



BOARD OF COUNTY COMMISSIONERS

DATE: June 3, 2014
AGENDA ITEM NO. 24

Consent Agenda ☐

Regular Agenda ☒

Public Hearing ☐

 **County Administrator's Signature:**

Subject:

Authorization to Set Public Hearing Dates to Consider Proposed Amendments to the Countywide Rules re: 60-Day Review Period and Advertising/Public Notice

Department:

Department of Planning and Development Services

Staff Member Responsible:

Jacob Stowers, Interim Executive Director

Recommended Action:

IT IS RECOMMENDED THE BOARD OF COUNTY COMMISSIONERS (BOARD), SITTING AS THE COUNTYWIDE PLANNING AUTHORITY (CPA), AUTHORIZE TWO PUBLIC HEARINGS BY THE CPA FOR JUNE 24, 2014 AND JULY 15, 2014 TO CONSIDER PROPOSED AMENDMENTS TO THE COUNTYWIDE RULES REGARDING THE 60-DAY REVIEW PERIOD AND ADVERTISING/PUBLIC NOTICE.

Summary Explanation/Background:

The proposed amendments to the Countywide Rules are in response to the new Special Act that requires two procedural components of the Act to be addressed in the Countywide Rules. These two components include the 60-day Countywide Plan Map Review period for local governments, and the public notice requirements pertaining to the Countywide Plan, Countywide Plan Map, and the Countywide Rule amendments. These components are discussed and explained in the attached documentation from the Pinellas Planning Council (Council).

At their May 14, 2014 meeting, the Council authorized a public hearing of the proposed Rule amendments to the Countywide Rules for their June 11, 2014 meeting. It is recommended that the Board authorize two public hearings by the CPA for June 24th and July 15th to consider these proposed amendments. This would permit action on the proposals prior to completion of the 60-day local government review period at the end of July.

Fiscal Impact/Cost/Revenue Summary:

N/A

Exhibits/Attachments Attached:

Council Documentation

TO: The Honorable Chairman and Members of the Board of County Commissioners, in Your Capacity as the Countywide Planning Authority

THROUGH: Mark S. Woodard, Interim County Administrator

FROM: Michael C. Crawford, Interim Executive Director
Pinellas Planning Council

SUBJECT: June 3, 2014 Countywide Planning Authority Agenda
Part I – Regular Agenda Re: Authorization to Set Public Hearing Dates to Consider Proposed Amendments to the Countywide Rules re: 60-Day Review Period and Advertising/Public Notice

DATE: June 3, 2014

RECOMMENDATION: THE PINELLAS PLANNING COUNCIL RECOMMENDS THE BOARD, IN YOUR CAPACITY AS THE COUNTYWIDE PLANNING AUTHORITY, AUTHORIZE THE TWO REQUISITE PUBLIC HEARINGS BY THE CPA FOR JUNE 24, 2014 (6:00) AND JULY 15, 2014 (6:00), AS OUTLINED BELOW:

DISCUSSION: At their May 14, 2014 meeting, the Pinellas Planning Council authorized a public hearing of the proposed amendments to the Countywide Rules for their June 11, 2014 meeting.

The proposed amendments of the Countywide Rules regarding the local governments' review of the updated Countywide Plan Map (the new Special Act establishes that the details of the 60-day review period are to be addressed in the Rules) and the establishment of legal advertising/public notice requirements (to be addressed in the Rules per the new Special Act) are described in the attached May 14, 2014 Pinellas Planning Council agenda memorandum.

The Countywide Planning Authority is asked to expedite the authorization of the two hearing dates, so that the amendments to the Rules addressing the local governments' 60-day review of the updated Countywide Plan Map can be adopted before the end of the review period and so that the amendments to the Rules to address legal advertising and public notice requirements can be adopted as soon as possible.

This request is to authorize the two requisite public hearings to be set for June 24, 2014 and July 15, 2014, to consider these amendments to the Countywide Rules.

**PINELLAS PLANNING COUNCIL
AGENDA MEMORANDUM**

AGENDA ITEM: IV B.

MEETING DATE: May 14, 2014

SUBJECT:

Proposed Amendment of the Countywide Rules Re: 60-Day Review Period and Advertising/Public Notice

RECOMMENDATION:

Council Review, Discuss As Appropriate, And Authorize Public Hearing For The June PPC Meeting

I. BACKGROUND

The Council staff recognizes that it is necessary to amend the Countywide Rules at this time in order to proceed with Phase III of the Countywide Plan Update Work Program, which will include adoption of the updated Countywide Plan Map and Countywide Rules. The two issues that need to be addressed by these proposed Countywide Rule amendments include: 1) the 60-day Countywide Plan Map review period established for the local governments; and 2) the public notice requirements pertaining to the Countywide Plan, Countywide Plan Map, and Countywide Rule amendments.

II. THE 60-DAY REVIEW PERIOD

The new Special Act establishes a one-time grant of authority for the Council to initiate the repeal and replacement of the existing Countywide Plan Map. The proposed Countywide Plan Map is to be sent to the local governments for their review and comment, per a process outlined in the Countywide Rules. In order to outline the process by which this 60-day review is conducted, the Council staff proposes to return to the Council next month with an ordinance amending the Countywide Rules.

The proposed amendments would describe the process, including the duties of the Council staff and the local governments, as follows:

- (1) A copy of the proposed new Countywide Plan Map that is intended to repeal and replace the existing plan map, as it applies to each respective local government jurisdiction within Pinellas County, along with such explanatory text as may be required to assist in understanding the new plan map, shall be transmitted to each

PINELLAS PLANNING COUNCIL ACTION:

The Council authorized a public hearing for the June PPC meeting (vote 10-0).

COUNTYWIDE PLANNING AUTHORITY ACTION:

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local government for review and comment a minimum of sixty (60) days prior to initial Council action to adopt the new Countywide Plan Map.

- (2) Any local government comments on the proposed new Countywide Plan Map shall be forwarded to the Council within sixty (60) days of receipt of the proposed new plan map.
- (3) The Council staff shall compile any comments received from local government for the information and consideration of the Council prior to adoption of the new Countywide Plan Map.
- (4) Upon adoption of the new Countywide Plan Map and corresponding Rules, the local government plans and land development regulations will be made consistent with the new Countywide Plan and Rules pursuant to the process therefor set forth in Section 10 (2) Consistency Review and the otherwise applicable process for local government plan map and land development regulation amendment.

III. PUBLIC NOTICE REQUIREMENTS

The former PPC Special Act specified our advertising requirements for Countywide Plan, Countywide Plan Map, and Countywide Rule amendments. However, Section 11(3) of the new Special Act establishes that these advertising requirements shall be in accordance with applicable Florida law and as provided for in the Countywide Rules. In addition to creating new advertising requirements, the Council staff identifies in this language an opportunity to establish simpler and/or more cost-effective legal advertising parameters that may also better notify the public of items to be heard at our public hearings.

The proposed amendments would address amendments to the Countywide Plan strategies, Countywide Plan Map, and Countywide Rules, as follows:

- (1) The Planning Council shall hold at least one (1) public hearing to consider their recommendation for adoption or amendment of the Countywide Plan and its component parts.
- (2) The Countywide Planning Authority public hearing(s) to consider the enactment or amendment of the provisions of the Countywide Plan and its component parts shall be pursuant to the following:
 - a) For amendment to the adopted Countywide Plan Map to change the plan category for property involving less than five (5) percent of the area of the county, the Countywide Planning Authority shall hold at least one (1) public hearing on the proposed ordinance.

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- b) For adoption or amendment to the Countywide Plan Strategies or Rules; for an amendment to the Countywide Plan Map to change the plan category for property involving five (5) percent or more of the area of the county; or for the adoption of the Countywide Plan Map initiated by the Planning Council pursuant to Section 10 (1) (b), the Countywide Planning Authority shall hold two (2) public hearings on the proposed ordinance.
 - c) At least one (1) of the two (2) Countywide Planning Authority hearings shall be held after 5:00 p.m. on a weekday, and the second hearing shall be held at least two (2) weeks after the first hearing.
- (3) The form of notice for all public hearings conducted under this section shall be in accordance with applicable Florida law and as more particularly set forth below:
- a) A single published advertisement and mailed notice for the above required public hearing(s) shall be provided which shall include notice of both the Planning Council and Countywide Planning Authority hearings.
 - b) The required published advertisement shall be placed in a newspaper of general paid circulation in the county pursuant to Chapter 50, F.S. and be made available on-line on the Planning Council website. The published advertisement for public hearing shall be as follows:
 - i) The advertisement shall appear in published form at least seven (7) days prior to an initial hearing and five (5) days prior to any required second hearing;
 - ii) The advertisement shall be not less than one-quarter page in a standard or tabloid size newspaper, the headline in the advertisement shall be not less than 18 point type, and the advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear;
 - iii) The advertisement shall include a map identifying the general location of the proposed action, including major street names as a means of locating the subject property; and
 - iv) The advertisement will clearly identify the type of action being considered, a summary of the significant features of the change, and the time, date and place of the hearing(s) to be held.
 - c.) A mailed notice of the public hearing(s) containing the essential parts of the published advertisement shall be provided to the owners of record of real

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property within an area proposed to be amended on the Countywide Plan Map, where such property is less than five (5) percent of the area of the County; to the local government with jurisdiction over a property-specific amendment to the Countywide Plan Map; and to each local government for the one-time adoption of the Countywide Plan initiated by the Council or subsequent amendment of the Countywide Plan Strategies or Rules. The mailed notice for public hearing shall be as follows:

- i) The notice will be provided at least thirty (30) days prior to the date set for public hearing, and a copy of the notice will be available for public inspection during the regular business hours of the Council and Countywide Planning Authority;
- ii) The notice shall be mailed to each property owner based on the most recent published ad valorem tax records of the County;
- iii) The notice shall state the substance of the proposed Countywide Plan Map change and identify the time, date and place of the hearing(s) to be held.

IV. RECOMMENDATION

Staff recommends the Council authorize the Countywide Rule amendments, as generally described here, be advertised for public hearing with more specifics for the June meeting.