

INTENT STATEMENT

The proposed amendment is to re-purpose the Pre-Submittal Conferences between the applicant and staff currently required prior to applying for Planned Development Districts. The result of the repurposed meeting would be the establishment of a required Sufficiency Review Meeting (conducted post application submittal).

The intent of the amendment is to provide enhanced feedback based on formal application materials to applicants early in the process. The desired outcome is to keep applications on their original hearing track and maximize communication with applicants regarding necessary changes by providing comments on formal application materials. It is also anticipated the meetings will require some restructuring of the review schedule to accommodate the review post application submittal.

LDC 21-0416	Division Director Sign-off	
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PROPOSED REVISED LAND DEVELOPMENT CODE TEXT

21-0416

Pre-Submittal Conference Requirements and Modifications to a General Development Plan

Amended on: 03/03/2021 11:03 AM

Sec. 5.03.06.

Review procedures

A. Generally

Except as modified below, the Procedure for Amendments to the Official Zoning Atlas in Part 10.03.00 of this Code and Section 6.0 of the Development Review Procedures Manual shall be followed in the review of a PD application.

B. Pre-submittal Requirements

1. Pre-Submittal Conference - Prior to submitting an application for a PD or PD-S District, the applicant shall be ~~required~~ permitted to have a pre-submittal conference with Zoning and other applicable staff. ~~If t~~The petitioner elects to have a pre-submittal conference, ~~shall provide~~ a sketch plan shall be provided for review at the conference which is intended to address the following:
 - a. The relationship between the anticipated project and surrounding uses and the consistency of the proposed development with the County's Comprehensive Plan and/or stated planning and development principles of the Land Development Code.
 - b. The nature, design and appropriateness of the proposed land use arrangement for the size and configuration of the property involved.
2. Neighborhood Meeting - An applicant shall be required to conduct a neighborhood meeting if requested by any resident that received mailed notice of the rezoning provided the meeting is requested 14 calendar days prior to the Zoning Hearing Master Hearing. The applicant's contact information (name, telephone number, and/or email address) shall be included in the rezoning 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 - As an option to satisfy the neighborhood meeting requirement, the applicant may conduct a neighborhood meeting prior to and in lieu of receiving a request by a noticed resident. If the applicant chooses to have the neighborhood meeting, notice of the meeting (to include the location, time, and date of the meeting) must be included in the required mailed notice of the rezoning. The applicant initiated neighborhood meeting must be held a minimum of 10 days after the required notice deadline.

- a. If a neighborhood meeting is required, or initiated by the applicant to satisfy this requirement, the meeting must start between 6:00 pm and 7:30 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.
- b. Mailed notice of the neighborhood meeting shall comply with notification distances set forth in Section 10.03.02.E.1 and to neighborhoods which qualify in Section 10.03.03.F

C. Actions by the Board of County Commissioners

1. Actions by the Board shall be as provided for amendments generally. It may grant the application in accord with PD and other applicable regulations, approve with modifications and/or conditions, or may deny the application.

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2. If the amendment is granted, the Board shall, in its amending action, approve the General Development Plan or indicate required modifications or conditions. Such approved plans, with any required modifications or conditions, shall be binding in determinations concerning consistency of applicable subdivision and site development plans.
3. If the amendment is granted, the development shall be required to be in accord with applicable subdivision and site development plans meeting the requirements of these and other regulations, as supplemented or modified by the Board in the particular case as part of the amending action, and shall conform to any time limitations established by the Board on beginning and completion of the development as a whole or in specified stages.
4. Before development may proceed, any required agreements, contracts, sureties, and other instruments involved must be executed and found to be in compliance with the Board of County Commissioner's conditions by the appropriate officer(s) and agencies.
5. If in approving the amendment the Board designates by condition any site design features or conditions which it identifies as being a "critical design feature", then any proposed alteration to such a feature or condition shall require a public hearing, as provided in Section 5.03.07.A. A critical design feature is any essential feature or condition of zoning identified by the applicant and confirmed by the public as necessary to the development of the planned development (PD) district which upon review is designated as such by the Board.
6. Variations for Site Design
 - a. The purpose of the Planned Development District is to allow flexibility in certain site development standards in order to achieve creative, innovative, and/or mixed use development. The following non-district regulations may be varied as part of a Planned Development based upon the criteria contained herein:
 - (1) Part 6.05.00, Parking and Loading Requirements;
 - (2) Part 6.06.00, Landscaping, Irrigation, and Buffering Requirements; and
 - (3) Part 6.07.00, Fences and Walls.
 - (4) Requests to vary any other non-district regulations in this Code must be reviewed and approved through separate application in accordance with Part 11.04.00.
 - b. The following are the criteria for consideration of a variation through a Planned Development District:
 - (1) The variation is necessary to achieve creative, innovative, and/or mixed use development that could not be accommodated by strict adherence to current regulations.
 - (2) The variation is mitigated through enhanced design features that are proportionate to the degree of variation.
 - (3) The variation is in harmony with the purpose and intent of the Hillsborough County Land Development Code.
 - (4) The variation will not substantially interfere with or injure the rights of adjacent property owners.
 - c. The project narrative shall include a description of each variation being requested and a description of how each variation complies with the criteria contained herein. The PD site plan must identify all variations being proposed.

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- d. Recommendations of the Zoning Hearing Master and the Zoning Administrator shall include a finding regarding whether the variations requested as part of a Planned Development rezoning meet the criteria. Approval of any planned development that includes a variation of non-district regulations shall constitute a finding by the BOCC that the variations meet the criteria contained herein.
7. Approval by the Board of County Commissioners of a PD-S District site plan with the Concurrent Preliminary Plat, Site Development Review and/or Construction Plan Option shall also constitute approval of the Preliminary Site Development Plan, Preliminary Plat and/or Construction Plan. However, the Preliminary Site Development Plan, Preliminary Plat and/or Construction Plan shall be subject to expiration six months from the approval date of the PD-S District, in accordance with expiration procedures set forth in the Development Review Procedures Manual (DRPM) for Preliminary Plans, Preliminary Plats and/or Construction Plans.

D. Applicability of Subdivision and/or Site Development Plan Regulations

After a PD or PD-S district has been established, no Building Permit shall be issued therein unless and until the applicable subdivision construction plans or site development construction plans have been approved in accordance with the provisions contained in this Code. Such subdivision and site development plans shall be consistent with the approved Certified General Development Plan, all commitments made and any restrictions placed on the approved Certified General Development Plan, and any documents, graphic, map, or other such information provided as part of the official record for the approval of the PD district.

E. Conflicts

In cases where the approved certified site plan graphic and/or notes are in conflict with specifically approved zoning conditions, the more restrictive requirement shall prevail. Where there are conflicts between the certified site plan graphics or list of conditions and non-district related regulations in the LDC, the most restrictive requirement shall prevail unless a variance has been requested by the applicant and approved with the appropriate findings by the Board of County Commissioners, as provided by Section 5.03.06.B.6.

F. General Site Plan Certification

1. The general site plan that is to be certified as part of the PD approval process must be submitted to the County prior to approval of the PD application by the Board. If changes are made to the site plan at the BOCC hearing, then approval of the site plan and zoning shall be continued to the next meeting. Any and all changes to the list of conditions must be certified by the Administrator within 30 days of approval by the Board.

(Ord. No. 06-18, § 2, 8-1-06; Ord. No. 08-30, § 2, eff. 2-1-09; Ord. No. 14-3, § 2(Exh. A), (Item IV-A), (13-0719), 1-30-14, eff. 2-6-14)

Sec. 10.03.05.

Modification and Withdrawal of Applications

A. Modification

1. Requests to modify an application filed prior to the mailing of notice for the hearing before the Land Use Hearing Officer shall be granted by the Administrator as a matter of right.

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If the Administrator finds, based upon the nature of the requested modification, that the modification can be accomplished in a timely fashion so as to not disrupt original review periods, then said review shall proceed and a hearing shall be held within the original 60 or 90 calendar day review period referenced in Section 10.03.02.C.1.

2. If the Administrator finds that additional time is required to review said request, then County staff shall have an additional period to review said request. The scheduled public hearing before the Land Use Hearing Officer shall be convened and continued to a date certain to allow additional staff review.
3. Requests to modify an application, filed after the date of mailing of notice for the hearing before the Land Use Hearing Officer, shall be considered by the Land Use Hearing Officer at the public hearing. The Land Use Hearing Officer shall grant said request as a matter of right.
4. Any modifications or changes, as listed in Section 5.03.04, to a general development plan filed less than ~~20~~ [THE NUMBER OF DAYS IS ANTICIPATED TO INCREASE AFTER ONGOING EVALUATION OF THE CURRENT REVIEW SCHEDULE] calendar days prior to the hearing shall require a continuance of the application to future hearing.
5. If the Administrator finds, based upon the nature of the requested modification and the review criteria contained in 10.03.03.E herein that renote of the application as modified is required, then the Administrator shall establish a continuance date for the public hearing and shall direct the renote of the application by proof of mailing as modified. During the interim, appropriate staff shall have an opportunity to review said application as modified and submit recommendations.
6. If the Administrator finds, based upon the nature of the requested modification, the review criteria contained in 10.03.03.E above, and County staff comment that additional review is required, then the Administrator shall establish a continuance date for the public hearing. During the interim, appropriate staff shall have an opportunity to review said application as modified and submit recommendations.
7. If the requested modification does not require notice or review, then the Land Use Hearing Officer shall consider the application as modified and submit a recommendation in accordance with the terms contained in this Code.
8. Requests to modify an application filed after the conclusion of the hearing before the Land Use Hearing Officer, but no less than ten days prior to the scheduled review by the Board of County Commissioners, shall be referred to the Administrator who shall grant said request as a matter of right. The Administrator shall assign a new public hearing date and thereafter process the application as modified in the same manner as a new application. The applicant, shall, within three days of requesting said modification mail notice of the new public hearing date to all parties of record. Requests to modify an application filed within ten days before the scheduled review by the Board of County Commissioners shall be considered by the Board on a case by case basis. If the remand is granted, the applicant shall mail notice of the new public hearing date to all parties of record in accordance with the notice procedures outlined in Section 10.03.02.D.
9. The modification must exhibit changes as described in 5.03.04.D Major Modifications in order for the Administrator to assign a new hearing date as a matter of right. Applicable fees for processing a major modification shall be assigned by the Administrator.
10. With the exception of those requests which may arise during the course of the hearing before the Land Use Hearing Officer, all requests for modifications shall be in writing and shall be filed with the Clerk of the Board and the Administrator.

B. Withdrawal of Application

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1. The applicant has the right at any stage of the proceeding to withdraw the application upon written notification to the Administrator.
2. The applicant may also withdraw the application on the record, either verbally or in writing, at the public hearing or public meeting where the application is scheduled to be heard by the Land Use Hearing Officer and/or the Board of County Commissioners.
3. Nothing contained herein shall authorize a Land Use Hearing Officer to waive or refund any filing fee.

(Ord. No. 99-25, § 2, 11-18-99; Ord. No. 99-26, § 2, 11-18-99; Ord. No. 04-46, § 2, 11-4-04; Ord. No. 06-18, § 2, 8-1-06; Ord. No. 08-29, § 2, eff. 2-1-09; Ord. No. 10-9, § 2, Item A(10-0170), 5-27-10, eff. 10-1-10)