



## Hillsborough County: Plan Amendment Procedures Manual Update

Meeting Date	June 13, 2022
Meeting Type	Briefing
Staff Planner	Yeneka Mills; <a href="mailto:millsy@plancom.org">millsy@plancom.org</a> ; (813) 543-4373
Action Necessary	No
Attachments	Procedures Manual draft with track changes

### 1. Amendment Summary

This proposed text amendment is intended to create a Comprehensive Plan Procedure Manual that solely addresses the review process, procedures and requirements for Plan Amendment requests to the Unincorporated County's Comprehensive Plan and Future Land Use Map. Currently, there is a consolidated "Procedures Manual" ("Manual") which includes procedures to be followed in the processing of text and map amendments to the Comprehensive Plans for the Cities of Tampa, Temple Terrace, and Plant City and Unincorporated Hillsborough County. This proposed text amendment will remove all references to the other jurisdictions. In addition, the Procedure Manual is being updated and completely reformatted amending existing language for the purpose of providing greater clarity on the plan amendment process as well as to address new legislation and address the inclusion of language directed by the newly adopted Private Property Rights Element.

A draft of the Manual for unincorporated Hillsborough County is provided to the Planning Commission for review and comment. Once finalized, the updated Procedures Manual will be presented to the Planning Commission for approval.

### 2. Recommendation

No action is required at this time.

### 3. Proposed Language (Attachment)

*Persons needing assistance reading or interpreting items in this document, free of charge, are encouraged to contact Joshua Barber, (813) 272-5940, or barberj@plancom.org. Plan Hillsborough (the Planning Commission, the Hillsborough TPO and the Hillsborough River Board) cannot ensure accessibility for items produced by other agencies or organizations.*

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**COMPREHENSIVE AMENDMENT PROCEDURES FOR  
UNINCORPORATED HILLSBOROUGH COUNTY**  
Approved by Planning Commission Resolution (Date)

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# COMPREHENSIVE PLAN AMENDMENT PROCEDURES

## FOR UNINCORPORATED HILLSBOROUGH COUNTY

### Introduction

The purpose of this manual is to guide the public and other agencies on the process to follow for Comprehensive Plan amendments for Unincorporated Hillsborough County (referred to as the “local government”). The process outlined in this manual has been developed solely for the expressed use of Unincorporated Hillsborough County. The Hillsborough County City-County Planning Commission (“Planning Commission”) is the designated Local Planning Agency (“LPA”) for Hillsborough County and the Cities of Tampa, Plant City, and Temple Terrace. Throughout this manual, the term days refers to calendar days, including weekends and holidays. Any applicable Florida Statutes or Laws of Florida regarding amendments to Comprehensive Plans may be found in Chapter 163, Florida Statutes.

### Amendment Types

**Proposed revisions to the Urban Service Area boundary, Community Plan boundaries, or any overlay boundaries shall be constituted and viewed as separate stand-alone text plan amendment.** Each Map and Text Amendment request constitutes a separate application. ~~Revisions to Community Plan boundaries and any overlay boundaries also constitute a separate Comprehensive Plan Amendment (even in conjunction with a land-use change proposal), unless otherwise directed by the BOCC the local government and/or the Executive Director of the Planning Commission.~~

~~Only one Map Amendment per parcel may be submitted during a Comprehensive Plan Amendment Review Cycle.~~ **Multiple parcels may be submitted as one map amendment if immediately adjacent or proximate to the main parcel. Planning Commission staff will ultimately determine the suitability of a multiple parcel request as one map plan amendment.** The applicant may request multiple land use designations through the same request, on the same parcel, if there is no overlap.

A Plan Amendment may be publicly initiated by the Hillsborough County Board of County Commissioners (“BOCC”) or by the Planning Commission. For a Publicly Initiated Amendment, copies of deeds or the written consent of the property owners are not required. **Privately initiated text amendments to the Comprehensive Plan are permitted twice a year a year, (January, cycle 1; July, cycle 2).**

**The review of privately initiated text amendments will follow the process used for privately initiated map amendments as outlined in the Planning Commission Plan Amendment Procedures Manual with the following additional steps. As part of the application for a privately initiated text amendment, the applicant will propose their plan to address items a-c of the Initial Submittal Review below, based on feedback from the pre-application conference.**

### Initial Submittal Review

**Once a privately initiated text amendment to the Comprehensive Plan is applied for, it will be scheduled by Planning Commission staff for the applicant before the Board pursuant to the schedule provided by the County. The applicant will pay for the advertisement of that item in the newspaper, per other sections of this manual. The Planning Commission will prepare a report to accompany the application that shall include, at a minimum, the following information:**

**a. A determination of resources needed for adequate review**

**b. Recommendation on timeframe to review the amendment**

**c. Recommendation on additional public outreach to be conducted by the applicant beyond what is required by this manual.**

**At the scheduled meeting, the applicant will be afforded time to make a presentation and public testimony will be permitted. Following board discussion, the Board shall take one of the following actions after review of the report by the Planning Commission and testimony provided by the applicant:**

**a. Motion to take no further action on the application. A refund of 80% of the amount of the application fee will be provided should this occur.**

**b. Motion to allow the application to proceed for review and public hearing in accordance with the procedures outlined herein. Said motion shall address the Planning Commission's recommendations on the review timeframes, public outreach and provision of additional resources (if applicable).**

## Small-Scale Plan Amendment

Small-Scale Plan Amendments must meet the following criteria:

- The proposed amendment must apply to a property of ~~ten (10)~~ **fifty (50)** acres or less  
The proposed amendment cannot include a change to the goals, objectives, policies or text of the Comprehensive Plan; however, ; text changes that relate directly to, and are adopted simultaneously with, a small-scale future land use map amendment may be adopted pursuant to Section 163.3187, Florida Statutes.

## Plan Amendment Expedited Review Criteria

Plan Amendments that meet the following criteria are processed under the *Expedited State Review* procedure of Chapter 163, Florida Statutes:

- The proposed amendment applies to a property of greater than ~~ten (10)~~ **fifty (50)** acres
- A Text Amendment not related to a Small-Scale Plan Amendment

## Plan Amendment Process

Generally, the month in which the application is submitted will determine when the Comprehensive Plan Amendment will be processed.

~~Applications for Small Scale Plan Amendments can be submitted at any time and are subject to being scheduled for processing and review in the next available cycle.~~

**Comprehensive Plan Amendment Application  
Quarterly Submittal Schedule**

Jurisdiction/Area	Application Submittal Deadline (Fully completed Application Due on the 1st of the month, or the first business day thereafter)
Unincorporated Hillsborough County	January 1
	April 1
	July 1
	October 1

### Pre-Application Meeting

A Pre- Application Meeting must take place within no later than seven (7) days prior to the filing deadline for the Plan Amendment application. Pre-Application Meetings may be conducted in person or via a telephone conference. No Comprehensive Plan Amendment request will be accepted by the Planning Commission when the applicant has not participated in a Pre-Application Meeting with Planning Commission staff.

A Pre-Application Meeting will not be required when either Hillsborough County or the Planning Commission is the applicant for the Comprehensive Plan Amendment.

### Application Submission

After submission of the application and the required application documentation listed on the Plan Amendment application checklist, staff conducts a seven (7) day sufficiency review period, which begins on the date the application is submitted. At this time, the application will be reviewed by staff for completeness to ensure that all required documents are submitted, including the applicable fee and to answer any questions the applicant may have. A full refund will be issued if the application is withdrawn within the seven (7) day sufficiency review period.

### Supplemental Information

The Planning Commission may require applicants to submit supplemental information on the Plan Amendment. Failure to provide the information required within the time limits specified will result in a continuance to the next cycle, or the next available .

If the applicant provides new information to the Planning Commission that requires additional analysis, without enough time to review and analyze the submitted information, it will result in a continuation. New information must be received not later than thirty (30) days before the Planning Commission public hearing. Under these circumstances, the Comprehensive Plan Amendment request shall be continued to the next cycle, or the next available Public Hearing, at the discretion of the Planning Commission staff.

## Modification of the Application after Submittal

A modification of the original application that either increases or decreases the land area covered by the Plan Amendment, requests a different future land use designation, and/or substantially changes the originally proposed text that affects the policy direction, as determined by staff, must be received by the Planning Commission no later than thirty (30) days in advance of the scheduled Planning Commission public hearing. If the information is not received in the time specified, the application will be continued to the next available cycle, or the next available public hearing at the discretion of the Planning Commission staff.

## Planning Commission Staff Review

Based on information received from the applicant and the reviewing agencies, staff will review the Plan Amendment application for compliance and consistency with the goals, objectives and policies, and other provisions of the comprehensive plan, land development and other regulations implementing the comprehensive plan, and with professional planning principles and standards. The Planning Commission staff will request information and review comments from appropriate County staff and other reviewing government agencies and departments. Planning Commission staff makes recommendations to the Planning Commission on a finding of consistency or inconsistency of the Plan Amendment with the comprehensive plan.

The Planning Commission staff recommendation will be available for public review ten (10) days prior to the Planning Commission Public Hearing.

## Planning Commission Briefing

The Planning Commission is briefed on the proposed Comprehensive Plan Amendment request during an advertised regular meeting of the Planning Commission. At this meeting, staff and members of the Planning Commission discuss the amendment request. The briefing is an opportunity for the Planning Commission to learn and ask questions about the proposed amendments. No public comment, staff recommendation, or applicant presentation is taken at the briefing, unless requested by the Planning Commission. If the Planning Commission requests additional information at the briefing, or changes to the amendment, it may necessitate a second briefing to the Planning Commission.

## Planning Commission Public Hearing

All Plan Amendments, regardless of type, require a Public Hearing before the Planning Commission. The Planning Commission Public Hearing process is the same for all types of Comprehensive Plan Amendments. Subsequent to the Planning Commission Briefing, a Public Hearing will be scheduled with due public notice for the Planning Commission to consider the Comprehensive Plan Amendment and staff recommendation, receive public input, and take action.

At the Public Hearing, Planning Commission staff will make a recommendation on a finding of Consistency or Inconsistency of the Plan Amendment with the Comprehensive Plan. The Planning Commission may agree with the staff recommendation, amend the staff recommendation, or reverse the staff recommendation. The Planning Commission will make a recommendation based upon a finding that the Comprehensive Plan Amendment is either consistent or inconsistent with the Comprehensive Plan and adopt a resolution by a simple majority vote.

Once the Planning Commission has completed the Public Hearing for a Comprehensive Plan Amendment(s), the recommendations are transmitted to the Board of County Commissioners.



# Continuation of Comprehensive Plan Amendment Requests

**Continuation of a Plan Amendment requested by the Applicant is subject to a \$351.00 fee. The fee is due at least 45 days prior to approved continuation Public Hearing.**

## Procedure for Continuation of a Comprehensive Plan Amendment Request

Upon written request by the applicant, either to Planning Commission staff, and/or the Executive Director, a Plan Amendment may be continued to the next Amendment Review cycle, subject to the following:

1. Continuation of a Planning Commission public hearing may be requested by the applicant a maximum of two (2) times, with the first continuation request viewed as a matter of right. Continuances may only be permitted to the next cycle or scheduled Planning Commission public hearing date, at the discretion of the Planning Commission or the Executive Director (or designee).
2. Requests for continuation received at least thirty (30) days or more prior to the Planning Commission public hearing date shall result in the Plan Amendment application being excluded from the advertisement of the Planning Commission public hearing.
3. Continuation of a Plan Amendment request will occur if an applicant fails to timely remit the payment of required advertising fees prior to the scheduled hearing and will be considered as one (1) of the two (2) allowable continuances per Item 1.
4. The Planning Commission or the Executive Director (or designee) may continue a Plan Amendment (with the concurrence of the applicant) for an overriding public interest, such as, but not limited to, conducting additional public outreach, further coordination with other agencies or to allow for time to complete a neighborhood/community plan.
5. Per the Application Submission procedures within this manual, if the applicant provides new information to the Planning Commission that requires additional analysis later than 30 days before the Planning Commission public hearing, it will result in a continuation. This will be considered as one (1) of the two (2) allowable continuances per Item 1.
6. These provisions shall not limit the authority of the Planning Commission or BOCC to authorize continuances.

## Local Government Public Hearing BOCC PUBLIC HEARING

### A. Small-Scale Comprehensive Plan Amendment Adoption

After receipt of the Planning Commission recommendation, the BOCC shall hold at least one advertised Public Hearing to consider adoption, adoption with changes, or determine that it will not adopt a proposed small scale Comprehensive Plan Amendment.

A majority plus one vote of the membership of the Hillsborough County BOCC is required for adoption of a small-scale Plan Amendment that changes residential density on a parcel or parcels of land.

A small-scale Comprehensive Plan Amendment shall be adopted by ordinance and will become effective pursuant to Chapter 163, Florida Statutes.

## **B. Regular Comprehensive Plan Amendment Transmittal and Adoption Process**

### **1. Transmittal Public Hearing:**

For amendments that are not subject to the small-scale amendment adoption process outlined above, the Planning Commission's recommendation shall be provided to the Hillsborough County Board of County Commissioners in advance of the first scheduled public hearing date.

If the Board of County Commissioners approves the Comprehensive Plan Amendment for transmittal to the State Land Planning Agency and other review agencies after the initial public hearing, the BOCC shall adopt a resolution approving the transmittal, and the Comprehensive Plan Amendment shall be transmitted in accordance with Florida Statutes.

### **2. Adoption Public Hearing:**

Within one hundred and eighty (180) days after receipt of state reviewing agencies' written comments regarding Comprehensive Plan Amendment(s), the BOCC shall adopt, adopt with changes or determine that it will not adopt the Comprehensive Plan Amendment.

During the course of the second public hearing, the BOCC shall review the written comments received from the state planning agency and any other person, agency or government.

~~Any Comprehensive Plan Amendment that changes a Future Land Use designation in the Future Land Use Element or that changes residential density on a parcel or parcels of land comprising less than 5 percent of unincorporated Hillsborough County shall be adopted by at least a majority plus one vote of the total membership of the Hillsborough County BOCC.~~ **All Comprehensive Plan Amendments in unincorporated Hillsborough County must be adopted by the affirmative vote of at least a majority plus one of the total membership of the Board of County Commissioners.**

All Comprehensive Plan Amendments shall be adopted by ordinance .

Pursuant to Chapter 163, Florida Statutes, Plan Amendments adopted under the *Expedited State Review Process* that are not challenged become effective thirty-one (31) days after the State Land Planning Agency notifies the Planning Commission staff that the amendment package is complete. Challenges to adopted amendments are subject to an administrative proceeding pursuant to Florida Statutes. For additional information, contact the State Land Planning Agency.

## **Legal Noticing Requirements**

An advertisement will be published in a local newspaper to notify the public of the Planning Commission public hearing for each Comprehensive Plan Amendment. The first advertisement shall be published at least ten (10) days prior to the Planning Commission public hearing. The applicant is responsible for the pro-rata share of advertising associated with one published advertisement noticing the Planning Commission public hearing and up to two local government public hearings. Fees are due at least fourteen (14) days prior to the public hearing being advertised. Fees shall be made payable to the "Board of County Commissioners of Hillsborough County" by separate money order or check (delivered to the Planning Commission office). Failure to pay advertising fees by the deadline will result in an automatic continuation of the Plan Amendment.

**In the event a plan amendment is mis-noticed by the applicant, the plan amendment is automatically continued. Should there be a second mis-notice by the applicant, the status of the plan amendment shall immediately become "withdrawn".**

## **A. Legal Advertisement**

The transmittal and adoption public hearing for Comprehensive Plan Amendments must be noticed pursuant to the requirements of Chapters 125 (Counties) and 166 (Cities), Florida Statutes.

1. Proposed Amendment – Local Planning Agency (LPA) Stage – Pursuant to Florida Statutes, the LPA must hold at least one public hearing on the proposed Comprehensive Plan Amendment, and must provide the public notice for that hearing.

- An advertisement in a newspaper of general circulation within the boundaries of the local government.
- The advertisement must appear in the newspaper at least ten (10) days prior to the LPA public hearing.

2. Proposed Amendment – Transmittal Stage

- Pursuant to Florida Statutes, the governing body of the local government must consider transmittal of the proposed amendment at a public hearing.

3. The transmittal public hearing must occur on a week day at least seven (7) days after the day that the advertisement is published.

4. Adoption Stage

- Pursuant to Florida Statutes, the governing body of the local government must consider the adoption of the Comprehensive Plan Amendment at a second public hearing.

- The adoption public hearing must occur on a week day at least five (5) days after the day that the advertisement is published.

## **B. Pro-Rata Share of Statutory Advertisement Cost for the Planning Commission and BOCC Government Public Hearings**

The applicant is responsible for the pro-rata share of advertising costs for one published advertisement noticing the Planning Commission public hearing and up to two public hearings held by the jurisdiction. Fees shall be made payable to the “Board of County Commissioners of Hillsborough County” by separate money order or check (delivered to the Planning Commission office). Fees are due at least fourteen (14) days prior to the public hearing being advertised. Failure to pay advertising fees by the deadline will result in an automatic continuation of the Comprehensive Plan Amendment. **If the applicant fails to pay the advertising fee by the next scheduled public hearing, the status of the plan amendment shall immediately become “withdrawn”**

## **Special Noticing Requirement (Chapter 97-351, Laws of Florida)**

Future Land Use Element map or text amendments involving less than 5% of the total land area of unincorporated Hillsborough County (publicly or privately initiated), require additional notice pursuant to Chapter 97-351 Laws of Florida. See Chapter 97-351, Laws of Florida.

## **Publicly Initiated Amendments**

Plan Amendments initiated by the BOCC on publicly owned land to recognize property obtained through the Environmental Lands Acquisition and Protection Program (ELAPP), state conservation programs or to recognize school sites, parks, and existing public facilities are exempt from the mailing notification requirements. Legal advertising notice, consistent with state law will be provided.

## Mail Notification

Mail notifications shall be sent by the applicant for a Future Land Use Map Amendment to each real-property owner who is within ~~250~~**500** feet, inclusive of right-of-way, from the applicant's Map Amendment site. A listing of real-property owners within the ~~250~~**500** feet, inclusive of right-of-way, from the applicants Plan Amendment site is obtained from the property appraiser's office, located on the 16<sup>th</sup> floor of the Hillsborough County Center Building. Planning Commission staff will provide the applicant with a notice letter. Mailing the notice is the responsibility of the applicant.

Mail notifications shall be postmarked at least ~~fourteen (14)~~ **twenty-one (21)** days prior to the Planning Commission Public Hearing and at least thirty (30) days prior to the first BOCC Public Hearing. The mail notice shall include the location of the amendment and the request, and the times, dates and place of the Public Hearings.

Homeowner Associations registered with the County's Neighborhood Relations Department that are within one (1) mile of the plan amendment site are also required to be noticed if there are no existing registered HOA within 250 feet of the site

### Proof of Mailing

All applicants must provide proof of mailing by completing the "Mailing of Notice of Public Hearing Declaration" form and providing the original proof of mailing certification by the US Post Office. This documentation shall be submitted to the Hillsborough County City-County Planning Commission office at least ten (10) days prior to each Public Hearing conducted by Hillsborough County City-County Planning Commission and twenty (20) days prior to the local governments Public Hearings.

## Sign Posting

Applicants are required to install sign(s) at the plan amendment site in accordance with the following requirements:

The Notice Sign(s) shall be installed at least ~~fourteen (14)~~ **twenty-one (21)** days prior to the Planning Commission's Public Hearing, and at least thirty (30) prior to each BOCC Public Hearing (1 Planning Commission Public Hearing and up to 2 BOCC Public Hearings).

### Proof of Posting

The applicant is required to provide photographic proof of the mounted notice sign(s), showing the installed notice sign(s) and location, and an original-signed copy of the "Sign Declaration" form at least ten (10) days prior to the Planning Commission Public Hearing and the Local Government Public Hearing.

The applicant shall remove the Notice Sign(s) from the Map Plan Amendment site within seven (7) days after the final Local Government public hearing.

### Citizen Initiated Neighborhood Meeting

**An applicant shall be required to conduct a neighborhood meeting if requested by any resident that received mailed notice of the plan amendment provided the meeting is requested 14 calendar days prior to Planning Commission Public Hearing. The applicant's contact information (name, telephone number, and/or email address) shall be included in the public hearing notice. This information is to be utilized for contacting the applicant's representative to obtain additional information and for requesting a neighborhood meeting.**

### **Applicant Initiated Neighborhood Meeting**

**If the applicant chooses to have the neighborhood meeting, notice of the neighborhood meeting (to include the location, time, and date of the meeting) must be included in the required mailed notice of the plan amendment. The applicant-initiated neighborhood meeting must be held a minimum of 10 days after the required notice deadline.**

**If a neighborhood meeting is required, or initiated by the applicant to satisfy this requirement, the meeting must start between 4:00 pm and 8:00 pm on weekdays and between 9:00 am and 5:00 pm on weekends. The meeting must be held within the general area of the subject application. A summary of the meeting as well as a sign-in sheet for those attending the meeting shall be submitted by the applicant for inclusion in the staff report.**

**Mailed notice of the neighborhood meeting shall comply with notification distances set forth in the procedures manual.**

## **Withdrawal, Denial, and Resubmittal of an Amendment Application**

An applicant may withdraw a request for a Comprehensive Plan Amendment at any time, by filing written notice or email to Planning Commission staff and/or the Executive Director (or designee) of the Planning Commission. If the withdrawal of a proposed amendment occurs less than thirty (30) days prior to the Planning Commission Public Hearing, payment will be required for the pro-rata share of the legal advertisement.

If the withdrawal of a proposed amendment occurs after the Planning Commission has submitted the Comprehensive Plan Amendment to the State Land Planning Agency for review, the applicant is required to send notice to the State Land Planning Agency and copy the Planning Commission.

Plan Amendments denied by the BOCC will not be permitted to be resubmitted for twelve (12) months from the date of denial. The twelve (12) month waiting period does not apply to amendments that have been modified from the previous submittal by either adding or subtracting land, requesting a different future land use plan category, or by making substantive changes to the originally proposed text that affects the policy direction of the Comprehensive Plan (as determined by Planning Commission staff).

## **Application Fee Refund Schedule**

**The amount of the refund for Hillsborough County Plan Amendments shall be based on the point in the review process at which the application withdrawal is initiated by the applicant. If the “point of the review process” determination is unclear, the refund amount will be established at the discretion of the Planning Commission’s Executive Director.**