



Procedures Manual and ~~Fee Schedule~~

for Amendments to the *Tampa Comprehensive Plan*

Adopted by Tampa City Council on October 9, 1986

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Revised December 15, 2005
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Proposed Revision June 2009



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for Amendments to the *Tampa Comprehensive Plan*

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Proposed Revision June 2009

RESOLUTION NO. 2007-1118

A RESOLUTION ADOPTING REVISIONS TO THE "PROCEDURES MANUAL AND FEE SCHEDULE FOR AMENDMENTS TO THE TAMPA COMPREHENSIVE PLAN"; CLARIFYING THAT CERTAIN NOTICE REQUIREMENTS DO NOT APPLY TO CERTAIN PLAN AMENDMENTS; DELETING THE REQUIREMENT FOR LARGE ADVERTISEMENTS FOR CERTAIN PLAN AMENDMENTS; DELETING AN INAPPLICABLE AND UNNECESSARY STATUTORY REFERENCE; AMENDING THE TIME OF DAY REQUIREMENTS FOR PUBLIC HEARINGS; PROVIDING THAT SECTION 163.32465, FLA. STAT., WHICH ESTABLISHES A PILOT PROGRAM SHALL SUPERSEDE ANY PROVISIONS OF THE PROCEDURES MANUAL WHICH ARE INCONSISTENT WITH SUCH STATUTE; SUPERSEDING PRIOR EDITIONS TO THE MANUAL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is in the best interest of the City of Tampa to amend the "Procedures Manual and Fee Schedule for Amendments to the Tampa Comprehensive Plan" ("Procedures") to clarify that certain notice requirements do not apply to certain plan amendments; to delete the requirement for large advertisements for certain plan amendments; to eliminate an inapplicable and unnecessary reference to Section 166.041 (2), Fla. Stat.; and to revise the time of day requirements to provide that the City Council, by a majority plus one vote, may elect to conduct the second public hearing at another time of day other than after 5 p.m.; and

WHEREAS, the 2007 Florida Legislature enacted Section 163.32465, Fla. Stat. entitled "State Review of Local Comprehensive Plans in Urban Areas" ("New Statute") which establishes a Pilot Program and which supersedes any provisions of the Procedures Manual which are inconsistent with the New Statute.

NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:**

Section 1. That the recitals set forth above are hereby incorporated as if fully set forth herein.

Section 2. That the Procedures Manual and Fee Schedule for Amendments to the Tampa Comprehensive Plan, VIII. The Tampa City Council Public Hearing Process, Advertising the Public Hearings and Additional Notification, Additional Notice Requirements, Mail Notification, be amended as follows:“ This requirement applies to first and second Tampa City Council Public Hearings ~~for all types of Future Land Use Element Amendments.This requirement applies to all types of Future Land Use Element Amendments.~~”

Section 3. That the Procedures Manual and Fee Schedule for Amendments to the Tampa Comprehensive Plan, VIII. The Tampa City Council Public Hearing Process, Advertising the Public Hearings and Additional Notification, All Amendments Except Small Scale, be amended as follows as set forth below.

(a) Title: “Public Hearing Advertisement Requirements – Large Scale Plan Amendments Which Change the Actual List of Uses or Change the Future Land Use Map Designation and Small Scale (Future Land Use Map Designation) Plan Amendments Initiated by the City (“Plan Amendments”) All Amendments Except Small Scale”

(b) Text: “.... The advertisement shall be substantially in a form that is consistent with s.166.041(3)(c)2.b.-166.041(2)(b), Florida Statutes, provided, however, that consistent with such statute only advertisements for plan amendments which change the actual future land use map designation of a parcel or parcels of land shall be required to contain a geographic location map of the area covered by the plan amendment.”

Small Scale Plan Amendments

~~Small-scale plan amendment public hearings must be noticed in a newspaper of general paid circulation within the City of Tampa. It may not appear in the legal advertisement section of the newspaper. The advertisement requires no map, but must be at least one standard column wide and six inches long, contain an 18-point bold heading stating, “NOTICE OF LAND USE CHANGE”, clearly describe the location and size of the parcel subject to the amendment, and the current and proposed land use designations. The advertisement must also provide a name, address and phone number where further information may be obtained.~~

Section 4. That the Procedures Manual and Fee Schedule for Amendments to the Tampa Comprehensive Plan, VIII. The Tampa City Council Public Hearing Process, Second Public Hearing, be amended as follows: “The second public hearing shall be held approximately 5 days after the advertisement for the public hearing is published, and shall be held after 5:00 p.m. on a weekday, unless the City Council, by a majority plus one vote, elects to conduct the public hearing at another time of day. This hearing shall be held after 5:00 p.m. on a weekday, approximately 5 days after the advertisement for the Public Hearing is published.”

Section 5. That the Procedures Manual and Fee Schedule for Amendments to the Tampa Comprehensive Plan, VIII., Overview, be amended to add the following

text: "Notwithstanding any provision of this Procedures Manual, Section 163.32465, Fla. Stat. entitled "State Review of Local Comprehensive Plans in Urban Areas", shall control in the event that any provision of the Procedures is inconsistent with the such statute."

Section 6. That the amended Procedures Manual and Fee Schedule for Amendments to the Tampa Comprehensive Plan, a copy of which is attached as Exhibit A hereto, shall supersede prior editions of the manual and shall hereafter govern proposed amendments to the Tampa Comprehensive Plan, or an element or portion thereof, submitted after the effective date of this Resolution.

Section 7. That this Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON OCT 18 2007.

ATTEST:


CITY CLERK / DEPUTY CITY CLERK


CHAIRMAN/CHAIRMAN PRO-TEM
CITY COUNCIL

PREPARED BY AND APPROVED
AS TO LEGAL SUFFICIENCY:

E/S
JOHN O. McKIRCHY
Assistant City Attorney

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I. Purpose

The purpose of this manual is to identify the procedures that are followed to process requests to amend the *Tampa Comprehensive Plan*.

II. Definitions

Affected Person

"Affected person" includes the City of Tampa, persons owning property, residing, or owning or operating a business within the City of Tampa; owners of real property abutting real property that is the subject of a proposed change to the future land use map; and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the City of Tampa during the time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

Advertised Public Hearing

As used in connection with Tampa City Council public hearings to consider plan amendment requests for changes in permitted uses of land or changes in land use categories, the term "advertised public hearing" means public hearings for proposed plan amendments as defined by State law that are advertised in accordance with the criteria established in this manual.

Amendment

Amendment means any change in the maps or text of the Tampa Comprehensive Plan which must be adopted in accordance with the procedures outlined in this manual, in Chapter 97-351, Laws of Florida, as amended, and in Part II, Chapter 163, Florida Statutes. There are six types of plan amendments.

Regular-Scale

All amendments to the comprehensive plan except those that meet the criteria for one of the following classifications, Small Scale, Capital Improvements, Evaluation and Appraisal Report, Development of Regional Impact or Emergency as defined below.

Small Scale

An amendment to the plan that meets the following criteria, consistent with Chapter 163.3187(1)(c), Florida Statutes. The proposed plan amendment involves a use of 10 acres or less and; a) the cumulative effect of the above amendments does not exceed 120 acres annually; and b) the proposed amendment does not

involve the same property more than once a year; and c) the proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months. Small scale plan amendments are future land use map amendments only. Text amendments cannot be considered as small scale plan amendments.

Capital Improvements Element

An amendment to the Capital Improvements Element which changes the schedule in the capital improvements element or anything within that element directly related to the schedule.

Evaluation and Appraisal Report

An amendment to the plan that is directly related to recommendations from a locally adopted Evaluation and Appraisal Report (hereinafter EAR)

Development of Regional Impact

Plan Amendments directly related to a proposed Development of Regional Impact (hereinafter DRI), including changes which have been determined to be substantial deviations as defined by Section 380.06(19), Florida Statutes, and any implementing regulations, or a proposed Florida Quality Development (hereinafter FQD).

Emergency

An amendment initiated because of an emergency. "Emergency" means any occurrence or threat thereof whether accidental or natural, caused by man, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or public funds. (s.163.3187(1)(a) Florida Statutes)

Planning Commission

The Planning Commission shall mean the Hillsborough County City-County Planning Commission, created pursuant to Chapter 97-351 Laws of Florida. The Planning Commission is the designated Local Planning Agency for the City of Tampa. The role of the Planning Commission in the process described in this manual shall be as specified in this manual, in Chapter 97-351, Laws of Florida, and in Part II, Chapter 163, Florida Statutes.

Planning Commission Calendar

The Planning Commission Calendar, as referred to in this manual, means the schedule of Planning Commission regular meetings. In addition to setting forth the Planning Commission's regular meeting dates, the Planning Commission calendar shall set forth deadlines for requesting that a matter be placed upon a Planning Commission regular meeting agenda (the "cutoff date").

Person

"Person" means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Public Notice or Due Public Notice

As used in connection with the phrase "public hearing" or "hearing to be held after due public notice", the terms "public notice" or "due public notice", mean publication of notice of the time, place, and purpose of such hearing at least twice in a newspaper of general circulation in the area, with the first publication not less than 14 days prior to the date of the hearing and the second publication at least 5 days prior to the hearing.

Tampa Comprehensive Plan

The City of Tampa Comprehensive Plan, entitled [Building Our Legacy, A Livable City Tampa Comprehensive Plan](#), consists of a number of elements [within Chapters](#) developed to meet the requirements of Section 163.3161 et seq., Florida Statutes, and Chapter 97-351, Laws of Florida. The current Tampa Comprehensive Plan was adopted by the Tampa City Council (hereinafter Tampa City Council) on ~~July 13, 1989~~, [February 4, 2009](#) by Ordinance No. ~~89-167~~, [2009-26](#) as amended.

III. Frequency and Scheduling of Amendments

Overall

Plan amendment applications may be submitted to the Planning Commission at any time. The type of amendment submitted determines the frequency with which it is processed, and the time it is submitted will determine when it will be processed. Process generally includes staff review and report, Planning Commission public hearing and Tampa City Council public hearings.

Plan amendment requests initiated by the Planning Commission, Mayor or the Tampa City Council may be inserted into any review period prior to the Planning Commission Public Hearing regardless of the deadlines established in this manual, provided all of the review procedures established by this manual are complied with.

Regular Plan Amendment

Formal review and process occurs twice per year beginning March 1 and August 1. Applications are grouped together, and formal review and process begins on the next available date. ~~The complete process takes approximately 9 months.~~

Small Scale Plan Amendment

Formal review and process occurs four times per year beginning March 1, May 1, August 1 and November 1. Applications are grouped together, and formal review and

process begins on the next available date. ~~The complete process takes approximately 6 months.~~

Capital Improvements Element Amendment

Formal review and process begins as soon as practically possible, based on staff resources. This type of amendment may be processed at any time during the year irrespective of other types of plan amendments and their cycles. ~~The complete process takes about 6 months to complete.~~

Evaluation and Appraisal Report Based Amendment

This type of amendment is processed as part of the multi-year cycle to update the Tampa Comprehensive Plan. Amendments are identified from recommendations set forth in a locally adopted and State approved Evaluation and Appraisal Report. Formal review and process must be completed twelve to twenty-four months after the State approves the EAR.

Development of Regional Impact Plan Amendment (DRI, substantial deviation or FQD)

Exempt from the twice per year regular plan amendment provision if certain criteria are met:

- √ The Planning Commission has receipt of the Notification of Pre-Application Meeting from the Tampa Bay Regional Planning Council; and,
- √ The applicant demonstrates that the proposed amendment is directly related to a proposed DRI, substantial deviation, or FQD.

This information will be presented to the Planning Commission for action.

The Planning Commission may refuse to permit the initiation of an early amendment to the Tampa Comprehensive Plan if it has not been demonstrated that the proposed amendment is directly related to a proposed DRI, substantial deviation, or FQD. Under these circumstances, the requesting party may, within 30 days of the Planning Commission's determination that the proposed plan amendment is not directly related to a proposed DRI, substantial deviation, or FQD, file a notice of appeal with the City Clerk and with the Planning Commission requesting the Tampa City Council to reverse the Planning Commission's determination that the proposed plan amendment is not directly related to a proposed DRI, substantial deviation, or FQD. The City Clerk shall log and place the appeal on the Tampa City Council's agenda, and inform the requesting party and the Planning Commission of the agenda date. The Tampa City Council may reverse or affirm the Planning Commission's determination.

If the Planning Commission's determination that the proposed amendment is not directly related to a proposed DRI, substantial deviation, or FQD is reversed by the Tampa City Council, the plan amendment request shall be referred back to the Planning

Commission for review accordingly. Should the requesting party choose not to appeal the Planning Commission's determination that the proposed amendment is not directly related to a proposed DRI, substantial deviation, or FQD, the proposed amendment shall be reviewed as a regular plan amendment. For purposes of determining the applicable regular review period the plan amendment request will be deemed to have been submitted on the date the request was originally received by the Planning Commission.

Emergency Plan Amendment

This type of plan amendment may only be initiated during an emergency. Emergency plan amendments may be initiated at any time during an emergency irrespective of the deadlines established in this manual. Formal review and process may begin as soon as practically possible.

IV. Applying for a Plan Amendment

Overall

Who Can Request A Plan Amendment?

Plan amendments may be initiated by the Tampa City Council, Mayor or the Planning Commission.

Plan amendments for specific parcels of real property may be initiated by the owner of such a parcel or parcels of real property or by any other person with the written consent of the owner of the real property which is the subject of the proposed amendment.

Plan amendments not associated with specific parcels of real property, such as where textual changes to an element of the adopted comprehensive plan are requested may be initiated by the Planning Commission, the Tampa City Council, the Mayor or by any other affected person. All applicants, including the local and state agencies and quasi-public agencies shall follow the pre-submittal process prior to submission of any type of Plan Amendment.

Pre-Application Conference

Pre-application conferences with the Planning Commission staff are required in order for potential requesting parties to obtain information concerning the proper land use plan classifications and to avoid unnecessary petitioning for plan amendments. Any information presented by the requesting party and any comment made by the Planning Commission staff at the pre-application conference shall be recorded at the pre-application conference.

When either the Tampa City Council, Mayor or the Planning Commission is the requesting party, a pre-application conference shall not be required. Those persons anticipating requesting a plan amendment encompassing 500 acres or more are strongly

urged to arrange a pre-application conference more than 15 days prior to filing a plan amendment request so that adequate time can be devoted to preparation of the plan amendment request.

Application Submission Conference

The requesting party may schedule an application conference with the Planning Commission staff to submit an application for a plan amendment on or prior to the submittal deadline. The purpose of this conference shall be to review the submitted materials to insure that all required documents are submitted including applicable fees, and to answer any questions the requesting party may have. It is recommended that the conference take place at least one week prior to the submission deadline.

Content of Request for Amendment

All requests for plan amendments shall be submitted in writing to the Chairperson or Executive Director of the Planning Commission at the Planning Commission's official address. Any requests shall make clear the purpose, scope and provisions of the proposed amendment and shall specify the exact change(s) believed to be needed in the Tampa Comprehensive Plan.

In the event a map and text amendment is proposed for the same property, this will constitute two individual amendment applications.

Requests involving a specific parcel or parcels of real property shall include:

- (1) The name and address of the requesting party and the name and address of the requesting party's authorized representative;
- (2) The land use category or categories being requested; Note: One map amendment per parcel may be submitted during an individual Plan Amendment Cycle. Multiple amendment requests are prohibited on an individual parcel.
- (3) The legal description(s); the associated folio number(s) and/or pin number(s) assigned to the subject property by the Hillsborough County Property Appraiser's office; and a graphic delineation of the subject property showing its boundaries and its relationship with the surrounding area;
- (4) The name or names and address(es) of the owner(s) of the real property involved;
- (5) A copy of the deed(s) for the property on which the change is being requested;
- (6) Where the requesting party is not identified as the owner(s) of the property as specified on the deed(s) submitted with the request, a letter from said owner(s) consenting to the plan amendment request; and

- (7) A brief statement explaining the change in circumstances or other reasons which would justify approval of the plan amendment request.

Please note that for small-scale development plan amendments, the proposed amendment may not involve the same property more than once a year.

When the Planning Commission, Mayor or the Tampa City Council is the requesting party, neither the Planning Commission, Mayor, nor the Tampa City Council shall be required to obtain copies of deeds or the written consent of the owners of properties for which change is being considered.

Incomplete applications will not be accepted unless otherwise agreed upon during the official pre-application conference, where a grace period of not more than one week after the deadline for submittal of plan amendment requests may be granted to allow the requesting party the opportunity to complete a plan amendment application.

Additional Content of Large Scale Plan Amendment Requests

Plan amendment requests encompassing study areas of 500 acres or more (herein referred to as large scale plan amendment requests) require significant staff time for analysis over and above plan amendment requests of a lesser scale. Accordingly, in addition to the information required by other sections of this manual, large scale plan amendment requests shall also require the submittal, by the requesting party, of additional information which will be required for Planning Commission, and Tampa City Council hearings on the plan amendment request. This additional information shall include a transportation analysis and may include a fiscal impact analysis for infrastructure and an economic impact analysis. Any such analysis required under this Section shall be accomplished utilizing generally accepted methodologies, and shall set forth the data, including all projections, on which it is based.

During the official pre-application conference the requesting party and the Planning Commission staff shall tentatively agree upon the additional information which will be required under this Section for review of a large scale plan amendment request, and shall tentatively establish a timetable for provision of such information. This information shall be presented to the Planning Commission, at which time the Planning Commission shall make a determination of the additional information which will be required under this Section for review of the plan amendment request, and a timetable for the provision of such additional information. In making its determination, the Planning Commission may require information in addition to or in lieu of the information tentatively agreed upon by staff and the requesting party at the official pre-application conference, or may vary the timetable tentatively established at the official pre-application conference.

It is anticipated that many large scale plan amendments are or will be associated with Developments of Regional Impact and that information supplied in the application for

development approval will suffice for analysis of the large scale plan amendment request.

Additional Content for Text Amendment Requests

Every application for amendment to the text of this Tampa Comprehensive Plan shall contain information described below. Additional material may be filed at the applicant's option. All requesting parties are required to provide this information.

1. An application shall be type written, signed and sworn to by the applicant or authorized agent and shall include the mailing address of the applicant.
2. It shall state the reason why such provision should be amended, supplemented, changed or repealed.
3. It shall set out any alleged error in the Tampa Comprehensive Plan which will be corrected by the proposed amendment with a detailed explanation of such error in the ordinance and detailed reasons how the proposed amendment will correct this error.
4. It shall set out the changed or changing conditions which make the proposed amendment reasonably necessary to the promotion of the public health, safety and welfare.
5. It shall set out the manner in which the proposed amendment will achieve the intent and purpose of and provide internal consistency with the other elements of the Tampa Comprehensive Plan.
6. It shall set out other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.

Alteration of Plan Amendment Request

Any alteration or revision of a plan amendment request which has been filed with the Planning Commission, which alteration or revision involves a change in land use designations of greater than 20% of the original requested acreage, shall constitute a new plan amendment (i.e. requiring the initiation of the plan amendment procedure again with associated fees and costs). Any alteration or revision of a plan amendment which has been filed with the Planning Commission, which alteration or revision involves a change in land use designation acreage of less than 20% of the original request, must be received by the Planning Commission ~~21~~ 45 calendar days or more in advance of the scheduled Planning Commission Public Hearing in order for the Public Hearing to take place. Any alteration or revision received by the Planning Commission less than ~~21~~ 45 calendar days prior to the Planning Commission Public Hearing shall constitute a continuation and shall be subject to the provisions in this manual which govern the continuation of plan amendment requests. Any request for an alteration or revision must be in writing addressed to the Chairperson of the Planning Commission at the Planning Commission's official address. It is the intent of this section to better facilitate the decision-making process of the Planning Commission by allowing Planning Commission staff sufficient time to review a request; to ensure communication between the requesting party and the Planning Commission is kept

open; and to ensure interested parties have sufficient time before the Planning Commission Public Hearing to review the plan amendment request.

Supplemental Information

The Planning Commission or its staff may request such supplemental information as may be necessary to determine the accuracy of statements of fact submitted by the requesting party in support of the proposed amendment. The Planning Commission or its staff may also, within reason, request supplemental information if the information provided by the requesting party is insufficient to analyze the proposed amendment.

Withdrawal of Request

The requesting party may withdraw a request for a plan amendment at any time, by filing written notice thereof with the administrative head of the Planning Commission. If the withdrawal of a proposed amendment occurs at any time after the Planning Commission has submitted said amendment to the State for review, the Planning Commission [on behalf of the city] shall provide notice of the withdrawal to the State. Fees paid prior to withdrawal of a request shall not be refundable.

V. Summary of Application Requirements by Type of Plan Amendment

| <i>Amendment Type</i> | <i>Applicants or Requesting Parties That May Apply for a Plan Amendment</i> | <i>Pre-Application Conference</i> | <i>Application Conference</i> | <i>Additional Form & Content Required</i> |
|--|---|--|-------------------------------|--|
| Regular Amendment (Map) | Real property owners, Tampa City Council, Tampa City Administration, the Planning Commission. | Yes, for real property owners | Optional for all parties. | No |
| Regular Amendment (Text) | Affected persons (defined), Tampa City Council, Tampa City Administration, the Planning Commission. | Yes, for real property owners and affected persons | Optional for all parties. | No |
| Small Scale | Real property owners, Tampa City Council, Tampa City Administration, the Planning Commission. | Yes, for real property owners and affected persons | Optional for all parties | No |
| DRI | Real property owners, Tampa City Council, Tampa City Administration, the Planning Commission. | Yes | Optional | The requesting party shall also submit copies of all materials provided to TBRPC and to DCA for a determination of DRI status, substantial deviation status, or FQD status, and copies of all materials received from TBRPC and DCA prior to submittal of the plan amendment request. No request will be accepted by the Planning Commission prior to receipt of notification of pre-application meeting from TBRPC. |
| Emergency | Planning Commission, Tampa City Council or the Mayor following unanimous adoption by the Tampa City Council of a resolution declaring an emergency and setting forth the grounds therefore. | No | No | Information of sufficient detail to process the amendment. |
| Capital Improvements Element Amendment | Tampa City Administration, Tampa City Council | No | No | Letter from the Mayor to the Chairperson or Executive Director of the Planning Commission, or an approved motion by Tampa City Council requesting the amendment and providing sufficient information to process the amendment |
| Evaluation and Appraisal Report Based Amendment | Not applicable | Not applicable | Not applicable | A locally approved Evaluation and Appraisal Report outlining the required amendments. |

VI. Staff Review

Overall

Generally, the role of the Planning Commission in the plan amendment process shall include, but not be limited to, the coordination and administration of the process on behalf of the City of Tampa, operation as the lead agency for evaluating and formulating a recommendation on all proposed amendments, and initiation of certain amendments to the comprehensive plan as provided for by law.

The Planning Commission employs a professional staff to assist the Planning Commission in accomplishing its responsibilities. This staff, on behalf of the Planning Commission and at the Planning Commission's direction, performs many of the day to day tasks required in order to prepare a plan amendment request for consideration by the Planning Commission. A purpose of this manual is to allocate responsibility for the performance of the tasks which comprise the plan amendment process so as to make the process understandable to the public and to the governmental agencies involved. Accordingly, those day to day tasks which are typically performed by the staff of the Planning Commission (such as conducting a pre-application conference) are designated in this manual as being performed by staff on behalf of the Planning Commission.

With each submittal of a plan amendment request, the Planning Commission staff shall enter into a log the date, location and nature of the request and map its location on a land use plan map. Upon receipt, each plan amendment request shall be assigned a number which shall establish the sequence in which amendments were received by the Planning Commission.

The Planning Commission staff will establish the context within which each plan amendment request should be considered based on the ~~log and~~ map, the Goals, Objectives and Policies of the Future Land Use Element and other applicable elements of the Tampa Comprehensive Plan in assessing the combined impact of the requests. The Planning Commission staff may identify general study areas encompassing those areas requested for amendment and may include additional geographical or substantive areas for study.

The Planning Commission staff will study the proposed amendment for compliance and consistency with the Goals, Objectives and Policies, and other provisions of the Tampa Comprehensive Plan, regulations implementing said Plan, and with professional planning principles and standards, and will make recommendations to the Planning Commission for approval, approval with amendment(s), or disapproval of the proposed plan amendment at the Planning Commission Public Hearing.

In its review the Planning Commission staff shall consider existing conditions and future plans, programs and anticipated conditions within the study area(s). The Planning Commission staff may request information or comment from appropriate City

or other government agencies and departments, and may develop standardized forms to expedite this process.

The requesting party may schedule a staff determination conference with the Planning Commission staff to review staff's recommendation on the proposed amendment no later than two weeks prior to the Planning Commission's scheduled public hearing.

The Planning Commission staff shall inform the requesting party of the staff's recommendation at the same time that the Planning Commission Board is sent the recommendation for the proposed amendment for the Planning Commission public hearing.

VII. The Planning Commission Public Hearing Process

Overview

All plan amendments, regardless of type, require a public hearing before the Planning Commission. The Planning Commission public hearing process for all types of plan amendments is identical.

Following completion of Planning Commission staff's review of a plan amendment request, the Planning Commission shall conduct a Public Hearing with due public notice pursuant to s. 163.3174(4) (a), Florida Statutes, at which time the Planning Commission shall consider the public's input concerning the proposed amendment(s) and take action. The Planning Commission may concur with the staff recommendation, amend the Planning Commission staff recommendation, or reverse the Planning Commission staff recommendation and state the reasons for concurrence with, amendment of, or reversal of staff's recommendation in the form of a resolution adopted by simple majority. This Planning Commission Public Hearing with due public notice shall be held after 5:00 p.m. on a weekday unless otherwise agreed by vote of the membership of the Planning Commission.

At the Planning Commission Public Hearing the Planning Commission staff shall present its findings and recommendations on the proposed plan amendment to the Planning Commission. In making its recommendations the Planning Commission staff shall indicate:

- (1) plan amendment requests which were combined or expanded substantively or geographically for study because of the similarity of the nature or location of the requests;
- (2) recommendations on proposed land use plan categories which are different from those land use categories requested by the requesting party;
- (3) other issues or areas which were added for study and consideration; and
- (4) the type of each plan amendment petition submitted.

Public Notification Procedures

Newspaper Ad:

An advertisement will be published to notify the public of the upcoming Planning Commission hearing for any plan amendment. The size of the ad, frequency of publication, publication deadlines and other parameters are defined in the Planning Commission's adopted Public Information Program, consistent with requirements of Part II, Chapter 163, Florida Statutes. Generally, one advertisement with a minimum size of 2 columns wide by 10 inches long in a standard size or tabloid size newspaper published at least fourteen (14) calendar days prior to the Planning Commission's public hearing is required.

To enhance public awareness and participation at Planning Commission Public Hearing of minority and neighborhood groups, advertisements will be placed in no less than two minority or neighborhood newspapers at least seven (7) calendar days prior to the Planning Commission public hearing.

Sign Posting:

This provisions applies to proposed amendments to the Future Land Use Map of the Tampa Comprehensive Plan. To enhance public awareness and participation at the Planning Commission Public Hearing, when plan amendments are to be considered, the Planning Commission staff shall post a sign or signs in the area of the proposed amendment informing the public of the substance of the proposed action, indicating the date, time and place of the Planning Commission Public Hearing, and informing the public where additional information may be obtained. Said posting shall be accomplished at least fourteen (14) calendar days prior to the Planning Commission Public Hearing.

Mail Notification:

In addition, for proposed amendments which involve land areas which comprise less than 5% of the total area of the City of Tampa, each real property owners the use of whose land may be altered by enactment of the proposed amendment and each real property owner within two hundred fifty (250) feet, ~~including~~ excluding roads and streets, in all directions from the subject property of the proposed plan amendment whose address is known by reference to the latest ad valorem tax records, shall be notified by Planning Commission staff of the date, time and place of the Planning Commission's public hearing, by regular mail. The required notice shall also state the substance of the proposed amendment and shall be mailed at least (14) calendar days prior to the Planning Commission's public hearing. Failure of the notice described in this paragraph to be sent or received shall not constitute grounds for invalidation of any action taken by the Planning Commission with respect to any plan amendment.

In addition, Planning Commission staff shall notify by mail the officially registered neighborhood association, as registered with the City of Tampa, in which the subject property is located, and to all other officially registered neighborhood associations that lie within two hundred fifty (250) feet, including roads and streets, in all direction from the subject property. If the subject property does not lie within the boundaries of an officially registered neighborhood association or if no officially registered neighborhood association exists within the aforementioned distance measurements, the Planning Commission staff shall mail the notice required herein to the closest officially registered neighborhood association, as measured in a straight line, on the 'neighborhood association map'. The notice shall be mailed at least thirty (30) calendar days prior to the public hearing and a copy of the notice shall be kept available for public inspection during regular business hours in the office of the Hillsborough County City-County Planning Commission. This requirement applies to all types of Future Land Use Element Amendments.

During review of the proposed amendment by the Planning Commission, the public shall be given opportunities to review the proposal and/or alternatives, if any, at the Planning Commission's offices; to respond verbally and in writing; and to discuss the proposal in open meetings and public hearings as provided herein. The Planning Commission may establish a public participation plan as provided herein for each plan amendment request.

In order to facilitate dissemination of information concerning plan amendment requests:

The Planning Commission shall notify and provide information on the proposed amendment to those representatives of the media who have filed a written request for such notice with the Planning Commission;

The Planning Commission may meet with and brief interested parties during the review of the proposed plan amendment; and,

The Planning Commission may establish ad hoc advisory committees to aid in the review of the proposed amendment.

Copies of all documents and correspondence relative to the Planning Commission's processing of, or recommendations on, a plan amendment request shall be maintained at the offices of the Planning Commission.

For any plan amendment request where the requesting party is not the Planning Commission, the Tampa City Council or the Mayor, notice of the date, time and place of the Planning Commission's public hearing shall be mailed to the requesting party or its

representative by regular mail, at least fourteen (14) calendar days prior to the Planning Commission's public hearing.

Continuation of Plan Amendment Requests

(A) Upon request by the requesting party, formal plan amendment review may be continued to the next Planning Commission Public Hearing date in the next succeeding review period, subject to the provisions set for herein:

(1) A request for continuation must be in writing and addressed to the Executive Director or Chairperson of the Planning Commission at the Planning Commission's official address.

(2) Request for continuation received ~~21~~ 45 or more calendar days prior to the established Planning Commission Public Hearing date shall result in the plan amendment request being excluded from the advertisement of the Planning Commission Public Hearing.

(3) Requests for continuation received less than ~~21~~ 45 calendar days prior to the Planning Commission Public Hearing may require payment of additional advertising fees to cover the advertising expense for any subsequent Planning Commission Public Hearing.

(4) No request for continuation shall be granted after the Planning Commission makes its recommendation regarding the plan amendment request unless granted by the Tampa City Council.

(5) Continuation of the Planning Commission Public Hearing may be requested by the applicant a maximum of two times. Continuances may only be permitted to the next succeeding Amendment Review Cycle. Skipping an Amendment Review Cycle is prohibited. In the event the applicant chooses to forgo continuing to a succeeding Amendment Review Cycle, this would constitute a withdrawal of the application and the applicant would need to reapply. This provision in no way limits the right for the Planning Commission to authorize continuances.

(B) Continuation of a plan amendment request may also result from the failure to timely remit the fees, as required by the Schedule of Fees attached hereto and by reference made a part hereof. Requesting parties are urged to familiarize themselves with the schedule of fees and the time limits set forth therein.

A Continuance Fee shall be applied to each continued amendment pursuant to the Fee Schedule at the beginning of each Amendment Review Cycle. Failure to remit this fee by the Amendment Review Cycle application deadline will result in the withdrawal of said amendment application.

- (C) Any Planning Commission public hearing may be continued by the Planning Commission for the purpose of receiving additional testimony, obtaining additional information, or undertaking further study with respect to the plan amendment request.
- (D) Any Planning Commission Public Hearing continued by either the requesting party or the Planning Commission may result in the plan amendment request being continued past the current review period, in which case the plan amendment request may be considered during the next following review period.
- (E) The presentation of factual information by the requesting party at the Planning Commission public hearing, which factual information is beyond the scope of either that submitted to the Planning Commission staff at the time of application, or received and accepted by the Planning Commission staff subsequent to submittal of the plan amendment request, shall constitute grounds for continuation of the public hearing to the next Plan Amendment review cycle. Additional information must be submitted at least 14 days prior to the date of the public hearing if it is to be considered at said public hearing.
- (F) The presentation of factual information by the requesting party at the Tampa City Council's public hearing, which factual information is beyond the scope of either that submitted to the Planning Commission staff at the time of application, or received and accepted by the Planning Commission staff subsequent to submittal of the plan amendment request, or considered by the Planning Commission at its hearing shall constitute grounds for continuation of the public hearing to the next Plan Amendment review cycle. Additional information must be submitted at least 14 days prior to the date of the public hearing if it is to be considered at said public hearing.

VIII. The Tampa City Council Public Hearing Process

Overview

Generally, once the Planning Commission has completed the public hearing for a plan amendment(s), it is transmitted to Tampa City Council in advance of their scheduled hearing date.

City Council also conducts public hearings. The hearing is advertised in a newspaper. Regular, Development of Regional Impact, Evaluation and Appraisal Report and Emergency Plan Amendments require formal State review after the first public hearing. Once that review is complete, a second, and possibly a third, public hearing is conducted to adopt the amendment(s).

Small Scale and Capital Improvements Element plan amendments do not require formal State review. These types of amendments affect the timing of the public hearings, and the first public hearing for such amendments shall be an adoption hearing per state statute.

City Council may state the intention not to adopt an amendment at any time during this process. When that happens, the amendment process is terminated for that petition.

Notwithstanding any provision of this Procedures Manual, Section 163.32465, Fla. Stat. entitled "State Review of Local Comprehensive Plans in Urban Areas", shall control in the event that any provision of the Procedures is inconsistent with the such statute.

The First Public Hearing (Advertised)

Regular, Development of Regional Impact, Evaluation and Appraisal Report, Emergency Plan Amendments Which Require State & Regional Review

After receipt of the Planning Commission's recommendation, the Tampa City Council shall hold at least one advertised public hearing to declare an intent to not adopt the plan amendment or to allow it to continue as submitted by the petitioner or with changes. This hearing is typically called a 'transmittal' public hearing. If City Council's intention is to not adopt the proposed amendment, the process is complete for the plan amendment and no further action by staff or City Council is required. If City Council's intention is to allow the proposed amendment to continue with or without changes, then the amendment must be transmitted to the Florida State Department of Community Affairs (DCA), other state, regional, and county agencies as required by Chapter 163.3184 F.S. for formal review, in a manner and schedule consistent with law. The first advertised Public Hearing shall be held on a weekday, approximately 7 calendar days after the advertisement for the public hearing is published.

Small Scale, Capital Improvements Element Plan Amendments

After receipt of the Planning Commission's recommendation, the Tampa City Council shall hold at least one advertised public hearing to declare an intent to adopt the amendment as proposed or adopt it with changes or to not adopt. If City Council's intention is to not adopt the proposed amendment, the process is complete for the plan amendment and no further action by staff or City Council is required. If City Council's intention is to adopt the amendment as proposed with or without changes, then the City will conduct a second public hearing for the purposes of reading for the second time, the ordinance adopting the amendment.

The Second Public Hearing (Advertised)

Regular, Development of Regional Impact, Evaluation and Appraisal Report, Emergency Plan Amendments Which Require State & Regional Review

Within 60 days after receipt of DCA's comments regarding proposed amendments, the Tampa City Council shall adopt, adopt with changes, or determine that it will not adopt a proposed plan amendment. Tampa City Council shall have 120 days to adopt or adopt with changes those plan amendments associated with the Evaluation and Appraisal Report.

The purpose of this second hearing is to consider DCA's comments, if any, take additional public testimony, and either adopt or not adopt the proposed amendment. The second public hearing shall be held approximately 5 days after the advertisement for the public hearing is published, and shall be held after 5:00 p.m. on a weekday, unless the City Council, by a majority plus one vote, elects to conduct the public hearing at another time of day. If City Council votes to not adopt the proposed amendment, the process is complete for that plan amendment and no further action by staff or City Council is required.

If City Council's intention is to adopt the amendment as proposed with or without changes, then the City will conduct another (third) public hearing for the purposes of reading for the second time, the ordinance adopting the amendment.

Small Scale, Capital Improvements Element Plan Amendments

The purpose of this hearing is to read for the second time, the ordinance adopting the plan amendment. This concludes City Council's actions and the plan amendment has been adopted by ordinance as a result.

This hearing may not be held any earlier than 10 business days after the first public hearing. This hearing shall be held approximately 5 days after the advertisement for the Public Hearing is published.

The Third Public Hearing

Regular, Development of Regional Impact, Evaluation and Appraisal Report, Emergency Plan Amendments Which Require State & Regional Review

The purpose of this hearing is to read for the second time, the ordinance adopting the plan amendment. This concludes City Council's actions and the plan amendment has been adopted by ordinance as a result.

This hearing may not be held any earlier than 10 business days after the second public hearing.

Advertising the Public Hearings and Additional Notification

~~Public Hearing Advertisement Requirements — Large Scale Plan Amendments Which Change the Actual List or Change the Future Land Use Map Designation and Small Scale (Future Land Use Map Designation) Plan Amendments Initiated by the City (“Plan Amendments”)~~

Advertising the time, place and subject matter of the plan amendment public hearing with Tampa City Council is required. The required advertisement shall be no less than two columns wide by ten inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the City and of general interest and readership in the community, not one of limited subject matter, pursuant to Chapter 50, Florida Statutes. Whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week. The advertisement shall be substantially in a form that is consistent with s. 166.041(3)(c)2.b, Florida Statutes, provided, however, that consistent with such statute only advertisements for plan amendments which change the actual future land use map designation of a parcel or parcels of land shall be required to contain a geographic location map of the area covered by the plan amendment.

Additional Notice Requirements

Mail Notification:

In addition to all other notice requirements for the first advertised Public Hearing, as set forth in this manual, if a proposed Future Land Use Element amendment involves less than 5 percent of the total land area of the City of Tampa, the Tampa City Council shall direct the City Clerk to notify by mail each real property owner the use of whose land the Tampa City Council may alter by enactment of the proposed amendment and each real property owner within two hundred fifty (250) feet, ~~including~~ excluding roads and streets, in all directions from the subject property of the proposed plan amendment whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposal as it affects that property owner and shall set forth the date, time and place of the scheduled Public Hearing to be held by the Tampa City Council on the proposal. The notice shall be mailed at least 30 calendar days prior to the first advertised Public Hearing before the Tampa City Council and a copy of the notice shall be kept available for public inspection during regular business hours in the office of the City Clerk. This requirement applies to first and second Tampa City Council Public Hearings.

In addition, the Tampa City Council shall direct the City Clerk to notify by mail the officially registered neighborhood association, as registered with the City of Tampa, in which the subject property is located, and to all other officially registered neighborhood associations that lie within two hundred fifty (250) feet, ~~including~~ excluding roads and

streets, in all direction from the subject property. If the subject property does not lie within the boundaries of an officially registered neighborhood association or if no officially registered neighborhood association exists within the aforementioned distance measurements, the City Clerk shall mail the notice required herein to the closest officially registered neighborhood association, as measured in a straight line, on the 'neighborhood association map'. The notice shall be mailed at least thirty (30) calendar days prior to the first advertised Public Hearing before the Tampa City Council and a copy of the notice shall be kept available for public inspection during regular business hours in the office of the City Clerk.

Sign Posting:

To enhance public awareness and participation at the Tampa City Council Public Hearing, if a proposed Future Land Use Element or amendment thereto involves less than 5% of the total land area of the City of Tampa, Planning Commission staff shall post a sign or signs in the area of the proposed amendment informing the public of the substance of the proposed action, indicating the date, time and place of the Tampa City Council Public Hearing, and informing the public where additional information may be obtained. Said posting shall be accomplished at least 30 calendar days prior to the first Tampa City Council Public Hearing.

Tampa City Council Transmits Plan Amendments to the State for Review

All plan amendments must be transmitted to the State. However, not all plan amendments require formal consistency review by the State. In the case when multiple plan amendments are transmitted to the State, they must be clearly and legally separated and distinguished for the purpose of identifying which amendments are not subject to formal State consistency review.

If the plan amendment requires transmittal to the State and Region for formal review, the Planning Commission staff, on behalf of the Tampa City Council, shall transmit the complete proposed plan amendment(s) to the Department of Community Affairs, the appropriate regional planning council and water management district, the Department of Environmental Protection, the Department of Transportation, Hillsborough County and others immediately following a public hearing pursuant to subsection (15) of DCA's procedural rules; and copies of support document(s) or summaries of such support documents on which the recommendation regarding the proposed plan amendment(s) are based, in accordance with Chapter 163, F.S., subsection (15) of DCA's procedural rules and Rule 9J-11, FAC.

DCA's Review

DCA shall review a proposed plan amendment in accordance with the time frame established in Chapter 163, F.S. DCA may comment on a proposed plan amendment and may transmit to the Tampa City Council its comments, recommendations for modifications, and/or objections to a proposed amendment.

IX. Procedure for Adoption

The City shall adopt amendments that are exempt from State review by separate ordinance from the amendments which are subject to State review.

Regular Plan Amendment

Requires affirmative vote of not less than a majority of the total membership of the Tampa City Council, and shall be adopted by ordinance.

Small Scale Plan Amendment

Requires affirmative vote of a majority plus one of the total membership of the Tampa City Council, and shall be adopted by ordinance.

Capital Improvements Element Amendment

Requires affirmative vote of not less than a majority of the total membership of the Tampa City Council, and shall be adopted by ordinance.

Evaluation and Appraisal Report Based Amendment

Requires affirmative vote of not less than a majority of the total membership of the Tampa City Council, and shall be adopted by ordinance.

Development of Regional Impact Plan Amendment

Requires affirmative vote of not less than a majority of the total membership of the Tampa City Council, and shall be adopted by ordinance.

Emergency Plan Amendment

Adoption of an emergency plan amendment shall require a vote of approval of all members of the Tampa City Council.

Effect and Legal Status of Comments

Any comments, recommendations, or objections to a proposed plan amendment which are submitted by the reviewing agencies are public documents, and part of the permanent record in the matter.

Effective Date of Adopted Amendments

Amendments that required formal state review may become effective once the State issues their Notice of Intent to find the amendments in compliance. In addition to notice by mail, the Notice of Intent will be published in the legal section of the Tampa Tribune and will be posted on the state's website and others in accordance with Florida Statutes. The Notice of Intent is published approximately 45 days after receipt of the City's adopted plan amendment submittal by the state. Amendments that do not require formal state review may become effective 31 days after adoption.

X. Post Adoption Follow-up (Regular, Small Scale, Development of Regional Impact, Evaluation and Appraisal Report and Emergency Plan Amendments)

In accordance with Chapter 163, FS and Rule 9J-11 FAC, the Planning Commission staff on behalf of the Tampa City Council shall transmit adopted plan amendment(s) to DCA within 10 business days after adoption pursuant to DCA's procedural rules. The Planning Commission staff shall also transmit a copy of the adopted plan amendment(s) to the regional planning agency to allow the Council to immediately begin a final determination of the adopted amendment's compliance review with the regional plan.

Additionally, the Planning Commission staff on behalf of the Tampa City Council shall transmit a copy of the adopted plan amendment to all units of local government and governmental agencies within the State as required by law, as well as, any other unit of local government or governmental agency that has filed a written request with the City of Tampa for a copy of such amendments.

XI. Fees

The Tampa City Council may adopt a schedule of reasonable application and review fees to defray the costs associated with the processing of plan amendments. These fees may cover staff time required for research, preparation, due public notice, and/or other costs associated with processing of the plan amendment. The Tampa City Council may provide for different fees related to the type, size and/or complexity of the plan amendment request. Said fees shall be adopted by resolution of the Tampa City Council. Neither the Tampa City Council, Mayor nor the Planning Commission shall be required to submit any fees when either is the requesting party for a plan amendment.

Schedule of Fees

The following is a schedule and description of fees and costs associated with a plan amendment.

Application fee

- \$3,000 for Future Land Use Map amendments 500 acres or more in size. (Required by all petitioners except Tampa City Council, Tampa City Administration and the Planning Commission. Due at time of application and payable to the Planning Commission.)
- \$1,000 for Future Land Use Map amendments less than 500 acres in size. (Required by all petitioners except Tampa City Council, Tampa City Administration and the Planning Commission. Due at time of application and payable to the Planning Commission.)

Planning Commission Public Hearing Costs

- Pro-rata share of newspaper advertising costs. The number of ads, size, frequency and type of publication is defined in the current version of the Planning Commission's Public Information Program, consistent with requirements of Part II, Chapter 163, Florida Statutes. Please contact the Planning Commission for further information and estimate of these costs. The cost of advertising is made payable directly to the newspaper and is remitted to the Planning Commission. This is due no later than ~~45~~ 14 days prior to the Planning Commission's public hearing. (Required by all petitioners except Tampa City Council, Tampa City Administration and the Planning Commission.)
- Individual, mail notification to property owners and Neighborhood Groups in the plan amendment study area, where required by law. ~~There is no cost assessed to the petitioner for this requirement.~~
- Sign posting on property affected by the proposed plan amendment, where required by law. There is no cost assessed to the petitioner for this requirement.

Tampa City Council Public Hearing Costs

- Pro-rata share of newspaper advertising costs. The number of ads, size, frequency and type of publication is defined in this manual. Please contact the Planning Commission for further information and estimate of these costs. The cost of advertising is made payable directly to the City of Tampa and is remitted to the Planning Commission. This is due no later than 44 45 days prior to Tampa City Council's first public hearing. (Required by all petitioners except Tampa City Council, Tampa City Administration and the Planning Commission.)
- Individual, mail notification to property owners in the plan amendment study area, where required by law. There is no cost assessed to the petitioner for this requirement.
- Sign posting on property affected by the proposed plan amendment, where required by law. There is no cost assessed to the petitioner for this requirement.

Notes:

- All fees assessed and collected pursuant to this Section are non-refundable.
- Advertising fees will be based upon actual costs at the time fees are due and payable.
- The fees collected pursuant to this Resolution shall be utilized solely to meet the costs associated with the review of land use plan amendments as described herein.
- The Planning Commission may review the adopted Schedule of Fees so as to ensure that fees accurately reflect costs for staff time for review of requests for plan amendments, and costs for required Public Notices. Costs for newspaper advertisements shall be evaluated in a manner so as to determine the least costly alternative for providing adequate and effective public notice as required by law. After conducting such a review, the Planning Commission staff may, when changes to the fee schedule are necessary, recommend changes to the adopted fee schedule at a regularly scheduled meeting of the Planning Commission to achieve the objectives described in this paragraph. The Planning Commission may, after receiving the Planning Commission staff's recommendation, adopt a resolution recommending change(s) to the fee schedule to the City of Tampa.

Failure to Timely Remit Fees

Any requested party who fails to remit the required fees prior to or on the deadlines established in this manual will be notified by Planning Commission staff of such

delinquency by certified mail, return receipt requested. Failure to remit the required fees within 7 days following receipt of such notice of delinquency shall result in the automatic continuation of the plan amendment request to the next regular review period. If payment of such fees has not been made by the first day of the next applicable review period, then such plan amendment request shall be considered to have been withdrawn by the requesting party. For plan amendment request associated with a Development of Regional Impact, substantial deviation, or Florida Quality Development, failure to remit the required fees within 7 days following receipt of a notice of delinquency shall result in the plan amendment request being treated as regular plan amendment request and being continued to the next request review period.