

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)(e), 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.