



ADDITIONAL INSTRUCTIONS FOR APPLICATIONS TO AMEND THE COMPREHENSIVE GROWTH MANAGEMENT PLAN

This document serves to provide additional instructions and items to consider for anyone planning to apply to amend the Comprehensive Growth Management Plan (hereinafter referred to as "CGMP," "Comprehensive Plan," or "the Plan") of Martin County, Florida. The appropriate application form, all supporting documents and information, a completed checklist, and the correct application fee constitute a complete submittal package.

I. TYPES OF COMPREHENSIVE PLAN AMENDMENTS

There are three types of Comprehensive Plan amendment applications that the Growth Management Department processes:

1. Future Land Use Map (FLUM) amendments (>50 acres)
2. Future Land Use Map (FLUM) amendments, small scale (<50 acres)
3. Text amendments

Each of the three types of Comprehensive Plan amendments have separate review processes that are outlined in Florida Statute Section 163, Part II. Growth Management staff process Comprehensive Plan amendment applications in accordance with Florida Statute.

II. APPLICATION SUBMITTAL

A. Applications to amend the Future Land Use and Zoning Atlas.

Typically, an application to amend the future land use of a property must also be accompanied by a separate application to amend the zoning district of that same property. Parcels subject to a FLUM amendment must have an appropriate zoning district that implements the proposed land use. The applicant shall include with the application a concurrent zoning district change request to implement the proposed land use.

A request to amend the FLUM and a request to amend the Zoning Atlas are the subjects of two different public hearing processes. The amendment of the FLUM is a legislative function of the Board of County Commissioners (Board). The amendment of the Zoning Atlas is a quasi-judicial proceeding. Two separate applications are required and will be provided with the respective staff reports at separate public hearings.

If the requested zoning district is a Planned Unit Development (PUD), the application to re-zone must be submitted with the appropriate site plan application to Growth Management Department's (GMD) Development Review Division. Please consult Article 10 of the Land Development Regulations, Martin County, Fla. (LDR) for the appropriate review process.

If the subject property for a FLUM amendment is located within one of the six Community Redevelopment Areas (CRAs) in Martin County, then there are additional application requirements. In addition to a Future Land Use Map amendment, a zoning district amendment may be necessary. Also, an application for a text amendment to the Land Development Regulations to amend that CRA's Regulating Plan may be necessary. The most appropriate subdistrict must be assigned to any property within a CRA.

B. Applications to amend the text of the Comprehensive Plan.

Changing or altering the text of the Comprehensive Plan requires an application for a text amendment. In the application's justification statement, the applicant for a text amendment should address how the requested amendment is consistent with all Goals, Objectives and Policies of the CGMP.

C. Applicant information.

Proof of ownership must be provided for any FLUM or site-specific text amendment application to be deemed complete. The applicant must provide the names and addresses of each and every person with any legal or equitable interest in the property, including any partners, members, trustees, and stockholders and every person or entity having more than a 5% interest in the property. However, this requirement shall not apply to:

- (i) Interest held under a publicly traded company; or
- (ii) Individual members of a homeowners or property owners association, when association property is the subject of the proposed amendment; or
- (iii) Minors, defined as any person who has not attained the age of 18; or
- (iv) Mortgagees

Any amendment which was found complete based on false or incomplete disclosure will be subject to cessation of processing of the application.

D. Electronic map files.

All maps for FLUM amendments, site-specific text amendments, and zoning district changes submitted to the County for approval in application packages, must comply with County standards. A licensed professional surveyor or engineer can compile the data.

The electronic survey file must be in its original CAD format, in the correct coordinate system, compatible with the County's Geographic Information System (GIS) system. All mapping elements are to be in North American Datum of 1983 (NAD83), State Plane Coordinates, Florida Eastern Zone, units measured in survey feet. This requirement is to be interpreted to mean that all elements in the drawing are to reside in the correct coordinate system and not just that they are referenced to the correct coordinate system. To test whether the drawing is correct, the drawing elements should overlay existing elements that are stored in the current Martin County GIS. Legal descriptions must match the graphic exhibits presented to identify the parcel being considered for amendment.

III. PUBLIC PARTICIPATION

A. Public hearings.

Applications for amendments to the Comprehensive Plan require approval from the Board of County Commissioners at a duly noticed public hearing. Each type of application has specific public hearing requirements that are outlined in Florida Statutes. Comprehensive Plan amendments are legislative decisions by the Board of County Commissioners, meaning the Board has broad discretion in deciding whether or not to grant an amendment to the Plan, and decisions are subjected to the "fairly debatable" standard of review. Please see Section 1.11.D(5), Chapter 1, Preamble, of the Comprehensive Growth Management Plan, Martin County Code (CGMP) for more information.

The Local Planning Agency (LPA) is an advisory board to the Board of County Commissioners that reviews and makes recommendations to the Board on all Plan amendment applications that are processed by the Growth Management Department. The first public hearing for a Plan amendment will be before the LPA, where they make a recommendation to the Board. After review by the LPA, the amendment is then presented to the Board of County Commissioners for transmittal and/or adoption.

Seven Day "Cooling Off" Period – Plan amendments concerning changes to the FLUM cannot be changed in the seven (7) business days prior to any advertised public hearing. This will allow the citizens, commissioners, and others to fairly evaluate the document. If the Plan amendment is revised within that period, the hearing will be postponed unless the County, the applicant, and all members of the public who have submitted oral or written comments for the amendment, agree otherwise.

B. Public notice requirements.

- (i) Sign posting:* In accordance with Section 10.6, Land Development Regulations, Martin County Code (LDR), properties that are the subject of a Future Land Use Map amendment or a site-specific text amendment shall have a notice sign posted on the property. Not more than ten days after a development application has been determined to be complete, the applicant shall post the property that is the subject of the application with a waterproof

sign(s) entitled "Notice of Development Application" or "Notice of Zoning Change" as appropriate, which describes the nature of the development request, the name of the project (if any), the telephone number where additional information may be obtained, and the County assigned project or application number.

Please see the following specific details for posted signs:

1. The sign(s) shall have a uniform yellow background with letters in black. Lettering shall be at least two inches in height except as otherwise set forth in paragraph 3 below.
2. The sign(s) shall be double-faced and placed perpendicular to the street. The sign face and lettering shall be clearly visible by drivers and pedestrians traveling in either direction and should not be obstructed. Where the property abuts more than one roadway, at least one sign for each additional roadway shall be posted to satisfy this requirement. If the property does not abut a public right-of-way, signs shall be placed at the nearest public right-of-way with an indication of the location of the subject property.
3. Signs facing minor arterial, major arterial or major collector streets shall be at least 12 square feet in area per face and the title of the sign (e.g. " Notice of Future Land Use and Zoning Change" and the project or application number shall have letters at least eight inches in height. Signs facing all other streets shall be at least six square feet in area per face and the title and project application number shall be at least four inches in height.
4. Reasonable maintenance of the sign(s) by the applicant shall be required until the conclusion of the development review process to ensure that the required sign(s) remain legible. All posted signs shall be removed within ten days after the final action has been taken on the development application.
5. The applicant shall submit a notarized certification to the County Administrator within ten days following the posting stating that the sign(s) was posted according to and complies with the standards of these notice provisions. Failure of the applicant to submit a notarized certification shall toll the application review periods of section 10.2.D.2.

(ii) Mailing of notice: The requirement to mail notice of the public hearings are set forth in Sections 1.9 and 1.11 of the Comprehensive Plan and Section 10.6.E., LDR and is summarized here. The applicant is responsible for notifying the surrounding property owners by mail of all public hearings on a proposed FLUM or site-specific text amendment. A letter certifying that the public notification letters were sent, along with a copy of the letter and the list of persons and addresses to whom it was sent, must be submitted to the Clerk as part of the public record at the beginning of the public hearing. The applicant should provide a copy of the proposed notification letter to the

Growth Management Department for review prior to mailing. Martin County will publish notice in the newspaper for public hearings for text and FLUM amendments.

Applicants must notify by mail all property owners, property owners associations, and homeowners associations within 1,000 feet of the subject site boundaries. For projects outside the Urban Service Districts, the distance required for notification shall be 2,500 feet. Notice of all applications relating to property which is within one mile of a general-purpose government shall be mailed by the applicant to the appropriate entity within the jurisdiction at least 14 days prior to the public hearing in accordance with Section 10.6.F, Land Development Regulations, Martin County, Fla. (2025). The notification must be mailed at least 14 days prior to the public hearing. Prior to mailing the notice letters, the applicant must provide a copy of the notice letter to the Growth Management Department no later than 21 days prior to the date and time of the public hearing so staff can ensure the necessary and correct information is on the notice letter.

IV. APPLICATION PROCESS

A. Staff review of the application.

The application will be evaluated by County staff based on the application materials, CGMP policies, and other materials gathered. Staff's analysis and recommendation will be presented in a staff report. Staff can recommend approval of a requested change provided it is consistent with all other elements of the Comprehensive Plan and at least one of the following four criteria has been demonstrated by the applicant:

- a. Past changes in land use designations in the general area make the proposed use logical and consistent with these uses and adequate public services are available; or*
- b. Growth in the area, in terms of development of vacant land, redevelopment and availability of public services, has altered the character of the area such that the proposed request is now reasonable and consistent with area land use characteristics; or*
- c. The proposed change would correct what would otherwise appear to be an inappropriately assigned land use designation; or*
- d. The proposed change would fulfill a public service need that enhances the health, safety or general welfare of County residents.*

If staff cannot make a positive finding regarding any of the items in (a) through (d), along with a determination of consistency with all Comprehensive Plan goals, objectives and policies and the requirements of Chapter 1, CGMP, staff shall recommend denial.

B. Applicant justification.

The justification provided by the applicant should examine specific changes occurring in the vicinity of the subject property including demographics, surrounding land uses and zoning, existing physical characteristics of the parcel, and any shifts in the local composition of the area's commercial, industrial, and/or residential character. The applicant should address CGMP policies, as applicable to their amendment, and provide a justification statement for a proposed amendment. The application should consider the impacts of the amendment upon the adopted levels of service for public facilities including sanitary sewer, potable water, drainage and aquifer recharge, solid waste, recreation, transportation facilities, and others as appropriate. In addition, the application should consider whether the amendment protects the safety, health, and welfare of Martin County citizens, and addresses the impacts of development activities on natural systems, environmentally sensitive areas, and the County's historic resources. The applicant can and should provide additional justification as appropriate to their amendment.

C. CGMP purpose and policies to consider.

Below is provided a brief summary of some of the Comprehensive Growth Management Plan (CGMP) goals, objectives, and policies. Under no circumstance is the below list to be considered exhaustive or a complete list of items to be considered. This summary is only a general guideline to aid the applicant in evaluation of the proposed amendment.

1. The purposes of the CGMP are:

- i. To implement and strengthen the comprehensive planning process; and
- ii. To protect and restore natural and manmade resources and maintain the character, stability, and quality of life for present and future County residents; and
- iii. To allow only orderly growth and development that achieves the purposes listed in this subsection; and
- iv. To achieve and maintain conservative prudent fiscal management; and
- v. To set out goals, objectives, policies, and procedures Martin County has adopted and to require that they be strictly followed when conducting the County's business.

2. Compatibility with surrounding uses.

The CGMP provides that existing residential areas shall be protected from encroachment by incompatible development. The applicant's justification should discuss whether the proposed amendment would result in a logical, timely and orderly development pattern which is compatible with the character of the existing land uses in the adjacent and surrounding area.

- Policy 2.1A.1. No land uses or development shall: (1) exceed 15 units per acre. (2) have more than four stories... (3) be more than 40 feet high. ...
- Policy 2.1A.2. Protect residential areas from encroachment by commercial or industrial development.

- Policy 2.1A.3. Comparable density and dwelling unit types for abutting existing residential development.
- Objective 4.1F. Density allocations and intensity.
- Policy 4.9A.1. Suitable siting of residential development.
- Objectives 4.9G. through 4.13A.

3. Consistency with CGMP.

The proposed amendment shall maintain internal consistency among all elements of the CGMP. Internal consistency shall be a prime consideration in evaluating all requests for amendments to any element of the Plan.

- Policy 4.1A.1. Conformity of Land Development Regulations.
- Policy 4.1B.2. Analysis of availability of public facilities.
- Policy 4.1B.3. Internal consistency of elements.
- Objective 4.1E. (Policies 4.1E.1. through 4.1E.7.)
- Policy 4.4A.1. Rezoning.
- Objective 4.7B. (Policies 4.7B.1. through 4.7B.10.)
- Objectives 4.9G. through 4.9H.
- Objective 4.10E.
- Goal 4.13.

4. Environmental issues.

The application should consider whether the amendment protects the safety, health, welfare of Martin County citizens, and addresses the impacts of development activities on natural systems, environmentally sensitive areas, and the County's historic resources.

- Policy 2.2A.1. All wetlands shall be preserved...
- Policy 2.2A.2. Exceptions to allow wetland alteration...
- Policy 2.2A.3. In all cases where wetlands alterations are allowed the least damaging alternative shall be chosen...
- Policy 2.2A.4 Development plans shall provide restoration of the natural hydroperiod
- Policy 2.2B.1. ...a minimum of 25% of existing upland native habitat will be preserved in all development where such habitat exists.
- Objective 2.2C. Martin County shall ensure that all official actions of the County support and further a safe, healthy and ecologically balanced St. Lucie River Estuary and Indian River Lagoon ...
- Policy 2.2C.5. Changes to the FLUM or the text of the Comprehensive Plan that would negatively affect implementation of CERP or the Indian River Lagoon South component by compromising their success or increasing cost, shall not be allowed unless the applicant clearly demonstrates with supporting evidence, that the denial of such request would result in a violation of its constitutional or statutory property rights.
- Policy 2.2D.2. In considering amendments to the CGMP in the

watershed of the Loxahatchee River which increase the intensity of use, the Board shall consider whether the more intense land use will negatively impact the ability to restore natural timing, volume, and water quality to the Loxahatchee River.

- Goal 4.5. To protect the County's natural resource systems from the adverse impacts of development (Policies 4.5A.1. through 4.5C.3.).
- Goal 4.6. To protect historical resources in the County from the adverse impacts of development as set forth in Chapter 16 Arts, Culture and Historic Preservation Element.

5. Capacity analysis.

No amendment shall be approved unless present or planned public facilities and services will be capable of meeting the adopted level of service standards of the CGMP for the proposed future land use. Among other considerations, the Future Land Use Map (FLUM) shall not be amended to provide for additional urban expansion unless the CGMP includes traffic circulation, mass transit, water, sewer, solid waste, drainage, parks and recreation, fire/public safety/EMS, schools, and library facilities necessary to serve the area, and the associated funding sources.

- Policy 2.3B.1. Martin County shall enforce the concurrency standards...
- Policy 2.3B.4. No FLUM amendment or text amendments shall lessen the requirements to provide an acceptable level of public services...
- Policy 4.1B.2. Analysis of availability of public facilities.
- Policy 4.1B.3. Internal consistency of elements.
- Policies 4.7A.1. through 4.7A.13.
- Objective 4.7D. Provision of adequate capital facilities

6. Community Redevelopment Areas (CRAs).

Any Plan amendment and/or FLUM amendment which changes the boundary of a CRA or creates a new CRA, must contain an analysis of the impacts of potential land use changes. Since designation of a CRA allows mixed-use under certain conditions, there must be data and analysis supporting the conclusion that potential impacts of the CRA creation or expansion are consistent with the Comprehensive Plan. The analysis shall include review of the availability and adequacy of public facilities and the level of service necessary to support mixed use as well as potential fiscal impacts, land use impacts, and land use need in relation to population.

- Objective 18.1A. To encourage infill development and redevelopment through the designation of CRAs. (Policies 18.1A.1. through 18.1A.6).
- Goal 4.3. To provide opportunities for mixed residential and nonresidential uses, including Traditional Neighborhood Development.

7. Expansion of Urban Service Districts.

A land use amendment application that would result in a modification of the Urban Service District must also file a concurrent text amendment request to change the Urban Service District Boundary.

- Modifications to the Primary Urban Service District boundary must comply with Policy 4.7A.7. Proposed amendments to Urban Service District boundaries, CGMP.
- Modifications to the Secondary Urban Service District boundary must comply with Policy 4.7B.3. Conditions for expansion of Secondary Urban Service Districts, CGMP.

8. Commercial/Industrial lands.

Applicants requesting a change in land use designation to a Commercial or Industrial future land use should reviewed the policies in the CGMP relating to the future land use designation they are proposing.

- Goal 2.3. Martin County shall promote orderly and balanced economic growth while protecting natural resources, enhancing the quality of life in Martin County, and providing prudent fiscal management.
- Policy 4.9E.1. Forms of buffering between land uses.
- Objective 4.9H. To protect residential areas from encroachment by incompatible development.
- Policy 4.10B.1. Criteria for commercial land use designation.
- Policy 4.10B.2. Criteria for siting commercial development.
- Policy 4.11B.1. Development review process for industrial development.
- Policy 4.11C.1. Nuisance standards for industrial development.
- Policy 4.11C.2. Buffers in industrial areas.
- Policy 4.13A.8. Commercial development.
- Policy 4.13A.10. Industrial development.

9. Conversion of agricultural lands.

Increases in intensity on Agricultural designated lands must address the following objectives and associated policies:

- Policy 2.4A.5. Property with an agricultural tax classification may be granted a land use change which allows urban development provided any existing agricultural classification is removed at the first opportunity.
- Objective 4.12A. To ensure the Land Development Regulations set forth procedures to preserve the agrarian character of agricultural lands and to provide other methods to maintain the economic viability of agriculture.
- Objective 4.12B. To monitor and evaluate innovations and new management practices for preserving farmlands while protecting the

- property rights of farmers.
- Objective 4.12C. To strongly urge preservation of agricultural lands in the County, as denoted on the FLUM, realizing that soil attributes and climatic conditions make the land especially productive for agriculture and silviculture.
- Objective 4.12D. To continue to preserve agricultural lands by restricting expansion of urban services to areas adjacent to urban cores.
- Policy 4.13A.1. Intent of agricultural designation.

10. Urban sprawl.

Florida Statutes, Section 163.3177 states that any amendment to the future land use element shall discourage the proliferation of urban sprawl. It provides thirteen indicators to judge whether a future land use amendment discourages the proliferation of urban sprawl.

Urban sprawl is defined as a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

Florida Statute provides an additional eight criteria, of which four must be met, in order to judge whether an amendment can be determined to discourage the proliferation of urban sprawl. The thirteen indicators and the eight criteria for urban sprawl are as follows:

- (I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low- intensity, low-density, or single-use development or uses.*
- (II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*
- (III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.*
- (IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.*
- (V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.*
- (VI) Fails to maximize use of existing public facilities and services.*
- (VII) Fails to maximize use of future public facilities and services.*
- (VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and*

services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

(IX) Fails to provide a clear separation between rural and urban uses.

(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

(XI) Fails to encourage a functional mix of uses.

(XII) Results in poor accessibility among linked or related land uses.

(XIII) Results in the loss of significant amounts of functional open space.

11. Proliferation of urban sprawl.

In order for the application to be determined to discourage the proliferation of urban sprawl, the amendment must incorporate development patterns or urban form that achieve four or more of the following:

(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

(II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

(III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

(IV) Promotes conservation of water and energy.

(V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

(VI) Preserves open space and natural lands and provides for public open space and recreation needs.

(VII) Creates a balance of land uses based upon demands of residential population the nonresidential needs of an area.

(VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

12. Consideration for rezoning.

The Future Land Use Map of the CGMP establishes the optimum overall distribution of land uses. The Future Land Use Map shall not be construed to mean that every parcel is guaranteed the maximum density and intensity possible pursuant to the CGMP and the Land Development Regulations.

The County has the discretion to decide that the development allowed on any given parcel of land shall be more limited than the maximum allowable under the assigned future land use category. The application should consider the

surrounding area and the provisions of the Land Development Regulations in the selection of the proposed zoning on the property.

- Objective 4.4A. - Policy 4.4A.1. Rezoning.
- Section 3.2.E. of the Land Development Regulations

V. Attachments

1. CPA Application Fee Schedule
2. CPA Application Checklist.
3. CPA Application
4. Rezoning Application Checklist.
5. Development Review Application
6. Disclosure Affidavit Form
7. School Impact Worksheet.
8. Water & Sewer Availability Worksheet.
9. Example Sign Sheet.
10. Example letter for public notification.