treatment volume; and~~

~~b. Must provide detention so that the peak rate of post-development run-off will not exceed the predevelopment peak rate of run-off for the 25-year, 24-hour design storm event, utilizing a Natural Resources Conservation Service (NRCS) Type II distribution with an antecedent moisture condition II. Required detention volume must be available within 14 days following the design storm event. (reference Policy 10.C.2.2);~~

~~Potable Water 124 gallons/capita day (reference Policy 10.D.1.1);~~

~~Recreation /Open Space 1 acre per 1,000 population (reference Policy 12.A.3.2);~~

~~Public Schools 100% of permanent FISH capacity for Elementary, Middle, High, and Special Purpose Schools (reference Policy 17.A.5.1).~~

CHAPTER 16

~~CONSISTENCY OF THIS ORDINANCE WITH THE STRATEGIC
REGIONAL POLICY PLAN OF THE NORTHWEST FLORIDA REGIONAL
PLANNING COUNCIL AND WITH THE STATE COMPREHENSIVE PLAN~~

~~Section 16.01 The Comprehensive Plan of the City of Niceville is compatible with and furthers the "West Florida Strategic Regional Policy Plan" and the "State Comprehensive Plan," Section 187.201 F.S. and is, therefore, consistent with the above named Comprehensive Plans.~~

~~Section 16.02 The State and Regional Plans referenced in Section 16.01 above have been reviewed by the City and the Comprehensive Plan is consistent with the goals and policies of each plan.~~

CHAPTER 17

PUBLIC SCHOOL FACILITIES ELEMENT

~~Goal 17.A—Collaborate and coordinate with the Okaloosa County School Board (School Board) to ensure high quality public school facilities, which meet the needs of the City of Niceville’s (City) existing and future population.~~

~~Objective 17.A.1—Consistent with the Interlocal Agreement for Public School Facility Planning, the City shall implement and maintain mechanisms designed to closely coordinate with the School Board in order to provide consistency between the City’s comprehensive plan and public school facilities programs, such as:~~

- ~~1. Greater efficiency for the School Board and the City by the placement of schools to take advantage of existing and planned roads, water, sewer, parks, and drainage systems;~~
- ~~2. Improved student access and safety by coordinating the construction of new and expanded schools with road and sidewalk construction programs;~~
- ~~3. The location and design of schools with parks, ball fields, libraries, and other community facilities to take advantage of shared use opportunities; and,~~
- ~~4. The expansion and rehabilitation of existing schools so as to support neighborhoods.~~

~~Policy 17.A.1.1—Manage the timing of new development to coordinate with adequate school capacity. The City may use the lack of school capacity as a basis for denial of applications for final subdivision plats or site plans for residential development. Adequate school capacity shall be considered as part of the plan amendment and rezoning processes.~~

~~Policy 17.A.1.2—In cooperation with the School Board, Okaloosa County and the municipalities of Cinco Bayou, Crestview, Destin, Fort Walton Beach, Laurel Hill, Mary Esther, Shalimar and Valparaiso, the City of Niceville will implement the Interlocal Agreement for Public School Facility Planning for Okaloosa County, Florida between the County, School Board, and all legislative bodies of the municipalities, as required by Section 1013.33, Florida Statutes. The Interlocal Agreement includes procedures for:~~

- ~~1. Joint meetings;~~
- ~~2. Student enrollment and population projections;~~
- ~~3. Coordinating and sharing of information; School site analysis;~~
- ~~5. Supporting infrastructure;~~
- ~~6. Comprehensive plan amendments, rezoning, and development approvals;~~

~~7. Education Plant Survey and Five-Year District Facilities Work program;~~

~~8. Co-location and shared use;~~

~~9. Implementation of school concurrency, including levels of service standards, concurrency service areas, and proportionate share mitigation;~~

~~10. Oversight process; and,~~

~~11. Resolution of disputes.~~

~~Policy 17.A.1.3—The City shall include a representative of the School District, appointed by the School Board, as a nonvoting member of the local planning agency, as required by Section 163.3174, Florida Statutes.~~

~~Policy 17.A.1.4—The City shall coordinate with the School Board and all applicable municipalities regarding annual review of school enrollment projections and procedures for annual update and review of school board and local government plans consistent with policies under Policy 13.B.2.3 of the Intergovernmental Coordination Element of the Comprehensive Plan.~~

~~Policy 17.A.1.5—The City's strategy, in coordination with the School Board, for correcting existing deficiencies and addressing future needs includes:~~

~~1. Implementation of a financially feasible 5-year schedule of capital improvements to ensure level of service standards are achieved and maintained and to address any existing deficiencies and future needs.~~

~~2. Identification of adequate sites for funded and planned schools.~~

~~3. The establishment of an impact fee ordinance in order to generate additional revenue to help fund school improvements.~~

~~4. For potential amendments to the level of service standards shall be considered at least annually at the staff working group meeting to take place no later than April 15th of each year. If the School Board proposes an amendment, it shall be accomplished by the execution of an amendment to the Interlocal Agreement by all parties and the adoption of amendments to the comprehensive plans. Impact to adjacent communities shall be considered in the recommendations of the working group. The amended level of service shall not be effective until all plan amendments are effective and the amended Interlocal Agreement is fully executed. No level of service shall be amended without a showing that the amended level of service is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the first five years of the Capital Facilities Plan. After the first 5-year schedule of capital improvements, capacity shall be maintained in subsequent 5-year schedules of capital improvements.~~

~~Objective 17.A.2 – Enhance community/neighborhood design through effective school facility design and siting standards. Encourage the siting of school facilities so they serve as community focal points and so that they are compatible with surrounding land uses by siting schools near urban residential areas and in accordance with local land development regulations to assure compatibility.~~

~~Policy 17.A.2.1 – The City will continue to coordinate with the School Board to assure that proposed public school facility sites are consistent with the land use categories and policies of the City Comprehensive Plan, pursuant to the Interlocal Agreement for Public School Facility Planning.~~

~~Policy 17.A.2.2 – Consistent with Policy 7.A.11.1 of the City of Niceville Future Land Use Element, “the City shall encourage the location of schools proximate to urban residential areas to the extent possible”. Policy 7.A.11.3 provides that the public schools are an allowable use in the following land use categories shown on the Future Land Use Maps (reference Section 7.05);~~

- ~~a) Residential (low density and medium density);~~
- ~~b) Commercial use;~~
- ~~c) Industrial use;~~
- ~~d) Mixed use; and~~
- ~~e) Public lands.~~

~~Policy 17.A.2.3 – Consistent with Policy 7.A.11.4 of the City of Niceville Future Land Use Element, “The City will cooperate with officials of the Okaloosa County School Board and other local governments in order to establish school location criteria and identify areas where schools will be needed in the future. The Okaloosa County Comprehensive Plan Committee shall be the vehicle used to facilitate the cooperation herein described.”~~

~~Policy 17.A.2.4 – Consistent with Policy 7.A.11.2 of the City of Niceville Future Land Use Element, “The City shall seek to collocate public facilities such as parks, libraries and community centers with schools to the extent possible.”~~

~~Policy 17.A.2.5 – Consistent with Section 163.3177, Florida Statutes, the City will include sufficient allowable land use designations for schools approximate to residential development to meet the projected needs for schools.~~

~~Policy 17.A.2.6 – It is the policy of the School Board, the County and all municipalities to reduce hazardous walking conditions consistent with Florida’s Safe Ways to School program. The City, in coordination with the School Board, shall coordinate with the Okaloosa Walton TPO’s Long Range Transportation Plan to ensure funding for safe access to schools. This includes development of sidewalk inventories and a list of priority projects coordinated with the School~~

~~Board recommendations and ensuring these recommendations are addressed over the planning period.~~

~~Policy 17.A.2.7— The City and School Board will jointly determine the need for and timing of on-site and off-site improvements (including water, sewer, roads and drainage) necessary to support each new school or the proposed renovation, expansion or closure of an existing school, and will enter into a written agreement as to the timing, location, and the party or parties responsible for constructing, operating and maintaining the required improvements.~~

~~Policy 17.A.2.8— The City and the School Board will work to find opportunities to collaborate on transit and bus routes to better serve citizens and students including providing bus stops near proposed school sites during the final approval process.~~

~~Objective 17.A.3— Encourage sustainable design and development for educational facilities.~~

~~Policy 17.A.3.1— Coordinate with the School Board to continue to permit the shared use and colocation of school sites and City facilities with similar facility needs, according to the Interlocal Agreement for Public School Facility Planning for the City of Niceville, Florida, as it may be amended. Coordinate in the location, phasing, and design of future school sites to enhance the potential of schools as public recreation areas.~~

~~Policy 17.A.3.2— Encourage the School Board to use sustainable design and performance standards, such as using energy efficient and recycled materials, to reduce lifetime costs.~~

~~Policy 17.A.3.3— The City will continue to coordinate efforts to build new school facilities, and facility rehabilitation and expansions, to be designed to serve as and provide emergency shelters as required by Section 163.3177, Florida Statutes. The City will continue to fulfill the requirements of Section 1013.372, Florida Statutes, such that appropriate new educational facilities will serve as public shelters for emergency management purposes, and shall coordinate with the School Board regarding emergency preparedness issues and plans.~~

~~Objective 17.A.4— It is the objective of the City of Niceville to coordinate petitions for changes to future land use, zoning, subdivision plats and site plans for residential development with adequate school capacity, to correct any deficiencies and provide for anticipated needs, and ensure adopted LOS standards are met in conjunction with the 5-year capital improvement schedule. This goal will be accomplished recognizing the School Board's statutory and constitutional responsibility to provide a uniform system of free and adequate public schools, and the City's authority for land use, including the authority to approve or deny petitions for comprehensive plan amendments, re-zonings or final subdivision plats and site plans that generate students and impact the Okaloosa County School District.~~

~~Policy 17.A.4.1— The City shall coordinate anticipated student growth based on future land use map projections of housing units with the School Board's long range facilities needs over the 5-year, 10-year and 20-year periods and ensure adequate provision of available land in coordination with the adopted future land use map.~~

~~Policy 17.A.4.2 – The City shall consider the School Board comments and findings on the availability of adequate school capacity when approving comprehensive plan amendments and other land use decisions, as provided for in Section 163.3177(6)(a), Florida Statutes, during the public hearing process of the LPA, through the ex officio participation of the School Board, and during the technical coordinating committee approval process for final subdivision plat and site plan approval, as appropriate.~~

~~Policy 17.A.4.3 – The City shall give priority consideration to petitions for land use and zoning changes and final subdivision plats and site plans for residential development approvals in areas with adequate school capacity or where school sites are adequate to serve potential growth or have had potential sites donated to or set aside for purchase by the School Board at raw land (pre-development approval) prices as reflected in a written agreement approved by the School Board.~~

~~Policy 17.A.4.4 – Where capacity will not be available to serve students from the property seeking a land use change, the City will coordinate with the School Board to ensure adequate capacity is planned and funded in the Concurrency Service Area (CSA) of the assigned school or in an adjacent Concurrency Service Area. Where feasible, in conjunction with the plan amendment, early dedications of school sites shall be encouraged. To ensure adequate capacity is planned and funded, the School Board’s long-range facilities plan over the 5-year, 10-year and 20-year periods shall be amended to reflect the needs created by the land use plan amendment.~~

~~Policy 17.A.4.5 – In reviewing petitions for future land use, rezoning, or final subdivision plats and site plans for residential development, which may affect student enrollment or school facilities, the City will consider the following issues:~~

- ~~1. Providing school sites and facilities within planned neighborhoods;~~
- ~~2. Ensuring the compatibility of land uses adjacent to existing schools and reserved school sites;~~
- ~~3. The co-location of parks, recreation and community facilities with school sites (consistent with Policy 7.A.11.2 of the Future Land Use Element of the City of Niceville’s Comprehensive Plan);~~
- ~~4. The linkage of schools, parks, libraries and other public facilities with bikeways, trails, and sidewalks;~~
- ~~5. Ensuring the development of traffic circulation plans to serve schools and the surrounding neighborhood;~~
- ~~6. Developer provided off-site signalization, signage, access improvements and sidewalks to serve affected school facilities;~~
- ~~7. The inclusion of school bus stops and turnarounds in new developments;~~

- ~~8. Encouraging the private sector to identify and implement creative solutions to developing adequate school facilities in residential developments;~~
- ~~9. School Board comments and findings of available school capacity;~~
- ~~10. Available school capacity or planned improvements to increase school capacity; and,~~
- ~~11. Whether the proposed location is consistent with accepted policies of the School Board and as set forth in the State requirements for Educational Facilities regarding standards for siting, design and planning for school facilities.~~

~~Objective 17.A.5 – Manage the timing of residential and mixed use developments that are probable to generate public school students so as to assure adequate school capacity is available consistent with adopted level of service standards for public school facilities.~~

~~Policy 17.A.5.1 – Consistent with the Interlocal Agreement, the City and School Board agree to the following standards for school concurrency in the City of Niceville:~~

~~1. Level of Service Standard: Consistent with the Interlocal Agreement, the uniform, district-wide level of service standards are initially set as follows, and are hereby adopted in the City’s Public School Facilities Element and Capital Improvements Element:~~

TYPE OF SCHOOL	LEVEL OF SERVICE
Elementary	100% of permanent FISH capacity
Middle	100% of permanent FISH capacity
High	100% of permanent FISH capacity
Special Purpose	100% of permanent FISH capacity

~~Potential amendments to the level of service standards shall be considered at least annually at the staff working group meeting to take place no later than April 15th of each year. If the School Board proposes an amendment, it shall be accomplished by the execution of an amendment to the Interlocal Agreement by all parties and the adoption of amendments to the comprehensive plans. The amended level of service shall not be effective until all plan amendments are effective and the amended Interlocal Agreement is fully executed. No level of service shall be amended without a showing that the amended level of service is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the first five years of the Work Plan. After the first 5-year schedule of capital improvements, capacity shall be maintained for subsequent 5-year schedules of capital improvements and add a new fifth year, updating the public schools facility program to coordinate with the 5-year district work plan (October 1) and the financial feasibility of the capital improvements program (Dec 1). Level of Service Standards shall be achieved by the end of the 5-year planning timeframe.~~

~~2. Concurrency Service Areas: The concurrency service areas shall be as shown in Map PSFE A and align with the high school attendance zones. Potential amendments to the concurrency~~

~~service areas shall be considered annually at the staff working group meeting to take place each year no later than April 15th. If the School Board proposes an amendment, it shall be accomplished by the execution of an amendment to the Interlocal Agreement by all parties and the adoption of amendments to the comprehensive plan.~~

~~The amended concurrency service area shall not be effective until all plan amendments and the amended Interlocal Agreement is fully executed. No concurrency service area shall be amended without a showing that the amended concurrency service area boundaries are financially feasible and that the LOS will be achieved and maintained for each year of 5-year period.~~

~~3. Maximizing Concurrency Service Areas: Concurrency service areas shall maximize capacity utilization, taking into account transportation costs, limiting maximum student travel times, the effect of court approved desegregation plans, achieving social economic, racial and cultural diversity objectives, and other relevant factors as determined by the School Board's policy on maximization of capacity. Other considerations for amending concurrency service areas may include safe access (including factors such as the presence of sidewalks, bicycle paths, turn lanes and signalization, general walkability), diversity and geographic or man-made constraints to travel. The types of adjustments to school operations that will be considered in the City shall be determined by the School Board's policies on maximization of capacity.~~

~~4. Student Generation Rates: Consistent with the Interlocal Agreement, the School Board staff, working with the City staff, will develop and apply student generation multipliers for residential units by type and projected price for schools of each type, considering past trends in student enrollment in order to project school enrollment. The student generation rates shall be determined by the School Board in accordance with professionally accepted methodologies, shall be reviewed at least every two years and changed, as necessary. These changes shall be adopted into the City Comprehensive Plan.~~

~~5. School Capacity and Enrollment: The Department of Education permanent capacity as stated in the Florida Inventory of School Houses (FISH) for Okaloosa County is adopted as the uniform methodology to determine the capacity of each school. Relocatables are not considered permanent capacity. School enrollment shall be based on the annual enrollment of each school based on actual counts reported to the Department of Education in October of each year.~~

~~6. Concurrency Availability Standard: The City shall amend the concurrency management systems in its land development regulations to require that all proposed residential units be reviewed for school concurrency at the time of final subdivision plat or site plan review. The City shall not deny a final subdivision plat or site plan for residential development approvals due to a failure to achieve and maintain the adopted level of service for public school capacity where:~~

- ~~a. Adequate school facilities will be in place or under actual construction within three years after the issuance of the final subdivision plat or site plan approval; or,~~

- ~~b. Adequate school facilities are available in an adjacent concurrency service area and the impacts of development can be shifted to that area; or,~~
- ~~c. The developer executes a legally binding development agreement to provide mitigation proportionate to the demand for public school facilities to be created by the actual impact of the proposed development application subject to the final subdivision plat or site plan approval (or the functional equivalent) as provided in the Interlocal Agreement. In evaluating a subdivision plat or site plan for concurrency, any relevant programmed improvements in the current year and year 2 or 3 of the 5-year schedule of improvements shall be considered available capacity for the project and factored into the level of service analysis. Any relevant programmed improvements in years 4 or 5 of the 5-year schedule of improvements shall not be considered available capacity for the project unless funding for the improvement is assured through School Board funding to accelerate the project, through proportionate share mitigation, or some other means of assuring adequate capacity will be available within 3 years. Relocatable classrooms may provide temporary capacity while funded schools or school expansions are being constructed.~~

~~7. Subdivision and Site Plan Standards: In the event that the School Board comments that there is not sufficient capacity in the affected concurrency service area to address the impacts of a proposed development, the following standards shall apply. Either (i) the site plan or final subdivision must provide capacity enhancement sufficient to meet its impacts through proportionate share mitigation; or (ii) the site plan or final subdivision must be delayed to a date when capacity enhancement and level of service can be assured; or (iii) a condition of approval of the site plan or final subdivision shall be that the project's development plan and/or building permits shall be delayed to a date when capacity enhancement and level of service can be assured. The amount of mitigation required shall be determined by the Department of Education's most current cost per student station applicable to the City of Niceville.~~

~~Policy 17.A.5.2—Options for providing proportionate share mitigation for any approval of additional residential dwelling units that triggers a failure of level of service for public school capacity shall include the following:~~

- ~~1. Contribution of, or payment for, acquisition of new or expanded school sites; and/or~~
- ~~2. Construction or expansion of permanent school facilities; and/or~~
- ~~3. Creation of a mitigation bank serving the designated areas based on the construction of a public school facility.~~

~~Mitigation shall be directed to projects on the School Board's Five-Year Capital Facilities Plan that the School Board agrees will satisfy the demand created by that development approval, and shall be assured by a legally binding development agreement between the School Board,~~

~~the City, and the applicant executed prior to the issuance of the final subdivision plat, site plan approval or the functional equivalent. If the School Board agrees to the mitigation, the School Board must commit in the agreement to placing the improvement required for mitigation on its Five Year Capital Facilities Plan. This development agreement shall include the landowner's commitment to continuing renewal of the development agreement for required mitigation, until all impacts for public school facilities created by the actual development of the property are mitigated.~~

~~Policy 17.A.5.3—The amount of mitigation required shall be determined by calculating the number of student stations for each school type for which there is not sufficient capacity using the student generation rates applicable to a particular type of development and multiplying by the local costs per student station for each school type applicable to the City of Niceville, as determined by the School Board. Objective 17.A.6—The School Board with cooperation from the City will study the feasibility for the possible use of school impact fees as a way to realize the cost of new development and its impact on land use in regards to the ability of the School Board to provide adequate facilities, as needed.~~

~~Policy 17.A.6.1—In cooperation with the School Board, the City of Niceville shall make decisions regarding the use and amount (if applicable) of school impact fees.~~

~~Objective 17.A.7—The City of Niceville shall strive to continually monitor and evaluate the Public Schools Facilities Element in order to assure the best practices of the joint planning processes and procedures for coordination of planning and decision-making.~~

~~Policy 17.A.7.1—The City of Niceville and the School Board will coordinate during updates or amendments to the City of Niceville's Comprehensive Plan and updates or amendments for long range plans for School Board facilities.~~

~~Existing and Future Conditions Maps~~

~~Consistent with Section 163.3177(12)(g), Florida Statutes, the Public School Facilities element includes future conditions maps showing existing and anticipated schools over the five year planning period. Maps for the long term planning period will be included after their adoption.~~

~~These maps are general over the long term planning period and do not prescribe a land use on a particular parcel of land.~~

CHAPTER 18

PROPERTY RIGHTS ELEMENT

Goal ~~8.1A~~ 8.1A: Ensure private real property rights are considered in local decision-making and that judicially acknowledged and constitutionally protected private property rights are respected through the inclusion of a Property Rights Element within the City of Niceville Comprehensive Plan. For purposes of the Property Rights Element, the term "property owner" or "real property owner" means the person who holds legal title to the real property that is the subject of and directly impacted by the action of the City in its local decision-making. The term does not include another governmental entity.

Objective 18.1.8.A.1- Implement and maintain mechanisms to ensure that private property rights are considered in local decision-making. Provided, nothing in this Property Rights Element is intended to grant additional rights not already in existence or to supersede existing rights in accordance with the law. Further, nothing herein shall require the City to ascertain or determine the existence of any purported private interest in real property; those matters are within the jurisdiction of the circuit courts not the City (see s. 26.012(g), Florida Statutes (2021), and Art. V, Sec. 20(c)(3), Fla. Const. as may be amended from time-to-time).

~~Policy 1.1.1~~**Policy 8.A.1.1** When real property is the subject of and directly impacted by a proposed action being considered by the City of Niceville, the City shall consider as part of its decision making, the following:

~~Policy 1.1.1.a.~~ The right of a real property owner to physically possess and control his or her interests in the real property, including easements, leases, or mineral rights.

~~Policy 1.1.1.b.~~ The right of a real property owner to use, maintain, develop, and improve his or her real property for personal use or for the use of any other person, subject to applicable federal, state, and local law.

~~Policy 1.1.1.c.~~ The right of a real property owner to privacy and to exclude others from the property to protect the property owner's legal interests in such real property, subject to applicable federal, state, and local law.

~~Policy 1.1.1.d.~~ The right of a real property owner to dispose of his or her real property interest through sale or gift.



F-1



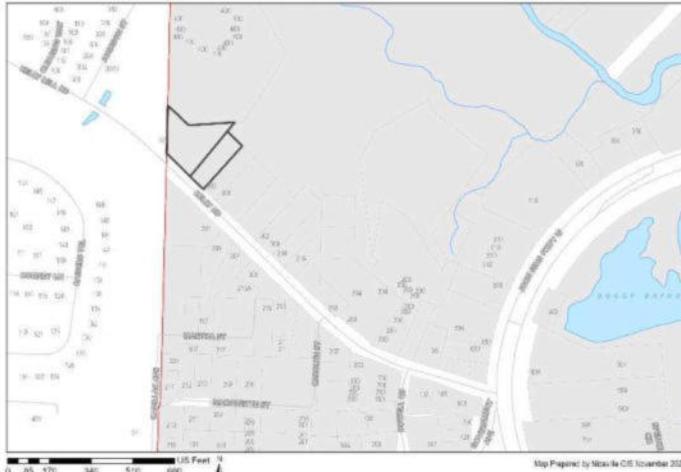
City of Niceville

Zoning and Future Land Use Map Amendment

Community Development

Staff Analysis

Rezoning: Kelly Preserve, LLC
PIN: 01-1S-23-0000-0084-0000, 01-1S-23-0000-0082-0040



PROJECT TITLE:

Kelly Preserve, LLC Rezoning

PROPERTY INFORMATION:

- **Parcel ID#:**
01-1S-23-0000-0084-0000
01-1S-23-0000-0082-0040
- **Owners:** Kelley Preserve, LLC
- **Acreage:** +/- 1.31

REZONING REQUEST:

The applicant is requesting an ordinance amending the Official Zoning Map from General Commercial (C-2) zoning district to Single or Multi-family Residential (R-2) zoning district. The request also includes a change to the Future Land Use Map to Mixed-Use (MU) category.

PUBLIC NOTICE:

Newspaper Ad Dates: November 21, 2025

Mailed Notice to owners within 300 feet: November 21, 2025

Sign Notice posted on property: November 21, 2025

Hearing Dates:

Planning Commission: December 1, 2025

City Council: December 9, 2025, and January 13, 2026

RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW

STAFF: Approve based on compatibility with surrounding area, CRA, and Military Influence Planning Area (MIPA) zoning overly requirements.

PLANNING COMMISSION: Recommend Approval 6/0

COMPREHENSIVE PLAN CONSISTENCY:

The proposed land use change is consistent with the currently adopted Comprehensive Plan as it relates to the Future Land Use Element.

COMPREHENSIVE PLAN POLICIES:

Policy 7.A.2.1 - During the land use plan amendment process the compatibility of adjacent future land use categories shall be considered as well as the potential maximum densities and intensities and the appropriate transition of uses, densities and intensities.

Policy 7.A.2.11 – - Mixed Use (MU) Land Use category is established to accommodate a mixture of residential, office and commercial uses consistent with the density and intensity allowed within the designated zoning districts; provided, however, that the maximum density is twenty-five (25) units per acre and the maximum intensity is 1.0 FAR.

a. This category is not generally intended for the development of low density, detached, singlefamily residences except when the mixed-use category is located within the MIPA overlay. For any new residential development outside the MIPA overlay, the recommended minimum density is six (6) units per acre.

b. For development located within the MIPA overly zone, notes A and B under Policy 7.A.2.4 shall apply for density and intensity of land uses.

Policy 7.A.10.1 –The entire land area located within the Accident Potential Zones (APZ-I and APZ-II) depicted on Figure 10-2 of the JLUS, as well as the remaining portions of all parcels through which the APZ lines fall, and all land located within the 65 dB DNL noise contour line within the city depicted on Figure 3-3 of the Record of Decision, Final SEIS, as well as the remaining portions of all parcels through which the 65 dB DNL noise contour line falls, are hereby designated as the MIPA Overlay Zone on the Future Land Use Map. When considering FLUM amendments for property located within the MIPA Overlay Zone: a. The City shall notify the applicant that the property is near a military installation subject to low level aircraft, impulse noises, and/or other military-related issues identified by JLUS, which means development on the parcel is subject to height limitations and additional construction requirements for noise attenuation. b. If the property is located within an Accident Potential Zone (APZ), as identified in Figure 10-2 of the JLUS: i. No changes in residential densities shall be approved for higher densities than allowed in the Medium Density Residential (MDR) future land use category. ii. Changes in non-residential land use and intensity shall be reviewed based on their compatibility with military operations as shown on Figure 10-4 of the JLUS.

This FLUM category is consistent with the surrounding area.

LAND DEVELOPMENT CODE REGULATIONS:

7.04.06 The R-1B, R-2, and R-3 single-family and multi-family residential districts are established for the purpose of providing a mixture of single-family, duplex, and low-intensity multi-family dwellings with a maximum density of fifteen (15) dwelling units per acre. The zoning regulations and performance standards are intended to promote design which is in character with the density, intensity and scale of the existing surrounding or adjacent neighborhoods.

7.09.01 *CRA zoning overly - Purpose.*

The purpose of the community redevelopment area (CRA) zoning overlay to the official zoning map is to establish parameters that will enable the promotion of redevelopment activities that will provide consistent performance standards compatible with the adopted community redevelopment area plan. The intent of the CRA overlay zone is to provide flexibility in location and design requirements to support and encourage economic development in the CRA district.

7.10.01 *MIPA zoning overlay – Purpose.*

It is the purpose of this section to promote public health, safety and general welfare, and to ensure the compatibility between existing or future airports, and the surrounding land uses, by minimizing adverse impacts to interior noise levels for surrounding habitable land uses, and by placing restrictions on certain types of outdoor lighting that may negatively affect military aircraft operations. The regulations in this section are meant to implement the recommendations from Section 10 of the June 2009 Eglin Air Force Base Joint Land Use Study (JLUS) Final Report and the 2013 BRAC Supplemental Environmental Impact Statement (SEIS).

NEIGHBORHOOD CHARACTERISTICS:		
Direction	Zoning	Adjacent Existing Land Uses
North	R-3, CON	Multi-Family, Conservation
South	R-2	Mixed-use
East	R-1	Commercial
West	City of Valparaiso	City of Valparaiso
ALLOWED DEVELOPMENT AFTER CHANGE:		
Multi-family residential, duplex, and low-intensity multi-family dwellings with a maximum density of fifteen (15) dwelling units per acre. These parcels also fall within the MIPA and development will be subject to military review. They also fall within the CRA and will be subject to those design standards.		
ALLOWED DEVELOPMENT WITHOUT CHANGE:		
A mixture of predominantly offices and high-intensity retail commercial uses, along with limited medium- to high-density residential use at a maximum twenty-five (25) units per acre. Because this zoning district is generally assigned to land along arterial and major collector roadways, design standards and guidelines shall ensure development is designed in a way to ensure transportation and pedestrian connectivity with adjacent development.		
DENSITY AND DIMENSIONAL STANDARDS COMPARISON:		
Residential max density of 25du/acre per CRA overlay. R-2 zoning minimum lot sizes, width and setback requirements would apply.		
BOARD OPTIONS:		
<ul style="list-style-type: none"> a. Recommend approval of the proposed rezoning, as presented. b. Recommend approval of the proposed rezoning, with changes. c. Recommend denial of the proposed rezoning, as presented. 		
ATTACHMENTS:		
<ul style="list-style-type: none"> 1) Applicants Request 2) Maps (Zoning, FLUM) 3) Draft Ordinance 		

December 1, 2025

Kelley Preserve, LLC
121 Partin Dr. N
Niceville, FL 32578

Subject: Rezoning Request for Parcels 01-1S-23-0000-0082-0040 and 01-1S-23-0000-0084-0000

To Whom It May Concern:

We respectfully submit this letter to formally request consideration for the rezoning of the properties identified as Parcel 01-1S-23-0000-0082-0040 and Parcel 01-1S-23-0000-0084-0000. We are committed to ensuring that all requirements and procedures are fully met throughout this process.

The purpose of this rezoning request is to allow for the construction of duplexes and triplexes, similar to what was constructed on the adjacent parcel located at 324 Kelly Rd. Valparaiso, FL 32580. This proposed change is expected to align with the existing development patterns in the surrounding area and contribute positively to the community.

We respectfully request the Board's review and consideration of this application. We are prepared to provide any supplemental documentation or information deemed necessary to assist in your evaluation.

Thank you for your time, attention, and service. I look forward to the opportunity to work with your office throughout this process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Tidwell', written in a cursive style.

Andrew Tidwell, Owner
Kelley Preserve, LLC

City of Niceville Rezoning



Kelly Preserve, LLC
PIN: 01-1S-23-0000-0084-0000
01-1S-23-0000-0082-0040

Proposed Zoning Change
 From: General Commercial (C-2)
 To: Single or Multi-Family Residential (R-2)

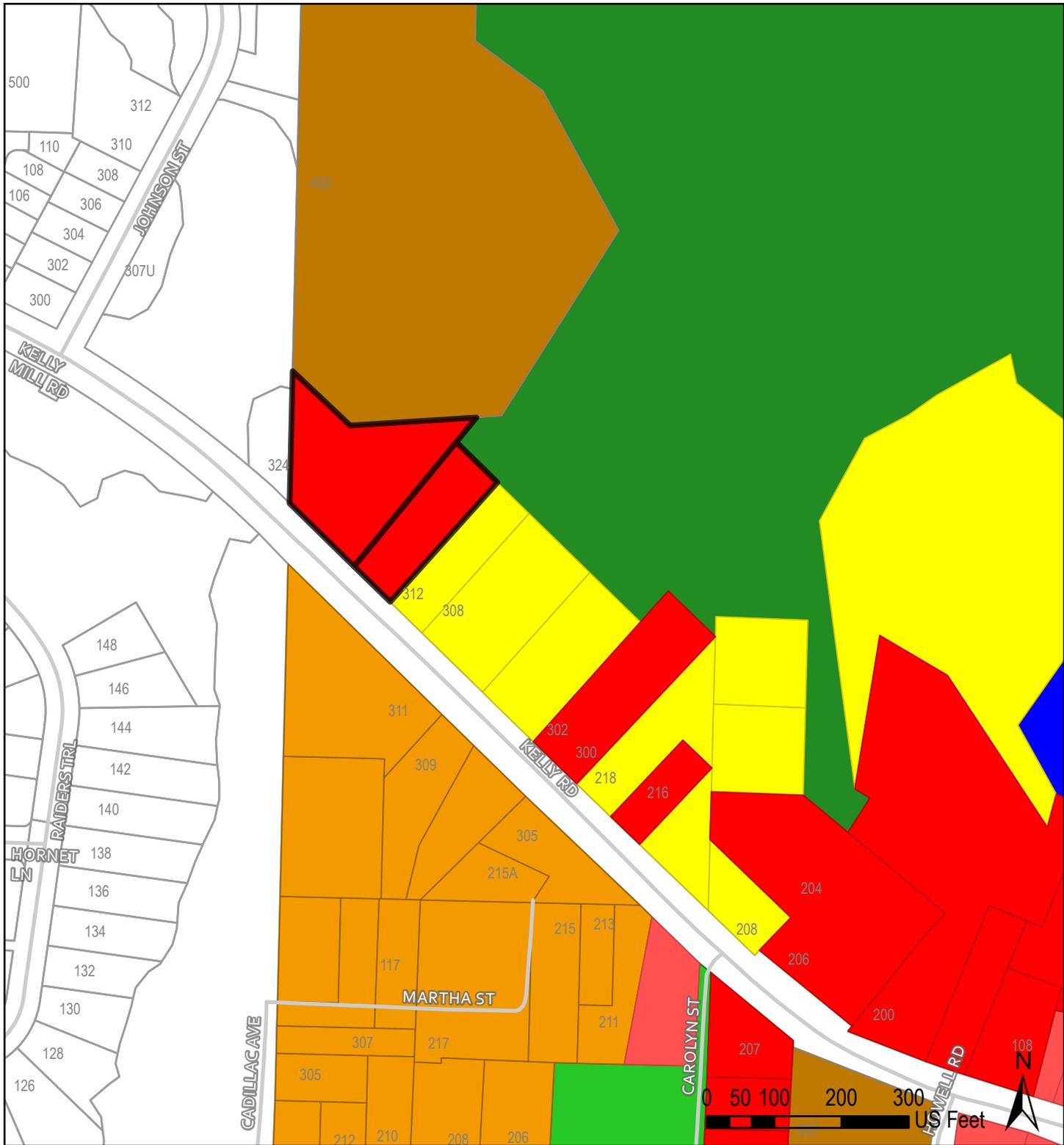
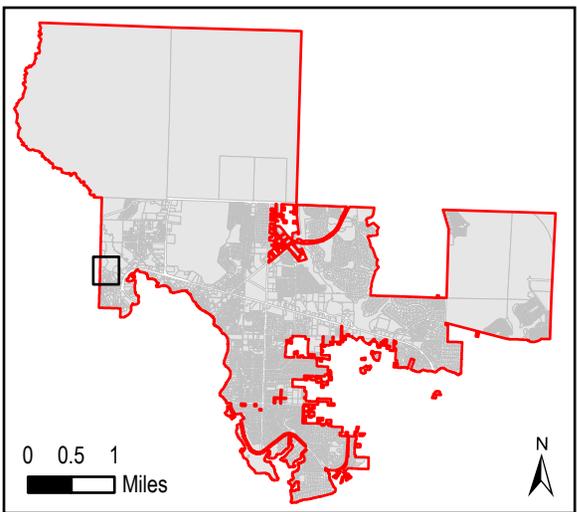
Future Land Use
 Current: Commercial (C)
 Proposed: Mixed Use (MU)

Total Acres: 1.3 +/-

Zoning

- S-1 - Outdoor Recreation
- CON - Conservation
- PCI - Public Civic Institutional
- R-1 - Single Family Residential (Maximum 5 DU/AC)
- R-2 - Single or Multi-Family Residential (Maximum 12 DU/AC)
- R-3 - Multi-Family Residential (Maximum 15 DU/AC)
- C-1 - Limited Commercial
- C-2 - General Commercial

Map Prepared by Niceville GIS November 2025



City of Niceville Future Land Use



Kelly Preserve, LLC
PIN: 01-1S-23-0000-0084-0000
01-1S-23-0000-0082-0040

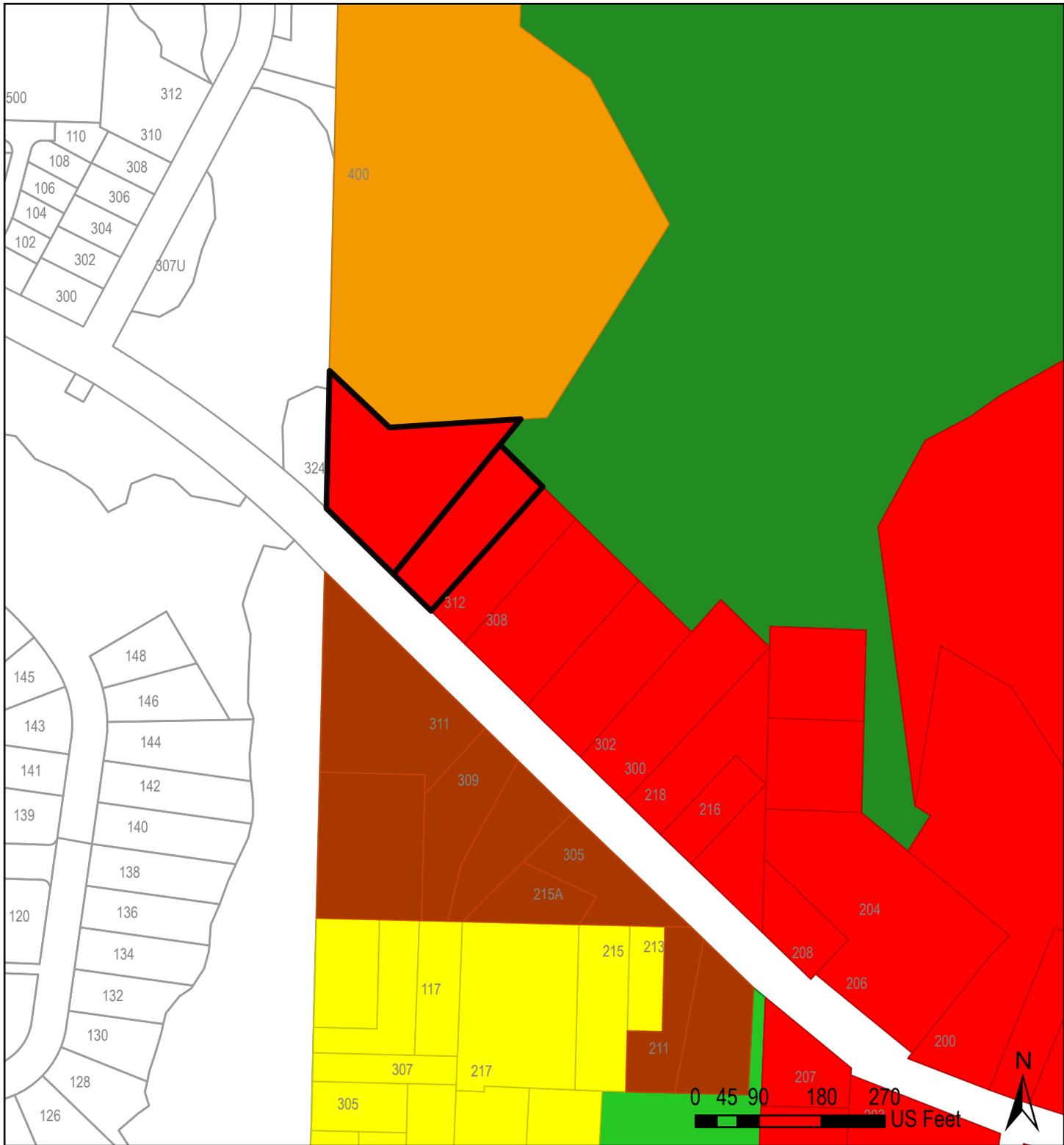
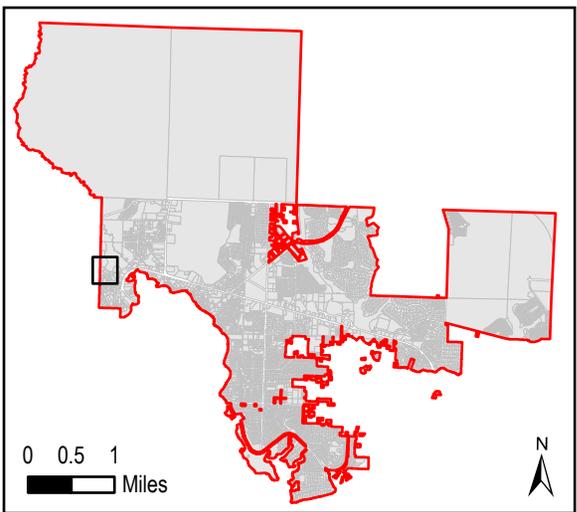
Future Land Use Change
 Current: Commercial (C)
 Proposed: Mixed Use (MU)

Total Acres: 1.3 +/-

Future Land Use

- PR - Parks Recreation
- CON - Conservation
- LDR - Low Density Residential
- MDR - Medium Density Residential
- MU - Mixed Use
- C - Commercial

Map Prepared by Niceville GIS November 2025



ORDINANCE NO. 26-01-02

AN ORDINANCE OF THE CITY OF NICEVILLE, FLORIDA; AMENDING PART II, APPENDIX D LAND DEVELOPMENT CODE, ARTICLE 7, THE CODE OF ORDINANCES OF NICEVILLE, FLORIDA; PERTAINING TO PARCEL ID NO. 01-1S-23-0000-0084-0000 & 01-1S-23-0000-0082-0040; APPROVING AMENDMENT TO THE OFFICIAL ZONING MAP OF THE LAND DEVELOPMENT CODE AS DEPICTED ON THE ATTACHED MAP; PROVIDING FOR AMENDMENTS TO THE COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT FUTURE LAND USE MAP AS DEPICTED ON THE ATTACHED MAP; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR MODIFICATIONS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

SECTION 1: AUTHORITY. The authority for enactment of this Ordinance is Section 166.021, Florida Statutes and the City Charter.

SECTION 2. FINDINGS OF FACT.

WHEREAS, Chapter 163, Florida Statutes establishes the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the City of Niceville Planning Commission, on December 1 , 2025 held an advertised public hearing for this proposed Ordinance, which provided for comments and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process, and recommended that the City Council hold a public hearing to adopt the Ordinance; and

WHEREAS, The City Council December 9, 2025 held an advertised public hearing for the first reading of this proposed Ordinance, which provided for comments and public participation in process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process; and

WHEREAS, The City Council has considered the proposed amendment of the Land Development Code Official Zoning Map and received public comment at an advertised public hearing for the final reading of the proposed Ordinance on January 13, 2026 and the Council is now ready to adopt the proposed amendment to the Official Zoning Map;

NOW, THEREFORE, be it ordained by the City Council of the City of Niceville, Florida as follows:

SECTION 3. RECITALS. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 4. OFFICIAL ZONING MAP AMENDMENT. The City Council hereby adopts the following amendment to the Official Zoning Map which will be updated consistent with the action of the City Council as set forth in this Ordinance:

1. The applicant requests to amend the adopted Official Zoning Map district designation on an amendment area that is approximately 1.31 +/- acres in size.
2. The amendment area is identified by parcel number 01-1S-23-0000-0084-0000 & 01-1S-23-0000-0082-0040.
3. The amendment area is currently designated Commercial (C) on the Future Land Use Map adopted within the Niceville Comprehensive Plan.
4. The amendment area is currently designated General Commercial (C-2) on the Official Zoning Map.
5. Upon the legally effective date of this Ordinance, the Official Zoning Map District for the amendment area will be designated as Single or Multi-family Residential (R-2) as shown on Exhibit 1, attached.
6. Upon the legally effective date of this Ordinance, the Future Land Use Map designation for the amendment area will be Mixed Use (MU) as shown on Exhibit 2, attached.
7. Any future development under this amendment will be required to meet all of the standards of the City of Niceville Comprehensive Plan and Land Development Code.

SECTION 5. CODIFICATION. Section 4 of this Ordinance will be incorporated into the Code of Ordinances of the City of Niceville. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion will be deemed separate, distinct, and independent provision, and such holding will not affect the validity of the remaining portions of this Ordinance.

SECTION 7. SCRIVENER’S ERRORS. It is the intention of the City Council of Niceville Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Niceville Code of Ordinances and to that end, the sections of this ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section” or “article” or other appropriate designation. Additionally, corrections of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Attorney without public hearing, by filing a corrected or recodified copy with the Clerk of Courts.

SECTION 8. CONFLICTS. If a conflict between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of such conflict, as permitted under the law.

SECTION 9. MODIFICATIONS. It is the intent of the Niceville City Council, that the provisions of this ordinance may be modified as a result of considerations that may arise during a public hearing. Such modifications shall be incorporated into the final version of the ordinance adopted _____ by _____ the _____ Council.

SECTION 10. EFFECTIVE DATE. The effective date of the Comprehensive Plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective.

ADOPTED in regular session this 13th day of January 2026.

ATTEST:

MAYOR – DANIEL HENKEL

CITY CLERK – WENDY FARMER

ORDINANCE 26-01-02 EXHIBIT 1

City of Niceville Rezoning



Kelly Preserve, LLC
 PIN: 01-1S-23-0000-0084-0000
 01-1S-23-0000-0082-0040

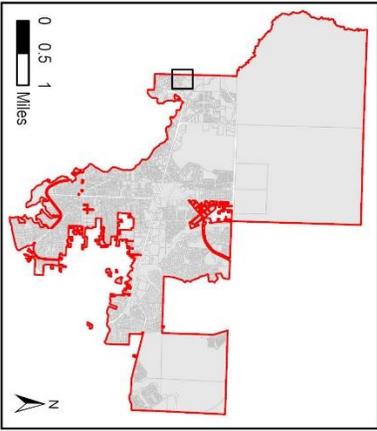
Proposed Zoning Change
 From: General Commercial (C-2)
 To: Single or Multi-Family Residential (R-2)

Future Land Use
 Current: Commercial (C)
 Proposed: Mixed Use (MU)

Total Acres: 1.3 +/-

- Zoning**
- S-1 - Outdoor Recreation
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 - C-1 - Limited Commercial
 - C-2 - General Commercial

Map Prepared by Niceville GIS November 2025





F-2



Variance Request: 774 Woods Drive
PIN: 17-1S-22-1100-0000-0190



PROJECT TITLE:

774 Woods Drive Variance

PROPERTY INFORMATION:

- Parcel ID #: 17-1S-22-1100-0000-0190
- Address: 774 Woods Drive
- Owners: John Sidor
- Acreage: 0.31
- Legal: MAGNOLIA WOODS S/D LOT 19
- Zoning District: R-1A

VARIANCE REQUEST:

The applicant is requesting a reduction of the West side setback from 10' to 6' to construct an additional, attached garage.

VARIANCE AUTHORITY:

LDC Sec. 2.05.00 – Designation of plans for review purposes. & LDC Sec. 2.07.00 – Variances.
The commission/LPA, after being advised by the Community Development Department, shall make a recommendation to the City Council to either approve, approve with conditions, or deny the request based on the review findings in Section 2.07.04. The commission/LPA may recommend such conditions and restrictions upon the premises benefited by a variance as may be necessary to prevent injurious effects upon other property in the neighborhood and to better carry out the general intent of this ordinance in considering a variance of the provisions of this ordinance.

In order to approve a variance request, City Council must find that all standards in Section 2.07.04 have been met, recognizing that the applicant bears the burden of proof.

PUBLIC NOTICE:

Newspaper Ad Dates:

December 22, 2025

Mailed Notice:

To owners abutting and within 300 feet on December 19, 2025

Sign Notice:

Posted on property on December 16, 2025

Hearing Dates:

Planning Commission – January 5, 2026

City Council – January 13, 2026

RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW

STAFF: Recommends denial based on the specific criteria in LDC Section 2.07.04. While Staff finds that the request some meets review criteria in Section 2.07.04 (specifically 2.07.04 b, and f); Staff does not find that this request meets all review criteria in that section.

PLANNING COMMISSION: Recommended approval 6 - 0.

SECTION OF CODE APPLICANT IS REQUESTING VARIANCE FROM:

7.08.01(B)(2) *When an accessory building is attached to a principal dwelling by a roofed passage, it shall be considered as part of the principal dwelling and must meet setback requirements of the applicable zoning district.*

R-1A: Front 30', Sides 10', Rear 25'

VARIANCE CRITERIA (SECTION 2.07.04(a-f): (answers provided by applicant)

A) Special conditions and circumstances that 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.	Please see attached document to review homeowners' narrative.
B) Whether the special conditions and circumstances result from the actions of the applicant.	
C) Whether the granting of the variance request will confer on the applicant any special privilege that is denied by this ordinance or the comprehensive plan to other lands, buildings, or structures in the same zoning district.	
D) Whether literal interpretation of the provisions of the ordinance 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 if granted is the minimum variance that will make possible the reasonable use of the land, building or structure.	
F) The granting of the variance will be in harmony with the general intent and purpose of the ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.	

NEIGHBORHOOD CHARACTERISTICS:

Direction	Zoning	Adjacent Existing Land Uses
North	R-1	SFD
South	R-1A	SFD
East	R-1A	SFD
West	CON	Conservation/Vacant

ALLOWED DEVELOPMENT IF VARIANCE IS GRANTED:

Homeowners will be allowed to construct an addition in the proposed location if meeting the approved West side setback of 6’.

ALLOWED DEVELOPMENT WITHOUT VARIANCE:

Any addition will have to meet the principal dwellings setback requirements for R-1A zoning.

BOARD OPTIONS:

- a. Recommend approval of the proposed variance, as presented.
- b. Recommend denial of the proposed variance, as presented.

ATTACHMENTS:

- 1) VARIANCE CRITERIA (SECTION 2.15.00(d)(1-6)
- 2) Applicant’s Letter of Request
- 3) Copy of Survey with supporting photos
- 4) Proposed Site and Building Plan



APPLICATION FOR VARIANCE

City of Niceville Community Development
212 Partin Drive N
Niceville, FL 32578

Applicant name: John Sidor

Applicant is: Property owner X Authorized agent*
*Attach verification affidavit

Applicant Address: 774 Woods Dr., Niceville, FL 32578

Applicant Telephone: 850-461-3010

Property Owner Name: Sidor, Winda A. & John R.

Property Address: 774 Woods Dr., Niceville, FL 32578

Parcel ID Number: 17-15-22-1100-0000-0190

Land use information: FLUM category 000100 - SFR

Zoning district R-1A

Size of property: 0.31 acres OR
 sq. ft.

Variance request:

1. Specific section of the Land Development Code from which the variance is requested
Article 7, Appendix D, Table 7-2: Schedule of Area, Height, Bulk, and Placement Regulation

2. Describe the variance you are requesting in detail

We are seeking approval for a setback reduction on the left (west) side of our property to allow for the construction of a third attached garage bay, which will align with the existing architectural design, materials, and roofline of our home. Our preferred request is a 7.2-foot setback, with the front left corner of the addition (approximately 5 sq ft of the proposed 378 sq ft addition) having a 6-foot setback due to the unique angled boundary between the front of our lot and the city's adjacent lot (see attached site plan). We are also requesting consideration for a 7.5-foot setback if the city requires strict consistency with other homes within our neighborhood (many of which already have approved 7.5-foot side setbacks). The current minimum side setback for our home is 10 feet.

Standards of review: Describe in as much detail as possible how the variance request meets **each** of the following standards (LDC 2.07.04). Attach additional sheets if necessary.

1. *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.*

Our property is unique because the side of the lot where we are requesting the setback variance directly borders approximately 1.5 acres of city-owned land used as a utilities and stormwater easement. This public tract contains a stormwater overflow pond that remains dry except during major storm events and is not used for residential purposes. As a result, the side of our home where the garage addition is proposed does not adjoin another private property owner, unlike most residential lots in the zoning district.

Additionally, within the same subdivision, the majority of homes constructed after ours were permitted with reduced side setbacks of 7.5 feet, creating a development pattern that differs from our parcel's originally required 10-foot side setback. This creates a unique condition where our lot is both adjacent to undeveloped municipal land and situated within a subdivision where similar reduced setbacks already exist.

These circumstances distinguish our lot from most others in the zoning district.

2. *That the special conditions and circumstances do not result from the actions of the applicant.*

These conditions were not created by us. The city-owned stormwater easement and its 1.5-acre span existed prior to our ownership, and we played no role in the subdivision layout, the public land boundary, or the original assignment of a 10-foot side setback to our lot.

Similarly, we did not influence the city's past decisions granting 7.5-foot side setbacks to most of the subsequent homes in our neighborhood. The inconsistency in setback requirements was established before we attempted to make improvements to our property. Thus, the need for a variance arises entirely from pre-existing conditions beyond our control.

3. *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.*

Granting this variance would not provide a special privilege. Homes in the same subdivision have already been approved with 7.5-foot side setbacks. Our request simply seeks parity with the development pattern that has already been permitted by the city.

Furthermore, the variance does not grant us use of public lands, increased density, unusual construction rights, or any benefit inconsistent with the Land Development Code. The garage addition will remain entirely within our property boundaries and will comply with all other code requirements.

4. *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.*

Strict enforcement of the 10-foot side setback prevents us from constructing a third garage bay despite the fact that:

- Many homes in our subdivision already benefit from a 7.5-foot approved setback, and
- The proposed structure would be adjacent only to city-owned stormwater land rather than a private residence.

This deprives us of the reasonable ability to expand our garage in a manner similar to other properties in the area. The hardship is unnecessary because the reduced setback poses no impact to neighboring homeowners, and the city-owned parcel provides ample separation, visibility, safety, and drainage accommodation.

5. *That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.*

We are requesting the minimum amount of relief that would allow the garage addition to be constructed in alignment with the existing structure, materials, and roofline. Our preferred request is a 7.2-foot setback, which is only slightly more than the commonly approved 7.5-foot setback granted throughout much of our subdivision.

If the City does not approve 7.2 feet, we are willing to accept a 7.5-foot setback, which matches what has already been approved for other homes in our subdivision.

No additional variances are requested, and the remainder of the project fully complies with the Land Development Code.

6. *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.*

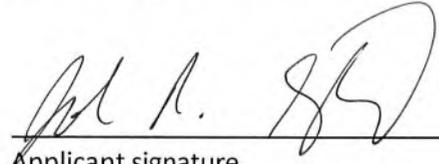
This variance aligns with the intent of the Land Development Code because:

- The proposed construction respects the character of the existing home and neighborhood.
- The garage addition will improve the visual appearance of the property by allowing all vehicles to be stored indoors, reducing visible parking.
- The garage addition reduces the vulnerability of our vehicles to potential damage during tropical storms, hurricanes, etc.
- The setback reduction only affects the boundary adjacent to City-owned utility/stormwater land, ensuring no impact to private neighbors.
- The structure will use matching brick, roofing, siding, etc., maintaining architectural harmony.
- The garage will not impede drainage, sight lines, access, safety, emergency services, or circulation.

Because the improvement remains entirely on our property and is adjacent only to municipal land, the variance will not cause injury or adverse effects to any adjoining property owner or the public.

Certification: I do hereby certify and affirm that the information represented in this application is true and correct to the best of my knowledge. I also give my permission for city staff to enter upon the property involved at any reasonable time for purposes of inspections or posting of notices.

JOHN R. SIDOR
Applicant typed or printed name


Applicant signature

3 Dec 2025
Date

Applicant: John Sidor

Property Address: 774 Woods Drive, Niceville, FL 32578

Subdivision: Magnolia Woods, Phase I, Lot 19

City of Niceville Community Development

212 Partin Drive N.

Niceville, FL 32578

Subject: Petition for Variance – Side Setback Requirement

To Whom It May Concern:

I respectfully submit this letter as my formal petition for a variance to the side setback requirement established in the City of Niceville Land Development Code. My property, located at 774 Woods Drive, is Lot 19 within Phase I of the Magnolia Woods Subdivision, which includes 29 lots that were originally platted with a 10-foot side setback requirement.

I am seeking approval for a setback reduction on the left (west) side of my property to allow for the construction of a third attached garage bay, which will align with the existing architectural design, materials, and roofline of my home. My preferred request is a 7.2-foot setback, with the front left corner of the addition (approximately 5 sq ft of the proposed 378 sq ft addition) having a 6-foot setback due to the unique angled boundary between the front of our lot and the city's adjacent lot (see attached site plan). I am also requesting consideration for a 7.5-foot setback if the city requires strict consistency with other homes within our neighborhood (many of which already have approved 7.5-foot side setbacks). The current minimum side setback for our home is 10 feet.

While Phase I of Magnolia Woods required a 10-foot side setback, the development pattern of the subdivision has significantly evolved. Subsequent phases, representing 77 additional lots, were approved with 7.5-foot side setbacks. Of these, 70 lots have already been built upon using the 7.5-foot standard, and the remaining 7 homes currently under construction are also being built with the 7.5-foot side setback. As a result, the overwhelming majority of Magnolia Woods has been developed under the reduced setback standard, leaving Phase I as the minority exception.

My property is particularly well-suited for this variance because the side on which the garage addition will be built borders approximately 1.5 acres of city-owned land, consisting of a stormwater overflow easement and retention area. This land remains dry except during heavy rainfall and is not used for residential purposes. Therefore, the requested variance does not affect any private neighbor or reduce separation between residential structures. Even with a reduced setback of 7.2–7.5 feet, my home will remain more than adequately separated from any structure or use on adjoining land.

The proposed improvement will also enhance the appearance and safety of my property by allowing me to store all vehicles indoors. This will reduce exterior parking, improve neighborhood aesthetics, and provide better storm protection in an area frequently impacted by tropical weather and hurricanes.

The project fully complies with all other Land Development Code requirements and involves no changes to lot coverage, building height, drainage patterns, or access. All building materials (including brick, roofing, siding, and garage door profile) will match the existing home to ensure architectural consistency.

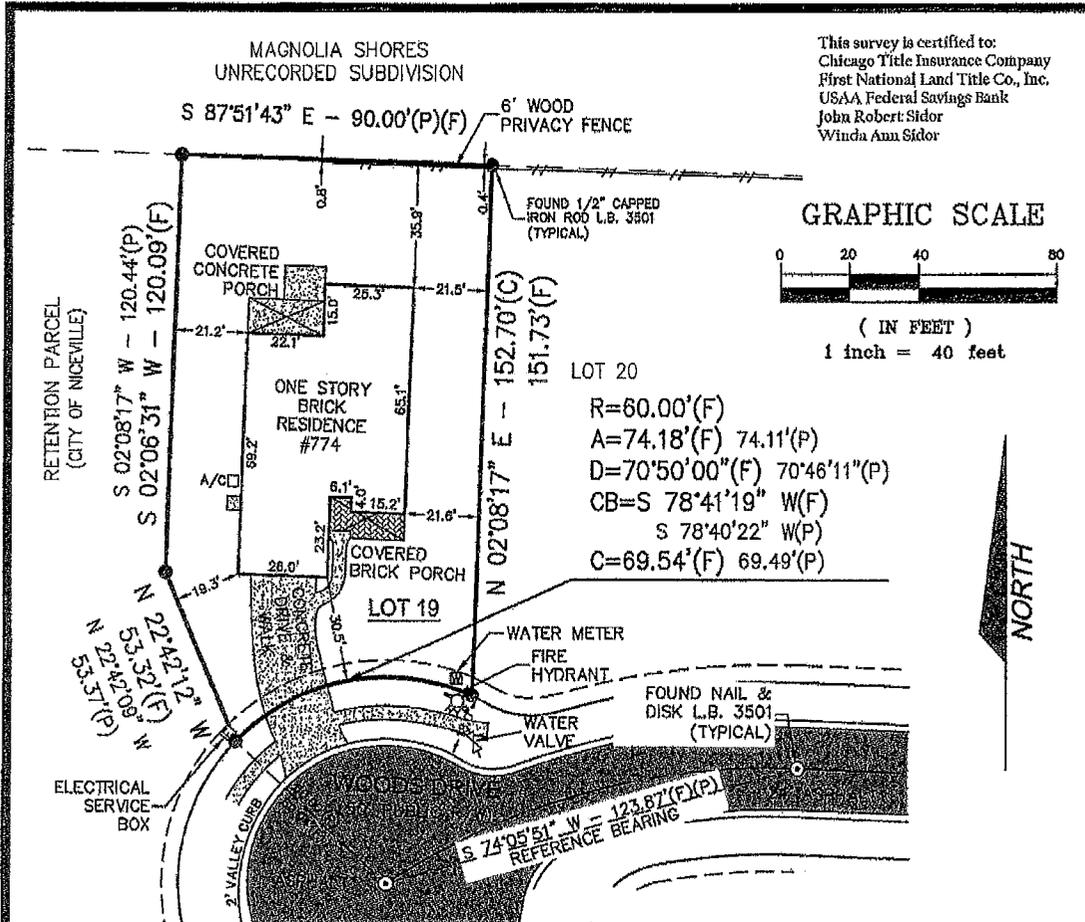
For these reasons, and in alignment with the variance standards outlined in LDC §7.04, I respectfully request approval of this variance. The request reflects the minimum relief necessary to achieve a reasonable improvement to my property and is fully consistent with the character and development pattern of the surrounding neighborhood.

Thank you for your consideration of this petition. I have attached the required Application for Variance, a site plan (to scale) showing the proposed addition, a survey of the property, and a copy of the deed of the property. Please contact me at the if you need any additional information for your review.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Sidor". The signature is fluid and cursive, with a large, sweeping loop at the end.

JOHN R. SIDOR
774 Woods Drive
Niceville, FL 32578
850-461-3010
john.r.sidor@gmail.com



SURVEY REPORT:

1. NO SEARCH OF THE PUBLIC RECORDS WAS DONE BY GUSTIN, COTHERN & TUCKER, INC. VISIBLE EVIDENCE OF EASEMENTS WILL BE SHOWN HEREON, BUT NO CERTIFICATION IS GIVEN THAT EASEMENTS, DEED OVERLAPS, UNDERGROUND IMPROVEMENTS OR APPARENT USES DO NOT EXIST.
2. NO ENVIRONMENTAL JURISDICTIONAL LINES HAVE BEEN DETERMINED BY GUSTIN, COTHERN & TUCKER, INC.
3. APPARENT USES ARE AS SHOWN.
4. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.
5. BEARINGS SHOWN HEREON ARE REFERENCED TO THE LINE AS SHOWN ABOVE.
6. FLOOD STATEMENT: MAP NUMBER 12091C0476 H, DATED 12-06-2002, FLOOD ZONE X.
7. ALL MEASUREMENTS ARE IN U.S. SURVEY FEET.
8. SOME FENCES MAY NOT BE DRAWN TO SCALE FOR GRAPHICAL PURPOSES.

LEGEND:

- # = NUMBER
- = DISTANCE NOT TO SCALE
- L.B. = LICENSED BUSINESS
- L.S. = LICENSED SURVEYOR
- P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER
- O.R. = OFFICIAL RECORDS
- ± = MORE OR LESS
- R/W = RIGHT OF WAY
- ⊙ = CENTERLINE
- A/C = AIR CONDITIONER
- B.S.L. = BUILDING SETBACK LINE
- NAVD = NORTH AMERICAN VERTICAL DATUM
- P = PLAT
- F = FIELD
- R = RADIUS
- A = ARC LENGTH
- D = DELTA
- CB = CHORD BEARING
- C = CHORD LENGTH
- X 00.00' = SPOT ELEVATION

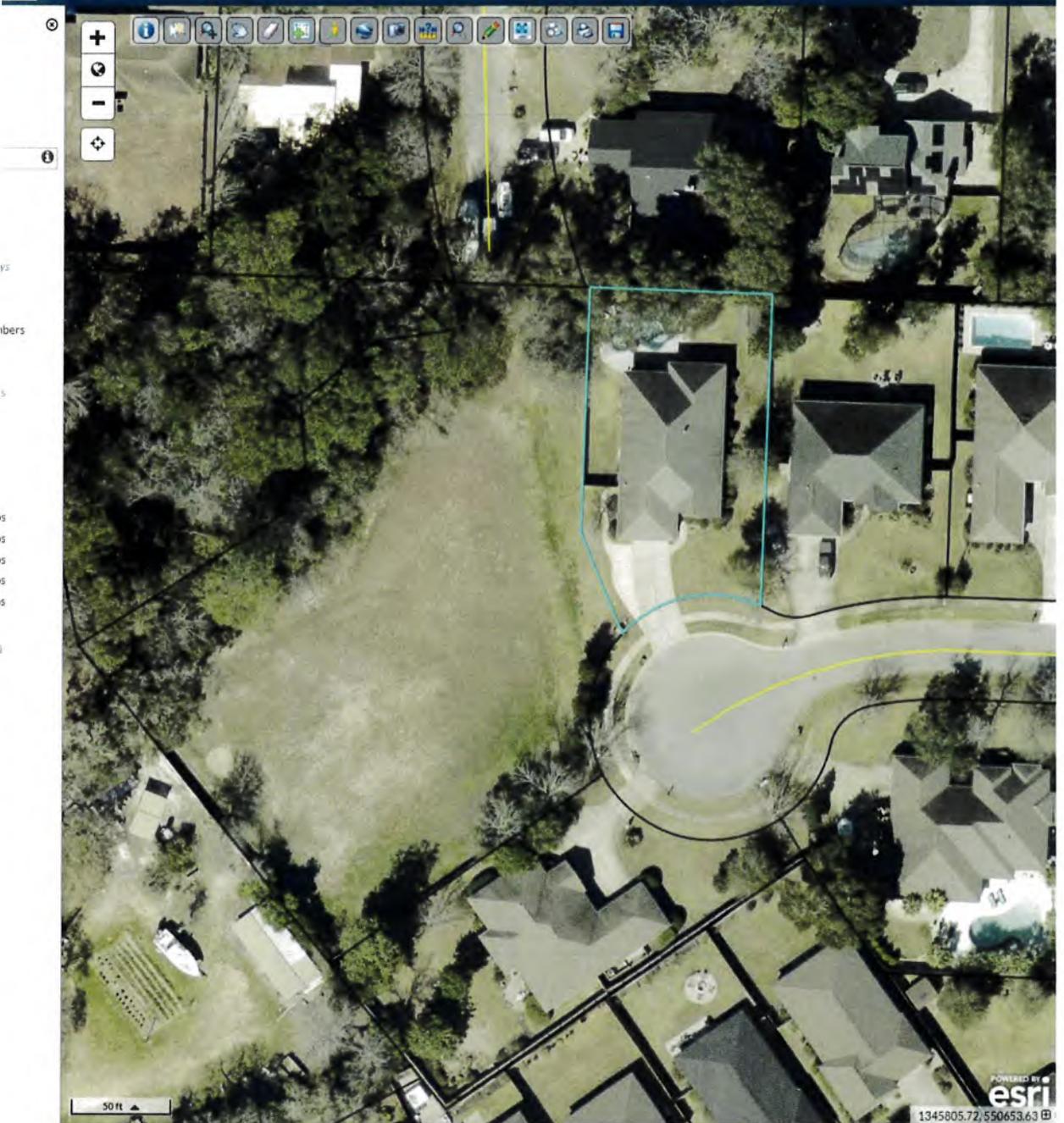
<p>LOT 19 MAGNOLIA WOODS PLAT BOOK 26, PAGE(S) 11-12, SECTION 17, TOWNSHIP 1 SOUTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA</p>		 ALLEN E. TUCKER, P.S.M. No.4584 OR HORACE WAYNE WALKER, JR., P.S.M. No.5029 OR KIMBERLY A. SAXTON, P.S.M. No.6569	<p>© GGT, INC. 2013</p> <p>NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p>
<p>TYPE SURVEY: AS-BUILT</p> <p>CLIENT: HUFF DEVELOPMENT</p>	<p>FIELD DATE: 01-25-2013 FIELD BOOK: 13-02 / 44-45</p> <p>HORIZONTAL DATUM: ASSUMED VERTICAL DATUM: NOT APPLICABLE</p>		
<p>GUSTIN, COTHERN & TUCKER, INC. LAND SURVEYING / CIVIL ENGINEERING (850) 678 - 5141 L.B. #3501 121 HART STREET www.gctengineering.com NICEVILLE, FL 32578</p>		<p>01-28-2013</p> <p>DRAWN BY: TEB</p>	<p>13-0063</p> <p>SHEET 1 OF 1</p>

774 Woods Drive Parcel Satellite Map

Okaloosa County Property Appraiser

Log In Search

Map Search Tangible Property Search Sales Search Sales List Condo List Results Report Sales Results Property Type Search Property Type Results Tax Est

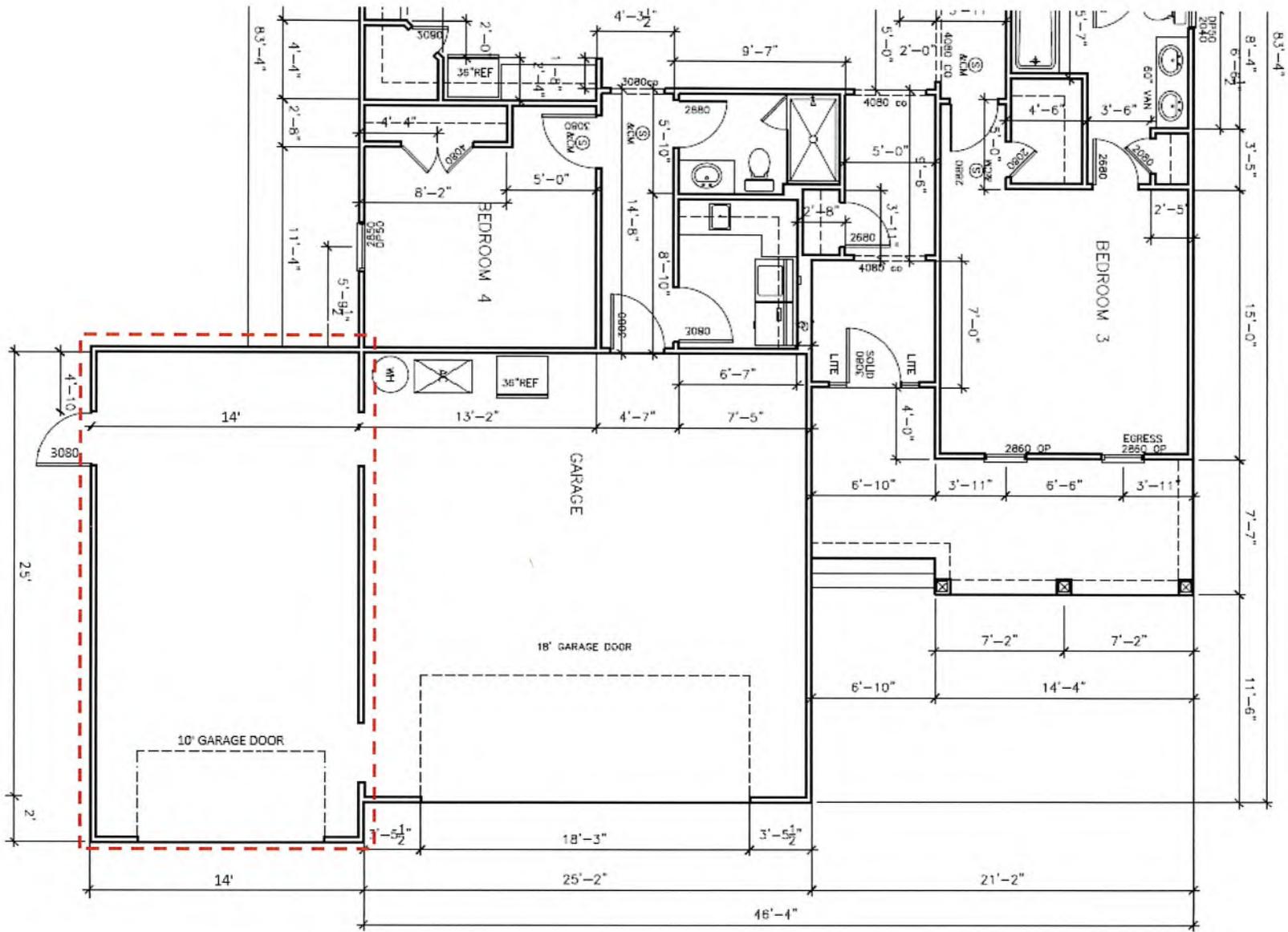


Parcel ID	17-15-22-1100-0000-0190	Physical Address	774 WOODS DR NICEVILLE	Land Value	\$111,913	Last 2 Sales			
Acres (GIS)	0.31	Mailing Address	SIDOR WINDA A & JOHN R SIDOR JOHN R 774 WOODS DRIVE NICEVILLE, FL 32578	Ag Land Value	\$0	Date	Price	Reason	Qual
Property Class	SINGLE FAMILY			Building Value	\$444,819	2/26/2013	\$372000	QUAL/DEED EXAMINATION	Q
Taxing District	6			Misc Value	\$34,000	8/27/2012	\$83500	QUAL/DEED EXAMINATION	Q
				Just Value	\$590,732				
				Assessed Value	\$444,243				
				Exempt Value	\$60,722				
				Taxable Value	\$383,521				

774 Woods Drive Photo From Street



774 Woods Drive Garage Addition (Outlined in Red)





F-3



Variance Request: 1057 John Sims Pkwy
PIN: 08-1S-22-0000-0087-0030



PROJECT TITLE:

1057 John Sims Parkway Variance

PROPERTY INFORMATION:

- Parcel ID #: 08-1S-22-0000-0087-0030
- Address: 1057 John Sims Parkway
- Owners: Florida Power & Light Company
- Acreage: 1.01 +/-
- Legal: Metes & Bounds
- Zoning District: C-2, General Commercial

VARIANCE REQUEST:

The applicant is requesting a reduction in the required parking for a proposed 3,333 sq ft commercial financial institution project from 28 to 21 parking spaces.

VARIANCE AUTHORITY:

LDC Sec. 2.05.00 – Designation of plans for review purposes. & LDC Sec. 2.07.00 – Variances.
The commission/LPA, after being advised by the Community Development Department, shall make a recommendation to the City Council to either approve, approve with conditions, or deny the request based on the review findings in Section 2.07.04. The commission/LPA may recommend such conditions and restrictions upon the premises benefited by a variance as may be necessary to prevent injurious effects upon other property in the neighborhood and to better carry out the general intent of this ordinance in considering a variance of the provisions of this ordinance.

In order to approve a variance request, City Council must find that all standards in Section 2.07.04 have been met, recognizing that the applicant bears the burden of proof.

PUBLIC NOTICE:

Newspaper Ad Dates:

December 22, 2025

Mailed Notice:

To owners abutting and within 300 feet on December 19, 2025

Sign Notice:

Posted on property on December 16, 2025

Hearing Dates:

Planning Commission – January 5, 2026

City Council – January 13, 2026

RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW

STAFF: Recommends Approval, Staff agrees this request meets the variance criteria in LDC Section 2.07.00.

PLANNING COMMISSION: Recommended approval 6 - 0.

SECTION OF CODE APPLICANT IS REQUESTING VARIANCE FROM:

8.05.02 *The required number of off-street motor vehicle spaces and any special requirements that may apply is provided for in Table 8-4. When the number of off-street spaces required by this Code results in a fractional space, the number shall be rounded up to next whole number.*
Financial Institution: 8.40 per 1,000 sq ft

VARIANCE CRITERIA (SECTION 2.07.04(a-f): (answers provided by applicant)

A) Special conditions and circumstances that 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.	Please see attached document to review applicants' narrative.
B) Whether the special conditions and circumstances result from the actions of the applicant.	
C) Whether the granting of the variance request will confer on the applicant any special privilege that is denied by this ordinance or the comprehensive plan to other lands, buildings, or structures in the same zoning district.	
D) Whether literal interpretation of the provisions of the ordinance 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 if granted is the minimum variance that will make possible the reasonable use of the land, building or structure.	
F) The granting of the variance will be in harmony with the general intent and purpose of the ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.	

NEIGHBORHOOD CHARACTERISTICS:

Direction	Zoning	Adjacent Existing Land Uses
North	C-2	Commercial
South	C-2	Commercial
East	C-2	Commercial
West	PCI	Institutional

ALLOWED DEVELOPMENT IF VARIANCE IS GRANTED:

Applicants will be allowed to move forward with plans to construct a 3,333 sq ft financial institution with the reduced amount of parking spaces.

ALLOWED DEVELOPMENT WITHOUT VARIANCE:

Applicants must provide the required amount of parking based on the project square footage according to code.

BOARD OPTIONS:

- a. Recommend approval of the proposed variance, as presented.
- b. Recommend denial of the proposed variance, as presented.

ATTACHMENTS:

- 1) VARIANCE CRITERIA (SECTION 2.15.00(d)(1-6))
- 2) Applicant's Letter of Request
- 3) Proposed Site Plan



APPLICATION FOR VARIANCE

City of Niceville Community Development
208 Partin Drive N
Niceville, FL 32578

Applicant name: Dynamic Engineering Consultants , PC

Applicant is: Property owner _____ Authorized agent* X
*Attach verification affidavit

Applicant Address: 100 NE 5th Ave, Suite B2, Delray Beach, FL 33483

Applicant Telephone: 561-921-8570

Property Owner Name: Florida Power Light Co.

Property Address: 1057 John Sims Parkway, Niceville, FL 32578

Parcel ID Number: 08-1S-22-0000-0087-0030

Land use information: FLUM category Commercial (C)

Zoning district General Commercial (C-2)

Size of property: 1.01 acres OR
44,034 sq. ft.

Variance request:

1. Specific section of the Land Development Code from which the variance is requested
Section 8.05.01 Off-street vehicle parking
2. Describe the variance you are requesting in detail

The variance is requested for a reduction in the number of required parking spaces for a proposed 3,333 SF financial institution with a drive-up ATM. Per code, parking is required at a ratio of 8.40 spaces per 1,000 SF, which results in a total of 28 spaces required. The proposed development provides 21 spaces, which is sufficient to serve both employees and customers for the proposed use based on national historical standards for JPMorgan Chase Bank. The proposed parking ratio is 6.30 spaces per 1,000 SF, which is above the current utilized parking ratio of surrounding financial institutions.

Standards of review: Describe in as much detail as possible how the variance request meets each of the following standards (LDC 2.07.04). Attach additional sheets if necessary.

1. *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.*

The subject property is a ±1.01-acre corner lot with dual frontages along E. John Sims Parkway and Bullock Boulevard. Approximately 0.17 acres of the site is dedicated to on-site stormwater management, which significantly reduces the developable area available for parking. Combined with required buffers, access management, and circulation for the drive-up ATM, these conditions create unique constraints. The allowance of this parking reduction allows the applicant to provide more pervious and stormwater area for the site. The approval of this variance allows the proposed Chase Bank to be in conformance to surrounding banks in the same and similar zoning districts

2. *That the special conditions and circumstances do not result from the actions of the applicant.*

Approximately 0.17 acres of the site is dedicated to on-site stormwater management, which significantly reduces the developable area available for parking. Combined with required buffers, access management, and circulation for the drive-up ATM, these conditions create unique constraints. Allowing the reduction in parking reduces the required impervious area proposed for the site, and still allows this multinational banking institution to have adequate parking to sustain the use.

3. *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.*

Approval of this variance would not grant a special privilege to the Applicant, but would allow for more pervious area to be built on the subject parcel and within the City. The required parking ratios are set to provide required parking for the use, and per JPMorgan Chase Bank national standards, the proposed 21 parking stalls provides adequate parking for the site without needing to provide overflow stalls and additional impervious area to the site. Approval of this variance would not allow for special privilege as it would allow for Chase to be in conformance to surrounding financial institutions in the same or similar zoning districts.

4. *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.*

Approving this variance would allow this proposed Chase Bank to be in conformance with multiple other local banks that under the same or similar zoning district. If this variance is not approved, then Chase Bank would be subject to zoning criteria that others around it are not compliant with. The approval of this variance will allow for general conformance of banks within this area. The existing FNBT bank east of the subject property at 1065 E John Sims Parkway is a 2,856 SF building (per property appraiser), which would require 24 parking stalls. Per visual observation, the use has 17 existing parking stalls. This ratio would be roughly 5.95 parking stalls per 1,000 SF, which aligns with 20 parking stalls for the Chase Bank. Therefore, the proposed Chase Bank would be in alignment with adjacent use and provide one additional stall. The Synovus Bank at 1001 E John Sims Parkway is a 4,870 SF bank (per property appraiser) with 29 observed parking stalls, which is right in line with the 5.95 parking stalls per 1,000 SF. The required would be 41 stalls.

5. *That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.*

The variance requested is the minimum necessary to allow reasonable development of the site. Reducing the requirement from 28 to 21 spaces accommodates the 0.17 acres dedicated to stormwater management while still providing sufficient parking for employees and customers.

6. *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.*

Granting the variance is consistent with the intent of the Code, as the 21 spaces provided will adequately serve the financial institution without unnecessary overflow parking that will not be utilized realistically. The reduction avoids unnecessary impervious area, and is consistent with the surrounding banks in this area under the same jurisdiction.

Certification: I do hereby certify and affirm that the information represented in this application is true and correct to the best of my knowledge. I also give my permission for city staff to enter upon the property involved at any reasonable time for purposes of inspections or posting of notices.

Jacqueline Pachay, P.E.

Applicant typed or printed name


Applicant signature

11/10/2025
Date



APPLICANT'S AFFIDAVIT OF OWNERSHIP & DESIGNATION OF AGENT
 City of Niceville Building and Planning Department
 208 Partin Drive N
 Niceville, FL 32578

I. Ownership.

I, Jon M. Rosenthal, hereby attest to ownership of the property described below:

Parcel I.D. Number(s):
08-1S-22-0000-0087-0030

Location address:
1057 East John Sims Parkway, Niceville, Florida 32578

for which this Application is submitted.

The ownership, as recorded on the deed, is in the name of:
Florida Power & Light Company

Please complete the appropriate section below:

Individual	Corporation Provide Names of Officers: Board of Directors	Partnership Provide Names of General Partners:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Dept. of State Registration No.:
TIN: 59-0247775
 Name/Address of Registered Agent:
Corporation Service Company
1201 Hays Street
Tallahassee, FL 32301-2525

II. Designation of Applicant's Agent. (Leave blank if not applicable)

As the owner of the above designated property and the applicant for which this affidavit is submitted, I wish to designate the below named party as my agent in all matters pertaining to the location address. In authorizing the agent named above to represent me, or my company, I attest that the application is

made in good faith and that any information contained in the application is accurate and complete to the best of my knowledge and belief.

Applicant's Agent: Dynamic Engineering Consultants, PC
Address: 100 NE 5th Ave, Suite B2, Delray Beach, FL
Contact Person: Jacqueline Pachay
Telephone No.: 561-921-8570

III. Notice to Owner.

- A. All changes in Ownership & Applicant's Agent prior to issuance shall require new affidavit. If ownership changes the new owner assumes the obligations and the original applicant is released from responsibility for actions taken by others after the change in ownership.

- B. If the Owner intends the Designation of Applicant's Agent to be limited in any manner, please indicate the limitation below. (i.e., Limited to obtaining a certificate of concurrency for the parcel; limited to obtaining a land use compliance certificate; etc.)

IV. Acknowledgement.

Individual	Corporation Partnership Florida Power & Light Company	Partnership
Signature	Print Corporation Name By: <u>J.M. Rosenthal</u>	Print Corporation Name
Print Name:	Signature	Signature
Address:	Print Name: Jon M. Rosenthal	Print Name:
Phone:	Address: 700 Universe Blvd., B2A/JB	Address:
Email:	Phone: 561-694-4274	Phone:
	Email: Jon.Rosenthal@FPL.com	Email:

Please use appropriate notary block.

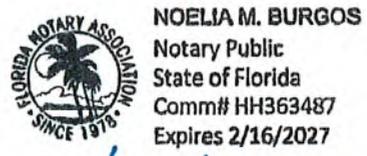
STATE OF Florida
 COUNTY OF Palm Beach

Individual	Corporation Partnership	Partnership
Before me, this _____ day of _____, 20____, personally appeared _____	Before me, this <u>2nd</u> day of <u>July</u> , 20 <u>25</u> personally appeared <u>Jon M Rosenthal</u> of <u>Florida Power Light</u> , a <u>Director Construction</u> corporation, on behalf of the corporation, who executed the foregoing instrument and acknowledged before me that same was executed for the purposes therein expressed.	Before me, this _____ day of _____, 20____, personally appeared _____ partner/agent on behalf of _____ a partnership, who executed the foregoing instrument and acknowledged before me that same was executed for the purposes therein expressed.
who executed the foregoing instrument, and acknowledged before me that same was executed for the purposes therein expressed.		

Personally known ; or
 Produced identification _____
 Type of identification produced:

Noelia M. Burgos
 Signature of Notary
 Print Name: Noelia M. Burgos

Notary Public
 (Notary Stamp)



My Commission Expires: 2/16/2027

City of Niceville
Community Development
208 N Partin Drive
Niceville, FL 32578

**Re:Chace Niceville – Application for Variance
1057 John Sims Parkway,
Niceville, FL 32578
Parcel ID No: 08-1S-22-0000-0087-0030
DECPC No.: 2521-24-03946**

Dear members of the Community Development Department,

On behalf of our client, JPMorgan Chase Bank, (the “Applicant”) please accept this letter of petition for parking reduction. The subject property is a ±1.01-acre lot located at the southeast corner of the intersection of John Sims Parkway and Bullock Boulevard, under the Parcel No. 08-1S-22-0000-0087-0030. The applicant is proposing to develop the site into a 3,333 square foot financial institution building with a drive-up ATM.

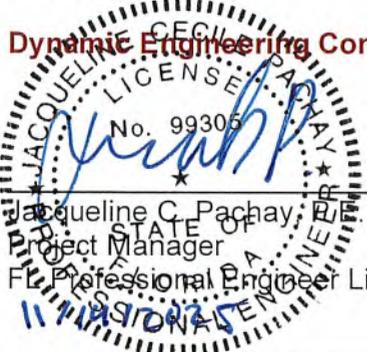
According to City of Niceville Land Development Code (Sec.8.05.00), the required parking ratio for a financial institution is 8.40 spaces per 1,000 GFA. For the proposed 3,333 square foot building, this equates to a requirement of 28 parking spaces.

We are respectfully requesting a variance to provide 21 parking spaces. Given the operational nature of a financial institution, the actual parking demand is lower than the Code requirement. The 21 spaces provided will sufficiently accommodate both employees and customers without creating adverse impacts on surrounding properties or traffic circulation.

We respectfully request approval of this variance, as it will allow for the reasonable development of the property while maintaining consistency with the intent of the Land Development Code

Sincerely,

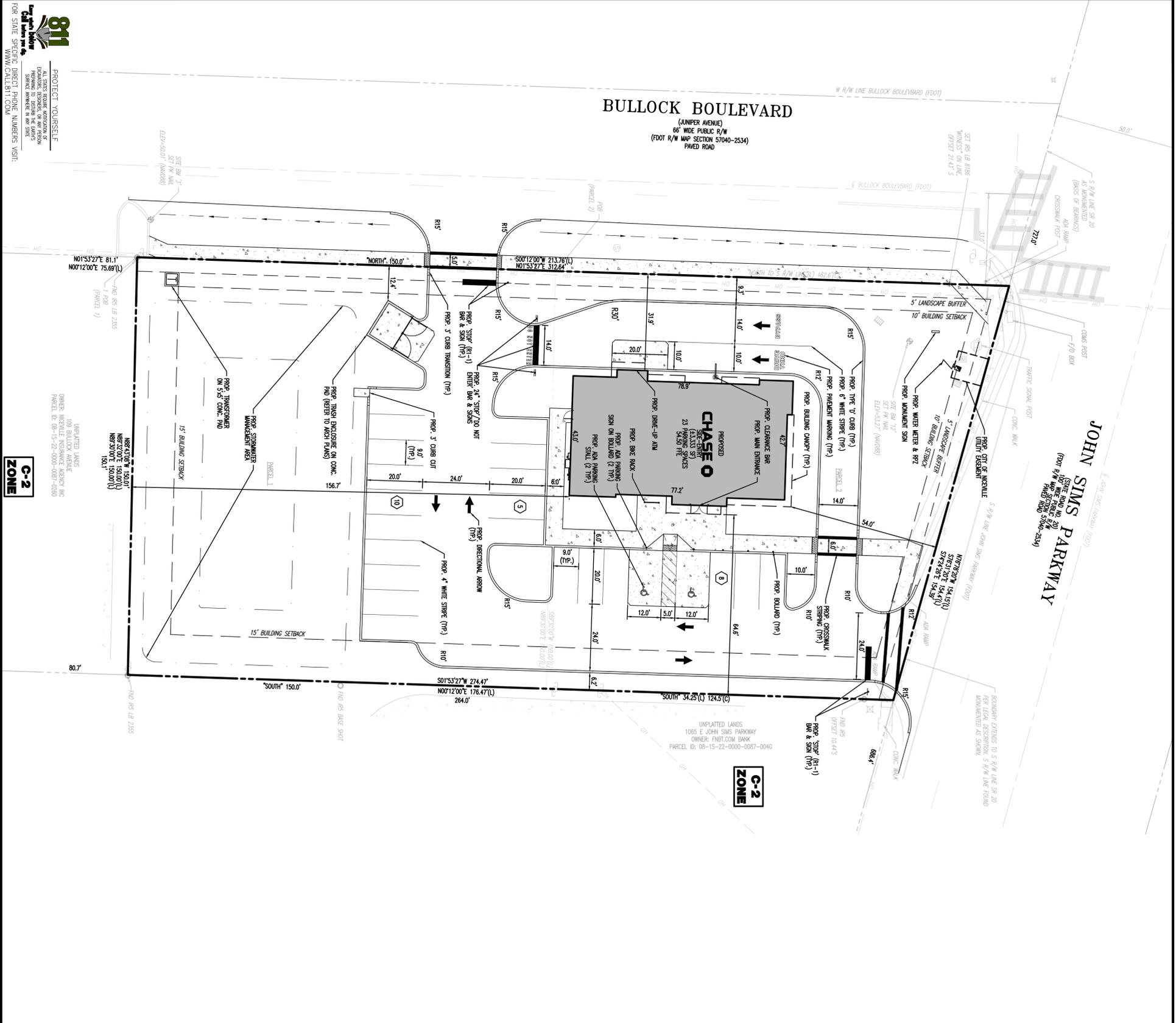
Dynamic Engineering Consultants, P.C.



Jacqueline C. Pachay, PE
Project Manager
FL Professional Engineer License No.99305

www.dynamicec.com

811
 PROJECT YOURSELF
 ALL STATES REQUIRE NOTIFICATION OF
 EXISTING UTILITIES BEFORE ANY
 CONSTRUCTION OR EXCAVATION
 SINCE ANY WORK DONE WITHOUT
 PROPER PERMISSION CAN BE
 DANGEROUS TO LIFE AND PROPERTY
 FOR STATE SPECIFIC DIRECT PHONE NUMBERS VISIT:
 WWW.CALL811.COM



C-2 ZONE

C-2 ZONE

SIGNING & STRIPING LEGEND

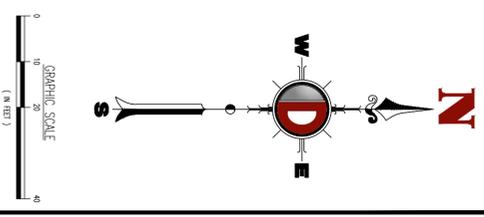
- PROPOSED 24" WHITE PAINTED STOP BAR
- PROPOSED SIGNS
- PROPOSED WHITE PAINTED THROUGH LANE-SIDE ARROW IN DRIVE ASSETS PER FOOT INDEX 711-001.
- PROPOSED 4" WHITE PROGRAM CROSSWALK STRIPING 12" WHITE PER FOOT INDEX 711-001
- PROPOSED 2" WHITE PER FOOT INDEX 711-001

HORIZONTAL CONTROL & STRIPING NOTES

1. ALL CURBING IS TYPE "D" UNLESS OTHERWISE STATED.
2. TYPE "D" CURB SHALL BE CONSTRUCTED PER FOOT INDEX 300.
3. ALL DIMENSIONS SHOWN, OTHER THAN LANDSCAPE DIMENSIONS, ARE TO FACE OF CURB FOR TYPE "D" CURB OR EDGE OF PAVEMENT FOR NO CURB, UNLESS OTHERWISE NOTED. LANDSCAPE DIMENSIONS ARE SHOWN TO BACK OF CURB.
4. ALL CURB BARS AND SIGNMAK'S ENTRING, PARKING OR TRAVEL MARKS SHALL HAVE DETECTABLE WARNING SURFACES 2" DEEP AND THE WIDTH OF THE SIGNMAK REFER TO THE LATEST FOOT DESIGN STANDARD PLANS INDEX 522-002.
5. ALL STOP BARS, DIRECTIONAL ARROWS AND CROSSWALKS SHALL BE THERMOPLASTIC. ALL OTHER PAVEMENT MARKINGS ARE PAINT, UNLESS OTHERWISE NOTED.
6. ALL CURB RADIUS ARE 3' UNLESS OTHERWISE NOTED ON PLANS.

SITE DATA

PARCEL NO.:	08-15-22-0000-0087-0030		
ZONING DISTRICT:	COMMERCIAL (C-2)		
EXISTING LAND USE:	FINANCIAL INSTITUTION WITH DRIVE-UP A/V		
PROPOSED LAND USE:	DEVELOPMENT (C-2)		
LOT COVERAGE:	EXISTING (S7) 44.03%	PROPOSED (A2) 44.03%	PERCENTAGE (%) 100%
PROJECT SITE AREA:	44,034	44,034	100%
EXISTING BUILT UP AREA:	1,506	22,560	0.51
TOTAL IMPROVEMENTS (INCLUDES BUILDING):	8,838	21,714	0.50
TOTAL PERMITS:			49,458
BUILDING SETBACKS			
FRONT (ft):	10'	PROPOSED	54.0'
REAR (ft):	15'	PROPOSED	31.9'
REAR (ft):	15'	PROPOSED	156.7'
REAR (ft):	15'	PROPOSED	64.6'
LANDSCAPE BUFFERS			
FRONT (ft):	5'	PROPOSED	19.3'
REAR (ft):	5'	PROPOSED	9.3'
PARKING			
8.00 SPACE PER 1,000 SFA	STANDARD	28	PROPOSED
	ADA	2	PROPOSED
	TOTAL	28	23



THIS PLAN SET IS FOR PERMITTING PURPOSES ONLY AND MAY NOT BE USED FOR CONSTRUCTION

DRAWN BY: JK	DESIGNED BY: JP	CHECKED BY: XXX	CHECKED BY: -
--------------	-----------------	-----------------	---------------

PROJECT: **BDG ARCHITECTS, LLP**
PROPOSED CHASE BANK
 PARCEL ID# 08-15-22-0000-0087-0030
 1057 JOHN SIMS PARKWAY
 NICEVILLE, OKALOOSA COUNTY, FL 32578
 SECTION 8, TOWNSHIP 15, RANGE 22W

REV.	DATE	COMMENTS	BY

MICHAEL D. MILES
 PROFESSIONAL ENGINEER
 Florida License No. 81313
 DATE: _____

ANGEL PIÑERO
 PROFESSIONAL ENGINEER
 Florida License No. 88947
 DATE: _____

DYNAMIC ENGINEERING
 LAND DEVELOPMENT CONSULTING • PERMITTING
 GEOTECHNICAL • ENVIRONMENTAL
 TRAFFIC • SURVEY • PLANNING & TOWING
 100 N 5th Avenue
 Delray Beach, FL 33483
 T: 561.921.8570
 F: 561.921.8570
 www.dynamic.com

C1.00



F-4



STAFF MEMORANDUM

Date: January 7, 2026
From: David Deitch (City Manager)
To: Niceville City Council
RE: Urban Forestry Committee Appointment – Resolution Number 26-01-01

Action Requested:

Approval of Resolution 26-01-01 appointing members to the City of Niceville's Urban Forestry Committee

Background: The City Council passed Ordinance 25-10-03 on 18 November 2025 which established an Urban Forestry Advisory Committee. In accordance with this Ordinance, the City Council is required to appoint five members to this Committee. The recommended individuals have the required residence status, employment status, training, or experience to serve on this committee. The recommended members are:

1. Representative from the City's Parks Department: Chrystal Hisey
2. Representative from the City's Public Works Department: Johnathan Laird
3. Citizen with knowledge or experience in arboriculture, horticulture, or landscape management: Mr. John Yost
4. Representative from the UF/IFAS Extension Office or Florida Forestry Service, Florida Department of Agriculture and Consumer Services: Mr. Rob Calley
5. One citizen-at-large residing within the City of Niceville: Mr. Mike Chesser

Funding: None required. This ordinance imposes no fiscal impact on the City.

Options:

1. Approve Resolution 26-01-01
2. Deny Resolution 26-01-01
3. Postpone action
4. Modify the Resolution

STAFF RECOMMENDATION

Approve Resolution 26-01-01 as presented.

RESOLUTION NO. 26-01-01

**A RESOLUTION OF THE CITY OF NICEVILLE, FLORIDA,
APPOINTING MEMBERS TO THE CITY OF NICEVILLE'S URBAN
FORESTRY COMMITTEE; AND PROVIDING FOR AN EFFECTIVE
DATE.**

WHEREAS, the City Council of the City of Niceville has determined that the protection of trees on public property within the City of Niceville is not only desirable, but essential to the present and future health, safety, and welfare of all residents; and

WHEREAS, the City Council of the City of Niceville passed Ordinance 25-10-03 on 18 November 2025 which established an Urban Forestry Advisor Committee, and;

WHEREAS, the City Council of the City of Niceville is required to appoint five members to the Urban Forestry Committee,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niceville appoints the following individuals to serve on the Niceville Urban Forestry Committee.

1. Representative from the City's Parks Department: Chrystal Hisey
2. Representative from the City's Public Works Department: Johnathan Laird
3. Citizen with knowledge or experience in arboriculture, horticulture, or landscape management: Mr. John Yost
4. Representative from the UF/IFAS Extension Office or Florida Forestry Service, Florida Department of Agriculture and Consumer Services: Mr. Rob Calley
5. One citizen-at-large residing within the City of Niceville: Mr. Mike Chesser

PASSED AND ADOPTED in regular session of the Niceville City Council on this 13th day of January 2026.

Daniel Henkel, Mayor

ATTEST:

Wendy Farmer, City Clerk



F-5



STAFF MEMORANDUM

Date: January 5, 2026
From: Chris Frassetto, Community Development Director
To: Niceville City Council
Through: David Deitch, City Manager
RE: Resolution 26-01-02 – Adoption of Five-Year Capital Improvement Plan (CIP)

Action Requested:

Motion to approve the proposed five-year capital improvement plan (CIP) for FY 2025-2026 through FY 2029-2030.

Previous Action:

On August 12, 2025, the City Council unanimously approved the proposed comprehensive plan amendments for transmittal to the State and Federal agencies for review. The five-year CIP was included within this plan amendment as part of the required capital improvement element in the plan.

Background:

In August of 2024, the City Council authorized staff to begin the Evaluation and Appraisal Report (EAR) process of updating the City's Comprehensive Plan. The Florida Department of Commerce received the City's EAR notification letter on September 12, 2024.

In accordance with the state coordinated review process required for EAR – based comprehensive plan amendments, the city shall submit the plan amendment to the State and other review agencies following required public hearings in two phases (proposed phase and adopted phase).

On August 15, 2025, following City Council approval of the proposed plan amendments throughout 2025, Staff transmitted the proposed plan amendment to the State and other required agencies for review.

The proposed CIP addresses current and long-range capital projects anticipated over the period of FY 2025-2026 through FY 2029-2030. Further, as many of the projects included in the CIP are anticipated to be funded through a share of State or Federal grants, many, if not all of those grants require the projects to be included on the local jurisdiction's CIP as criteria for grant eligibility.

Because adoption of the comprehensive plan amendment has taken longer than expected, delaying approval of the CIP, staff recommends formally adopting the five-year CIP now to prevent potential loss of grant funding for identified projects.

Although the capital improvement element is a component of the comprehensive plan, adoption and modification of the CIP does not require review through the State land planning agency. Therefore, the CIP can be adopted separately from the comprehensive plan amendment process.

Options: Approve/Deny/Postpone/Modify

Recommendation: Motion to approve Resolution 26-01-02, adopting the proposed five-year FY 2025-2026 through FY 2029-2030 Capital Improvement Plan (CIP).

Attachments:

1. Proposed Five-Year Capital Improvement Plan (CIP)

RESOLUTION NO. 26-01-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NICEVILLE, FLORIDA, ADOPTING THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN (CIP) FOR FISCAL YEARS 2026 THROUGH 2030; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes, requires local governments to adopt comprehensive plans that include a Capital Improvements Element (CIE) designed to consider public facility needs, set forth levels of service, financial feasibility, and a schedule of capital improvements covering at least five years; and the CIE must be reviewed annually to reflect timing, location, and funding of projects necessary to achieve and maintain adopted levels of service, and

WHEREAS, the proposed Capital Improvement Plan includes projects that address safety and health issues, legal commitments, contractual requirements, and community priorities, and

WHEREAS, the timing and completeness of capital projects shall depend on future funding availability, and bids received as a result of future supply chain, marketplace prices and labor availability.

NOW, THEREFORE, BE IT RESOLVED by the City of Niceville, Florida:

Section 1. Adoption of the Capital Improvement Plan.

The City Council hereby adopts the City of Niceville “Capital Improvement Plan for Fiscal Years 2026–2030”, attached hereto as Exhibit “A” and incorporated herein by reference as if set forth in full.

Section 2. Conflicts

All sections or parts of section of all resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict. If any section, subsection, sentence, clause or provisions of this Resolution is held unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding shall not affect the remainder of the Resolution.

Section 3. Effective Date.

This Resolution shall take effect immediately upon its passage and adoption in accordance with the City Charter.

PASSED AND ADOPTED in regular session this 13th day of January, 2026.

Daniel Henkel, Mayor

ATTEST:

Wendy Farmer, City Clerk



PUBLIC SAFETY							
Description / Location	Funding Source	FY 25/26	FY 26/27	FY 27/28	FY 28/20	FY 29/30	Total Cost
DMC Range Fire Station and Emergency Fire Equipment Storage Facility	State DIG Fed DoD DCIP Fire	\$396,800 (A & E Design)	\$4,111,793 (Construction)	\$4,111,793 (Construction)			\$8,223,586
DMC Range Fire Station and Emergency Fire Equipment Storage Facility Site Prep	City Matching Funds- Fire with Public Works	\$119,040 City DIG Match (Site Prep)	0	0			\$119,040
Police Department and Emergency Operations Center (EOC)	FEMA EOC Grant and USDA (Loans and Grants)		\$4,500,000	\$4,500,000			\$9,000,000
Fire Station 21 – Hurricane Hardening Feasibility Study	State, Federal and City		\$250,000				\$250,000
Police Security Boat and Dock Improvements Lions Park	FEMA Port Security Program				\$600,000	\$300,000	\$900,000
Police – Storage Facility	City	\$35,000					\$35,000
WATER AND SEWER							
Description / Location	Funding Source	FY 25/26	FY 26/27	FY 27/28	FY 28/20	FY 29/30	Total Cost
Edge Avenue and Armstrong Avenue Water and Sewer Upgrades – Niceville Old Town Landing	Water and Sewer			\$250,000 (Construction)			\$250,000
DMC 1MG Water Tower	FDEP and City W & S	\$2,400,000	\$2,400,000				\$4,800,000
Well 12	FDEP and City W & S	\$2,000,000	\$2,000,000				\$4,000,000
Replace Wastewater Reclaimed Pumps	FDEP, NFWFMD and City W & S	\$200,000	\$200,000				\$400,000
STORMWATER							
Description / Location	Funding Source	FY 25/26	FY 26/27	FY 27/28	FY 28/20	FY 29/30	Total Cost
Thompson Branch / Palm Boulevard Street Improvements	SW Fee	\$365,000 (Design)					\$365,000
TRANSPORTATION							
Description / Location	Funding Source	FY 25/26	FY 26/27	FY 27/28	FY 28/20	FY 29/30	Total Cost
Crossing Boulevard Connector	State Appropriation Possible TRIP Grant	\$300,000 (Design)		\$3,000,000 (Construction)			\$3,300,000



City of Niceville Capital Improvements Schedule TABLE 9-1

Palm Boulevard MUP Safety Improvements							
SS4A Safety Audits	FDOT 4 RSA	\$52,000 City Match \$13,000					\$65,000
CRA							
Description / Location	Funding Source	FY 25/26	FY 26/27	FY 27/28	FY 28/20	FY 29/30	Total Cost
Pavillion Parking Lot Paving and Stormwater Improvements - Turkey Creek	SW Fee Possible Grants State FRDAP CRA Funds			\$63,000 (Design) \$500,000 (Construction)			\$563,000
Hardees Site Parking and Stormwater Improvements – Turkey Creek	SW Fee Possible Grants FRDAP CRA Funds		\$63,000 (Design) \$450,000 (Construction)				\$513,000
Kayak Drop Off Access Road and Parking – Turkey Creek	SW Fee Possible Grants FBIP & County Boat Tax CRA Funds	\$37,000 (Design) \$246,600 (Construction)					\$283,600
Playground and Interactive Displays - Turkey Creek	SW Fee Possible Grants CRA Funds			\$23,000 (Design) \$700,000 (Construction)			\$723,000
Future Park (Ecological Restoration and Trails) – Turkey Creek	SW Fee Possible Grants CRA Funds					\$40,000 (Design) \$400,000 (Construction)	\$440,000
Old Town Landing Phase I– Boggy Bayou between Edge Avenue and Armstrong	CRA Funds FBIP & TDT	\$3,200,00 (Construction)					\$3,200,000



City of Niceville Capital Improvements Schedule TABLE 9-1

Old Town Landing Phase I Temporary Parking	Streets		\$40,000 (Construction)				\$40,000
Old Town Landing Phase II - South of Bayshore on Boggy Bayou between Edge and Armstrong	CRA Funds TDT			\$2,000,000 (Construction)			\$2,000,000
PARKS AND RECREATION							
Description / Location	Funding Source	FY 25/26	FY 26/27	FY 27/28	FY 28/20	FY 29/30	Total Cost
Lions Park - Land Acquisition, Dock Improvements, Seawall Improvements, Parking lot expansion, Park Upgrades	State FBIP, County Boat Tax & City		\$200,000 (Land Acquisition)	\$800,000 (Dock Improvements)	\$950,000 (Seawall and Parking lot Improvements)		\$2,500,000
Youth Park -New Skate Ramps & Replace Surface	State FRDAP, County & City		\$30,000	\$35,000	\$40,000	\$40,000	\$145,000
Children's Park -Resurface Safety Surface Entire Park, Jamb Replacement, Outdoor work area, Upgrade Restrooms, Replace Office and Gazebo Roof, Upgrade Playground Equipment	State FRDAP, County & City	\$231,000 (Replace Safety Surface, Upgrade Restrooms)	\$20,000 (Replace Office and Gazebo Roof)	\$60,000 (Playground Equipment)			\$311,000
Recreation Complex -Upgrade Lighting system with LED, Upgrade Metal Roof on Pavilion, Upgrade Chain Link Fence	State FRDAP, County & City			\$300,000			
Rocky Runway Park Fitness Trail Upgrade and Benches	State, Foundation and City					\$28,000	\$28,000
Kiwanis Park Replace Community Message Board	State, Foundation, Local Clubs, Chamber of Commerce or City –		\$85,000				\$85,000
Kelly Park New Playground Equipment	State, Foundation and City		\$35,000				\$35,000
Twin Oaks- Upgrade Restrooms and all Park Amenities	Private Sponsors, State, County & City		\$1,000,000 (Design)				



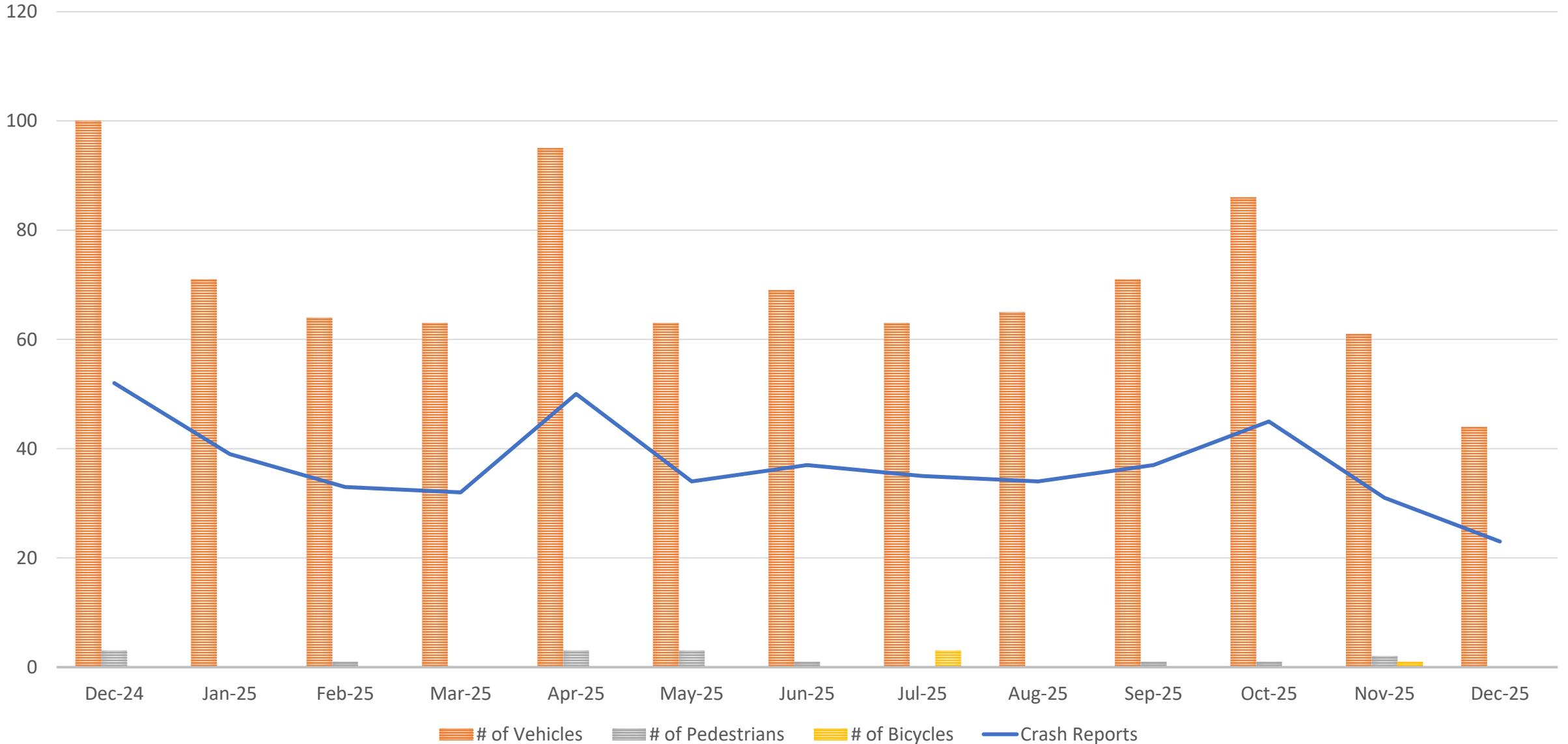
G-1



G-2

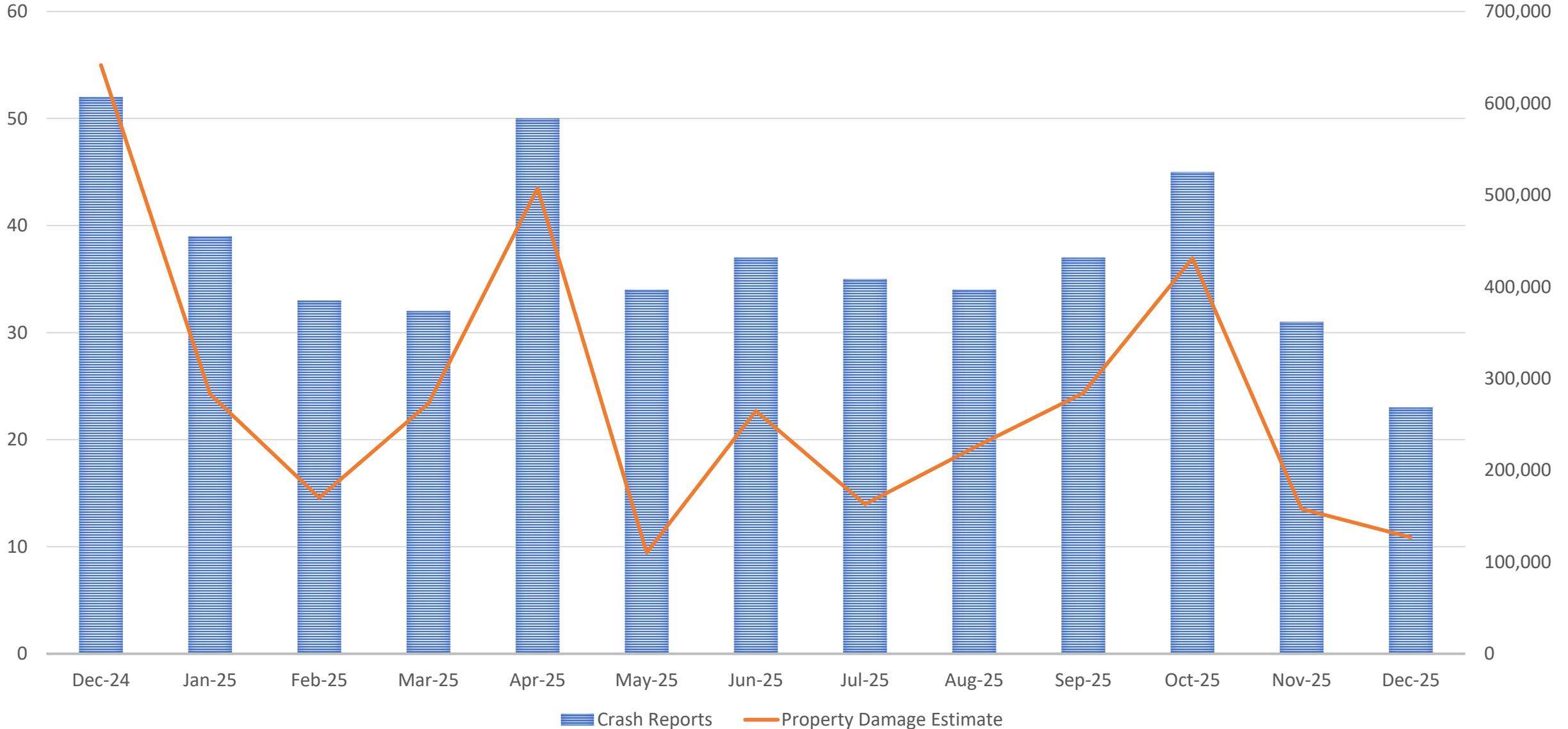
Traffic Reports

December 2024 – December 2025



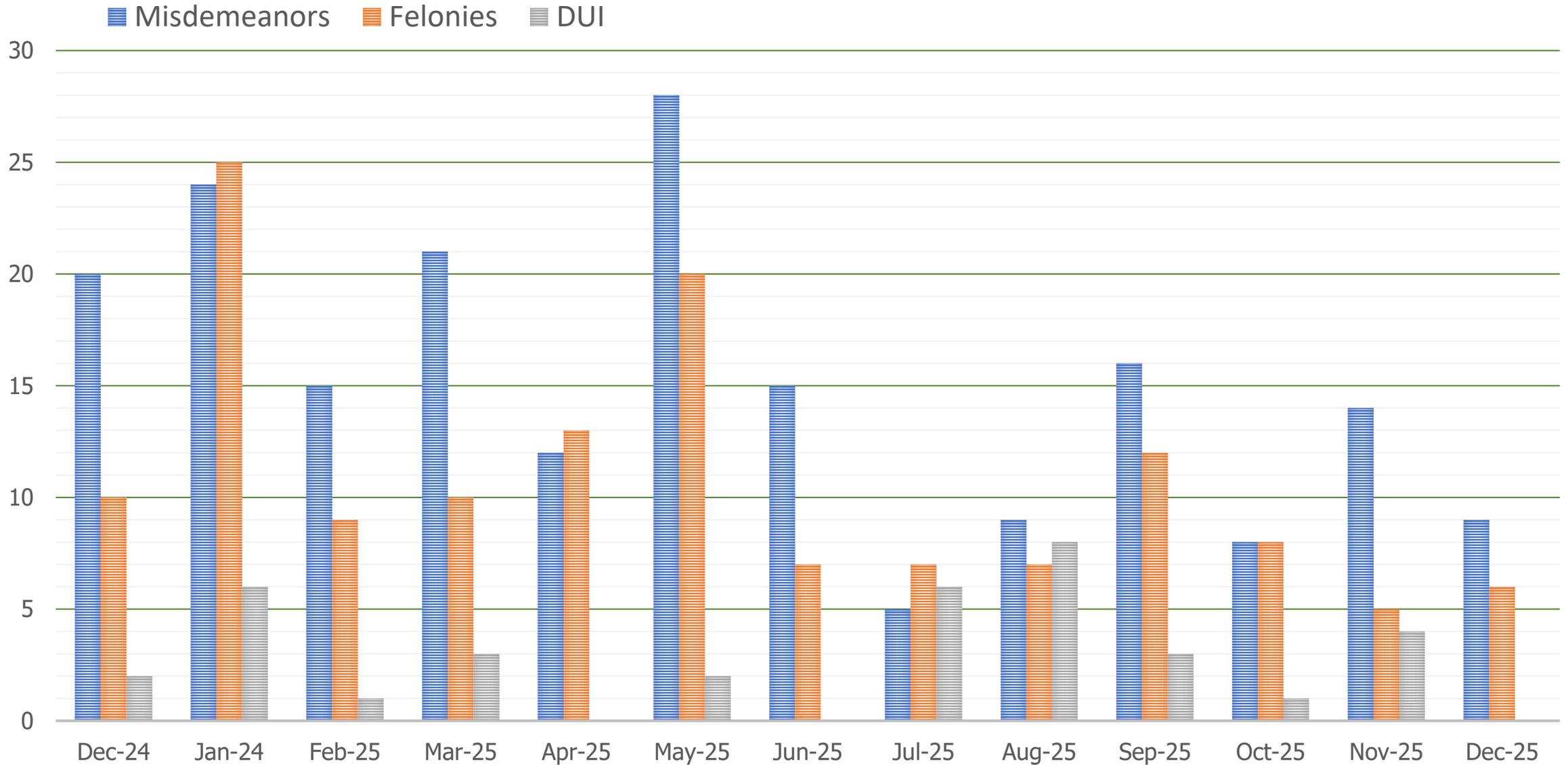
Traffic Reports

December 2024 – December 2025



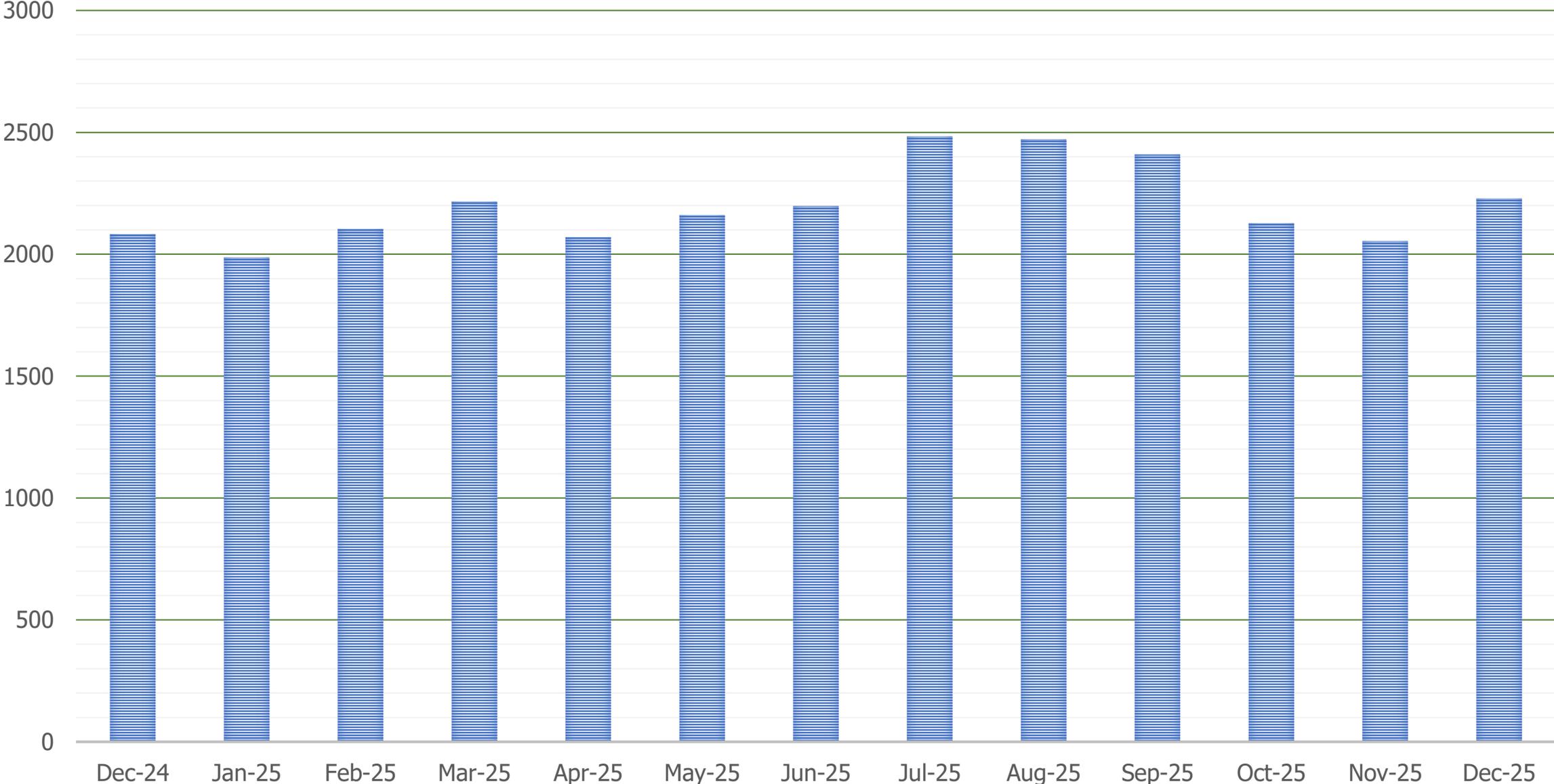
Misdemeanors, Felonies & DUIs

December 2024 – December 2025



Police Department – Total Calls

December 2024 – December 2025



Event Volume

Generated: Thursday, January 1 18:34:50 2026

Jurisdiction: JUR.NV

Time granularity: MONTH

Location numbers: 77202,77203,77200,77201

Date range: Monday, December 1 00:00:00 2025 - Wednesday, December 31 00:00:00 2025

Date Range	Site Number/Location	Total Events	Total Rejected Events	Events Pending Altumint Review	Police Queue to be Approved	Police Approved	Mailed Citations	Warning	Average Speed per violation
December 2025	4 locations	1245	219	0	252	774	773	0	
-	90 Block Palm Blvd N NB (77200)	275	31	0	50	194	193	0	34.48
-	90 Block Palm Blvd N SB (77201)	279	53	0	57	169	169	0	34.14
-	200 Block Partin Dr N NB (77202)	175	38	0	54	83	83	0	40.01
-	200 Block Partin Dr N SB (77203)	516	97	0	91	328	328	0	42.03



G-3



NICEVILLE FIRE DEPARTMENT

December 2025 REPORT

Call Volume & Responses

- Responded to 148 emergency incidents for the month
- Of the 148 incidents, none were reportable overdoses

Fire Inspections & Safety

- 15 inspections were conducted for the month
- Continuing fire inspections for the City of Valparaiso to include the final inspection for Okaloosa Gas
- Completed the pre-planning of the Enclave
- Craft Bar opened
- Painting hydrants throughout the city
- ISO Survey coming in late March

Community & Department Events

- Christmas Parade
- Delivering Santa to Swift Creek for Christmas
- Raiders Landing Fire Drill
- Car seat class March 10-13th at North Bay Fire Control District. Cost is \$95 per person
- NARCAN box fully stocked holds 24 boxes. Since placement, 10 boxes have been taken
- Participated in Guns vs. Hoses commercial for the Niceville High School IT Department
- Participated in Coco with a Cop

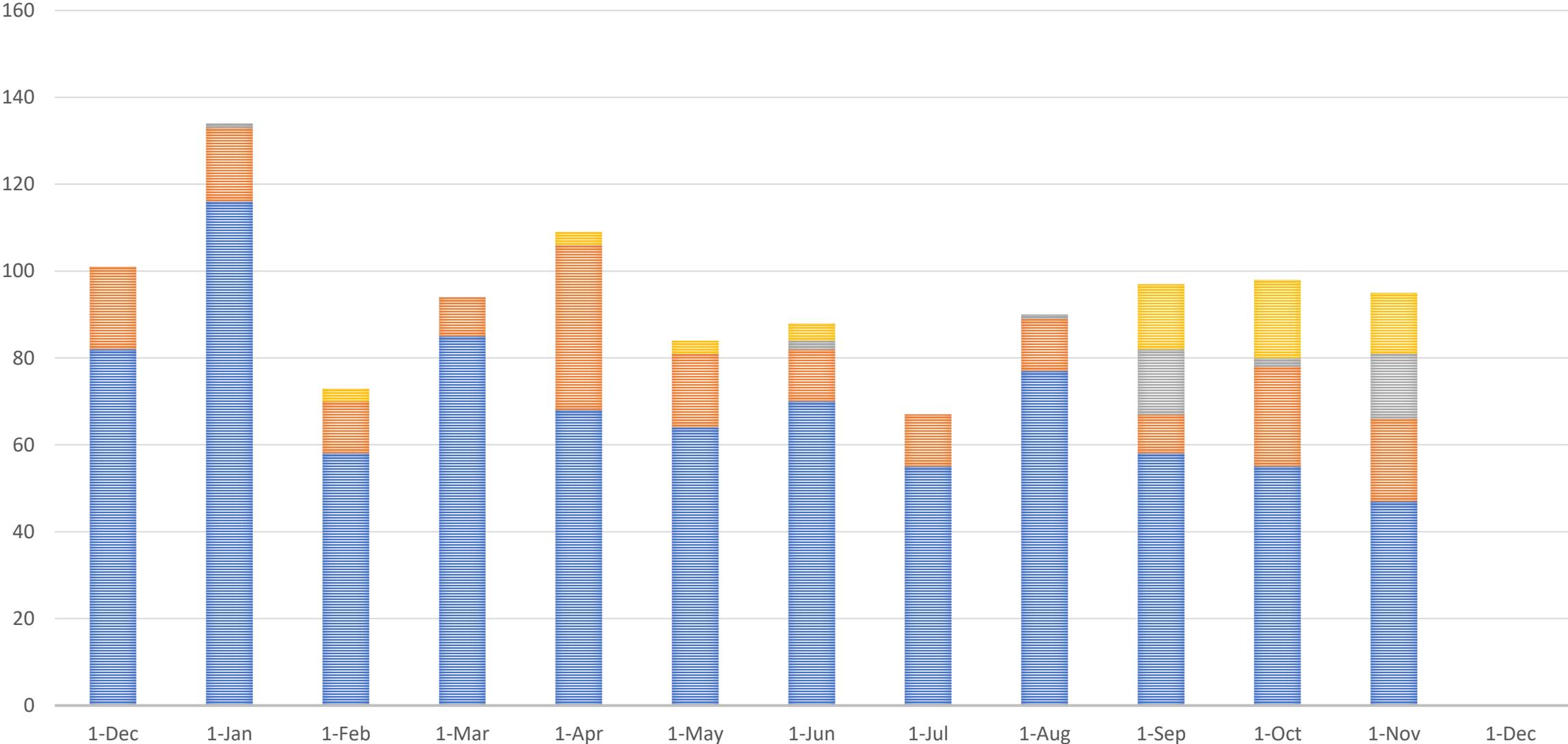
Department Updates

- Division Chief position has a tentative prospect
- SOG/SOP rewrite has begun and first set of updated policies/procedures were signed

EMS – Non-Vehicular

December 2024 – December 2025

■ 311 - Medical Assist EMS Crew ■ 300 - Rescue, EMS Incident Other ■ 320 - EMS Other ■ 321 - EMS call, Excl. Vehicle Accident w/ Injury



EMS – Vehicular

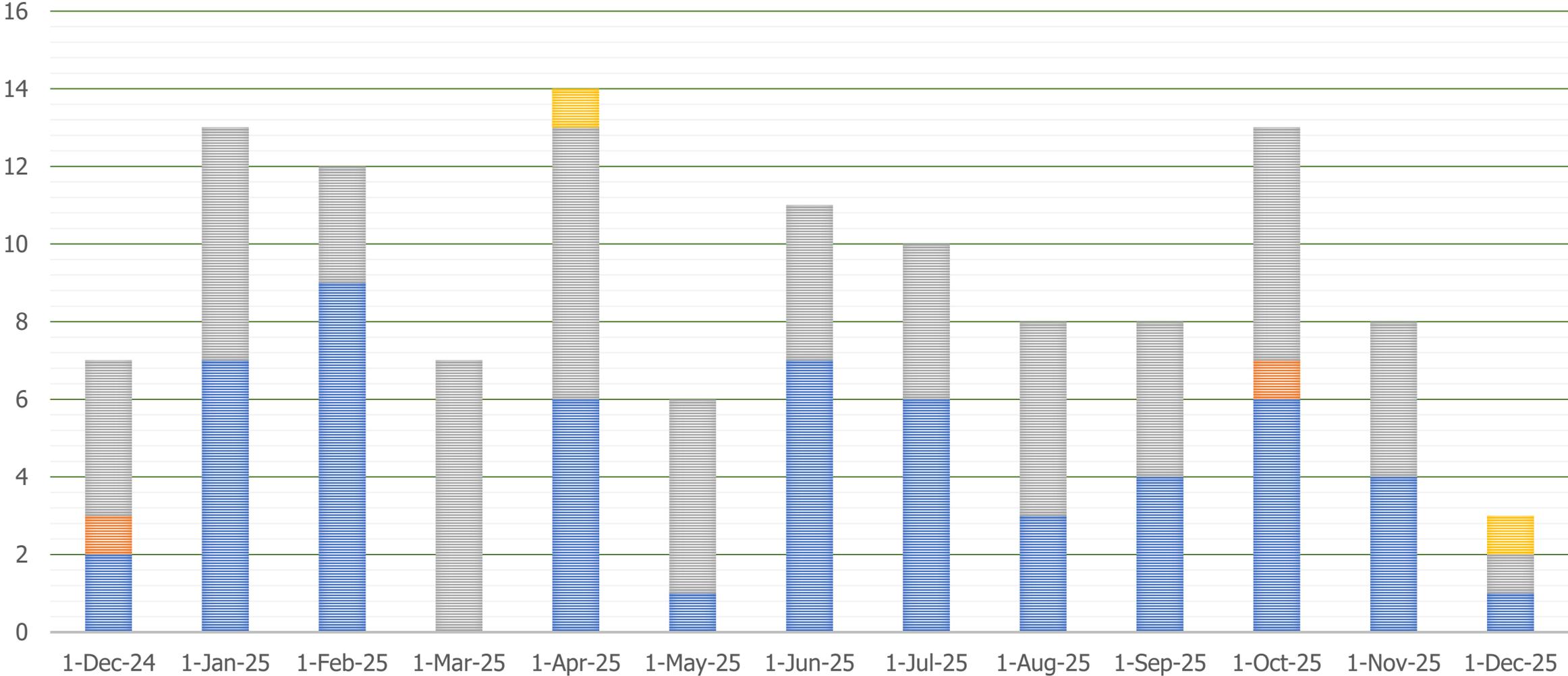
December 2024 – December 2025

322 - Motor Vehicle Accident w/ Injuries

323 - Motor Vehicle/Pedestrian Accident

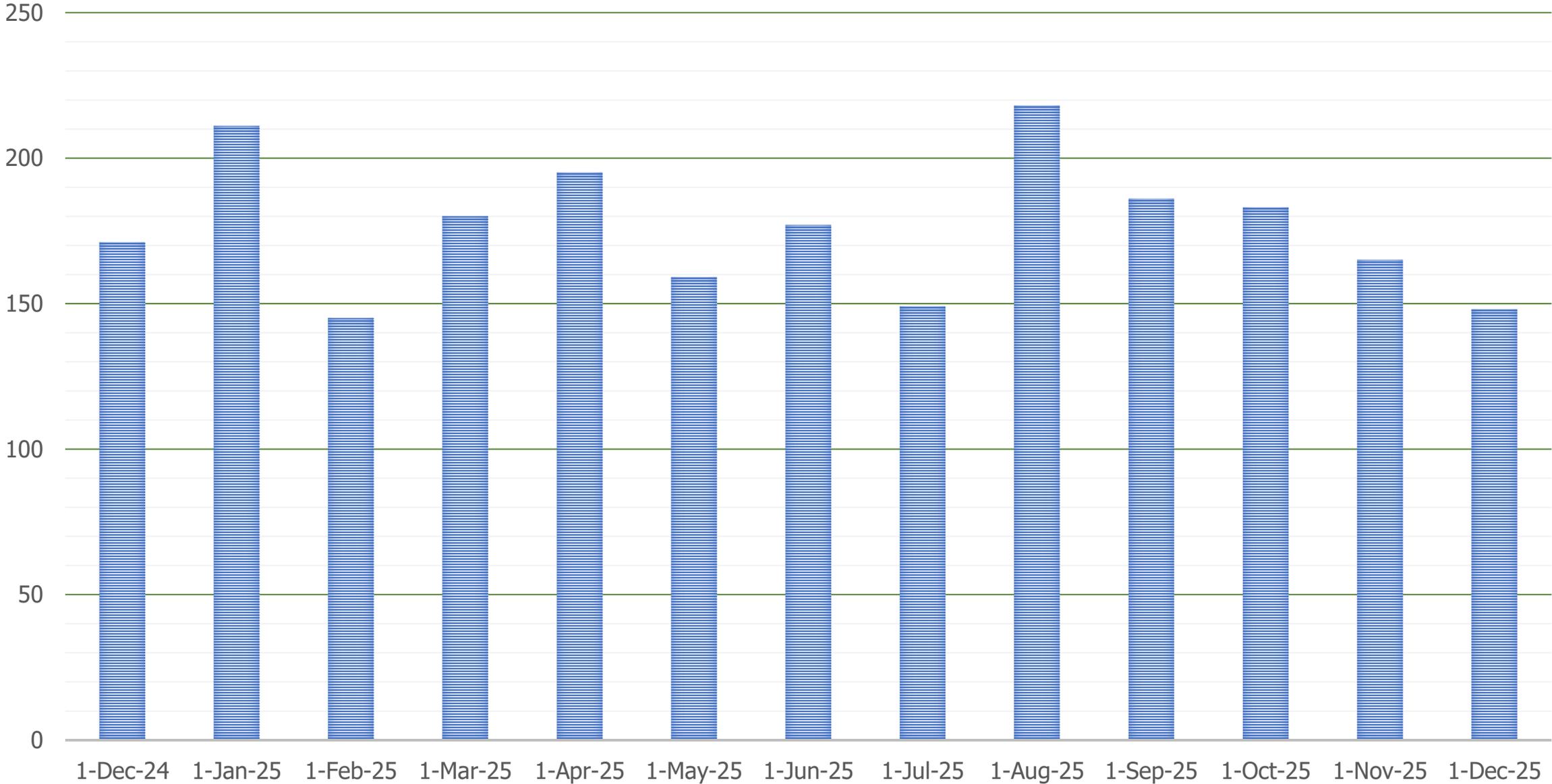
324 - Motor Vehicle Accident w/ No Injuries

352 - Extrication of Victim(s) from Vehicle



Fire Department – Total Calls

December 2024 – December 2025

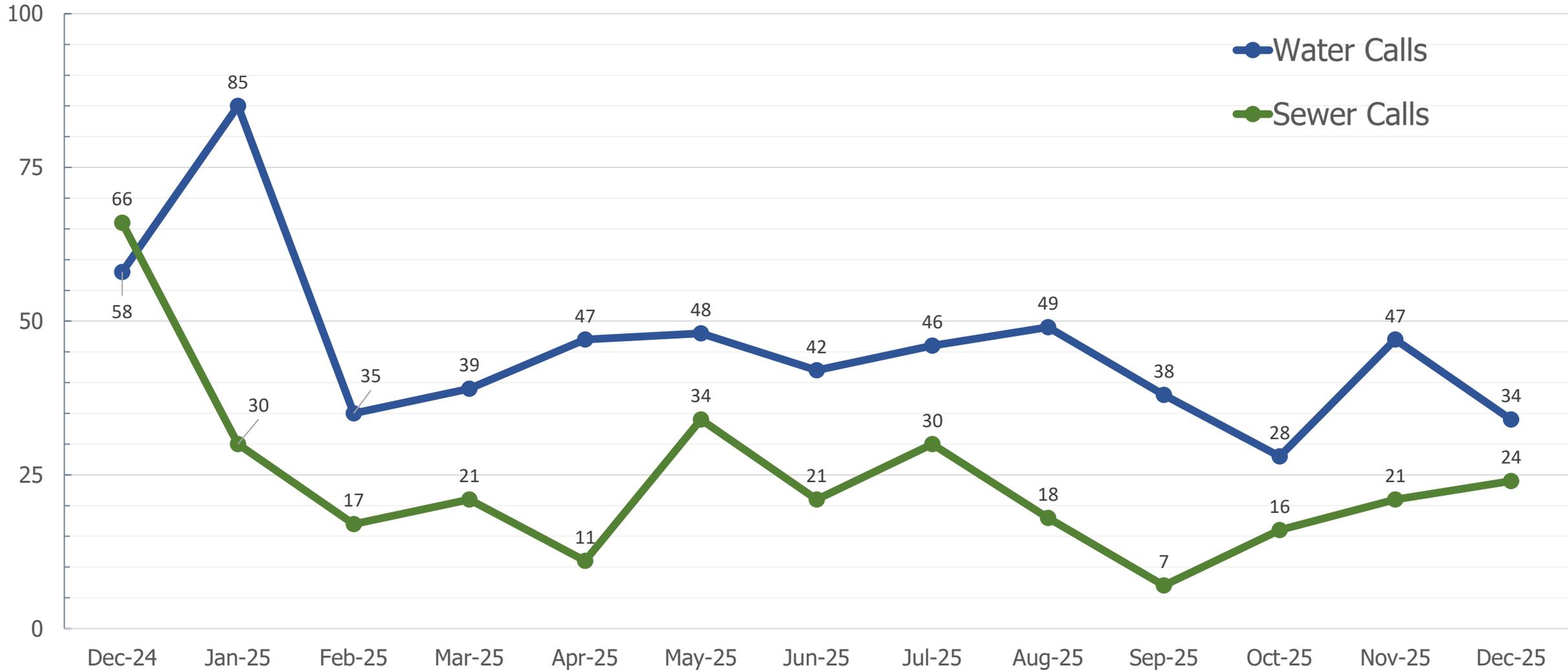




G-4

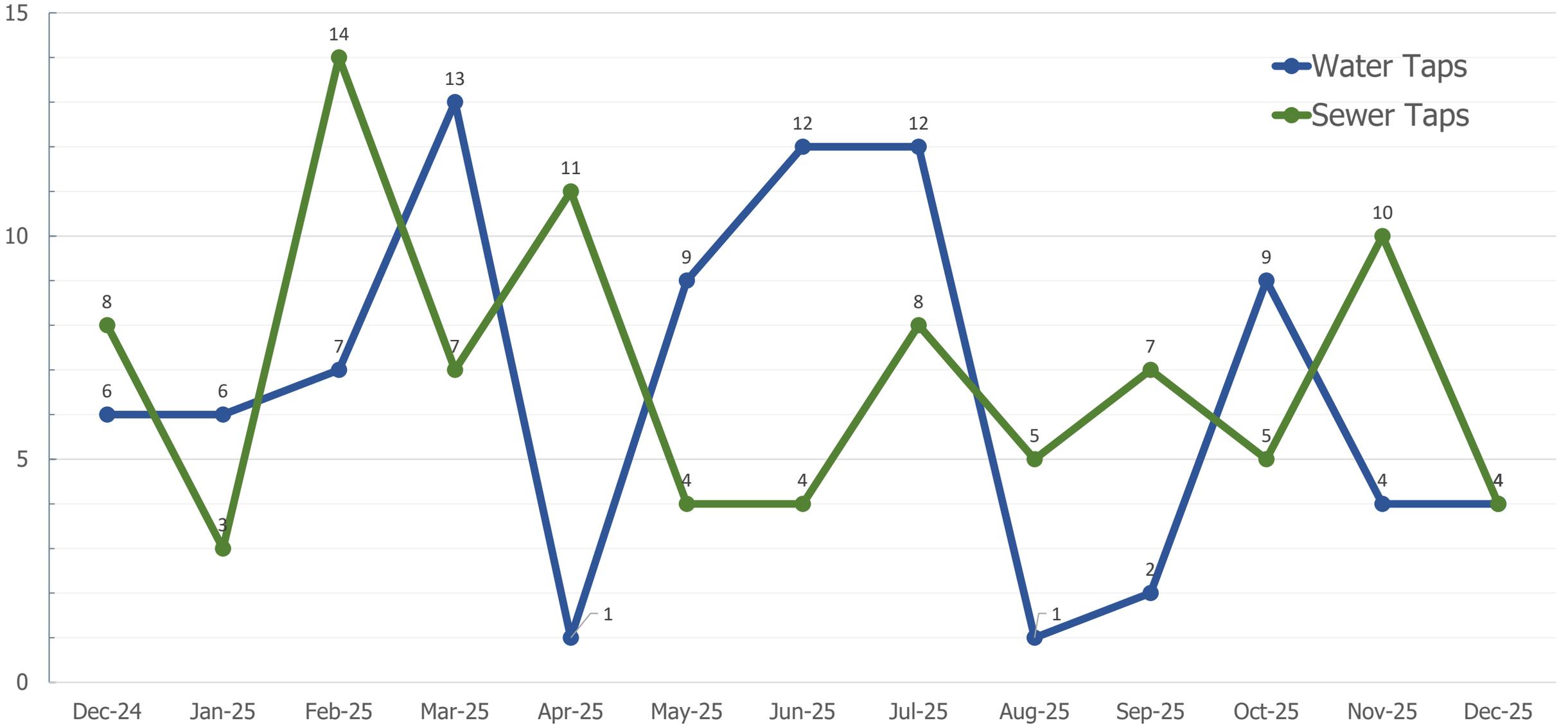
Water & Sewer Calls

December 2024 – December 2025



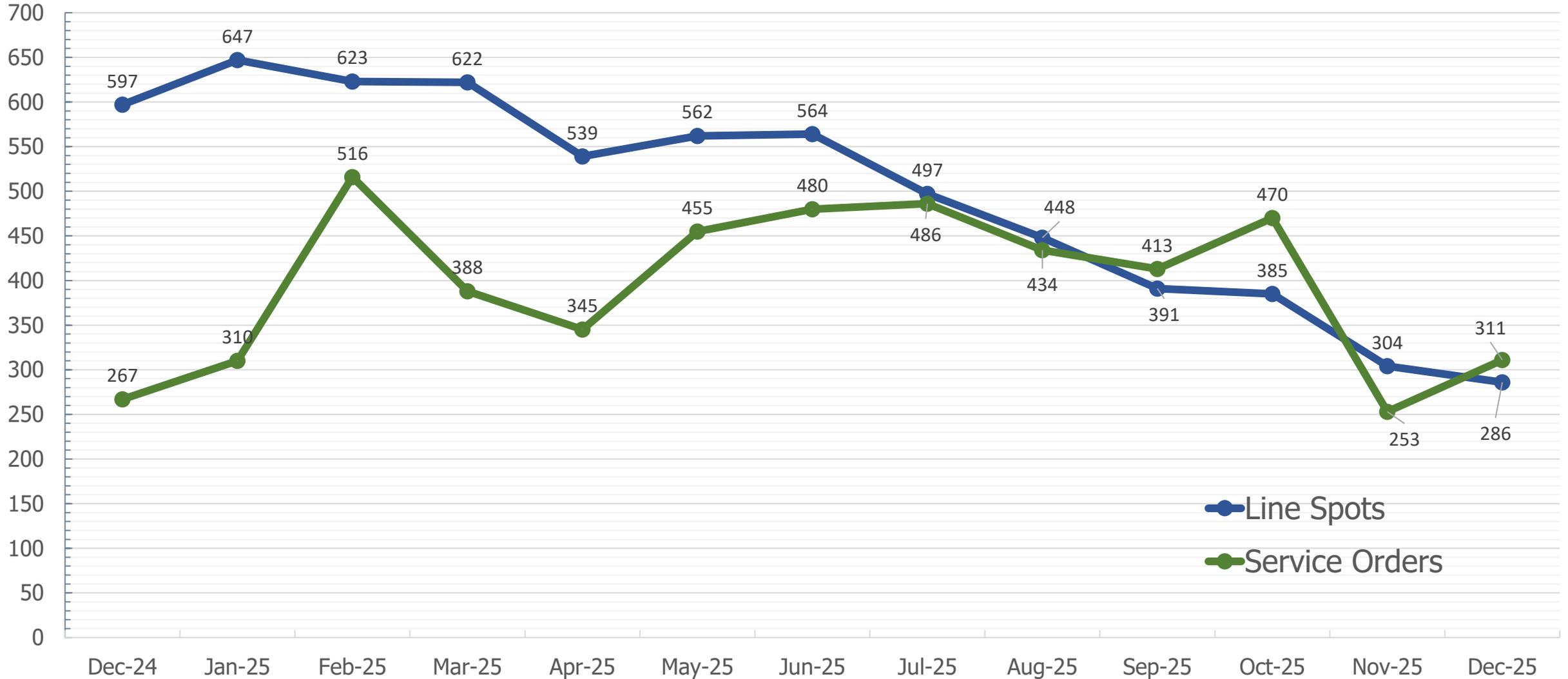
Water & Sewer Taps

December 2024 – December 2025



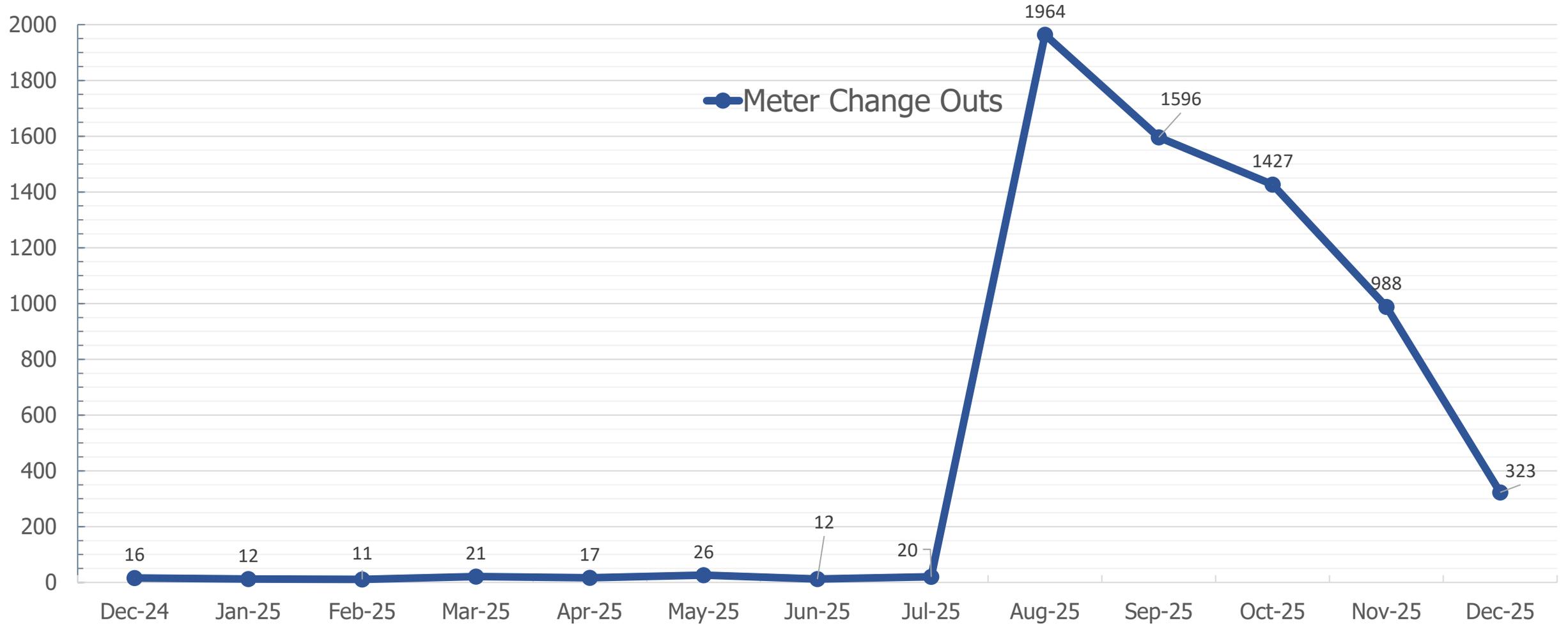
Line Spots & Service Orders

December 2024 – December 2025



Meter Change Outs

December 2024 – December 2025





G-5



Code Compliance Division

920 Cedar Ave South Niceville, FL 32578 | Phone: 850-279-6436 Ext 2300 | www.cityofniceville.org

Code Compliance Activity Report

December 1st – 31th 2025

28 – Cases:

21 - Closed Cases (Voluntary Compliance)

3- Open Cases (Investigations)

4 - Courtesy's (Informational Door Hangers)

46- On going Cases from (2025)

0- Magistrate Case

0 - Warning Citation(s) Issued

0 - Citation (s) Issued

Total of (74) Cases

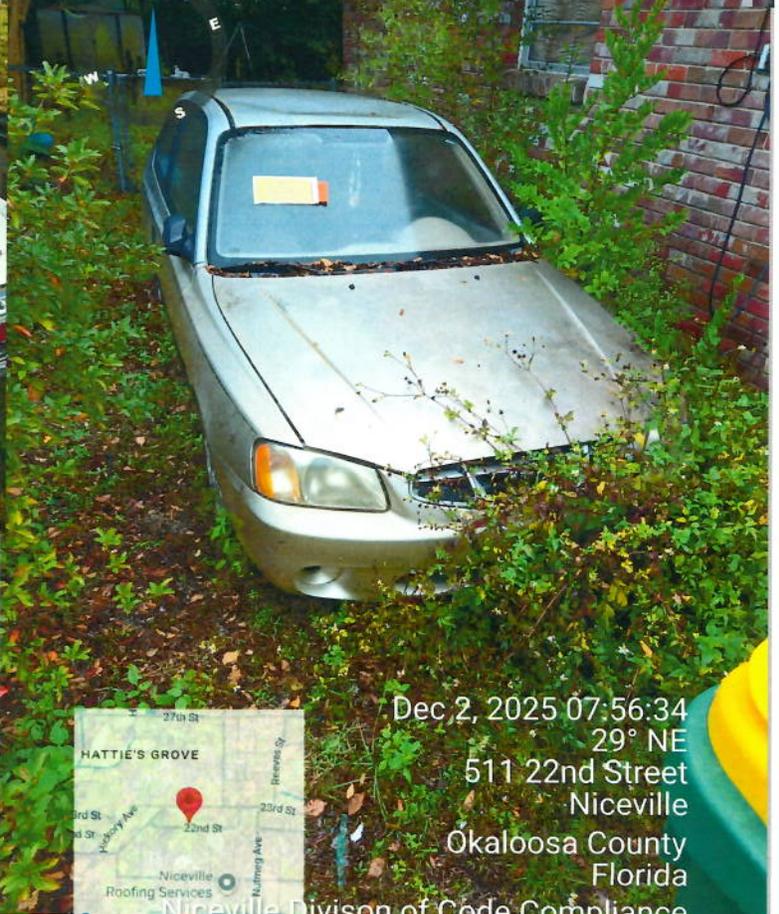
"Compliance through communication and education"

November 2025

City of Niceville Code Compliance

Top Code Violations

- 1. Nuisance / Trash**
- 2. Abandoned Junk Motor Vehicles**
- 3. Non Registered Motor Vehicles**
- 4. Parking Violations**
- 5. Excessive Growth**



Code Compliance Activity Report

December 2025

Date:	Address:	Case#	Case Type:	Photos:	Open/Closed	Compliance:	Courtesy(S)	Magistrate Hearing:	Officer(s)
12/01/2025	141 3 rd Street	2025-0577	Vehicle No Plate	Yes			Yes		Haynes / Smith
12/02/2025	1426 Hickory Ave	2025-0578	Boat/Car In ROW/No Plate	Yes	Closed	Yes/Towed			
12/02/2025	405 King	2025-0579	Vehicle No Plate	Yes	Closed		Yes		
12/02/2025	513 22 nd	2025-0580	Junk Vehicle/Nuisance	Yes	Closed	Yes/Removed	Yes		
12/02/2025	512 22 nd	2025-0581	Junk Vehicle/Nuisance	Yes	Closed	Yes			
12/02/2025	410 Paradise	2025-0582	Expired Plate/Nuisance	Yes	Open		Yes		
12/02/2025	120 Poplar	2025-0583	Abandoned Trailers on City Right Away Property	Yes	Closed	Yes/Removed	Yes		
12/03/2025	197 Bayshore Drive	2025-0584	Abandoned Vehicle	Yes	Closed	Yes/Removed	Yes		
12/03/2025	507 John Sims	2025-0585	Nuisance Material	Yes	Closed	Yes	Yes		
12/04/2025	Monarch /Finck	2025-0586	Debris Dumping	Yes	Closed	Yes	Public works		
12/08/2025	605 Bayou Lane	2025-0587	Vehicle on the Street Expired Plate	Yes	Closed	Yes/Removed			
12/08/2025	708 Palm Blvd	2025-0588	Trash Cans	Yes					
12/08/2025	Emerald Coast Marine	2025-0589	Loud Music	Yes	Yes	Yes	Yes/TX		
12/10/2025	Palm / Bayshore	2025-0590	Snipe Sign	Yes	Closed	Yes/Removed			
12/10/2025	Bayshore/Pinhook	2025-0591	Snipe Sign	Yes	Closed	Yes/Removed			
12/10/2025	Bayshore Pinhook	2025-0592	Snipe Sign	Yes	Closed	Yes/Removed			
12/10/2025	144 Red Maple way	2025-0593	2-Vehicles/No Plate	Yes	Closed	Yes	Yes		
12/10/2025	502 Moss Oak Lane	2025-0594	MC Stored on Sidewalk	Yes	Closed	Yes/Removed			
12/15/2025	23 rd /Bailey	2025-0595	Snipe Sign	Yes	Closed	Yes/Removed			
12/15/2025	Paradise/22 nd	2025-0596	Snipe Sign	Yes	Closed	Yes/Removed			
12/15/2025	117 Red Maple Way	2025-0597	Garbage Dumping	Yes	Closed	Yes/Removed			
12/15/2025	312 Riley	2025-0598	Nuisance Vehicle	Yes			Yes		
12/16/2025	201 21 st	2025-0599	Vehicle No Plate	Yes	Open		Yes		
12/17/2025	1 st /2 nd street	2025-0600	Garbage	Yes	Closed	Yes/Removed	Public Works		

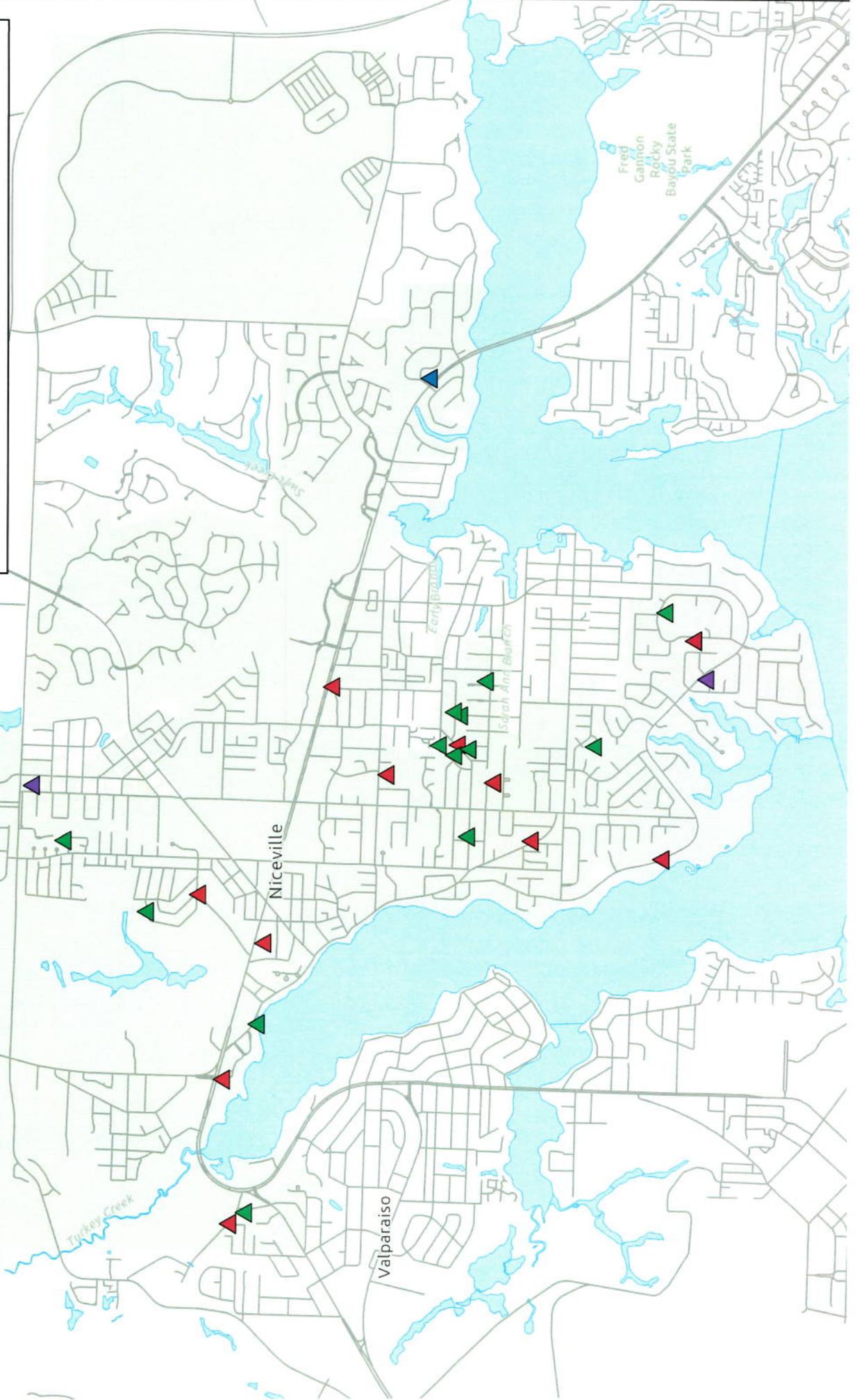
Code Violations December 2025

CaseType

- Nuisance
- Excessive Growth
- Prohibited Parking/Vehicle
- Other Violations



Map Prepared by Niceville GIS, December 2025



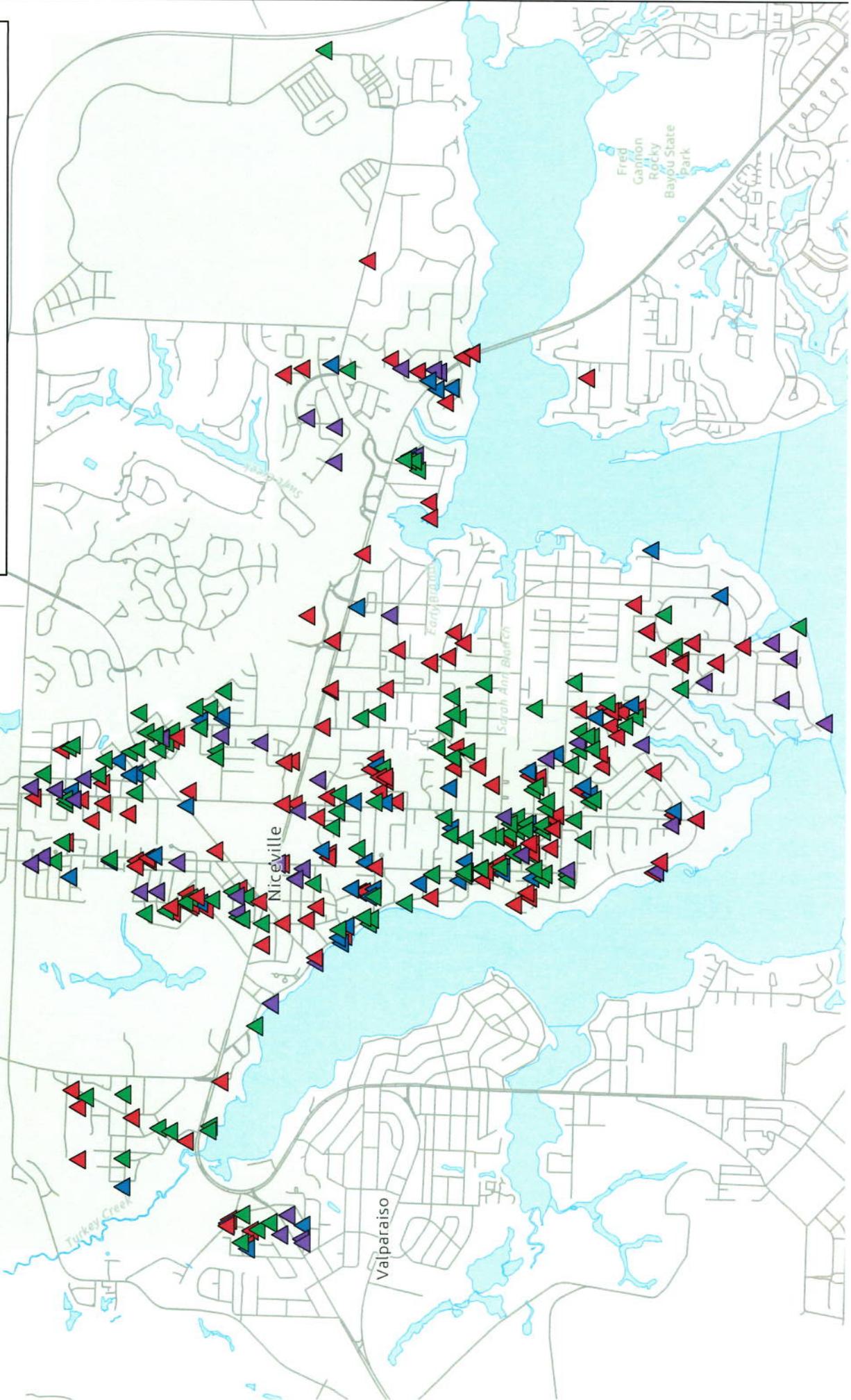
Code Violations Jan - Dec 2025

CaseType

- Nuisance
- Excessive Growth
- Prohibited Parking/Vehicle
- Other Violations



Map Prepared by Niceville GIS, December 2025

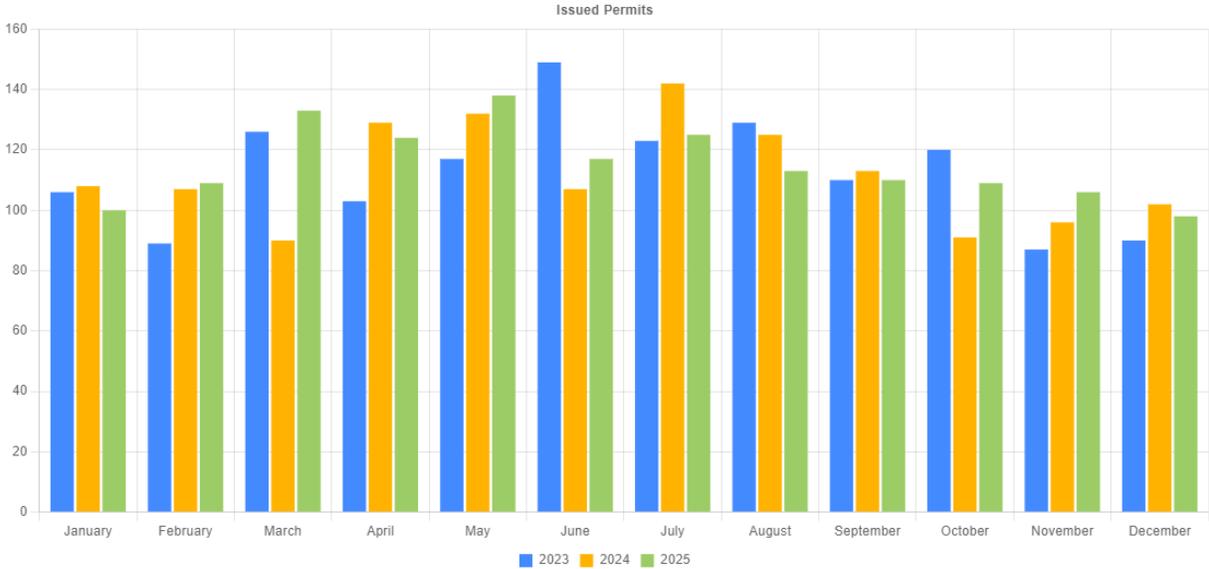




G-6

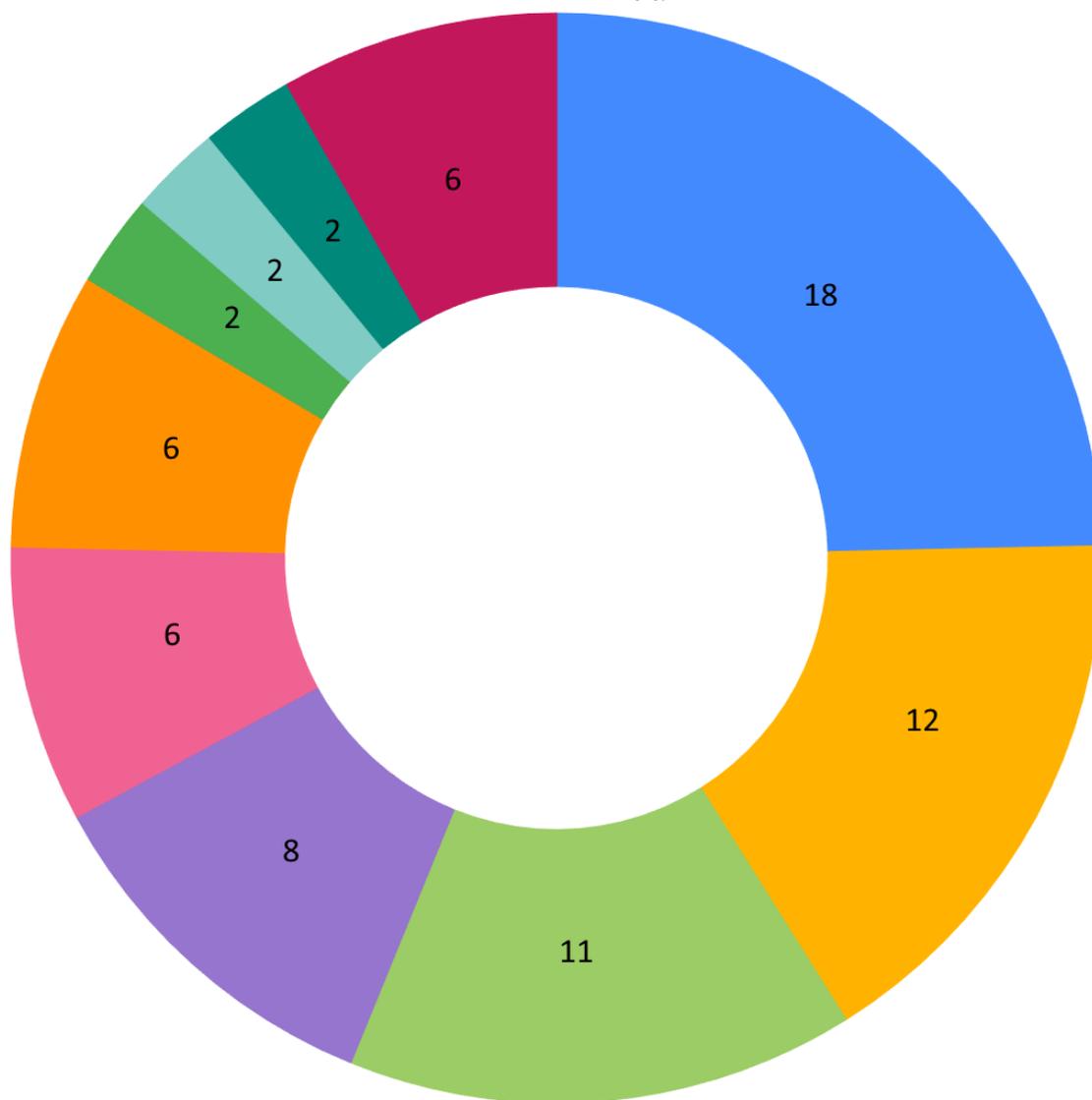
Building Department

December 2025



NEW Residential Building Permits Issued	3
Permit Fees Collected	\$24,136.42
Certificates of Occupancy Issued	10

Permits Issued In Last Month By Type



RESIDENTIAL MECHANICAL RESIDENTIAL GAS RESIDENTIAL REMODEL RESIDENTIAL ROOF RESIDENTIAL ELECTRICAL RESIDENTIAL PLUMBING
COMMERCIAL MECHANICAL RESIDENTIAL ACCESSORY BLD SOLAR PANELS OTHER

*** BUILDING CODE RECAP ***

BUILDING CODE - DESCRIPTION	# OF PROJECTS	# OF SEGMENTS	VALUATION	FEES
101 - SINGLE FAMILY	3	3	896,400.00	7,787.74
BC-ACC - COMMERCIAL ACCESSORY	1	1	3,930.00	79.00
BC-REM - COMMERCIAL REMODEL	1	1	40,000.00	309.06
BR-ACC - RESIDENTIAL ACCESSORY BUILDING	2	2	40,480.00	378.80
BR-ADD - RESIDENTIAL ADDITION	1	1	32,000.00	272.70
BR-REM - RESIDENTIAL REMODEL	16	16	437,916.15	3,322.00
BR-RREP - RESIDENTIAL REPAIR	1	1	12,377.15	139.02
ELE-COM - COMMERCIAL ELECTRICAL	0	1	5,000.00	79.00
ELE-RES - RESIDENTIAL ELECTRICAL	7	11	58,939.00	949.00
FENCE-RES - RESIDENTIAL FENCE	2	2	20,279.28	158.00
GAS-RES - RESIDENTIAL GAS	16	19	27,001.65	1,501.00
IRR-RES - RESIDENTIAL IRRIGATION	0	3	0.00	1,662.00
MECH-COM - COMMERCIAL MECHANICAL	2	2	230,000.00	0.00
MECH-RES - RESIDENTIAL MECHANICAL	19	22	171,714.19	2,283.92
PLB-COM - COMMERCIAL PLUMBING	1	2	5,789.50	158.00
PLB-RES - RESIDENTIAL PLUMBING	7	11	54,526.00	969.62
POOL-RES - RESIDENTIAL POOL	1	1	95,000.00	523.00
ROOF-COM - COMMERCIAL ROOF	1	1	50,000.00	351.57
ROOF-RES - RESIDENTIAL ROOF	14	14	229,553.02	2,450.47
SEWER - SEWER TAP	0	3	0.00	9,900.96
SOLAR-RES - RESIDENTIAL SOLAR SYSTEM	3	3	90,377.50	762.52
WATER - WATER TAP	0	3	0.00	16,240.49
*** TOTALS ***	98	123	2,501,283.44	50,277.87



G-7

City of Niceville, Florida

MONTHLY REPORT

FISCAL YEAR 2026

DECEMBER 2025



Finance Department

Monthly Report

The Executive Summary is intended to provide a high-level overview of the financial performance for the City of Niceville for fiscal year 2026 through the month of December 2025.

Key Highlights

- Total Revenue – all funds \$8,772,287
 - Total Expenditures – all funds \$7,851,096
 - Checking account balance – beginning of month \$3,768,371.39
 - Checking account balance – end of month \$4,187,630.06
-

Revenue / Expenditure Summaries*

Fund	General	CRA	Surtax	Water/Sewer	Sanitation	Stormwater
Total Revs	2,978,778	590,857	756,805	3,136,287	1,145,568	163,992
Total Exps	4,613,423	92,464	195,989	2,177,944	681,951	89,325
	(1,634,644)	498,393	560,816	958,343	463,617	74,666

Balance Sheets*

Fund	General	CRA	Surtax	Water/Sewer	Sanitation	Stormwater
Assets	2,693,692	2,613,504	3,229,896	64,349,790	2,645,060	9,473,709
Liabilities	133,094	-0-	11,345	9,991,539	1,182,662	233,672
Fund Balances	2,560,598	2,613,504	3,218,551	54,358,251	1,462,398	9,240,037

*Revenue and Expenditures, Balance Sheet Figures are presented on a cash basis.

Investment Account Balances

	FL STAR	FL PRIME	SYNOVUS
General Fund Investment	1,377,002.17	1,024,637.88	-0-
CRA Fund Investment	1,270,401.23	500,491.38	-0-
Discretionary Surtax Investment	1,638,194.03	994,207.75	-0-
Sanitation Investment	-0-	1,260,384.52	-0-
Stormwater Investment	1,063,978.51	211,917.28	-0-
Water Extension Investment	3,416,568.70	3,336,810.68	-0-
Sewer Extension Investment	1,299,781.53	869,396.54	-0-
Water Utility Deposit Investment	890,275.87	257,630.33	107,052.95
Water & Sewer Reserve	5,093,910.00	3,544,966.56	560,751.53
O & M Reserve-Synovus Securities*	-0-	-0-	176,947.76**
KM Fiduciary Trust	-0-	447,856.07	-0-
Fire Truck Investment	-0-	789,196.43	-0-
Fire Impact Fees	-0-	-0-	11,106.07
UB ACH	-0-	-0-	27,417.49
Police Department General	-0-	-0-	11,396.16
PD Trust Fund	-0-	-0-	24,171.60
O&M Sinking Fund	-0-	-0-	441,710.05
INTEREST RATE	3.8439%	3.99%	2.00%

*U.S. Treasury Note, maturing 5/31/2026 at 4.875%.

**Balance as of 11/30/2025.

General Fund Budget compared to Actual

Revenues	Budget	Year-to-Date	% Collected
Taxes	10,471,836	1,704,086	16.3
Licenses & Permits	1,637,000	332,241	20.3
Intergovernmental	3,721,560	533,432	14.3
Charges for Services	1,021,936	151,039	14.8
Fines & Forfeitures	87,960	147,836	168.1
Other Revenues	340,390	110,143	32.4
Transfers In	553,420	-0-	0.0
Non-Revenues	2,373,643	-0-	0.0
Total	20,207,745	2,978,778	14.7
Expenditures	Budget	Year-to-Date	% Expended
Legislative	65,600	14,666	22.4
Executive	114,220	28,424	24.9
Finance	82,220	31,709	38.6
Procurement	348,600	81,202	23.3
Legal	85,000	15,000	17.7
Public Information	108,380	28,295	26.1
Human Resources	170,390	48,082	28.2
General Government	2,686,495	570,341	22.0
Innovation & Technology	1,424,518	326,765	32.0
Building Inspection	411,200	140,944	34.4
Police	4,584,426	1,076,358	26.4
Fire	3,529,233	773,951	22.9
Code Enforcement	160,290	35,965	22.9
Animal Control	15,000	64	0.4
Streets	1,343,530	349,753	27.9
Repair & Maintenance	962,580	214,202	23.0
Library	1,374,335	340,229	32.4
Parks	1,061,330	226,543	22.7
Recreation	1,007,260	165,814	22.3
Community Center	202,610	46,907	24.0
Senior Center	470,528	95,024	29.7
Children's Park	-0-	1,877	0.0
Youth Center	-0-	1,308	0.0
Total	20,207,745	4,613,423	25.7



H-1

RESOLUTION NO. 26-01-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NICEVILLE, FLORIDA, SUPPORTING ALTERNATIVE 1B AS THE PREFERRED DESIGN OF THE AROUND THE MOUND PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Walton Beach (“City”) has adopted Alternative 1B, attached hereto to this Resolution, as the preferred design of the Around the Mound project to reroute U.S. Highway 98 / State Road 30 around the Indian Temple Mound in downtown Fort Walton Beach, Florida; and

WHEREAS, the Florida Department of Transportation (“FDOT”) has recently indicated preference for Alternative 1A; and

WHEREAS, Alternatives 1A and 1B are projected to cost approximately the same amount after construction is completed; and

WHEREAS, the City Council of the City of Niceville supports the City’s preference for Alternative 1B for the following reasons:

1. It will more effectively reroute traffic;
2. It will result in the closure of less local businesses due to eminent domain/right of way acquisition, thus maintaining Okaloosa County residents’ quality of life; and
3. It will support the military mission of Hurlburt Air Force Base by ensuring the Highway 98 corridor traffic is able to freely flow to and from the base.
4. It will provide Niceville residents who work at Hurlburt Air Force Base with a safer, more efficient, transportation route to Hurlburt Air Force Base.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Niceville, Florida, as follows:

SECTION 1. SUPPORT FOR ALTERNATIVE 1B. The City Council of the City of Niceville, Florida officially supports the adoption of the attached Alternative 1B as the design for the Around the Mound project over Alternative 1A for the following reasons:

1. It will more effectively reroute traffic;
2. It will result in the closure of less local businesses due to eminent domain/right of way acquisition, thus maintaining Okaloosa County residents’ quality of life; and
3. It will support the military mission of Hurlburt Air Force Base by ensuring the Highway 98 corridor traffic is able to freely flow to and from the base.
4. It will provide Niceville residents who work at Hurlburt Air Force Base with a safer, more efficient, transportation route to Hurlburt Air Force Base.

SECTION 2. TRANSMITTAL OF RESOLUTION. Upon approval, this Resolution will be forwarded to the FDOT, the Okaloosa-Walton Transportation Planning Organization (OWTPO), the local state legislative delegation, and Congressman Jimmy Patronis.

SECTION 3. EFFECTIVE DATE. This Resolution shall become effective immediately upon adoption by the City Council of the City of Niceville, Florida.

PASSED AND ADOPTED in regular session of the Niceville City Council on this 13th day of January, 2026.

Daniel Henkel, Mayor

ATTEST:

Wendy Farmer, City Clerk



STAFF MEMORANDUM

Date: January 5, 2026
From: David Deitch (City Manager)
To: Niceville City Council
RE: Resolution Supporting Alternative 1B for Design of the Around the Mound Project – Resolution Number 26-01-03

Action Requested:

Approval of Resolution 26-01-03 supporting Alternative 1B for Fort Walton Beach's Around the Mound Project

Background: The City of Ft. Walton Beach ("City") has requested support from Okaloosa County and Okaloosa County municipalities for Alternative 1B of the Around the Mound project. On December 9, 2025, FDOT held a second public hearing to finalize the design of the Around the Mound project. At the hearing, the only two alternatives considered were: (1) 1A, or (2) No changes. The City urges FDOT to reconsider 1B. The City's main arguments in favor of 1B are that it: (1) is more efficient for routing traffic around the Mound; (2) will result in a much lower volume of businesses that are forced to close or relocate due to eminent domain considerations (right of way acquisition); and (3) will better serve the military mission for Hurlburt due to the increased efficiency and traffic flow along Highway 98.

January 30, 2026, is the public deadline for any further comments to the FDOT.

Funding: None required. This Resolution imposes no fiscal impact on the City.

Options:

1. Approve Resolution 26-01-03 (Recommended)
2. Deny the Resolution 26-01-03
3. Modify the Resolution

STAFF RECOMMENDATION

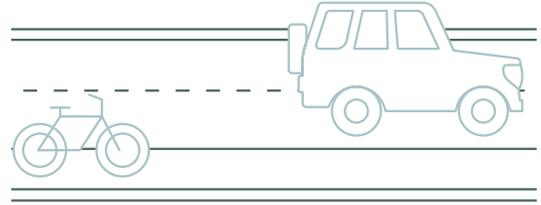
Approve Ordinance 26-01-03 as presented supporting Alternative 1B.

PREFERRED ALTERNATIVE 1A (AT-GRADE)*

6
Lanes Through
Traffic (U.S. 98)

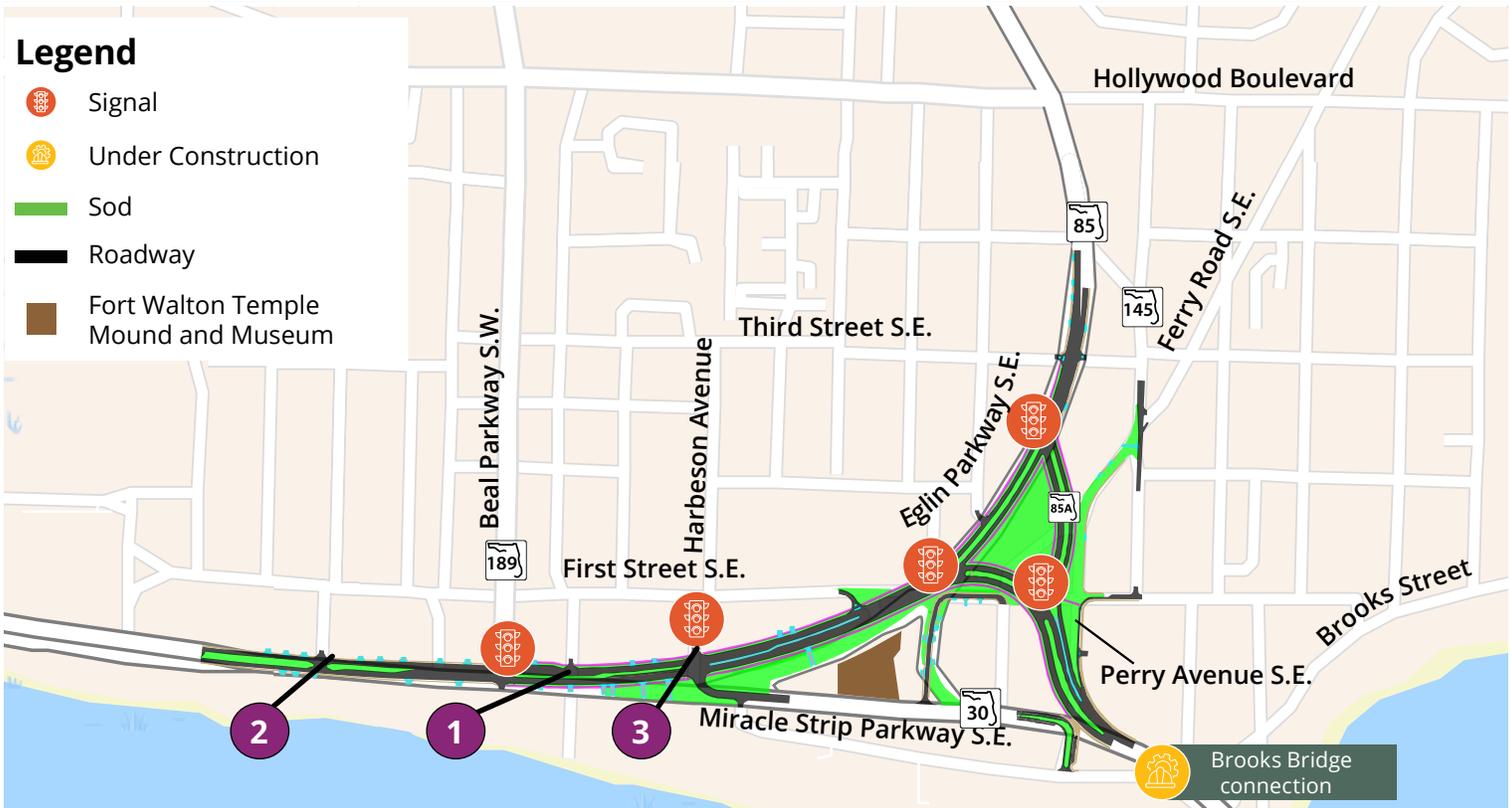
5
Signalized
Intersections

12
Shared-Use
Paths



Alternative 1A would realign U.S. 98 to be consistent with the Fort Walton Beach Master Plan and reconfigure the intersection of U.S. 98 and S.R. 85.

**All improvements would be constructed at ground level with no bridges.*



Primary Design Changes Since February 2024 Public Meeting:

DESIGN
CHANGE

1

U.S. 98 alignment shifted slightly north to reduce overall right of way and property impacts.

DESIGN
CHANGE

2

Shared-Use Path changes to sidewalks west of S.R. 189 (Beal Parkway).

DESIGN
CHANGE

3

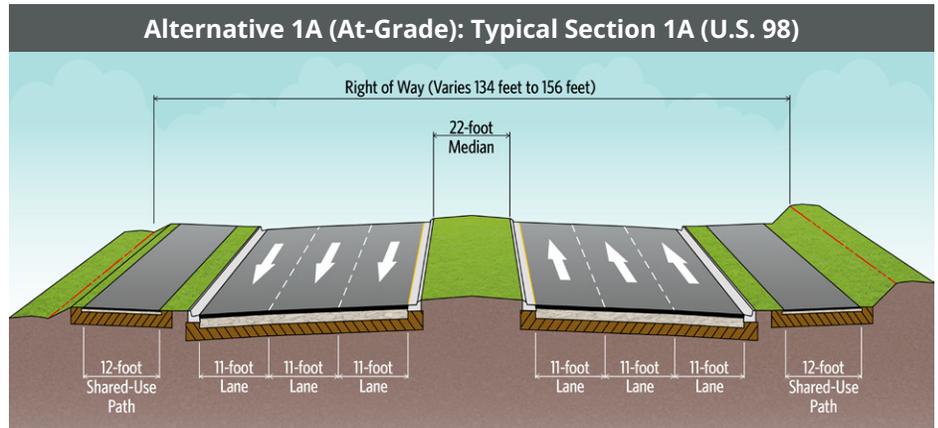
The signalized intersection at U.S. 98 and Harbeson Avenue has been redesigned to improve local traffic flow. The old U.S. 98 segment (Miracle Strip Parkway) will remain in place, with continued connections to Brooks Street.

PROPOSED TYPICAL SECTIONS

S.R. 30 (U.S. 98)

Existing	4-Lane
Proposed	6-Lane

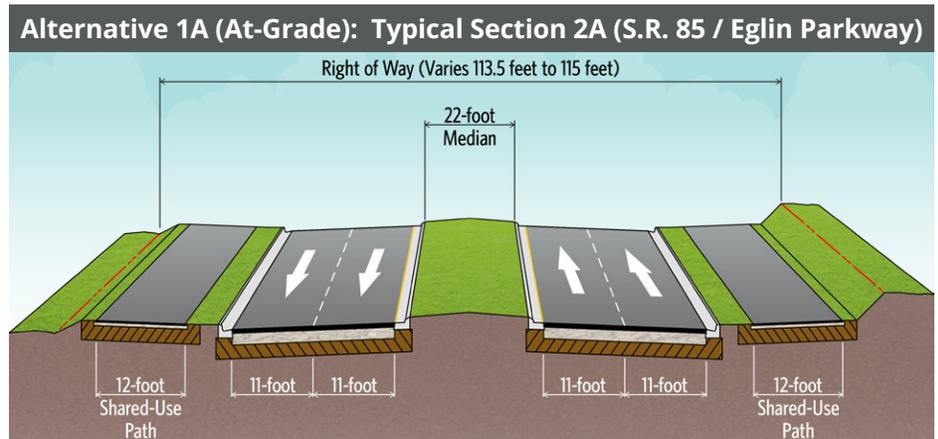
- 11-foot lanes
- Two 12-foot shared-use paths (one on each side)
- Sidewalk in lieu of shared-use path West of S.R. 189



S.R. 85 (Eglin Parkway)

Existing	5-Lane
Proposed	4-Lane

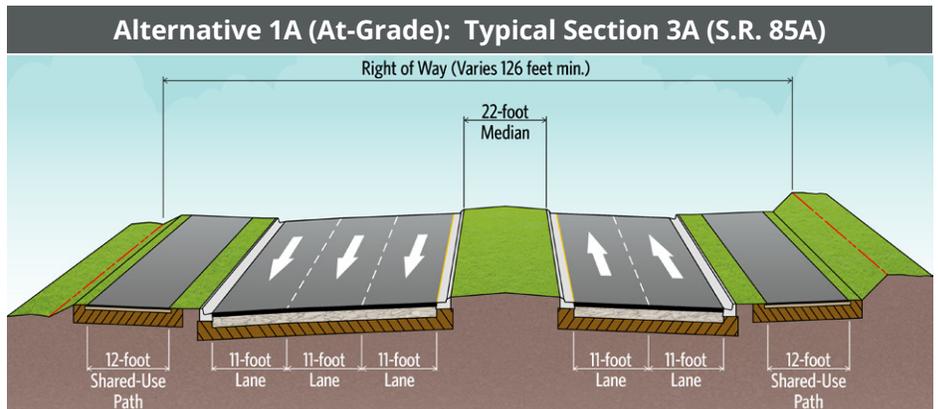
- 11-foot lanes
- Two 12-foot shared-use paths (one on each side)



S.R. 85A

Existing	Not Present
Proposed	2-Lane (NB) 3-Lane (SB)

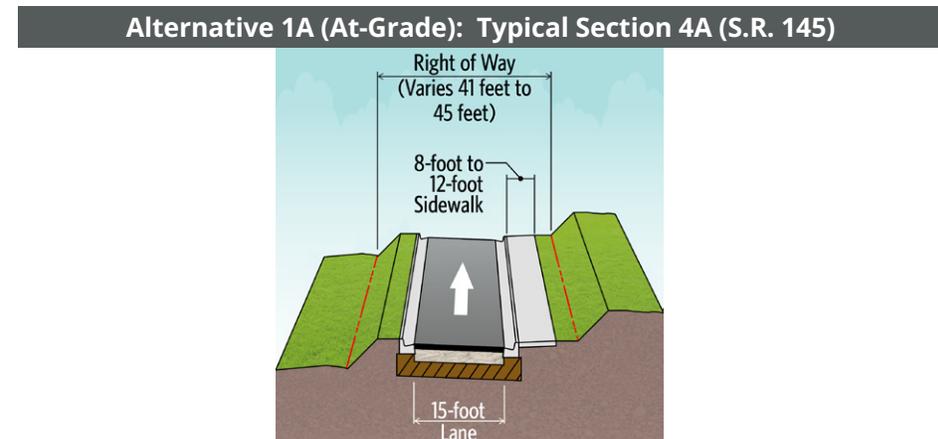
- 11-foot lanes
- Two 12-foot shared-use paths (one on each side)



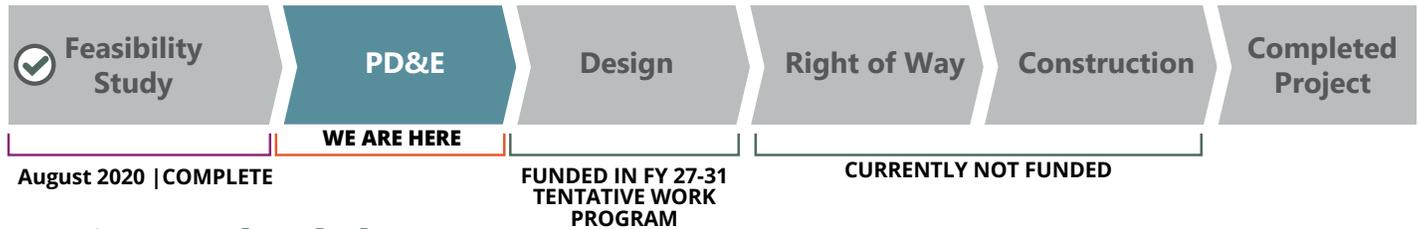
S.R. 145

Existing	2-Lane (NB) 3-Lane (SB)
Proposed	1-Lane (NB)

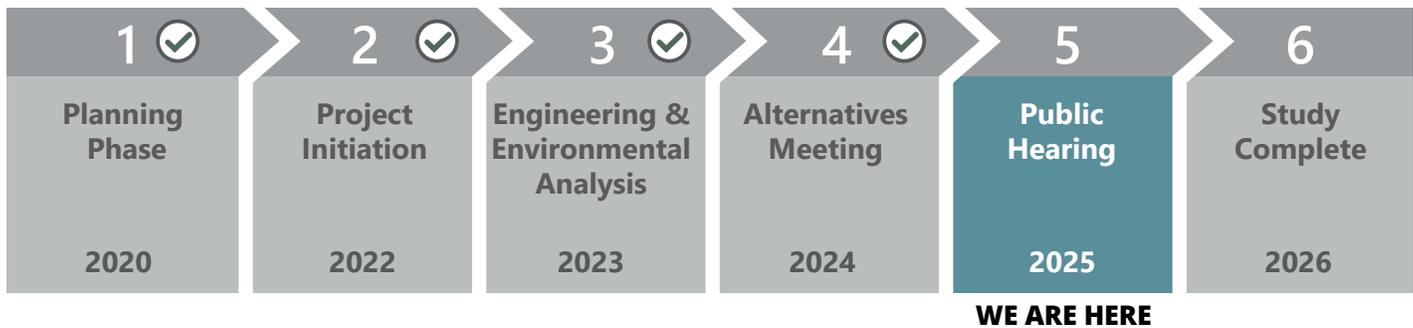
- 15-foot lane
- No dedicated bike lanes
- 8 to 12-foot sidewalk



Transportation Development Process



Project Schedule



THERE ARE MANY WAYS TO PROVIDE COMMENTS

Virtual Attendance (Online)

Submit your comments or questions to the project website (scan the code).

Enter your comments in the chat window during the on-line meeting.

Download and complete a comment form.

In person Attendance

Submit your comments or questions to the project website (scan the code).

Complete a comment form and drop it off in the comment box.

What's Next?

Your comments are very important to us. The deadline to submit official comments related to this project update is **Friday, December 19, 2025.**

CONTACT INFORMATION

Brandon Bruner, P.E.

FDOT Project Manager
1282 Office Park Drive
Chipley, FL 32428
(850) 415-9015
bbruner@hntb.com

Ian Satter

FDOT District Three Public Information Director
1074 Highway 90
Chipley, Florida, 32428
(888) 638-0250, ext. 1205
ian.satter@dot.state.fl.us



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Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact the FDOT Project Manager at least seven days prior to the meeting.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express their concerns about Title VI may do so by contacting Derek Chadwell, District Three Title VI Coordinator, 1074 Highway 90, Chipley, FL 32428, toll-free at (888) 638-0250, extension 1507, or via email at Derek.Chadwell@dot.state.fl.us.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S. Code § 327 and a Memorandum of Understanding dated May 26, 2022, and executed by the Federal Highway Administration and FDOT.

ALTERNATIVE 1B (GRADE-SEPARATED)

6

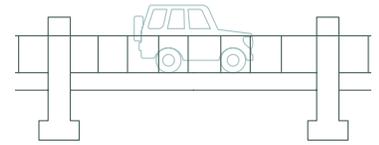
Lanes Through Traffic (U.S. 98)

3

Signalized Intersections

12-foot

Shared-Use Paths



Alternative 1B would realign U.S. 98 to be consistent with the Fort Walton Beach Master Plan and reconfigure the intersection of U.S. 98 and S.R. 85 to include two bridges.

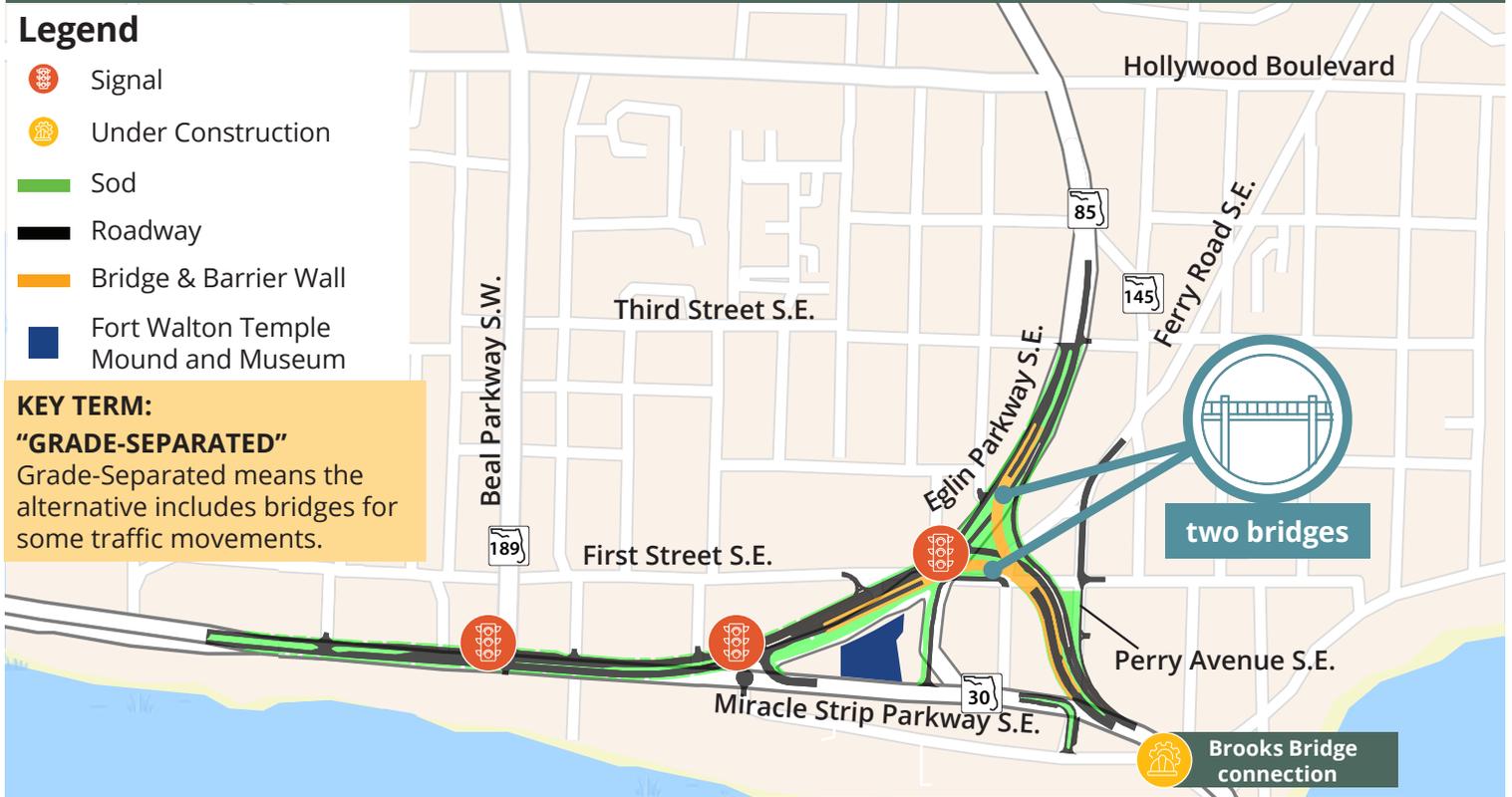
Legend

- Signal
- Under Construction
- Sod
- Roadway
- Bridge & Barrier Wall
- Fort Walton Temple Mound and Museum

KEY TERM:

"GRADE-SEPARATED"

Grade-Separated means the alternative includes bridges for some traffic movements.



Eastbound U.S. 98

Proceeding eastbound on U.S. 98 from S.R. 189 (Beal Parkway), drivers would have the opportunity to follow the new U.S. 98 mainline Around the Mound to Brooks Bridge, or proceed northbound on S.R. 85 using a new signalized intersection. A portion of the eastbound U.S. 98 would be on an elevated two-lane bridge that merges with an elevated two-lane bridge from southbound S.R. 85.

Westbound U.S. 98

Proceeding westbound from the end of Brooks Bridge, drivers would have the opportunity to follow the new U.S. 98 mainline Around the Mound, or proceed north on S.R. 85 as a free-flow movement (no signalized intersection), or follow S.R. 145 on a one-way northbound-only access to local streets. The existing signalized intersection of U.S. 98 and S.R. 145 at Brooks Street would be eliminated. New U.S. 98 would continue to the modified existing signalized intersection at S.R. 189 (Beal Parkway). A transition area would continue on U.S. 98 west of S.R. 189 (Beal Parkway) for approximately 1,500 feet to transition from six lanes to the existing four lanes.

Southbound S.R. 85

Proceeding southbound on S.R. 85 from Hollywood Boulevard, drivers would have the opportunity to access eastbound U.S. 98 to Brooks Bridge on an elevated two-lane bridge, or westbound U.S. 98 at a new signalized intersection. The elevated segment of southbound to eastbound S.R. 85 returns to grade before connecting with Brooks Bridge. This is a free-flow movement (no signalized intersections).

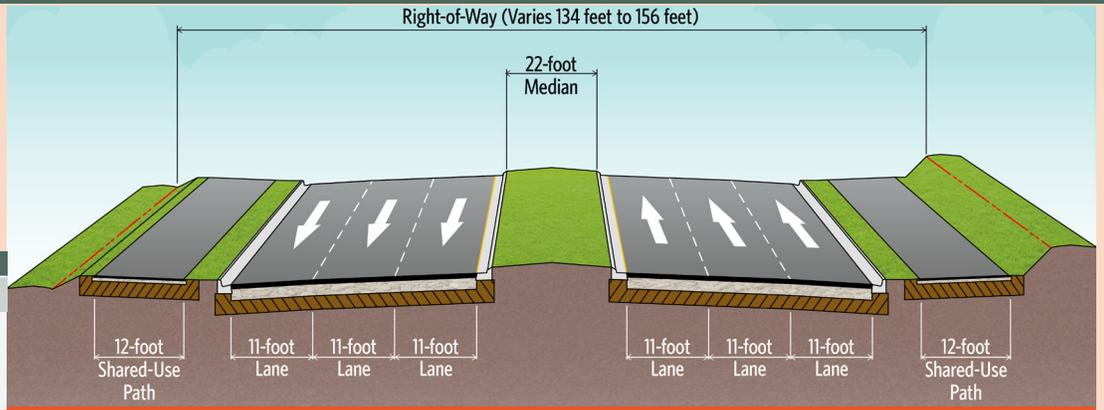
Bicycles and Pedestrians

Bicycles and pedestrians would be accommodated on 12-foot shared-use paths.

S.R. 30 (U.S. 98)

Existing	Proposed
4-Lane	6-Lane

- 11-foot lanes
- Two 12-foot shared-use paths (one on each side)

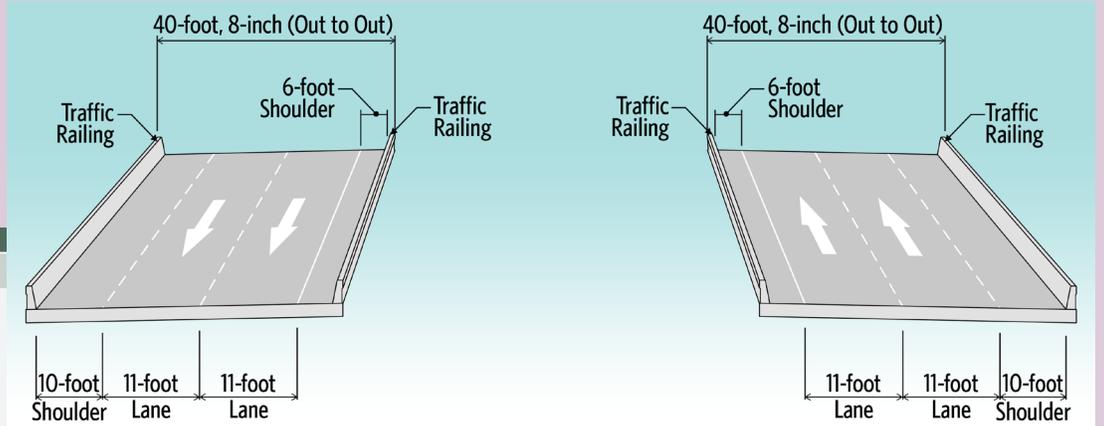


Alternative 1B (Grade-Separated): Typical Section 1B (U.S. 98)

S.R. 30 (U.S. 98) and S.R. 85 Bridges

Existing	Proposed
Not Present	2-Lane

- 11-foot lanes with 10-foot outside shoulders and 6-foot inside shoulders
- Bicycles and pedestrians would be on shared-use path at-grade (not on bridges)

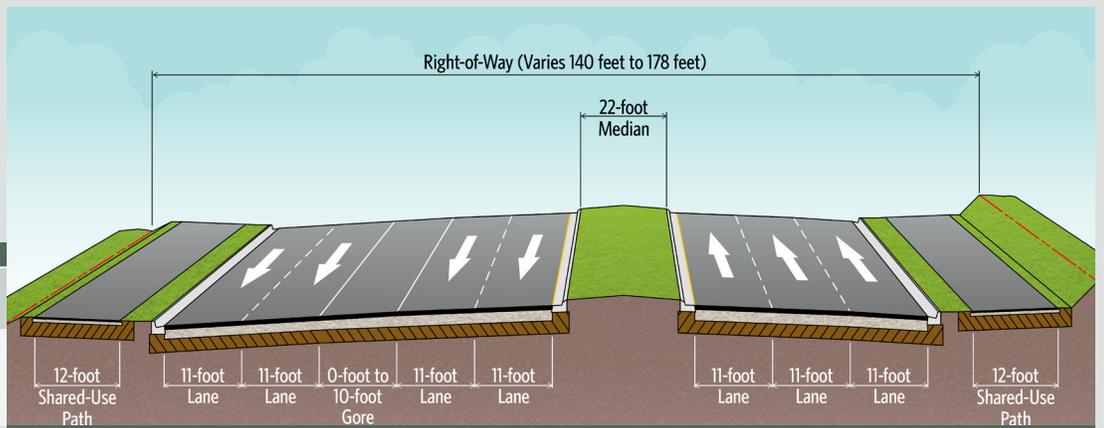


Alternative 1B (Grade-Separated): Typical Section 2B (U.S. 98 and S.R. 85 Bridges)

S.R. 85

Existing	Proposed
5-Lane	3-Lane (NB) 4-Lane (SB)

- 11-foot lanes
- Two 12-foot shared-use paths (one on each side)

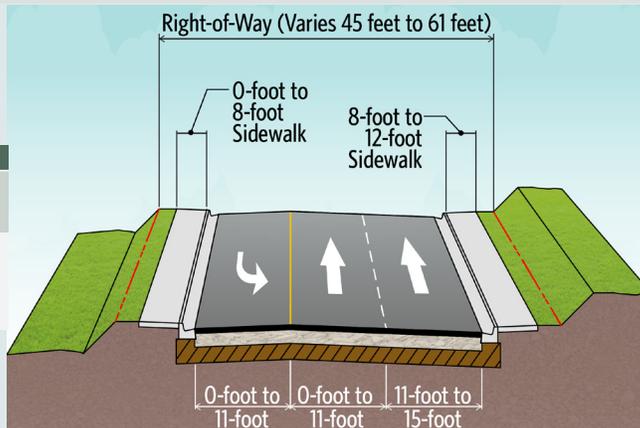


Alternative 1B (Grade-Separated): Typical Section 3B (S.R. 85)

S.R. 145

Existing	Proposed
2-Lane (NB) 1-Lane (SB)	1 to 2-Lane (NB) 0 to 1-Lane (SB)

- 11-foot to 15-foot lanes
- No dedicated bike lanes
- 8-foot to 12-foot sidewalk



Alternative 1B (Grade-Separated): Typical Section 4B (S.R. 145)



H-2

RESOLUTION NO. 26-01-04

A RESOLUTION OF THE CITY OF NICEVILLE, FLORIDA, ACCEPTING STATE FUNDING IN THE AMOUNT OF \$32,150 FOR THE INSTALLATION AND MAINTANENCE OF LANDSCAPE IMPROVEMENTS IN THE MEDIANS ALONG SR 85, SR 20, AND SR 397; AUTHORIZING EXECUTION OF THE JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Florida Department of Transportation and the City have the authority under Section 339.12, Florida Statutes, to enter into this Agreement; and

WHEREAS, A Roadside Beautification Assistance Program has been created by Section 334.044(26), Florida Statutes, to “provide for the conservation of natural roadside growth and scenery and for the implementation and maintenance of roadside beautification programs”; and

WHEREAS, the City of Niceville applied for, and was granted, State funding in the amount of \$32,150 for the installation and maintenance of landscape improvements in the medians along SR 85, SR 20, and SR 397 (Government Avenue), and

WHEREAS, the City Council believes it is in the City’s best interest to accept this State funding,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niceville does hereby accept the State funding in the amount of \$32,150 for the installation and maintenance of landscape improvements in the medians along SR 85, SR 20, and SR 397.

PASSED AND ADOPTED in regular session of the Niceville City Council on this 13th day of January 2026.

Daniel Henkel, Mayor

ATTEST:

Wendy Farmer, City Clerk

JOINT PARTICIPATION AGREEMENT
BETWEEN
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
CITY OF NICEVILLE, OKALOOSA COUNTY

Financial Project No.: **458025-1-58-01**
Contract No.: **AT570**
Vendor No.: **F596002665011**

This Joint Participation Agreement (“Agreement”) is between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, “**DEPARTMENT,**” and the CITY of NICEVILLE, “**CITY.**” The **DEPARTMENT** and the **CITY** are desirous of having the **CITY** make certain improvements in connection with **Financial Project Identification Number (FP ID) 458025-1-58-01** for landscape improvements in the medians along SR 85 N, SR 20 and SR 397 Government Avenue, Niceville, Florida, hereinafter referred to as the “**PROJECT.**” **The PROJECT will have an Installation Phase and a Maintenance Phase, which is further described herein.** The **DEPARTMENT** and the **CITY** may sometimes be referred to in this Agreement as a “Party”, and collectively as the “Parties.”

1. The **DEPARTMENT** and the **CITY** have the authority under Section 339.12, Florida Statutes, to enter into this Agreement; and
2. A Roadside Beautification Assistance Program has been created by Section 334.044(26), Florida Statutes, to “provide for the conservation of natural roadside growth and scenery and for the implementation and maintenance of roadside beautification programs”; and
3. The **CITY** has certified the **DEPARTMENT** that it has met the eligibility requirements of said Section 334.044(26), Florida Statutes; and
4. The **DEPARTMENT** shall reimburse the **CITY** for services as further described in this Agreement and in Exhibit “A” Scope of Services, attached hereto; and
5. The **CITY**, by resolution No. _____, a copy of which is attached hereto as Exhibit “D”, has authorized the Mayor or CITY Official to enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the Parties agree as follows:

6. The recitals in paragraphs 1-5 above are true and correct and are made a part of this Agreement.

7. **SERVICES AND PERFORMANCE**

- A. The **CITY** shall be responsible for the preparation of all design plans for the **PROJECT** at the **CITY**'s sole expense. Said design plans shall include the design for the installation and maintenance of any and all plants, planting material, and irrigation systems, to be maintained by the **CITY** under this Agreement (the "Plans"). The Plans shall be deemed to be incorporated by this reference into this Agreement upon completion by the **CITY**.
- B. The **CITY** shall have the sole responsibility for resolving claims and requests for the additional work for the **PROJECT**. The **CITY** will make best efforts to obtain the **DEPARTMENT'S** input in its decisions.
- C. The **CITY** shall furnish the services with which to undertake and complete the **PROJECT**, which shall consist of both an i) Installation Phase and ii) Maintenance Phase, said services being further described in Exhibit "A" to this Agreement.
- D. The **CITY** agrees to undertake and complete the **PROJECT** in accordance with all applicable statutes, rules and regulations, including **DEPARTMENT** standards and specifications and in accordance with District Three Landscape Care Guide – Landscape and Irrigation Care along the State Highway System, dated February 4, 2016, as may be amended or revised from time to time ("Landscape Care Guide"), which is hereby incorporated by reference into this Agreement. The **CITY** shall take the necessary steps to ensure the **PROJECT** is completed within state or **CITY** right-of-way, or an appropriate easement has been acquired for off right-of-way actions. The **CITY** shall be responsible for obtaining clearances/permits required for the **PROJECT** from the appropriate permitting authorities.
 - i). The **CITY** is responsible for obtaining a landscape permit and any bore permits required from the **DEPARTMENT** prior to performing the work.
 - ii). The **CITY** shall notify the **DEPARTMENT** field office responsible for overseeing the **PROJECT** at least 48 hours prior to beginning work on the **PROJECT**.
- E. Upon completion of the Installation Phase of the **PROJECT**, the appropriate **CITY** representative shall certify to the **DEPARTMENT** that the Installation Phase of **PROJECT** has been completed in accordance with the Plans and specifications, and all the terms and conditions of this Agreement. Said certification shall be done by forwarding a completed Certification of Completion form, attached hereto as Exhibit "C," in accordance with Section 11.L. of this Agreement. Completion of the Installation Phase of the **PROJECT** shall be subject to final acceptance and certification by the **DEPARTMENT**.

- F. The **DEPARTMENT** will be entitled at all times to be advised as to the status of work being done by the **CITY** and of the details thereof. Therefore, the **CITY** shall provide a monthly report on the first business day of the month to the **DEPARTMENT** project manager during the Installation Phase.
- G. If the **CITY** hires a consultant, it must certify that its consultant has been selected in accordance with the Consultants Competitive Negotiation Act (Section 287.055, Florida Statutes).
- H. The **CITY** shall not sublet, assign or transfer this Agreement without prior written consent of the **DEPARTMENT**.
- I. The **CITY** shall have sole responsibility for maintaining the subject landscaping according to **DEPARTMENT** standards and specifications, as well as stipulations outlined in the Landscape Care Guide. Upon the execution of this Agreement, The **CITY** certifies that is has received a copy of the Landscape Care Guide and agrees to be bound by the terms and conditions contained therein.
- J. Upon completion of the Installation Phase of the **PROJECT** by the **CITY**, the **CITY** will assume responsibility for the Maintenance Phase of the **PROJECT**, which includes, irrigation and other related materials identified in the Plans, and will conduct such maintenance as specified in accordance with any maintenance plan identified in the notes of the **PROJECT** Plans, as well as the requirements set forth in the Landscape Care Guide. The **CITY** shall coordinate with the **DEPARTMENT's** District Landscape Project Manager or their designee to inspect the **PROJECT** on a quarterly basis and subsequently make corrections based on each quarterly inspection. In the event the **CITY** fails to maintain the **PROJECT** in accordance with a maintenance schedule and plan, the **DEPARTMENT**, at its option, may perform the required maintenance and the **CITY** shall reimburse the **DEPARTMENT** for the costs.
- K. The **CITY**:
 - i). Shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the **CITY** during the term of the contract; and
 - ii). Shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

8. TERM

A. The CITY shall commence the project activities subsequent to the execution of this Agreement and said activities shall be performed in accordance with the following schedule:

i). Installation Phase

The term of the Installation Phase of the **PROJECT** shall commence subsequent to execution of this Agreement and shall end on the date the **DEPARTMENT** receives from the **CITY** notification and certification of completion of the Installation Phase in accordance with Section 7.E. of this Agreement, or **December 31, 2027**, whichever occurs first. The Installation Phase shall include a 365-day establishment period. If the **CITY** does not complete the Installation Phase of the **PROJECT** by **December 31, 2027**, or by time allowed via Department's District Secretary or Designee granting written extension(s) of time for completion prior to expiration of the Agreement, the Agreement will expire on the last day of the scheduled completion of the Installation Phase as provided in this paragraph.

ii). Maintenance Phase

The term of the Maintenance Phase of the **PROJECT** shall commence on the date the **CITY** provides certification of completion of the Installation Phase in accordance with Section 7.E. of this Agreement.

9. REIMBURSEMENT AND PAYMENT

A. i) The total cost of the **PROJECT** is estimated at **\$32,150.00**. The **DEPARTMENT** shall reimburse the **CITY** for **one hundred percent (100%)** of the total actual costs directly related to the Installation Phase of the **PROJECT**, in an amount not to exceed **THIRTY TWO THOUSAND ONE HUNDRED FIFTY and 00/100 DOLLARS (\$32,150.000)**, for actual costs incurred. It is understood and agreed to by the Parties that the total reimbursement amount under this Agreement shall not exceed **\$32,150.00**, unless otherwise provided herein or as may be subsequently agreed to by the Parties through the execution of an amendment. The method of compensation is further described in Exhibit "B", which is attached hereto. Any additional costs, such as design costs of the **PROJECT**, costs relating to the Maintenance Phase of the **PROJECT**, or other items not covered by this Agreement, shall be the **CITY's** sole responsibility.

ii) The **CITY** shall submit one invoice (3 copies) plus supporting documentation required by the **DEPARTMENT** to the Department's Landscape Project Manager, 1074 Highway 90, Chipley, FL, 32428, for

approval and processing.

- iii) The **DEPARTMENT** shall reimburse the **CITY** upon receipt of a properly submitted invoice and all supporting documentation. Supporting documentation shall include a copy of the cancelled check tendered by the **CITY** to the consultant/contractor who performed the work under the **PROJECT**. Supporting documentation shall also include dates of services and items of work performed on the **PROJECT**.
- iv) Invoices shall be submitted by the **CITY** in detail sufficient for a proper pre-audit and post-audit thereof, based on quantifiable, measurable and verifiable deliverables as established in Exhibit "A," Scope of Services Plans when approved by the **DEPARTMENT**. Deliverables must be received and accepted in writing by the **DEPARTMENT's** Project Manager or designee prior to reimbursements.
- v) Supporting documentation must establish that the deliverables were received and accepted in writing by the **DEPARTMENT** and must also establish that the required minimum level of service to be performed was met, and that the criteria for evaluating successful completion was met, as specified in Section 7 and Exhibit "A" of this Agreement.
- vi) The **CITY** may receive progress payments for deliverables based on a percentage of services that have been completed, approved and accepted to the satisfaction of the **DEPARTMENT** when properly supported by detailed invoices and acceptable evidence of payment. The final balance due under this Agreement will be reimbursed upon completion of all **PROJECT** services, receipt of final construction cost documentation and proper submission of a detailed invoice and when the **PROJECT** has been inspected, approved and accepted to the satisfaction of the **DEPARTMENT** in writing.
- vii) If the schedule for performance exceeds 30 days the **CITY** shall submit invoices to the **DEPARTMENT** at the end of each calendar month. The **CITY** shall prepare and submit monthly invoices to the **DEPARTMENT** in a format acceptable to the **DEPARTMENT**. Optionally, in an extended performance as referred to in this item, the **CITY** may submit one complete invoice in the form and in accordance with the method required in items i), ii), iii), iv), v) and vi) above.
- viii) If this Agreement involves units of deliverables, then such units must be received and accepted in writing by the Contract Manager prior to payments.
- ix) Bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper preaudit and post-audit thereof.

x) Travel costs will not be reimbursed.

B. Records of costs incurred under terms of this Agreement shall be maintained and made available upon request to the **DEPARTMENT** at all times during the period of this Agreement and for five (5) years after final payment is made. Copies of these documents and records shall be furnished to the **DEPARTMENT** upon request. Records of costs incurred include the **CITY's** general accounting records and the project records, together with supporting documents and records of the **CITY** and all subcontractors performing work on the **PROJECT**, and all other records of the **CITY** and subcontractors considered necessary by the **DEPARTMENT** for a proper audit of costs.

C. The Department's obligation to pay is contingent upon the annual appropriation by the Florida Legislature. In the event this contract is for services in excess of \$25,000.00 and a term for a period of more than 1 year, the provisions of §339.135(6) (a), Fla. Stat., are hereby incorporated:

"The Department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The Department shall require a statement from the Comptroller of the Department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the department which are for an amount in excess of \$25,000 and which have a term for a period of more than 1 year."

The County agrees that in the event the funds are not appropriated to the Department then this Agreement may be terminated. Department shall notify the County in writing within thirty days of the date Department is notified by the Legislature the funds shall not be appropriated. Upon notification by Department that funds are not appropriated and this Agreement is terminated the County shall no longer be obligated to provide services not yet rendered. Nothing in this termination clause shall exempt the County from continuing to provide services already paid for by the Department.

10. **TERMINATION AND DEFAULT**

A. If the **DEPARTMENT** determines the performance of the **CITY** is not satisfactory, the **DEPARTMENT** shall have the option of (a) immediately terminating the Agreement, or (b) notifying the **CITY** of the deficiency with a requirement that the deficiency be corrected within a specified time, otherwise the

Agreement will be terminated at the end of such time, or the **DEPARTMENT** will take whatever action is deemed appropriate by the **DEPARTMENT**.

- B. The **DEPARTMENT** may cancel this Agreement in whole or in part at any time the interest of the **DEPARTMENT** requires such termination. The **DEPARTMENT** also reserves the right to terminate or cancel this Agreement in the event the **CITY** shall be placed in either voluntary or involuntary bankruptcy. The **DEPARTMENT** further reserves the right to terminate or cancel this Agreement in the event of an assignment being made for the benefit of creditors. This Agreement may be canceled by the **CITY** upon (60) sixty days written notice to the **DEPARTMENT**.
- C. If the **DEPARTMENT** requires termination of the Agreement for reasons other than the unsatisfactory performance of the **CITY**, the **DEPARTMENT** shall notify the **CITY** of such termination, with instructions to the effective date of termination or specify the stage of work at which the Agreement is to be terminated.
- D. If the Agreement is terminated before performance is completed, the **CITY** shall be paid only for that work satisfactorily performed for which costs can be substantiated. Such payment, however, may not exceed an amount which is the same percentage of the contract price as the amount of work satisfactorily completed is a percentage of the total work called for by this Agreement. All work in progress will become the property of the **DEPARTMENT** and will be turned over promptly by the **CITY**.

11. MISCELLANEOUS

- A. Participants (in this document identified as **CITY**) providing goods and services to the **DEPARTMENT** should be aware of the following time frames. Upon receipt, the **DEPARTMENT** has ten (10) working days to inspect and approve the goods and services unless the bid specifications, purchase order or contract specify otherwise. The **DEPARTMENT** has twenty (20) days to deliver a request for payment (voucher) to the Department of Financial Services. The twenty (20) days are measured from the latter of the date the invoice is received, or the goods or services are received, inspected, and approved.
- B. If a warrant in payment of an invoice is not issued within forty (40) days after receipt of the invoice and receipt, inspection, and approval of the goods and services, a separate interest penalty at a rate as established pursuant to Section 55.03(1), F.S., will be due and payable, in addition to the invoice amount to the **CITY**. Interest penalties of less than one (1) dollar will not be enforced unless the **CITY** requests payment. Invoices which have to be returned to a **CITY** because of **CITY** preparation errors will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the **DEPARTMENT**.

- C. A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for Participants who may be experiencing problems in obtaining timely payment(s) from the **DEPARTMENT**. The Vendor Ombudsman may be contacted at (850) 413-5509.
- D. The **CITY** shall allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the **CITY** in conjunction with this Agreement. Failure by the **CITY** to grant such public access shall be grounds for immediate unilateral cancellation of this Agreement by the **DEPARTMENT**.
- E. The **CITY** shall comply with all federal, state and local laws and ordinances applicable to the work or payment for work thereof. The **CITY** shall not discriminate on the grounds of race, color, religion, sex or national origin in the performance of work under this Agreement.
- F. No funds received pursuant to this Agreement may be expended for lobbying the Legislature, the judicial branch, or a state agency.
- G. The **CITY** and the **DEPARTMENT** agree that the **CITY**, its employees, and subcontractors are not agents of the **DEPARTMENT** as a result of this Agreement.
- H. It is understood between the Parties hereto that any part of or the entire **PROJECT** may be removed, relocated or adjusted at any time in the future as determined to be necessary by the **DEPARTMENT** in order that the associated state road be widened, altered or otherwise changed to meet with the future criteria or planning of the **DEPARTMENT**. The **DEPARTMENT** shall give the **CITY** notice regarding such removal, relocation or adjustment and the **CITY** shall be allowed sixty (60) calendar days to remove all or part of the **PROJECT** at its own cost. The **CITY** shall own that part of the **PROJECT** it removes. After the sixty (60) calendar day's removal period, the **DEPARTMENT** may remove, relocate or adjust the **PROJECT** as it deems best. Wherever the **CITY** removes a **PROJECT** pursuant to this Agreement, the **CITY** shall restore the surface of the affected portion of the **PROJECT'S** premises to the same safe and trafficable condition as existed prior to installation of such **PROJECT**.
- I. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Florida. Any provision herein determined by a court of competent jurisdiction, or any other legally constituted body having jurisdiction, to be invalid or unenforceable shall be severable and the remainder of this Agreement shall remain in full force and effect, provided that the invalidated or unenforceable provision is not material to the intended operation of this Agreement. Venue of any judicial proceedings arising out of this Agreement

shall be in Leon County, Florida.

- J. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein, and the Parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representation or agreements whether oral or written. It is further agreed that no modification, amendment, or alteration in the terms and conditions herein, nor any extension of time for completion of any phase of the PROJECT, shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.
- K. **PUBLIC ENTITY CRIME INFORMATION AND ANTI-DISCRIMINATION STATEMENT:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list. An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.
- L. Any and all notices, reports, invoices, and certifications required pursuant to the terms of this Agreement shall be sent by First Class United States Mail to the addresses listed below; provided, however, that the **DEPARTMENT** may, by written authorization to the **CITY**, allow for a separate means of notification:

DEPARTMENT

Kristi Patterson, District Landscape
Florida Department of Transportation
1074 Highway 90
Chipley, FL 32428

CITY

Mr. David Deitch, City Manager

City of Niceville
208 Partin Drive North
Niceville, FL. 32578

- M. The **DEPARTMENT** and the **CITY** agree to comply with Section 20.055(5), Florida Statutes, and to incorporate in all subcontracts the obligation to comply with Section 20.055(5), Florida Statutes.
- N. The **CITY** agrees to comply with requirements set forth in Section 334.044(26), Florida Statutes.
- O. This Agreement shall become effective on the last date of a signature by a Party.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates set forth below.

CITY OF NICEVILLE, FLORIDA

ATTEST: _____ (SEAL)
CLERK

BY: _____
TITLE: _____
DATE: _____

CITY ATTORNEY

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

ATTEST: _____ (SEAL)
EXECUTIVE SECRETARY

BY: _____
DIRECTOR OF
TRANSPORTATION
DEVELOPMENT
DATE: _____

LEGAL REVIEW:

OFFICE OF GENERAL COUNSEL

**Exhibit “A”
SCOPE OF SERVICES**

**Landscape along the medians of SR 85 N, SR 20 AND SR 397 Government Ave.
Niceville, Florida**

FP ID: 458025-1-58-01

Project Summary: The intent of this project is to create and increase the emphasis on landscape scenery and conservation of natural roadside growth within the medians along SR 85 N, SR 20 and SR 397 Government Ave., Niceville, Florida. The project will be maintained by the City of Niceville in conjunction with the Florida Department of Transportation.

Select sections of this roadway are proposed within the four medians noted below and where the city believes will be most aesthetically appealing and ecologically sustainable, and with consideration of driver safety in mind (i.e. clear zone, sight distance, etc.). These plantings areas may contain canopy trees and other flowering understory species where standards allow. Other hearty shrubs may be placed in any planting beds as well. Ground cover and filler trees may be considered and added as appropriate. All plants will be natural Florida Friendly. No irrigation is proposed for this project currently. Project will include a one-year establishment by the contractor.

*Median 1 – John Sims Parkway (SR 20)
Cross streets: Palm Blvd & Cedar Ave.*

*Median 2- John Sims Parkway (SR20)
Cross streets: Armstrong Ave.& Hwy 85 (SR -85)*

*Median 3- Hwy 85N
Cross streets/segment: College Blvd. to SR- 293 overpass*

*Median 4- Government Ave.
Cross streets: Wolverine Ave to College Blvd. W*

Estimated Cost: \$32,150.00

The project design, set-backs, tree heights, etc. are subject to change pending field condition. Proposed plantings are also subject to change during construction based on availability.

**EXHIBIT “B”
Method of Compensation**

**Landscape along the medians of SR 85 N, SR 20 AND SR 397 Government Ave.
Niceville, Florida**

FP ID: 458025-1-58-01

For satisfactory completion of all services related to the purchase of the plant materials, fertilizer, and the cost for labor associated with the installation of the planting detailed in Exhibit “A” Scope of Services of this Agreement, the **DEPARTMENT** shall reimburse the **CITY** in an amount not to exceed **THIRTY TWO THOUSAND ONE HUNDRED FIFTY and 00/100 DOLLARS (\$32,150.00)**, for actual costs incurred.

The **CITY** may receive progress payments for actual costs incurred for deliverables based on the percentage of services that have been completed, approved and accepted to the satisfaction of the **DEPARTMENT** when properly supported by detailed invoices and acceptable evidence of payment. The final balance due under this Agreement will be reimbursed upon completion of all **PROJECT** services, receipt of final construction cost documentation and proper submission of a detailed invoice and when the **PROJECT** has been inspected, approved and accepted to the satisfaction of the **DEPARTMENT** in writing.

EXHIBIT "C"
Certification of Completion

**Landscape along the medians of SR 85 N, SR 20 AND SR 397 Government Ave.
Niceville, Florida**

FP ID: 458025-1-58-01

CERTIFICATION OF COMPLETION

JOINT PARTICIPATION AGREEMENT

Between

THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
and the CITY of NICEVILLE, FLORIDA

**PROJECT DESCRIPTION: SR 85/SR 20 from College Boulevard to Palm Boulevard
Niceville, Florida**

FINANCIAL MANAGEMENT ID# 458025-1-58-01

In accordance with the terms and conditions of the JOINT PARTICIPATION AGREEMENT,
the undersigned hereby provides notification that the Installation Phase of Project under this
Agreement is complete as of _____, 20__.

By: _____

Name: _____

Title: _____

Exhibit "D"
RESOLUTION

**Landscape along the medians of SR 85 N, SR 20 AND SR 397 Government Ave.
Niceville, Florida**

FP ID: 458025-1-58-01

To: Kristi.Patterson@dot.state.fl.us

FLORIDA DEPARTMENT OF TRANSPORTATION FUNDS APPROVAL

AT570

12/18/2025

CONTRACT INFORMATION

Contract:	AT570
Contract Type:	AK - PROJ PARTICIPATION (PROJ PART)
Method of Procurement:	A - COMPETITIVE BID (287.057,F.S.)
Vendor Name:	CITY OF NICEVILLE
Vendor ID:	F596002665011
Beginning Date of This Agreement:	12/17/2025
Ending Date of This Agreement:	12/31/2027
Contract Total/Budgetary Ceiling:	ct = \$32,150.00
Description:	SR 85 N, SR 20 (JOHN SIMS PARKWAY) AND SR 397 (GOVERNMENT AVE)

FUNDS APPROVAL INFORMATION

FUNDS APPROVED/REVIEWED FOR JASON ADANK, CPA, COMPTROLLER ON 12/18/2025

Action:	Original
Reviewed or Approved:	APPROVED
Organization Code:	55034010307
Expansion Option:	A7
Object Code:	132900
Amount:	\$32,150.00
Financial Project:	45802515801
Work Activity (FCT):	303
CFDA:	
Fiscal Year:	2026
Budget Entity:	55150200
Category/Category Year:	088716/26
Amendment ID:	O001
Sequence:	00
User Assigned ID:	
Enc Line (6s)/Status:	0001/04

Total Amount: \$32,150.00