

COMPREHENSIVE PLAN AMENDMENTS

Authority: Section 163.3187 & 163.3189, Florida Statutes; Okaloosa County Comprehensive Plan, Administration Element, Policies 1.13 – 1.18.

Purpose: The purpose of the comprehensive plan amendment process is to provide a process and procedure for citizens to change the text and maps found in the adopted comprehensive.

Types of plan amendments: Citizen-initiated plan amendments are classified as follows.

1. Type-1: Changes to the FLUM initiated by property owners other than the County involving more than ten (10) acres of land, or a change that will result in a residential density of more than ten (10) dwelling units per acre; or any change to the written text of the Plan.
2. Type-2: Changes to the FLUM initiated by a property owner other than the County involving ten (10) acres of land or less, which may be referred to as a small-scale development amendment.

Process:

The process for Type-1 plan amendments is as follows.

1. Type-1 amendments shall not be made more than twice in any given calendar year, unless otherwise exempted by statute.
2. Only the property owner of the property for which the amendment is being requested or the owner's duly authorized agent may apply for the plan amendment.
3. Applications for plan amendments shall be made only on applications provided by the Department of Growth Management.
4. Detailed specific application procedures shall be described in the plan amendment application package.
5. It shall be the responsibility of the applicant to provide all required information including data and analysis to support the plan amendment application.
6. Once an application is deemed complete it will be scheduled as an agenda item for consideration by the Planning Commission and the Board of County Commissioners at public hearings. These hearings shall be legislative in nature and need not be conducted as quasi-judicial proceedings.
7. A total of three (3) duly advertised public hearings are required for Type-1 plan amendments as follows.
 - a. One public hearing before the Planning Commission. The Planning Commission shall make recommendations to the Board of County Commissioners regarding each plan amendment application.

b. One transmittal hearing before the Board of County Commissioners. The purpose of this hearing is for the Board to decide whether or not to transmit each application for plan amendment to the Florida Department of Community Affairs (DCA) for state agency review.

c. One adoption hearing before the Board of County Commissioners. The purpose of this hearing is for the Board to decide whether or not to adopt each application for plan amendment by ordinance after consideration of objections, recommendations and comments provided by DCA.

8. Notice of public hearings shall be provided in the following manner.

a. The applicant shall mail certified, return-receipt notification to all property owners of record within 300 feet of the property, to be measured from the property line of the property which is the subject of the plan amendment. The notice must describe the requested plan amendment, state the date, time and location of the public hearing at which the plan amendment will be considered and provide names and telephone numbers to contact for further information. Notification must be mailed no later than 21 days before the date of the public hearing. The return-receipt "green cards" must be returned to the Department prior to the first public hearing.

b. The applicant shall post a sign on the plan amendment property no less than 2 feet by 3 feet in size with no less than 1 inch lettering to be placed at the property line facing and clearly visible from the adjacent street, or for multiple streets a sign clearly visible from all adjacent streets. The sign shall describe the requested plan amendment, state the date, time and location of the public hearing at which the plan amendment will be considered, and provide names and telephone numbers to contact for further information. The sign must be posted no later than 15 days prior to the date the public hearing will be held. **PRE-MADE SIGNS ARE AVAILABLE FOR PURCHASE FROM THE DEPARTMENT.**

c. The Department shall run an advertisement in a newspaper of general circulation in the manner prescribed by general law.

d. The applicant must provide signed and notarized affidavits stating that the notifications were mailed and the sign(s) were posted on the amendment property as specified herein.

e. The specific intent of providing constructive public notice is to inform potentially affected parties of an action to be considered and the forum for an opportunity to be heard. In those situations where a newspaper advertisement, mailed notification, sign or other required public notice contains an unintentional mistake which does not affect due notice of a pending proceeding to the extent that a potentially affected party is not made aware of an action being considered or the date, time, and place at which the action will be considered then said mistake may be considered "harmless error" which shall not necessitate the re-advertisement or the rescheduling of the proceeding at hand. Where a dispute may arise as to whether a particular unintentional mistake constitutes harmless error the presiding body for the proceeding at hand shall decide by majority vote.

9. The Board of County Commissioners shall decide whether or not to transmit any plan amendment(s) to DCA for state agency review at the transmittal public hearing specified at 7, b above. In the event one

or more plan amendments are **not approved** for transmittal to DCA the **applicant or any other applicant** may not thereafter apply for the same plan amendment for the same amendment property, unless it can be demonstrated by competent, substantial evidence that either the premise of the application is substantially different and/or there have been significant changed conditions and circumstances that might result in a different decision by the Board.

10. For those plan amendments transmitted to DCA for state review the agency will issue an "Objections, Recommendations, and Comments" (ORC) Report. Upon receipt of the ORC Report the County, in a timely manner, shall either: 1) notify the plan amendment applicant(s) in writing that DCA raised no objection to the plan amendment, or; 2) provide the plan amendment applicant with a copy of the DCA ORC Report. When objections have been raised in the ORC Report it shall be the responsibility of the applicant to resolve those objections in coordination with the County. The applicant shall provide to the County additional data and analysis or other information as may be necessary to respond to the objections. The County and the applicant will then coordinate with DCA in an attempt to resolve the ORC objections.

11. The Board of County Commissioners shall decide whether to adopt, adopt with changes, or not adopt plan amendments that have been the subject of a DCA ORC Report at the adoption public hearing specified at 7, c above. At the adoption hearing the fact that there are unresolved ORC Report objections shall not preclude the Board from adopting any particular plan amendment. Conversely, the fact that no ORC Report objections were raised shall not preclude the Board from not adopting any particular plan amendment.

The process for Type-2 plan amendments is as follows.

The process for Type-2 plan amendments shall be the same as for Type-1 plan amendments EXCEPT for the following.

1. Type 2 plan amendments are limited to properties 10 acres or less in size and/or 10 dwelling units per acre or less, and do not involve a change to the text of the comprehensive plan.
2. The County may not adopt more than 80 acres cumulative as Type-2 plan amendments in any given calendar year. The 80 acres shall become available for plan amendments as of January 1 of each calendar year and shall remain available until the 80 acres is gone or the end of the calendar year, whichever occurs first.
3. The 80 acres shall be allocated on a first-come, first-served basis to be determined by the date and time the plan amendment application is filed with the County and all applicable fees paid.
4. The proposed amendment shall not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.
5. The proposed amendment shall not involve a change to the written text of this Plan, but only proposes a land use change to the future land use map for a site-specific small-scale development activity.

6. Two public hearings shall be required for Type-2 amendments: one public hearing before the Planning Commission and one adoption hearing before the Board of County Commissioners.

7. Transmittal to DCA for state agency review is not required for Type-2 plan amendments.

Fees:

Type-1 amendments : Application fee - \$2,500.00 base fee + \$10.00 per acre or fraction thereof

Type -2 amendments: Application fee - \$1200.00 base fee + \$20.00 per acre or fraction thereof

Newspaper legal notice fee – cost charged by the newspaper

Sign fee: \$10.00 per sign

(NOTE: Application cycles for Type-1 amendments are January 1 – 31 and April 1 – 30 each year)

**OKALOOSA COUNTY
DEPARTMENT OF GROWTH MANAGEMENT
APPLICATION FOR FUTURE LAND USE MAP
TYPE - 1 AMENDMENT
(MORE THAN 10 ACRES, MORE THAN 10 UNITS PER ACRE)**

April, 2005

A. Applicant Information

1. Name: _____

2. Address: _____

3. Telephone: _____ FAX: _____

4. Applicant is: Property owner _____ Owners authorized agent* _____
** Verification of authorized agent must be attached*

5. Owner's name, address and telephone, if different than applicant:

B. Property Information

6. Location: _____

7. Property ID Number: ____ - ____ - ____ - ____ - ____

8. Current use of property: _____

9. Proposed use of property: _____

10. Size of property: _____ (sq. ft. or acres)

11. Names/Number of adjacent roads: North _____
East _____ South _____ West _____

C. Future Land Use/Zoning Information

12. Existing Future Land Use Map designation: _____

13. Existing zoning district: _____

D. Requested Action

14. Reason for the requested amendment: _____

15. Requested amendment:

FROM _____ (FLUM designation)

TO _____ (FLUM designation)

E. 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 county staff to enter upon the property involved at any reasonable time for purposes of site inspections and the posting of any required notices.

Applicant printed or typed name

Applicant signature

Date

Corporate officer

Corporate Seal

FOR OFFICIAL USE ONLY

Date received: _____ File No.: _____

Received by: _____

Required Information and Materials

The following information must be submitted with the completed, signed and dated application form.

1. ___ A letter of petition stating the reason for the requested rezoning.
2. ___ If the rezoning is prerequisite to a development project a conceptual site plan drawing of the project must be provided.
3. ___ A survey or drawing showing the location and dimensions of the property involved.
4. ___ A copy of the deed and legal description of the property involved.
5. ___ A certified list of all property owners within a 300 foot radius of the property to be rezoned. **This list must be obtained from and certified by the Property Appraiser's Office, and dated no more than 30 days prior to submittal of the application.**
6. ___ Notarized affidavit affirming the list of property owners within 300 feet
7. ___ Notarized affidavit affirming that the required signs will be posted on property to be rezoned.
8. ___ Fee. The fee for more than 10 acre amendment is \$2,500.00 (non-refundable) plus \$10.00 for each acre, or fraction thereof.
9. ___ If the applicant is not the actual property owner a verification of authorized agent must be provided.
10. ___ The applicant must submit all data and analysis to support the amendment which will accompany the requested amendment to DCA for state agency review.
11. ___ If the proposed amendment involves a change from an ***Agriculture or Rural Residential*** land use designation to some other designation the application must include a demonstration of the following.
 - a. The need for such land use amendment;
 - b. The amendment will not result in urban sprawl;
 - c. A functional relationship of the proposed amendment to other more densely or intensely designated or developed lands;
 - d. The availability of facilities and services for a more dense or intense land use, and;
 - e. The relationship of the proposed amendment to the urban development boundary.

Procedure for Plan Amendment

The procedure for the amendment process is as follows.

1. Fully complete, sign, and date the amendment application form.

2. Obtain the certified list of property owners from the Property Appraiser's Office dated at least 30 days prior to application submittal.
3. Complete and have notarized the affidavit affirming that the certified list of property owners was obtained (blank copy enclosed).
4. Complete and have notarized the affidavit affirming that the required public notice signs will be posted on the property to be changed (blank copy enclosed or signs are available for purchase from the Department).
5. Submit the completed application, required information, and notarized affidavits to the Department of Growth Management.
6. Once the application is submitted and determined to be fully complete the requested action will be placed on the agenda of the Planning Commission in accordance with the enclosed schedule. Two public hearings will be required, one before the Planning Commission and one before the Board of County Commissioners.
7. The times, dates and locations of the required public hearings will be provided to the applicant by the Department.
8. **Certified, return-receipt letters** must be sent to all property owners on the certified list within 300 feet of the property to be changed (sample letter enclosed). These letters must be mailed **no later than 21 days** before the Planning Commission public hearing and must include: 1) the petition letter stating the reason for the change; 2) a location map showing the location of the property to be changed in relation to surrounding properties and adjacent roads.
NOTE: Notification of both the Planning Commission and County Commission hearings may be provided in the same letter.
9. After the letters are mailed the applicant must provide to the Department: a postal receipt from the US Postal Service verifying the date the letters were mailed; an exact copy of the information mailed out, and; the green return-receipt cards.
10. A 2 ft by 3 ft sign with no less than 1 inch lettering (sample enclosed) must be posted at a conspicuous location on the property being changed. This sign must be posted **no less than 15 days** prior to the scheduled Planning Commission public hearing. *Signs are available for purchase from the Department*
11. The applicant must attend the Planning Commission and County Commission public hearings so as to answer any questions or issues that may arise.
12. The County Commission will decide at the hearing whether or not to transmit the requested amendment to the state Department of Community Affairs (DCA) for state agency review.
13. If the requested amendment is sent to DCA that agency will distribute it to other state agencies for review and comment. These comments will be compiled into an Objections, Recommendations and Comments (ORC) Report which will be sent back to the County.
14. The applicant, in conjunction with the County, must respond to and resolve with DCA any objections raised in the ORC Report. The County

- must take action (adopt or not adopt) within 60 days after the date the ORC Report is received.
15. When and if the objections are resolved the County can adopt the requested amendment by ordinance at a second public hearing.
 16. The County must then resubmit the adopted amendment to DCA for "compliance review." DCA will then issue a Statement of Intent to find the amendment either in compliance or not in compliance.
 17. If the amendment is found to be not in compliance then DCA, the County, and the applicant must enter into negotiations which could result in a Stipulated Settlement Agreement which will identify measures needed to bring the amendment into compliance.
 18. If the amendment is found to be in compliance then the ordinance adopting the amendment will become effective 21 days after the date the Notice of Intent is issued, if no administrative hearing challenge is filed.

**OKALOOSA COUNTY
DEPARTMENT OF GROWTH MANAGEMENT
APPLICATION FOR FUTURE LAND USE MAP
TYPE - 1 AMENDMENT
(MORE THAN 10 ACRES, MORE THAN 10 UNITS PER ACRE)**

April, 2005

A. Applicant Information

1. Name: _____

2. Address: _____

3. Telephone: _____ FAX: _____

4. Applicant is: Property owner _____ Owners authorized agent* _____
** Verification of authorized agent must be attached*

5. Owner's name, address and telephone, if different than applicant:

B. Property Information

6. Location: _____

7. Property ID Number: ____ - ____ - ____ - ____ - ____

8. Current use of property: _____

9. Proposed use of property: _____

10. Size of property: _____ (sq. ft. or acres)

11. Names/Number of adjacent roads: North _____
East _____ South _____ West _____

C. Future Land Use/Zoning Information

12. Existing Future Land Use Map designation: _____

13. Existing zoning district: _____

D. Requested Action

14. Reason for the requested amendment: _____

15. Requested amendment:

FROM _____ (FLUM designation)

TO _____ (FLUM designation)

E. 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 county staff to enter upon the property involved at any reasonable time for purposes of site inspections and the posting of any required notices.

Applicant printed or typed name

Applicant signature

Date

Corporate officer

Corporate Seal

FOR OFFICIAL USE ONLY

Date received: _____ File No.: _____

Received by: _____

**OKALOOSA COUNTY
DEPARTMENT OF GROWTH MANAGEMENT
APPLICATION FOR FUTURE LAND USE MAP
TYPE - 2 AMENDMENT
(LESS THAN 10 ACRES)**

April, 2005

A. Applicant Information

1. Name: _____

2. Address: _____

3. Telephone: _____ FAX: _____

4. Applicant is: Property owner _____ Owners authorized agent* _____
** Verification of authorized agent must be attached*

5. Owner's name, address and telephone, if different than applicant:

B. Property Information

6. Location: _____

7. Property ID Number: ____ - ____ - ____ - ____ - ____ - ____

8. Current use of property: _____

9. Proposed use of property: _____

10. Size of property: _____ (sq. ft. or acres)

11. Names/Number of adjacent roads: North _____
East _____ South _____ West _____

C. Future Land Use/Zoning Information

12. Existing Future Land Use Map designation: _____

13. Existing zoning district: _____

D. Requested Action

14. Reason for the requested amendment: _____

15. Requested amendment:

FROM _____ (FLUM designation)

TO _____ (FLUM designation)

E. 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 county staff to enter upon the property involved at any reasonable time for purposes of site inspections and the posting of any required notices.

Applicant printed or typed name

Applicant signature

Date

Corporate officer

Corporate Seal

FOR OFFICIAL USE ONLY

Date received: _____ File No.: _____

Received by: _____

Required Information and Materials

The following information must be submitted with the completed, signed and dated application form.

1. ___ A letter of petition stating the reason for the requested change.
2. ___ If the change is prerequisite to a development project a conceptual site plan drawing of the project must be provided.
3. ___ A survey or drawing showing the location and dimensions of the property involved.
4. ___ A copy of the deed and legal description of the property involved.
5. ___ A certified list of all property owners within a 300 foot radius of the property to be changed. **This list must be obtained from and certified by the Property Appraiser's Office, and dated no more than 30 days prior to submittal of the application.**
6. ___ Notarized affidavit affirming the list of property owners within 300 feet
7. ___ Notarized affidavit affirming that the required signs will be posted on property to be changed.
8. ___ Fee. The fee for less than 10 acre amendment is \$1,200.00 (non-refundable) plus \$20.00 for each acre, or fraction thereof.
9. ___ If the applicant is not the actual property owner a verification of authorized agent must be provided.
10. ___ If the requested plan amendment involves a change from an ***Agriculture or Rural Residential*** land use designation the Application must include a demonstration of the following:
 - a. The need for such land use amendment;
 - b. The amendment will not result in urban sprawl;
 - c. A functional relationship of the proposed amendment to other more densely or intensely designated or developed lands;
 - d. The availability of facilities and services for a more dense or intense land use, and;
 - e. The relationship of the proposed amendment site to the urban development boundary.

Procedure for Plan Amendment

The procedure for the amendment process is as follows.

1. Fully complete, sign, and date the application form.
2. Obtain the certified list of property owners from the Property Appraiser's Office dated at least 30 days prior to application submittal.
3. Complete and have notarized the affidavit affirming that the certified list of property owners was obtained (blank copy enclosed).

4. Complete and have notarized the affidavit affirming that the required public notice signs will be posted on the property to be changed (blank copy enclosed or signs are available for purchase from the Department).
5. Submit the completed application, required information, and notarized affidavits to the Department of Growth Management.
6. Once the application is submitted and determined to be fully complete the requested action will be placed on the agenda of the Planning Commission in accordance with the enclosed schedule. Two public hearings will be required, one before the Planning Commission and one before the Board of County Commissioners.
7. The times, dates and locations of the required public hearings will be provided to the applicant by the Department.
8. **Certified, return-receipt letters** must be sent to all property owners on the certified list within 300 feet of the property to be changed (sample letter enclosed). These letters must be mailed **no later than 21 days** before the Planning Commission public hearing and must include: 1) the petition letter stating the reason for the change; 2) a location map showing the location of the property to be rezoned in relation to surrounding properties and adjacent roads.
NOTE: Notification of both the Planning Commission and County Commission hearings may be provided in the same letter.
9. After the letters are mailed the applicant must provide to the Department: a postal receipt from the US Postal Service verifying the date the letters were mailed; an exact copy of the information mailed out, and; the green return-receipt cards.
10. A 2 ft by 3 ft sign with no less than 1 inch lettering (sample enclosed) must be posted at a conspicuous location on the property being changed. This sign must be posted **no less than 15 days** prior to the scheduled Planning Commission public hearing. *Signs are available for purchase from the Department.*
11. The applicant must attend the Planning Commission and County Commission public hearings so as to answer any questions or issues that may arise.