

**MARTIN COUNTY EAR-BASED COMPREHENSIVE PLAN
AMENDMENT REVIEW**

CGMP CHAPTER: CPA 18-3

Chapter 1, Preamble

APPLICANT:

Martin County
Board of County Commissioners

PLANNER-IN-CHARGE:

Clyde Dulin, AICP
Comprehensive Planning/Compliance
Administrator

REPRESENTED BY:

Nicki van Vonno, AICP
Growth Management Director

September 25, 2018

ORIGINAL MEETING DATE

LPA MEETING:

September 6, 2018

BCC TRANSMITTAL HEARING:

September 25, 2018

TRANSMITTAL TO STATE LAND PLANNING
AGENCY:

ADOPTION HEARING:

FINAL TRANSMITTAL TO STATE LAND PLANNING
AGENCY:

APPLICANT REQUEST: A text amendment to Chapter 1, of the Comprehensive Growth Management Plan (CGMP), to update application requirements and related topics, consistent with Florida statutes. Changes are also proposed that put back text removed in 2013.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed text changes to Chapter 1 Preamble.

LOCAL PLANNING AGENCY: The Local Planning Agency recommended approval with a request the BOCC add environmental criteria to Chapter 1.

EXECUTIVE SUMMARY

The Board adopted the attached resolution to revise the application requirements specified in Chapter 1 as well as all other necessary elements of the Plan. Most of the proposed changes occur in Section 1.11. Amendment Procedures. The Plan currently requires all privately initiated amendments to be submitted in the month of September and processed as a single package of amendments. At present the Plan only allows amendments initiated by the Board to be initiated and processed outside that single package of amendments.

No changes are proposed to: Section 1.2. Scope;
Section 1.3. Legal Status;
Section 1.4. Comprehensive Basis;
Section 1.7. Supporting Data; or
Section 1.13. Authority.

BACKGROUND

All proposed amendments to a local Comprehensive Plan must be reviewed by staff, presented to the Local Planning Agency and then presented to the Board of County Commissioners. The Board decides whether to transmit or not transmit the legislative changes to the state land planning agency and a list of state agencies for review. Following the review by the state land planning agency and other state agencies proposed amendments are presented to the Board of County Commissioners for adoption.

For many years state statute restricted local governments to submitting Plan amendments only twice per calendar year. Multiple amendments would be packaged into what was called the first set and sent to the state agencies and surrounding local governments. Later in the calendar year a second set of amendments would be packaged and sent out for review by the state land planning agency, a list of other state agencies and surrounding local governments. The process of review and transmittal required compliance with state statute, Florida Administrative Code 9J-5 and local review requirements forth in Chapter 1.

State statute changed substantially in 2011 permitting local governments to submit individual amendments at any time in the calendar year. However, at present, Chapter 1. Preamble requires all privately initiated amendments to be submitted in September and travel thru the review process together.

CONTENT AND FORMAT:

Ordinance 1047 adopted the most recent changes to Chapter 1, on February 27, 2018. Ordinance 1047 was used as the base document for the attached Chapter 1, Preamble. The attached draft Chapter 1 contains, in ~~strike~~ and underline, the new changes proposed.

ISSUES:

1. Section 1.1. Purpose has text requiring amendments to be consistent with “any requirement of this Chapter or other goal, objective or policy of this Plan.” The sentence is shown stricken. By their very nature amendments are changes to some part of an existing requirement of the Plan. An amendment must be consistent with other chapters of the Plan. However, it cannot be both an amendment and (at the same time) consistent with that part of the Plan being changed. Section 1.1 has a paragraph that fully covers the subject of consistency with the Plan as well as internal consistency within the Plan. That paragraph is not being deleted. It is being proposed for relocation to Section 1.6. Consistency of Elements and Policies.
2. Changes to Section 1.5. Economic Principles reintroduce text that was found in Chapter 1 previously.
3. Text added to Section 1.6. Consistency of Elements and Policies was relocated from Section 1.1. and revised.
4. Section 1.8. Continuing Evaluation has an introductory paragraph that is shown stricken because it is unrelated to the reports described in the supporting text of Section 1.8.A. The introductory paragraph requires an Evaluation and Appraisal Report to be done in addition to the evaluation and appraisal requirement found in Florida statutes.

5. Text in Section 1.9 relates to the amendment process described in Section 1.11. It states:

“All published notices shall provide sufficient information for the public to understand the meaning and impact of the amendment.”

Signs posted along a road, advertisements in the newspaper and letters to surrounding property owners provide notice. Staff recommends this text be revised so that notices are in accordance with Florida statutes.

Text describing a material change made to an amendment is also stricken because it differs from the definition found later in the same paragraph.

6. Minor changes are proposed in Section 1.10. When referring to policies of the Comprehensive Growth Management Plan it is not necessary to also mention consistency with Chapter 1.
7. Most of the proposed changes are found in Section 1.11. Amendment Procedures. Application submittal dates are stricken from Section 1.11.B. Time periods for determining application sufficiency are proposed that will be based upon the application submittal date. Deadlines for action by the Local Planning Agency and transmittal hearings by the Board are also shown stricken. Consistent with Florida statute, these changes will permit private property owners to submit amendments to the Future Land Use Map or the text of the Comprehensive Growth Management Plan at any time during the calendar year.

Section 1.11. Amendment Procedures also has criteria staff must consider when reviewing a future land use designation. From 1990 to 2013 it provided staff with four criteria on which to base a recommendation of approval or denial. The four criteria were reduced to three criteria and the wording revised in 2013. The text changes shown in the attached Chapter 1 closely follow the wording found in Chapter 1 prior to 2013.

Duplicative references to Section 1.9 are also removed from Section 1.11.D. (1) and Section 1.1.D. (2).

8. The proposed change to a paragraph in Section 1.12. Vested Rights is not a policy change. It moves a sentence on what a timetable of development is to the beginning of the paragraph. It also memorializes that timetable extensions done pursuant to Florida Statutes will be recognized.

FIGURES/ATTACHMENTS

- Draft of Chapter 1, Preamble. Ordinance 1047 is the base document for the changes shown.
- Resolution 18-6.26 initiating an amendment to the Comprehensive Growth Management Plan.
- Excerpt from Florida Statutes, Chapter 163.3184.