

**HERNANDO COUNTY PLANNING DEPARTMENT
20 NORTH MAIN STREET, ROOM 262
BROOKSVILLE FLORIDA 34601**

**COMPREHENSIVE PLAN AMENDMENT
APPLICATION PROCEDURE**

Revised November 2017

Comprehensive plan amendments are regulated by Chapter 163, Part II, Florida Statutes (F.S.), and Chapter 23 of the Hernando County Code of Ordinances.¹

I. Types of Comprehensive Plan Amendments

- A. Small-scale amendments involve 10 acres or fewer and meet other specific requirements. The cumulative effect of small scale amendments cannot exceed 120 acres in a calendar year. Small-scale amendments are not subject to the County's quarterly submission limit and may be considered by the County on the regular monthly land use cycle and transmitted to the State for review at any time during the year. Small scale amendments require one public hearing before the Planning and Zoning Commission (P&Z) and one hearing before the Board of County Commissioners (BCC) governing board which is considered an adoption hearing. Small scale amendments become effective 31 days after adoption, or if challenged, once a final determination of compliance is made. [§ 163.3187, F.S.]

- B. Large-scale amendments involve more than 10 acres and/or a text amendment to the Comprehensive Plan. These amendments may be adopted no more often than four times per year. Hernando County holds up to four transmittal hearings per year. Schedules for the cycles are available from the Planning Department. Large scale amendments require one public hearing before the Planning and Zoning Commission and two hearings before the Board of the County Commissioners governing board. The first public hearing will be a transmittal hearing conducted jointly by the Local Planning Agency (LPA) and the Board of County Commissioners. The second public hearing will be an adoption hearing conducted by the Board of County Commissioners. [§ 163.3184, F.S.]

- C. Concurrent Zoning: Pursuant to § 163.3814, F.S. at the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this section. Zoning changes approved by the local government are contingent upon the plan amendment transmitted becoming effective. A separate zoning application and fees may be submitted concurrent with the comprehensive plan amendment petition.

¹ All statutory and code references in this document are intended solely as a convenience to the reader and are not intended to constitute the sole or binding legal authority for any item or items. All persons having any legal question regarding any plan amendment or the interpretation or application of any statutory provision are urged to contact a private attorney of their choice having knowledge in this field.

II. Public Hearing Process and State Review

Complete applications for Comprehensive Plan amendments must be submitted to the Planning Department no later than the application deadline for the applicable Land Use cycle. Please refer to the applicable hearing process outlined below for (A) Small Scale Amendments or (B) Large Scale Amendments.

Depending upon the size or the complexity of the proposed project or the number of public inquiries generated and at the sole discretion of Staff, a public inquiry workshop may be necessary prior to the scheduling of a public hearing. [See Section IV below].

A. Plan Amendment Process: SMALL-SCALE AMENDMENTS

1. Application Deadline: 12:00 NOON on Wednesday, seven and one-half (7½) weeks prior to the Planning and Zoning Commission meeting. The Planning and Zoning Commission, unless otherwise noted, meets the second Monday of each month. A schedule is posted on the Planning Department website and the Staff can advise applicants of the exact date.
2. All amendment applications are reviewed by the Planning Department Staff (Staff). Once the Staff review is complete, a staff report will be prepared and the amendment application will be scheduled for a public hearing before the Planning and Zoning Commission (P&Z).
3. The P&Z will review the proposal at a public hearing and will send a recommendation and comments to the Board of County Commissioners (BCC). The staff report will be updated at each subsequent stage of the amendment process as part of the packet for the adoption stage.
4. The BCC will conduct a public hearing to consider adoption of all amendment applications.
 - a. Pursuant to Chapter 23, Article I, Section 23-3 of the Hernando County Code of Ordinances, no small scale amendment to the Comprehensive Plan may be adopted by ordinance, except upon an affirmative vote of three (3) members of the Board of County Commissioners.
 - b. If the BCC votes to adopt the application as an amendment to the County's adopted Comprehensive Plan, the plan amendment will become effective 31 days after adoption unless timely challenged [§ 163.3187, F.S.].
 - c. If the BCC votes not to adopt the requested amendment, the applicant can continue to attempt to work with Staff to revise the amendment or may seek any appropriate and available legal redress within the time allowed by law (see footnote 1 above).

B. Plan Amendment Process: LARGE-SCALE AMENDMENTS

1. Application Deadline: The **quarterly** application deadline is 12:00 NOON on Wednesday, twelve and one-half (12½) weeks prior to the following Planning and Zoning Commission meetings: March, June, September, and December. The Planning and Zoning Commission, unless otherwise noted, meets the second Monday of each month. A schedule is posted on the Planning Department website and the Staff can advise applicants of the exact date.
2. All amendment applications are reviewed by the Planning Department Staff (Staff). Once the Staff review is complete, a staff report will be prepared and the amendment application will be scheduled for a public hearing before the Planning and Zoning Commission (P&Z).
3. The P&Z will review the proposal at a public hearing and will send a recommendation and comments to the Local Planning Agency/Board of County Commissioners (LPA/BCC). The staff report will be updated at each subsequent stage of the amendment process and transmitted to the Department of Economic Opportunity (DEO) as part of the packet for both the transmittal and adoption stages.
4. The LPA/BCC will conduct a public hearing to consider transmittal of all amendment applications.
 - a. If the LPA/BCC votes to transmit the proposed amendment application to the DEO and other affected reviewing agencies, the application will be transmitted within 10 working days. DEO and other affected reviewing agencies will review and provide comments 30 days from their receipt of the amendment application. [§ 163.3184, F.S.]
 - b. If the LPA/BCC votes not to transmit the requested amendment, the applicant can continue to attempt to work with Staff to revise the amendment or may seek any appropriate and available legal redress within the time allowed by law (see footnote 1 above).
5. The BCC must conduct an adoption hearing within 180 days of receiving the reviewing agencies comments, taking into account those comments. [§ 163.3184, F.S.] The BCC may vote to adopt the amendment, not adopt the amendment, or to adopt the amendment with changes.
 - a. Pursuant to Chapter 23, Article I, Section 23-3 of the Hernando County Code of Ordinances, no large scale amendment to the Comprehensive Plan may be adopted, except upon an affirmative vote of three (3) members of the Board of County Commissioners.
 - b. If the BCC votes to adopt the application as an amendment to the County's adopted Comprehensive Plan, the plan amendment will be transmitted within 10 working days to DEO and other affected reviewing agencies. [§ 163.3184, F.S.]

- c. If the BCC votes not to adopt the requested amendment, the applicant can continue to attempt to work with Staff to revise the amendment or may seek any appropriate and available legal redress within the time allowed by law (see footnote 1 above).
- 6. An amendment will become effective 31 days after being notified by DEO that the adoption packet is complete, unless challenged. [§ 163.3184, F.S]

III. Legal Advertisement Requirements

The public notice requirements contained in Chapter 163, F.S., are considered the minimum notice requirements [§ 163.3164, F.S.] and public participation in the plan amendment process is encouraged to the fullest extent possible [§ 163.3181, F.S.].

A. Newspaper Advertisements.

All public hearings related to amendments to the County's adopted comprehensive plan will be advertised in the local newspaper. Public notice requirements may vary depending on acreage and type of amendment and which hearing is advertised. [§§ 125.66 and 163.3184(11), F.S.]

B. Posting of Signs.

The County will prepare and place legal advertisements, with costs included in applicant fees.

If a requested amendment relates to a specific property, sign posting will be required in the same manner as for rezoning. Sign costs will be included in the applicant fees. [See County Code, Appendix A, Article V, § 5, and Article VI]

C. Mailing to Adjacent Property Owners.

If a requested amendment relates to a specific property, provide a list of names and addresses and associated sketch of all property owners within 500' of the property covered by this application. The list must be requested **directly** from the Property Appraiser's office and no other formats will be accepted by the Planning Department. The Property Appraiser's Office will e-mail a digital copy to the Planning Department and to the applicant/representative. A paper copy of the information provided by the Property Appraiser's office must be submitted with the application.

IV. Public Inquiry Workshop

Upon determination of need by the County staff, based upon the number of public inquiries or the size and complexity of the proposed project, the applicant shall be required to conduct a public inquiry workshop and is responsible for all costs incurred in the notice procedures. The public inquiry workshop must occur prior to scheduling the public hearing, and must be at a location convenient to the site in question and appropriate for public assembly in Hernando County. The Planning Department will provide additional information to the applicant, if applicable.

V. Pre-application Conference and Informal Preliminary Review of Applications

A pre-application conference with Planning Department Staff is required at least 30 days before the submission deadline for the amendment. Applicants are further encouraged to informally submit application materials for informal review by staff to evaluate completeness in the 30 days prior to the cycle application deadlines. Applications which are incomplete on the filing deadline typically will be delayed to the next cycle.

VI. Submission Requirements for Plan Amendments

- A. All applications for comprehensive plan amendments must include certain materials and information required by State statutes, rules, and local policies. [§ 163.3184, F.S.] This information will be reviewed by the County and included in the amendment package for proposed amendments transmitted to DEO (if approved for transmittal by the LPA/BCC). Additionally, the applicant will be required to complete the County's application forms, pay the required fees, and submit any other materials the County deems necessary for its review.
- B. Applications must be submitted in the following format:
1. Text pages and other documents must be 8.5 by 11 inches;
 2. Maps must be 8.5 by 11 inches; and,
 3. All documents must be unbound (not stapled or secured in binders) with sets secured with rubber bands, spring clips or similar easily removable constraints.
- C. The submission package must contain one (1) original and, at a minimum, four (4) copies of the following materials and information. The copy will be utilized for review by county staff and other agencies, and by the Planning & Zoning Commission. Additional copies of maps and other documents may be needed for review by the LPA/BCC.
1. Completed application form duly signed by the applicant and by the property owner (if the property owner is different than the applicant).
 2. Provide one (1) copy of proof of ownership. Acceptable proof of ownership is one of the following:
 - a. Tax bill
 - b. Property appraiser's office record
 - c. Recorded Deed. If a recorded deed is provided, the portion of the property description describing the request must be highlighted.
 3. A narrative describing the requested amendment.
 4. Data and analysis to support the requested plan amendment. The data and analysis should demonstrate how and why the requested amendment is consistent with the adopted Hernando County's Comprehensive Plan and how it will further the goals and objectives of the Plan. In addition, the data and analysis should establish consistency with Chapter 163, Part II, the State

Comprehensive Plan, and the Tampa Bay Regional Planning Council's Strategic Regional Policy Plan.

5. Requested text change(s) must appear in underline and strikethrough format.
6. Maps, graphics, or diagrams, if needed, to depict existing and requested land uses, conditions, locations, or other information. If the requested amendment(s) includes changes to the Future Land Use Map, the following information must be included:
 - a. The requested future land use designation of the subject property, the boundary of the subject property, and its location in relation to the surrounding street and thoroughfare network, and
 - b. The present future land use map designation of the subject property and other properties in the vicinity.
 - c. The size of the subject property in acres or fractions thereof.
7. A description of the availability of, and the impacts from the proposed amendment on the following public facilities: sanitary sewer, solid waste, drainage, potable water, multi-modal transportation, police and fire protection, schools, and recreation, as appropriate.
8. Information regarding the compatibility of the requested land use amendments with the existing surrounding land uses, the land use element objectives and policies, and those of other affected elements.
9. The application fee, as determined by the adopted fee schedule, is required to be paid at the time the application is submitted. The fee may be paid by cash or check payable to the Hernando County Planning Department. Staff will verify the calculation of fees at the time of submission. Filing fees are calculated based upon the adopted fee schedule. The schedule is available online at www.hernandocounty.us/plan under the Comprehensive Plan Amendment. The fee calculation sheet is required to be submitted with the application forms.

VII. Questions and Further Information

Please direct questions regarding the comprehensive plan amendment application or process to the Hernando County Planning Department at (352) 754-4057.