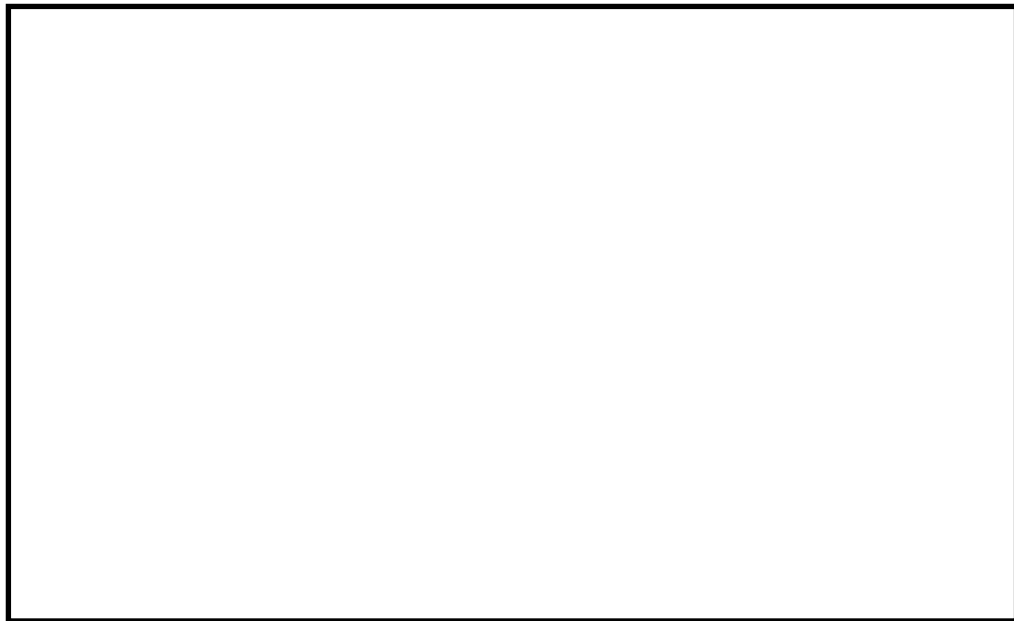




Procedures Manual ~~and Fee Schedule~~

for Amendments to the
Future of Hillsborough Comprehensive Plan



Adopted by the BOCC ~~May 27, 2003 (Effective Date May 27, 2003).~~



Procedures Manual ~~and Fee Schedule~~

for Amendments to the
Future of Hillsborough Comprehensive Plan

Hillsborough County

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Executive Director

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PROCEDURES MANUAL FOR AMENDMENTS TO THE COMPREHENSIVE PLAN FOR UNINCORPORATED COUNTY

1.00 A SUMMARY OF THE PLAN AMENDMENT PROCESS

A plan amendment may be initiated by the Board of County Commissioners (BOCC), any affected person (as defined in Section 7.70 of this manual), or the Local Planning Agency (LPA). In Hillsborough County, the Local Planning Agency is the Hillsborough County City-County Planning Commission. There are several types of Plan Amendments, which include text amendments and map amendments.

Text amendments can change or add to the actual text of the *Future of Hillsborough* Comprehensive Plan. A map amendment can change the designation of an area on one of several comprehensive plan maps. The most common map amendment is an amendment to the Future Land Use map. Land use amendments change the land use category on the Future Land Use map of any real property in UNINCORPORATED Hillsborough County. Land use categories limit the maximum density, in cases of residential development, and intensity, in cases of nonresidential development. See Section 7.20 for a definition of "Amendment".

There are several steps involved in the plan amendment process. Generally, these are as follows:

- (1) Pre-Application Conference - In this step, the applicant meets with the Planning Commission staff to discuss the possibility of requesting a plan amendment, as well as submittal requirements, the process, fees, and responsibilities.
- (2) Application Conference- Section 2.30 describes the various items needed to be submitted for a complete application. The application is verified for completeness at the application conference. A submitted application is collected with other proposed amendments and all are considered as one group. Amendments are processed as a group of applications due to Florida Statutes limitation regarding adoption of amendments to the plan to two times per calendar year.
- (3) Planning Commission Public Hearing - After due public notice, a public hearing will be held. In this hearing, and after comments from Planning Commission staff, the applicant, and other concerned citizens, the Planning Commission will vote either to recommend approval, approval with modifications, or denial of each of the proposed amendment.

- (4) Hillsborough County Board of County Commissioners First Public Hearing (Transmittal Stage) - After due public notice, a public hearing will be held. In this meeting, and after hearing comments from Planning Commission staff, the applicant, and other concerned citizens, the County Commissioners will vote either to submit the amendment for state review or deny the proposed amendment. After the vote, all text amendments and map amendments approved for transmittal will be submitted to the state and regional agencies as one group. [Note: Small scale amendments require only one public hearing at which the County Commissioners vote to adopt or deny the proposed amendment. A copy of BOCC actions for small scale amendments is sent to the Florida Department of Community Affairs (DCA) and Tampa Bay Regional Planning Council.]
- (5) State Review - After the first public hearing by the BOCC, the entire group of plan amendments approved for transmittal is sent to the Florida Department of Community Affairs (DCA) and other reviewing agencies for review and comment. After review, an *objections, comments, and recommendations report* on each proposed amendment in the amendment group is sent back to the BOCC for consideration of action.
- (6) Hillsborough County Board of County Commissioners Second Public Hearing (Adoption Stage - Consideration of Final Approval or Denial) - Once the state's comments are reviewed, and after due public notice, the second and final BOCC public hearing is held. A copy of BOCC actions for every amendment, regardless of approval or denial, is submitted to DCA.

The following factors should be considered when applying for a plan amendment:

- (1) Time and Scheduling Procedures - A plan amendment requires detailed study and review by several local, regional, and state agencies. As a result, the procedure may take up to a year between application and consideration of final approval or denial. Deadlines for application and submittal of required additional information must be met. The following figure provides a generalized depiction of the plan amendment process and schedule.
- (2) Required Public Notice - Florida Statutes and other legislation require very specific notice procedures. Each proposed amendment must be noticed by the appropriate means (i.e.: ~~proof of mailing~~ mailed notice, posting of signs, advertisements in the paper) prior to each public hearing. Missing any one of the notice requirements or inadequately noticing the hearing will result with the amendment not being heard, the hearing being rescheduled, or the amendment being continued and processed with the group of amendments in the next

regular review period. The following figure provides a generalized depiction of the plan amendment schedule.

- (3) Required Costs - A plan amendment requires the payment of fees for both review, and for notices and advertisements. These fees are non-refundable. See [Planning Commission Schedule of Fees](#), ~~Section 2, in the back of this document for fees.~~

Generalized (REGULAR/LARGE SCALE) Plan Amendment Schedule for Unincorporated Hillsborough County

	Mar - Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
SEPTEMBER GROUP	<div style="display: flex; flex-direction: column; align-items: center;"> <div style="display: flex; justify-content: space-between; width: 100%;"> <div style="width: 15%; border: 1px solid black; padding: 5px;">Pre-Application Conference & Submittal (by Sept 1)</div> <div style="width: 60%; border: 1px solid black; padding: 5px; text-align: center;"> Planning Commission Staff Review and Recommendation </div> <div style="width: 15%; border: 1px solid black; padding: 5px;"> Planning Commission Public Hearing </div> </div> <div style="display: flex; justify-content: space-between; width: 100%; margin-top: 10px;"> <div style="width: 15%; border: 1px solid black; padding: 5px;">BOCC 1st Public Hearing</div> <div style="width: 60%; border: 1px solid black; padding: 5px; text-align: center;"> State & Regional Reviews/ DCA "Consistency" Review ORC Report </div> <div style="width: 15%; border: 1px solid black; padding: 5px;">BOCC 2nd Public Hearing</div> </div> <div style="display: flex; justify-content: space-between; width: 100%; margin-top: 10px;"> <div style="width: 15%;"></div> <div style="width: 60%; border: 1px solid black; padding: 5px; text-align: center;"> DCA "Compliance" Review Notice of Intent </div> <div style="width: 15%;"></div> </div> </div>													

	Sep - Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
FEBRUARY GROUP	<div style="display: flex; flex-direction: column; align-items: center;"> <div style="display: flex; justify-content: space-between; width: 100%;"> <div style="width: 15%; border: 1px solid black; padding: 5px;">Pre-Application Conference & Submittal (by last day of Feb)</div> <div style="width: 60%; border: 1px solid black; padding: 5px; text-align: center;"> Planning Commission Staff Review and Recommendation </div> <div style="width: 15%; border: 1px solid black; padding: 5px;"> Planning Commission Public Hearing </div> </div> <div style="display: flex; justify-content: space-between; width: 100%; margin-top: 10px;"> <div style="width: 15%; border: 1px solid black; padding: 5px;">BOCC 1st Public Hearing</div> <div style="width: 60%; border: 1px solid black; padding: 5px; text-align: center;"> State & Regional Reviews/ DCA "Consistency" Review ORC Report </div> <div style="width: 15%; border: 1px solid black; padding: 5px;">BOCC 2nd Public Hearing</div> </div> <div style="display: flex; justify-content: space-between; width: 100%; margin-top: 10px;"> <div style="width: 15%;"></div> <div style="width: 60%; border: 1px solid black; padding: 5px; text-align: center;"> DCA "Compliance" Review Notice of Intent </div> <div style="width: 15%;"></div> </div> </div>												

NOTE - The timeline shown is illustrative only and approximates when public hearings may be scheduled to occur. All requirements of Florida Statutes, Laws of Florida, Florida Administrative Code, and all associated notice requirements must be met

during the plan amendment process. Neither the Planning Commission nor the Hillsborough County Board of Commissioners can assure any applicant that a plan amendment will be completed within the time frame shown above.

|

2.00 REQUESTING A PLAN AMENDMENT

2.10 WHO CAN REQUEST A PLAN AMENDMENT

Any plan amendment may be initiated by the BOCC or the LPA.

Emergency plan amendments may be initiated only by the LPA or the BOCC following adoption by the BOCC of a resolution declaring an emergency and setting forth the grounds therefore.

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, or where change affecting large regions of UNINCORPORATED Hillsborough County is requested, may be initiated by the LPA, the BOCC, or by any other affected person. All applicants, including the local and state agencies, and quasi-public agencies shall following the pre-submittal process outlined in Section 2.21 prior to submission of any type of Plan Amendment.

Any of the aforementioned, when making a plan amendment request, shall be referred to herein as the requesting party.

2.20 CONFERENCE WITH APPLICANT

Meetings between the LPA staff and the requesting party and/or representative(s), shall be limited to the following conferences except when withdrawing an application.

2.21 Pre-Application Conference

Pre-application conferences with the LPA 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.

Additionally, the applicable study area for a plan amendment request shall be initially established by LPA staff at the pre-application conference. Pre-application conferences shall take place at least 15 days prior to the actual filing of the plan amendment request.

No plan amendment request shall be accepted by the LPA when the requesting party has not participated in a timely pre-application conference.

Any information presented by the requesting party and any comment made by the LPA staff at the pre-application conference shall be recorded at the pre-application conference. A form developed by the LPA for recording the information received at the pre-application conference shall be used.

The form shall include: the name of the requesting party; the name of the person attending the pre-application conference on behalf of the requesting party and his relationship to the requesting party; the name of the LPA staff member conducting the pre-application conference; the date and time of the pre-application conference; the signature of the LPA staff member; the signature of the person attending the pre-application conference on behalf of the requesting party; and any additional information received at the pre-application conference.

The person attending the pre-application conference on behalf of the requesting party shall receive a copy of this form at the conclusion of the pre-application conference. A copy of this form shall also be placed in the plan amendment file at the time the plan amendment request is officially received. ~~When either the BOCC or the LPA is the requesting party, a pre-application conference shall not be required.~~

Those persons anticipating requesting a plan amendment encompassing 2,000 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.

2.22 Application Submission Conference

The requesting party is required to schedule an application conference with the LPA staff to submit an application for a plan amendment on or prior to the submittal deadline ~~(incomplete applications will not be accepted unless otherwise agreed upon during the official pre-application conference, except as provided for in section 2.32 below. Therefore, it is recommended required that Tthe -conference shall take place at least two days- one week prior to the submission deadline to allow time to gather any missing data or materials).~~ No applications will be accepted after 4:00 p.m. on the day of the 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.

2.30 FORM AND CONTENT OF REQUEST FOR AMENDMENT

All requests for plan amendments shall be submitted in writing to the Chairperson of the LPA at the LPA's official address. Any request 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 *Future of Hillsborough* Comprehensive Plan.

Each map and text amendment shall constitute a separate ~~individual amendment~~ applications. Revisions to the Urban Service Area boundary, Community Plan boundaries and any overlay boundaries shall constitute a separate plan amendment ((even in conjunction with a land use change proposal).

Note: One map amendment per parcel may be submitted during an individual Plan Amendment Cycle. Multiple map amendment requests are prohibited on an individual parcels regardless of whether it is a portion or the entire tract. The does not prohibit multiple land use categories changes on or within parcel boundaries, as long as there is no overlap.

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;
- (3) A listing of the Property Appraiser's tax folio numbers and a copy of the applicant's deed(s) to the property subject to the proposed plan amendment. If the plan amendment proposes to make parts of the property subject to more than one land use classification, then separate legal descriptions for each parcel and/or part of a tax folio parcel proposed for a different land use classification must also be submitted.;
- (4) The name(s) 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) A graphic representation of the subject property in context with roads and surrounding properties (a sketch map, an aerial, or other graphic media maybe submitted which clearly indicates and delineates the subject property requested for amendment);
- (7) 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. The LPA may develop a standardized form to be used for this purpose; and

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

When the LPA or the BOCC is the requesting party, neither the LPA nor the BOCC shall be required to obtain copies of deeds or the written consent of the owners of properties for which change is being considered.

Additional Materials for Plan Amendment Requests Involving Study Areas of Less Than 5% of Unincorporated Hillsborough County

In addition to the information required by Section 2.30 to be submitted along with any plan amendment request, which involves a study area comprising less than 5% of unincorporated Hillsborough County, the requesting party shall furnish to the LPA staff: a list of tax folio numbers for each parcel of real property that is proposed to be changed; and the addresses of Registered Neighborhood Group(s), (pursuant to the Neighborhood Bill of Rights), located within one (1) mile of the established study area. Said folio numbers shall be obtained by reference to the latest ad valorem tax records. Failure to provide the information required by this Section within the time limits specified herein shall result in the following: (1) for any regular plan amendment, a continuance to the next succeeding regular review period; (2) for any plan amendment request associated with a DRI, substantial deviation, or FQD, the plan amendment request shall be treated as a regular plan amendment and shall be continued to the next regular review period. If the information required by this Section has not been furnished to the LPA by the first day of the next applicable review period the plan amendment request shall be considered as having been withdrawn by the requesting party.

LPA staff may, upon written request demonstrating good cause, allow a party an extension of time of not more than 14 days to provide the information required by this Section.

Development of Regional Impact or Florida Quality Development

In addition to the foregoing, for any plan amendment request directly related to a proposed Development of Regional Impact (hereinafter DRI), including changes which have been determined to be a substantial deviation as defined by Section 380.06(19), Florida Statutes, or a proposed Florida Quality Development (hereinafter FQD), the requesting party shall also submit copies of all materials provided to the Tampa Bay Regional Planning Council (hereinafter TBRPC) and to the Department of Community

Affairs (hereinafter 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 for such a plan amendment shall be accepted by the LPA prior to the LPA's receipt of the Notification of Pre-Application Meeting for the proposed DRI, substantial deviation, or FQD, from TBRPC.

~~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 request.~~

2.31 Additional Content of Large Scale Plan Amendment Requests

Plan amendment requests encompassing study areas of 2,000 acres or more (herein referred to as large scale plan amendment requests) require significant staff time for review and analysis over and above plan amendment requests of a lesser scale. Accordingly, in addition to the information required by Section 2.30 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 LPA and BOCC review of 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 LPA staff shall initially agree upon the additional information which will be required under this Section for review of a large scale plan amendment request, and shall establish a timetable for provision of such information. 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.

~~**2.32 Additional Materials for Plan Amendment Requests Involving Study Areas of Less Than 5% of Unincorporated Hillsborough County**~~

~~In addition to the information required by Section 2.30 to be submitted along with any plan amendment request, which involves a study area comprising less than 5% of unincorporated Hillsborough County, the requesting party shall furnish to the LPA staff: a list of tax folio numbers for each parcel of real property that is proposed to be changed; and the addresses of Registered Neighborhood Group(s), (pursuant to the~~

~~Neighborhood Bill of Rights,), located within one (1) mile of the established study area. Said folio numbers shall be obtained by reference to the latest ad valorem tax records. Failure to provide the information required by this Section within the time limits specified herein shall result in the following: (1) for any regular plan amendment, a continuance to the next succeeding regular review period; (2) for any plan amendment request associated with a DRI, substantial deviation, or FQD, the plan amendment request shall be treated as a regular plan amendment and shall be continued to the next regular review period. If the information required by this Section has not been furnished to the LPA by the first day of the next applicable review period the plan amendment request shall be considered as having been withdrawn by the requesting party.~~

~~LPA staff may, upon written request demonstrating good cause, allow a party an extension of time of not more than 14 days to provide the information required by this Section.~~

2.323 Alteration of Plan Amendment Request

Any alteration or revision of a plan amendment request which has been filed with the LPA, 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 involves a change in land use designation acreage of less than 20% of the original request or revision to proposed text changes, must be received by the LPA 21-45 days or more in advance of the scheduled LPA Public Hearing in order for the Public Hearing to take place. Any alteration or revision received by the LPA less than 21-45 days prior to the LPA Public Hearing shall constitute a continuation and shall be subject to the provisions of Section 4.23 (Continuation of Plan Amendment Requests).

Any request for an alteration or revision must be in writing addressed to the Chairperson of the LPA at the LPA's official address. It is the intent of this section to better facilitate the decision-making process of the LPA by allowing LPA staff sufficient time to review a request; insuring open communication between the requesting party and the LPA; and insuring that interested parties have sufficient time before the LPA Public Hearing to review the plan amendment request.

2.334 Supplemental Information

The LPA 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 LPA 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.

2.40 (RESERVED FOR FUTURE USE)

~~2.40 LPA STAFF'S RESPONSIBILITIES~~

~~With each submittal of a plan amendment request, the LPA 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 LPA.~~

2.50 PUBLIC PARTICIPATION REQUIREMENTS

During review of the proposed amendment by the LPA and the BOCC, the public shall be given opportunities to review the proposal and/or alternatives, if any, at the LPA's offices; to respond verbally and in writing; and to discuss the proposal in open meetings and public hearings as provided in accordance with requirements of Chapter 163.3161 et seq., Florida Statutes, and Chapter 97-351, Laws of Florida. In order to facilitate dissemination of information concerning plan amendment requests, the LPA may establish a public participation plan as provided herein for each plan amendment request. If established, the public participation plan shall take into consideration the nature of the amendment and the impact on affected parties. ~~Registered Neighborhood Group(s) will be notified no later than fifteen (15) days from the applicant's filing date.~~ The public participation plan shall include at least one of the following:

- (1) The LPA 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 LPA. Where the adopted public participation plan includes the notice described in this subsection, notice to such media representatives of the LPA hearing shall satisfy this requirement of the public participation plan;
- (2) The LPA may meet with and brief interested parties during the review of the proposed comprehensive plan amendment;

- (3) The LPA may establish ad hoc advisory committees to aid in the review of the proposed amendment;
- (4) The LPA may require notice of the LPA and BOCC public hearings on the proposed amendment to be published in a newspaper oriented toward a particular neighborhood or segment of the community if it is determined that the proposed amendment has the potential to significantly impact one or more identifiable neighborhoods or segments of the community.

(5) For proposed amendments which involve study areas which comprise less than 5% of the total area of unincorporated Hillsborough County, the requesting party, all affected property owners whose address is known by reference to the latest ad valorem tax records, and Registered Neighborhood Groups, (pursuant to the Neighborhood Bill of Rights), located within one (1) mile of the study area shall be notified of the date, time and place of the LPA's public hearing and BOCC public hearings. The required notice shall also state the substance and description of the proposed amendment(s) and shall be mailed at least thirty (30) days prior to the LPA's public hearing. Failure of the notice described in this paragraph to be received shall not constitute grounds for invalidation of any action taken by the LPA with respect to any plan amendment.

The LPA staff shall report to the LPA and the BOCC on the extent of public participation, under the above-referenced plan, during the LPA's and BOCC's formal consideration of the proposed plan amendment.

3.00 (RESERVED FOR FUTURE USE)

4.00 THE LPA REVIEW PROCESS AND PUBLIC HEARING

4.10 LPA STAFF REVIEW

The LPA 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 Land Use Element and other applicable elements of the *Future of Hillsborough* in assessing the combined impact of the requests.

The LPA staff will study the proposed amendment area(s) for compliance and consistency with the goals, objectives and policies, and other provisions of the *Future of Hillsborough*, regulations implementing said Plan, and with professional planning principles and standards, and will make recommendations as to whether the proposed amendment is should be found consistent or inconsistent with the Comprehensive Plan

~~to the LPA for approval, approval with amendments, or disapproval of the proposed plan amendment~~ at the LPA Public Hearing required in Section 4.20 below.

In its review, the LPA staff shall consider existing conditions and future plans, programs and anticipated conditions within the study area(s). The LPA staff may request information or comment from appropriate County or other government agencies and departments and may develop standardized forms to expedite this process.

4.20 LPA PUBLIC HEARING

Following completion of LPA staff's review of a plan amendment request, the LPA shall conduct a public hearing with due public notice pursuant to s. 163.3174(4) (a), Florida Statutes, at which time the LPA shall consider the public's input concerning the proposed amendment(s) and take action to concur with the LPA staff recommendation, amend the LPA staff recommendation, or reverse the LPA 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 LPA Public Hearing with due public notice shall be held after 5:00 p.m. on a weekday.

At the LPA Public Hearing the LPA staff shall present its findings and recommendations on the plan amendment request studies to the LPA. In making its recommendations the LPA 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) plan amendment requests or study areas which exceed 5% of the County's land area.

Additional Information Submission - Grounds for Continuation

The presentation of factual information by the requesting party at this LPA Public Hearing, which factual information is beyond the scope of either that submitted to the

LPA staff at the time of application, or received and accepted by the LPA staff subsequent to submittal of the plan amendment request, shall constitute grounds for continuation of the public hearing until such time as the LPA staff can analyze such information. Any continuance for this reason may result in delay of consideration of the plan amendment request beyond the normal review period. Under these circumstances the plan amendment request shall be placed into the next following review period.

4.21 Additional Notice Requirements

To enhance public awareness and participation at the LPA Public Hearing, when plan amendments affecting specific parcels of real property are to be considered, the LPA 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 LPA 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 LPA Public Hearing.

~~In addition, for proposed amendments which involve study areas which comprise less than 5% of the total area of unincorporated Hillsborough County, all affected property owners whose address is known by reference to the latest ad valorem tax records, and Registered Neighborhood Groups, (pursuant to the Neighborhood Bill of Rights), located within one (1) mile of the study area shall be notified of the date, time and place of the LPA's public hearing by proof of mailings, by proof of mailings.. The required notice shall also state the substance and description of the proposed amendment(s) and shall be mailed at least fourteen (14) days prior to the LPA'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 LPA with respect to any plan amendment.~~

~~For any plan amendment request where the requesting party is not the LPA or the BOCC, notice of the date, time and place of the LPA's public hearing shall be mailed to the requesting party or its representative by proof of mailing, at least fourteen (14) days prior to the LPA's public hearing.~~

4.22 LPA Official Documents

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

4.23 Continuation of Plan Amendment Requests to the Next Succeeding Amendment Review Cycle

Upon request by the requesting party, formal plan amendment review may be continued to the next LPA Public Hearing date in the next succeeding ~~review period~~ Amendment Review Cycle, subject to the provisions set forth herein:

- (1) A request for continuation must be in writing and addressed to the Chairperson of the LPA at the LPA's official address.
- (2) Requests for continuation received 5 or more weeks prior to the established LPA Public Hearing date shall result in the plan amendment request being excluded from the advertisement of the LPA Public Hearing.
- (3) Requests for continuation received less than 5 weeks prior to the LPA Public Hearing may require payment of additional advertising fees to cover the advertising expenses for any subsequent LPA Public Hearing.
- (4) No request for continuation shall be granted after the LPA makes its recommendation regarding the plan amendment request.
- (5) Continuation of the LPA Public Hearing may be requested by the applicant a maximum of **two** times. Continuations may only be permitted to the next succeeding Amendment Review Cycle. Skipping a Amendment Review Cycle is prohibited. In the event the applicant chooses to forgo continuing to a succeeding Amendment Review Cycle, the is would constitute a plan amendment shall be considered to have been unconditionally withdrawn. al of the applicant and the applicant would need to reapply. This provision shall not in no way limits the right for the LPA to authorize continuances.

(6)

Continuation of a plan amendment request may also result from the failure to timely remit the payment of required fees. ~~as required by the Schedule of Fees attached hereto and by reference made a part hereof.~~

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

REQUESTING PARTIES ARE URGED TO FAMILIARIZE THEMSELVES WITH THE SCHEDULE OF FEES AND THE TIME LIMITS SET FORTH THEREIN.

Any LPA public hearing may be continued by the LPA for the purpose of receiving additional testimony, obtaining additional information, or undertaking further study with respect to the plan amendment request.

Any LPA Public Hearing which is continued by either the requesting party or the LPA 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.

5.00 BOCC PUBLIC HEARINGS AND DCA REVIEW

After receipt of the LPA's recommendation, the BOCC shall hold at least two advertised public hearings on a proposed amendment. Except in the case of Small Scale Amendments which require only one BOCC public hearing

5.10 FIRST BOCC ADVERTISED PUBLIC HEARING (TRANSMITTAL STAGE - This section is not applicable to Small Scale Amendments as described in section 8.40.)

The first advertised Public Hearing of the BOCC shall be held after 5:00 p.m. on a weekday, at least 7 days after the first advertisement is published. The intent to hold and advertise a second advertised Public Hearing shall be announced at the first advertised Public Hearing.

~~5.11 Additional Notice Requirements (Chapter 97-351, Laws of Florida)~~

~~In addition to all other notice requirements for this first advertised Public Hearing, as set forth in this manual, if a proposed future land use element or any amendment thereto involves less than 5 percent of the total land area of unincorporated Hillsborough County, the BOCC shall direct the Clerk of the BOCC to notify by proof with mailing, each real property owner and those owners the use of whose land the BOCC may alter by enactment of the proposed amendment, and each owner of real property abutting such land, whose address is known by referencing the latest ad valorem tax records and Registered Neighborhood Group(s), (pursuant to the Neighborhood Bill of Rights,) located within one mile of the proposed amendment. The notice shall state the substance and description of the proposal as it affects that property owner and shall set forth the time and place of the scheduled Public Hearing(s) to be held by the BOCC on the proposal. The notice shall be mailed at least 30 days prior to the first advertised Public Hearing before the BOCC and a copy of the notice shall be kept available for public inspection during regular business hours in the office of the Clerk of the BOCC. (Handled in section 2.50 under a consolidated notice)~~

5.20 BOCC TRANSMITS PLAN AMENDMENT TO DCA

Immediately following the first BOCC advertised Public Hearing, the LPA staff, on behalf of the BOCC, shall transmit to DCA, Tampa Bay Regional Planning Council, Southwest Florida Water Management District, Department of Environmental Protection, the Department of State, Department of Transportation, Florida Fish and Wildlife Conservation Commission, and Department of Agricultural and Consumer Services the complete proposed plan amendments, which includes any BOCC changes ~~and the complete element(s) to be amended~~, the number of copies as determined by DCA rules. For land use amendments, the following should also be included in the transmittal package:

- (1) Present land use and proposed land use for the proposed amendment;
- (2) Location and size of property. Location may be noted by address or map coordinates, but the boundary of the subject property should be shown on a location map. The size of each change should be described in acres or fractions thereof;
- (3) Surrounding land uses. This may be a narrative description or displayed on the location map;
- (4) Description of the availability of public facilities such as sewer, water, and transportation;
- (5) Discussion of the compatibility of the proposed land use amendments with the land use element objectives and policies, and with those of other affected elements;
- (6) When more than one land use amendment is proposed, an area map showing each land use amendment; and
- (7) Other available information which further explains the amendment.

In addition, the following information should be included in the transmittal letter to DCA:

- (1) The date on which the LPA held its public hearing and the date that the governing body held its first public hearing (the transmittal stage) on the proposed change;

- (2) Indication of whether this is the first or second set of amendments scheduled for adoption during the calendar year and the type of amendments in the submittal for review;
- (3) If either a development of regional impact, substantial deviation, Florida Quality Development, or emergency exemption is claimed, the basis for the exemption should be explained;
- (4) Identification of the area affected when an amendment occurs in an area of critical state concern, resource planning area, or growth management area;
- (5) The name, address and telephone number of a local contact person who is familiar with the proposed amendment; and
- (6) the proposed month of adoption of the proposed plan amendment.

5.30 DCA's REVIEW

DCA shall review and may comment on a proposed plan amendment and may transmit to the BOCC its comments, recommendations for modifications, and/or objections to a proposed amendment (also known as the ORC). Within 5 days of receipt of DCA's comments the Clerk of the BOCC shall provide the LPA with a copy of said comments.

5.31 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.

5.40 SECOND BOCC ADVERTISED PUBLIC HEARING (ADOPTION STAGE)

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

The adoption of the proposed plan amendment shall be made in the course of an advertised Public Hearing. This second advertised Public Hearing shall be held after

5:00 p.m. on a weekday, at least 5 days after the advertisement for the second advertised Public Hearing is published.

~~Upon establishment of the date of the second BOCC advertised Public Hearing to be held pursuant to this Section, the LPA for Hillsborough County, on behalf of the BOCC, shall send to DCA by certified mail, return receipt requested, written notice of the date of the second advertised Public Hearing. The notice shall include a request that DCA participate in the second advertised Public Hearing and be provided to DCA at least 14 calendar days prior to the public hearing.~~

During the course of the advertised Public Hearing following receipt of DCA's comments, the BOCC shall review the written comments submitted to it by DCA and by any other person, agency or government.

~~If a proposed future land use element or any amendment thereto involves less than 5 percent of the total land area of unincorporated Hillsborough County, the BOCC shall direct the Clerk of the BOCC to notify by mail, each real property owner and Registered Neighborhood Group(s), (pursuant to the Neighborhood Bill of Rights), the use of whose land the BOCC may alter by enactment of the proposed amendment, and each owner of real property abutting such land, whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance and description of the proposal as it affects that property owner and shall set forth the time and place of the scheduled Public Hearing to be held by the BOCC on the proposal. The notice shall be mailed at least 30 days prior to the second advertised Public Hearing before the BOCC and a copy of the notice shall be kept available for public inspection during regular business hours in the office of the Clerk of the BOCC. Individual mail notice for the second hearing shall not be required when the initial notice (pursuant to Section 5.11 of this manual) sets forth the dates of both the first and second hearings.~~

5.50 SMALL SCALE AMENDMENTS

After receipt of the LPA's recommendation, the BOCC shall hold at least one advertised public hearing to declare an intent to adopt, adopt with changes, or determine that it will not adopt a proposed small scale plan amendment.

~~The BOCC shall direct the Clerk of the BOCC to notify by mail, each affected property owner the use of whose land the BOCC may alter by enactment of the proposed amendment, and each owner of real property abutting such land, whose address is known by reference to the latest ad valorem tax records and Registered Neighborhood Group(s), (pursuant to the Neighborhood Bill of Rights). The notice shall state the substance and description of the proposal as it affects that property owner and shall set forth the time and place of the scheduled Public Hearing to be held by the BOCC on the~~

~~proposal. The notice shall be mailed at least 30 days prior to the advertised Public Hearing before the BOCC and a copy of the notice shall be kept available for public inspection during regular business hours in the office of the Clerk of the BOCC.~~

The adoption of the proposed plan amendment shall be made in the course of an advertised public hearing. The advertised public hearing shall be held after 5:00 p.m. on a weekday, at least 10 days after the advertisement for the public hearing is published. Small scale plan amendments do not require a transmittal public hearing.

5.60 PROCEDURE FOR ADOPTION

Any amendment which changes a land use designation under the Land Use Element of the *Future of Hillsborough*, or which proposes to change residential density, on a parcel or parcels of land comprising less than 5 percent of unincorporated Hillsborough County shall be adopted by at least a majority plus one of the total membership of the BOCC. All other amendments except emergency amendments shall be adopted by at least a majority of the total membership of the BOCC. Emergency amendments shall require a vote of approval of all members of the BOCC. All plan amendments shall be adopted by ordinance utilizing the procedures set forth in this manual.

6.00 TRANSMITTAL OF ADOPTED AMENDMENT TO DCA

Within 10 working days after adoption of a plan amendment, the LPA for unincorporated Hillsborough County shall transmit the required number of copies of amendments and the element(s) amended, and a copy of the ordinance amendments to DCA. The following items shall also be submitted to DCA:

- (1) A listing of additional changes made in the adopted amendment which were not previously reviewed by DCA.
- (2) A listing of findings of the BOCC, if any, which were not included in the ordinance and which provided the basis for the adoption of a proposed plan amendment or the determination not to adopt the proposed plan amendment.
- (3) A statement indicating the relationship of additional changes not previously reviewed by DCA to the objections, recommendations and comments from DCA.
- (4) A listing of proposed amendments previously reviewed by DCA in the current cycle of amendments which were not adopted by the BOCC.

Additionally, the LPA shall transmit a copy of the adopted plan amendment to the regional planning council and any other unit of local government or governmental agency within the state that has filed a written request with Hillsborough County for a copy of such amendment.

In the case where the BOCC makes the determination not to adopt a proposed plan amendment, a letter must be sent to DCA within 5 working days to inform DCA of this decision.

6.10 SMALL SCALE AMENDMENT ADOPTION AND TRANSMITTAL TO DCA

Small scale plan amendments require only one public hearing before the BOCC which shall be an adoption public hearing. A copy of the notice and plan amendment will be sent to DCA, the regional planning council and any other person or entity requesting a copy. This information shall contain a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the Comprehensive Plan. The DCA shall not review or issue a notice of intent for small scale amendments.

7.00 DEFINITIONS

7.10 FUTURE OF HILLSBOROUGH COMPREHENSIVE PLAN

The Hillsborough County Comprehensive Plan, entitled *Future of Hillsborough*, consists of a number of elements developed to meet the requirements of the "Hillsborough County Local Government Comprehensive Planning Act of 1975" (Ch. 75-390, Laws of Florida, as amended), and Section 163.3161 et seq., Florida Statutes. The *Future of Hillsborough* was adopted by the BOCC on July 12, 1989 by Ordinance 89-29, as amended, and supersedes the Horizon 2000 Plan which was originally adopted on November 30, 1977, by Ordinance No. 77-26, as amended.

7.20 AMENDMENT

Amendment means any change in the maps or text of the *Future of Hillsborough* 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. Plan amendments which are not associated with an emergency as defined by Section 7.80 of this manual; and which are not directly related to a development of regional impact, substantial deviation, or Florida Quality Development, as described in Section 8.30 of

this manual; are referred to herein as "regular" plan amendments and the applicable review period for regular plan amendments is referred to herein as the "regular review period." Plan Amendments which may be adopted by the local government body without limitation as to the frequency of such amendments, (e.g., plan amendments associated with an emergency, development of regional impact, substantial deviation, Florida Quality Development, or small scale amendments are referred to herein as "early" requests or "early" plan amendments.

The procedure for amendment of the *Future of Hillsborough* or element thereof, shall be as specified in Part II, Chapter 163, Florida Statutes; Chapter 97-351, Laws of Florida, as amended; and this manual. The *Future of Hillsborough* may only be amended in such a way as to preserve its internal consistency.

All amendments shall be adopted by ordinance.

Pursuant to Florida Statute 163.3177, the Schedule of Capital Improvements may be adjusted by ordinance not deemed to be an amendment to the Comprehensive Plan for corrections, updates, and modifications concerning costs; revenue sources; acceptance of facilities pursuant to dedications which are consistent with the plan; or the date of construction of any facility enumerated in the Schedule of Capital Improvements. Notwithstanding the above, an amendment to the Comprehensive Plan will be required to eliminate or to defer to a subsequent year the construction of any road or mass transit facility or service which is needed to maintain the adopted level of service standard and which is listed in the 5-year schedule of improvements.

7.30 LOCAL PLANNING AGENCY

The Local Planning Agency (LPA), as referred to in this manual, shall mean the Hillsborough County City-County Planning Commission, created pursuant to Chapter 97-351, Laws of Florida, as amended.

The role of the LPA in the process described in this manual shall be as specified in this manual, in Chapter 97-351, Laws of Florida, as amended, and in Part II, Chapter 163, Florida Statutes.

Generally, the role of the LPA in the plan amendment process shall include, but not be limited to, the coordination and administration of the process on behalf of the governing body, 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 LPA employs a staff of professional planners and others to assist the LPA in accomplishing its responsibilities. This staff, on behalf of the LPA and at the LPA's direction, performs many of the day to day tasks required in order to prepare a plan amendment request for consideration by the LPA. 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 LPA, (such as conducting a pre-application conference), are designated in this manual as being performed by staff on behalf of the LPA.

7.40 "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.

7.50 ADVERTISED PUBLIC HEARING

As used in connection with BOCC Public Hearings to consider plan amendment requests, the term "advertised public hearing" means as follows:

If a proposed plan amendment changes the permitted uses of land or changes land use categories, the required advertisement shall be no less than 2 columns wide by 10 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 County 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 in substantially the following form:

NOTICE OF CHANGE OF LAND USE

The Board of County Commissioners of Hillsborough County proposes to change the use of land within the areas shown in the map in this advertisement.

A public hearing on the proposal will be held on (date and time) at (meeting place).

The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposal. The map shall include major street names as a means of identification of the area.

With respect to proposed plan amendments which do not change land use categories, the required advertisement shall state the date, time, place of the meeting, the subject of the meeting, and the place or places within the boundaries of the County where the proposed amendment may be inspected by the public. The advertisement shall also advise that interested parties may appear at the meeting and be heard regarding transmittal of the proposed amendment to the state land planning agency or adoption of the proposed amendment, whichever is appropriate.

7.60 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.

7.70 AFFECTED PERSON

"Affected person" means Hillsborough County; persons owning property, residing, or owning or operating a business within Hillsborough County; owners of real property and 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 adoption of a proposed amendment would produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment in 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 Hillsborough County during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

7.80 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.

7.90 REGISTERED NEIGHBORHOOD GROUPS

"Registered Neighborhood Groups" means a group of citizens representing not less than 50% of the residents within a defined geographic area, a duly incorporated citizen or homeowners' group, or an unincorporated association approved by the Board of County Commissioners, which is organized for the purpose of considering and acting upon any of a broad range of issues affecting the livability and quality of their neighborhood who are registered with the County, pursuant to the Neighborhood Bill of Rights. Registered Neighborhood Groups shall be listed on the Hillsborough County registry pursuant to the Neighborhood Bill of Rights.

8.00 FREQUENCY AND SCHEDULING OF AMENDMENTS

8.10 FREQUENCY

Adoption of amendments to the *Future of Hillsborough* shall occur no more than two times during any calendar year except in the following cases:

- (1) Emergency amendments, provided they receive the approval of all members of the BOCC. Frequency and scheduling of an emergency amendment shall be as described in Section 8.20 of this manual;
- (2) Plan Amendments directly related to a proposed development of regional impact (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). No request for a plan amendment pursuant to this subsection shall be accepted by the LPA prior to the LPA's receipt of the Notification of Pre-Application Meeting from the Tampa Bay Regional Planning Council (TBRPC). Frequency and scheduling of an amendment directly related to a proposed DRI, substantial deviation, or FQD, shall be as described in Section 8.30 of this manual;
- (3) Small Scale Amendments which meet the criteria specified in Section 8.40 of this manual. Frequency and scheduling of a small scale amendment shall be as described in Section 8.40 of this manual;

- (4) Any plan amendments required by a compliance agreement pursuant to Chapter 163.3184(16) Florida Statutes.
- (5) A comprehensive plan amendment for location of a state correctional facility.
- (6) Any plan amendment directly related to proposed redevelopment of brownfield areas designated under Chapter 376.80 Florida Statutes.
- (7) Any plan amendment for port transportation facilities and projects that are eligible for funding by the Florida Seaport Transportation and Economic Development Council pursuant to Chapter 311.07, Florida Statutes.
- (8) A comprehensive plan amendment for the purpose of designating an urban infill and redevelopment area under Chapter 163.2517 Florida Statutes.
- (9) Any comprehensive plan amendment to establish public school concurrency pursuant to Chapter 163.3180(12) Florida Statutes.

All proposed amendments not falling under the exceptions listed in (1), (2) and (3), above shall be submitted, reviewed and, if appropriate, adopted pursuant to all Sections of this manual except where specified differently in Sections 8.20, 8.30, 8.40, below.

8.20 FREQUENCY AND SCHEDULING OF EMERGENCY AMENDMENTS

For emergency amendments, early requests for consideration by the LPA and the BOCC may occur if initiated as specified in Section 2.10 of this manual.

Upon initiation of an emergency plan amendment pursuant to this Section, deadlines established in Section 8.50 below shall no longer apply to the proposed amendment.

Procedures specified in Section 2.00, 4.00, 5.00, 6.00, 7.00, 8.00, and 9.00 and all subsections therein shall apply to requests submitted pursuant to this Section unless otherwise provided in this Section, or unless otherwise required by the context, or by applicable law.

Adoption of an emergency plan amendment shall require a vote of approval of all members of the BOCC.

8.30 FREQUENCY AND SCHEDULING OF AMENDMENTS DIRECTLY RELATED TO A PROPOSED DEVELOPMENT OF REGIONAL IMPACT, SUBSTANTIAL DEVIATION, OR FLORIDA QUALITY DEVELOPMENT.

Upon receipt of all materials required in Section 2.30 of this manual, and upon receipt of a letter addressed to the Chairperson of the LPA at the LPA's official address, requesting early consideration of an amendment to the *Future of Hillsborough* directly

related to a proposed DRI, substantial deviation, or FQD, the staff of the LPA, shall present such request to the LPA and make a recommendation to the LPA for acceptance or denial of this request for early plan amendment. Upon receipt of the LPA staff's recommendation:

- (1) The LPA may refuse to permit the initiation of an early amendment to the *Future of Hillsborough* 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 LPA'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 Clerk of the BOCC and with the LPA requesting the BOCC to reverse the LPA's determination that the proposed plan amendment is not directly related to a proposed DRI, substantial deviation, or FQD. The Clerk of the BOCC shall log and place the appeal on the BOCC's agenda, and inform the requesting party and the LPA of the agenda date. The BOCC may reverse or affirm the LPA's determination. If the LPA's determination that the proposed amendment is not directly related to a proposed DRI, substantial deviation, or FQD, is reversed by the BOCC the plan amendment request shall be referred back to the LPA for review accordingly. Should the requesting party choose not to appeal the LPA's determination that the proposed amendment is not directly related to a proposed DRI, substantial deviation, or FQD, the proposed amendment shall be reviewed during the regular review period as established in Section 8.50 of this manual. 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 LPA; or
- (2) The LPA may vote to permit the initiation of an early amendment to the *Future of Hillsborough*, provided it has been demonstrated that the proposed amendment is directly related to a proposed DRI, substantial deviation, or FQD.

Upon initiation of a plan amendment pursuant to this Section, deadlines established in Section 8.50 below shall no longer apply to the proposed amendment.

Procedures specified in Section 2.00, 4.00, 5.00, 6.00, 7.00, 8.00, and 9.00 and all subsections therein shall apply to requests submitted pursuant to this Section unless otherwise provided in this Section, or unless otherwise required by the context or by law. Plan amendments directly related to a DRI, substantial deviation or FQD shall be considered at the same time as the application for development approval.

Nothing in this manual shall be deemed to require favorable consideration of a proposed plan amendment solely because it is related to a DRI, substantial deviation, or FQD.

8.40 FREQUENCY, SCHEDULING, AND PROCEDURE FOR SMALL SCALE DEVELOPMENT PLAN AMENDMENTS

Pursuant to Chapter 163.3187(1)(c), small scale plan amendments may be considered by a local government and are exempt from the twice per year limitation on plan amendments. A small scale amendment may be adopted only under the following conditions:

- (1) The proposed plan amendment involves a use of 10 acres or fewer and:
 - (a) The cumulative annual effect of the acreage for all small scale development amendments adopted shall not exceed:
 - (i) A maximum of 120 acres if the Comprehensive Plan designates specific areas for urban infill, urban redevelopment, or downtown revitalization as defined in F.S. 163.3164, urban infill and redevelopment areas designated under F.S. 163.2517, transportation concurrency exception areas approved pursuant to F.S. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to F.S. 380.06(2)(e); however, amendments may be applied to no more than 60 acres annually of property outside the designated areas listed above.
 - (ii) A maximum of 80 acres if the County does not contain any of the designated areas listed above.
 - (b) The proposed amendment does not involve the same property granted a change within the prior 12 months.
 - (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.
 - (d) The proposed amendment does not involve a text change to the goals, policies and objectives of the Plan, but only proposes a land use change to the future land use map for a site specific small scale development activity.
 - (e) The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of F.S. 420.0004(3), and is located within an area of critical state concern designated by F.S. 380.0552 or by the Administration Commission pursuant to F.S. 380.05(1). Such amendment is not subject to the density limitations of sub-

subparagraph f. below, and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical concern where the amendment is located and shall not become effective until a final order is issued under F.S. 380.05(6)

(f) If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre. This limitation does not apply to small scale amendments in areas designated for urban infill, urban redevelopment, or downtown revitalization as defined in F.S. 163.3164, urban infill and redevelopment areas designated under F.S. 163.2517, transportation concurrency exception areas approved pursuant to F.S. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to F.S. 380.06(2)(e).

Procedures specified in Section 2.00, 4.00, 5.00, 6.00, 7.00, 8.00, and 9.00 and all subsections therein shall apply to requests submitted pursuant to this Section unless otherwise provided in this Section, or unless otherwise required by the context or by law.

8.50 DEADLINES FOR SUBMITTAL OF PLAN AMENDMENT REQUESTS

Plan amendment requests may be submitted to the LPA at any time. Except as provided otherwise in Section 8.20, and 8.30, requests submitted between March 1 and September 1, inclusive, will have formal review beginning September 1. Requests submitted between September 2 and the last day of February of the following year, inclusive, will have formal review beginning on the last day of February. Requests for small scale plan amendments may be considered during two additional time periods. Submittal deadlines for small scale plan amendments shall occur on the last day of February, September 1, December 31st, and May 1st.

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

8.60 PLAN AMENDMENT FEES

The BOCC 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 BOCC 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 BOCC. Neither the BOCC nor

the LPA shall be required to submit any fees when either is the requesting party for a plan amendment. See the BOCC Resolution adopting the Schedule of Fees at the back of this manual.

8.70 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 LPA. If the withdrawal of a proposed amendment occurs at any time after the LPA has submitted said amendment to DCA for review pursuant to Section 5.20 of the manual, the LPA shall provide notice of the withdrawal to DCA. Fees paid prior to withdrawal of a request shall not be refundable.

9.00 EFFECTIVE DATE

This Resolution shall take effect upon passage by the BOCC. The provisions of this Resolution shall be applicable to all plan amendment requests filed subsequent to July 1, 1986

Final
6/5/03
AJG

RESOLUTION # R03-119

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY,
FLORIDA, AMENDING THE PROCEDURES MANUAL FOR
COMPREHENSIVE PLAN AMENDMENTS**

Upon motion by Commissioner Norman, seconded by Commissioner Castor, the following resolution was adopted on this 27th day of May, 2003, by a vote of 6 to 0; Commissioner(s) _____ voting "No."

WHEREAS, the Board of County Commissioners adopted the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County* by Ordinance 89-28, as amended; and

WHEREAS, the Board of County Commissioners adopted procedures for amendments to the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County* in 1986, with subsequent revisions made in 1987, 1989, 1990, 1992, 1997, 1999 and 2001; and

WHEREAS, on May 12, 2003, the Hillsborough County City-County Planning Commission passed a resolution recommending that the Board of County Commissioners adopt certain amendments to the *Procedures Manual and Fee Schedule for Amendments to the Future of Hillsborough Comprehensive Plan*.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, ASSEMBLED THIS 27th DAY OF MAY, 2003:

Section 1. That the revisions to the *Procedures Manual and Fee Schedule for Amendments to the Future of Hillsborough Comprehensive Plan* as recommended by the Planning Commission and attached hereto as attachment "A" are hereby adopted by the Board of County Commissioners.

Section 2. This resolution shall be deemed effective upon adoption by the Board of County Commissioners of Hillsborough County.

State of Florida)
County of Hillsborough)

I, Richard Ake, Clerk of the Circuit Court and Ex Officio Clerk to the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board of County Commissioners at its regular meeting of May 27th, 2003, as the same appears of record in Minute Book 324 of the Public Records of Hillsborough County, Florida.

Witness my hand and official seal this 6th day of June, 2003.

Richard Ake, Clerk of Circuit Court

By: Julene W. Gregory
Deputy Clerk



Approved as to Form and
Legal Sufficiency

By: [Signature]
Assistant County Attorney

~~RECOMMENDED FEE SCHEDULE
FOR PLANNING COMMISSION SERVICES~~

~~Plan Amendments~~

~~Large Scale Amendments (500 acres or more)—\$3,000 each~~

~~Small Scale Amendments (<500 acres)—\$1,000 each~~

~~Plus Actual Cost of Advertising in newspaper of general circulation~~

~~Plus Actual Cost of Advertising in 2 minority or neighborhood newspapers~~

~~Land Use Verifications, Transportation Modeling & Special Data Generation Request
\$30 per hour~~

~~Plus Direct costs such as copying (\$.03/page), map reproduction & computer time~~

~~DRI Reviews for Plan Consistency
\$500 each~~

~~Port Authority Permit Review
\$200 each~~

~~Rezoning & Site Plan Reviews
\$150 each~~

~~Subdivision Reviews
\$100 each~~

~~Right of Way Vacations
\$30 each~~

**FEE SCHEDULE FOR AMENDMENTS TO THE
COMPREHENSIVE PLAN FOR UNINCORPORATED COUNTY**

SECTION 1. Incorporation of Recitals

The recitation of facts and other findings described above is hereby incorporated into and made a part of this Resolution.

SECTION 2. Schedule of Fees

A.— The following fees, as applicable, shall be paid to the Board of County Commissioners of Hillsborough County by the requesting party or parties, as applicable, when filing a request for consideration of a plan amendment to the *Future of Hillsborough* Comprehensive Plan for unincorporated Hillsborough County at the offices of the Hillsborough County City-County Planning Commission. For all plan amendment requests, the fees shall be:

~~\$1000.00 if less than 500 acres~~ — Application Fee (due at time of
_____ submittal)

~~\$3000.00 if 500 acres or more~~ — Application fee shall be made payable to the Board of County Commissioners of Hillsborough County by separate money order or check.

NOTICING FEE

+\$_____ Fee to cover cost of notifying affected property owners and Registered Neighborhood Groups, (pursuant to the Neighborhood Bill of Rights,), by proof of mailing ; and posting of signs (~~DUE 5 WEEKS PRIOR~~45 days prior to the LPA Public Hearing TO THE LPA PUBLIC HEARING). Fee shall be made payable to the Board of County Commissioners of Hillsborough County by separate money order or check.

LEGAL ADVERTISEMENT FEE -

REGULAR/LARGE SCALE AMENDMENTS:

+\$ _____ Pro-rata share of advertising costs for two advertisements at least 2 columns wide by 10 inches long noticing the LPA Public Hearing (DUE ~~5 WEEKS PRIOR~~ Due 45 days prior to the LPA public hearing ~~TO THE LPA PUBLIC HEARING~~). Fee shall be made payable to the Board of County Commissioners of Hillsborough County by separate money order or check.

SMALL SCALE AMENDMENTS:

+\$ _____ Pro-rata share of advertising costs for two advertisement at least 2 columns wide by 10 inches long noticing BOCC Public Hearings (Due 45 days prior to the LPA public hearing ~~DUE 7 DAYS AFTER THE LPA PUBLIC HEARING AND 7 DAYS AFTER TRANSMITTAL HEARING RESPECTIVELY~~ and the BOCC Transmittal public hearing respectively). Fee shall be made payable to the Board of County Commissioners of Hillsborough County by separate money order or check. (only one advertisement is required for Small Scale Amendments)

NEITHER THE LPA NOR THE BOCC SHALL BE REQUIRED TO SUBMIT FEES WHEN EITHER IS THE REQUESTING PARTY.

- B. If required by the Local Planning Agency, the following costs, as applicable, shall be paid by the party or parties requesting plan amendment(s) to the Board of County Commissioners of Hillsborough County in accordance with the requirements of an approved public participation plan.

Planning Commission Public Hearing - Legal Advertisement Fee

~~§ _____~~ Pro-rata share of advertising costs for two advertisements noticing the LPA Public Hearing (~~DUEDue 45 days prior to the public hearing) 5 WEEKS PRIOR TO THE LPA PUBLIC HEARING~~). Fee shall be made payable to the Board of County Commissioners of Hillsborough County by separate money order, or check.

Board of County Commissioners Public Hearings - Legal Advertisement Fee

~~+\$ _____~~ Pro-rata share of advertising costs for two advertisements noticing each BOCC Public Hearings (payment for the first hearing is ~~due 72 weeks prior to the Transmittal public hearing days after the lpa public hearing~~. Payment for the second hearing is due ~~7 days following the transmittal two weeks prior to the Adoption~~ hearing). Fee shall be made payable to the Board of County Commissioners of Hillsborough County by separate money order or check.

- C. All fees assessed and collected pursuant to this Section are non-refundable. Fees shall be paid at the LPA offices. LATENESS IN THE SUBMITTAL OF REQUIRED ADVERTISEMENT FEES WILL RESULT IN THE AMENDMENT NOT BEING ADVERTISED, THE HEARING BEING RESCHEDULED, OR THE AMENDMENT BEING CONTINUED AND PROCESSED DURING THE NEXT REVIEW PERIOD. THE AMENDMENT WILL NOT BE PROCESSED AS ORIGINALLY SCHEDULED.
- D. ~~During the first quarter of each fiscal year for Unincorporated Hillsborough County, Periodically,~~ the LPA staff shall 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 LPA staff may, when changes to the Fee Schedule are necessary, recommend changes to the adopted fee schedule at a regularly scheduled meeting of the LPA to achieve the objectives described in this paragraph. The LPA may, after receiving the LPA staff's recommendation, adopt a resolution recommending change(s) to the fee schedule to the BOCC.

- E. The Board of County Commissioners may from time to time review these fees and change them to reflect current costs, after receiving the recommendation of the LPA pursuant to paragraph ~~CD~~. above.

SECTION 3. Fee Background

A. Application Fee: ~~\$1000.00 if less than 500~~
 Staff time ~~\$3000.00 if 500 acres or~~
 (see paragraph B. below) ~~more~~

~~M~~Proof of mailing Notice: ~~_~~ ~~C~~Calculated by ~~_____~~
~~_____~~ multiplying current cost ~~_____~~ of ~~3~~ proof of
 mailings by ~~_____~~ the number of property ~~_____~~
~~_____~~ owners and Registered ~~_____~~ Neighborhood
 Group(s)
 _____ (pursuant to the _____
 _____ Neighborhood Bill of _____
 _____ Rights), affected in the _____
 _____ study area.

Posting of signs: ~~_~~ Calculated by ~~_~~
~~_____~~ multiplying current
 costs ~~_~~ for ~~3~~ ~~pp~~public
 hearings ~~_____~~ (costs of
 signs ~~and~~, posts, ~~film~~ ~~_____~~ for documenting
 sign ~~_____~~ posting).

Pro-rata share of four Legal Advertisements: — Calculated by dividing _____ total current cost of _____ advertisements at least 2 _____ columns wide by 10 _____ inches long by the _____ number of applicants for the _____ Tampa Tribune: current _____ submittal.

NOTE: PUBLIC NOTICE FEES (I.E., MAILING AND ADVERTISING) WILL, BE' BASED UPON ACTUAL COSTS AT THE TIME FEES ARE DUE AND PAYABLE.

- B. Costs associated with "staff time" include costs for planning staff review, processing of. notices, posting, and presentation to the LPA and the Board of County Commissioners.

SECTION 4. Utilization of Fees Collected

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.

SECTION 5. Failure to Timely Remit Fees

Any requested party who fails to remit the required fees prior to or on the deadlines established in Section 2A and 2B, above, will be notified by LPA 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 requests associated with a DRI, substantial deviation, or FQD, 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 regular review period.

Only one continuation for delinquency in payment of fees shall be granted for each plan amendment request. Should a plan amendment request be continued for delinquency in payment in fees, and should that delinquency be cured by the applicable deadline in the next applicable review period, any subsequent delinquency which continues past the 7 day period following receipt of notice of delinquency shall result in the automatic withdrawal of the plan amendment request.

SECTION 6. Effective Date

This Resolution shall take effect upon passage by the Board of County Commissioners of Hillsborough County. The application fee shall apply to all plan amendment requests filed on or after July 1, 1986. The public notice and advertisement fees shall be applicable to all plan amendment requests pending or filed on or after July, 1986.