

# INSTRUCTIONS FOR AN AMENDMENT TO THE COMPREHENSIVE GROWTH MANAGEMENT PLAN

Comprehensive Plan Amendment applications may be submitted only between September 1 and September 30. The application form, all supporting documents, a completed checklist, and filing fee are due per the following schedule:

ACTIVITY	DEADLINE
Submission of application. <sup>(1)</sup>	September 30, at 5:00 PM
Growth Management Department (GMD) to mail sufficiency letter	October 7
listing any missing materials.	
All missing materials due from applicant. <sup>(2)</sup>	October 15
Last day to withdraw application and receive a return of fees.	November 15
Preparation of staff reports.	October 15 - March 1
Local Planning Agency public hearings.	December 1 - April 1
Board of County Commissioner public hearing.	To begin by April 30
GMD to transmit plan amendments to Division of Community	Within 10 days of
Planning for review.	Commission action.

1) If a deadline falls on a weekend, the deadline shall be the following Monday.

2) Any missing materials must be submitted by October 15th or the application will not be processed further. Incomplete applications will be returned to the applicant with a refund of the application fee after October 16th.

# APPLICATION INSTRUCTIONS AND REQUIREMENTS

- 1) Note timelines and deadlines for Comprehensive Plan Amendments on the front page.
- 2) See the special instructions on the following pages for submittal of application materials, public notification requirements, and application justification statement.
- **3**) Use the checklist provided with this application to ensure that you provide all the necessary documents.

# I. APPLICATION SUBMITTAL

# Application Period.

Application for amendments to the Comprehensive Growth Management Plan (CGMP) shall be submitted to Martin County between September 1 and September 30 of each year. If a Plan amendment requires changes to the Capital Improvement Element, those CIE changes must be proposed, reviewed, and adopted as part of the amendment. Applications that are found by the Growth Management Department to be unclear or incomplete may be supplemented on or before October 15. Applications not complete by October 15, will be returned to the applicant and can only be considered if resubmitted as a new application in a subsequent September application window. Fees will be returned to any applicant who withdraws an application before November 15. Fees are forfeited for all applications withdrawn after November 15th.

Applications which are withdrawn, denied, or not acted on by the County Commission are considered withdrawn and may not be considered unless submitted as new applications in a subsequent September application period. Continuing an amendment from the first set to the second or to the next year will not be possible without action by the County Commission. Applications that do not receive final action in the current approval cycle are considered withdrawn.

#### Application.

Application materials must be provided as electronic files in PDF format on a CD or a USB flash drive. The electronic transfer device must be delivered in person along with the application fee. Applicants that are unable to provide electronic files and wish to submit hardcopy paper will be charged an additional scanning fee.

Parcels subject to a Future Land Use Map (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.

Planned Unit Development zoning requests must be submitted separately with all necessary materials (including the appropriate site plan application) to the Development Review Division.

#### Rezoning Application.

The request for a zoning district change requires completion of the Development Review Application for a zoning change. Applicants should demonstrate compliance with the criteria for a zoning district change found in Section 3.2.E. of the Land Development Regulations and Policy 4.4A.1. of the Comprehensive Growth Management Plan.

#### Applicant.

For any FLUM amendment and for a text amendment which changes an allowable use of land for a specific parcel, proof of ownership of the property subject to the request must be supplied. Only the owner of the subject property or the Martin County Commission can apply for a FLUM amendment. Proof of ownership must be provided for any 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) Interests 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.

# Electronic Map Files.

All maps for Plats, Site plans, Zoning, and Land Use amendments, 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. The digital file submitted is to be identical to the hardcopy map that it represents. Legal descriptions must match the graphic exhibits presented to identify the parcel being considered for amendment.

# II. PUBLIC NOTICE REQUIREMENTS

# Public Participation.

The Local Planning Agency and the Board of County Commissioners shall continue to provide for public participation in the comprehensive planning process. The County shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public hearings with open discussion, communications programs, information services, and consideration of and response to public comment. Unless prohibited by law, the public shall have the right to speak and to ask questions at all meetings and workshops of the County Commission and the LPA at which amendments to the CGMP or Land Development Regulations or the approval of Development Orders are being considered. The Commission may, by resolution, set reasonable time limits on presentations by each speaker.

For Future Land Use Map changes, text changes to the CGMP applicable to a single property, or zoning changes, in addition to the notice requirements of state law and other elements of this Plan, signs shall be placed in the right of way and notice shall be as provided for a zoning district change. All published notices shall provide sufficient information for the public to understand the meaning and impact of the amendment.

Where a material change is made in the amendment or any change is made which would increase the impact of the amendment on residents or on the environment, new notification and advertising shall be required prior to any public hearing on a vote on the amendment to reflect such change. A material change includes any change to the allowable uses, densities or intensities, development standards, extent of development allowances or infrastructure or preservation requirements, deadlines for payment of fees, completion of work or similar substantive matters, or other substantive aspect of development that may increase the impact of the amendment, including those related to financial obligations.

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 upon the amendment, agree otherwise.

#### Signs on the Property.

Not more than ten (10) days after the application for a land use amendment or text change to the CGMP applicable to a single property has been deemed complete by the Growth Management Department, the applicant must erect a sign or signs on the property pursuant to Section 10.6. Land Development Regulations, Martin County Code. An example sign sheet is provided with this application package for reference.

- 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.

#### Letters to Surrounding Property Owners.

County requirements for public notices are set forth in Sections 1.9, 1.11, of the Comprehensive Growth Management Plan. The applicant is responsible for notifying surrounding property owners by mail of all public hearings on a proposed land use 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.

Applicants must notify by mail all property owners, property owners associations, and home owners associations within 1,000 feet of the development site boundaries as required for development applications by the Land Development Regulations. For projects outside the

Urban Service Districts, the distance required for notification shall be 2,500 feet. The notification must be mailed at least 14 days prior to the public hearing.

A sample notification letter is included with this application package for reference. 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 future land use map amendments.

# III. APPLICATION JUSTIFICATION

The following Comprehensive Plan excerpts are provided for information only and should in no way be interpreted to substitute for full compliance with all Martin County Comprehensive Growth Management Plan goals, objectives, and policies whether or not provided in this application instruction sheet.

The applicant must provide justification for the proposed amendment and cite how the amendment is consistent with the Goals, Objectives and Policies of the Martin County Comprehensive Growth Management Plan. Amendments and development orders shall be deemed consistent with the intent of the Plan when land uses, densities or intensities, and environmental protection measures further the goals, objectives and policies of this Plan. Where a subject is addressed by two or more provisions of the Comprehensive Plan, all provisions apply, and the stricter provision shall prevail to the extent of the conflict. Plan policies that address the same issue shall be considered consistent when it is possible to apply the requirements of both policies with the stricter requirements governing.

The application will be evaluated by County staff based on the application materials, relevant Comprehensive Growth Management Plan policies, and other materials gathered. Staff analysis will be presented in a staff report, along with a recommendation, to the Board of County Commissioners. Staff can recommend approval of a requested change, provided it is consistent with all other elements of the Comp. Plan, and at least one of the following three situations has been demonstrated by the applicant to exist:

(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 and 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

(b) The proposed change would correct an inappropriately assigned land use designation; or

(c) The proposed change is a County initiated amendment that would correct a public facility deficiency in a County facility that provides for the health, safety or general welfare of County residents and cannot otherwise be adequately provided in a cost effective manner at locations where the proposed land use is currently consistent with the CGMP.

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

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 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.

#### Justification Statement:

Below is provided a brief summary of some of the Comprehensive Growth Management Plan (CGMP) goals, objectives, and policies. The applicant should address CGMP policies, as applicable to their amendment, and provide a justification statement for a proposed amendment. Under no circumstance is the below list to be considered exhaustive or a complete list of items to be considered. The applicant can and should provide additional justification as appropriate to their amendment. The below summary is only a general guideline to aid the applicant in evaluation of the proposed amendment.

#### The purposes of the CGMP are:

(1) To implement and strengthen the comprehensive planning process, and

(2) To protect and restore natural and manmade resources and maintain the character, stability and quality of life for present and future County residents, and

(3) To allow only orderly growth and development that achieves the purposes listed in this subsection, and

(4) To achieve and maintain conservative prudent fiscal management, and

(5) 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.

In furtherance of these purposes the more restrictive requirements of Chapter 1 and of the overall goals, objectives, and policies of Chapter 2 shall supersede other parts of this Plan when there is conflict.

#### 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.

### 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.

#### 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.

#### Concurrency.

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.
- Policies 4.7B.7. through 4.7B.10.
- Objective 4.7D. Provision of adequate capital facilities.

#### Community Redevelopment Areas.

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 4.2B. To encourage redevelopment through the designation of CRAs. (Policies 4.2B.1. through 4.2B.7.)
- Goal 4.3. To provide opportunities for mixed residential and nonresidential uses, including Traditional Neighborhood Development.
- Objective 4.3A. To encourage, but not mandate, mixed use in designated CRAs. (Policies 4.3A.1 through 4.3A.10.)

# 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.6. 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.

# Commercial/Industrial Lands.

Applicants requesting a change in land use designation to a Commercial or Industrial land use should review the Policies in the CGMP relating to the land use designation they are proposing. Additionally Applicants must demonstrate compliance with Policy 2.4C.3.

• Policy 2.4C.3. Limit commercial and industrial land use amendments to that needed for projected population growth for the next 15 years. The determination of need shall include consideration of the increase in developed commercial and industrial acreage in relation to population increases over the preceding ten years, the existing inventory

of vacant commercial and industrial land, and the goals, objectives, and policies of the CGMP, including the Economic Element. The County shall update this analysis at least every two years. The limitation contained herein shall only apply to land use amendments, and not to rezonings, site plans, or any other land use approvals, including development agreements.

The Martin County Board of County Commissioners adopted its Commercial and Industrial Land Analysis on June 14, 2016 in accordance with Policy 2.4C.3. This document can be found on the County's webpage for CPA applications.

- 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.9. Industrial development.

# 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.

# Urban Sprawl.

Florida Statutes, Section 163.3177(3)(a)9. (adopted by HB 7207) 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, automobiledependent 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.

# 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:

(1) 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 for 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.

# 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

# **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.