

7.15.14 #23

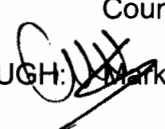



COUNCIL MEMBERS

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

THROUGH:  Mark Woodard, Interim County Administrator

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

DATE: July 15, 2014

Michael C. Crawford, AICP
Interim Executive Director

Subject: Second Public Hearing to Consider Proposed Amendment to
the Countywide Rules

Recommendation:

THE PINELLAS PLANNING COUNCIL RECOMMENDS THE BOARD OF COUNTY COMMISSIONERS (BOARD), IN YOUR CAPACITY AS THE COUNTYWIDE PLANNING AUTHORITY, CONDUCT A PUBLIC HEARING AND ADOPT THE PROPOSED ORDINANCE CONCERNING THE AMENDMENT TO THE COUNTYWIDE RULES.

Summary Explanation/Background:

A Countywide Rule change requires two public hearings by the CPA. This is the second of two required public hearings, with the first public hearing held on June 24, 2014.

The Countywide Rules are proposed for amendment in order to address items in the new Pinellas Planning Council (PPC) Special Act (Chapter 2012-245, Laws of Florida). The two items include: (1) the Countywide Plan Map review period established for local governments in Pinellas County; and (2) the public notice requirements pertaining to adoption and amendment of the Countywide Plan, Countywide Plan Map, and Countywide Rule amendments.

The Council considered and adopted Resolution No. 14-2, recommending approval of the amendment to the Countywide Rules, with a recommendation to change the 60-day review period to a 90-day review period due to the comments received at the meeting. The proposed ordinance includes the 90-day time frame, as recommended by the PPC.

The PPC, by a vote of 8-0, adopted Resolution No. 14-2 and recommended approval of the amendment of the Countywide Rules.

Fiscal Impact/Cost/Revenue Summary:

None

Exhibits/Attachments:

Proposed Ordinances
Council Documentation

ORDINANCE NO. _____

AN ORDINANCE AMENDING PINELLAS COUNTY ORDINANCE NO. 89-4, AS AMENDED, THE COUNTYWIDE PLAN ADOPTION ORDINANCE, BY AMENDING THE "RULES CONCERNING THE ADMINISTRATION OF THE COUNTYWIDE FUTURE LAND USE PLAN," AS AMENDED; ESTABLISHING PUBLIC HEARING AND ADVERTISING REQUIREMENTS FOR AMENDMENTS TO THE COUNTYWIDE PLAN STRATEGIES, COUNTYWIDE PLAN MAP, AND THE COUNTYWIDE RULES; ESTABLISHING REQUIREMENTS REGARDING THE LOCAL GOVERNMENTS' 90-DAY PERIOD FOR REVIEW OF THE UPDATED COUNTYWIDE PLAN MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR MODIFICATION THAT MAY ARISE FROM CONSIDERATION OF THE ORDINANCE AT PUBLIC HEARING.

WHEREAS, the Board of County Commissioners acting as the Countywide Planning Authority has adopted a Countywide Comprehensive Plan by adoption of Ordinance No. 89-4 on January 31, 1989, and subsequently amended said Countywide Plan by Ordinance Nos. 95-55, 05-32, and 10-42; and

WHEREAS, as part of Ordinance 89-4, the Board also adopted the Rules Concerning the Administration of the Countywide Future Land Use Plan (Countywide Rules) and subsequently amended said Countywide Rules by Ordinances Nos. 89-66A, 91-5, 92-4, 92-51, 93-112, 94-20, 94-55, 95-78, 96-17, 96-32, 96-47, 96-55, 96-87, 97-71, 98-41, 99-22, 99-76, 00-60, 01-16, 03-23, 04-5, 05-49, 06-52, 06-61, 07-13, 07-50, 08-43, 08-81, 09-3, 09-9, 10-23, 10-31, 10-59, 11-18, and 14-06; and

WHEREAS, the Pinellas Planning Council, pursuant to Section 6(7)(b), Chapter 2012-245, Laws of Florida, is authorized to develop rules, standards, policies, and objectives that will implement the Countywide Future Land Use Plan; and

WHEREAS, the Pinellas Planning Council pursuant to Section 10(3)(a), Chapter 2012-245, Laws of Florida, is authorized to initiate amendment to a rule, standard, policy, or objective of the Countywide Future Land Use Plan, as determined necessary by the Council to establish effective countywide planning; and

WHEREAS, the Pinellas Planning Council pursuant to Section 11(3), Chapter 2012-245, Laws of Florida, is authorized to provide in the Countywide Rules the regulations addressing form of public notice regarding amendments to

the Countywide Plan strategies, Countywide Plan Map, and the Countywide Rules; and

WHEREAS, the Pinellas Planning Council pursuant to Section 10(1)(b), Chapter 2012-245, Laws of Florida, is authorized to establish in the Countywide Rules the manner in which comment, review, and adoption by local governments, if applicable, of the updated Countywide Plan Map shall take place; and

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, acting in their capacity as the Countywide Planning Authority, desires to amend the Countywide Rules, as amended, for Pinellas County, Florida, as set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA:

SECTION 1. The portions of Article 6, Countywide Plan Map and Countywide Rules Administration, are hereby amended as set forth below. All other portions of Article 6 not included in this ordinance are preserved and remain as previously set forth in the Countywide Plan Rules.

**DIV. 6.8 AMENDMENTS TO THE COUNTYWIDE PLAN,
COUNTYWIDE PLAN MAP, AND COUNTYWIDE RULES.**

**SEC. 6.8.1 AMENDMENTS TO THE COUNTYWIDE PLAN MAP FOR
LESS THAN FIVE PERCENT OF THE AREA OF THE
COUNTY.**

6.8.1.1 For Countywide Plan Map amendments where such property is less than five percent of the area of the county, the Planning Council shall hold one advertised public hearing and the Countywide Planning Authority shall hold one advertised public hearing.

6.8.1.2 One advertisement shall be published at least fourteen days prior to the Planning Council public hearing. Such advertisement shall include the date and time of the Countywide Planning Authority public hearing.

6.8.1.3 One mailed notice containing the essential parts of the published advertisement shall be provided to the owners of record of real property within the amendment area and to the local government with jurisdiction over such amendment area at least thirty days prior to the Countywide Planning Authority public hearing.

SEC. 6.8.2 AMENDMENTS TO THE COUNTYWIDE PLAN MAP FOR FIVE PERCENT OR MORE OF THE AREA OF THE COUNTY.

6.8.2.1 For Countywide Plan Map amendments where such property is five percent or more of the area of the county, the Planning Council shall hold one advertised public hearing and the Countywide Planning Authority shall hold two advertised public hearings. At least one of the Countywide Planning Authority hearings shall be held after 5 p.m. on a weekday. The second hearing shall be held at least 10 days after the first hearing.

6.8.2.2 Three advertisements shall be published as follows:

1. The first advertisement shall be published at least fourteen days prior to the Planning Council public hearing. Such advertisement shall note that the date and time of the two Countywide Planning Authority public hearings will be determined at a later date.
2. The second advertisement shall be published at least seven days prior to the first Countywide Planning Authority public hearing. Such advertisement shall note the date and time of the two Countywide Planning Authority public hearings.
3. The third advertisement shall be published at least five days prior to the second Countywide Planning Authority public hearing. Such advertisement shall note the date and time of the second Countywide Planning Authority public hearing.

SEC. 6.8.3 AMENDMENTS TO THE COUNTYWIDE PLAN AND THE COUNTYWIDE RULES.

6.8.3.1 For amendments to the Countywide Plan and the Countywide Rules, the Planning Council shall hold one advertised public hearing and the Countywide Planning Authority shall hold two advertised public hearings. At least one of the Countywide Planning Authority hearings shall be held after 5 p.m. on a weekday. The second hearing shall be held at least 10 days after the first hearing.

6.8.3.2 Three advertisements shall be published as follows:

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Countywide Planning Authority public hearings will be determined at a later date.

2. The second advertisement shall be published at least seven days prior to the first Countywide Planning Authority public hearing. Such advertisement shall note the date and time of the two Countywide Planning Authority public hearings.
3. The third advertisement shall be published at least five days prior to the second Countywide Planning Authority public hearing. Such advertisement shall note the date and time of the second Countywide Planning Authority public hearing.

6.8.3.3 Mailed notice containing the essential parts of the published advertisement shall be provided to all local governments at least thirty days prior to the first Countywide Planning Authority public hearing.

SEC. 6.8.4 ONE-TIME REPEAL AND REPLACEMENT OF THE COUNTYWIDE PLAN MAP PER THE SPECIAL ACT.

6.8.4.1 For the one-time repeal and replacement of the Countywide Plan Map per the Special Act (Chapter 2012-245, Laws of Florida), the Planning Council shall hold one advertised public hearing and the Countywide Planning Authority shall hold two advertised public hearings. At least one of the Countywide Planning Authority hearings shall be held after 5 p.m. on a weekday. The second hearing shall be held at least 10 days after the first hearing.

6.8.4.2 Three advertisements shall be published as follows:

1. The first advertisement shall be published at least fourteen days prior to the Planning Council public hearing. Such advertisement shall note that the date and time of the two Countywide Planning Authority public hearings will be determined at a later date.
2. The second advertisement shall be published at least seven days prior to the first Countywide Planning Authority public hearing. Such advertisement shall note the date and time of the two Countywide Planning Authority public hearings.
3. The third advertisement shall be published at least five days prior to the second Countywide Planning Authority public hearing. Such advertisement shall note the date and time of the second Countywide Planning Authority public hearing.

6.8.4.3 Mailed notice containing the essential parts of the published advertisement shall be provided to all local governments at least thirty days prior to the first Countywide Planning Authority public hearing.

SEC. 6.8.5. REQUIRED PUBLIC ADVERTISEMENT AND MAILED NOTICE FORM.

6.8.5.1 The form of notice for public hearings conducted under this section shall be in accordance with applicable Florida law and as more particularly set forth below:

1. The required published advertisement(s) shall be placed in a newspaper of general paid circulation in the county pursuant to Chapter 50, Florida Statutes, and be made available on the Planning Council website.
2. The required advertisements 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.
3. 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.
4. 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.

6.8.5.2 A mailed notice of the Planning Council and Countywide Planning Authority public hearings shall contain the essential parts of the published advertisement and a copy of the notice will be available for public inspection during the regular business hours of the Planning Council and Countywide Planning Authority.

The notice shall be mailed to each property owner based on the most recent published ad valorem tax records of the County.

SEC. 6.8.6 INITIATION OF RULE AMENDMENTS.

An amendment to the Countywide Rules may be initiated only by a local government pursuant to a formal resolution adopted by its governing body requesting and setting forth the specifics of such amendment, or by the Planning Council or Countywide Planning Authority.

SEC. 6.8.7 NOTIFICATION TO LOCAL JURISDICTIONS.

The Planning Council staff shall, within fifteen days of the receipt of a recorded ordinance from the Department of State, provide the local governments with a copy of the amendment and suggested modifications to the local plan and regulations that may be appropriate, if any, to be performed within one year, to maintain consistency with the Countywide Rules.

DIV. 6.10 LOCAL GOVERNMENTS' REVIEW OF THE UPDATED COUNTYWIDE PLAN MAP.

SEC. 6.10.1 TRANSMITTAL TO THE LOCAL GOVERNMENTS.

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 local government for review and comment a minimum of ninety days prior to initial Planning Council action to adopt the new Countywide Plan Map.

SEC. 6.10.2 LOCAL GOVERNMENT COMMENTS.

All local government comments shall be forwarded to the Planning Council staff within ninety days of receipt of the proposed new Countywide Plan Map.

The Planning Council staff shall compile any comments received from local governments and determine if they should cause modification to the proposed new Countywide Plan Map, the accompanying explanatory text or other sections of the Countywide Plan or Rules. All compiled comments will be provided to the Planning Council for their information and consideration.

Once the proposed new Countywide Plan Map, relevant Countywide Rules, and accompanying explanatory text have been revised accordingly, a draft of each will be presented to the Planning Council to determine if they wish to initiate amendment of the Countywide Plan, Countywide Plan Map, and Rules in accordance with Division 6.8 of these Rules.


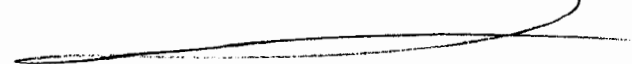
SEC. 6.10.3 CONSISTENCY.

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 therefore set forth in Section 10(2), Consistency Review, of Chapter 2012-245, Laws of Florida, and the otherwise applicable process for local government plan map and land development regulation amendment.

SECTION 2. Severability. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 3. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing with the Department of State.

APPROVED AS TO FORM
OFFICE OF THE COUNTY ATTORNEY

By: 


Public Hearing Item

**Amendment of the Countywide Rules
Re: Local Government Review Period
and Advertising/Public Notice**

**PINELLAS PLANNING COUNCIL
AGENDA MEMORANDUM**

AGENDA ITEM: III C.

MEETING DATE: June 11, 2014

SUBJECT:

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

RECOMMENDATION:

Council Consider at Public Hearing and Adopt Accompanying Resolution No. 14-2 Recommending Approval of the Amendment of the Countywide Rules to the Countywide Planning Authority

I. BACKGROUND

The Council staff proposes to amend the Countywide Rules in order to address items in the new Council Special Act (Chapter 2012-245, Laws of Florida). The two items include: 1) the 60-day Countywide Plan Map review period established for local governments in Pinellas County; 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 Council's 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 updated Countywide Plan Map is to be sent to the local governments for their review and comment prior to the Council's adoption of the new Plan Map. The new Special Act establishes that the details regarding the review and comment process are to be addressed in the Countywide Rules.

The proposed amendments describe the process, including the duties of the Council staff and the local governments. The amendments are relatively simple, describing the local governments' 60-day period of review and the Council staff's obligation to compile the comments received for the information and consideration of the Council. The PAC members recommended amending the proposed ordinance to reflect that the Council staff will also present the Council with relevant draft Rule amendments at the time the Council is asked to consider initiating the process of adopting the new Plan Map. The amendments

PINELLAS PLANNING COUNCIL ACTION:

06/11/14 – The Council considered and adopted Resolution No. 14-2, recommending approval of the amendment to the Countywide Rules, with a recommendation to change the 60-day review period to a 90-day review period, due to the comments received at the meeting (vote 8-0).

COUNTYWIDE PLANNING AUTHORITY ACTION:

06/24/14 – The Countywide Planning Authority held the first of two scheduled public hearings.

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

also address the consistency requirements following the adoption of the new Countywide Plan Map and the corresponding Rules developed and adopted to administer the new Map.

III. PUBLIC NOTICE REQUIREMENTS

While the former PPC Special Act contained the advertising requirements for Countywide Plan, Countywide Plan Map, and Countywide Rule amendments, 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.

The proposed amendments address the public hearings required to be held by the Council and the Countywide Planning Authority in association with amendments to the Countywide Plan, Countywide Plan Map, and Countywide Rules. The amendments address the public notice required for those hearings, including advertising in a newspaper and on the Council website, and mailed notice requirements. The public notice requirements are similar to those established in the former Special Act, with the noted exception of the notice on the Council website.

IV. RECOMMENDATION

Staff recommends the Council consider at public hearing and adopt the accompanying Resolution No. 14-2 recommending approval of the amendment of the Countywide Rules to the Countywide Planning Authority.

V. PLANNERS ADVISORY COMMITTEE (PAC)

At their June 2, 2014 meeting, the PAC members discussed and recommended approval of staff recommendation (vote 10-0).

VI. LIST OF ATTACHMENTS

- | | |
|--------------|---|
| Attachment 1 | Resolution No. 14-2:
Exhibit I – Ordinance (Clean)
Exhibit II – Ordinance (Strikethrough/Underline) |
| Attachment 2 | PAC Summary Actions Sheet |

**PINELLAS PLANNING COUNCIL
RESOLUTION NO. 14-2**

A RESOLUTION APPROVING THE AMENDMENT OF THE RULES CONCERNING THE ADMINISTRATION OF THE COUNTYWIDE FUTURE LAND USE PLAN, AS AMENDED; ESTABLISHING PUBLIC HEARINGS AND ADVERTISING REQUIREMENTS FOR AMENDMENTS TO THE COUNTYWIDE PLAN STRATEGIES, COUNTYWIDE PLAN MAP, AND THE COUNTYWIDE RULES, ESTABLISHING REQUIREMENTS REGARDING THE LOCAL GOVERNMENTS' 60-DAY PERIOD FOR REVIEW OF THE UPDATED COUNTYWIDE PLAN MAP, AND RECOMMENDING THE APPROVAL OF SAID COUNTYWIDE RULE AMENDMENTS BY THE PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS, ACTING IN THEIR CAPACITY AS THE COUNTYWIDE PLANNING AUTHORITY.

WHEREAS, the Board of County Commissioners acting as the Countywide Planning Authority has adopted a Countywide Comprehensive Plan by adoption of Ordinance No. 89-4 on January 31, 1989 and subsequently amended said Countywide Plan by Ordinance Nos. 95-55, 05-32, and 10-42; and

WHEREAS, as part of Ordinance 89-4, the Board also adopted the Rules Concerning the Administration of the Countywide Future Land Use Plan (Countywide Rules) and subsequently amended said Countywide Rules by Ordinances Nos. 89-66A, 91-5, 92-4, 92-51, 93-112, 94-20, 94-55, 95-78, 96-17, 96-32, 96-47, 96-55, 96-87, 97-71, 98-41, 99-22, 99-76, 00-60, 01-16, 03-23, 04-5, 05-49, 06-52, 06-61, 07-13, 07-50, 08-43, 08-81, 09-3, 09-9, 10-23, 10-31, 10-59, 11-18, and 14-06; and

WHEREAS, the Pinellas Planning Council, pursuant to Section 6(7)(b), Chapter 2012-245, Laws of Florida, is authorized to develop rules, standards, policies and objectives that will implement the Countywide Future Land Use Plan; and

WHEREAS, the Pinellas Planning Council pursuant to Section 10(3)(a), Chapter 2012-245, Laws of Florida, is authorized to initiate amendment to a rule, standard, policy or objective of the Countywide Future Land Use Plan, as determined necessary by the Council to establish effective countywide planning; and

WHEREAS, the requisite procedures concerning notice and public hearing by the Pinellas Planning Council for amendment of the Countywide Rules have been met; and

WHEREAS, after consideration at public hearing, the Pinellas Planning Council has determined that amendments to the Countywide Rules are necessary to address the public notice requirements, pursuant to Section 11(3), Chapter 2012-245, Laws of Florida, and the 60-day

local governments' review period pursuant to Section 10(1)(b), Chapter 2012-245, Laws of Florida.

NOW, THEREFORE, BE IT RESOLVED by the Pinellas Planning Council that:

Section I. The Council hereby approves the amendment of the Countywide Rules set forth in Exhibit I (clean ordinance) and Exhibit II (underline/strike-through version of ordinance) attached hereto.

Section II. The Council hereby transmits a copy of this Resolution, including Exhibits I and II, to the Pinellas County Board of County Commissioners, acting in their capacity as the Countywide Planning Authority, for consideration and action.

Section III: The Council hereby recommends said Countywide Rule amendments, as set forth in Exhibits I and II, be approved by the Pinellas County Board of County Commissioners, acting in their capacity as the Countywide Planning Authority.

This Resolution offered and adopted at the June 11, 2014 meeting of the Pinellas County Planning Council as hereinafter set forth:

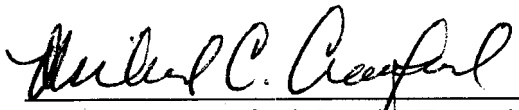
Councilmember JIM KENNEDY offered the foregoing Resolution which was seconded by Councilmember DOREEN HOCK-DIPOLITO and the vote was:

AYES: 8

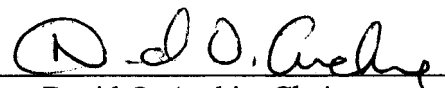
NAYS: 0

ABSENT AND NOT VOTING: HARRIET CROZIER, SAM HENDERSON,
PEGGY O'SHEA, AND ANDY STEINGOLD.

ATTEST:



Michael C. Crawford, Interim Executive Director
Pinellas Planning Council



Mayor David O. Archie, Chairman
Pinellas Planning Council

APPROVED AS TO FORM
OFFICE OF THE COUNTY
ATTORNEY

By: 

ORDINANCE NO. _____

AN ORDINANCE AMENDING PINELLAS COUNTY ORDINANCE NO. 89-4, AS AMENDED, THE COUNTYWIDE PLAN ADOPTION ORDINANCE, BY AMENDING THE "RULES CONCERNING THE ADMINISTRATION OF THE COUNTYWIDE FUTURE LAND USE PLAN," AS AMENDED; ESTABLISHING PUBLIC HEARING AND ADVERTISING REQUIREMENTS FOR AMENDMENTS TO THE COUNTYWIDE PLAN STRATEGIES, COUNTYWIDE PLAN MAP, AND THE COUNTYWIDE RULES; ESTABLISHING REQUIREMENTS REGARDING THE LOCAL GOVERNMENTS' 90-DAY PERIOD FOR REVIEW OF THE UPDATED COUNTYWIDE PLAN MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR MODIFICATION THAT MAY ARISE FROM CONSIDERATION OF THE ORDINANCE AT PUBLIC HEARING.

WHEREAS, the Board of County Commissioners acting as the Countywide Planning Authority has adopted a Countywide Comprehensive Plan by adoption of Ordinance No. 89-4 on January 31, 1989, and subsequently amended said Countywide Plan by Ordinance Nos. 95-55, 05-32, and 10-42; and

WHEREAS, as part of Ordinance 89-4, the Board also adopted the Rules Concerning the Administration of the Countywide Future Land Use Plan (Countywide Rules) and subsequently amended said Countywide Rules by Ordinances Nos. 89-66A, 91-5, 92-4, 92-51, 93-112, 94-20, 94-55, 95-78, 96-17, 96-32, 96-47, 96-55, 96-87, 97-71, 98-41, 99-22, 99-76, 00-60, 01-16, 03-23, 04-5, 05-49, 06-52, 06-61, 07-13, 07-50, 08-43, 08-81, 09-3, 09-9, 10-23, 10-31, 10-59, 11-18, and 14-06; and

WHEREAS, the Pinellas Planning Council, pursuant to Section 6(7)(b), Chapter 2012-245, Laws of Florida, is authorized to develop rules, standards, policies, and objectives that will implement the Countywide Future Land Use Plan; and

WHEREAS, the Pinellas Planning Council pursuant to Section 10(3)(a), Chapter 2012-245, Laws of Florida, is authorized to initiate amendment to a rule, standard, policy, or objective of the Countywide Future Land Use Plan, as determined necessary by the Council to establish effective countywide planning; and

WHEREAS, the Pinellas Planning Council pursuant to Section 11(3), Chapter 2012-245, Laws of Florida, is authorized to provide in the Countywide Rules the regulations addressing form of public notice regarding amendments to

the Countywide Plan strategies, Countywide Plan Map, and the Countywide Rules; and

WHEREAS, the Pinellas Planning Council pursuant to Section 10(1)(b), Chapter 2012-245, Laws of Florida, is authorized to establish in the Countywide Rules the manner in which comment, review, and adoption by local governments, if applicable, of the updated Countywide Plan Map shall take place; and

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, acting in their capacity as the Countywide Planning Authority, desires to amend the Countywide Rules, as amended, for Pinellas County, Florida, as set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA:

SECTION 1. The portions of Article 6, Countywide Plan Map and Countywide Rules Administration, are hereby amended as set forth below. All other portions of Article 6 not included in this ordinance are preserved and remain as previously set forth in the Countywide Plan Rules.

**DIV. 6.8 AMENDMENTS TO THE COUNTYWIDE PLAN,
COUNTYWIDE PLAN MAP, AND COUNTYWIDE RULES.**

**SEC. 6.8.1 AMENDMENTS TO THE COUNTYWIDE PLAN MAP FOR
LESS THAN FIVE PERCENT OF THE AREA OF THE
COUNTY.**

- 6.8.1.1** For Countywide Plan Map amendments where such property is less than five percent of the area of the county, the Planning Council shall hold one advertised public hearing and the Countywide Planning Authority shall hold one advertised public hearing.
- 6.8.1.2** One advertisement shall be published at least fourteen days prior to the Planning Council public hearing. Such advertisement shall include the date and time of the Countywide Planning Authority public hearing.
- 6.8.1.3** One mailed notice containing the essential parts of the published advertisement shall be provided to the owners of record of real property within the amendment area and to the local government with jurisdiction over such amendment area at least thirty days prior to the Countywide Planning Authority public hearing.

SEC. 6.8.2 AMENDMENTS TO THE COUNTYWIDE PLAN MAP FOR FIVE PERCENT OR MORE OF THE AREA OF THE COUNTY.

6.8.2.1 For Countywide Plan Map amendments where such property is five percent or more of the area of the county, the Planning Council shall hold one advertised public hearing and the Countywide Planning Authority shall hold two advertised public hearings. At least one of the Countywide Planning Authority hearings shall be held after 5 p.m. on a weekday. The second hearing shall be held at least 10 days after the first hearing.

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SEC. 6.8.3 AMENDMENTS TO THE COUNTYWIDE PLAN AND THE COUNTYWIDE RULES.

6.8.3.1 For amendments to the Countywide Plan and the Countywide Rules, the Planning Council shall hold one advertised public hearing and the Countywide Planning Authority shall hold two advertised public hearings. At least one of the Countywide Planning Authority hearings shall be held after 5 p.m. on a weekday. The second hearing shall be held at least 10 days after the first hearing.

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6.8.3.3 Mailed notice containing the essential parts of the published advertisement shall be provided to all local governments at least thirty days prior to the first Countywide Planning Authority public hearing.

SEC. 6.8.4 ONE-TIME REPEAL AND REPLACEMENT OF THE COUNTYWIDE PLAN MAP PER THE SPECIAL ACT.

6.8.4.1 For the one-time repeal and replacement of the Countywide Plan Map per the Special Act (Chapter 2012-245, Laws of Florida), the Planning Council shall hold one advertised public hearing and the Countywide Planning Authority shall hold two advertised public hearings. At least one of the Countywide Planning Authority hearings shall be held after 5 p.m. on a weekday. The second hearing shall be held at least 10 days after the first hearing.

6.8.4.2 Three advertisements shall be published as follows:

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6.8.4.3 Mailed notice containing the essential parts of the published advertisement shall be provided to all local governments at least thirty days prior to the first Countywide Planning Authority public hearing.

SEC. 6.8.5 REQUIRED PUBLIC ADVERTISEMENT AND MAILED NOTICE FORM.

6.8.5.1 The form of notice for public hearings conducted under this section shall be in accordance with applicable Florida law and as more particularly set forth below:

1. The required published advertisement(s) shall be placed in a newspaper of general paid circulation in the county pursuant to Chapter 50, Florida Statutes, and be made available on the Planning Council website.
2. The required advertisements 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.
3. 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.
4. 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.

6.8.5.2 A mailed notice of the Planning Council and Countywide Planning Authority public hearings shall contain the essential parts of the published advertisement and a copy of the notice will be available for public inspection during the regular business hours of the Planning Council and Countywide Planning Authority.

The notice shall be mailed to each property owner based on the most recent published ad valorem tax records of the County.

SEC. 6.8.6 INITIATION OF RULE AMENDMENTS.

An amendment to the Countywide Rules may be initiated only by a local government pursuant to a formal resolution adopted by its governing body requesting and setting forth the specifics of such amendment, or by the Planning Council or Countywide Planning Authority.

SEC. 6.8.7 NOTIFICATION TO LOCAL JURISDICTIONS.

The Planning Council staff shall, within fifteen days of the receipt of a recorded ordinance from the Department of State, provide the local governments with a copy of the amendment and suggested modifications to the local plan and regulations that may be appropriate, if any, to be performed within one year, to maintain consistency with the Countywide Rules.

DIV. 6.10 LOCAL GOVERNMENTS' REVIEW OF THE UPDATED COUNTYWIDE PLAN MAP.

SEC. 6.10.1 TRANSMITTAL TO THE LOCAL GOVERNMENTS.

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 local government for review and comment a minimum of ninety days prior to initial Planning Council action to adopt the new Countywide Plan Map.

SEC. 6.10.2 LOCAL GOVERNMENT COMMENTS.

All local government comments shall be forwarded to the Planning Council staff within ninety days of receipt of the proposed new Countywide Plan Map.

The Planning Council staff shall compile any comments received from local governments and determine if they should cause modification to the proposed new Countywide Plan Map, the accompanying explanatory text or other sections of the Countywide Plan or Rules. All compiled comments will be provided to the Planning Council for their information and consideration.

Once the proposed new Countywide Plan Map, relevant Countywide Rules, and accompanying explanatory text have been revised accordingly, a draft of each will be presented to the Planning Council to determine if they wish to initiate amendment of the Countywide Plan, Countywide Plan Map, and Rules in accordance with Division 6.8 of these Rules.

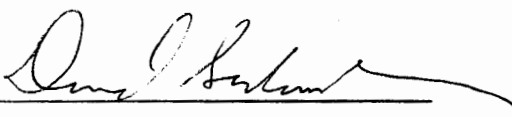
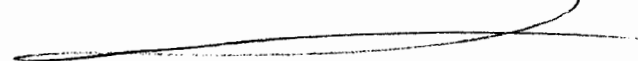
SEC. 6.10.3 CONSISTENCY.

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 therefore set forth in Section 10(2), Consistency Review, of Chapter 2012-245, Laws of Florida, and the otherwise applicable process for local government plan map and land development regulation amendment.

SECTION 2. Severability. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 3. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing with the Department of State.

APPROVED AS TO FORM
OFFICE OF THE COUNTY ATTORNEY

By: 


ORDINANCE NO. _____

AN ORDINANCE AMENDING PINELLAS COUNTY ORDINANCE NO. 89-4, AS AMENDED, THE COUNTYWIDE PLAN ADOPTION ORDINANCE, BY AMENDING THE "RULES CONCERNING THE ADMINISTRATION OF THE COUNTYWIDE FUTURE LAND USE PLAN," AS AMENDED; ESTABLISHING PUBLIC HEARING AND ADVERTISING REQUIREMENTS FOR AMENDMENTS TO THE COUNTYWIDE PLAN STRATEGIES, COUNTYWIDE PLAN MAP, AND THE COUNTYWIDE RULES; ESTABLISHING REQUIREMENTS REGARDING THE LOCAL GOVERNMENTS' 90-DAY PERIOD FOR REVIEW OF THE UPDATED COUNTYWIDE PLAN MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR MODIFICATION THAT MAY ARISE FROM CONSIDERATION OF THE ORDINANCE AT PUBLIC HEARING.

WHEREAS, the Board of County Commissioners acting as the Countywide Planning Authority has adopted a Countywide Comprehensive Plan by adoption of Ordinance No. 89-4 on January 31, 1989, and subsequently amended said Countywide Plan by Ordinance Nos. 95-55, 05-32, and 10-42; and

WHEREAS, as part of Ordinance 89-4, the Board also adopted the Rules Concerning the Administration of the Countywide Future Land Use Plan (Countywide Rules) and subsequently amended said Countywide Rules by Ordinances Nos. 89-66A, 91-5, 92-4, 92-51, 93-112, 94-20, 94-55, 95-78, 96-17, 96-32, 96-47, 96-55, 96-87, 97-71, 98-41, 99-22, 99-76, 00-60, 01-16, 03-23, 04-5, 05-49, 06-52, 06-61, 07-13, 07-50, 08-43, 08-81, 09-3, 09-9, 10-23, 10-31, 10-59, 11-18, and 14-06; and

WHEREAS, the Pinellas Planning Council, pursuant to Section 6(7)(b), Chapter 2012-245, Laws of Florida, is authorized to develop rules, standards, policies, and objectives that will implement the Countywide Future Land Use Plan; and

WHEREAS, the Pinellas Planning Council pursuant to Section 10(3)(a), Chapter 2012-245, Laws of Florida, is authorized to initiate amendment to a rule, standard, policy, or objective of the Countywide Future Land Use Plan, as determined necessary by the Council to establish effective countywide planning; and

WHEREAS, the Pinellas Planning Council pursuant to Section 11(3), Chapter 2012-245, Laws of Florida, is authorized to provide in the Countywide

Rules the regulations addressing form of public notice regarding amendments to the Countywide Plan strategies, including the Countywide Plan Map, and the Countywide Rules; and

WHEREAS, the Pinellas Planning Council pursuant to Section 10(1)(b), Chapter 2012-245, Laws of Florida, is authorized to establish in the Countywide Rules the manner in which comment, review, and adoption by local governments, if applicable, of the updated Countywide Plan Map shall take place; and

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, acting in their capacity as the Countywide Planning Authority, desires to amend the Countywide Rules, as amended, for Pinellas County, Florida, as set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA:

SECTION 1. The portions of Article 6, Countywide Plan Map and Countywide Rules Administration, are hereby amended as set forth below. All other portions of Article 6 not included in this ordinance are preserved and remain as previously set forth in the Countywide Plan Rules. (Note: Proposed changes are denoted by underline/~~strike-thru~~).

DIV. 6.8 RULE—AMENDMENTS TO THE COUNTYWIDE PLAN, COUNTYWIDE PLAN MAP, AND COUNTYWIDE RULES.

SEC. 6.8.1 INITIATION. AMENDMENTS TO THE COUNTYWIDE PLAN MAP FOR LESS THAN FIVE PERCENT OF THE AREA OF THE COUNTY.

~~An amendment to these Countywide Rules may be initiated only by a local government pursuant to a formal resolution adopted by its governing body requesting and setting forth the specifics of such amendment, or by the PPC or CPA.~~

6.8.1.1 For Countywide Plan Map amendments where such property is less than five percent of the area of the county, the Planning Council shall hold one advertised public hearing and the Countywide Planning Authority shall hold one advertised public hearing.

6.8.1.2 One advertisement shall be published at least fourteen days prior to the Planning Council public hearing. Such advertisement shall include the date and time of the Countywide Planning Authority public hearing.

6.8.1.3 One mailed notice containing the essential parts of the published advertisement shall be provided to the owners of record of real property within the amendment area and to the local government with jurisdiction over such amendment area at least thirty days prior to the Countywide Planning Authority public hearing.

SEC. 6.8.2 PROCEDURES AMENDMENTS TO THE COUNTYWIDE PLAN MAP FOR FIVE PERCENT OR MORE OF THE AREA OF THE COUNTY.

~~The procedures for amendment of these Countywide Rules shall be as provided in Section 10 of Chapter 88-464, Laws of Florida, as amended. Subject to the more detailed provisions of Section 10 of Chapter 88-464, Laws of Florida, as amended, the public hearing and notice requirements for an amendment to these Countywide Rules require one (1) advertised public hearing before the PPC and two (2) advertised public hearings before the CPA, with special hearing and notice requirements specifically described in Section 10(5) of Chapter 88-464, Laws of Florida, as amended.~~

6.8.2.1 For Countywide Plan Map amendments where such property is five percent or more of the area of the county, the Planning Council shall hold one advertised public hearing and the Countywide Planning Authority shall hold two advertised public hearings. At least one of the Countywide Planning Authority hearings shall be held after 5 p.m. on a weekday. The second hearing shall be held at least 10 days after the first hearing.

6.8.2.2 Three advertisements shall be published as follows:

1. The first advertisement shall be published at least fourteen days prior to the Planning Council public hearing. Such advertisement shall note that the date and time of the two Countywide Planning Authority public hearings will be determined at a later date.
2. The second advertisement shall be published at least seven days prior to the first Countywide Planning Authority public hearing. Such advertisement shall note that the date and time of the two Countywide Planning Authority public hearings.
3. The third advertisement shall be published at least five days prior to the second Countywide Planning Authority public hearing. Such advertisement shall note that the date and time of the second Countywide Planning Authority public hearing.

SEC. 6.8.3 NOTIFICATION TO LOCAL JURISDICTIONS, AMENDMENTS TO THE COUNTYWIDE PLAN AND THE COUNTYWIDE RULES.

~~The PPC staff shall, within fifteen (15) days of the receipt of a recorded ordinance from the Department of State, provide the local governments with a copy of the amendment and suggested modifications to the local plan and regulations that may be appropriate, if any, to be performed within one year, to maintain consistency with the Countywide Rules.~~

6.8.3.1 For amendments to the Countywide Plan and the Countywide Rules, the Planning Council shall hold one advertised public hearing and the Countywide Planning Authority shall hold two advertised public hearings. At least one of the Countywide Planning Authority hearings shall be held after 5 p.m. on a weekday. The second hearing shall be held at least 10 days after the first hearing.

6.8.3.2 Three advertisements shall be published as follows:

1. The first advertisement shall be published at least fourteen days prior to the Planning Council public hearing. Such advertisement shall note that the date and time of the two Countywide Planning Authority public hearings will be determined at a later date.
2. The second advertisement shall be published at least seven days prior to the first Countywide Planning Authority public hearing. Such advertisement shall note that the date and time of the two Countywide Planning Authority public hearings.
3. The third advertisement shall be published at least five days prior to the second Countywide Planning Authority public hearing. Such advertisement shall note that the date and time of the second Countywide Planning Authority public hearing.

6.8.3.3 Mailed notice containing the essential parts of the published advertisement shall be provided to all local governments at least thirty days prior to the first Countywide Planning Authority public hearing.

SEC. 6.8.4 ONE-TIME REPEAL AND REPLACEMENT OF THE COUNTYWIDE PLAN MAP PER THE SPECIAL ACT.

6.8.4.1 For the one-time repeal and replacement of the Countywide Plan Map per the Special Act (Chapter 2012-245, Laws of Florida), the Planning Council shall hold one advertised public hearing and the Countywide Planning Authority shall hold two advertised public hearings. At least one of the Countywide Planning Authority hearings shall be held after 5 p.m. on a weekday. The second hearing shall be held at least 10 days after the first hearing.

6.8.4.2 Three advertisements shall be published as follows:

1. The first advertisement shall be published at least fourteen days prior to the Planning Council public hearing. Such advertisement shall note that the date and time of the two Countywide Planning Authority public hearings will be determined at a later date.
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3. The third advertisement shall be published at least five days prior to the second Countywide Planning Authority public hearing. Such advertisement shall note that the date and time of the second Countywide Planning Authority public hearing.

6.8.4.3 Mailed notice containing the essential parts of the published advertisement shall be provided to all local governments at least thirty days prior to the first Countywide Planning Authority public hearing.

SEC. 6.8.5 **REQUIRED PUBLIC ADVERTISEMENT AND MAILED NOTICE FORM.**

6.8.5.1 The form of notice for public hearings conducted under this section shall be in accordance with applicable Florida law and as more particularly set forth below:

1. The required published advertisement(s) shall be placed in a newspaper of general paid circulation in the county pursuant to Chapter 50, Florida Statutes, and be made available on the Planning Council website.
2. The required advertisements 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.

3. 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.
4. 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.

6.8.5.2 A mailed notice of the Planning Council and Countywide Planning Authority public hearings shall contain the essential parts of the published advertisement and a copy of the notice will be available for public inspection during the regular business hours of the Planning Council and Countywide Planning Authority.

The notice shall be mailed to each property owner based on the most recent published ad valorem tax records of the County.

SEC. 6.8.6 INITIATION OF RULE AMENDMENTS.

An amendment to the Countywide Rules may be initiated only by a local government pursuant to a formal resolution adopted by its governing body requesting and setting forth the specifics of such amendment, or by the PPC Planning Council or CPA Countywide Planning Authority.

SEC. 6.8.7 NOTIFICATION TO LOCAL JURISDICTIONS.

The PPC Planning Council staff shall, within fifteen days of the receipt of a recorded ordinance from the Department of State, provide the local governments with a copy of the amendment and suggested modifications to the local plan and regulations that may be appropriate, if any, to be performed within one year, to maintain consistency with the Countywide Rules.

DIV. 6.10 LOCAL GOVERNMENTS' REVIEW OF THE UPDATED COUNTYWIDE PLAN MAP.

SEC. 6.10.1 TRANSMITTAL TO THE LOCAL GOVERNMENTS.

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 local government for review and comment a minimum of ninety days prior to initial Planning Council action to adopt the new Countywide Plan Map.

SEC. 6.10.2 LOCAL GOVERNMENT COMMENTS.

All local government comments shall be forwarded to the Planning Council staff within ninety days of receipt of the proposed new Countywide Plan Map.

The Planning Council staff shall compile any comments received from local governments and determine if they should cause modification to the proposed new Countywide Plan Map, the accompanying explanatory text or other sections of the Countywide Plan or Rules. All compiled comments will be provided to the Planning Council for their information and consideration.

Once the proposed new Countywide Plan Map, relevant Countywide Rules, and accompanying explanatory text have been revised accordingly, a draft of each will be presented to the Planning Council to determine if they wish to initiate amendment of the Countywide Plan, Countywide Plan Map, and Rules in accordance with Division 6.8 of these Rules.

SEC. 6.10.3 CONSISTENCY.

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, of Chapter 2012-245, Laws of Florida, and the otherwise applicable process for local government plan map and land development regulation amendment.

SECTION 2. Severability. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 3. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing with the Department of State.

PAC AGENDA – SUMMARY AGENDA ACTION SHEET
DATE: JUNE 2, 2014

ITEM	ACTION TAKEN	VOTE
I. <u>MINUTES OF REGULAR PAC MEETING MAY 5, 2014</u>	<u>Approved</u> Motion: Dean Neal Second: Bob Klute	9 – 0
II. <u>REVIEW OF PPC AGENDA FOR JUNE 11, 2014</u> A. <u>Subthreshold Land Use Plan Amendments</u> 1. None	<u>No Action</u>	
B. <u>Regular Land Use Plan Amendments</u> 2. Case CW 14-17: City of Largo	<u>Approved</u> Motion: Dean Neal Second: Lauren Matske Bob Klute provided background information regarding the intended use of the parcel as a support area for the car dealership fronting on US 19.	10 – 0
3. Case CW 14-18: City of Largo	<u>Approved</u> Motion: Dean Neal Second: Renea Vincent Bob Klute spoke briefly to give details on this case, including the intended use by the city as a public works facility. He indicated that the city deemed it important to have the subject parcel improved.	10 – 0
C. <u>Amendment of the Countywide Rules Re: 60-Day Review Period and Advertising/Public Notice</u>	<u>Approved</u> Motion: Jan Norsoph Second: Bob Klute Chris Mettler provided an outline of each section in the ordinance and noted upcoming hearing dates. Gordon Beardslee stated that he would like to see a draft of the amended rules that are related to the update of the Countywide Plan prior to the adoption of the new maps (not just the explanatory text) to allow time to review. Matt McLachlan asked for a timeline on the adoption of the Countywide Plan Map and Rules related to the major update; Mike Crawford responded that the hearings should take place this fall, with final approval expected by December 2014.	10 – 0

D. <u>Annexation Report – May 2014</u>	<u>No Action – Information Only</u> Michael Schoderbock gave a synopsis of the report.	
E. <u>CPA Actions May 2014</u>	<u>No Action – Information Only</u> A brief discussion of St. Petersburg's Case CW14-16 was mentioned; Mike Crawford outlined the reasons for the PPC's recommendations.	
F. <u>MPO/PPC Unification Update</u>	<u>No Action – Information Only</u> Mike Crawford indicated that the MPO/ local government interlocal agreement was pending amendment and, until that is completed, the new unified MPO/ PPC could not be seated. However, this could occur as early as July, but seating would most likely not take place until September.	
G. <u>Countywide Plan and Transportation Update</u>	<u>No Action – Information Only</u>	
H. <u>Countywide Plan Map Adjustments – Official Acceptance</u>	<u>Approved</u> Motion: Dean Neal Second: Jan Norsoph Mike Schoderbock announced that map adjustments are now being processed as needed, instead of bi-annually as before. He gave a brief synopsis of each map adjustment.	10 – 0
III. <u>OLD BUSINESS</u>	<u>None</u>	
IV. <u>OTHER PAC BUSINESS/PAC DISCUSSION AND UPCOMING AGENDA</u>	<u>None</u>	
V. <u>ADJOURNMENT</u>		2:21 pm

Respectfully Submitted,

PAC Chairman

Date