

Staff Report on
Proposed Amendments to Ordinance Code
Chapter 650

ORDINANCE 2014-108

As indicated in EXHIBIT 1 for Ordinance 2014-108, the bill amends Ordinance Code Chapter 650 – *Comprehensive Planning for Future Development* – to make numerous corrections to conform the chapter with the revisions in the state’s comprehensive planning laws (changing the name of state agencies, reflecting changes in the state statute and requirements for local comprehensive plans, etc.). It creates definitions for large scale and small scale future land use map amendments and deletes the current pre-application informational workshop process for land use changes. The bill changes the public advertisement process for Comp Plan land use changes to transfer the amount of material and information mailed to property owners within the 350 foot radius of the proposed change to an enhanced Planning and Development Department web site with those project details, the address of which will be mailed to the adjacent property owners.

The Planning and Development Department finds that the bill will bring the City’s Ordinance into compliance with current state statues, will reduce the time necessary to process comprehensive plan amendments and make the advertisement and notification procedure more easily understood by the public but still providing all pertinent information. Therefore, the Planning and Development Department recommends **APPROVAL** of the Ordinance amendment attached **EXHIBIT 1** and submitted as **Ordinance 2014-108**.

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2014-108**

5 AN ORDINANCE REGARDING COMPREHENSIVE PLANNING
6 FOR FUTURE DEVELOPMENT, AMENDMENTS TO THE
7 COMPREHENSIVE PLAN AND THE PROCESSES AND
8 REQUIREMENTS FOR SAME; AMENDING CHAPTER 650
9 (COMPREHENSIVE PLANNING FOR FUTURE
10 DEVELOPMENT), PARTS 1 (GENERAL PROVISIONS), 2
11 (COMPREHENSIVE PLAN), 3 (EVALUATION AND
12 APPRAISAL REPORT), AND 4 (AMENDMENTS TO THE
13 COMPREHENSIVE PLAN), *ORDINANCE CODE*; PROVIDING
14 AN EFFECTIVE DATE.
15

16 **BE IT ORDAINED** by the Council of the City of Jacksonville:

17 **Section 1. Chapter 650 (Comprehensive Planning For Future**
18 **Development), amended.** Chapter 650 (Comprehensive Planning for
19 Future Development), Parts 1 (General Provisions), 2 (Comprehensive
20 Plan), 3 (Evaluation and Appraisal Report), and 4 (Amendments to
21 the Comprehensive Plan), *Ordinance Code* are amended to read as
22 follows:

23 **CHAPTER 650**

24 **COMPREHENSIVE PLANNING FOR FUTURE DEVELOPMENT**

25 **PART 1. GENERAL PROVISIONS**

26
27 **Sec. 650.101. Legislative findings.**

28 The Council finds and determines that:

- 29 (a) The City is experiencing continuous and ever more complex
30 growth and development: commercial, industrial,
31 residential and cultural.

1 (b) The City must control, guide and direct this growth and
2 development, so that it proceeds in an orderly, effective
3 and definite pattern and direction.

4 (c) The human, environmental, social and economic resources
5 of the City must be protected by means of ~~a~~ the
6 comprehensive plan for the future development of the
7 City.

8 (d) The character and stability of present and future land
9 use in the City must be maintained by orderly growth and
10 development.

11 (e) The Legislature, by the enactment of the "Community Local
12 ~~Government Comprehensive Planning and Land Development~~
13 ~~Regulation Act,~~" F.S. §§ 163.3161-~~163.3215~~ 163.3248, has
14 mandated that the City adopt and maintain a comprehensive
15 plan for its future development; ~~and~~

16 ~~(f) The Council, by Ordinance 90-794-380 adopted the 2010~~
17 ~~Comprehensive Plan and must provide for periodic review,~~
18 ~~update and adjustment to the plan as circumstances change~~
19 ~~and development proceeds in the City.~~

20 **Sec. 650.102. Short title.**

21 This Chapter shall be known and may be cited as the
22 *Comprehensive Planning Ordinance.*

23 **Sec. 650.103. Legislative intent.**

24 It is the intent of the Council in enacting this Chapter:

25 (a) To accomplish the stated intent, purposes and objectives
26 of the "Community Local Government Comprehensive Planning
27 ~~and Land Development Regulation Act~~" ~~and of F.A.C. Ch.~~
28 ~~9J-5.~~

29 ~~(b) To prescribe a method of creating the comprehensive plan~~
30 ~~required by that Act which will involve the public in the~~

1 ~~planning process and afford the broadest public~~
2 ~~participation and awareness.~~

3 (eb) To require periodic review and updating of the
4 comprehensive plan in an organized manner that will
5 assure the inclusion of the latest developments and
6 improvements in planning for the City.

7 (ec) To give the comprehensive plan adopted by the Council, as
8 amended from time to time, the legal status contemplated
9 by the Act.

10 (ed) To assure that all individuals, firms, corporations,
11 groups, public agencies and other persons using or
12 seeking to use the land, water and other resources,
13 public and private, of the City will do so in accordance
14 with the principles stated in the Act, the comprehensive
15 plan and this Chapter.

16 **Sec. 650.104. Territorial application.**

17 In the enactment of this Chapter, the City is exercising its
18 powers both as a County and as a municipality. This Chapter shall
19 extend throughout the General Services District and shall apply
20 throughout the General Services District, except that, when the
21 municipal government of the Second, Third, Fourth or Fifth Urban
22 Services District has adopted a comprehensive plan under the Act,
23 the comprehensive plan adopted by the Council shall not apply
24 within the Second, Third, Fourth or Fifth Urban Services District,
25 as appropriate.

26 **Sec. 650.105. Definitions.**

27 In this Chapter, unless the context otherwise requires:

28 (a) *Applicant* means any person, partnership, corporation,
29 governmental agency or other legal entity having an
30 ownership interest, whether legal or equitable, in a
31 parcel of land in the City, or his authorized agent, who

1 applies for a development order, comprehensive plan
2 amendment or Vesting of Development Activities
3 Determination (VODAD).

4 (b) *Commenced* means that point in the evolution of a project
5 when a reasonable expenditure of funds, when judged in
6 relation to the intensity or type of development, by the
7 developer can be demonstrated, or that point at which
8 actual physical construction of the project begins in
9 concert with the provision of necessary support
10 infrastructure, when judged in relation to the intensity
11 or type of development, whether such infrastructural
12 improvements are off-site or on-site.

13 (c) *Commission* means the Planning Commission.

14 (d) *Comprehensive plan* means the ~~2010~~ 2030 Comprehensive Plan
15 ~~adopted by Ordinance 90-794-380~~, as from time to time
16 amended or modified pursuant to this Chapter.

17 (e) *Continuing in good faith* means that which an applicant
18 must show with relation to a particular development which
19 has *commenced*, as defined in (b) of this Section, in
20 order to be accorded a vested right to develop land in a
21 particular manner contrary to the comprehensive plan and
22 to obtain a Vesting of Development Activities
23 Determination by the City which recognizes that vested
24 right. For purposes of making this determination, the
25 Director shall consider the following criteria:

26 (i) A development shall be deemed to be continuing in
27 good faith if there has been diligently pursued, on
28 a regular and continuous basis, design, engineering
29 or permitting activity necessary to the progress of
30 the development.

1 (ii) A development shall be deemed to be continuing in
2 good faith if development has been undertaken and
3 diligently pursued on a regular and continuous basis
4 which furthers the progress of the development.

5 (iii) The criteria referenced in (i) and (ii) above shall
6 not preclude a determination that development is
7 continuing in good faith based upon facts and
8 circumstances of a particular development.

9 (f) *Department* means the Planning and Development Department.

10 (g) *Developer* means any person, or his authorized agent,
11 including a governmental agency, who undertakes the
12 development of land as described in subsection (h) of
13 this Section.

14 (h) *Development* means the carrying out of any building
15 activity or mining operation, the making of any material
16 change in the use or appearance of a structure or land,
17 or the dividing of land into three or more parcels
18 according to a plat of record. The following activities
19 or uses shall be taken to involve development:

20 (1) A reconstruction, alteration of the size of material
21 change in the external appearance of a structure or
22 land;

23 (2) A change in the intensity of use of land, such as an
24 increase in the number of dwelling units in a
25 structure, or on land or a material increase in the
26 number of businesses, manufacturing establishments,
27 offices, or dwelling units in a structure or on
28 land;

29 (3) Alteration of a shore or bank of a river or stream,
30 lake, pond, or canal, including any coastal
31 construction defined in F.S. § 161.021;

- 1 (4) Commencement of drilling, except to obtain soil
- 2 samples, mining, or excavation on a parcel of land;
- 3 (5) Demolition of a structure;
- 4 (6) Clearing of land as an adjunct of construction;
- 5 (7) Deposit of refuse, solid or liquid waste, or fill on
- 6 a parcel of land;

7 The following operations or uses shall not be taken to
8 involve *development* as defined herein:

- 9 (1) Work by a transportation or public works agency or
10 railroad company for the maintenance or improvement
11 of a road or railroad track, if the work is carried
12 out on land within the boundaries of the right-of-
13 way;
- 14 (2) Work by an utility and other persons engaged in the
15 distribution or transmission of utilities, for the
16 purpose of inspecting, repairing, maintaining,
17 renewing, improving or constructing on established
18 rights-of-way any sewers, mains, pipes, cables,
19 utility tunnels, power lines, towers, poles, tracks,
20 or the like;
- 21 (3) Work involving the maintenance, renewal,
22 improvement, or alteration of any structure, if the
23 work affects only the interior or the color of the
24 structure or the decoration of the exterior of the
25 structure;
- 26 (4) The use of any structure or land devoted to dwelling
27 uses for any purpose customarily incidental to the
28 enjoyment of the dwelling;
- 29 (5) The use of any land for the purpose of growing
30 plants, crops, trees, and other agricultural, or

1 forestry products, raising livestock, or for other
2 agricultural purposes;

3 (6) A change in the ownership or form or ownership of
4 any parcel or structure;

5 (7) The creation or termination of rights of access,
6 riparian rights, easements, covenants concerning
7 development of land or other rights in land;

8 (i) *Development order* means any order issued by the City
9 granting, denying, or granting with conditions an
10 application for approval of a development project or
11 activity. The term *development order* encompasses the
12 following:

13 (1) *Development permit* means an official document issued
14 by the City which authorizes land alteration or the
15 commencement of construction without the need for
16 any further applications or approvals. Development
17 permits include: all types of construction permits,
18 such as plumbing, electrical, foundation,
19 mechanical, etc., in addition to the building permit
20 itself, grading, site clearing, and demolition
21 permits, septic tank permits, tree removal permits,
22 and sign permits.

23 (2) *Preliminary development permit* means an official
24 document issued by the City which authorizes certain
25 types of preliminary development which either would
26 not have an impact on levels of service, or would
27 occur at a state in the development process when the
28 proposed project has not been precisely defined and
29 where the density, intensity, and type or use of the
30 ultimate development is not known.

1 (3) *Final development permit* means an official document
2 issued by the City which authorizes the commencement
3 of construction which would be expected to have an
4 impact on levels of service or would occur at a
5 stage in the development process when the proposed
6 project has been precisely defined and where the
7 density, intensity, and type or use of the ultimate
8 development is known.

9 (4) *Preliminary development order* means a preliminary
10 approval given by the City which does not authorize
11 actual construction, alterations to land or
12 structures, or other development. A preliminary
13 development order may authorize a change in the
14 allowable use of land or a building, and may include
15 conceptual approvals where a series of approvals are
16 required before authorization to commence land
17 alteration or construction may be given by the City.

18 (5) *Final development order* means a final approval given
19 by the City for a development project which has been
20 precisely defined in terms of the intensity and use
21 of the project. The final development order
22 authorizes the project, whereas the preliminary
23 development order or permit authorizes specific
24 components of the project, such as building
25 construction, parking lot installation, landscaping,
26 etc.

27 (j) *Director* means the Director of Planning and Development.

28 (k) *Executive department* means a department the head of which
29 is appointed by the Mayor and confirmed by the Council
30 and also includes:

1 (1) A division, activity, office or other organizational
2 subdivision of an executive department.

3 (2) A board the members of which are appointed by the
4 Council or by the Mayor and confirmed by the
5 Council, which exercises regulatory or development
6 authority that is affected or controlled by the
7 comprehensive plan.

8 (l) *Future Land Use Map series (FLUMs)* means the graphic aid
9 intended to depict the spatial distribution of various
10 uses of the land in the City by land use category,
11 subject to the goals, objectives and policies of the
12 comprehensive plan and applicable Land Development
13 Regulations.

14 (m) *Land Development Regulations* means Chapters 366, 652,
15 654, 655, and 656, Ordinance Code, and such amendments
16 thereto as may be adopted from time to time, and any
17 ordinance, which may be adopted to implement provisions
18 of the comprehensive plan and, which ordinance is for the
19 regulation or any aspect of development, including any
20 subdivision, site planning, landscaping, tree protection,
21 or sign regulation, or any other regulation controlling
22 the development of land. This term shall include a
23 general Zoning Code but shall not include a zoning map,
24 an action which results in zoning or rezoning of land, or
25 any building construction standard adopted pursuant to
26 F.S. Ch. 553.

27 (n) *Large Scale Comprehensive Plan Amendment* means any
28 amendment to the Comprehensive Plan that does not qualify
29 as a Small Scale Comprehensive Plan Amendment.

30 (o) *Local Planning Agency* means the Planning Commission.

1 (ep) *Lot of record* means a lot, which is part of a
2 subdivision, the plat of which has been recorded in the
3 public records of Duval County, Florida, or any parcel of
4 land described by metes and bounds, the description of
5 which has been recorded in the public records of Duval
6 County, Florida, provided such lot met the minimum lot
7 requirements of the zoning district in which it was
8 located at the time of recording and was recorded prior
9 to the effective date of the adoption of the
10 comprehensive plan, or amendment thereto.

11 (pq) *Plan element* means one of the elements, required or
12 optional, described in F.S. § 163.3177(3), (6), ~~(7)~~ and
13 F.S. § 163.3178, or such of them as are included in the
14 comprehensive plan or are the subject of any amendment or
15 modification.

16 (r) *Reviewing Agencies* means the State Land Planning Agency,
17 the Northeast Florida Regional Council, St. Johns Water
18 River Water Management District, the Department of
19 Environmental Protection, Department of State, Department
20 of Transportation, for a Large Scale Comprehensive Plan
21 Amendment relating to public schools, the Department of
22 Education, for a Large Scale Comprehensive Plan Amendment
23 affecting a military installation listed in F.S. §
24 163.3175, the commanding officer of the affected military
25 installation, and when applicable, the Fish and Wildlife
26 Conservation Commission and the Department of Agriculture
27 and Consumer Services.

28 (s) *Small Scale Comprehensive Plan Amendment* means any
29 amendment to the FLUMs that involves a use of ten acres
30 or fewer, when the cumulative annual effect of the
31 acreage for all Small Scale Comprehensive Plan Amendments

1 does not exceed 120 acres in a calendar year and any text
2 changes to the Comprehensive Plan that relate directly
3 to, and are adopted simultaneously with, a proposed Small
4 Scale Comprehensive Plan Amendment.

5 (~~et~~) *State Land Planning Agency* means the Florida Department
6 of ~~Community Affairs~~ Economic Opportunity, Community
7 Planning and Development, or its successor agency.

8 (~~u~~) *The Act* means the Community Local Government
9 Comprehensive Planning and Land Development Regulation
10 Act, F.S. Ch. 163, Pt. II, as amended.

11 (~~s~~) ~~The Rule~~ means F.A.C. Ch. 9J-5. Other terms and phrases
12 ~~used in this Chapter shall have the same meaning as~~
13 ~~defined in F.S. § 163.3164 and F.A.C. 9J-5.003.~~

14 (~~ty~~) *Vesting of Development Activities Determination (VODAD)*
15 means the official document issued by the City which
16 waives all comprehensive plan requirements for a final
17 development permit or final development order issued
18 prior to the effective date of the 2010 eComprehensive
19 pPlan, or amendment thereto, for a development which
20 commenced prior to such date, provided such development
21 does not substantially deviate from the terms of the
22 final development permit or development order, and
23 further provided that such development continues in good
24 faith toward completion.

25 **Sec. 650.106. Administration of Chapter.**

26 Because of the nature of the comprehensive plan, no one agency
27 of the Consolidated Government is assigned the sole administrative
28 responsibility for this Chapter. Nevertheless, this Chapter imposes
29 specific duties and responsibilities upon designated officials who
30 and agencies which perform particular functions in the creation,

1 execution and administration of the comprehensive plan, which must
2 be fulfilled in order to make the comprehensive plan work. These
3 assigned duties and responsibilities shall be performed and carried
4 out in conformity with the legislative intent expressed in Section
5 650.103.

6 **Sec. 650.107. Construction.**

7 It is the intent of the Council that this Chapter shall be
8 construed broadly to accomplish its stated purpose and objectives.
9 In addition, this Chapter shall be construed *in pari materia* with
10 the Act ~~and the Rule~~ and shall be considered a local law in
11 implementation of the Act ~~and the Rule~~.

12
13 **PART 2. COMPREHENSIVE PLAN**

14
15 **Sec. 650.201. Applicability of Part.**

16 This Part applies to ~~both the creation of the original~~
17 ~~comprehensive plan and~~ updates, amendments or modifications to the
18 comprehensive plan. The same procedures apply in all instances,
19 ~~except as provided in Section 650.209,~~ and references in this Part
20 to the comprehensive plan are also references to updates,
21 amendments or modifications to the comprehensive plan, as they are
22 prepared and reviewed.

23 **Sec. 650.202. Responsibility for ~~preparation of~~ the comprehensive**
24 **plan.**

25 The Department shall be responsible for assisting the Planning
26 Commission with the preparation of ~~the comprehensive plan and of~~
27 updates, amendments and modifications to the comprehensive plan
28 ~~thereto~~. The Department shall include in its annual legislative
29 budget appropriations sufficient to allow it to fulfill its duties
30 and responsibilities under this Chapter. The Planning Commission is
31 hereby designated as the local planning agency for the purposes

1 required under F.S. § 163.3174, and shall make the recommendation
2 concerning the adoption of ~~such plan or~~ amendments to the Council.

3 **Sec. 650.203. Areas of jurisdiction of comprehensive plan.**

4 As required by F.S. § 163.3171(1), the Council intends to
5 exercise its authority under the Act for the entire General
6 Services District not included within the Second, Third, Fourth and
7 Fifth Urban Services Districts.

8 **Sec. 650.204. Administration; procedures to be followed by**
9 **Department.**

10 It shall be the responsibility of the Department to enforce
11 and implement and maintain the official version of the
12 comprehensive plan. The Director shall have the duty and authority
13 to interpret the provisions of the comprehensive plan and this
14 Chapter and to promulgate any rules, regulations and procedures
15 found necessary for the implementation of the comprehensive plan
16 and this Chapter. Where it is alleged there is an error in an
17 order, requirement, decision or determination made by the Director
18 in the interpretation of or enforcement of the comprehensive plan
19 and this Chapter, an appeal may be made to the Council. Any final
20 vested rights determination rendered by the Director or the
21 Council, as the case may be, pursuant to the provisions of this
22 Chapter shall be a development order or development permit subject
23 to challenge under F.S. § 163.3215. ~~In its preparation of the~~
24 ~~comprehensive plan, the Department shall comply with the following~~
25 ~~procedures:~~

- 26 ~~(a) Comprehensive plan elements. The Department shall prepare~~
27 ~~the comprehensive plan as required by the Act and the~~
28 ~~Rule and shall include all of the elements described in~~
29 ~~F.S. § 163.3177(3), (6), (7) and F.S. § 163.3178, which~~
30 ~~are required or are applicable to the City and its~~
31 ~~economic, social, physical, environmental and fiscal~~

1 circumstances. In addition, the Department shall prepare
2 such optional elements of the comprehensive plan as
3 directed by the Council from time to time by resolution.

4 ~~(b) Internal consistency. All elements included in the~~
5 ~~Comprehensive Plan shall be consistent with each other~~
6 ~~and shall follow the same general format prescribed by~~
7 ~~the Rule. Where data are relevant to several elements,~~
8 ~~the same data shall be used, including population~~
9 ~~estimates and projections.~~

10 ~~(c) Consistency with other comprehensive plans. The~~
11 ~~comprehensive plan shall be coordinated with the~~
12 ~~comprehensive plans of adjacent municipalities, adjacent~~
13 ~~counties, the Northeast Florida Comprehensive Regional~~
14 ~~Policy Plan and the state Comprehensive Plan. To this~~
15 ~~end, the comprehensive plan shall include a policy~~
16 ~~statement indicating the relationship of the~~
17 ~~comprehensive plan with the applicable goals and policies~~
18 ~~of the state Comprehensive Plan.~~

19 ~~(d) Transmittal to the Council. The Department shall compile,~~
20 ~~collate and index the studies, surveys, assumptions,~~
21 ~~parameters and data required by the Rule and other~~
22 ~~information and analyses which it uses in the preparation~~
23 ~~of the comprehensive plan and transmit them, in a~~
24 ~~separate volume or volumes, to the Council at the same~~
25 ~~time as it transmits the comprehensive plan. The~~
26 ~~Department is authorized and directed to have such~~
27 ~~printing and binding done as may be necessary to organize~~
28 ~~and present the plan to the public and to the Council.~~
29 ~~The Department may not transmit the comprehensive plan to~~
30 ~~the Council until and unless the public hearing and~~
31 ~~public participation procedures specified in Section~~

1 ~~650.205(b) are complied with, which shall be certified by~~
2 ~~the Director of the Department in the transmittal letter.~~

3 **~~Sec. 650.205. Public hearing; public participation.~~**

4 ~~(a) Legislative intent. It is the intent of the Council that~~
5 ~~the public participate in the comprehensive planning~~
6 ~~process to the fullest extent possible. The impact of the~~
7 ~~comprehensive plan upon the City and its inhabitants~~
8 ~~requires that they be given every opportunity to~~
9 ~~participate in the process leading to the adoption of the~~
10 ~~comprehensive plan in an effective manner and that real~~
11 ~~property owners in the City be given public notice of all~~
12 ~~official actions which will regulate the use of their~~
13 ~~property. The procedures specified in this Section are~~
14 ~~prescribed in order to obtain this public participation~~
15 ~~and shall, unless specifically provided to the contrary,~~
16 ~~be considered mandatory and not directory. The provisions~~
17 ~~of this Section are the minimum requirements towards this~~
18 ~~end and do not preclude additional public hearings and~~
19 ~~other activities for public participation; provided, that~~
20 ~~the mailing of individual notices to persons owning real~~
21 ~~property within the area covered by the comprehensive~~
22 ~~plan or portion thereof shall not be done unless~~
23 ~~specifically required by this Section.~~

24 ~~(b) Planning Commission. During the preparation and~~
25 ~~consideration of the comprehensive plan, the Planning~~
26 ~~Commission shall adopt public participation procedures~~
27 ~~which shall include the following:~~

28 ~~(1) The Department shall create such advisory committees~~
29 ~~as it deems necessary to assist in the preparation~~
30 ~~of the comprehensive plan. The membership of the~~
31 ~~committees shall be such as will provide for~~

1 representation of the general public,
2 representatives of public agencies involved in the
3 planning process and other groups and persons who
4 have expressed interest in the comprehensive
5 planning process. The advisory committees shall be
6 created and the members thereof shall be appointed
7 for a term lasting until the Council has taken final
8 action on the comprehensive plan. The Committees may
9 adopt, amend and repeal rules for its organization
10 and procedure. The Department shall provide staff
11 support for the advisory committees and shall pay
12 the expenses thereof out of available
13 appropriations. Members of the advisory committees
14 shall not receive any compensation for their service
15 thereas.

16 ~~(2) When the Department has prepared a preliminary~~
17 ~~comprehensive plan, the Planning Commission shall~~
18 ~~hold at least one advertised public hearing on the~~
19 ~~preliminary comprehensive plan. The Planning~~
20 ~~Commission shall conduct the hearing using the~~
21 ~~following procedure:~~

22 ~~(i) The hearing shall be held on a weekday at a~~
23 ~~public place within the City that is large~~
24 ~~enough to hold a reasonable number of the~~
25 ~~public.~~

26 ~~(ii) The advertisement shall be substantially in~~
27 ~~the following form:~~

28 ~~NOTICE OF PUBLIC HEARING ON PRELIMINARY COMPREHENSIVE PLAN~~

29 ~~The Planning Commission has completed a preliminary~~
30 ~~comprehensive plan. A copy of the preliminary comprehensive plan is~~
31 ~~available for inspection at [place] during regular business hours.~~

1 ~~Written comments on the preliminary comprehensive plan may be~~
2 ~~mailed or delivered to the Planning Commission at [address] until~~
3 ~~the day of the public hearing; no written comments will be accepted~~
4 ~~after this date.~~

5 ~~A public hearing on the preliminary comprehensive plan will be~~
6 ~~held by the Planning Commission on [date and time] at [place].~~
7 ~~Persons interested in commenting on the plan may appear and shall~~
8 ~~be given an opportunity to speak at the hearing.~~

9 ~~(iii) Publication of notice of the time, place and~~
10 ~~purpose of such hearing at least twice in a~~
11 ~~newspaper of general circulation shall be~~
12 ~~made, with the first publication not less than~~
13 ~~14 days prior to the hearing and the second to~~
14 ~~be at least five days prior to the hearing.~~
15 ~~Proof of publication shall be obtained and~~
16 ~~made a part of the record of the hearing.~~
17 ~~Failure to obtain the proof of publication~~
18 ~~shall not invalidate the hearing.~~

19 ~~(iv) The Planning Commission shall prescribe the~~
20 ~~procedure by which the hearing is to be held~~
21 ~~but the procedure shall allow the members of~~
22 ~~the public present who wish to speak to do so.~~
23 ~~Staff will be available to answer questions~~
24 ~~from the public. The provisions of this~~
25 ~~subparagraph are the minimum requirements for~~
26 ~~the conduct of the public hearing and the~~
27 ~~Planning Commission is authorized to prescribe~~
28 ~~additional procedures which will provide for~~
29 ~~broad dissemination of the preliminary~~
30 ~~comprehensive plan, open discussion,~~

1 communications programs and response to public
2 comments.

3 ~~(v) At the conclusion of the hearing, the~~
4 ~~Department shall prepare a summary of the~~
5 ~~proceedings as a part of the record of the~~
6 ~~hearing and shall respond to written comments~~
7 ~~pursuant to the requirements of Rule 9J-5,~~
8 ~~F.A.C. The record of the hearing shall be made~~
9 ~~a part of the supplementary material of the~~
10 ~~comprehensive plan when it is transmitted to~~
11 ~~the Council.~~

12 ~~(3) Concurrent with or after the holding of the public~~
13 ~~hearing, the preliminary comprehensive plan shall be~~
14 ~~submitted to the advisory committees for review and~~
15 ~~written comment. These committees shall continue to~~
16 ~~review and comment on the preliminary comprehensive~~
17 ~~plan as it is considered and revised by the Planning~~
18 ~~Commission, so that the committees are afforded an~~
19 ~~opportunity to review and comment on each stage or~~
20 ~~revision of the preliminary plan.~~

21 ~~(4) The Planning Commission shall, when considering the~~
22 ~~preliminary comprehensive plan, give consideration~~
23 ~~to the views and comments heard at the public~~
24 ~~hearing, the written comments received before the~~
25 ~~public hearing and the comments of the advisory~~
26 ~~committees. The Planning Commission may hold~~
27 ~~additional public hearings, advertise for and~~
28 ~~receive additional written comments (to each of~~
29 ~~which it shall make a written response), announce~~
30 ~~and hold informational or open discussion meetings~~
31 ~~for the public, provide information services~~

1 regarding the preliminary comprehensive plan and
2 receive, evaluate and consider alternative proposals
3 for inclusion in the preliminary plan. Public
4 hearings shall be advertised and conducted as
5 provided in subsection (b) (2) of this Section and
6 the records made a part of the supplementary
7 material of the comprehensive plan when it is
8 transmitted to the Council. Other written material
9 received or created in the course of this
10 consideration shall be made a part of the
11 supplementary material of the comprehensive plan
12 when it is transmitted to the Council.

13 ~~(5) Upon completion of the hearings, the Planning~~
14 ~~Commission shall transmit the plan to the Council~~
15 ~~with recommendations.~~

16 ~~(c) Council. During the consideration of the proposed~~
17 ~~comprehensive plan after it has been transmitted by the~~
18 ~~Planning Commission, the Council, acting through the~~
19 ~~committee or committees of reference, shall comply with~~
20 ~~the following procedures for public participation:~~

21 ~~(1) Each advisory committee shall be afforded an~~
22 ~~opportunity to comment on the proposed comprehensive~~
23 ~~plan. Each of the committees may be required to~~
24 ~~assist in the consideration of the proposed~~
25 ~~comprehensive plan and in the preparation of~~
26 ~~amendments to be offered by the committee or~~
27 ~~committees of reference. Written comments and~~
28 ~~proposals shall be made a part of the supplementary~~
29 ~~material of the comprehensive plan.~~

1 ~~(2) Each committee of reference shall hold at least one~~
2 ~~advertised public hearing on the proposed~~
3 ~~comprehensive plan, using the following procedure:~~

4 ~~(i) The hearing shall be held on a weekday, at a~~
5 ~~public place within the City that is large~~
6 ~~enough to hold a reasonable number of the~~
7 ~~public.~~

8 ~~(ii) The advertisement shall be in the following~~
9 ~~form:~~

10 ~~NOTICE OF PUBLIC HEARING ON PROPOSED COMPREHENSIVE PLAN~~

11 ~~A proposed comprehensive plan, or a portion thereof, has been~~
12 ~~submitted to the Council of the City of Jacksonville for~~
13 ~~consideration and adoption. The elements of the proposed~~
14 ~~comprehensive plan currently pending in the Council are [list~~
15 ~~elements]. A copy of the proposed comprehensive plan or portion~~
16 ~~thereof is available for inspection at the Legislative Services~~
17 ~~Division, 4th Floor, City Hall during regular business hours.~~
18 ~~Written comments on the proposed comprehensive plan or portion~~
19 ~~thereof may be mailed or delivered to the Legislative Services~~
20 ~~Division until the day of the public hearing; no written comments~~
21 ~~will be accepted after that date.~~

22 ~~A public hearing on the proposed comprehensive plan or portion~~
23 ~~thereof will be held on [date and time] at [place]. Interested~~
24 ~~parties may appear at the meeting and be heard regarding the~~
25 ~~transmittal or adoption of the comprehensive plan.~~

26 ~~(iii) The advertisement shall be published in the~~
27 ~~manner specified by the committee(s) of~~
28 ~~reference.~~

29 ~~(iv) The hearing shall be conducted in accordance~~
30 ~~with the Council rules.~~

1 ~~(v) At the conclusion of the hearing, the~~
2 ~~committee of reference shall prepare a summary~~
3 ~~of the proceedings as a part of the record of~~
4 ~~the hearing. The record of the hearing shall~~
5 ~~be made a part of the supplementary material~~
6 ~~of the comprehensive plan. The provisions of~~
7 ~~this subparagraph are the minimum requirements~~
8 ~~for the conduct of the public hearing and the~~
9 ~~committee of reference is authorized to adopt~~
10 ~~additional procedures which will provide for~~
11 ~~broad dissemination of the proposed~~
12 ~~comprehensive plan, open discussion,~~
13 ~~communications programs and response to public~~
14 ~~comments. If the committee of reference votes~~
15 ~~to respond to a written comment, the response~~
16 ~~shall be in writing and shall fairly respond~~
17 ~~to the comment; both the written comment and~~
18 ~~the written response shall be included as a~~
19 ~~part of the record of the hearing.~~

20 ~~(3) The committee of reference shall, before forwarding~~
21 ~~the proposed comprehensive plan, give consideration~~
22 ~~to the views and comments heard at the public~~
23 ~~hearing, the written comments received before the~~
24 ~~public hearing and the comments and recommendations~~
25 ~~of the advisory committees. The committee of~~
26 ~~reference may hold additional public hearings,~~
27 ~~advertise for and receive additional written~~
28 ~~comments, announce and hold information or open-~~
29 ~~discussion meetings, provide information services~~
30 ~~regarding the proposed comprehensive plan and~~
31 ~~receive, evaluate and consider alternative proposals~~

1 for inclusion in the proposed comprehensive plan.
2 All written material received or created in the
3 course of this consideration shall be made a part of
4 the supplementary material of the comprehensive
5 plan.

6 (4) Where there is more than one committee of
7 reference, they are authorized to hold joint
8 meetings and conduct joint public hearings and
9 otherwise to coordinate their activities, to the end
10 that the public is required to attend as few
11 meetings and hearings on the same subject as is
12 necessary, consistent with full public participation
13 in the planning process. The committee or committees
14 of reference are authorized to have such printing
15 and binding done as may be necessary to make the
16 supplementary material created during their
17 deliberations an integral part of the supplementary
18 material of the comprehensive plan and to create
19 amendatory material for the comprehensive plan
20 itself.

21 **~~Sec. 650.206. Council action on proposed comprehensive plan.~~**

22 (a) ~~Intergovernmental review.~~ Immediately following the
23 advertised public hearing by the Council on the proposed
24 comprehensive plan, the Council Secretary shall transmit
25 the complete proposed comprehensive plan, or plan
26 amendment to the agencies and entities specified in F.S.
27 § 163.3184(3). One copy of the complete proposed
28 comprehensive plan, or plan amendment shall also be
29 transmitted to any unit of local government or government
30 agency in the state that has filed a written request with
31 the Council for the plan.

1 ~~(b) Adoption hearing. Upon receipt of written comments from~~
2 ~~the state Land Planning Agency, the Council shall:~~

3 ~~(1) Hold another advertised public hearing pursuant to~~
4 ~~F.S. § 163.3184(7) and (15). The hearing shall be~~
5 ~~held in accordance with Council rules and the~~
6 ~~procedures in F.S. § 163.3184(15) and Ordinance Code~~
7 ~~Section 650.205(e)(2)(v). With a notice of at least~~
8 ~~14 days, the Chief, Bureau of Local Resource~~
9 ~~Planning and Management, Florida Department of~~
10 ~~Community Affairs, shall be requested to attend the~~
11 ~~hearing.~~

12 ~~(2) Review all written comments, recommendations or~~
13 ~~objections submitted by the state Land Planning~~
14 ~~Agency, any other person, agency or government and~~
15 ~~prepare a response, where necessary.~~

16 ~~(3) Give consideration to the views and comments~~
17 ~~presented at the public hearing and the written~~
18 ~~comments received before the hearing.~~

19 ~~(4) Create amendatory material for the comprehensive~~
20 ~~plan. All comments, recommendations or objections~~
21 ~~from the state Land Planning Agency, any response~~
22 ~~thereto, and the proceedings of the public hearing~~
23 ~~shall be a part of the supplementary material to the~~
24 ~~comprehensive plan.~~

25 ~~(c) Plan adoption. The Council may adopt or adopt with~~
26 ~~changes the proposed comprehensive plan or plan amendment~~
27 ~~prepared pursuant to F.S. § 163.3191. The Council may~~
28 ~~adopt, adopt with changes, or reject proposed amendments~~
29 ~~other than those prepared pursuant to F.S. § 163.3191.~~
30 ~~The procedure for adoption of the comprehensive plan or~~
31 ~~amendments to the plan shall be by the adoption of an~~

1 ~~ordinance, upon an affirmative vote of not less than a~~
2 ~~majority of the total membership of the Council,~~
3 ~~subsequent to the public hearings required pursuant to~~
4 ~~F.S. § 163.3184.~~

5 ~~(d) Transmittal to the state Land Planning Agency. Within~~
6 ~~five working days after adoption, the Council Secretary~~
7 ~~shall transmit five copies of the adopted comprehensive~~
8 ~~plan, or in the case of plan amendment, five copies of~~
9 ~~the adopted amendment along with other information~~
10 ~~required pursuant to F.A.C. 9J-11.011(3) and (6).~~

11 ~~**Sec. 650.207. Support documents and supplementary materials.**~~

12 ~~(a) Support documents. All background data, studies, surveys,~~
13 ~~economic assumptions, analysis and inventory maps which~~
14 ~~are utilized in the formulation of the comprehensive~~
15 ~~plan, but are not adopted as part of the plan, shall be~~
16 ~~compiled by the Department into support document(s).~~
17 ~~These document(s) shall be maintained as official public~~
18 ~~record and shall be available to the public for~~
19 ~~inspection.~~

20 ~~(b) Supplementary materials. Copies of all public notices,~~
21 ~~proceedings of public hearings, written comments,~~
22 ~~objections and responses thereto, shall be deemed~~
23 ~~together to be supplementary material to the~~
24 ~~comprehensive plan. The supplementary material shall be~~
25 ~~kept with the comprehensive plan adopted by the Council~~
26 ~~as a permanent record and public document, but it shall~~
27 ~~not have any legal effect under F.S. § 163.3194 and~~
28 ~~Section 650.208 herein.~~

29 ~~**Sec. 650.208 650.205. Legal status of comprehensive plan.**~~

30 ~~(a) Reserved.~~

1 (b) *Applicability of graphic portions of comprehensive plan.*
2 Maps, charts and similar graphic portions of the
3 comprehensive plan are intended to be representations in
4 graphic form of the written text of the comprehensive
5 plan and, as such, are general guidelines. ~~Except for the~~
6 ~~maps which are specifically adopted pursuant to the~~
7 ~~requirements of F.A.C. Ch. 9J-5, all other maps, graphs,~~
8 ~~charts, etc., included in the text shall not be~~
9 ~~considered a part of the adopted plan, but shall be for~~
10 ~~reference purposes only.~~

11 **Sec. 650.209. Reserved.**

12
13 **PART 3. EVALUATION AND APPRAISAL REVIEW REPORT RESERVED.**

14
15 **Sec. 650.301. Necessity, frequency and preparation procedures.**

16 (a) The planning program shall be a continuous and ongoing
17 process. The City shall complete ~~adopt~~ an evaluation and
18 appraisal review report ~~report~~ once every seven years to
19 determine if plan amendments are necessary to reflect
20 changes in state requirements and local conditions since
21 the last update of the comprehensive plan. ~~assessing the~~
22 ~~progress in implementing the local government's~~
23 ~~comprehensive plan.~~ Furthermore, it is the intent of this
24 Section that:

25 (1) Adopted comprehensive plans shall be reviewed
26 through such evaluation process to respond to
27 changes in state, ~~regional,~~ and local policies on
28 planning and growth management and changing
29 conditions and trends, to ensure effective
30 intergovernmental coordination, and to identify

1 major issues regarding the community's achievement
2 of its goals.

3 (2) If aAfter completion of the review it is determined
4 that amendments are necessary to comply with state
5 requirements, the Department shall notify the State
6 land planning agency of the necessary changes.
7 Within one (1) year after notification is provided
8 to the State land planning agency, the amendments
9 shall be prepared and transmitted for review
10 pursuant to F.S § 163.3184(4). ~~initial evaluation~~
11 ~~and appraisal report and any supporting plan~~
12 ~~amendments, each subsequent evaluation and appraisal~~
13 ~~report must evaluate the comprehensive plan in~~
14 ~~effect at the time of the initiation of the~~
15 ~~evaluation and appraisal report process.~~

16 (3) If after completion of the review it is determined
17 that updates are needed to reflect changes in local
18 conditions or state requirements, plan amendments
19 will be transmitted and reviewed pursuant to F.S. §
20 163.3184(4). ~~The City identify the major issues, if~~
21 ~~applicable, with input from state agencies, regional~~
22 ~~agencies, adjacent local governments, and the public~~
23 ~~in the evaluation and appraisal report process. It~~
24 ~~is also the intent of this Section to establish~~
25 ~~minimum requirements for information to ensure~~
26 ~~predictability, certainty, and integrity in the~~
27 ~~growth management process. The report is intended to~~
28 ~~serve as a summary audit of the actions that a local~~
29 ~~government has undertaken and identify changes that~~
30 ~~it may need to make. The report should be based on~~
31 ~~the local government's analysis of major issues to~~

1 further the City's goals consistent with statewide
2 ~~minimum standards.~~ The review report is not intended
3 to require a comprehensive rewrite of the elements
4 within the plan, unless the City chooses to do so.

5 (b) The review report shall present an evaluation and
6 assessment of the comprehensive plan and shall contain
7 appropriate statements to update the comprehensive plan,
8 including, but not limited to, words, maps,
9 illustrations, or other media, related to:

10 (1) Population growth and changes in land area,
11 including annexation, since the adoption of the original
12 plan or the most recent update amendments.

13 (2) The extent of vacant and developable land.

14 (3) The financial feasibility of implementing the
15 comprehensive plan and of providing needed infrastructure
16 to achieve and maintain adopted level-of-service
17 standards and sustain concurrency management systems
18 through the capital improvements element, as well as the
19 ability to address infrastructure backlogs and meet the
20 demands of growth on public services and facilities.

21 (4) The location of existing development in relation to
22 the location of development as anticipated in the
23 ~~original plan, or in the plan as amended by the most~~
24 ~~recent evaluation and appraisal report update amendments,~~
25 such as within areas designated for urban growth.

26 (5) An identification of the major issues for the City
27 and, where pertinent, the potential social, economic, and
28 environmental impacts.

29 (6) Relevant changes to the state requirements.
30 ~~comprehensive plan, the requirements of this part, the~~
31 ~~minimum criteria contained in F.A.C. Ch. 9J-5 and the~~

1 ~~appropriate strategic regional policy plan since the~~
2 ~~adoption of the original plan or the most recent~~
3 ~~evaluation and appraisal report update amendments.~~

4 (7) An assessment of whether the plan objectives within
5 each element, as they relate to major issues, have been
6 achieved. The review ~~report~~ shall include, as
7 appropriate, ~~an~~ identification as to whether unforeseen
8 or unanticipated changes in circumstances have resulted
9 in problems or opportunities with respect to major issues
10 identified in each element and the social, economic, and
11 environmental impacts of the issue.

12 (8) A brief assessment of successes and shortcomings
13 related to each element of the plan.

14 (9) The identification of any actions or corrective
15 measures, including whether plan amendments are
16 anticipated to address the major issues identified and
17 analyzed in the review ~~report~~. Such identification shall
18 include, as appropriate, new population projections, new
19 revised planning timeframes, a revised future conditions
20 map or map series, an updated capital improvements
21 element, and any new and revised goals, objectives, and
22 policies for major issues identified within each element.
23 This paragraph shall not require the submittal of the
24 plan amendments with the evaluation and appraisal review.
25 ~~report.~~

26 (10) A summary of the public participation program and
27 activities undertaken by the local government in
28 preparing the review ~~report~~.

29 ~~(11) The coordination of the comprehensive plan with~~
30 ~~existing public schools and those identified in the~~
31 ~~applicable five-year school district facilities work~~

1 possible. The impact of the comprehensive plan and amendments
2 thereto upon the City and its inhabitants requires that they be
3 given every opportunity to participate in the process leading to
4 the adoption of amendments to the comprehensive plan in an
5 effective manner and that real property owners in the City be given
6 public notice of official actions which will regulate the use of
7 their property. The procedures specified in this Section are
8 prescribed in order to obtain this public participation. The
9 provisions of this Section are the minimum requirements towards
10 this end and do not preclude additional public hearings and other
11 activities for public participation; provided, that the mailing of
12 individual notices to persons owning real property within the area
13 covered by the comprehensive plan or portion thereof shall not be
14 done unless specifically required by this Section.

15 **Sec. 650.402. Initiation of proposal.**

16 A proposal to amend the comprehensive plan may be initiated
17 only upon the filing of an application for a comprehensive plan
18 amendment with the Department in accordance with the procedures
19 prescribed by the Department.

20 (a) Proposed amendments to the text of the comprehensive plan
21 may be initiated only by:

- 22 (1) The Department;
- 23 (2) The Planning Commission, acting as the Local
24 Planning Agency;
- 25 (3) The Mayor;
- 26 (4) An independent agency of the City; or
- 27 (5) A member of the City Council or a standing committee
28 of Council.

29 (b) A proposal to amend the Future Land Use Map series
30 (FLUMs) of the comprehensive plan may be initiated only
31 by:

- 1 (1) The owner(s) of the land or authorized agent for
- 2 such owner(s);
- 3 (2) The Department;
- 4 (3) The Planning Commission, acting as the Local
- 5 Planning Agency;
- 6 (4) The Mayor;
- 7 (5) An independent agency of the City; or
- 8 (6) A member of the City Council or a standing committee
- 9 of Council.

10 (c) When the existing zoning will be inconsistent with the
11 proposed FLUM land use category as initiated by an owner
12 of land or his authorized agent, then a rezoning
13 application must be filed not later than 120 days from
14 the effective date of the ~~publication of the State Land~~
15 ~~Planning Agency's notice of intent to find the plan~~
16 ~~amendment in compliance with F.S. Ch. 163, Pt. II, as~~
17 ~~amended.~~ In the case of an application for a ~~small scale~~
18 ~~FLUM amendment~~ Small Scale Comprehensive Plan Amendment
19 ~~to the comprehensive plan~~ where the existing zoning will
20 be inconsistent with the proposed FLUM land use category,
21 a rezoning application shall be filed concurrently with
22 the application for a proposed ~~small scale FLUM amendment~~
23 Small Scale Comprehensive Plan Amendment. Rezoning that
24 require an amendment to the comprehensive plan shall not
25 become effective until the effective date of the plan
26 amendment ~~final agency action determining the amendment~~
27 ~~in compliance with F.S. § 163.3184.~~

28 **Sec. 650.403. Withdrawal or amendment of application.**

29 ~~After an application for a comprehensive plan amendment has~~
30 ~~been filed with the Department, it may be withdrawn at any time up~~
31 ~~to, and including, the day of the Department's informational~~

1 ~~workshop with a refund of 50 percent of the base application filing~~
2 ~~fee which has been paid, less the cost of any newspaper advertising~~
3 ~~or mailing notification incurred by the City.~~ An application may
4 also be amended or withdrawn by the applicant at any time prior to
5 ~~the introduction~~ a deadline as established by the Department to
6 occur before the filing of legislation concerning the application
7 with a refund of 50 percent of the base application filing fee
8 which has been paid, less the cost of any newspaper advertising or
9 mailing notification incurred by the City. No application may be
10 amended or withdrawn by the applicant once the application is
11 pending before the City Council, and thereafter may be amended or
12 withdrawn only by the City Council.

13 **Sec. 650.404. Planning and Development Department review.**

14 (a) *Completeness review.* The Department shall complete a
15 review of the application for completeness of all the
16 information required, including appropriate attachments
17 and filing fees, prior to the filing deadlines
18 established by the Department. Incomplete applications
19 shall be returned to the applicant in accordance with
20 Department procedures.

21 ~~(b) *Department informational workshop.* Prior to preparing the~~
22 ~~written report and recommendation, the Department shall~~
23 ~~hold an informational workshop for the public. This~~
24 ~~public meeting shall be noticed in the same manner as the~~
25 ~~required public hearings are noticed, pursuant to Section~~
26 ~~650.405, Ordinance Code. The Department shall prescribe~~
27 ~~the informational workshop procedures for providing~~
28 ~~information to the public and receiving comments from the~~
29 ~~public concerning the application.~~

30 (eb) *Department review report.* The Department shall review
31 each application for a comprehensive plan amendment,

1 which has been determined to be complete, and prepare a
2 written report and advisory recommendation in accordance
3 with the schedule adopted by the Department. ~~For all~~
4 ~~proposed text amendments to the Transportation Element of~~
5 ~~the City's current Comprehensive Plan, the Department~~
6 ~~shall provide 24-inch by 36-inch maps depicting the~~
7 ~~proposed text amendment to the City Council at the time~~
8 ~~of the Department Informational workshop referenced in~~
9 ~~(b) above.~~

10 (d) *Criteria for Department review.* In its review of requests
11 for comprehensive plan amendment(s) and the preparation
12 of the written report and advisory recommendation, the
13 Department shall consider the following:

14 (1) The relationship of the data and information in the
15 application to the social, economic, physical,
16 environmental, historic and archaeological resources
17 of the City and the projections of future growth,
18 including an analysis of the impact of the proposed
19 change on the amount of land required to accommodate
20 anticipated growth and projected population;

21 (2) The impact of the proposed amendment(s) on the
22 public facilities and services and the Capital
23 Improvements Element (CIE) of the comprehensive
24 plan;

25 (3) The relationship of the proposed amendment(s) to the
26 applicable goals, objectives, policies, criteria and
27 standards, including level of service standards,
28 adopted in the comprehensive plan;

29 (4) The relationship of the proposed amendment(s) to the
30 existing and future land uses depicted on the FLUMs;

1 (5) Other professional planning principles, standards,
2 information and more detailed plans and studies
3 considered relevant; and

4 (6) Written comments, evidence and testimony of the
5 public.

6 ~~(c) *Planning Commission advisory recommendation.* The Planning~~
7 ~~Commission shall be responsible for making an advisory~~
8 ~~recommendation to the Council with respect to each~~
9 ~~application to amend the comprehensive plan. The~~
10 ~~recommendation shall be made to the Council and shall~~
11 ~~become a part of the official legislative record of the~~
12 ~~application and the committee(s) of reference shall not~~
13 ~~report the application to the Council until the~~
14 ~~recommendation has been received.~~

15 **Sec. 650.405. Public hearing of the Planning Commission advisory**
16 **recommendation and public hearing.**

17 (a) *Planning Commission advisory recommendation.* The Commission
18 shall be responsible for making an advisory recommendation to the
19 Council with respect to each application to amend the comprehensive
20 plan. The recommendation shall be made to the Council and shall
21 become a part of the official legislative record of the application
22 and the committee(s) of reference shall not report the application
23 to the Council until the recommendation has been received.

24 (b) *Planning Commission public hearing.* The Planning Commission,
25 acting as the Local Planning Agency, shall hold at least one
26 advertised public hearing, advertised pursuant to section 650.407
27 below, on the proposed comprehensive plan amendment, pursuant to
28 the following procedures:

29 (1) The hearing shall be held on a weekday at a public place
30 within the City that is large enough to hold a reasonable
31 number of the public. ~~Publication of notice of the time,~~

1 ~~place and purpose of such hearing in a newspaper of~~
2 ~~general circulation in the City shall be made, not less~~
3 ~~than ten days prior to the hearing.~~

4 ~~(2) The advertisement shall be substantially in the following~~
5 ~~form:~~

6
7
8 ~~NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT(S) TO THE~~
9 ~~COMPREHENSIVE PLAN~~

10 ~~The Planning Commission has received application(s) to amend~~
11 ~~the comprehensive plan as follows: (list proposed amendments).~~
12 ~~Further information and preliminary recommendations concerning~~
13 ~~these proposed comprehensive plan amendments are available for~~
14 ~~inspection and review at (place) during regular business hours.~~

15 ~~A public hearing on proposed amendments to the comprehensive~~
16 ~~plan will be held by the Planning Commission on (date and time) at~~
17 ~~(place). Persons interested in commenting on the proposed~~
18 ~~amendments may appear and shall be given an opportunity to speak at~~
19 ~~the hearing.~~

20 ~~(32) Proof of publication shall be obtained and made a part of~~
21 ~~the record of the hearing. Failure to obtain proof of~~
22 ~~publication shall not invalidate the hearing.~~

23 ~~(43) The Planning Commission shall prescribe the procedure by~~
24 ~~which the hearing is to be held, which procedure shall~~
25 ~~allow the members of the public present who wish to speak~~
26 ~~to do so. Staff will be available to answer questions~~
27 ~~from the public. The provisions herein are the minimum~~
28 ~~requirements for the conduct of the public hearing and~~
29 ~~the Planning Commission is authorized to prescribe~~
30 ~~additional procedures.~~

1 (54) At the conclusion of the hearing, the Department shall
2 prepare a written summary of the proceedings as part of
3 the record of the hearing, which summary shall be
4 available for public inspection in the offices of the
5 Department.

6 (65) Upon completion of the hearing, the Planning Commission
7 shall consider the written report and advisory
8 recommendation of the Department, written comments,
9 evidence and testimony submitted or presented by members
10 of the public at or in connection with the public
11 hearing; the Planning Commission acting as the Local
12 Planning Agency, shall then transmit the application(s)
13 for comprehensive plan amendment(s) to the Council with
14 its final recommendations.

15 (76) If the applicant has not submitted the pictures of the
16 posted or reposted signs, if necessary, and the
17 accompanying notarized affidavit required per section
18 650.407(c) (3b), the Department shall notify the Planning
19 Commission, which shall delay the hearing. The Planning
20 Commission shall not approve or deny any comprehensive
21 plan amendment unless the applicant has submitted the
22 pictures of the posted or reposted signs, if necessary,
23 and the accompanying notarized affidavit in accordance
24 with the requirements set forth in section
25 650.407(c) (3b).

26 **Sec. 650.406. Council and Council committee action and public**
27 **hearings on proposed amendment(s).**

28 After the Planning Commission, ~~acting as the Local Planning~~
29 ~~Agency,~~ has transmitted the applications and its final
30 recommendations on the proposed comprehensive plan amendment(s) to
31 the Council, ~~and after the Commission has submitted its~~

1 ~~recommendations pursuant to Chapter 30, Ordinance Code, the Council~~
2 ~~and Council committee of reference shall review the amendments and~~
3 ~~shall conduct at least one advertised public hearings as set forth~~
4 ~~in section 650.407 below pursuant to F.S. § 163.3184.~~

5 (a) Large Scale Comprehensive Plan Amendments. ~~Transmittal~~
6 ~~hearing.~~ The first public hearing shall be held prior to
7 ~~transmitting the proposed amendment(s), along with the~~
8 ~~required supporting data, to the State Land Planning~~
9 ~~Agency for intergovernmental review.~~

10 (1) Transmittal hearings. The City Council shall conduct
11 two public hearings and the Council committee of
12 reference shall conduct one public hearing prior to the
13 transmittal of a Large Scale Comprehensive Plan
14 Amendment.

15 ~~Reserved.~~

16 (2) ~~Except as provided in Section 650.407 herein, for~~
17 ~~proposed amendments to FLUMs, the published notice shall~~
18 ~~be in a form prescribed by the Council and shall at a~~
19 ~~minimum state the date, time, place and the subject of~~
20 ~~the meeting, and the place(s) in the City where the~~
21 ~~proposed comprehensive plan amendment(s) and the~~
22 ~~report(s) may be inspected by the public. The~~
23 ~~advertisement shall also advise that interested parties~~
24 ~~may appear and be heard at the meeting regarding the~~
25 ~~transmittal of the proposed comprehensive plan~~
26 ~~amendment(s) to the State Land Planning Agency.~~

27 Transmittal for intergovernmental review. If the Council
28 approves for transmittal the Large Scale Land Use
29 Amendment ordinance and the Mayor does not veto the Large
30 Scale Land Use Amendment ordinance, the Director shall
31 transmit, within ten working days of the effective date

1 of the Large Scale Land Use Amendment ordinance, the
2 Large Scale Comprehensive Plan Amendment to the Reviewing
3 Agencies pursuant to F.S. § 163.3184.

4 (3) Adoption hearings. Within 180 days of the receipt of
5 comments from the Reviewing Agencies, the City Council
6 shall conduct two public hearings and the Council
7 committee of reference shall conduct one public hearing
8 concerning the Large Scale Comprehensive Plan Amendment
9 in accordance with the notice provisions set forth in
10 Section 650.407.

11 ~~Reserved.~~

12 (4) Adoption. The Council may adopt, or adopt with
13 changes, or reject any proposed Large Scale Comprehensive
14 Plan Amendment.

15 (5) Transmittal to the Reviewing Agencies. If the
16 Council approves or approves the Large Scale
17 Comprehensive Plan Amendment with changes, and the Mayor
18 does not veto the Large Scale Land Use Amendment
19 ordinance, the Director shall transmit the Large Scale
20 Land Use Amendment ordinance, within ten working days of
21 the effective date of the Large Scale Land Use Amendment
22 ordinance, to the State Land Planning Agency and any
23 Reviewing Agency that provided comments pursuant to F.S.
24 § 163.3184.

25 (b) ~~Transmittal for intergovernmental review.~~ Immediately
26 ~~following the advertised public hearing by the Council,~~
27 ~~the Director shall transmit ten copies of the proposed~~
28 ~~comprehensive plan amendment(s), together with all~~
29 ~~documents required by F.A.C. 9J-11.006, to the extent~~
30 ~~applicable, to the State Land Planning Agency, for~~
31 ~~intergovernmental review pursuant to F.S. § 163.3184. One~~

1 ~~copy of the proposed comprehensive plan amendment(s)~~
2 ~~shall also be transmitted to any unit of local government~~
3 ~~or government agency in the state that has filed a~~
4 ~~written request with the Council for the proposed~~
5 ~~amendment(s).~~

6 Small Scale Comprehensive Plan Amendments.

7
8 (1) Public hearings. The City Council shall conduct two
9 public hearings and the Council committee of reference
10 shall conduct one public hearing on any Small Scale
11 Comprehensive Plan Amendment.

12 (2) Adoption. The Council may adopt, or adopt with
13 changes, or reject any proposed Small Scale Comprehensive
14 Plan Amendment.

15 ~~(c) Adoption of comprehensive plan amendment(s). Upon receipt~~
16 ~~of written comments from the State Land Planning Agency,~~
17 ~~the Council shall:~~

18 ~~(1) Review all written comments, recommendations or~~
19 ~~objections submitted by the State Land Planning~~
20 ~~Agency, any other person, agency or government and~~
21 ~~prepare a response, where necessary.~~

22 ~~(2) Hold another advertised public hearing pursuant to~~
23 ~~F.S. § 163.3184(15). The hearing shall be held in~~
24 ~~accordance with Council rules and other procedures~~
25 ~~prescribed in Section 650.205(c), herein. With a~~
26 ~~notice of at least 14 days, a representative of the~~
27 ~~State Land Planning Agency may be requested to~~
28 ~~attend the hearing.~~

29 ~~(3) Give consideration to the views and comments~~
30 ~~presented at the public hearing and the written~~
31 ~~comments received before the hearing.~~

1 ~~(4) Create amendatory document for the comprehensive~~
2 ~~plan amendment(s). All comments, recommendations or~~
3 ~~objections from the State Land Planning Agency, any~~
4 ~~response thereto, and the proceedings of the public~~
5 ~~hearing shall be made a part of the supplementary~~
6 ~~material to the amendatory document.~~

7 ~~(5) The Council may adopt or adopt with changes the~~
8 ~~proposed comprehensive plan amendment(s) prepared~~
9 ~~pursuant to F.S. § 163.3191. The Council may adopt,~~
10 ~~or adopt with changes, or reject proposed~~
11 ~~amendment(s) other than those prepared pursuant to~~
12 ~~F.S. § 163.3191.~~

13 ~~(d) Transmittal to the State Land Planning agency.~~
14 ~~Within five working days after adoption, the~~
15 ~~Director shall transmit five copies of the adopted~~
16 ~~comprehensive plan amendment(s) along with other~~
17 ~~information required pursuant to F.A.C. Ch. 9J-11,~~
18 ~~to the extent applicable, to the State Land Planning~~
19 ~~Agency.~~

20 **Sec. 650.407. ~~Additional notice~~ Notice requirements for proposed**
21 **amendments to FLUMs.**

22
23 (a) Public hearing advertisement requirement. The public hearings
24 conducted by the Planning Commission, the Council committee of
25 reference and the City Council shall be in a form prescribed
26 by the Council and shall at a minimum state the date, time,
27 place and the subject of the meeting, and the place(s) in the
28 City where the proposed comprehensive plan amendment(s) and
29 the report(s) may be inspected by the public. The
30 advertisement shall also advise that interested parties may
31 appear and be heard at the meeting regarding the transmittal

1 of the proposed comprehensive plan amendment(s) to the State
2 Land Planning Agency.

3
4 (b) Public hearing advertisement form. The public hearing
5 advertisement shall be substantially in the following form:

6
7 NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENT(S) TO THE
8 COMPREHENSIVE PLAN

9
10 The Planning Department has received application(s) to amend
11 the comprehensive plan as follows: (list proposed amendments).
12 Further information and preliminary recommendations concerning
13 these proposed comprehensive plan amendments are available for
14 inspection and review at (place) during regular business hours and
15 online at (website).

16
17 A public hearing on proposed amendments to the comprehensive
18 plan will be held by the Planning Commission, Land Use and Zoning
19 Committee of the City Council and the City Council on (dates and
20 times) at (places). Persons interested in commenting on the
21 proposed amendments may appear and shall be given an opportunity to
22 speak at the hearings.

23
24 (c) Public hearing notice for changes to the actual list of
25 permitted, conditional or prohibited uses within a future land
26 use category or changes in the actual future land use map
27 designation of a parcel or parcels of land.

28 ~~In addition to the requirements in Section 650.406~~
29 ~~hereinabove, proposed~~ Proposed ~~comprehensive plan amendment~~
30 ~~changes to the actual list of permitted, conditional or~~
31 ~~prohibited uses within a future land use category or changes~~

1 in the actual future land use map designation of a parcel or
2 parcels of land, shall be adopted in compliance with the
3 notice and hearing requirements of F.S. § 163.3184(~~4511~~) and
4 163.3187(2) and shall, for changes to the actual future land
5 use map designation of a parcel or parcels of land also comply
6 with the following requirements:

7 (1~~a~~) Notice of a time and place of ~~a~~ the public hearing which
8 ~~is~~ are required to be held by the City Council with respect to
9 the comprehensive plan amendment shall be prepared by the
10 Department to include the information listed below and shall
11 be copied and mailed by the Department at least 14 days in
12 advance of the Planning Commission public hearing to all
13 owners of real property within 350 feet of the boundaries of
14 the land upon which the amendment is requested and to the
15 applicable CPAC and to all registered neighborhood
16 organizations qualified to receive notices of rezonings under
17 Section 656.124(f) of the Zoning Code; provided, that, where
18 the applicant is the owner of land not included in the
19 application and the unincluded land is part of or adjoins the
20 parcel upon which the request is made, the Director may, in
21 his discretion, require mailed notice to be given to the
22 owners of adjacent property. For the purpose of notice
23 requirements to adjacent owners, the names and addresses of
24 the owners shall be deemed to be those on the current tax
25 records in the office of the Property Appraiser at the time
26 the application is filed, provided, however, that where such
27 notice is determined by the Director to be insufficient to
28 ensure actual notice to a majority of adjacent owners, he may
29 require mailed notice to be given to the actual owners, as
30 indicated by a current title search of the public records.
31 Mailed notices received by adjacent owners and qualified

1 registered neighborhood organizations as specified hereinabove
2 should contain the following information:

3 (a~~1~~) Application number and date of filing;

4 (b~~2~~) Location and total area of property;

5 (c~~3~~) Current and proposed land use classifications;

6 ~~(4) Copies of the plan category descriptions contained~~
7 ~~in the comprehensive plan for the current and~~
8 ~~proposed land use classifications;~~

9 ~~(5) All zoning districts available under both the~~
10 ~~current and proposed land use classifications,~~
11 ~~including a brief explanation of a PUD zoning~~
12 ~~district;~~

13 (d~~6~~) A statement in substantial compliance with the
14 following form:

15 (i) Copies of the application and Department
16 reports are maintained by the Department and the
17 City Council Division of Legislative Services and
18 are open to public inspection; and

19 (ii) All interested persons wishing to submit
20 testimony, written comments or other evidence in
21 this matter should submit same to the City Council
22 Division of Legislative Services and/or appear at
23 the public hearing;

24 (e~~7~~) Instructions for obtaining further information
25 concerning the application, including the Department
26 phone number and website address;

27 (f~~8~~) Name, address and telephone number of applicant or
28 applicant's agent;

29 (g~~9~~) The date upon which the staff report and
30 recommendation on the application is expected or
31 scheduled to be issued, together with a statement

1 that such date is preliminary and subject to change
2 due to the Department's need for additional
3 information necessary to finalize the report,
4 deferrals by the Council or for other reasons beyond
5 the Department's control;

6 (~~h10~~) A statement advising that citizen input may be
7 submitted to the Department prior to the formulation
8 of the staff report and recommendation and that
9 additional opportunities for citizen input are
10 available at the public hearings and such input is
11 encouraged by the City;

12 (~~i11~~) A statement advising that large signs are required
13 to be posted and maintained at intervals of
14 approximately 200 feet along all street sides of
15 land in full view of the public or, if there is no
16 frontage on a public street, on the nearest street
17 right-of-way with a notation indicating the
18 direction and distance to the land upon which an
19 application has been filed, within 15 working days
20 after an application has been determined complete by
21 the Department and further advising that, if such
22 signs are not posted, citizens are requested to
23 notify the Department concerning the lack of signs;

24 ~~(12) Information concerning the criteria upon which a~~
25 ~~FLUM amendment is evaluated and upon which the~~
26 ~~Council's decision to amend the FLUM is required to~~
27 ~~be based;~~

28 ~~(13) A statement advising that FLUM amendments are~~
29 ~~legislative decisions and an explanation of the~~
30 ~~difference between a legislative decision and a~~
31 ~~quasi-judicial decision;~~

1 ~~(14) An explanation concerning the burden of proof and~~
2 ~~the type of testimony that is allowable, relevant~~
3 ~~and legally sufficient to support a FLUM amendment~~
4 ~~decision.~~

5 The intent of these increased notice requirements is to
6 provide adjacent owners, CPACS and registered
7 neighborhood organizations with the basic necessary
8 information to make an informed decision concerning their
9 position on the application and, if additional
10 information is required, to provide guidance on how to
11 obtain that information. Recognizing that mistakes may
12 occur in the process of copying these notices or the
13 additional information to be included in the notice
14 package, it is the specific intent of this Section that
15 the failure of an owner or registered neighborhood
16 organization required by this Section to be notified by
17 mail to receive the notice, or the failure to receive a
18 complete and accurate notice, shall not invalidate or
19 otherwise have any effect upon a public hearing or action
20 taken by the Council on the comprehensive plan amendment.

21
22 (2) The Department shall maintain in a readily available
23 format on the Department website the information contained in
24 (1) (a-i) above and the following information:

25
26 (a) Copies of the plan category descriptions contained
27 in the comprehensive plan for the current and proposed land
28 use classifications;

1 (b) All zoning districts available under both the
2 current and proposed land use classifications, including a
3 brief explanation of a PUD zoning district;

4
5 (c) Information concerning the criteria upon which a
6 FLUM amendment is evaluated and upon which the Council's
7 decision to amend the FLUM is required to be based;

8
9 (d) A statement advising that FLUM amendments are
10 legislative decisions and an explanation of the difference
11 between a legislative decision and a quasi-judicial decision;

12
13 (e) An explanation concerning the burden of proof and
14 the type of testimony that is allowable, relevant and legally
15 sufficient to support a FLUM amendment decision.

16
17 (3b) The applicant for a proposed amendment to the FLUMs
18 shall post and maintain signs at intervals of not more than
19 200 feet along all street sides of land upon which an
20 application for comprehensive plan amendment is made. The
21 signs shall be in the form required by the Council and shall
22 be posted in full view of the public. Where the land does not
23 have frontage on a public street, the signs shall be erected
24 on the nearest street right-of-way with an attached notation
25 indicating generally the direction and distance to the land
26 for which the comprehensive plan amendment is sought, or at
27 such other locations and at such intervals, as determined by
28 the Director, as will ensure that the signs will be seen by
29 as many persons as possible. Within ten working days after
30 the applicant has been notified that the application for
31 comprehensive plan amendment has been determined to be

1 complete by the Department, the applicant shall provide the
2 Department with a picture of each posted sign and a notarized
3 affidavit approved by the Department in which the applicant
4 acknowledges that the signs have been posted in conformance
5 with this Section. The signs shall be maintained by the
6 applicant for the comprehensive plan amendment for the entire
7 duration of the amendment process. The signs shall be
8 inspected by the Department subsequent to posting, at least
9 once, a reasonable period of time prior to the advertised
10 public hearing, but not less than 14 days prior to the public
11 meeting at the Planning Commission. If such inspection
12 reveals that the sign(s) herein required have not been
13 properly maintained, the Department shall inform the
14 applicant and the applicant shall have three working days to
15 repost the signs and provide the Department with a picture of
16 each posted sign and a notarized affidavit approved by the
17 Department in which the applicant acknowledges that the signs
18 have been reposted in conformance with this Section. The
19 failure of the Department to make such inspections or of the
20 sign to remain in place, as required herein, shall not
21 invalidate or otherwise have any effect upon a public hearing
22 or action taken by the Council on an application for
23 comprehensive plan amendment. The sign shall be removed by
24 the applicant within ten days after final action by the
25 Council on the application for comprehensive plan amendment.

26
27 (4e) If the applicant has not submitted the pictures of the
28 posted or reposted signs, if necessary, and the accompanying
29 notarized affidavit required per section 650.407 (c) (3b), the
30 Department shall notify the Council committee of reference,
31 which shall delay the hearing. The Council committee of

1 reference shall not approve or deny any comprehensive plan
2 amendment unless the applicant has submitted the pictures of
3 the posted or reposted signs, if necessary, and the
4 accompanying notarized affidavit in accordance with the
5 requirements set forth in section 650.407(c) (3b).

6 ~~(5d) Public hearings pursuant to Sections 650.406(a) and (e)~~
7 ~~herein shall be advertised in an advertisement published at~~
8 ~~least 14 days prior to the hearing in the manner prescribed~~
9 ~~for advertisements in F.S. § 163.3184(15)(e). Proof of~~
10 ~~publication shall be obtained and made a part of the record~~
11 ~~of the hearing. In those instances where the applicant is~~
12 ~~solely responsible for the publication of such an~~
13 ~~advertisement, proof of publication shall be provided by the~~
14 ~~applicant prior to the public hearings.~~

15 **Sec. 650.408. Public hearings by Council committee Reserved.**

16 ~~In addition to the public hearings required by Section 650.406~~
17 ~~herein and F.S. § 163.3184, at least one public hearing shall be~~
18 ~~held by the Council committee of reference at the transmittal stage~~
19 ~~and at the adoption stage of the comprehensive plan amendment~~
20 ~~process. Notice of these public hearings shall be made in~~
21 ~~accordance with Council rules; provided, however, that the~~
22 ~~committee chairman or the Council President may require and direct~~
23 ~~such additional notices to be published by the applicant in order~~
24 ~~to ensure effective notice to the public. If the applicant has not~~
25 ~~submitted the pictures of the posted or reposted signs, if~~
26 ~~necessary, and the accompanying notarized affidavit required per~~
27 ~~section 650.407(b), the Department shall notify the Council~~
28 ~~committee of reference, which shall delay the hearing. Council~~
29 ~~committee of reference shall not approve or deny any comprehensive~~
30 ~~plan amendment unless the applicant has submitted the pictures of~~
31 ~~the posted or reposted signs, if necessary, and the accompanying~~

1 ~~notarized affidavit in accordance with the requirements set forth~~
2 ~~in section 650.407(b).~~

3 **Sec. 650.409. Reserved.**

4 **Sec. 650.410. Exceptions to comprehensive plan amendment**
5 **procedures.**

6 The procedural requirements of this Part shall not apply:

7 (a) In the event a court of competent jurisdiction
8 specifically enjoins the City from enforcing a
9 comprehensive plan amendment which is the subject matter
10 of litigation before the same, the procedural
11 requirements of this Chapter for amending the
12 comprehensive plan shall not apply. A certified copy of
13 the final court order shall be transmitted to the
14 Director after the time for an appeal has expired and the
15 Director shall enter the comprehensive plan change in the
16 appropriate element.

17 ~~(b) In the case of an emergency, as defined in F.S. §~~
18 ~~163.3187(1)(a), amendments may be made more than twice a~~
19 ~~year if the additional plan amendment(s) receives the~~
20 ~~approval of all members of the Council Reserved.~~

21 ~~In either case, a copy of the Council resolution declaring the~~
22 ~~emergency or a copy of the court order, together with the ordinance~~
23 ~~approving the comprehensive plan amendment and other required~~
24 ~~information shall be transmitted forthwith to the State Land~~
25 ~~Planning Agency.~~

26 **Sec. 650.411. Copies of comprehensive plan amendment ordinances to**
27 **be provided to Property Appraiser.**

28 The Council Secretary shall, after the ~~final~~ adoption
29 effective date of an ordinance amending amendment to the FLUMS of
30 the comprehensive plan ~~which is found to be in compliance by the~~

1 ~~State Land Planning Agency, pursuant to F.S. § 163.3184,~~ promptly
2 provide a certified copy to the Property Appraiser.

3 **Sec. 650.412. Time periods procedural.**

4 Except for the time periods mandated by statute, the time
5 periods provided for in Part 4 are procedural and not substantive,
6 and noncompliance with a time period shall neither confer nor deny
7 a substantive right to an applicant for a comprehensive plan
8 amendment.

9 **Sec. 650.413. Schedule of fees.**

10 * * *

11 **Sec. 650.414. Maintenance of the comprehensive plan FLUMs and**
12 **correction process for bona fide errors.**

13 As amendments are made to the FLUMs, the Council Secretary
14 shall provide the Department with a certified copy of each
15 ordinance which enacts a comprehensive plan amendment within ten
16 days of the effective date thereof. The Council Secretary shall
17 also maintain a log of these ordinances with a brief description of
18 the change and the applicable map. Upon the receipt from the
19 Council Secretary of a certified copy of an ordinance amending the
20 comprehensive plan, the Department shall promptly revise copies of
21 the FLUMs kept on public display, once amendments to the FLUMS
22 become effective, to reflect the change and ~~correct the~~
23 ~~reproducible copy of the FLUMs maintained by the Department to show~~
24 ~~the current status of the FLUM categories.~~ The Department shall
25 also incorporate the amendment into the appropriate element of the
26 comprehensive plan, if applicable. ~~The reproducible copy of the~~
27 ~~FLUMs maintained by the Planning Department shall also be updated~~
28 ~~regularly to show the current status of the future land use~~
29 ~~categories.~~ From time to time, as amending the comprehensive plan
30 results in significant changes to a particular map of the FLUMs,
31 the Director shall forward a revised copy of the individual map to

1 the Council Secretary with the request that it be adopted by the
2 Council to replace the map in the official FLUMs. The adoption of
3 the revised map may be accomplished by the adoption of an ordinance
4 specifying the revision date shown thereon without following the
5 procedures normally required for amendments to the FLUMs and
6 comprehensive plan; provided, however, that no future land use
7 classification shall be amended and no other changes of the
8 comprehensive plan shall be made by the adoption of the revised map
9 which have not previously been authorized by the previous adoption
10 of a valid ordinance which remains in effect at the time of
11 adoption of a comprehensive plan amendment, except as set forth
12 below.

13
14 It is the intent of this Chapter that the FLUMs adopted
15 pursuant to this Section shall accurately reflect the location of
16 boundaries of future land use categories of all lands in effect on
17 the date of their respective adoption.

18 (a) *Division of lot of record.* Where a land use category
19 boundary divides a lot of record at the time the boundary
20 was established and where the division makes impractical
21 the reasonable use of the lot, the extension of the
22 regulations for either portion of the lot may be
23 permitted by the Director into the remaining portion of
24 the lot.

25 (b) *Bona fide error.* Notwithstanding any changes resulting
26 from corrections to the Cadastral maps as periodically
27 made by the Property Appraiser, whenever the Director
28 discovers that, through a bona fide error in the
29 reproduction process, the FLUMs revised map therein does
30 not agree with the latest adopted ordinance related
31 thereto, he shall notify the affected District Council

1 member, each at-large Council member and the Chairman of
2 the appropriate committee of Council of the bona fide
3 error. Upon notification, the Department shall post signs
4 concerning the proposed correction consistent with the
5 posting requirements set forth in Section 650.407(b).

6 (1) Any adversely affected person may appeal the
7 decision by filing a notice of appeal with the
8 Legislative Services Division within 14 calendar
9 days after the posting of the signs. There shall be
10 no filing fee. Within five days of the filing of a
11 notice of appeal, the Legislative Services Division
12 shall notify the Council President, the Chairman of
13 the appropriate committee of Council, the affected
14 district Council member and the Director of the
15 filing of the notice of appeal and shall request the
16 Office of General Counsel to prepare a resolution
17 concerning the appeal to be introduced by the
18 appropriate committee of Council.

19 (2) Upon a determination by the Office of General
20 Counsel that the notice of appeal is sufficient,
21 timely filed and that the appellant has standing to
22 file the appeal, the resolution shall be filed with
23 the Legislative Services Division and the Chairman
24 of the appropriate committee of Council shall
25 schedule a public hearing concerning the appeal. The
26 Legislative Services Division shall notify the
27 appellant and the property owner of the public
28 hearing. The written notices shall be mailed at
29 least 14 days prior to the date of the scheduled
30 public hearing. The sole issue to be determined by
31 the appropriate committee of Council is whether the

1 Director's decision that there is a bona fide error
2 is "clearly erroneous," as defined under Florida
3 law. If the Office of General Counsel determines
4 that the notice of appeal is not sufficient, timely
5 filed, or that the appellant does not have standing
6 to file the appeal, the attorney shall prepare a
7 written recommendation concerning the deficiencies
8 for consideration by the committee of reference.
9 After the appropriate committee of Council makes a
10 determination concerning the deficiencies, the
11 Office of General Counsel shall notify the appellant
12 in writing of the deficiencies. No further action
13 shall be taken until the appellant remedies the
14 deficiencies and the appropriate committee of
15 Council thereafter determines the notice of appeal
16 to be complete. The deficiencies must be remedied
17 within 14 calendar days or the resolution is subject
18 to withdrawal by the Council at any time thereafter.

19 (3) If no appeal is requested, within fifteen (15)
20 calendar days after the posting of the signs, the
21 bona fide error shall be deemed effective and the
22 corrected map shall be substituted in the official
23 FLUMs by the Director or his designee. If appealed,
24 the corrected map shall not be substituted in the
25 official FLUMs by the Director or his designee
26 unless approved by the Council. In the event the
27 Council denies the request, such denial does not
28 affect the rights of anyone to seek an amendment to
29 the FLUMs of the comprehensive plan for the subject
30 property through the process set forth in Section
31 650.402 of this Part.

1 **Sec. 650.415. Changes to the adopted comprehensive plan.**

2 As amendments to the comprehensive plan are adopted, the
3 Council Secretary shall provide the Department with a certified
4 copy of each ordinance which enacts the comprehensive plan
5 amendment within ten days of the effective date thereof. The
6 Council Secretary shall also maintain a log of these ordinances
7 with a brief description of the change(s). Upon receipt from the
8 Council Secretary of a certified copy of an ordinance amending the
9 comprehensive plan, the Department shall, after the amendment
10 becomes effective, promptly incorporate the amendment in the
11 appropriate element of the comprehensive plan.

12 **Sec. 650.416. Other changes prohibited.**

13 A change in the comprehensive plan shall be made in conformity
14 with the procedures set out in this Chapter. Any other change shall
15 be considered a violation of this Chapter.

16 **Sec. 650.417. Final authority as to land use classification status.**

17 The final authority as to the current land use category of
18 land and water area within the City shall be the FLUMs, as amended
19 from time to time by ordinance and maintained by the Department;
20 provided, however, that the actual map approved as part of the
21 ordinance amending the comprehensive plan map shall take precedence
22 over a map of the FLUMs which has been drawn in error so as not to
23 agree with the approved map.

24 **Sec. 650.418. Retention of earlier Future Land Use Map series.**

25 All maps or remaining portions thereof which have had the
26 force and effect as the official FLUMs for the City shall be
27 retained as a public record. The Council Secretary and the Director
28 shall have the authority to prepare and maintain microfilm,
29 photographic or computer imaged copies thereof in lieu of the
30 original records.

31 * * *

1 **Section 2. Effective Date.** This ordinance shall become
2 effective upon signature by the Mayor or upon becoming effective
3 without the Mayor's signature.

4
5 Form Approved:

6
7 _____
8 Office of General Counsel

9 Legislation prepared by: Jason R. Gabriel

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