

REZONING

Authority: Section 1.11.02, Okaloosa County Land Development Code.

Purpose: To provide a process and procedure for citizens to change the zoning districts shown on the Official Zoning Map.

Application fee: 0 to 9.99 acres - \$1,200.00 base fee + \$10.00 per acre.
More than 10 acres - \$1,700.00 base fee plus \$20.00 per acre.

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**OKALOOSA COUNTY
DEPARTMENT OF GROWTH MANAGEMENT
APPLICATION FOR REZONING**

A. Applicant Information

1. Name: _____

2. Address: _____

3. Telephone: _____ FAX: _____

4. Applicant is: Property owner _____ Owners authorized agent* _____
* Verification of authorized agent must be attached

5. Owner's name, address and telephone, if different than applicant:

B. Property Information

6. Location: _____

7. Property ID Number: ____ - ____ - ____ - ____ - ____ - ____

8. Current use of property: _____

9. Proposed use of property: _____

10. Size of property: _____ (sq. ft. or acres)

11. Names/Number of adjacent roads: North _____
East _____ South _____ West _____

C. Future Land Use/Zoning Information

12. Existing Future Land Use Map designation: _____

13. Existing zoning district: _____

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D. Requested Action

14. Reason for the requested rezoning: _____

15. Requested rezoning:

FROM _____ (zoning district)

TO _____ (zoning district)

E. Certification

I do hereby certify and affirm that the information represented in this application is true and correct to the best of my knowledge. I also give my permission for county staff to enter upon the property involved at any reasonable time for purposes of site inspections and the posting of any required notices.

Applicant printed or typed name

Applicant signature

Date

Corporate officer

Corporate Seal

FOR OFFICIAL USE ONLY

Date received: _____ File No.: _____

Received by: _____

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Required Information and Materials

The following information must be submitted with the completed, signed and dated application form.

1. ____ A letter of petition stating the reason for the requested rezoning.
2. ____ If the rezoning is prerequisite to a development project a conceptual site plan drawing of the project must be provided;
3. ____ A survey or drawing showing the location and dimensions of the property involved.
4. ____ A copy of the deed and legal description of the property involved.
5. ____ A certified list of all property owners within a 300 foot radius of the property to be rezoned. **This list must be obtained from and certified by the Property Appraiser's Office, and dated no more than 30 days prior to submittal of the application.**
6. ____ Notarized affidavit affirming the list of property owners within 300 feet.
7. ____ Notarized affidavit affirming that the required signs will be posted on property to be rezoned.
8. ____ Rezoning fee. The fee for less than 10 acre rezoning is \$1,200.00 (non-refundable) plus \$10.00 for each acre, or fraction thereof.
More than 10 acres - \$1,700.00 base fee plus \$20.00 per acre
9. ____ If the applicant is not the actual property owner a verification of authorized agent must be provided.

Procedure for Rezoning

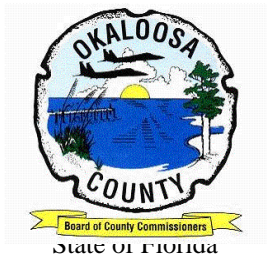
The procedure for the rezoning process is as follows.

1. Fully complete, sign, and date the rezoning application form.
2. Obtain the certified list of property owners from the Property Appraiser's Office dated at least 30 days prior to application submittal.

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3. Complete and have notarized the affidavit affirming that the certified list of property owners was obtained (blank copy enclosed).
4. Complete and have notarized the affidavit affirming that the required public notice signs will be posted on the property to be rezoned (blank copy enclosed).
5. Submit the completed application, required information, and notarized affidavits to the Department of Growth Management.
6. Once the application is submitted and determined to be fully complete the requested action will be placed on the agenda of the Planning Commission in accordance with the enclosed schedule. Two public hearings will be required, one before the Planning Commission and one before the Board of County Commissioners'
7. The times, dates and locations of the required public hearings will be provided to the applicant by the Department.
8. **Certified, return-receipt letters** must be sent to all property owners on the certified list within 300 feet of the property to be rezoned (sample letter enclosed). These letters must be mailed **no later than 21 days** before the Planning Commission public hearing and must include: 1) the petition letter stating the reason for the rezoning; 2) a location map showing the location of the property to be rezoned in relation to surrounding properties and adjacent roads.
NOTE: Notification of both the Planning Commission and County Commission hearings may be provided in the same letter.
9. After the letters are mailed the applicant must provide to the Department: a postal receipt from the US Postal Service verifying the date the letters were mailed; an exact copy of the information mailed out, and; the green return-receipt cards.
10. A 2 ft by 3 ft sign with no less than 1 inch lettering (sample enclosed) must be posted at a conspicuous location on the property being rezoned. This sign must be posted **no less than 15 days** prior to the scheduled Planning Commission public hearing.
Signs are available for purchase from the Department.
11. The applicant must attend the Planning Commission and County Commission public hearings so as to answer any questions or issues that may arise.

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Department of Growth Management

REZONING GUIDE

Generally

The use and development of land in Okaloosa County is determined by two separate ordinances. These are: 1) the Comprehensive Plan (the “Plan”) and Future Land Use Map (FLUM), and; 2) the Land Development Code (the “Code”) including the Official Zoning Map and Zoning Regulations. The Plan is intended to be a general policy-setting document which establishes broad land use categories such as “Low Density Residential”, “Medium Density Residential”, “Commercial”, etc. Each of these categories specify the type and extent of uses allowed, i.e. “Low Density Residential” allows single-family houses up to five (5) units per acre. These categories are shown on the Future Land Use Map (FLUM).

The Land Development Code includes zoning regulations which establish zoning districts that are intended to be subsets of the future land use categories shown on the FLUM. For example, the “Low Density Residential” (LDR) FLUM category allows single-family houses up to five (5) houses per acre; this would mean that only zoning districts which allowed single-family houses up to 5 houses per acre would be permitted in the LDR category. Likewise, a “Commercial” FLUM category would allow commercial or business zoning districts such as “Business General” (BG) or “Business Retail” (BR). The zoning regulations also specify how development will be situated on a piece of property in terms of setbacks from property lines, building height, building size, lot area, etc.

It is important to note that, by state law, the zoning districts must be consistent with the future land use designations shown on the FLUM. In the event of a conflict between the FLUM designation and the zoning district the FLUM designation will determine how a particular piece of property can be used and developed. However, in order to know exactly what can be done with a piece of property both the FLUM designation and the zoning district must be determined.

Rezoning Procedure

The procedure for rezoning a piece of property from one zoning district to another different zoning district involves a formal application, public notice, review and recommendations by county staff, and public hearings in front of the Planning Commission and Board of County Commissioners. Anyone wanting to do a rezoning must first complete an application provided by the County and pay the applicable fee. The date a complete application and fee are filed with the Growth Management Department will determine the date the application will be considered by the Planning Commission.

After an application is filed and all required information has been provided the county planning staff will schedule the required public hearings, run a public notice advertisement in the newspaper and prepare a staff report. The staff report will be the main piece of information given to the Planning Commission and the County Commission to assist them in making a decision on the rezoning. In addition, citizen testimony will be heard and considered at all of the required public hearings. Two (2) hearings are required for rezonings of property, one for the Planning Commission and one for the County Commission.

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Staff Reports and Public Hearings

As part of the rezoning process county planning staff prepares a staff report. This report includes information provided by the applicant, as well as other information such as uses of adjacent properties, FLUM designations and zoning of surrounding properties, soils information, wind zone, flood zones, wetlands, threatened or endangered species, historic sites, airport flight tracks, and other similar information. The results of this report are summarized in a memo which is distributed to the Planning Commission and County Commission, and is also available to any interested citizen that might request a copy. Two very important items that are looked at closely are consistency with the Comprehensive Plan and compatibility with the surrounding area. A rezoning will generally not be approved if it is not consistent with the Comprehensive Plan and FLUM, and almost always will be approved if it is determined to be consistent with the Comprehensive Plan and FLUM. For example, if the FLUM designation of a piece of property is "Agriculture" which allows one (1) house to one (1) acre, and a request is made to rezone that property to a zoning district that allows two (2) houses to the acre, then that would not be consistent with the "Agriculture" FLUM category and would not be approved. On the other hand, if the requested rezoning was to a zoning district that would limit development to one (1) house per one (1) acre then that would be consistent with the "Agriculture" FLUM and should be approved unless there is some major, overriding reason that it should not be approved. The most common overriding reason is that the Planning Commission or County Commission determines that the requested rezoning would be out of place or incompatible with the character of the surrounding area.

The public hearings are an opportunity for members of the public to find out about the particulars of the requested rezoning and to provide comments for, against, or otherwise. These are fact-finding proceedings where the presiding body, be it the Planning Commission or County Commission, considers the information presented in the staff report memo, any other information that may be presented by the applicant, and any other facts that might be brought to light by any public comments. Generally, if the requested rezoning has been determined to be consistent with the Comprehensive Plan and FLUM the presiding body will approve the request unless they are presented with some compelling, overriding reason why they should not approve it. Any such reason should be based on actual information or facts rather than personal opinions or emotions. Comments such as "I don't want this development near my house" or "These new people might complain about my dogs or chickens" are usually not considered an overriding reason unless they can be supported by facts. Other common comments are about increased traffic, noise, stormwater drainage, flooding, etc. These types of things are usually not considered as part of the rezoning process because they involve detailed site plan and engineering drawings which are not required as part of a rezoning request application. These types of things are looked at when an applicant actually applies to build something on the rezoned property. Some applicants request a rezoning to make their property more valuable so they can sell it with no intention of ever building anything on it.

In summary, things like land use regulations and zoning determine what people can and can't do with their property. This has a direct affect on their ability to make money or to protect the investment they already have. The zoning/rezoning process is intended to try and balance the sometimes competing interests of protecting property rights by preserving the quiet use, enjoyment, and property values of existing property owners while also protecting the property rights of those who want to develop their property.

For further information contact our offices in Fort Walton Beach or Crestview at the addresses and telephone numbers listed below.

1250 Eglin Parkway N, Suite 301
Fort Walton Beach, FL 32547
(850) 651-7180
FAX (850) 651-7706

812 E. James Lee Blvd.
Crestview, FL 32539
(850) 689-5080
FAX (850) 689-5512

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