

## 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.