

## **Section 800.07. - Procedures for comprehensive plan amendments.**

- (1) The procedure for amendment of an adopted comprehensive plan or element shall be as set forth in F.S. § 163.3184 as amended.

Comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan. The county shall transmit copies of any amendments of its adopted comprehensive plan to the department of economic opportunity (DEO).

- (2) The county, a property owner, or an interested party may initiate comprehensive plan amendments pursuant to F.S. § 163.3184 and 163.3187, as amended.
- (3) The steps outlined below are the procedural requirements which are to be followed when the county receives a petition to amend the county's comprehensive plan including future land use map or text of the comprehensive plan.
  - (a) The community development department shall provide a notice on the county website stating that the community development department is accepting petitions for amendments to the comprehensive plan.
  - (b) Applicant(s) must attend a pre-application conference with long-range planning section staff prior to applying for a comprehensive plan amendment. Applications to amend the future land use map of the comprehensive plan may be submitted by the owner or owner's agent of property proposed for amendment. The community development department shall initiate the evaluation of amendment requests by reviewing each application for adequacy and completeness. The application will not be considered complete until the following items have been submitted:
    1. Notarized letter of authorization if applicant is other than the owner;
    2. Verified statement naming every individual having legal or equitable ownership of the subject property;
    3. Warranty deed;
    4. Title insurance or attorney's opinion of title;
    5. Sealed survey of the property that is the subject of the future land use map amendment and shall include a legal description, property size, and adjacent public right-of-way.
    6. Written statement discussing the proposed amendment, presenting the amendment's consistency with the comprehensive plan, impacts on public facilities and services, environmental impacts, and compatibility with the surrounding area;
    7. Existing zoning and land use of parcel;
    8. A valid concurrency determination certificate or an application for concurrency determination certificate; and
    9. Electronic version of the survey and legal description; and
    10. Applicable fee(s).
  - (c) Within fifteen (15) working days of receipt of the application, the community development department shall transmit a letter or an e-mail to the applicant notifying him that the application is complete or identifying those items required to make the application complete.
  - (d) If the comprehensive plan amendment is a land use map amendment, the community development department shall review the application to see if the proposed land use conforms to existing zoning. If it does not conform, the community development department shall forward a rezoning application to the applicant, so that the rezoning and land use amendment requests can be processed concurrently.

If a rezoning is necessary, the community development department shall schedule the review process and required public hearings simultaneously with the land use amendment request.

- (e) The community development department shall prepare a location map for the requested land use amendment. The department shall also prepare an existing and proposed land use map and zoning map, and aerial photographs map. These maps shall delineate the property for which the land use amendment is being requested, as well as all the adjacent land uses within three hundred (300) feet of the subject property. This information will be obtained from the survey and supporting information submitted by the applicant.
  - (f) Incomplete applications shall be returned to the applicant with a list of deficient items.
- (4) Review of the complete application shall begin by completing the following steps for the public hearing before the planning and zoning commission:
- (a) After the application is complete, the community development department shall review it for reasonableness. The community development department shall determine whether the proposed land use amendment is compatible with the surrounding land uses and whether it will comply with the intent of the land use element of the comprehensive plan as well as the intent of the other elements of the comprehensive plan. The following items shall be evaluated during the review process:
    - 1. The impact of the land use amendment on the traffic circulation and street conditions in the county;
    - 2. The impact of the land use amendment on the county utilities. For the purpose of this review, utilities shall include public water, wastewater, and solid waste facilities;
    - 3. The impact of the land use amendment on the other services and facilities which have established levels of service such as drainage, parks, and educational facilities;
    - 4. The impact of the land use change on the county's environmental quality. This shall include, but not be limited to, an evaluation of the effects on environmentally sensitive land, groundwater quality, flood control, existing vegetation and agricultural land;
    - 5. The impact of the proposed land use amendment upon any particular need in the county such as housing, agricultural production, special commercial or industrial needs, and other needs as applicable;
    - 6. Proximity and potential impact for other services such as, police protection, fire protection, and emergency medical services;
    - 7. Compatibility of proposed land uses with existing uses and land use designations of surrounding properties.
  - (b) The community development department shall make an initial recommendation on each amendment request. A staff report including this recommendation shall be prepared as an agenda item for planning and zoning commission review.
  - (c) The community development department shall compose a title for an ordinance to amend the comprehensive plan. This ordinance shall be all inclusive, containing each individual request submitted for that submittal period.
  - (d) The community development department shall prepare a public notice of the time, date, and place of the planning and zoning commission meeting at which the public hearing to consider recommendations on the proposed amendment will be held. This public hearing notice must be published at least fifteen (15) days prior to the date of the public hearing. All public notices for concurrent rezonings will be scheduled for the same meeting as the public hearing for amending the plan.
  - (e) The community development department shall prepare rezoning signs containing a copy of the notice of the public hearing and a location map. These signs shall be posted on the property being rezoned.

- (f) Courtesy letters shall, to the extent feasible, be sent to all property owners within three hundred (300) feet of the land involved in land use changes, describing the location of the proposed change and the time, date, and place of the public hearing before the planning and zoning commission. This step may be waived for requests involving more than five (5) percent of the total land area of Indian River County, as determined by the community development director.
  - (g) After the public hearing, the planning and zoning commission will make a recommendation concerning each comprehensive plan amendment request to the board of county commissioners.
  - (h) The community development department shall send a letter or an e-mail to all applicants informing them of the outcome of the planning and zoning commission meeting.
- (5) The next public hearing is the "transmittal" public hearing before the board of county commissioners.
- (a) The community development department shall send a notice of the public hearing to the board of county commissioners (BCC) of the comprehensive plan amendments which have been received and identify the date of the public hearing at which the board will review these amendments.
  - (b) The community development department shall prepare an agenda item for each comprehensive plan amendment request. This item must include the recommendations of the planning and zoning commission. Also to be prepared is a resolution for the board of county commissioners to authorize transmittal of approved amendments to the department of community affairs for review. This resolution shall be accompanied by a brief agenda item outlining the amendment procedures.
  - (c) The community development department shall send courtesy letters to all owners of property involved in the amendment. This letter must state the proposed amendment, a general description of the area involved, and the time, place, and date of the board of county commissioners meeting. This step may be waived for requests involving more than five (5) percent of the total land area of Indian River County, as determined by the community development director.
  - (d) The community development department shall, to the extent feasible, send all surrounding property owners within three hundred (300) feet of the subject property letters of notification of scheduled public hearings. This letter shall state that "no final action will be taken on this request at this meeting," and shall include a general description of the area involved, the time, place, and date of the public hearing. This step may be waived for request involving more than five (5) percent of the total land area of Indian River County, as determined by the community development director.
  - (e) The community development department shall prepare plan amendment signs containing a copy of the notice of public hearing and the location map. This sign should read "ALTHOUGH A VOTE ON WHETHER TO TRANSMIT THE AMENDMENT TO THE STATE AND REGIONAL REVIEW AGENCIES WILL BE TAKEN, NO FINAL ACTION WILL BE TAKEN AT THIS MEETING." The sign shall be posted on the property requesting comprehensive plan land use amendment.
  - (f) The community development department shall prepare a legal notice of the transmittal public hearing before the board of county commissioners; this notice shall contain the title of the ordinance amending the comprehensive plan and shall state that this meeting is to consider transmittal of the amendments to the state and regional review agencies. The notice shall state that "ALTHOUGH A VOTE ON WHETHER TO TRANSMIT THE AMENDMENT TO THE STATE AND REGIONAL REVIEW AGENCIES WILL BE TAKEN, NO FINAL ACTION WILL BE TAKEN AT THIS MEETING." This notice shall be located in Section A of a newspaper of general circulation. The notice shall be no less than two (2) columns by ten (10) inches in size, and the headline of the advertisement must be in type no smaller than eighteen-point.

The advertisement must be accompanied by a map showing the geographic location of all areas involved in the amendment to the land use map. This public hearing notice shall be published approximately seven (7) days prior to the date of the transmittal public hearing.

- (g) The community development department will present each item to the board of county commissioners. The board shall consider the transmittal of each amendment of the comprehensive plan to the state and regional review agencies. Any amendment for which the board denies transmittal is automatically denied. If an amendment which has been denied transmittal includes a concurrent rezoning, that rezoning is also automatically denied. At the end of the public hearings, the board will announce their intention to hold an adoption public hearing to consider those plan amendment applications transmitted to state and regional review agencies.
- (6) The next step is the state and regional review agencies' review of the comprehensive plan amendments.
  - (a) Within five (5) working days after the board has determined which amendments will be transmitted to the state and regional review agencies, the community development department shall prepare a transmittal letter of all approved amendments. The DEO letter shall be accompanied by one (1) paper copy and two (2) compact disks (CD) or other similar format accepted by DEO of each amendment approved for transmittal. The transmittal letter shall contain a brief description of all action taken to date, and the contact person for the county who will be familiar with the amendment request.

(7) The adoption public hearing will be before the board of county commissioners.

- (a) The community development department, after receiving comments from state and regional review agencies shall schedule the amendments for the adoption public hearing before the board of county commissioners.

The community development department shall send a notice of the public hearing to the board of county commissioners (BCC) of the comprehensive plan amendments and identify the date of the public hearing at which the board will consider these amendments.

The community development department shall ensure that the public hearing date for concurrent rezonings coincides with the date for the public hearing before the BCC for related comprehensive plan amendments. The community development department shall notify property owners of the public hearing for rezonings prior to the meeting of the board.

- (b) The community development department shall, to the extent feasible, send courtesy letters to all owners of property involved in a land use amendment. This letter will state the date, time and general location of the area involved in the amendment. Surrounding property owners (SPOs) letters will also be sent for concurrent rezoning requests. This step may be waived for request involving more than five (5) percent of the total land area of Indian River County, as determined by the community development director.
- (c) The community development department shall revise the comprehensive plan amendment agenda item presented to the board of county commissioners for consideration at the transmittal hearing to reflect the action taken at the first BCC meeting and include any comments from state and regional review agencies.
- (d) The community development department shall prepare and publish the standard public notice for concurrent rezonings.

The community development department shall also prepare a public notice for the adoption public hearing before the board. This public notice shall contain all information items contained in the notice prepared for the transmittal public hearing, including maps. This notice shall be published approximately five (5) days prior to the adoption public hearing.

- (e) The community development department shall prepare a land use amendment and rezoning sign and post the sign in the same manner as required for the public hearings before the planning and zoning commission.
- (f) The community development department shall present each item to the board of county commissioners. The board of county commissioners shall then make its final decision regarding each amendment request.

The board of county commissioners will approve plan amendments only if at least one (1) of the following criteria has been met:

1. The proposed amendment will correct an oversight in the adopted plan.
  2. The proposed amendment will correct a mistake in the adopted plan.
  3. The proposed amendment is warranted based on a substantial change in circumstances affecting the subject property.
  4. The proposed future land use amendment involves a swap or reconfiguration of a land use designation at a separate site or sites, and that swap or reconfiguration will not increase the overall land use density or intensity depicted on the future land use map.
- (g) The community development department shall prepare an action letter to each applicant informing him of the final decision of the board.
- (8) The community development department shall forward the adopted comprehensive plan amendments to the DEO and other state and regional review agencies.
- (a) The community development department shall, within ten (10) working days of the comprehensive plan approval, prepare a transmittal letter to the DEO for the transmittal of all approved amendments. The letter shall be accompanied by one (1) paper copy and two (2) compact disks (CD) or other similar format accepted by DEO of the agenda item for each approved amendment, and copies of the executed ordinance amending the comprehensive plan. The letter shall contain a review of all action which occurred prior to final transmittal, and the name of the contact person for the county who is familiar with the amendment.
  - (b) The community development department will make all changes to the future land use map, comprehensive plan text, the zoning atlas and any other reference maps to reflect all approved concurrent rezonings.
  - (c) The amendment becomes effective thirty-one (31) days after the state land planning agency (DEO) determines that the amendment package is complete, unless a challenge is filed by an affected party.
- (9) Local plan or amendment compliance process. The compliance process shall be according to F.S. § 163.3184(9) as amended.

(Ord. No. 90-22, § 1, 9-18-90; Ord. No. 2015-016, § 2, 10-20-15)