

By Representative Pruitt

1 A bill to be entitled
2 An act relating to the Department of Community
3 Affairs; providing for the relief of the City
4 of Stuart, Martin County; providing an
5 appropriation to reimburse the City of Stuart
6 for expenses incurred by the city in amending
7 the city's comprehensive plan; providing an
8 effective date.

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10 WHEREAS, the comprehensive plan of the City of Stuart
11 was originally found by the State of Florida Department of
12 Community Affairs to be in compliance with all requirements of
13 law on January 29, 1990, and

14 WHEREAS, several subsequent amendments to the plan have
15 been approved by the Department of Community Affairs as being
16 in compliance with law, and

17 WHEREAS, in 1997, 43 properties were voluntarily
18 annexed by the city pursuant to s. 171.044, Florida Statutes,
19 and were included in the plan as amendments to the future land
20 use map within the future land use element, and

21 WHEREAS, the city filed with the Department of
22 Community Affairs the City of Stuart comprehensive plan
23 amendment 97-1 to amend the text of the plan and to create a
24 land use category for seven of the large-scale annexed
25 parcels, and

26 WHEREAS, the objections, recommendations, and comments
27 report relating to these plan amendments, issued by the
28 Department of Community Affairs on November 7, 1997, pursuant
29 to s. 163.3184(6)(a), Florida Statutes, did not identify any
30 issues of noncompliance of these amendments with applicable
31 law, and

1 WHEREAS, on the basis of the objections,
2 recommendations, and comments report, the city adopted the
3 text and large-scale future land use map amendments to the
4 plan, and

5 WHEREAS, following adoption of the plan amendments by
6 the city, the Department of Community Affairs changed its
7 position, and on February 10, 1998, issued a notice of intent
8 to find the amendments not in compliance with law due to the
9 failure of the plan to adequately include densities and
10 intensities limitations, and

11 WHEREAS, this unexpected change in position, under
12 these circumstances a clear violation by the Department of
13 Community Affairs of s. 163.3184(8)(a), Florida Statutes, was
14 not anticipated by the city and resulted in the inability of
15 the city to apply its plan, zoning, and subdivision
16 regulations in the annexed areas, and

17 WHEREAS, given the numerous pending plan amendments
18 relating to the other annexed parcels, the city found it
19 necessary to comply with the mandate of the notice of intent
20 and to expedite the adoption of density and intensity plan
21 amendments required by the notice of intent, and

22 WHEREAS, the city was compelled to undertake a
23 substantial planning effort to establish densities and
24 intensities in the plan and to employ planning consultants in
25 order to bring the plan into compliance as directed in the
26 notice of intent, and

27 WHEREAS, the city has expended \$75,671.66 in
28 consultant's planning fees to prepare the necessary plan
29 amendments required by the notice of intent, and

30 WHEREAS, these plan amendments were not anticipated nor
31 the costs budgeted by the city and would not have been

1 required had the Department of Community Affairs properly
2 advised the city of its position regarding densities and
3 intensities in 1990 or at any time when 43 future land use map
4 amendments were not then pending, NOW, THEREFORE,

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6 Be It Enacted by the Legislature of the State of Florida:

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8 Section 1. The facts stated in the preamble to this
9 act are found and declared to be true.

10 Section 2. The sum of \$75,671.66 is appropriated out
11 of funds in the State Treasury not otherwise appropriated to
12 the credit of the Department of Community Affairs to be paid
13 to the City of Stuart as reimbursement for expenses incurred
14 in amending the comprehensive plan of the City of Stuart to
15 include density and intensity limitations.

16 Section 3. The Comptroller is directed to draw a
17 warrant in favor of the City of Stuart in the sum of
18 \$75,671.66 upon funds in the State Treasury to the credit of
19 the Department of Community Affairs, and the State Treasurer
20 is directed to pay the same out of such funds.

21 Section 4. This act shall take effect upon becoming a
22 law.

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25 HOUSE SUMMARY

26 Provides for the relief of the City of Stuart, Martin
27 County. Provides a \$75,671.66 appropriation to reimburse
28 the City of Stuart, Martin County, for expenses incurred
29 by the city in amending the city's comprehensive plan to
30 include density and intensity limitations.
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