

# Streamlining The Plan Map Amendment Process

## Charting New Directions

**Prepared By The Pinellas Planning Council  
February 16, 2000**

# **STREAMLINING THE PLAN MAP AMENDMENT PROCESS**

## ***CHARTING NEW DIRECTIONS***

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**February 16, 2000**

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## Preface

As a follow-up to the Council (PPC) and Countywide Planning Authority (CPA) Joint Strategic Planning Workshop on February 23, 1999, the PPC staff prepared and presented three memoranda relating to the main topic of “duplication,” or the need and opportunity to streamline the future land use plan map amendment process. The three topics covered in these separate memoranda were:

- < Time-tables for Future Land Use Plan Map Amendments;
- < Minimum Requirements of the Special Act; and
- < Plan Map Amendment Process.

Each of these memoranda included detailed information used by PPC staff, the Planners Advisory Committee (PAC), and the PPC to identify changes to the plan map amendment process that would help to reduce or eliminate unnecessary complexity, overlap, or delay.

This report is built upon these three topics and includes recommended changes to state, local, and countywide future land use plan map amendment review processes. It also includes a description of how the recommendations can be implemented, priority of implementation, and a general time-frame to complete each item.

## Summary of Issues and Recommendations

This section includes a brief description and summary of each issue identified for state, local, and countywide future land use plan map amendment processes. A more detailed discussion of each item is included in the next section titled *Analysis and Discussion of Issues and Recommendations*.

<b>A. State of Florida/Local Future Land Use Plan Map Amendment Level</b>			
<b>Issue</b>	<b>Recommendation</b>	<b>Priority</b>	<b>Implementation</b>
<p><b>1. FDCA Review</b> State review of local future land use plan amendments to focus on relevant state issues.</p> <p>Potential extension of total review time to 205 days (up from 145) for local amendments requested to “not be reviewed.”</p> <p>Extended post-adoption review time of local future land use plan map amendments (especially those that received no objections from the FDCA).</p>	<p>Exempt amendments from state review that occur in Pinellas County if they do not involve significant issues identified at the state level.</p>	Primary	Resolution to FDCA recommending statutory and Florida Administrative Code amendments.
	<p>Eliminate the extra 30 days triggered when a state or regional agency decides to request a review of a local amendment.</p>	Secondary	Resolution to FDCA recommending statutory and Florida Administrative Code amendments.
	<p>Reduce or eliminate the 45 day review period that the FDCA uses to determine compliance of plan amendments.</p>	Secondary	Resolution to FDCA recommending statutory and Florida Administrative Code amendments.
<p><b>2. FDCA Copies/Distribution of Future Land Use Plan Map Amendments</b> Extensive copies of plan map amendment packages sent for review by others.</p>	<p>Eliminate the requirement that copies of map amendments be sent to certain agencies after first and second reading of ordinances.</p>	Tertiary	Resolution to FDCA recommending statutory and Florida Administrative Code amendments.
	<p>Distribute Countywide Plan Map to other agencies to provide a countywide framework for future land use plan amendments.</p>	Tertiary	Resolution to FDCA recommending statutory and Florida Administrative Code amendments.
<p><b>3. County Land Planning Agency Function</b> Administrative review of local amendments by the Pinellas County Planning Department with comments sent to the FDCA.</p>	<p>Revise County staff review so it occurs through the PPC Countywide Plan Map review process and cites proper authority in Florida Statutes.</p>	Secondary	As currently provided in Florida Statutes and Florida Administrative Code. PPC request to the County.

<b>B. Countywide Plan Map Amendment Level</b>			
<b>Issue</b>	<b>Recommendation</b>	<b>Priority</b>	<b>Implementation</b>
<p><b>1. Level 1 Amendment Screen - PPC Regular and Subthreshold Amendment Standards</b>            Current full (regular) review of Countywide Plan Map amendments adjacent to another local government and coordination with the State's "small scale" amendments.</p>	<p>Revise current standards to no longer disqualify subthreshold amendments (for official acceptance) due to adjacency.</p> <p>Double the current standards in the Countywide Rules (Type "C" amendments) to more closely parallel the State's 10 acre and 10 unit per acre "small scale" threshold levels.</p>	<p>Primary</p> <p>Primary</p>	<p>Countywide Rule amendment.</p> <p>Countywide Rule amendment.</p>
<p><b>2. Level 2 Amendment Screen - Relevant Countywide Considerations</b>            Reconstruct Countywide Plan Map amendment review to focus on relevant countywide considerations.</p>	<p>Review only cases which involve relevant countywide considerations that would otherwise not qualify as subthreshold.</p>	<p>Primary</p>	<p>Countywide Rule amendment and revision of Countywide Comprehensive Plan.</p>
<p><b>3. PPC/CPA Public Hearing and Appeals Process</b>            Reduction in the meeting complexity for Countywide Plan Map amendments.</p>	<p>Reduce the complexity and potential time frame involved in amending the Countywide Plan Map, including meetings/hearings, and appeal options.</p>	<p>Primary</p>	<p>Amend Special Act and Countywide Rules.</p>
<p><b>4. Duplicate County Public Notice</b>            Public notice requirements for CPA public hearings.</p>	<p>Eliminate the unnecessary legal advertisement placed by the Pinellas County Planning Department.</p>	<p>Secondary</p>	<p>PPC request of the County.</p>

The following section provides additional detail and discussion regarding the recommendations included in the previous *Summary of Issues and Recommendations*.

## **A. State of Florida/Local Future Land Use Plan Map Amendment Level**

### **1. Florida Department of Community Affairs (FDCA) Review**

As presented and discussed at the PPC meeting of March 17, 1999, the time-tables included in this section show the amount of time it takes for a regular future land use plan map amendment to be approved from start to finish. The tables show both the state/local process (first) and the *Countywide Future Land Use Plan Map* (Countywide Plan Map) amendment process (second). When this was presented to the Planners Advisory Committee in March, 1999, their consensus was that the schedules were accurate and that the Countywide Plan Map amendment process did not delay the local process, especially since the Countywide Plan Map amendment review time was compressed several years ago.

#### **a. FDCA Review Pursuant to State Interest**

In addition to amending the existing time frames related to state review of local amendments, as discussed below, a long term recommendation includes reducing the need for state oversight. Specifically, the recommendation that local future land use plan map amendments occurring within Pinellas County be exempted from state review if they do not involve significant issues identified at the state level. This is the same concept applied to the Countywide Plan Map amendment process as described later in this report, specifically the *Relevant Countywide Considerations* and the *Level 1 and 2 Amendment Screens* involved in the discussion beginning on page 11. The state would first be required to identify what issues they deem to be important and only review amendments that involve those issues.

This recommendation suggests that more amendments to local future land use plan maps qualify as subthreshold (considered “small scale” at the state level) from the state’s process due to the presence of the *Countywide Comprehensive Plan* (Countywide Plan) and *Rules Concerning the Administration of the Countywide Future Land Use Plan Map* (Countywide Rules) amendment process.

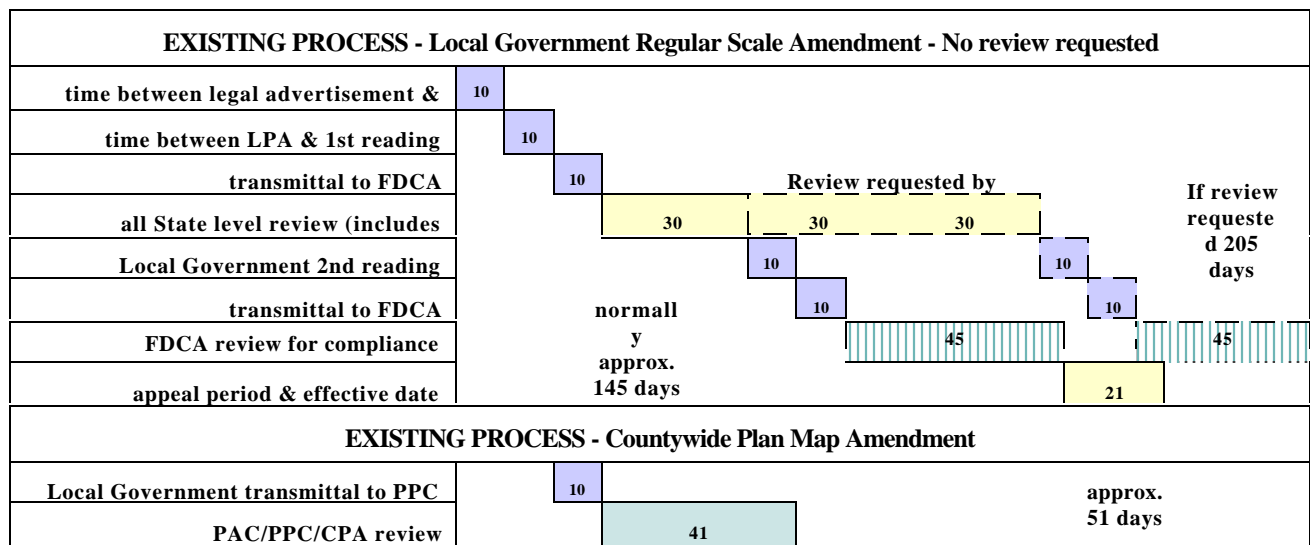
#### **b. Pre-Adoption Review Time - “No Review Requested” Amendments**

There are two ways that the FDCA can review regular local government future land use plan map amendments and these are initially based upon the desire of the submitting local government, i.e., “no review requested” and “review requested.” The “review requested” option is used by local government when the amendment may be controversial or outside the norm. These amendments may represent an increase in density or intensity, a change from residential to non-residential, or when the area proposed to be amended is large, etc. It is anticipated by the local government that the FDCA, or another state or regional agency, will wish to review or comment on the amendment.

*State and Local Level Streamlining Recommendations*

The second “no review requested” amendments are those that a local government is confident are consistent with state law and other agency plans and will not likely need to be reviewed. These amendments normally have little impact to surrounding areas, do not involve environmentally sensitive areas, or do not involve changes from residential to non-residential uses with the potential for increased traffic on roadways with poor levels of service. Submission of a “no review requested” plan map amendment by local government triggers a different time line for FDCA review of a proposed ordinance. Instead of 60 days for review the schedule is compressed to 30 days. However, the problem occurs when one of the reviewing agencies decides they wish to request a full review of the amendment. At this point the FDCA is notified and then the normal 60 day review time (used for “review requested” amendments) is instituted. So instead of the amendment being in the hands of the FDCA for 30 days, it will now be a total of 90 days before they are through with it. This can extend the overall review time from 145 days up to 205 days. Local governments proposing to amend their plan maps must take this extra time into account when submitting an amendment as “no review requested.” The review period is unpredictable and can represent a gamble on the part of the submitting local government.

What is recommended to correct this unpredictability, or at least reduce the impact of this additional 60 days to the submitting local government, is to reduce the total potential time that the FDCA has the amendment from 90 days down to a maximum of 60 days. In this scenario the FDCA and other reviewing agencies would use the first 30 day review period to not only determine whether or not the amendment warranted full review, but also conduct the review during this time. Comments then could be forwarded to the FDCA for use in the Objections, Recommendations, and Comments (ORC) Report which is developed and sent to the local government during the following 30 day time period. The local government submitting a proposed amendment as “no review requested” would have more predictability and the request would represent less of a gamble as to the length of the review period.



**c. Post-Adoption Review Time - “Review Requested” Amendments**

What was acknowledged in discussions with the PPC’s Planners Advisory Committee concerning the time lines was that the review of the local amendments conducted by the Florida Department of Community Affairs (FDCA) was the most time consuming, especially the second, 45 day review period following the local ordinance adoption, extending the local process unnecessarily. Specifically, the 45 days to review the local amendment for compliance after the local government’s second reading (final adoption hearing), coupled with the 21 day appeal period, was deemed excessive. As can be seen from the time line there is a 60 day (“review requested”) initial review period by state and regional agencies to ensure that the amendment is consistent with state law and their respective agency plans. To have an additional 45 days added on at the end of the local process to conduct a second review, is excessive and unnecessarily lengthens the amendment process.

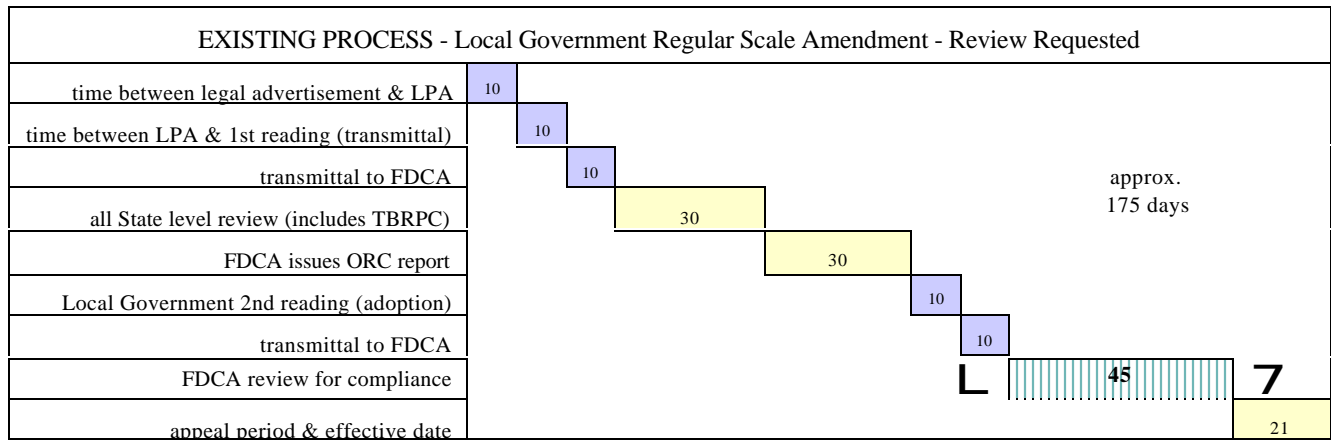
**1) Map Amendments With Changes**

First, it is recommended that this review time be reduced from 45 days to 15 days for future land use plan map amendments that have been modified in response to and consistent with the FDCA’s ORC Report allowing the FDCA sufficient time to review any modifications that occurred at the local government’s second and final reading of the ordinance. This would allow the FDCA to review local government changes that were recommended by FDCA and determine compliance. The results of this action would reduce the process by 30 days.

**2) Map Amendments Without Changes**

Second, it is recommended that those amendments which have not been modified by local government at the second reading of the ordinance, and that have received an “okay” from the FDCA as written in the ORC Report, should not be subject to the extra 45 day review time. If the preliminary review by FDCA finds no objection and there is no change at the second and final reading by local government, no further review should be necessary. The local government could then send a final copy of the ordinance to the FDCA as notification of amendment approval. FDCA would then initiate the 21 day appeal period followed by an “effective date.”

These changes will result in a reduction of state/local processing time from 175 days to 145 days (amendment with changes), and from 175 days to 130 days (amendment with no changes).



## **2. FDCA Copies/Distribution of Future Land Use Plan Map Amendments**

The current process for transmitting proposed (after 1st reading) and adopted (after 2nd reading) local plan amendments to the FDCA is time consuming and expensive. Local governments must accomplish the following within ten days of first and second reading of an ordinance proposing to amend the local future land use plan map:

- < After 1st Reading: Six copies of the proposed ordinance with supporting information (i.e., staff reports, data, and analysis) to the FDCA. The FDCA forwards five of the six copies to the:
  - < County Land Planning Agency (Pinellas County);
  - < Florida Dept. of Agriculture, Division of Forestry;
  - < Florida Fish and Wildlife Conservation Commission;
  - < Florida Dept. of State; and
  - < Florida Dept. of Emergency Management.
  
- < The local government distributes four copies (one each) to the:
  - < Florida Department of Transportation (FDOT);
  - < Florida Department of Environmental Protection (FDEP);
  - < Southwest Florida Water Management District (SWFWMD); and
  - < Tampa Bay Regional Planning Council (TBRPC).
  
- < After 2nd Reading: Three copies (instead of six) of the adopted ordinance and future land use plan map to the FDCA. The FDCA distributes the copies as follows:
  - < File copy;
  - < Review copy; and
  - < State Records Center.
  
- < The local government distributes four copies (one each) to the:
  - < FDOT;
  - < FDEP;
  - < SWFWMD; and
  - < TBRPC.

### **a. County Land Planning Agency Copy**

The first recommendation is to have the local government send their proposed amendment directly to the County Land Planning Agency (Pinellas County Planning Department) after 1<sup>st</sup> reading instead of through the FDCA in Tallahassee which then sends it back to Pinellas County. This will save valuable review time and be more efficient.

**b. Copies After First Reading to Other State Agencies**

The second recommendation is to eliminate three of the six copies sent after 1st reading. These three copies are sent to FDCA and are then forwarded to the Department of Agriculture, the Florida Fish and Wildlife Conservation Commission, and the Florida Department of Emergency Management. Local governments in Pinellas County rarely receive comments from these agencies on their local amendments and if the copies sent to them were eliminated as recommended, the FDCA could still notify them as needed for any map amendment that might involve them. The reduction in number of copies sent will reduce paper work, staff resources and time, and postage.

**c. Copies After Adoption to Other State and Regional Agencies**

The final copies of future land use plan map amendments sent to the FDOT, the FDEP, the SWFWMD, and the TBRPC should be eliminated and sent only upon request. If the map amendment adopted is the same as the one that they reviewed after first reading, then there should be no need to send a second copy of the plan map amendment. Notification of adoption of the map amendment as originally proposed can be mailed to these agencies if necessary and a Countywide Plan Map can be forwarded, as discussed below.

**d. Distribution of Countywide Plan Maps**

In addition to the recommendation that the final adopted copy of the future land use plan map be forwarded to the FDEP, SWFWMD, TBRPC, and the FDOT only upon request, it is recommended that these agencies receive updated Countywide Plan Maps for the entire County on a regular basis.

**3. County Land Planning Agency Function**

There is considerable confusion relative to the different roles associated with the review of local comprehensive plan amendments. All local governments in Florida are statutorily required to designate a “local planning agency” that has the responsibility and duty to review amendments to their comprehensive plan. These local planning agencies are usually the local planning and zoning board, or in some cases, are the governing board themselves (commission or council). In the case of Pinellas County the local planning agency is the Pinellas County Planning Department.

The local government’s “local planning agency” reviews all of their local comprehensive plan amendments, both text and map amendments, before making a recommendation to the local governing board (commission or council). They are the first to review proposed amendments and review each item at a public hearing that includes public notice.

In addition to review of local government plan amendments at the local level by the local planning agency, Florida Statutes (Section 163.3184(4) and (5), FS) provides for the review of municipal plan amendments by the “county land planning agency...primarily in the context of the relationships and impact on the county plan. Relationships include the requirements placed upon county services, compatibility of adjacent land uses, and effects on interlocal

agreements,”<sup>1</sup> (i.e., to determine the affect of the amendment on county plan elements, e.g., Recreation and Open Space Element for county maintained parks or the Transportation Element for a county maintained roadway within a municipality). Comments generated from this review, which is conducted by the Pinellas County Planning Department staff for municipalities in Pinellas County, are then forwarded to the FDCA for its use in formulating a response to a local plan amendment. Pinellas County then, has two roles: 1) the role of “local planning agency,” just like all other local governments, for review of amendments to their own comprehensive plan; and 2) the role of “county land planning agency” to review other local government plan amendments for their affect on County plan elements.

The problem occurs when this second role to review municipal plan amendments for the affect on the County plan elements is extended or becomes confused with the role of Pinellas County’s Local Planning Agency. As an example, the County’s review of a City of Dunedin plan map amendment is attached (Attachment A). In this example, the County staff wrote to the FDCA incorrectly citing the authority of Section 163.3161, FS, and incorrectly noted that it was providing a “County Local (*sic*) Planning Agency” review. The review then addressed a policy in the Pinellas County Comprehensive Plan that applies only to unincorporated Pinellas County and that is not any more or less relevant to Dunedin’s plan map amendment than any other local government’s policy; and which issue had already been decided by the PPC and CPA several months earlier. Additionally, the report on the municipal amendment is prepared at the administrative level by Pinellas County staff members and does not provide an opportunity for public input or debate.

This is confusing at best, and at worst, serves to compromise the resolution of inter-jurisdictional issues within our countywide planning process. A more appropriate way of handling the review of local future land use plan map amendments for their affect on larger countywide issues, which the County was attempting to raise, is to utilize the PPC and the CPA’s Countywide Plan Map amendment process. The Special Act (Chapter 88-464, Laws of Florida) designates the PPC as the “Countywide Land Planning Agency.” This countywide review function in the Special Act (Chapter 88-464, Laws of Florida) would be appropriate to plan amendments using the example of the Coastal High Hazard Area (which was the issue in the Dunedin case), or the application of other agreed-upon countywide issues, during the normal Countywide Plan Map amendment review process. This would mean that the review of the future land use plan map amendments in relation to these countywide issues would be brought to a public forum where all interested parties could be heard and, if appropriate, the action resulting from this process be forwarded to the FDCA for their use in reviewing the local amendment.

This approach would appear to be consistent with the wording of the Special Act (Chapter 88-464, Laws of Florida, as amended) wherein it states the following under purpose and legislative intent in Section 2(1)(c):

*“The coordination by the council of all planning and development in Pinellas County with the Department of Community Affairs”;*

and under power and duties of Section 5(13):

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<sup>1</sup>Rule 9J-11.010(6)(c), Florida Administrative Code.

*“To act as the countywide land planning agency for Pinellas County. This act does not prevent the Pinellas County Board of County Commissioners from designating a local planning agency for the county.”*

Simply stated, the PPC/CPA process should be determinative of any inter-jurisdictional or countywide policy as it pertains to local plan map amendments and the County review of municipal plan amendments as the County Land Planning Agency should only address concerns pertaining to the Pinellas County Comprehensive Plan elements and as described in Florida Statutes and the Florida Administrative Code. In summary, the recommendations for this report include:

- < For the County Land Planning Authority to cite the proper statutory authority for their review (i.e., Section 163.3184(4) and (5), Florida Statutes, and Rule 9J-11.010(6)(c), Florida Administrative Code) and to refer to the review of the local amendment in its capacity as the *“County Land Planning Agency”* as opposed to the *“Pinellas County Local Planning Agency.”*
  
- < Limit the review of local future land use plan map amendments to that authority cited in Florida Statutes and Florida Administrative Code, i.e., “primarily in the context of the relationships and impact on the county plan. Relationships include the requirements placed upon county services, compatibility of adjacent land uses, and effects on interlocal agreements” and to utilize the PPC and the CPA Countywide Plan Map amendment process to address concerns with countywide issues, consistent with the wording of the Special Act.

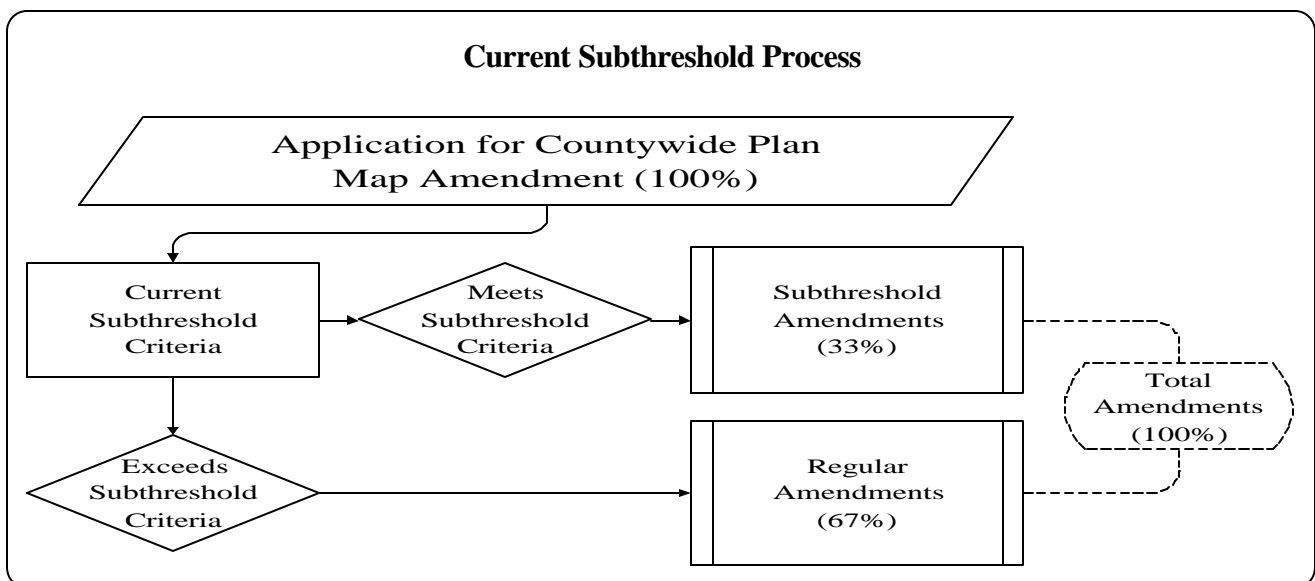
## B. Countywide Plan Map Amendment Level

The current Countywide Rules include standards to determine which proposed amendments to the Countywide Plan Map can be considered subthreshold and which are treated as regular amendments. The standards include five categories for amendment, Type “A” through “E”, including standards for amendments along Scenic/Non-Commercial Corridors and those that are adjacent to another jurisdiction.

### Current Subthreshold Standards (Summarized)

Types of Threshold	Maximum Size of Amendment	Plan Classification/Category of Amendment	Adjacent to Scenic Corridor or Other Jurisdiction	Aggregation Limit Per Year
A.	1 Ac.	Any	Not Eligible	30 Ac
B.	3 Ac.	Same Classification Only	Not Eligible	30 Ac
C.	5 Ac.	Residential at 5 units/ac. or less	Not Applicable	30 Ac
D.	No Limit	Same Classification Only - Less Intensive Category	Not Applicable	Not Applicable
E.	No Limit	Water/DF, Rec./OS & Pres. Categories Only	Not Applicable	Not Applicable

The scenario outlined in this section involves two key recommendations: 1) amendment to the existing Countywide Rule subthreshold standards for adjacency and amendment of the Type “C” threshold to more closely follow the State’s “small scale” amendment standards, all titled *Level 1 Amendment Screen*; and 2) add a “*Level 2 Amendment Screen*” of proposed Countywide Plan Map amendments to determine if they involve described “*Relevant Countywide Considerations*.” If the proposed amendments do not first qualify as subthreshold under the *Level 1 Amendment Screen* they can still qualify as subthreshold if they do not involve these *Relevant Countywide Considerations*. Those that do involve them are then only reviewed for their effect on that particular consideration.



## **1. Level 1 Amendment Screen - PPC Regular and Subthreshold Amendment Standards**

Certain small Countywide Plan Map amendments, especially within the lower intensity or density land use categories, normally have minimal or no impact upon surrounding jurisdictions or other agencies; nor do they affect the policies and objectives of the Countywide Plan in a significant manner. For example, a change in land use from one residential category to another less intense category, such as Preservation, or from one type of commercial land use to a lower intensity commercial land use, normally does not need to be reviewed for intergovernmental impacts or for the affect on the Countywide Plan. The current Countywide Rules subthreshold amendment standards take this into account, and largely address the issue of an expedited Countywide Plan Map amendment review process for those amendments considered deminimus (subthreshold) based on size, location, and relative density/intensity.

Subthreshold amendments typically represent about one-third of all Countywide Plan Map amendments processed. Council staff has evaluated the implications of changing the subthreshold determinants and shows the resulting breakdown between regular and subthreshold cases in the pie charts following this discussion. In determining the appropriate level of subthreshold plan amendment the following factors were considered: experience with past amendments, including size, intensity, location and aggregation; the relationship and advantage of coordinating with Section 163.3187, FS, for “small scale” amendments to local comprehensive plans; and maintaining the overall purpose and integrity of the Countywide Plan.

### **a. Adjacency to Other Jurisdictions**

One of the areas where an adjustment could be made to the current subthreshold standards is with regard to the limitation on amendments adjacent to another jurisdiction. Simply put, Countywide Plan Map amendments should perhaps not be “bumped” from the subthreshold amendment “official acceptance” process because of adjacency. The result of this change would be to allow an amendment that qualifies in every other way as a Type “A” or “B” subthreshold amendment to remain as such and not be disqualified due to adjacency to another jurisdiction.

### **b. Type “C” Subthreshold Amendment Criteria - Adjust to More Closely Parallel the State’s Small Scale Amendment Thresholds**

There is a need to reduce confusion between the State’s “small scale” amendment exemptions for local government map amendments and Countywide Plan Map subthreshold amendments. It is recommended the current Type “C” subthreshold amendment (Residential Plan Classification of 5 units per acre or less with a maximum size amendment of 5 acres) Countywide Rule standards be doubled to more closely parallel that portion of the State’s small scale 10 acre and 10 unit per acre standard. This will allow local governments to follow a single process for these smaller amendments, avoiding confusion.

Additionally, local governments must adopt small scale amendments before the FDCA will accept them (regular amendments are reviewed as “proposed” first by FDCA and then a second time as “adopted”). This conflicts with the current PPC requirement that amendments be received for consideration before being adopted by the local government. It is recommended that receipt of adopted local plan map amendments

(that qualify as small scale with the state and Type “C” amendments in the Countywide Rules) be permitted, as long the local government’s adoption ordinance states that the amendment is not effective until acted upon by the PPC and CPA.

The effect of changing these subthreshold standards in the Countywide Rules will increase the number of amendments that are treated as subthreshold amendments from approximately 33% of all cases to 40% as shown in the first two pie charts on page 16.

## **2. Level 2 Amendment Screen - Relevant Countywide Considerations**

In looking for additional ways to streamline the Countywide Plan Map amendment review process, the broad question attempted to be answered by Council staff was: “at what point does a future land use plan map amendment become one that affects the policies and objectives of the Countywide Plan (involve significant countywide issues), the Countywide Rules, or is otherwise an interjurisdictional issue.” Any amendment that does not involve one of these issues should then be considered “local” and dealt with as a “subthreshold” Countywide Plan Map amendment (cumulatively these amendments may involve significant countywide issues).

In answering this question three main important issues were defined and evaluated as shown below. They are intended to focus on larger than local issues. First, a local amendment that meets the modified criteria as described in the *Level 1 Amendment Screen - PPC Regular and Subthreshold Amendment Standards*, will be deemed subthreshold<sup>2</sup> and not subject to review of the *Relevant Countywide Considerations* discussed in this section. Second, a local amendment that has been determined during the *Level 2 Amendment Screen* to not involve a *Relevant Countywide Consideration* will also be deemed subthreshold. Amendments that do not qualify as subthreshold in either of these two screens will then be reviewed as a regular amendment, but only for the affect on the particular *Relevant Countywide Consideration* that caused it to be reviewed as a regular amendment.

### **a. Consistency with Countywide Plan and Rules<sup>3</sup>**

If an amendment qualifies as subthreshold by meeting the criteria enumerated in the *Level 1 Amendment Screen* it will not be subject to a *Level 2 Amendment Screen*. However, if an amendment does not qualify as subthreshold under the *Level 1 Amendment Screen* it may still qualify as subthreshold if it is consistent with the enumerated policies of the Countywide Plan and the consistency criteria of the Countywide Rules. A copy of each is includes in Attachment D to this report.

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<sup>2</sup>With the exception of amendments that are considered regular amendments due to their location along a Scenic/Non-Commercial Roadway.

<sup>3</sup>These are the Goals, Policies, and Economic Assumptions of Exhibit IV to Ordinance 89-4, and the basic “consistency” criteria as enumerated in Article 4 of the Countywide Rules.

**b. Level of Service “F” Roadways**

If an amendment qualifies as subthreshold by meeting the criteria enumerated in the *Level 1 Amendment Screen* it will not be subject to a *Level 2 Amendment Screen*. However, if an amendment does not qualify as subthreshold under the *Level 1 Amendment Screen* it may still qualify as subthreshold if it is not located on a roadway that operates, or will operate, at level of service of “F” as designated by the Metropolitan Planning Organization’s most recently adopted Level of Service Report.

**c. Scenic/Non-Commercial Corridors**

If an amendment qualifies as subthreshold by meeting the criteria enumerated in the *Level 1 Amendment Screen* it will not be subject to a *Level 2 Amendment Screen*. However, if an amendment does not qualify as subthreshold under the *Level 1 Amendment Screen* it may still qualify if it is not located on a roadway that is designated as a Scenic/Non-Commercial Corridor.

**d. Coastal High Hazard Areas (CHHA)**

If an amendment qualifies as subthreshold by meeting the criteria enumerated in the *Level 1 Amendment Screen* it will not be subject to a *Level 2 Amendment Screen*. However, if an amendment does not qualify as subthreshold under the *Level 1 Amendment Screen* it may still qualify as subthreshold if it is not located in a Category 1 Hurricane Evacuation Zone (Level “A” Evacuation Zone), as shown on the most current version of the North/South Pinellas County Hurricane Evacuation Map, as prepared by the Tampa Bay Regional Planning Council.

**e. Designated Development/Redevelopment Areas**

If an amendment qualifies as subthreshold by meeting the criteria enumerated in the *Level 1 Amendment Screen* it will not be subject to a *Level 2 Amendment Screen*. However, if an amendment does not qualify as subthreshold under the *Level 1 Amendment Screen* it may still qualify as subthreshold if it is within an area encompassed by land currently designated under the Community Redevelopment District, Central Business District, Activity Center/Primary, and Activity Center/Secondary Countywide Plan Map designations or otherwise targeted for and consistent with redevelopment objectives, and for which an overall plan for development has been approved by the PPC and the CPA in accordance with the Countywide Rules.

**f. Adjacent To or Impacting An Adjoining Jurisdiction or Public School Facility**

If an amendment qualifies as subthreshold by meeting the criteria enumerated in the *Level 1 Amendment Screen* it will not be subject to a *Level 2 Amendment Screen*. However, if an amendment does not qualify as subthreshold under the *Level 1 Amendment Screen* it may still qualify as subthreshold if it is not

“adjacent”<sup>4</sup> to another jurisdiction or municipal planning area; or adjacent to or significantly impacting a public school facility.

It is recommended that these Relevant Countywide Considerations be maintained in the Countywide Plan Map amendment review process and all other issues reviewed via the current process be eliminated. Therefore, Countywide Plan Map amendments would only be reviewed as “regular” amendments if they: 1) exceeded the *Level 1 Amendment Screen - PPC Regular and Subthreshold Amendment Standards*; and 2) they involved or were inconsistent with one or more of the *Level 2 Amendment Screen - Relevant Countywide Considerations*. This second screen of Countywide Plan Map amendments would in effect provide a second opportunity for an amendment to qualify as subthreshold.

Further, it is recommended that once a Countywide Plan Map amendment has been determined to be a “regular” amendment, it would be reviewed solely against the particular *Relevant Countywide Consideration* involved. The refocus of this component of the Countywide Plan Map amendment process will be to more definitively identify those factors or considerations that have multi-jurisdictional or countywide implications and structure the Countywide Plan Map amendment process around these factors.

The result of this major change in review of amendments by the PPC and the CPA would allow the Countywide Plan Map amendment process to focus on significant countywide issues, avoid duplication of efforts expended at the local level, provide more deference to local governments, substantially reduce the number of amendments that are reviewed as “regular” amendments, and subsequently reduce the amount of paper work and staff reports prepared (since a full analysis is not conducted for subthreshold amendments and full amendments would be limited in scope to the particular *Relevant Countywide Consideration*). This change, combined with the modified standards recommended in the *Level 1 Amendment Screen - PPC Regular and Subthreshold Amendment Standards*, would result in an estimated total of 63 percent of the cases submitted qualifying as subthreshold, and an increase from the 33 percent using the Countywide Rules in place today,<sup>5</sup> nearly doubling the number of amendments qualifying as subthreshold.

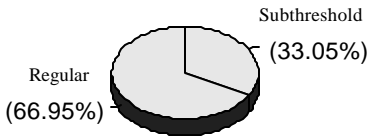
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<sup>4</sup>Adjacency can be described as: 1) any parcel of land that abuts the boundary of an exclusive municipal planning area; and 2) any parcel of land that abuts another jurisdiction.

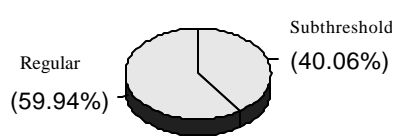
<sup>5</sup>These figures are based on review of all amendments submitted to the PPC since 1992. Currently, 33% of all amendments qualify as subthreshold, and 67% are considered regular amendments. The proposed changes would result in 63% qualifying as subthreshold and 37% as regular. This is an increase in subthreshold amendments by 91%.

**Percentage of Regular and Subthreshold Countywide Plan Map Amendments Using Level 1 and 2 Amendment Screens**

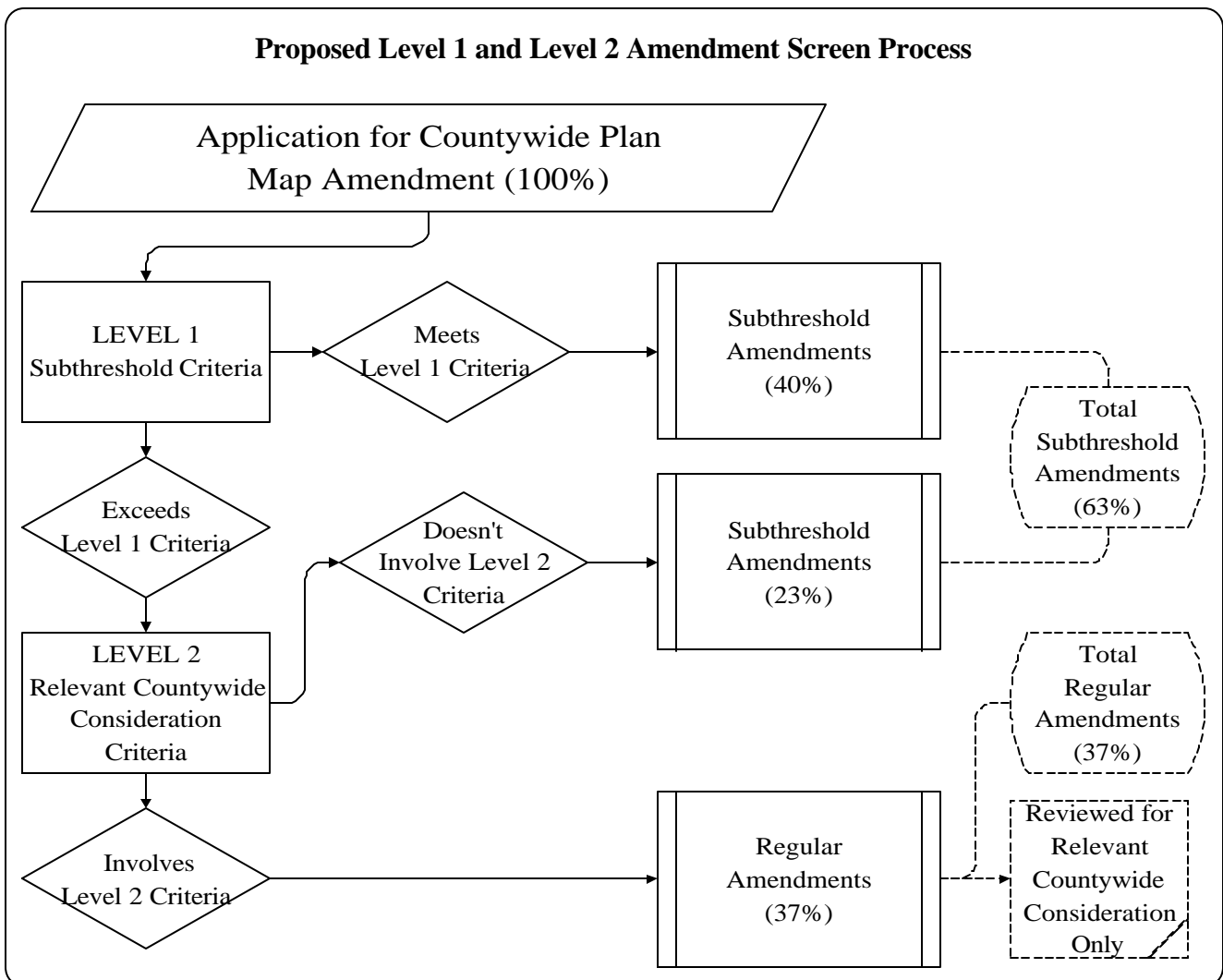
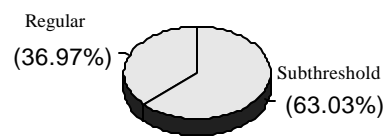
**Current Standards**



**Proposed Level 1 Screen**



**Proposed Level 1 & 2 Screen**



### 3. PPC/CPA Public Hearing and Appeals Process

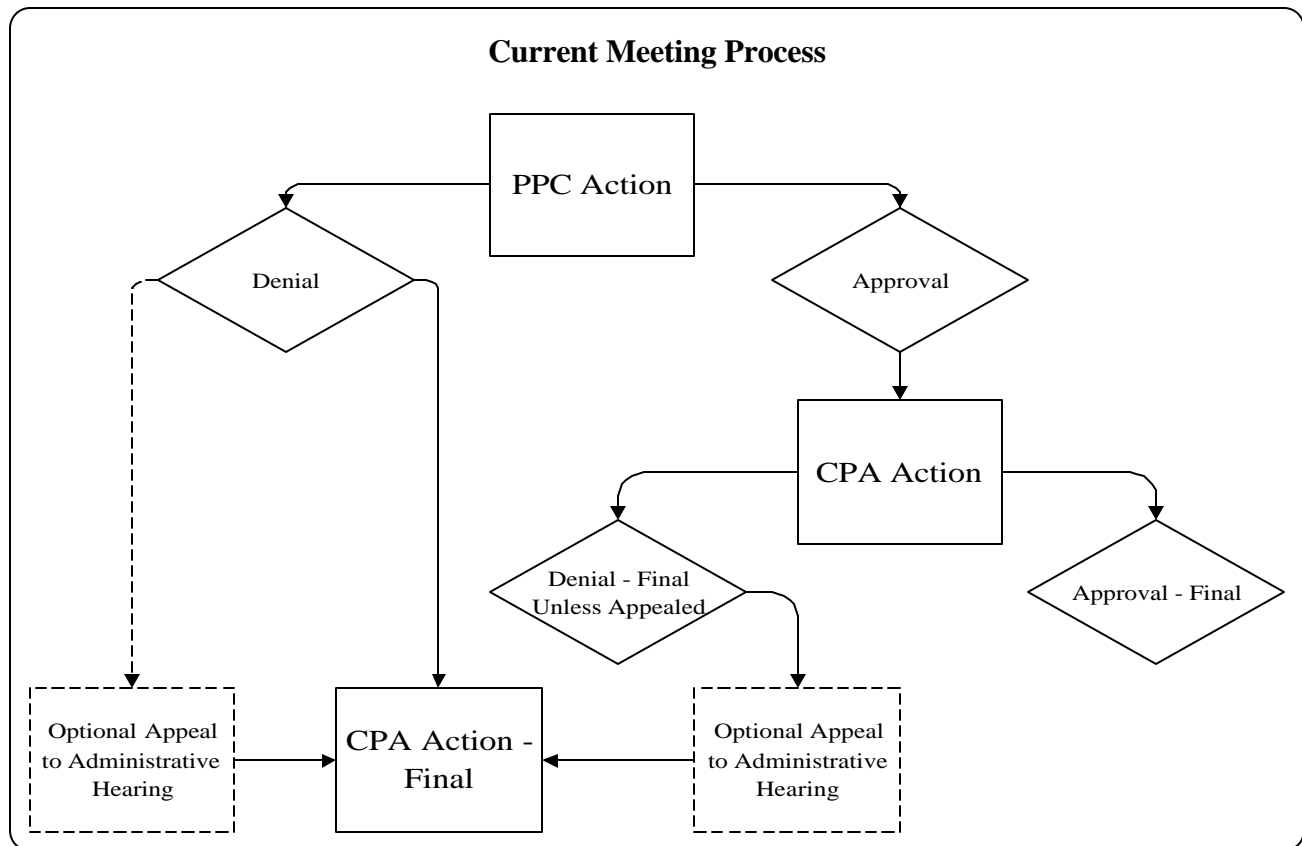
The current public hearing process used for review of Countywide Plan Map amendments has been analyzed to determine how it can be streamlined and improved. While the process typically works very smoothly, it is perceived as being unnecessarily complicated and redundant; in particular the need for public hearings by both the PPC and the CPA has been questioned.

Several of the features of the current process that are addressed in the options which follow include:

- < The need for a public hearing by both the PPC and the CPA;
- < The need for the option to appeal to an administrative hearing after both the PPC and CPA hearing; and
- < The limitation of the appeals to only those amendments that are denied.

The current process is outlined in order that it can be compared to the several options that are discussed.

Options to the current review process were developed for consideration by the PPC and CPA. These are outlined below, along with their associated advantages and disadvantages.



**a. Option “A” - Elimination of the PPC Review**

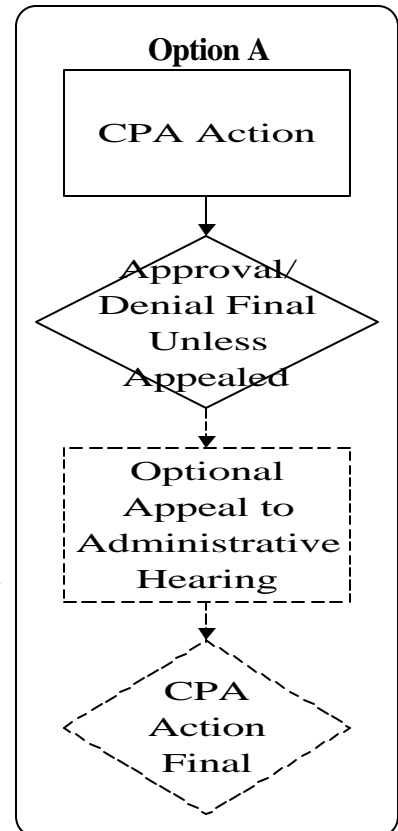
This option would eliminate the PPC from the Countywide Plan Map amendment review process altogether and provide for all amendments to be heard and decided by the CPA. It would retain an appeals process, applicable to appeals from either approval or denial by the CPA, through the administrative hearing process (Department of Administrative Hearings - Chapter 120, FS), with final action subsequent to administrative hearing by the CPA.

The primary advantages of Option A include:

- < The elimination of the PPC hearing itself relative to meeting time by the Council and attendance by participants;
- < A shorter time frame (by about 1 week overall) to reach decision by the CPA; and
- < As with all the options which provide for appeal, it allows for appeal whether the initial decision is to approve or deny.

The primary disadvantages of Option A include:

- < The elimination of the PPC hearing removes the opportunity for input from elected officials representing all 24 municipal jurisdictions and the School Board;
- < The CPA will be required to spend considerably more time in the review and hearing of each amendment;
- < It eliminates the opportunity for a party aggrieved by the initial decision-making body (the PPC) to have their case considered by a second elected body (the CPA) prior to engaging a more formal and costly appeal process<sup>6</sup>; and
- C The complexities of implementation, including amendment of the Special Act and the County Charter, appear to outweigh any advantage.



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<sup>6</sup>Option A and B could be further modified by eliminating the appeal through the administrative hearing process: Option A could have no appeal process, except to the courts; Option B could have no appeal process, except to the courts, or could provide for appeal to the CPA.

**b. Option “B” - Elimination of the CPA Review**

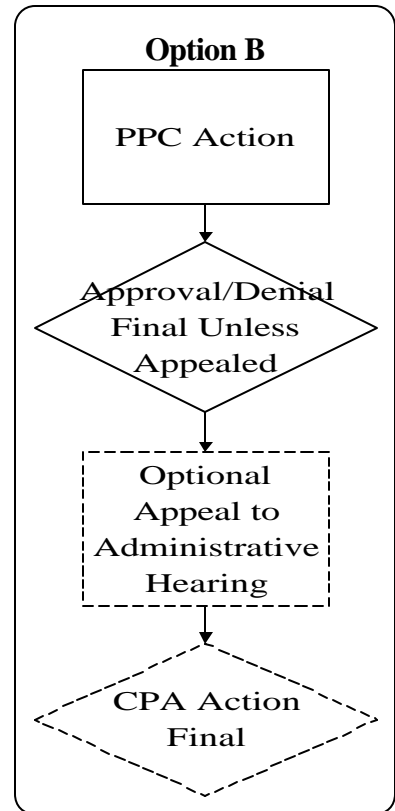
Option B is essentially the reverse of Option A, that is, it would eliminate the CPA from the Countywide Plan Map amendment process. Under this option, the PPC would hear and decide all amendment cases, subject to appeal through the administrative hearing process and final action by the CPA based on the findings for the administrative hearing.

The primary advantages of Option B include:

- < The elimination of the CPA hearing itself (other than after an appeal) relative to meeting time by the CPA and attendance by participants;
- < A shorter time frame (by about 2 weeks overall) to reach a decision by the PPC; and
- < As with all the options which provide for appeal, it allows for appeal whether the initial decision is to approve or deny.

The primary disadvantages of Option B include:

- < The elimination of the CPA hearing removes the participation and oversight of the elected body charged with having responsibility for the County as a whole;
- < It eliminates the opportunity for a party aggrieved by the initial decision-making body (the PPC) to have their case considered by a second elected body (the CPA) prior to engaging a more formal and costly appeal process<sup>7</sup>; and
- C The complexities of implementation, including amendment of the Special Act and the County Charter, appear to outweigh any advantage and pose constitutional issues relative to the nature of the body making final legislative decisions.



<sup>7</sup>Option A and B could be further modified by eliminating the administrative hearing appeal: Option A could have no appeal process, except to the courts; Option B could have no appeal process, except to the courts, or could provide for appeal to the CPA.

**c. Option “C” - Modified Existing Process with Chapter 120 Appeal**

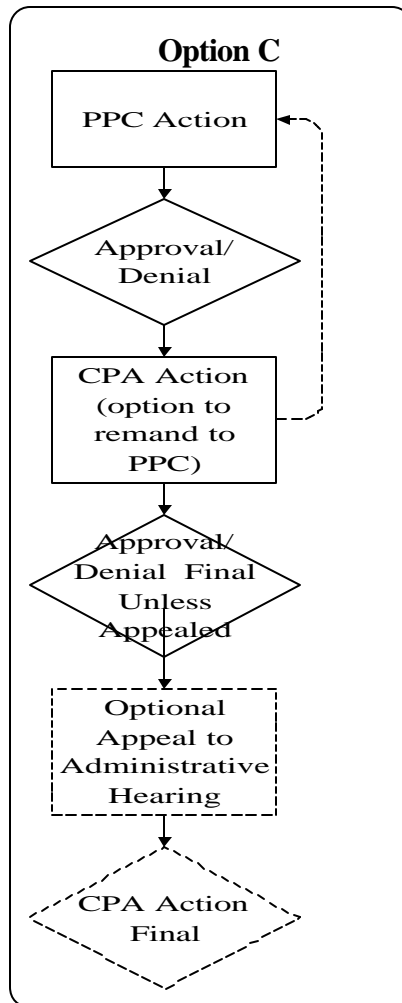
Option C is similar to the current meeting process, including both the PPC and the CPA public hearings. However, the appeal option after the PPC hearing in the current meeting process is not included in this option, but the appeal option after the CPA is retained. In this option the CPA can send a Countywide Plan Map amendment request back to the PPC for further consideration, but the CPA’s action would be final unless appealed to an administrative hearing officer. If this appeal option is taken then final action would be by the CPA based on the findings of the administrative hearing officer. Additionally, both approved and denied items can be appealed, unlike the current process where only denied items can be appealed.

The primary advantages of Option C include:

- < Both the PPC and the CPA remain integral parts of the process, preserving both the input of the representatives of all 24 municipal jurisdictions and the School Board and the oversight by the CPA;
- < It will reduce complexity and potential time extension of the process by eliminating the administrative hearing officer appeal after the PPC; and
- < It provides for the administrative hearing process after the CPA, with the final decision still reserved to the CPA.

The primary disadvantages associated with Option C include:

- < The time frame for the amendment process remains the same as the current process; and
- < The process could be extended if an appeal to an administrative hearing officer is requested.



**d. Option “D” - Modified Existing Process without Chapter 120 Appeal**

Option D is the same as C except for elimination of the provision for administrative hearing. Under this option, the PPC would conduct a public hearing and make a recommendation on a Countywide Plan Map amendment to the CPA. Additionally, the CPA can return an item for further consideration to the PPC or decide to take final action.

The primary advantages of Option D include those enumerated for Option C, except for administrative hearings, in addition to the following:

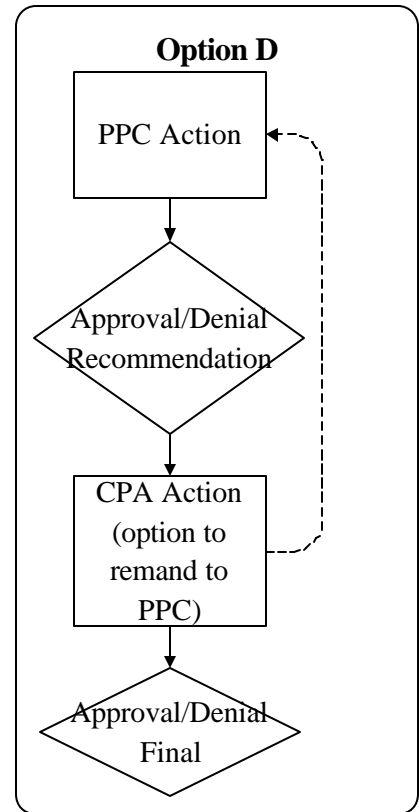
- < The maximum potential time frame is reduced by eliminating the provision for administrative hearing.

The primary disadvantage of Option D is as follows:

- < By eliminating the provision for administrative hearing after the CPA, an aggrieved party wishing to appeal the CPA’s decision will be required to appeal to the courts.

The last option, Option D, is recommended for further consideration because there are no apparent major disadvantages, complexity is reduced, and all items are still reviewed by both the PPC and the CPA giving full public hearing consideration. Also, this option allows the CPA to have the final say on all cases.

Option D, combined with the considerable reduction in the number of cases that are reviewed as “regular” Countywide Plan Map amendments and a more focused review process for those amendments that are reviewed as discussed in the two previous sections (*Level 1 and 2 Amendment Screens*), will significantly reduce local government, PAC, PPC staff, PPC, and CPA review time and complexity.



#### **4. Duplicate County Public Notice**

Currently, PPC staff places an advertisement in the *Tampa Tribune* as required notification for the PPC meeting and within this same advertisement provides for notice of the CPA meeting. In addition, as a requirement of the Special Act, a letter is sent to each affected property owner notifying them of the CPA meeting. Since this letter can and is sent early, notification of the PPC meeting is included at no extra cost or effort. The Pinellas County Planning Department then places a duplicate second legal advertisement in the *Pinellas Review* for the CPA hearing (see Attachment B). This second legal advertisement is not needed to meet the requirements for conducting a public hearing by the PPC or the CPA and there are no other statutory requirements for this advertisement.

Eliminating this duplicate advertisement will save approximately \$3,025 per year in advertising costs,<sup>8</sup> and reduce staff time at the Pinellas County Planning Department (they currently retype the PPC advertisement to send to the *Pinellas Review*). Eliminating this advertisement will also reduce potential confusion concerning duplicate notices apparently providing the same information, and reduce paper work levels, as well as errors that from time to time occur in translating the PPC advertisement.

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<sup>8</sup>This figure is based on the cost of a full page advertisement in the *Pinellas Review* of \$275. This cost is then multiplied by 11 ads per year.

This section will describe in more detail how each of the recommendations discussed previously can be implemented and has been re-arranged in order of priority. It is intended that follow up to this report, taking the form of the implementation recommendations listed below, will be accomplished in a sequential fashion, taking into account various agency functions and schedules for amendment of laws and plans. For example, Countywide Rule amendments will be processed as soon as possible so that those items recommended can be in place relatively quickly. Other mechanisms, including amendment of Florida Statutes, will take longer to accomplish. Resolutions to other agencies can be processed simultaneous with other amendment mechanisms listed.

## A. Primary Priority

**1. FDCA Review Pursuant to State Interest.** Exempt amendments that occur in Pinellas County from state review if they do not involve significant issues identified at the state level.

- < Initiate this with a joint resolution of the PPC and CPA by February, 2000, and forward to the FDCA. Ultimately this issue would require an amendment to Florida Statutes and Florida Administrative Codes. Forward recommendation to the FDCA for eventual action by the Legislature, during its 2001 session. Approach the Pinellas County Legislative Delegation in September of 2000 to ask for support during the 2001 legislative session.

**2. Level 1 Amendment Screen - PPC Regular and Subthreshold Amendment Standards.** Revision of current subthreshold standards (Level 1 Amendment Screen).

- < Complete this with a Countywide Rule amendment initiated with authorization to prepare an ordinance and advertise a public hearing by March, 2000.

**3. Level 2 Amendment Screen - Relevant Countywide Considerations.** Review of only Countywide Plan Map amendments which involve relevant countywide considerations by the establishment of a second screen for Countywide Plan Map review (Level 2 Amendment Screen).

- < Complete this with a Countywide Rule amendment initiated with authorization to prepare an ordinance and advertise a public hearing by March 2000. Subsequent amendment of the Countywide Plan would occur to embrace each countywide issue. In addition, amend the Special Act to change the subject matter and scope of the Countywide Plan, as necessary.

Any Special Act amendment would require the Pinellas County Legislative Delegation's support in September, 2000, and then approval by the 2001 Legislature.

**4. PPC/CPA Public Hearing and Appeals Process.** Reduction in the complexity involved in amending the Countywide Plan Map by changing the public hearing process.

- < Amend the Special Act to eliminate the administrative hearing appeals option. Follow-up with a Countywide Rule amendment initiated with authorization to prepare an ordinance and advertise a public

hearing and finish with revision to the Countywide Rules.

The Special Act amendment would require the Pinellas County Legislative Delegation's support in September, 2000, and then approval by the 2001 Legislature.

## **B. Secondary Priority**

- 1. Pre-Adoption Review Time - "No Review Requested" Amendments.** Eliminate the extra 30 days triggered when a state or regional agency decides to request a review of a local amendment.

< Initiate this with a joint resolution of the PPC and CPA by February, 2000, and forward to the FDCA. Ultimately this issue would require an amendment to Florida Statutes and Florida Administrative Codes. Forward recommendation to the FDCA for eventual action by the Legislature, during its 2001 session. Approach the Pinellas County Legislative Delegation in September of 2000 to ask for support during the 2001 legislative session.

- 2. Post-Adoption Review Time - "Review Requested" Amendments.** Reduce or eliminate the 45 day review period that the FDCA uses to determine compliance of plan amendments.

< Same as in item B1 above.

- 3. County Land Planning Agency Function.** Revise this County staff review so it occurs through the PPC Countywide Plan Map review process and cites proper authority in Florida Statutes.

< PPC correspondence to the County by March, 2000.

- 4. Duplicate County Public Notice.** Eliminate the unnecessary legal advertisement placed by the Pinellas County Planning Department.

< Same as in item B3 above.

## **C. Tertiary Priority**

- 1. County Land Planning Agency Copy.** Send copy of plan map amendment directly to the County land Planning Agency.

< Initiate this with a joint resolution of the PPC and the CPA by February, 2000, and forward to the FDCA. Ultimately this issue would require an amendment to Florida Statutes and Florida Administrative Codes. Forward recommendation to the FDCA for eventual action by the Legislature, during its 2001 session. Approach the Pinellas County Legislative Delegation in September of 2000 to ask for during before the 2001 legislative session.

**2. Copies After First Reading to Other State Agencies.** Eliminate the requirement that copies of map amendments be sent after first reading of ordinances.

< Same as in item C1 above.

**3. Copies After Adoption to Other State and Regional Agencies.** Eliminate the requirement that copies of map amendments be sent after second reading of ordinances.

< Same as in item C1 above.

**4. Distribution of Countywide Plan Maps.** Distribute Countywide Plan Map to other agencies to provide a countywide framework for future land use plan amendments.

< Same as in item C1 above.

**A. State of Florida/Local Future Land Use Plan Map Amendment Level**

When the recommendations included in this section of the report are taken together, they should result in a more predictable process for local governments to follow when amending their local future land use plan maps. Unnecessary delay and confusion are minimized or eliminated by reducing the number of amendments, reducing potential review time by the FDCA, reducing the number of copies of plan map amendments distributed before and after adoption of an amendment by local government, and confusion is eliminated with respect to the role of the County Land Planning Agency function. At the same time significant countywide or cross-jurisdictional issues can be brought forward and resolved through the countywide planning process.

**B. Countywide Plan Map Amendment Level**

The PPC has developed considerable experience after ten years of working with the Countywide Plan Map amendment process and can make necessary revisions to improve or streamline the process based upon this experience. Most importantly, this report has provided the PPC with an opportunity to focus the countywide process on larger than local issues. The recommendations included in this report, when combined, are far reaching and certainly improve upon the countywide planning process.

By increasing the number of Countywide Plan Map amendments that qualify as subthreshold through the modification of the existing Countywide Rule standards and through the addition of a second screen for relevant countywide considerations, local government and PPC staff time is reduced, the PPC and CPA review and public hearing time is reduced, and efforts can be concentrated on those most important countywide issues. This is accomplished by not only increasing the number of amendments that are determined to be subthreshold, but by reviewing each amendment for its affect on the particular relevant countywide concern. This can be accomplished while maintaining consistency with the legislative intent and the purpose of the Council as authorized by the Special Act creating the countywide planning process (Chapter 88-464, Laws of Florida, as amended).

**Attachment A. County Local (*sic*) Planning Agency Review of Dunedin Case**

**Attachment B. Duplicate County Public Notice (Legal Advertisements)**

**Attachment C. Relevant Countywide Considerations - Consistency with Countywide Plan and Rules (Exhibit IV to Ordinance 89-4, Goals, Policies, and Economic Assumptions of the Countywide Plan; and Article 4, Plan Criteria and Standards, Countywide Rules.)**