

COMPREHENSIVE PLAN AMENDMENTS

Authority: Section 163.3187 & 163.3189, Florida Statutes; Okaloosa County Comprehensive Plan, Administration Element, Policies 1.13 – 1.15.

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 plan.

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

1. Type-1: Changes to the Future Land Use Map (FLUM) initiated by property owners other than the County involving more than ten (10) acres of land, 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 less than 10 acres of land, which may be referred to as a small-scale amendment.

Process:

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

1. Type-1 amendments may be submitted at any time.
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 follow.
 - 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 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 or comments received as a result of state agency review.
8. Notice of public hearings shall be provided in the following manner.

REVISED FEB 28, 2014-MR

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) 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 state agency review 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 for state agency review each agency will provide its objections and comments to the County and the State Land Planning Agency. Upon receipt of comments from state agencies the County, in a timely manner, shall either: 1) notify the plan amendment applicant(s) in writing that there is no objection to the plan amendment, or; 2) provide the plan amendment applicant with a copy of state agency objections. When objections have been raised 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 the State Land Planning Agency in an attempt to resolve the objections.

11. The Board of County Commissioners shall decide whether to adopt, adopt with changes, or not adopt plan amendments at the adoption public hearing specified at 7, c above. At the adoption hearing the fact that there are unresolved objections shall not preclude the Board from adopting any particular plan amendment. Conversely, the fact that no 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.
2. The County may not adopt more than 120 acres cumulative as Type-2 plan amendments in any given calendar year. The 120 acres shall become available for plan amendments as of January 1 of each calendar year and shall remain available until the 120 acres is gone or the end of the calendar year, whichever occurs first.
3. The 120 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 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, unless the text change is directly related to the map change.
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 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 - \$1,200.00 base fee + \$20.00 per acre or fraction thereof.

Newspaper legal notice fee to be paid by applicant – cost charged by the newspaper.

Sign fee: \$10.00 per sign.

To apply:

[Click here for Type-1 comprehensive plan future land use map amendment application.](#)

[Click here for Type-1 comprehensive plan text change application.](#)

[Click here for Type-2 comprehensive plan future land use map amendment application.](#)

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

March, 2014

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 amendment.
2. ___ If the action 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 subject to the amendment.
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 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.
12. ___ The Board of County Commissioners shall exercise its legislative authority when deciding whether or not to approve or not approve plan amendments. However, the following guidelines and criteria shall be considered when making such decision and may form the basis for approving or not approving any particular plan amendment. These shall only apply to Type-1 plan amendments.
 - a. All procedural requirements must be met.

- b. The requested plan amendment must be consistent with the objectives and policies of this Plan, particularly the designation and location criteria specified in the Future Land Use Element.
- c. The potential to create a threat to the general health, safety, and welfare of the public, or otherwise adversely affect the public interest.
- d. The extent to which any development enabled by the amendment will promote an orderly and logical pattern of development relative to the area involved, and can co-exist in relative proximity to other adjacent or nearby land uses in a stable fashion over time such that no other use or condition is unduly negatively impacted directly or indirectly by another use or condition, or will otherwise interfere with the quiet use and enjoyment of properties enjoyed by other property owners in the vicinity of the amendment area.
- e. The amendment is intended to correct an oversight or mistake in the Plan or on the FLUM, or conditions and circumstances in the vicinity of the amendment area have changed to justify or give rise to a need for the amendment.
- f. The amendment will not promote or result in urban sprawl as that term is defined in ss163.3177(6),(a),9, Fla. Stat. A finding by the State Land Planning Agency that an amendment will result in urban sprawl shall constitute a rebuttable presumption that the amendment will promote or result in urban sprawl.
- g. Facilities and services including roads, water, sewer, recreation, drainage, and public safety are adequate to support the level of development enabled by the amendment, or that mitigation in the form of improvements or compensation can be provided to offset negative impact.
- h. The amendment will not result in damage to or destruction of valuable natural resources as described in the Conservation Element of this Plan.
- i. The amendment will not conflict, interfere with, or contradict infrastructure plans of the county, or other government agency, or public utility; or otherwise create a physical liability for the county, government agency, or public utility.
- j. The amendment will generally result in a net public benefit as opposed to a public liability.

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 for state agency review.
13. If the requested amendment is approved for transmittal the County will distribute it to state agencies for review and comment. Any comments or objections from state agencies will be sent to the County.
14. The applicant, in conjunction with the County, must respond to and resolve any objections raised by state agencies. The County must take action (adopt or not adopt) within 180 days after the date the objections are received.
15. When and if the objections are resolved the County can adopt the requested amendment by ordinance at a second public hearing.
16. Within 30 days after the local government adopts amendment, an affected person may file petition with the Department of Administrative Hearings
17. Within 30 days of receipt of complete adopted plan amendment, the State Land Planning Agency reviews adopted plan amendment.
18. Amendment becomes effective 31 days after the State Land Planning Agency determines the amendment package is complete and no petition is filed by an affected party.

**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.

**OKALOOSA COUNTY DEPARTMENT OF
GROWTH MANAGEMENT APPLICATION
FOR TYPE – 1 AMENDMENT (CHANGE TO TEXT
OF COMPREHENSIVE PLAN)**

June, 2009

A. Applicant Information

1. Name: _____

2. Address: _____

3. Telephone: _____ FAX: _____

B. Comprehensive Plan

4. Identify elements, goals, objectives, policies or other text that is requested to be changed.

C. Data and Analysis

5. Provide a detailed and specific explanation and justification that gives rise to the need for the text amendment (attach additional sheets if necessary).

D. Amendment Text

6. Provide the exact text amendment language in ~~strike-through~~ and underline format. Strike-through is for word deletions, underline is for word additions.

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.

Applicant printed or typed name

Applicant signature

Date

Corporate officer

Corporate Seal

FOR OFFICIAL USE ONLY

Date received: _____ File No.: _____

Received by: _____