

Gadsden County Board of County Commissioners Agenda Request

Date of Meeting: January 3, 2012

Date Submitted: December 7, 2011

To: Honorable Chairperson and Members of the Board

From: Arthur Lawson, Interim County Administrator
Anthony Matheny, Planning & Community Development Director

Subject: Public Hearing for the Adoption of the Bostick Road Future Land Use Map Amendment (CPA-2011-02) for Parcel #'s 2-27-3N-2W-0000-00123-0100, 2-27-3N-2W-0000-00210-0100, 2-27-3N-2W-0000-00123-0300, 2-27-3N-2W0000-00210-0500, 2-27-3N-2W-0000-00210-0600, 2-27-3N-2W-0000-00210-0400, 2-27-3N-2W-

Statement of Issue:

The Board of County Commissioners (Board) is requested to consider *adoption of an ordinance* approving an administrative Future Land Use Map (FLUM) amendment to change the future land use designation on seven (7) parcels totaling 34.75± acres from Commercial (COMM) to Rural Residential (RR) to reflect the actual land use of the properties and to establish a land use designation consistent with the existing use of the property on the FLUM (Attachment #1 & 2).

At the Board's October 4, 2011 public hearing, the Board voted to approve transmittal of the FLUM amendment to the Florida Department of Economic Opportunity (DEO), the state land planning agency. The amendment has been reviewed by the DEO and found to have no adverse impacts (Attachment #3). Therefore, the next step is to finalize the FLUM amendment by adopting it by ordinance within 180 days of the County's receipt of agency comments (Section 163.3184(3)(c)(1), Florida Statutes) (Attachment #5).

Background:

The subject properties are located north and adjacent to the Havana Golf and Country Club, west of the CSX Railroad tracks and U.S. 27 (Florida-Georgia Highway) These properties are part of a COMM designated area located in Township 3N, Range 2W, Section 27 (Attachment #1). Access for the majority of the parcels is Bostick Road, a private residential roadway, and Red Fox Lane. Neither was constructed for commercial development. Access from S.R. 27 (FLA-GA Highway) is via Country Club Drive.

In 2010, Molly Coleman Wilson inquired about selling her 3.03± acre parcel and discovered her property, her mother's, her brother's, as well as and four (4) other adjacent properties were designated COMM as of the adoption of the Comprehensive Plan Future Land Use Map (November 26, 1991). The COMM designation made five (5) of these seven (7) properties legal nonconforming uses for residential development (Subsection 5003.B of the Land Development Code (LDC)). Ms. Wilson discussed the issue with the other six (6) affected property owners. P&CD met with these property owners and discussed their options. The property owners signed a petition requesting that the Future Land Use Map Designation on their property be changed from COMM to RR (one resident unit per acre) (Attachment #2).

Five (5) of the seven (7) properties contain a residential dwelling unit. The property owners agree their parcels are "unsuitable for commercial development". They believe that the decision to designate their property as COMM was in error and would like the County to amend the FLUM from COMM.

Land Use:

While designated COMM, the area has developed with single family residential uses and vacant properties. Of the seven parcels, five are homesteaded with single family homes. The amendment parcels are bounded by the following Future Land Use Categories and uses (Attachment #2):

<u>Direction</u>	<u>Future Land Use Category</u>	<u>Existing Land Use</u>
North	Agricultural 1 (AG-1) (1:5)	Dixie Farms Subdivision
East	Commercial (COMM)	CSX Railroad
South	City of Havana	Country Club Estates 1
West	Rural Residential	Pastureland & SF

Analysis:

On the adopted November 26, 1991 through April, 1997 Future Land Use Maps (FLUM), these parcels are shown as being bisected from north to south by two FLU categories: Agricultural 1 (AG-1) (1 unit per 5 acres) and Commercial (COMM) (Attachment #1). While not specifically known, the eastern portion of the property may have been designated COMM due to its adjacency to the CSX Railroad tracks. The FLU division runs approximately north and south along Bostick Rd. before it curves to the west. Since July 1, 1999, these parcels have all been designated COMM on the FLUM. However they have developed or were previously developed with single family residential uses or remained vacant.

Development for RR is based on one unit per acre (1:1) of net developable area (Gross area less environmentally sensitive lands such as wetlands). If an amendment is approved to RR, the development potential increases to up to 22 units based on net density (34.75 acres less seven (7±) acres of environmentally sensitive areas equals 27.75 acres. 27.75 acres/ 1 unit per acre less five existing residences equals 22.75). Since the properties contain five (5) existing dwelling units, the maximum additional units would

be 22 dwelling units. However, it is unlikely the maximum density will be achieved based on the existing development/ownership pattern of the parcels.

Bostick Rd. is a sub-standard private roadway. The right-of-way is not wide enough to meet County requirements nor is the roadway constructed for commercial use or expanded residential standards.

Utilities and Transportation:

Electric and water utilities are provided to the amendment parcels by the Town of Havana. The Town has confirmed that there is adequate capacity to support the land use change. Any additional capacity requirements would be required to be provided by the developer. Per the Institute of Transportation Engineers, Trip Generation Eight Edition, a detached dwelling unit generates 1.02 trips per unit during the Weekday P.M. Peak Hour. No new development is proposed. Should the maximum 22 additional units be reached, it would result in 22.44 additional peak hour trips (64% entering, 36% exiting.).

Public School Impact:

The School Board was notified of the proposed amendment and was requested to provide a capacity determination. No immediate impact is anticipated. Long term impact could be a maximum of 22 residential units and is not anticipated to negatively impact school capacity.

Fiscal Impact:

There is not an anticipated immediate fiscal impact.

Public Input:

This application is subject to the provisions of Section 7001.1, the Citizens Growth Management & Planning Bill of Rights. A Citizen's Planning Meeting was advertised and held on August 25, 2011 to discuss the amendments with area residents. Those in attendance were in support of the amendment and no issues were raised. No one spoke in opposition of this amendment at the Planning Commission or Board transmittal hearings.

Findings:

Upon review of the Bostick Road FLUM amendment the following findings are presented:

1. The Florida Department of Economic Opportunity and notified state agencies have found no adverse impacts as a result of this amendment.
2. The land use amendment is internally consistent with the Gadsden County Comprehensive Plan and specifically with the Future Land Use Map, The Future Land Use Element Objective 1.1, Policies 1.1.5(B) Rural Residential and the Concurrency Management plan requirements.
3. Available supporting documentation indicates that the proposed land use amendment is compatible with and will not adversely affect area properties, or properties in the County as a whole;

4. The amendment will not significantly increase the amount of land in the Rural Residential (RR) future land use category or significantly decrease the amount of land with Commercial (COMM) future land use category and will more closely reflect the existing development pattern (Policy 1.1.2);
5. The amendment is requested to correctly reflect the development pattern of the area as it relates to the existing infrastructure and roadway system. The amendment reflects the existing residential development pattern of the property. Approval of the amendment will decrease the existing nonconformities in compliance with Policy 1.15.4.
6. The amendment will not negatively impact or increase the demand for infrastructure including schools, transportation, water and sewer (Objective 4.1, Infrastructure Element, Policy 2.2.4 Traffic Circulation Element, Policy 10.1.1 Public Schools Facility Element);
7. Rural Residential density is based on net density (gross density less environmentally sensitive lands). All future development would be required to maintain natural buffers and setbacks from environmentally sensitive lands located on the northwest corner of the property (Policy 5.2.7 Conservation Element).
8. The existing parcels are one (1) acre or greater and are served by City of Havana electric and water. Sewer service is not available.
9. Daily Peak Hour Trips are not anticipated to increase without significant infrastructure improvements and may be less than if the property was developed as a commercial use. Existing access to these parcels is from a private local roadway (Country Club Road) and a substandard private roadway (Bostick Road).
10. There are no historically significant features on the property.
11. The proposed amendment complies with the general criteria applied when considering land use amendments as described by specific compliance with the above mentioned Comprehensive Plan objectives and policies including being substantially adjacent to existing RR land use to the west (Policy 1.1.5(B) and provides for compatible and consistent land uses since most of the properties in the area are developed with single family homes or agriculture.
12. The proposed land use amendment will promote the public health, safety, welfare, economic order, aesthetics and quality of life in the community and region by providing for uses permitted in the Comprehensive Plan including reducing the amount of nonconforming properties.

Land Development Code (LDC) required standards:

A change in land use category designation on the FLUM is to be reviewed under the Type IV Procedures per Subsection 7403 and 7204 of the LDC.

Board Requested Action:

The Board of County Commissioners held an initial public hearing on October 4, 2011. Per Florida Statutes, the County is required to hold a second public hearing within 180 days of receipt of the agency comments (November 16, 2011). If the timeframe is not

extended by agreement, Section 163.3184(3)(c)1, Florida Statutes provides that the amendment will be deemed withdrawn (Attachment #3).

Options:

1. Approve adoption by Ordinance of the Bostick Road Administrative Future Land Use Map Amendment (CPA-2011-02) to change the Future Land Use Map category on seven (7) parcels, totaling 34.75± acres, from the Commercial (COMM) to the Rural Residential (RR) (1:1) Future Land Use based on the afore listed findings and a determination of consistency with the Comprehensive Plan.
2. Deny adoption by ordinance of the Bostick Road Administrative Future Land Use Map Amendment (CPA-2011-02) to change the Future Land Use category on seven (7) parcels, totaling 34.75± acres, from the Commercial (COMM) to the Rural Residential (RR) (1:1) Future Land Use and identify specific reasons/findings and policies indicating why the amendment should not be approved and is inconsistent with the Comprehensive Plan.
3. Discretion of the Board.

Recommendation:

Option #1

Attachments:

1. Public Hearing Notices & Location
2. Ordinance 2011-XX
3. Letter from Florida Department of Economic Opportunity
4. Board Minutes, October 4, 2011
5. Expedited State Review Process – Flow Chart

#1



COMMISSIONERS:
EUGENE LAMB, JR.
 District 1
DOUGLAS M. CROLEY
 District 2
GENE MORGAN
 District 3
BRENDA A. HOLT
 District 4
SHERRY TAYLOR
 District 5

GADSDEN COUNTY
BOARD OF COUNTY COMMISSIONERS
 EDWARD J. BUTLER
 GADSDEN COUNTY GOVERNMENTAL COMPLEX
 DEPARTMENT OF PLANNING & COMMUNITY
 DEVELOPMENT

Arthur Lawson, Sr.
 Interim County
 Administrator

Deborah S. Minnis
 County Attorney

Anthony Matheny
 DIRECTOR

R. Clyde Collins
 Building Official

GADSDEN COUNTY
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING NOTICE

Project Name: Bostick Road Future Land Use Map (FLUM) Amendment
Project Number: CPA-2011-02
Tax ID #s: 2-27-3N-2W-0000-00123-0100, 2-27-3N-2W-0000-00210-0100,
 2-27-3N-2W-0000-00123-0300, 2-27-3N-2W-0000-00210-0500,
 2-27-3N-2W-0000-00210-0600, 2-27-3N-2W-0000-00210-0400,
 2-27-3N-2W-0000-00123-0200

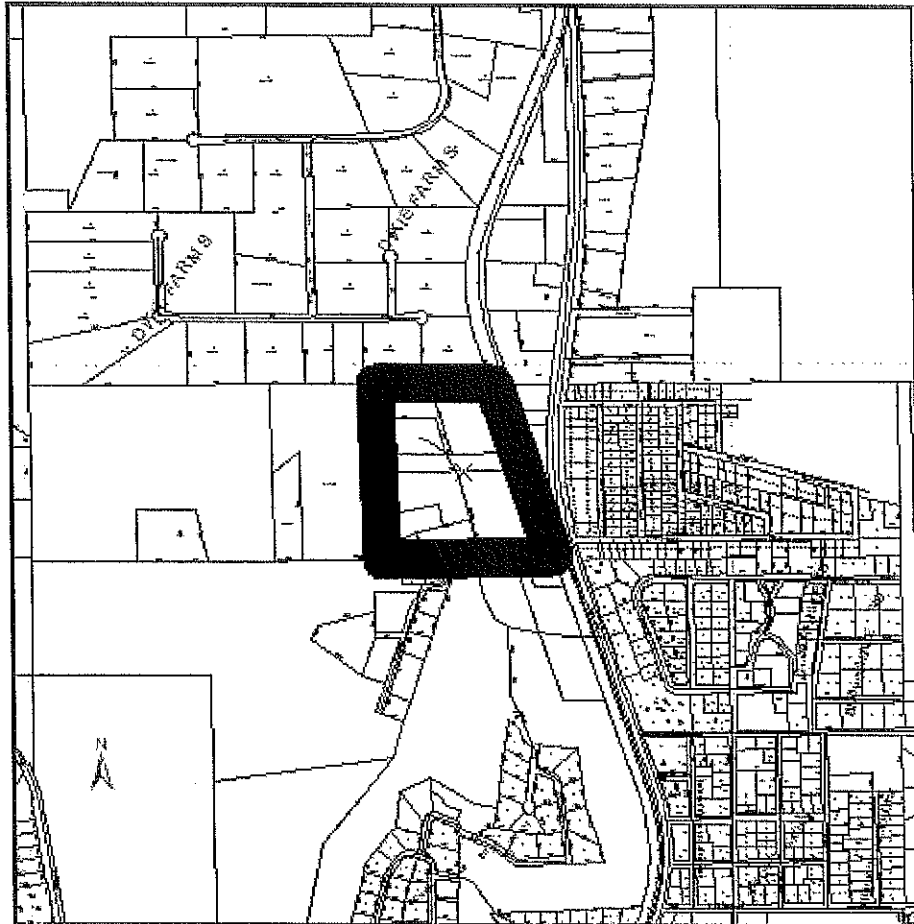
NOTICE IS HEREBY GIVEN that a public hearing is scheduled for 6:00 p.m. Tuesday, January 3, 2012 to consider **ADOPTION OF AN ORDINANCE AMENDING** the Gadsden County Future Land Use Map (FLUM) amendment to amend the Gadsden County Comprehensive Plan by changing the adopted future land use category from the Commercial (COMM) to the Rural Residential (RR) (1:1) land use category on seven (7) parcels totaling 34.75± acres located off of Bostick Rd. as indicated on the location map on the back of this notice. The public hearing will be held at 6:00 p.m. in the Board of County Commissioners Chambers at 7 East Jefferson Street, Quincy, Florida. This notice is being provided to all property owners within 0.50 of a mile of the subject amendment as required by subsection 7500, Gadsden County Land Development Code.

Upon approval by the Board of County Commissioners, the FLUM amendment, unless timely challenged, shall become effective 31 days after the state land planning agency notifies the local government that the plan amendment package is completed. No development orders, development permits, or land uses dependent upon this amendment may be issued or commence before it has become effective.

Copies of the staff report will be available at the Planning & Community Development Department, 1B East Jefferson Street, Quincy and on the County's website gadsdencountyfl.gov one week prior to the meetings. Persons wishing to comment may do so in person at the public hearing or in writing to the Gadsden County Board of County Commissioners, 7 East Jefferson Street, Quincy, FL 32351. If a person decides to appeal a decision by the Board of County Commissioners with respect to any matter considered at such public hearing, he/she will need a record of the proceedings and for such purpose he/she may need to insure that a verbatim record of the proceedings is made, which record includes testimony and evidence to which the appeal is to be heard.

BOSTICK ROAD LOCATION MAP FUTURE LAND USE MAP AMENDMENT (FLUM)

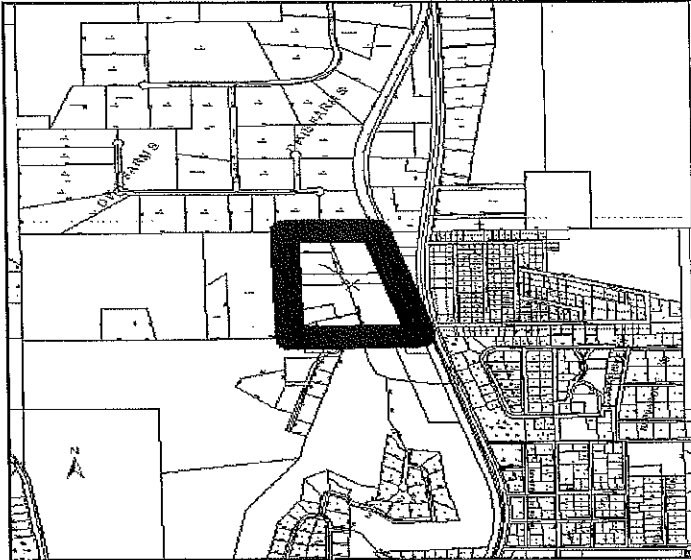
FLUM AMENDMENT FROM COMMERCIAL TO RURAL RESIDENTIAL (RESIDENTIAL UP
TO 1 UNIT PER ACRE)



NOTICE OF INTENT TO TRANSMIT FUTURE LAND USE MAP AMENDMENT

NOTICE IS HEREBY GIVEN that the Gadsden County Board of County Commissioners at its regularly scheduled meeting on Tuesday, October 4, 2011 at 6:00 p.m. intends to discuss a Notice of Intent to Transmit a Future Land Use Map amendment to the Gadsden County Comprehensive Plan to change the land use of property located in the area of Bostick Rd., Havana, FL at Tax Parcel ID #'s 2-27-3N-2W-0000-00123-0100, 2-27-3N-2W-0000-00210-0100, 2-27-3N-2W-0000-00123-0300, 2-27-3N-2W0000-00210-0500, 2-27-3N-2W-0000-00210-0600, 2-27-3N-2W-0000-00210-0400, 2-27-3N-2W-0000-00123-0200 from Commercial (COMM) to Rural Residential (RR).

Subject Parcels - Bostick Road, Havana, FL



The public hearing will be held in the Commission room located at 7 East Jefferson Street, Quincy, FL. Persons wishing to review the agenda request for the above project may view it on the County website at gadsdengov.net or come to the Planning & Community Development Department at 1B E. Jefferson St., Quincy, FL. If approved for transmittal by the Board of County Commissioners, the amendments will be transmitted to the FL. Department of Economic Opportunity, Division of Community Planning.

In accordance with the Americans with Disabilities Acts, persons needing assistance in obtaining any information from the County or attending the public hearing should contact the County by communicating with the County Administrator's Office at (850)875-8650 at least 48 hours prior to the hearing. If any person wishes to appeal any decision made with respect to this matter at the public hearing, they will need to ensure that a verbatim record of the proceedings is made recording the testimony and evidence presented.

ORDINANCE 2012-___

AN ORDINANCE ADOPTING AN AMENDMENT TO THE GADSDEN COUNTY COMPREHENSIVE PLAN FUTURE LAND USE MAP, BY ADOPTING A SINGLE FUTURE LAND USE MAP AMENDMENT, KNOWN AS THE BOSTICK ROAD FUTURE LAND USE MAP AMENDMENT; AMENDING THE OFFICIAL FUTURE LAND USE MAP OF GADSDEN COUNTY BY CHANGING THE LAND USE OF PROPERTY TOTALING 34.75 ACRES, AS SHOWN ON EXHIBIT 'A', FROM COMMERCIAL (COMM) TO RURAL RESIDENTIAL (RR); PROVIDING FOR SEVERABILITY AND PROVIDING AND EFFECTIVE DATE (CPA-2011-02).

Whereas; The Gadsden County Planning Commission, seated as the Local Planning Agency, has individually heard the proposed administrative Future Land Use amendment and made appropriate comment and recommendation to the Board of County Commissioners; and,

Whereas; This hearing has been duly noticed in accordance with the Florida Statutes and the Gadsden County Land Development Code; and,

Whereas; As required by Section 163.3184 and 163.3189, Florida Statutes, the Board of County Commissioners has held two duly noticed public hearings on said Ordinance, one for transmittal to the Florida Department of Economic Opportunity and one for adoption of the amendment; and,

Whereas; The amendment is known by the name of the "Bostick Road Future Land Use Map Amendment (CPA-2011-02); and,

Whereas; Gadsden County has provided sufficient data and analysis necessary for submission and justification for adoption of this administrative amendment; and,

Whereas; This amendment is necessary to correctly reflect the existing and future use of the subject amendment parcels as residential;

Whereas; This Future Land Use Map amendment changes the Future Land Use Map designation on seven (7) parcels consisting of approximately 34.75 acres from the Commercial (COMM) future land use category to the Rural Residential (RR) (1:1) future land use category; and,

Whereas; The proposed Future Land Use Map amendment complies with Chapter 163.3187(1)(c) of Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AS FOLLOWS:

SECTION 1: Approval of Amendment

We, the Board of County Commissioners of Gadsden County, Florida hereby adopt the Bostick Road Future Land Use Map amendment to the Gadsden County Comprehensive Plan, Future Land Use Map, by changing the adopted Future land use designation on seven (7) parcels totaling 34.75 acres, referred to by Tax Parcel I.D #'s 2-27-3N-2W-0000-00123-0100, 2-27-3N-2W-0000-00210-0100, 2-27-3N-2W-0000-00123-0300, 2-27-3N-2W0000-00210-0500, 2-27-3N-2W-0000-00210-0600, 2-27-3N-2W-0000-00210-0400, 2-27-3N-2W-0000-00123-0200, from the Commercial (COMM) future land use category to the Rural Residential (RR)(1:1) future land use category on the property described in Exhibit "A":

SECTION 2: Severability

If any portion of this amendment shall be challenged and/or annulled, no other provision or approval of this amendment shall be affected and no other element of the Comprehensive Plan shall be affected.

SECTION 3: Effective Date

Having been herein approved by the Board of County Commissioners, this amendment to the Future Land Use Map, unless timely challenged, shall not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged this amendment shall be made effective on the date the state land planning agency or the Administration Commission, respectively, issues a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment

may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

Wherefore, Be it hereby Ordained: That the Gadsden County Board of County Commissioners, hereby adopts the above named amendment to the Gadsden County Future Land Use Map, on this ____ day of _____, 2012.

Signed:

Sherry Taylor, Chairperson
Gadsden County Board of County Commissioners

Date

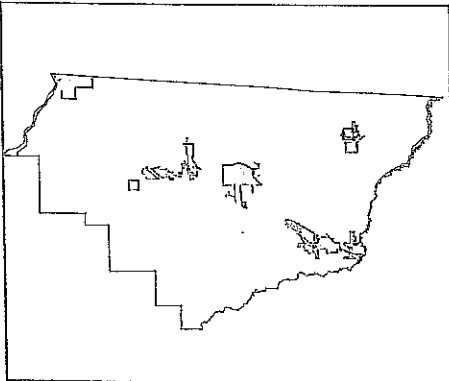
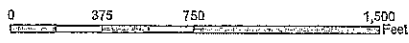
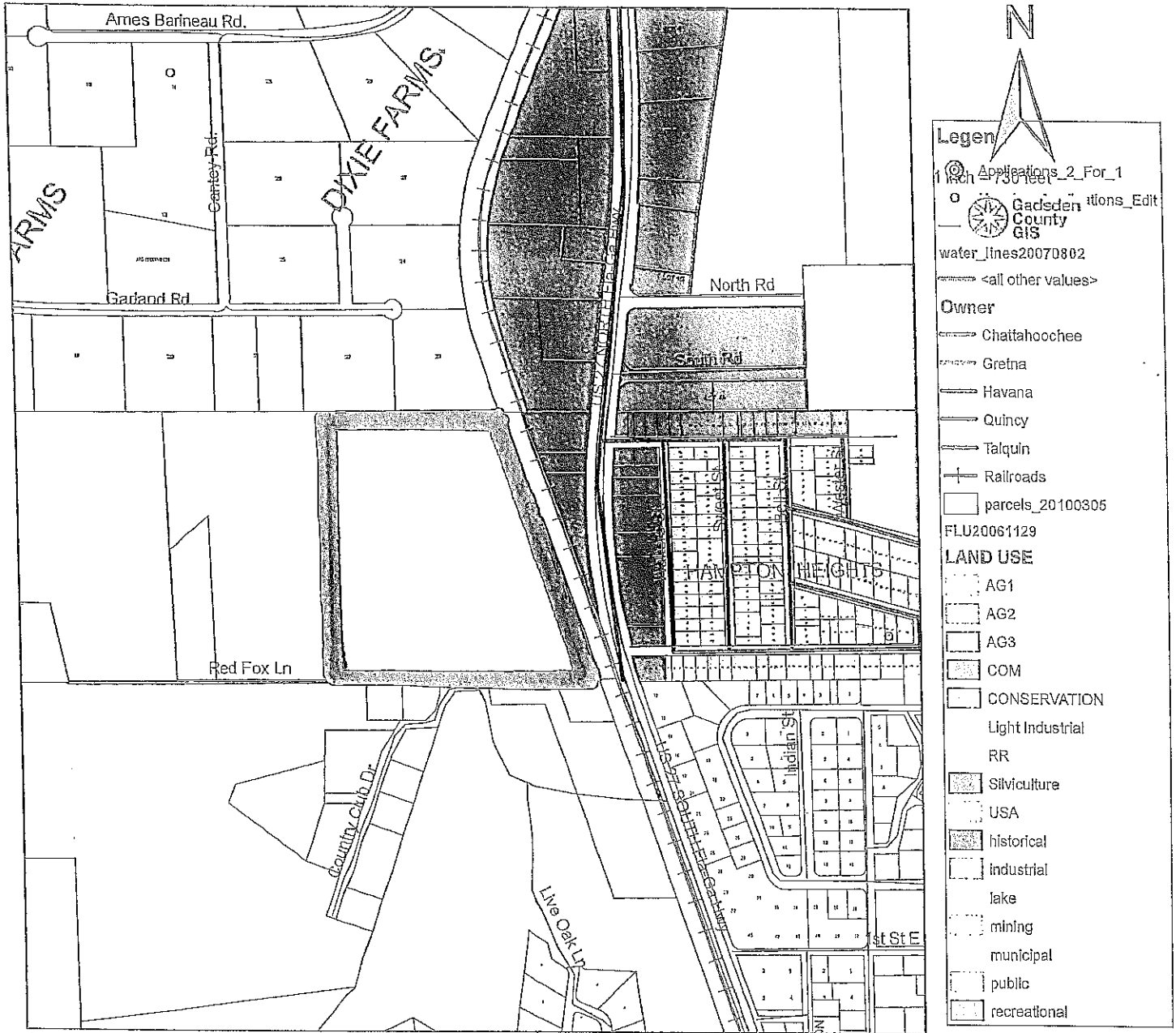
Attest:

Nicholas Thomas, County Clerk

Date

Attachment – Exhibit “A” – Bostick Road Future Land Use Map - Amended

Attachment 'A' - Bostick Road (CPA-2011-02)



The information shown on the map is from the best available data at the time. Gadsden County assumes no responsibility for any errors or inaccuracies shown on the map.



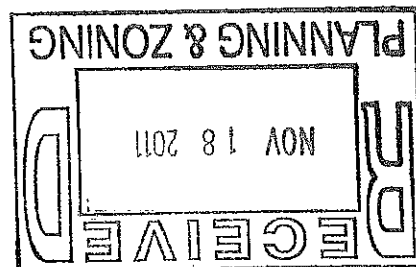
Rick Scott
GOVERNOR



FLORIDA DEPARTMENT of
ECONOMIC OPPORTUNITY

Doug Darling
EXECUTIVE DIRECTOR

November 16, 2011



The Honorable Sherrie Taylor
Chairman, Gadsden County
Board of County Commissioners
1-B East Jefferson Street
Quincy, Florida 32353-1799

Dear Chairman Taylor:

The State Land Planning Agency has completed its review of the proposed comprehensive plan amendment for Gadsden County (Amendment No. 11-2ESR) which was received on October 17, 2011. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Agency's authorized scope of review that will be adversely impacted by the amendment if it is adopted.

The County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the County regarding these proposed amendments. These reviewing agency comments could form the basis for a challenge by this Agency.

If other reviewing agencies provide comments, we recommend that the County consider appropriate changes to the amendment based on those comments. If unresolved, such comments may form the basis for a challenge to the amendment after adoption. The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, if the second public hearing is not held within 180 days of your receipt of the agency comments, and the timeframe is not extended by agreement, Section 163.3184(3)(c)1, Florida Statutes, provides that the amendment will be deemed withdrawn. For your assistance, we have attached procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions, please call Dan Evans, at (850) 717-8484, or by email at Dan.Evans@deo.myflorida.com.

Sincerely,

Ana Richmond
Regional Planning Administrator

AR/de

cc: Anthony Methany, Director, Gadsden County Planning and Community Development
Charles Blume, Executive Director, Apalachee Regional Planning Council

The Caldwell Building 107 E. Madison Street Tallahassee, Florida 32399-4120
850.245.7105 TTY/TDD 1-800-955-8771 Voice 1-800-955-8770 FloridaJobs.org

SUBMITTAL OF
ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, in color format, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

ATTACHMENT #4

OCTOBER 4, 2011

GADSDEN COUNTY

BOARD OF COUNTY COMMISSIONERS MINUTES

(IF AVAILABLE)

Expedited State Review Amendment Process Section 163.3184(3) and (5), Florida Statutes

Proposed Phase

Local government transmits three copies¹ of the plan amendment to the State Land Planning Agency and one copy to review agencies.²
(Within 10 days of initial public hearing)

Local government and agencies are notified by State Land Planning Agency of receipt of amendment.
(Within five working days of receipt)

Reviewing agencies send comments directly to Local Government and State Land Planning Agency.³
(Must be received by local government within 30 days of receipt of amendment by review agencies)

State Land Planning Agency issues its comment letter to local government.³ (Must be received by local government within 30 days of receipt of amendment by State Land Planning Agency)

Adopted Phase

Local government adopts plan amendments with effective date.
(Within 180 days after receipt of agency comments)⁴

Affected person may file petition with Division of Administrative Hearings within 30 days after the local government adopts amendment.

Local government notified submittal is incomplete
(within 5 working days of receipt)

Local government submits three copies¹ of the adopted plan amendment to State Land Planning Agency: one copy to agency or local government that provided timely comments.
(Within 10 days after adoption)

Complete

“Challenge”

State Land Planning Agency reviews adopted amendment.
(Within 30 days of receipt of a complete adopted plan amendment.)

“No Challenge”

State Land Planning Agency requests hearing, DOAH
(Division of Administrative Hearings, Department of Management Services)

Effective Date
(Amendment becomes effective 31 days after State Land Planning Agency determines the amendment package is complete. No Petition was filed by an affected party).

Administrative Proceedings pursuant to s. 120.57 and 163.3184(5), FS.

If challenged or found not in compliance negotiation may lead to a compliance agreement and remedial plan amendment pursuant to s. 163.3184(6), FS.

State Land Planning Agency or Administrative Commission Final Order
(Amendments become effective if the Final Order determines the adopted amendment is in compliance.)

- 1 Local government should submit 1 complete paper copy and 2 complete electronic copies on CD ROM in PDF format in order to assist in expediting processing and review.
- 2 Reviewing Agencies include: appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.
- 3 Comments must be received by local government no later than 30 days from the date on which the agency or local government received amendment.
- 4 If local government fails, within 180 days after receipt of agency comments, to hold second public hearing, the amendments shall be deemed withdrawn unless extended by agreement and notice to State Land Planning Agency and any affected party that provided comments on the amendment.