

**PLAN AMENDMENT
PROCEDURES MANUAL**
and
APPENDIX DOCUMENTS

For

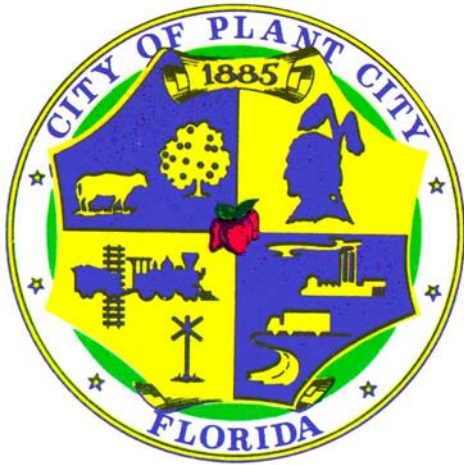


City
of
PLANT CITY,
Florida

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City of Plant City Plan Amendment Procedures Manual

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PLAN AMENDMENT PROCEDURES MANUAL

For City of Plant City, Florida

This document in no way is intended to supplant the Florida Statutes or Laws of Florida regarding amendments to comprehensive plans. It is intended to provide a guide to the process used by the City of Plant City and the Hillsborough County City County Planning Commission, and more generally by the Tampa Bay Regional Planning ~~Commission~~, the Florida Department of Community Affairs, and the other local, regional, and State reviewing agencies. For specific regulations and law, refer to the appropriate Florida Statutes and Laws of Florida.

PURPOSE

The purpose of the Plan Amendment Procedures Manual is to describe generally the procedures of a plan amendment in order to foster and enable a better public understanding and participation in the process of the comprehensive plan's development and change.

Notwithstanding anything herein to the contrary, this manual is intended to be general in nature and is not to be construed as imposing any additional requirements on either the City of Plant City or the Planning Commission that is not otherwise required by state law. Accordingly, to the extent permitted by state law, the City of Plant City and the Planning Commission reserve the right to waive any of the provisions of this manual at any time.

OVERVIEW - WHAT IS A PLAN AMENDMENT

- An amendment to the Plant City Comprehensive Plan (~~Future of Hillsborough~~ *Comprehensive Plan for the City of Plant City, Florida*) is either a map amendment or a text amendment, and the most common type is referred to as a "regular" amendment.
- State law restricts the City from amending its comprehensive plan for most types of changes to twice per calendar year.

- Citizens, property owners, the Planning Commission, ~~or~~ City Commission and other public agencies may request plan amendments. Plan amendments are sought for many reasons. Some reflect a need to change the future use that can be considered for a parcel of land to enable a future rezoning better implement a new Neighborhood or Community Plan. Some bring an annexed parcel into conformance with the City's comprehensive plan and regulatory framework; and while others change the policy or regulatory provisions in the text of the plan itself to better implement the provisions of an updated "vision" for the City of Plant City.

A regular map amendment is an amendment that changes acreage on the Future Land Use Map of the Future Land Use Element of the comprehensive plan from one map plan category to another. Generally, if the size of the area proposed for amendment exceeds ten (10) acres, it is considered a regular map amendment. It then requires at least one (1) public hearing by the Planning Commission and two (2) public hearings by the Plant City City Commission, one before State and regional reviews and one after. The City of Plant City has a Planning Board which holds a public meeting to consider a plan amendment. The Planning Commission staff recommendation is presented at this meeting and the recommendation of the Planning Board is forwarded to the Planning Commission. (This schedule is generally accurate, however in rare circumstances the Planning Board may meet after the Planning Commission.)

- Amendments to the text of the comprehensive plan are always considered regular amendments, can be requested for any of the Elements of the comprehensive plan, and also require at least one Planning Board public meeting, one Planning Commission public hearing and two City Commission public hearings. Regular amendments (map and/or text) can be grouped together, but are processed no more than twice in any calendar year in accordance with State restrictions.
- The procedures set forth in this manual establish a schedule of cut-off dates for processing regular amendments twice yearly.
- Small scale map amendments are the same as regular map amendments except the amendment area is ten (10) acres or less; the change results in a density of 10 dwelling units per acre or less; and it meets several other requirements regarding cumulative annual effect, repetition, and ownership restrictions.

- Small scale plan amendments ~~require~~ follow a shorter time frame for staff review, public hearing, and final action. They can be accepted and processed anytime during the year and are not subject to the twice-annual limitation. The small scale map amendment process cannot be applied to any text amendment, no matter how minor.
- To ensure proper analysis and public input, an applicant may not submit multiple map amendments involving part or all of the same parcel(s) during a single plan amendment cycle. This does not prohibit multiple land use categories being proposed within a parcel(s) boundary, as long as there is no overlap.
- Each map and text amendment constitutes a separate plan amendment application, with appropriate fees required for each.
- There are other specialized and infrequently used amendment types applicable to changes arising as part of Florida Quality Developments (FQD) and Developments of Regional Impacts (DRI), Capital Improvements Element schedule changes, and State-mandated Evaluation and Appraisal Report (EAR) changes. There may also be “emergency” amendments, which require a defined emergency condition, such as a natural or accidental disaster causing substantial population or property damage. These are handled at the time they are presented, in accordance with the provisions of State law.
- Amendments directly related to providing transportation improvements to enhance safety on identified ~~Controlled Access Major Arterial Highroad~~ways with serious traffic fatality problems are exempt from the twice-yearly limitation, provided it is not a future land use map change and does not change allowable densities or intensities of land use.
- Processing and advertising fees are established for all plan amendments not specifically arising as direct requests from the City, the Planning Commission, or some other government entity. The schedule for these fees is attached as part of the Appendix. ~~Documents, because they are subject to~~ Some are self-adjusting to reflect periodic rate changes by the Tampa Tribune (or other comparable publications as permitted by law), while others are updated based on and/or annual government budget decisions or new fee schedules adopted by the City Commission. Fees offset the public costs associated with staff review time, preparation and dissemination of review reports, legal advertisements and similar public notice, and copying and delivery of documents to other government reviewing entities.

- The length of time for amendment reviews and their frequency are governed by State law and the type and size of the change, the number of public hearings mandated, and the levels of local, regional, and State government reviews which the law requires. Most requests require a ~~36~~ to ~~129~~ month time period – a timeline intended to allow for careful consideration and reflection of the plan amendment.
- A detailed set of **Definitions** of the frequently used terms in this manual is included at its end.

PROCESS

Application

Who Can Apply

Plan amendments, including those not associated with specific parcels of land, such as text changes to an element of the comprehensive plan, may be initiated by any affected person as defined in the **Definitions** section. This includes, but is not limited to, City Commission, City administrative staff on behalf of City Commission, and the Planning Commission. Plan amendments for specific parcels of real property may be initiated by the owner or by any other person with the written consent of the owner. Map amendments may be initiated by City Commission or the Planning Commission without the consent of property owners, under the provisions of State law.

Where to Apply

A plan amendment application shall be made to the Executive Director of the Planning Commission or to its Chairperson. The Executive Director may also delegate receipt responsibilities to Planning Commission staff, such as the liaison to Plant City, for amendments initiated by City Commission, City administrative staff on behalf of City Commission, or other government entities or requesting parties identified by the Executive Director. Application requests shall be addressed to the Planning Commission's place of business. Any applications submitted to the City directly shall be promptly forwarded to the Planning Commission for processing.

How and When to Apply

PRE-APPLICATION CONFERENCE: Although there may be applicant contact with the staff of the Planning Commission well in advance of any official plan amendment application, before the official process is initiated, there shall be a formal *pre-application conference* with the staff of the Planning Commission. Staff will record the content of this meeting, and, at a minimum, will note the time and date of the meeting, identify the

applicant and lead staff, the initial request, understandings reached, and other pertinent information. A copy of the pertinent aspects of the meeting, signed by the staff member, shall be provided to the applicant and placed in the plan amendment file when the request is formally received.

***NOTE:** A staff recommendation will not be provided at the pre-application conference.*

A pre-application conference is ~~not~~ required ~~of all~~ if the applicants except the City of Plant City or the Planning Commission.

REGULAR PLAN AMENDMENTS: The application for regular plan amendments, which ultimately become part of one of the twice-per-year groups, may be submitted anytime on or before the application deadline for that group. The twice-yearly application deadlines for the regular plan amendments are published each year as part of the Planning Commission's Calendar, and can be referenced in the Appendix ~~of Documents for~~ this manual; but is generally the Friday on or immediately after May 1st and November 1st of each year.

NOTE: Prior to submitting the application, the required pre-application conference with Planning Commission staff must occur no less than fifteen (15) days before the submittal deadline. Failure to conform to these deadlines will result in the application being carried over to the next submittal deadline six months later. Exceptions are only allowed at the written direction of the Executive Director of the Planning Commission, and must state the reason(s) for the exception.

SMALL SCALE PLAN AMENDMENTS: Small scale plan amendments may be submitted at any time and will have a schedule developed for each at the time of submittal; but will generally follow the procedures and timing for processing regular plan amendments through the first City Commission public hearing. After that, the schedule may be at the discretion of City Commission, unless final action is taken immediately following its first public hearing. Whenever possible, schedules concurrent with the initial portion of the regular plan amendment schedule are encouraged.

What to Submit

FOR ANY MAP AMENDMENT, the following is required:

- An **application** signed by the property owner(s) or their authorized representative(s) (at least one representative, if more than one, must be authorized

and designated as the primary contact through a notarized affidavit from the owner or similar legal instrument);

- **Names, addresses, and business phone numbers** for the owner(s) and/or their authorized representative(s); email addresses and fax numbers are also preferred but not required;
- The **land use map category(s)** being requested, with a legal description for the area for each category requested, if more than one, or when not contiguous;
- **Legal description(s), parcel folio #s and graphic delineation** (general location map), to scale, for the subject request clearly showing its boundaries and adequately sized to show its relationship to the surrounding area;
- At least one reproducible copy of the **location map** at 8.5 by 11 inches for inclusion and easy reference in the staff report;
- Copy of **deed(s)** of parcels for which the change is being requested;
- **Reason for the requested change(s)**, including why the amendment would improve or benefit the surrounding better the area or, at least, the reasons or circumstances justifying approval of the change requested;
- Other materials as may be deemed necessary by the Planning Commission staff for adequate review particularly in the case of large-scale map amendments or requests for the higher density or intensity land use categories allowed in the Plan; and
- Any application(s) for rezoning(s) pending or to be activated if the amendment is adopted, or a statement indicating the likely expectation for such a request, especially if it is the motivating reason for the requested change.
- Application fee, due at time of application submittal, and pro-rata advertising fees, due in advance of public hearings, as specified below.

***NOTE:** Portions of the above may be waived or shortened by the Planning Commission staff for map amendments initiated by City Commission or the Planning Commission, particularly as it applies to property-owners, ownership, and related names and addresses, deeds, and timely letters from City staff.*

OPTIONAL APPLICATION REVIEW CONFERENCE: A requesting party may schedule an application conference with the Planning Commission staff to officially submit an application for a plan amendment prior to the submittal deadline. The purpose of this conference shall be to review the submitted materials to ensure that all required documents are submitted, including applicable fees, and to answer any questions the requesting party may have. Application conferences are encouraged and welcomed, particularly in advance of any deadlines.

Incomplete applications will not be accepted unless otherwise agreed upon in writing by the Planning Commission staff during the official pre-application conference. 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.

NOTE: ~~For small-scale plan amendments, the proposed~~ A map amendment may not involve the same property more than once in a calendar year.

FOR ANY TEXT AMENDMENT, the following is required except as may be waived by Planning Commission staff for City Commission or Planning Commission initiated amendments. Additional material may be filed at the applicant's option. The application shall:

- Be type-written, signed, and sworn to by the applicant or authorized agent and include the mailing address of the applicant;
- State the reason why such text provision(s) of the Plan should be amended, supplemented, changed or repealed;
- Set out any alleged error in the Plan, which will be corrected by the proposed amendment with a detailed explanation of such error and detailed reasons how the proposed amendment will correct the error;
- Set out the changed or changing conditions which make the proposed amendment reasonably necessary to the promotion of the public health, safety and welfare;
- 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 comprehensive plan; and
- Set out other circumstances, factors and reasons by the applicant in support of the proposed amendment.

As with map amendments, text amendment applications must be preceded by a *pre-application conference* with Planning Commission staff, and an *application conference* is strongly encouraged to ensure a complete submittal prior to the deadline. Incomplete text amendment applications, grace periods, and waivers will follow the same process as for map amendments.

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 a requesting party in support of a 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.

Altering or Revising the Application After Submittal

- Any alteration or revision of a plan amendment application submitted to the Planning Commission involving a change in land use designation on acreage greater than 20% of the original request or a substantive rewrite of text affecting policy direction shall constitute a new plan amendment and require re-initiation of the amendment procedure with associated fees and costs.
- Any alteration or revision of a submitted plan amendment involving a change in land use designation on acreage less than 20% of the original request or a text change to further clarify the original intent of the proposal must be received by the Planning Commission at least ~~4530~~ calendar days before the scheduled Planning Commission public hearing in order for the hearing to be properly advertised and to proceed.
- Any alteration or revision received by the Planning Commission less than ~~4530~~ calendar days before 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 or the Executive Director (or their designee) at the Planning Commission's official address.
- After the public hearing, any material changes proposed by the requesting party will require the re-initiation of the amendment~~re-advertising~~, with the applicant paying for these additional costs.
- It is the intent of these provisions to better facilitate the decision-making process of the Planning Commission by allowing sufficient staff time to review a request and ensure communication between the requesting party and the Planning Commission is kept open and interested parties have sufficient time before the hearing to review the amendment request.
- Waivers of these provisions by the Planning Commission staff, except as may be controlled by State law, may occur for City Commission or Planning Commission initiated requests.

Withdrawal of Application

The requesting party may withdraw a request for a plan amendment at any time, by filing written notice with the Executive Director of the Planning Commission. If the withdrawal of a proposed amendment occurs at any time after the Planning Commission has submitted the amendment to the State for review, the Planning Commission, on behalf of City Commission, shall provide notice of the withdrawal to

the State. All Fees paid prior to withdrawal of a request are non-refundable, regardless of the time of withdrawal shall not be refundable.

What to Pay

BASIC FEE INFORMATION

- There are costs associated with processing plan amendments and the legal advertisements required by State law giving public notice of public hearings.
- The Plant City City Commission may adopt a schedule of reasonable application, review, and advertising fees to defray these costs to the City and the Planning Commission.
- These fees generally may offset the public cost of staff research and reports, materials preparation and duplication, due public notice, and/or other costs arising as part of processing plan amendments.
- City Commission may provide for different fees related to the type, size and/or complexity of plan amendment requests.
- Any fees shall be adopted by resolution of the Plant City City Commission.
- Neither the City Commission nor the Planning Commission shall be required to submit any fees when either are the requesting party for a plan amendment.

The following is a schedule and description of fees and costs associated with plan amendments. These may be amended and adjusted from time to time based on rate increases at the Tampa Tribune (or other comparable publications as permitted by law) and annual budget decisions by City Commission.

***NOTE to Requesting Parties:** Reference the most updated fee schedule, which is provided in the Appendix ~~Documents~~ to this manual, to ensure that the timeliest provisions are being followed when submitting an application for plan amendment(s).*

~~The following should only be considered the fees in effect in October of 2003:~~

APPLICATION FEES

- ~~\$1,000 for Future Land Use Map~~ All map and text amendments to the Comprehensive Plan for the City of Plant City will require a processing fee for the Planning Commission. Please reference the current fee schedule in the Appendix. (This fee is Required from all applicants except the Plant City City Commission, City administrative staff on behalf of City Commission, other governmental entities, and the Planning Commission.) This fee is Due at time of application and payable to the Board of County Commissioners.Planning Commission*.) ~~(Note*: Due to a change in our processing procedures, this money order or check should be made payable to the Hillsborough County Board of County Commissioners.)~~

- ~~\$1,500 for Future Land Use Map~~ Also all map and text a Amendments to the Comprehensive Plan for the City of Plant City will require a processing fee for the City of Plant City. Please reference the current fee schedule in the Appendix. ~~greater than 500 acres, \$1,000 for Text or Future Land Use Map Amendments less than or equal to 500 acres or \$500 for Small Scale Future Land Use Map Amendments.~~ (*This fee is Rrequired from all applicants except Plant City City Commission, City administrative staff on behalf of City Commission, other governmental entities, and the Planning Commission.*) This fee is Ddue at time of application and payable to the City of Plant City.)
- Periodically, the Planning Commission and the City of Plant City shall review the adopted schedule of fees, to ensure the fees accurately reflect costs for staff time to review and process plan amendments and the associated costs required for public notice.

Note: The application fees are used to process the plan amendment and in no way should it be construed that by accepting these fees the Planning Commission or the City of Plant City will recommend approval of the Plan Amendment.

PLANNING COMMISSION PUBLIC NOTICE AND HEARING COSTS

- **Pro-rata share** of newspaper advertising costs. The number of advertisements, 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 fee for the pro-rata cost of advertising is made **payable to the Tampa Tribune*Board of County Commissioners but is remitted to the Planning Commission.** (*Note*: Due to a change in our processing procedures, this money order or check should be made payable to the Hillsborough County Board of County Commissioners.*) This is due no later than 45 calendar14 days prior to the ~~publication of the~~ Planning Commission's public hearing-~~advertisement~~. (*Required from all applicants except Plant City City Commission, City administrative staff on behalf of City Commission, other governmental entities, and the Planning Commission.*)
- For plan amendments in Plant City, Planning Commission public hearings are notified (to property owners within a minimum of 250 feet) in the mailed letters at the beginning of the process by the Planning Commission which outlines all the meeting and hearing dates and times. These notifications are based on the most up to date records of the Hillsborough County Property Appraiser.

PLANT CITY CITY COMMISSION PUBLIC NOTICE AND HEARING COSTS

- **Pro-rata share** of newspaper advertising costs. The number of advertisements, 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 fee for the pro-rata cost of advertising is made **payable to the City of Plant City, but is remitted to the Planning Commission**. This is due no later than ~~45 calendar~~14 days prior to the ~~publication of the City Commission's first~~ public hearing ~~advertisement of the City Commission~~. *(Required from all applicants except Plant City City Commission, City administrative staff on behalf of City Commission, other governmental entities, and the Planning Commission.)*
- For plan amendments in Plant City, City Commission public hearings and the Planning Board public meetings are notified (to property owners within a minimum of 250 feet) in the mailed letters at the beginning of the process by the Planning Commission which outlines all the meeting and hearing dates and times. These notifications are based on the most up to date records of the Hillsborough County Property Appraiser.

IMPORTANT CONSIDERATIONS

- All fees assessed and collected pursuant to the provisions in this manual are non-refundable.
- Advertising fees are based upon actual costs at the time fees are due and payable.
- Fees collected pursuant to the provisions in this manual are used solely to meet the costs associated with the review of plan amendments.

FAILURE TO REMIT FEES ON TIME

Failure by any requesting party to remit the required application fee and pro-rata advertising fee before the deadlines established in this manual is considered a failure to meet submittal requirements and results 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 the plan amendment request will be considered withdrawn by the requesting party. For plan amendment applications associated with a Development of Regional Impact, substantial deviation, or Florida Quality Development, failure to remit the required fees will result in the plan amendment request being treated as regular plan amendment request and being continued to the next request review period.

Plan Amendment Schedule

Plan amendment requests, initiated by City Commission, City administrative staff on behalf of Commission, or the Planning Commission, may be inserted into any review

period prior to the Planning Commission's public hearing regardless of the deadlines established in this manual, provided all of the review procedures established by this manual are complied with.

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. The processing time generally includes staff review and report, Planning Board meeting, Planning Commission public hearing, City Commission public hearings, and, if applicable, other local, regional, and State level reviews followed by a final City Commission public hearing and acceptance by the State.

Regular Map or Text Amendments

The formal review and process occurs twice per year based on application deadlines published in the annual Planning Commission Calendar, ~~which are typically and approximately on the date of the nearest~~ Friday ~~on or immediately after~~ to May 1st and November 1st. Applications are grouped as they are submitted, and the formal review and process begins immediately following the next deadline. The complete process takes approximately ~~96~~ 129 months because State law requires reviews by State and regional agencies following Planning Board meeting, Planning Commission and City Commission public hearings.

Small Scale Map Amendments

The formal review and process begins as soon as practically possible following submittal based on staff resources and the regular meeting schedule of the Planning Commission. 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 4 to 6 months to complete.

Other Amendments

CAPITAL IMPROVEMENTS ELEMENT AMENDMENTS. The formal review and process begins as soon as practically possible following submittal based on staff resources and the regular meeting schedule of the Planning Commission. 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 4 to 6 months to complete.

EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS. This type of amendment results from the State-mandated 5-7 year cycle to update the City's Comprehensive Plan. Amendments are identified from recommendations set forth in a locally adopted and State approved Evaluation and Appraisal Report (EAR). Formal review and process of changes identified in the EAR must be completed within 12 to 24 months ~~one year~~ after the State approves the EAR, based on State law.

DEVELOPMENT OF REGIONAL IMPACT (DRI) AMENDMENTS (& FQD): These amendments are exempt under State law from the twice per year regular plan amendment provisions if certain criteria are met:

- The Planning Commission has received the DRI Notification of Pre-Application Meeting from the Tampa Bay Regional Planning Commission; and,
- The proposed amendment is directly related to a proposed DRI, substantial deviation to a DRI, or is a Florida Quality Development (FQD) as provided in State law.

This information is presented to the Planning Commission for action. If the amendment fails to meet the criteria under State law, it is processed like a regular plan amendment in the twice-yearly cycle based on the date it was first submitted.

EMERGENCY AMENDMENTS: 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 processing begins as soon as practically possible.

Planning Commission Reviews, Public Notice, and Public Hearings

Staff Review

Generally, the role of the Planning Commission in the plan amendment process includes but is not limited to:

- coordinating and administering the entire process on behalf of the City of Plant City;
- operating as the lead agency for evaluating and formulating a recommendation on all proposed amendments, and
- initiating certain amendments to the comprehensive plan as provided for by law.

The Planning Commission employs a professional staff to assist it in accomplishing these responsibilities. This staff, on behalf of the Planning Commission and at its direction, performs the routine tasks preparing a plan amendment request for the Plant City Planning Board, Planning Commission and City Commission consideration and, when applicable, for reviews at the State and regional level, and then for final actions by the City and/or State. This manual describes these tasks and the amendment process to make it more understandable to the public and the governmental agencies involved.

Upon receipt, each plan amendment request is assigned a number by Planning Commission staff establishing the sequence in which amendments were received.

The Planning Commission staff establishes the context within which each plan amendment request is considered, relative to the combined impact of all requests, based on the Goals, Objectives and Policies of the Future Land Use Element and other applicable elements of the City's Comprehensive Plan. The staff may identify general study areas encompassing the area(s) requested for change and may include additional geographical or substantive study areas.

The Planning Commission staff studies the proposed amendment for compliance and consistency; and issues a written report:

- with the Goals, Objectives and Policies and other provisions of the City's Comprehensive Plan;
- with regulations implementing the Plan, and
- with professional planning principles and standards.

The staff makes its recommendation to the Plant City Planning Board. The staff report and Planning Board recommendation is then transmitted to the Planning Commission. The Planning Commission at its Public Hearing makes a recommendations as to whether the proposed amendment is consistent or inconsistent with the Comprehensive Plan for the City of Plant City~~either for approval, approval with amendment(s), or disapproval of the proposed plan amendment.~~

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

(The requesting party may schedule a meeting with staff to review its recommendation on the proposed amendment, but no later than two weeks before the Planning Commission's public hearing.)

Public Notice and Participation

NEWSPAPER ADVERTISEMENT: Public notice of the plan amendment is announced through a legal advertisement in the *Tampa Tribune* (or other comparable publications as permitted by law). It is published to notify the public of the upcoming Planning Commission hearing for a plan amendment(s). The size of the advertisement, frequency of publication, publication deadlines and other parameters are defined in the Planning Commission's adopted Public Information Program, consistent with the requirements of Part II, Chapter 163, Florida Statutes. Generally, one advertisement with a minimum size of 2 columns wide by 10 inches long ~~in the "Metro" or local/regional news portion of the newspaper is~~ published at least fourteen (14) calendar days prior to the Planning Commission's public hearing, as required by State law.

To enhance public awareness and participation at the Planning Commission public hearing, the advertisement is repeated in the same newspaper about five (5) to seven (7) calendar days before the hearing.

OTHER NOTICE AND PUBLIC PARTICIPATION: As part of the review of the proposed amendment by the Planning Commission, the public is invited and afforded opportunities:

- to review the proposal and/or alternatives, if any, at the Planning Commission's offices, or on its web site at www.theplanningcommission.org where the staff report and status of the review and adoption process is posted and updated;
- to respond verbally and in writing, and
- to discuss the proposal in the Planning Commission's open meetings and public hearings when it is scheduled on the agenda.

The name and address of anyone speaking at a Planning Commission, Planning Board or City Commission's public hearing is recorded and maintained in the files of the Planning Commission. ~~This information is supplied to the Florida Department of Community Affairs, when the amendment requires State review, so that the State may send written notice of amendment actions to interested parties.~~ In order to facilitate dissemination of information concerning plan amendment requests:

- The Planning Commission will 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.
- Copies of all documents and correspondence relative to the Planning Commission's processing of, or recommendations on, a plan amendment request shall be maintained and made available for review at the offices of the Planning Commission ~~and is also available on its web site.~~
- For any plan amendment request where the requesting party is not the Planning Commission, City Commission, or City administrative staff, if requested, notice of the date, time and place of the Planning Commission's public hearing will be mailed to the requesting party or its representative by regular mail or email, approximately fourteen (14) calendar days prior to the Planning Commission's public hearing.

Planning Commission Public Hearing Process

OVERVIEW: All plan amendments, regardless of type, require a public hearing before the Planning Commission. The Planning Commission's public hearing process for all types of plan amendments is the same. It is advertised in advance and is held after 5:00 p.m. on a weekday, or at a later time, if agreed by vote of the Planning Commission.

Following completion of the Planning Commission staff's review of a plan amendment request, the Planning Commission conducts its duly noticed Public Hearing, pursuant to s. 163.3174(4) (a), Florida Statutes, at which it considers the public's input concerning the proposed amendment(s). At the public hearing and before it considers public input,

the Planning Commission hears the staff recommendation and any presentation from the requesting party.

When the Planning Commission staff presents its findings and recommendations on the proposed plan amendment to the Planning Commission, it must specify the type of each plan amendment petition submitted and must indicate:

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

Following the staff presentation, the requesting party may make an optional presentation or add commentary. If the requesting party presents factual information beyond the scope of either that submitted to the Planning Commission staff at the time of application or received and accepted by staff subsequent to submittal of the plan amendment request, it may constitute grounds for continuation of the public hearing. This affords time for staff to analyze the new information. If such a continuance results in delay of the consideration of the request beyond the normal review period, the amendment will be continued to it will be placed into the next regular review period. (This also applies to the public hearing of the City Commission.)

Following any presentation or remarks by the requesting party, the Planning Commission hears any public comment or testimony. The Planning Commission may wish to question or elicit information from the staff, the requesting party, the public, or other participating parties as part of its discussion and consideration of the proposed amendment.

It then takes one of several actions. The Planning Commission:

- may concur with the staff recommendation;
- amend the staff recommendation, or
- reverse the staff recommendation.

When taking action, the Planning Commission states why it concurs with, amends, or reverses staff's recommendation, through a resolution adopted by simple majority.

Continuation of Plan Amendment Requests

~~In addition to the reasons stated above, the plan amendment process, during Planning Commission consideration, may result in a continuation. There are several ways this occurs, and parts of the process are subject to requirements.~~

- (A) Upon request by the requesting party, a formal plan amendment review may be continued to the ~~next Planning Commission public hearing date in the~~ next succeeding review period, subject to the following:
- (1) A request for continuation must be in writing and addressed to the Executive Director or Chairperson of the Planning Commission (or their designee) at the Planning Commission's official address. To cover the processing requirements resulting from a continuation, a continuation fee shall be paid (see fee schedule in the appendix) to the Planning Commission. Failure to remit this payment by the submittal deadline for the next cycle shall constitute a withdrawal of the application.
 - (2) Request for continuation received ~~4530~~ or more calendar days prior to the established Planning Commission public hearing date will result in the plan amendment request being excluded from the advertisement of the Planning Commission public hearing.
 - (3) Requests for continuation received less than ~~4530~~ calendar days prior to the Planning Commission public hearing may require payment of additional advertising fees to cover the advertising expense for a subsequent Planning Commission public hearing.
 - (4) No request for continuation ~~is~~ shall be granted after the Planning Commission makes its recommendation regarding the plan amendment request.
 - (5) Furthermore, no request for a continuation may skip over the next amendment cycle, but shall be processed during the next succeeding review period. No more than two continuations shall be allowed, after which time a new application and associated fees must be submitted to the Planning Commission and the City of Plant City.

(B6) Continuation of a plan amendment request may also result from the requesting party's failure to remit required advertising fees on time. Under these circumstances, the amendment will be continued to the next cycle and to cover processing requirements a plan amendment continuation fee shall be paid to the Planning Commission. Failure to remit all the required fees by the submittal deadline for the next cycle shall constitute a withdrawal of the application.

(B) The Executive Director (or their designee), prior to the public hearing, may continue a public or privately (with the concurrence of the requesting party) initiated plan amendment for an overriding public interest, such as, but not limited to, conducting additional public outreach, further coordination with other agencies or to allow for time to complete a neighborhood/community plan. An additional processing fee will not be required of the requesting party for a continuation processed under these circumstances.

~~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.~~

~~(DC) These provisions shall not limit the authority of the Planning Commission or City Commission to authorize continuations. 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 regular review period.~~

(D) After the Planning Commission makes its recommendation a plan amendment may only be continued by formal action of the Plant City City Commission.

City Commission Public Notice and Public Hearings

Overview

City Commission also conducts public hearings on proposed plan amendments. When the Planning Commission has completed its public hearing for a plan amendment(s), Planning Commission staff transmits the Planning Commission action and the staff report on the proposed request to Plant City City Commission before the City's scheduled hearing date.

The City Commission public hearings, in conformance with State law, are also advertised in the *Tampa Tribune* (or other comparable publications as permitted by law); ~~frequently in the regional edition featuring local area news~~, usually seven (7) calendar days before the hearing date. The format is similar in style and size to the Planning Commission's advertisement. The City Commission holds its hearings after 5:00 p.m., in accordance with State requirements, usually at one of its regularly scheduled meetings at 7:030 p.m., unless it votes otherwise.

Regular, Development of Regional Impact (DRI or FQD), Evaluation and Appraisal Report (EAR) Based, and Emergency Plan Amendments require formal State review after the first City Commission public hearing. These first hearings may be referred to as the "transmittal" hearing since the amendment is transmitted to regional and State agencies for review after the City Commission hearing. Once those reviews are complete, the City Commission holds a second public hearing, at a minimum, to take what usually is final action on the amendment(s).

Small Scale and Capital Improvements Element plan amendments do not require formal State review. These types of amendments, therefore, enjoy a shorter overall start-to-finish process. The first City Commission public hearing for such amendments can also be an "adoption" hearing under State law; and no further hearings are needed.

However, the City Commission may state its intention not to adopt an amendment at any time during the amendment process. When that happens, the amendment process is terminated for that application.

Public Notice Through Newspaper Advertisements

FOR ALL AMENDMENTS EXCEPT SMALL SCALE

State law requires public notice through a newspaper advertisement stating the time, place and subject matter of the City Commission plan amendment public hearings. The required advertisement, under State law, is no less than two columns wide by ten inches long in the ~~"Metro" or local/regional section of the~~ *Tampa Tribune* (or other comparable publications as permitted by law). The headline in the advertisement is in a type no smaller than 18 point. The advertisement is not placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement is prepared and published pursuant to Chapter 50, Florida Statutes, and is consistent with s. 166.041(2)(b), Florida Statutes.

FOR SMALL SCALE PLAN AMENDMENTS

The City Commission’s small scale plan amendment public hearings, under State law, also are noticed in the *Tampa Tribune* (or other comparable publications as permitted by law), and may not appear in the legal advertisement section of the newspaper. Unlike for other amendments, no map is required for the advertisement. The advertisement must:

- be at least one standard column wide and six inches long;
- contain an 18-point bold-type 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, and
- provide a name, address and phone number where further information may be obtained.

City Commission’s First Public Hearings – (Transmittal)

FOR REGULAR, DRI/FQD, EAR-BASED, & EMERGENCY AMENDMENTS

After receipt of the Planning Commission’s recommendation, the City Commission holds at least one advertised public hearing for public input and to declare its intent either not to adopt the plan amendment or to allow it to continue, as submitted or with changes. This hearing is typically called a “**transmittal**” public hearing. If the City Commission’s intention is not to adopt the proposed amendment, the process ends for the proposed amendment; and no further action by staff or the City Commission is required. If the City Commission’s intention is to allow the proposed amendment to continue, with or without changes, then the amendment is transmitted to the Florida Department of Community Affairs (DCA) for its formal review, in a manner and schedule consistent with State law. The City Commission’s first public hearing is duly noticed and, unless voted otherwise, coincides with one of its regularly scheduled 7:030 p.m. meetings. Its newspaper advertisement is published approximately seven (7) calendar days in advance of the hearing date.

The name and address of anyone speaking at a City Commission public hearing is recorded. A sign-in sheet for a DCA Courtesy Information Statement will be made available at all public hearings of the City Commission. This information is supplied to the Florida Department of Community Affairs, when the amendment requires State review, so that the State may send written notice of amendment actions to interested parties.

Transmittal of Plan Amendments to the State for Review. All plan amendments must be transmitted to the State. However, not all plan amendments require a formal consistency review by the State. When multiple types of plan amendments are transmitted to the State, they are clearly and legally separated and distinguished for the purpose of identifying which amendments are not subject to a formal State consistency review. All plan amendments are also transmitted to Hillsborough County for comment.

If the process for the plan amendment type requires transmittal to State and regional agencies for formal review, the Planning Commission staff, on behalf of City Commission, will transmit the complete proposed plan amendment(s) to the:

- Florida Department of Community Affairs (DCA);
- Tampa Bay Regional Planning Commission (TBRPC);
- Hillsborough County School ~~Board~~District (HCSDB);
- Southwest Florida Water Management District (SWFWMD);
- Florida Department of State (DOS);
- Florida Department of Environmental Protection (DEP);
- Florida Department of Education's (DOE) Office of Educational Facilities of the Commissioner of Education (*when applicable for an amendment relating to a public school facilities element*); and
- Florida Department of Transportation Regional Office (FDOT, Region VII).

Transmittal almost immediately follows the City Commission's first public hearing, pursuant to subsection (15) of DCA's procedural rules, and includes copies of support document(s) or summaries of support documents on which the recommendations 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, F.A.C.

State Review. The Florida Department of Community Affairs (DCA), under State law, coordinates all reviews at the state and regional agency level. DCA reviews proposed plan amendments in accordance with the time frames established in Chapter 163, F.S. When the State and regional reviews are complete (usually within 45 to 60 calendar days), DCA summarizes all findings on the proposed plan amendments and transmits back to the City Commission its objections, comments, or recommendations for modifications (ORC) in a document referred to as the ORC Report.

FOR SMALL SCALE & CAPITAL IMPROVEMENTS ELEMENT AMENDMENTS

After receipt of the Planning Commission's recommendation, the City Commission holds at least one advertised public hearing for public input and to declare its intent

either to adopt the amendment as proposed, with changes, or not adopt it. If the City Commission's intention is not to adopt the proposed amendment, the process ends; and no further action by staff or the City Commission is required. If the City Commission's intention is to adopt the amendment as proposed with or without changes, then the City Commission may take formal action announcing its intent at that time or it may wait until its next meeting for the second reading of the ordinance adopting the amendment. At this point the hearing process has concluded for these types of amendments.

City Commission's Second Public Hearings – (Adoption)

FOR REGULAR, DRI/FOD, EAR-BASED, & EMERGENCY AMENDMENTS

Within 60 calendar days after receipt of DCA's comments regarding proposed amendments, the City Commission adopts, adopts with changes, or determines that it will not adopt a proposed plan amendment. The City Commission has 120 calendar days to adopt or adopt with changes those plan amendments associated with an Evaluation and Appraisal Report.

The purpose of the second hearing, sometimes referred to as the "adoption" hearing, is to consider DCA's comments, if any, take additional public testimony, and either adopt or not adopt the proposed amendment. The second hearing is held after 5:00 p.m. on a weekday, approximately five (5) to (7) calendar days after the public notice advertisement for the public hearing is published in the *Tampa Tribune* (or other comparable publications as permitted by law). The format and location for the newspaper advertisement is the same as for the City Commission's first public hearings. Unless the City Commission votes otherwise, all second public hearings are scheduled to coincide with one of the City Commission's regular meetings at 7:030 p.m. At the second public hearing, after all testimony is heard, if the City Commission votes not to adopt the proposed amendment, the process ends for that plan amendment and no further action by staff or the City Commission is required.

The name and address of anyone speaking at the City Commission public hearing is recorded. A sign-in sheet for a DCA Courtesy Information Statement will be made available at all public hearings of the City Commission. This information is supplied to the Florida Department of Community Affairs, when the amendment requires State review, so that the State may send written notice of final amendment actions to interested parties.

If the City Commission's intention is to adopt the amendment as proposed with or without changes, then the City Commission may take formal action announcing its intent at that time or it may wait until its next meeting for the second reading of the ordinance adopting the amendment. At this point the hearing process has concluded for these types of amendments.

Final Reviews and Final Actions

Adoptions

When the City Commission adopts plan amendments, final adoption is by ordinance and requires a majority vote under ordinance-adoption procedures of the Plant City for City Commission.

Legal Status of Comments

Any comments, recommendations, or objections to a proposed plan amendment, which are submitted by the reviewing agencies, as well as testimony at all public hearings, are public documents, and part of the permanent record for the plan amendment.

Effective Date of Adopted Amendments

Amendments that required State review ~~may~~ become effective after the required challenge period once the State issues their Notice of Intent to find the amendments in compliance. This occurs approximately 20 to 45 to 65 calendar days after receipt by the State, depending on final changes or challenges to the amendment request. Amendments that do not require formal state review become effective at the same time as the adopting ordinance takes effect, usually upon registration with the Florida Department of State in Tallahassee.

Post Adoption Follow-up

FOR REGULAR, SMALL SCALE, DEVELOPMENT OF REGIONAL IMPACT (DRI/FOD), EVALUATION AND APPRAISAL REPORT (EAR) BASED, AND EMERGENCY PLAN AMENDMENTS

In accordance with Chapter 163, F.S. and Rule 9J-11 F.A.C., the Planning Commission staff on behalf of the City Commission transmits adopted plan amendment(s) to DCA within 10 business days after adoption, pursuant to DCA's procedural rules. The Planning Commission staff also transmits a copy of the adopted plan amendment(s) to the regional planning agency (TBRPC) to allow it to immediately begin a final determination of the adopted amendment's compliance review with the regional plan if changes have occurred.

Additionally, the Planning Commission staff on behalf of the City Commission transmits a copy of the adopted plan amendment to any other unit of local government or governmental agency within the State that has filed a written request with the City for a copy of such amendments.

Upon issuance of the State’s “Notice to Intent” finding amendments in compliance with State law, when applicable, and/or the effective date of the adopting ordinance, the plan amendment process is concluded.

NOTE: During the various reviews prior to final State action, the law provides for challenges and appeals from affected parties. These proceed under a separate process until resolved, the amendment is modified, or it is withdrawn or voted down. Whichever the case may be, the final reviews and actions by the State and City Commission described in this manual assume that that resolution process is complete. For guidance on how the process handles such situations, refer to State Law and State Administrative Procedures. Planning Commission staff is available to assist in explaining those exceptions to the general flow and schedule of the process as described in this manual.

DEFINITIONS

Affected Person - ~~Means the City of Plant City, persons owning property, residing, or owning or operating a business within the City of Plant City, owners of real property abutting real property that is the subject of map amendment, and adjoining local governments that can demonstrate that adoption of a proposed amendment would produce substantial impacts on the need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment in their jurisdiction.~~ Includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose Plan is the subject of the review; owners of real property abutting real property that is 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 local government 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. [F.S. 163.3184]

Amendment - Means any change in the maps or text of the Plant City 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

Means 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, Florida Quality Development, or Emergency*. Those exceptions applicable to Plant City are defined as follows:

Small Scale

Describes a map amendment to the comprehensive plan that meets the following criteria and is consistent with Chapter 163.3187(1)(c), Florida Statutes. The proposed plan amendment is 10 acres or less, 10 dwelling units per acre or less; and a) the cumulative effect of the all small scale plan amendments does not exceed 120 acres in a calendar year; 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 can be future land use map amendments only. Text amendments cannot be considered as small scale plan amendments.

Capital Improvements Element

Is 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

Is an amendment to the comprehensive plan that is directly related to recommendations from a locally adopted Evaluation and Appraisal Report (EAR), which is a comprehensive review of the plan mandated by State law every 5-7 years.

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Development of Regional Impact

Is a plan amendment 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 to a proposed Florida Quality Development (FQD).

Emergency

Is an amendment initiated because of an emergency, which is defined as 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, and as described in Sections 163.3187(1)(a), Florida Statutes.

City Commission, Commission, or Plant City City Commission – Means the duly elected local governing body of the City of Plant City as established by the City Charter and State law.

Comprehensive Plan, the Plan, and Plant City Comprehensive Plan – Means the City of Plant City Comprehensive Plan, entitled *Future of Hillsborough-Comprehensive Plan for the City of Plant City, Florida, July, 1989*, which consists of a number of elements developed to meet the requirements of Section 163.3161 et seq., Florida Statutes, and Chapter 97-351, Laws of Florida. The current Plant City comprehensive plan was adopted by the Plant City City Commission in JulyApril 19892009, by ordinance, and includes all subsequent amendments adopted under State law.

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.~~ Any and all persons, natural or artificial, foreign or domestic, including any individual, firm, partnership, business, company, corporation, association, two or more persons having a joint or common interest, or any other legal entity, - and the United States and all political subdivisions, regions, districts, municipalities, and public agencies thereto. [F.S. 380.0558]

Planning Commission - Means 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 (LPA) for the City of Plant City. The role of the Planning Commission in the plan amendment 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 - 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").

Public Hearing or Advertised Public Hearing – Means public hearings by the Planning Commission or Plant City City Commission to consider any proposed plan amendment requests, including map changes for permitted uses of land or changes in land use categories or other text changes to the comprehensive plan, as defined by State law, that are advertised in accordance with the criteria established in this manual and pursuant to the requirements of State law.

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 in a newspaper of general circulation in the area; and, when applied to the Planning Commission's public hearing, means at least twice with the first publication not less than 14 calendar days prior to the date of the hearing and the second publication at least 5 calendar days prior to the hearing, and, when applied to the City Commission's public hearings, means once approximately 5-7 calendar days prior to the hearing, as required by State law.

APPENDIX DOCUMENTS

